

SENATE BILL NO. 216—SENATORS HAMMOND, GOICOECHEA,  
PICKARD; HARDY AND SETTELMAYER

MARCH 11, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to community water systems. (BDR 19-590)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to emergency management; revising certain requirements relating to vulnerability assessments and emergency response plans conducted or prepared by community water systems; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing federal law requires a community water system that provides water  
2 utility services to more than 3,300 persons to: (1) conduct an assessment of the  
3 vulnerabilities of its system and prepare an emergency response plan based on that  
4 assessment; (2) at least once every 5 years, review and, if applicable, revise this  
5 assessment and plan and certify to the Administrator of the United States  
6 Environmental Protection Agency that the system has completed these  
7 requirements; and (3) maintain a copy of its assessment and plan for 5 years after  
8 certification of the assessment or plan. Existing federal law prohibits such a  
9 community water system from being required under state or local law to provide  
10 such an assessment to any state, regional or local governmental entity solely by  
11 reason of the requirement that the system submit a certification to the Administrator  
12 of the United States Environmental Protection Agency. (42 U.S.C. § 300i-2)

13 Existing state law requires each utility to: (1) conduct a vulnerability  
14 assessment in accordance with the requirements of certain federal and regional  
15 agencies; (2) prepare and maintain an emergency response plan in accordance with  
16 the requirements of certain federal and regional agencies; (3) submit its  
17 vulnerability assessment and emergency response plan to the Division of  
18 Emergency Management of the Department of Public Safety; and (4) at least once  
19 each year, review its vulnerability assessment and emergency response plan and  
20 submit certain information regarding its review to the Division. (NRS 239C.270)  
21 This bill exempts a community water system that is subject to the requirements of  
22 42 U.S.C. § 300i-2 from the requirements that each utility must: (1) submit its  
23 vulnerability assessment and emergency response plan to the Division; and (2)



24 annually review its vulnerability assessment and emergency response plan and  
25 submit certain information regarding its review to the Division. Instead, this bill  
26 requires such a community water system to: (1) transmit to the Division a copy of  
27 any certification of an assessment or emergency response plan required to be  
28 submitted under federal law; and (2) provide to the Division a copy of the  
29 assessment or plan upon request.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 239C.270 is hereby amended to read as  
2 follows:

3 239C.270 1. Each utility and each provider of new electric  
4 resources shall:

5 (a) Conduct a vulnerability assessment in accordance with the  
6 requirements of the federal and regional agencies that regulate the  
7 utility or provider; and

8 (b) Prepare and maintain an emergency response plan in  
9 accordance with the requirements of the federal and regional  
10 agencies that regulate the utility or provider.

11 2. ~~Each~~ *Except as otherwise provided in subsection 3, each*  
12 utility shall:

13 (a) As soon as practicable but not later than December 31, 2003,  
14 submit its vulnerability assessment and emergency response plan to  
15 the Division; and

16 (b) At least once each year thereafter, review its vulnerability  
17 assessment and emergency response plan and, as soon as practicable  
18 after its review is completed but not later than December 31 of each  
19 year, submit the results of its review and any additions or  
20 modifications to its emergency response plan to the Division.

21 3. *The requirements of subsection 2 do not apply to a*  
22 *community water system that is subject to the requirements of 42*  
23 *U.S.C. § 300i-2. Such a community water system shall:*

24 (a) *Upon submission of a certification of an assessment or*  
25 *emergency response plan required pursuant to the provisions of 42*  
26 *U.S.C. § 300i-2, transmit a copy of the certification to the Division.*

27 (b) *Upon request, provide a copy of its assessment or*  
28 *emergency response plan to the Division.*

29 4. Each provider of new electric resources shall:

30 (a) As soon as practicable but not later than December 31, 2019,  
31 submit its vulnerability assessment and emergency response plan to  
32 the Division; and

33 (b) At least once each year thereafter, review its vulnerability  
34 assessment and emergency response plan and, as soon as practicable  
35 after its review is completed but not later than December 31 of each



1 year, submit the results of its review and any additions or  
2 modifications to its emergency response plan to the Division.

3 ~~[4-]~~ 5. Except as otherwise provided in NRS 239.0115, each  
4 vulnerability assessment and emergency response plan of a utility or  
5 provider of new electric resources and any other information  
6 concerning a utility or provider that is necessary to carry out the  
7 provisions of this section is confidential and must be securely  
8 maintained by each person or entity that has possession, custody or  
9 control of the information.

10 ~~[5-]~~ 6. Except as otherwise provided in NRS 239C.210, a  
11 person shall not disclose such information, except:

12 (a) Upon the lawful order of a court of competent jurisdiction;

13 (b) As is reasonably necessary to carry out the provisions of this  
14 section or the operations of the utility or provider of new electric  
15 resources, as determined by the Division;

16 (c) As is reasonably necessary in the case of an emergency  
17 involving public health or safety, as determined by the Division; or

18 (d) Pursuant to the provisions of NRS 239.0115.

19 ~~[6-]~~ 7. If a person knowingly and unlawfully discloses such  
20 information or assists, solicits or conspires with another person to  
21 disclose such information, the person is guilty of:

22 (a) A gross misdemeanor; or

23 (b) A category C felony and shall be punished as provided in  
24 NRS 193.130 if the person acted with the intent to:

25 (1) Commit, cause, aid, further or conceal, or attempt to  
26 commit, cause, aid, further or conceal, any unlawful act involving  
27 terrorism or sabotage; or

28 (2) Assist, solicit or conspire with another person to commit,  
29 cause, aid, further or conceal any unlawful act involving terrorism  
30 or sabotage.

31 ~~[7-]~~ 8. As used in this section, “provider of new electric  
32 resources” has the meaning ascribed to it in NRS 704B.130.

33 **Sec. 2.** This act becomes effective upon passage and approval.

