

AMENDMENTS TO LB512

(Amendments to Standing Committee amendments, AM1620)

Introduced by Brewer, 43.

1           1. Strike amendments 1 through 3 and insert the following new  
2 amendment:

3           1. Strike the original sections and insert the following new  
4 sections:

5           Section 1. Section 81-829.39, Reissue Revised Statutes of Nebraska,  
6 is amended to read:

7           81-829.39 For purposes of the Emergency Management Act, unless the  
8 context otherwise requires:

9           (1) Civil defense emergency means an emergency declared by the  
10 President of the United States or Congress pursuant to applicable federal  
11 law finding that an attack upon the United States has occurred or is  
12 anticipated and that the national safety therefor requires the invocation  
13 of the emergency authority provided for by federal law. Civil defense  
14 emergency also means an enemy attack or other hostile action within the  
15 State of Nebraska or a determination by the President of the United  
16 States that any attack has been made upon or is anticipated within a  
17 designated geographic area which includes all or a part of the State of  
18 Nebraska. Any such emergency shall terminate in the manner provided by  
19 federal law or by proclamation of the Governor or resolution of the  
20 Legislature terminating such emergency;

21           (2) Disability has the same meaning as in 42 U.S.C. 12102, as such  
22 section existed on January 1, 2022;

23           ~~(3)~~ (2) Disaster means any event or the imminent threat thereof  
24 causing widespread or severe damage, injury, or loss of life or property  
25 resulting from any natural or manmade cause;

26           ~~(4)~~ (3) Emergency means any event or the imminent threat thereof

1 causing serious damage, injury, or loss of life or property resulting  
2 from any natural or manmade cause which, in the determination of the  
3 Governor or the principal executive officer of a local government,  
4 requires immediate action to accomplish the purposes of the Emergency  
5 Management Act and to effectively respond to the event or threat of the  
6 event;

7 (5) ~~(4)~~ Emergency management means the preparation for and the  
8 carrying out of all emergency functions, other than functions for which  
9 military forces are primarily responsible, to mitigate, prevent,  
10 minimize, respond to, and recover from injury and damage resulting from  
11 disasters, emergencies, or civil defense emergencies. Emergency  
12 management functions include, but need not be limited to, firefighting  
13 services, police services, medical and health services, search and rescue  
14 services, engineering services, communications and warning systems,  
15 radiological preparedness, hazardous materials response, evacuation of  
16 persons from stricken areas, emergency welfare services, emergency  
17 transportation services, restoration of public utility services, and  
18 other functions related to civilian protection, together with all other  
19 activities necessary or incidental to the preparation for and carrying  
20 out of the functions listed in this subdivision;

21 (6) ~~(5)~~ Emergency management worker includes any full-time or part-  
22 time paid, volunteer, or auxiliary employee of this state or other  
23 states, territories, or possessions of the federal government or any  
24 neighboring country or of any political subdivision thereof, of the  
25 District of Columbia, or of any agency or organization performing  
26 emergency management services at any place in this state subject to the  
27 order or control of or pursuant to a request of the state government or  
28 any political subdivision thereof and also includes instructors and  
29 students in emergency management educational programs approved by the  
30 Nebraska Emergency Management Agency or otherwise under the provisions of  
31 the Emergency Management Act;

1           (7) Functional needs means additional needs before, during, and  
2 after a disaster or an emergency in one or more functional areas,  
3 including, but not limited to, maintaining independence, communication,  
4 transportation, safety, support, and health care;

5           (8) (6) Hazard mitigation means measures which will eliminate or  
6 reduce the potential for damage to an area or facility from the effects  
7 of a future disaster, emergency, or civil defense emergency;

8           (9) (7) Local government means a county, village, or city of any  
9 class;

10           (10) (8) Political subdivision means a city, village, county, school  
11 district, public power district, natural resources district, and any  
12 other unit of government below the state level, including any entity  
13 created pursuant to the Interlocal Cooperation Act or the Joint Public  
14 Agency Act;

15           (11) (9) Principal executive officer means the mayor in a city of  
16 any class or the elected chairperson of the governing body of a village  
17 or county;

18           (12) (10) State emergency response team means an organization for  
19 emergency management established in accordance with the provisions of  
20 sections 81-829.52 to 81-829.54 by state authority to supplement city,  
21 village, county, or interjurisdictional emergency management  
22 organizations in a stricken area; and

23           (13) (11) Technological hazard means a hazard emanating from the  
24 manufacture, transportation, and use of such substances as radioactive  
25 materials, chemicals, explosives, flammables, agricultural pesticides,  
26 herbicides, disease agents, oil spills, and debris from space.

