

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 163

Introduced by Crawford, 45.

Read first time January 12, 2015

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Emergency Management Act; to amend
- 2 sections 81-829.36 and 81-829.41, Reissue Revised Statutes of
- 3 Nebraska; to provide for an emergency management registry allowing
- 4 for public-provided data; to harmonize provisions; and to repeal the
- 5 original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-829.36, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-829.36 Sections 81-829.36 to 81-829.75 and section 3 of this act
4 shall be known and may be cited as the Emergency Management Act.

5 Sec. 2. Section 81-829.41, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 81-829.41 (1) The Nebraska Emergency Management Agency shall be
8 maintained in the office of the Adjutant General. The Adjutant General
9 shall be the director of the agency, shall administer the Emergency
10 Management Act subject to the direction and control of the Governor, and
11 shall receive such compensation for these services as shall be determined
12 by the Governor. The agency shall have an assistant director and such
13 other professional, technical, secretarial, and clerical employees as are
14 necessary for the performance of its functions.

15 (2) The agency shall maintain an emergency operations plan and keep
16 it current. The plan may include, but need not be limited to:

17 (a) A history of Nebraska disasters, emergencies, and civil defense
18 emergencies;

19 (b) An analysis of past and potential disasters, emergencies, and
20 civil defense emergencies, including an identification of the functions
21 and resources required to cope with such occurrences. The expected
22 frequency of occurrence, along with the severity of effect, shall
23 indicate the priority of preparedness efforts of the emergency management
24 organizations of the state;

25 (c) Measures to be undertaken to accomplish damage assessment and
26 situation analysis, warning, direction and control, coordination of
27 operating forces, emergency resource management, emergency information
28 and official instructions, communications and other necessary support to
29 emergency response operations, and coordination and cooperation of
30 federal, state, local, and nongovernmental agencies so as to provide a
31 prompt and effective response to disasters, emergencies, and civil

1 defense emergencies to prevent and minimize the injury and damage;

2 (d) The provision of relief and recovery assistance to individuals,
3 political subdivisions of the state, and state agencies;

4 (e) Identification of areas of the state particularly vulnerable to
5 disaster, emergency, or civil defense emergency;

6 (f) Recommendations for preventive and preparedness measures
7 designed to eliminate or reduce disasters, emergencies, or civil defense
8 emergencies or their impact, including, but not limited to, zoning,
9 building, and other land-use control, and safety measures for securing
10 mobile homes or other nonpermanent or semipermanent structures;

11 (g) Authorization and procedures for the erection or other
12 construction of temporary works designed to protect against or mitigate
13 danger, damage, or loss from flood, conflagration, or other disaster,
14 emergency, or civil defense emergency;

15 (h) Assistance in designing city, village, county, and
16 interjurisdictional emergency operations plans;

17 (i) Preparation and distribution to the appropriate state and
18 political subdivision officials of catalogs of federal, state, and
19 private disaster assistance programs; and

20 (j) Other necessary matters.

21 (3) The Nebraska Emergency Management Agency shall take an integral
22 part in the development and revision of city, village, county, and
23 interjurisdictional emergency operations plans prepared under section
24 81-829.46. It shall employ or otherwise secure the services of
25 professional and technical personnel capable of providing expert
26 assistance to political subdivisions and to city, village, county, and
27 interjurisdictional emergency management organizations. Such personnel
28 shall consult with such political subdivisions and organizations on a
29 regularly scheduled basis and shall make field examinations of the areas,
30 circumstances, and conditions to which particular city, village, county,
31 and interjurisdictional emergency operations plans are intended to apply

1 and may suggest or require revisions.

2 (4) In preparing and revising the Nebraska emergency operations
3 plans, the agency shall seek the advice and assistance of other agencies
4 of government and the private sector. In advising city, village, county,
5 and interjurisdictional emergency management organizations, the Nebraska
6 Emergency Management Agency shall encourage them to also seek advice from
7 these sources.

8 (5) The Nebraska emergency operations plans or any part thereof may
9 be incorporated in rules or regulations of the agency.