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

29           81-829.41 (1) The Nebraska Emergency Management Agency shall be  
30 maintained in the office of the Adjutant General. The Adjutant General  
31 shall be the director of the agency, shall administer the Emergency

1 Management Act subject to the direction and control of the Governor, and  
2 shall receive such compensation for these services as shall be determined  
3 by the Governor. The agency shall have an assistant director and such  
4 other professional, technical, secretarial, and clerical employees as are  
5 necessary for the performance of its functions.

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

8 (a) A history of Nebraska disasters, emergencies, and civil defense  
9 emergencies;

10 (b) An analysis of past and potential disasters, emergencies, and  
11 civil defense emergencies, including an identification of the functions  
12 and resources required to cope with such occurrences. The expected  
13 frequency of occurrence, along with the severity of effect, shall  
14 indicate the priority of preparedness efforts of the emergency management  
15 organizations of the state;

16 (c) Measures to be undertaken to accomplish damage assessment and  
17 situation analysis, warning, direction and control, coordination of  
18 operating forces, emergency resource management, emergency information  
19 and official instructions, communications and other necessary support to  
20 emergency response operations, and coordination and cooperation of  
21 federal, state, local, and nongovernmental agencies so as to provide a  
22 prompt and effective response to disasters, emergencies, and civil  
23 defense emergencies to prevent and minimize the injury and damage;

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

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

28 (f) Recommendations for preventive and preparedness measures  
29 designed to eliminate or reduce disasters, emergencies, or civil defense  
30 emergencies or their impact, including, but not limited to, zoning,  
31 building, and other land-use control, and safety measures for securing

1 mobile homes or other nonpermanent or semipermanent structures;

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

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

8 (i) Preparation and distribution to the appropriate state and  
9 political subdivision officials of catalogs of federal, state, and  
10 private disaster assistance programs; and

11 (j) Other necessary matters.

12 (3) The Nebraska Emergency Management Agency shall take an integral  
13 part in the development and revision of city, village, county, and  
14 interjurisdictional emergency operations plans prepared under section  
15 81-829.46. It shall employ or otherwise secure the services of  
16 professional and technical personnel capable of providing expert  
17 assistance to political subdivisions and to city, village, county, and  
18 interjurisdictional emergency management organizations. Such personnel  
19 shall consult with such political subdivisions and organizations on a  
20 regularly scheduled basis and shall make field examinations of the areas,  
21 circumstances, and conditions to which particular city, village, county,  
22 and interjurisdictional emergency operations plans are intended to apply  
23 and may suggest or require revisions.

24 (4) In preparing and revising the Nebraska emergency operations  
25 plans, the agency shall seek the advice and assistance of other agencies  
26 of government and the private sector, including organizations providing  
27 advocacy or other services to persons with disabilities or who have  
28 functional needs. In advising city, village, county, and  
29 interjurisdictional emergency management organizations, the Nebraska  
30 Emergency Management Agency shall encourage them to also seek advice from  
31 these sources.

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

3 (6) The agency shall:

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

7 (b) Procure and pre-position emergency supplies, materials, and  
8 equipment;

9 (c) Adopt and promulgate rules and regulations setting out standards  
10 and requirements for city, village, county, and interjurisdictional  
11 emergency operations plans;

12 (d) Periodically review city, village, county, and  
13 interjurisdictional emergency operations plans;

14 (e) Provide for state emergency response teams;

15 (f) Establish and operate or assist local governments, their  
16 emergency management organizations, and interjurisdictional emergency  
17 management organizations in establishing and operating training programs  
18 and programs of public information;

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

22 (h) Plan and make arrangements for the availability and use of any  
23 private facilities, services, and property and, if necessary and if in  
24 fact used, provide for payment for use under terms and conditions agreed  
25 upon;

26 (i) Establish a register of persons and organizations with training  
27 and skills important in disaster prevention, mitigation, preparedness,  
28 response, and recovery and emergency management;

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

31 (k) Prepare for issuance by the Governor proclamations, orders,

1 rules, and regulations as are necessary or appropriate in coping with  
2 disasters, emergencies, and civil defense emergencies;

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

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

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

24 (o) Do other things necessary, incidental, or appropriate for the  
25 implementation of the act.

26 Sec. 3. Original sections 81-829.39 and 81-829.41, Reissue Revised  
27 Statutes of Nebraska, are repealed.