10 (6) The agency shall:

11 (a) Determine the requirements of the state and its political
12 subdivisions for basic necessities such as food, clothing, and shelter in
13 various disaster, emergency, or civil defense emergency situations;

14 (b) Procure and pre-position emergency supplies, materials, and
15 equipment;

16 (c) Adopt and promulgate rules and regulations setting out standards
17 and requirements for city, village, county, and interjurisdictional
18 emergency operations plans;

19 (d) Periodically review city, village, county, and
20 interjurisdictional emergency operations plans;

21 (e) Provide for state emergency response teams;

22 (f) Establish and operate or assist local governments, their
23 emergency management organizations, and interjurisdictional emergency
24 management organizations in establishing and operating training programs
25 and programs of public information;

26 (g) Make surveys of such industries, resources, and facilities, both
27 public and private, within the state as are necessary to carry out the
28 purposes of the Emergency Management Act;

29 (h) Plan and make arrangements for the availability and use of any
30 private facilities, services, and property and, if necessary and if in
31 fact used, provide for payment for use under terms and conditions agreed

1 upon;

2 (i) Establish a register of persons with training and skills
3 important in disaster prevention, mitigation, preparedness, response, and
4 recovery and emergency management;

5 (j) Establish a register of mobile and construction equipment and
6 temporary housing available for use in a disaster or emergency;

7 (k) Prepare for issuance by the Governor proclamations, orders,
8 rules, and regulations as are necessary or appropriate in coping with
9 disasters, emergencies, and civil defense emergencies;

10 (l) Cooperate with the federal government and any public or private
11 agency or entity in achieving any purpose of the act and in implementing
12 programs for disaster prevention, mitigation, preparedness, response, and
13 recovery and emergency management;

14 (m) Coordinate state emergency response as directed by the Governor;

15 (n) Cooperate with other emergency management agencies and public
16 agencies in the development of emergency management registries which
17 include persons with functional needs and the families and guardians of
18 such persons for purposes of planning for assistance for such persons and
19 their families and guardians before, during, and after a disaster or
20 other emergency. Participation in an emergency management registry by
21 persons with functional needs and their families shall be voluntary.
22 Information obtained by emergency management agencies or other public
23 agencies for such purposes shall not be considered a public record under
24 section 84-712.01. All information acquired pursuant to this subdivision
25 is confidential and shall not be disclosed or released except to other
26 agencies which have a legitimate and official interest in the information
27 for carrying out the purposes of this subdivision. Any person acquiring
28 information pursuant to this subdivision who intentionally discloses or
29 releases such information in violation of this subdivision is guilty of a
30 Class III misdemeanor; and

31 (o) Provide or contract for an emergency management registry to

1 allow for portions of public-provided data to be made available to a
2 public safety answering point pursuant to section 3 of this act; and

3 (p e) Do other things necessary, incidental, or appropriate for the
4 implementation of the act.

5 Sec. 3. (1)(a) The Nebraska Emergency Management Agency shall
6 provide or contract for an emergency management registry to allow for
7 portions of public-provided data to be made available to a public safety
8 answering point as defined in section 86-431. The emergency management
9 registry shall be a hosted supplemental emergency management, 911, and
10 emergency contact database and may be used by all emergency management
11 agencies, public safety agencies as defined in section 86-430, and public
12 safety answering points as defined in section 86-431 within the state.
13 The database will allow individuals to provide information via a secure
14 web site to be used in emergency situations and planning. Individuals may
15 provide information such as physical descriptions of individuals, medical
16 conditions and allergies of individuals, information on the household,
17 primary language indicator, and emergency contacts. At least twice a
18 year, the agency or the contracted system will update the registry by
19 requesting individuals who have provided information to the database to
20 update their information. The public-provided data will automatically
21 display to persons authorized to answer 911 emergency calls for all types
22 of telephones including landline, mobile, and Voice over Internet
23 Protocol when a call is placed to 911 from a phone number registered and
24 confirmed by the database. Data will be delivered via a secure Internet
25 connection to all public safety answering points within the state. The
26 emergency management registry shall provide decision support to emergency
27 management agencies, public safety agencies, and public safety answering
28 points through the collection, aggregation, and visualization of public-
29 provided information via a hosted, web-based, geospatial interface. The
30 emergency management registry will allow law enforcement personnel to
31 search for emergency contacts in the event law enforcement encounters a

1 victim of a motor vehicle accident, natural disaster, or other emergency
2 and the victim is unable to communicate due to serious bodily injury,
3 death, or incapacitation.

4 (b) The public-provided data contained in the emergency management
5 registry and used by emergency management agencies, public safety
6 agencies, and public safety answering points shall not be considered a
7 public record under section 84-712.01. All public-provided data acquired
8 pursuant to this subsection is confidential and shall not be disclosed or
9 released except to other public entities which have a legitimate and
10 official interest in the information for carrying out the purposes of
11 this subsection. Any person acquiring information pursuant to this
12 subsection who intentionally discloses or releases such information in
13 violation of this subsection is guilty of a Class III misdemeanor.

14 (c) It is the intent of the Legislature to appropriate \$900,000 from
15 the General Fund for FY2015-16 and \$600,000 from the General Fund for
16 FY2016-17 to the Military Department for the Nebraska Emergency
17 Management Agency to fund an emergency management registry.

18 Sec. 4. Original sections 81-829.36 and 81-829.41, Reissue Revised
19 Statutes of Nebraska, are repealed.