
SENATE BILL NO. 38—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DIVISION OF EMERGENCY MANAGEMENT
OF THE OFFICE OF THE MILITARY)

PREFILED NOVEMBER 13, 2024

Referred to Committee on Education

SUMMARY—Revises provisions relating to school emergency operations plans. (BDR 34-270)

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 education; authorizing the Division of Emergency Management of the Office of the Military to disseminate certain school emergency operations plans to local public safety agencies in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the board of trustees of each school district, the governing
2 body of each charter school and the governing body of each private school to
3 establish a committee to develop a plan to be used by schools in responding to a
4 crisis, emergency or suicide and all other hazards. (NRS 388.241, 388.243,
5 394.1685, 394.1687) Under existing law, the committee is authorized to approve a
6 deviation from such a plan based on the specific needs and characteristics of a
7 particular school. (NRS 388.249, 388.251, 394.1691, 394.1692) Under existing
8 law, each plan, update to a plan or deviation from a plan is required to be provided
9 to: (1) the Division of Emergency Management of the Office of the Military; (2)
10 each local public safety agency in the county in which the school district or school,
11 as applicable, is located; and (3) the local organization for emergency management,
12 if any. (NRS 388.243, 388.245, 394.1688) Existing law prohibits the disclosure of a
13 plan, or an update to or deviation from a plan, to any person, government,
14 governmental agency or political subdivision of a government, with certain
15 exceptions. (NRS 388.259, 394.1698) **Section 3** of this bill authorizes the Division
16 to disseminate a plan, an update to a plan or a deviation from a plan to a local
17 public safety agency as the Division determines is reasonably necessary: (1) in the
18 event of an act of terrorism or related emergency; or (2) for emergency
19 preparedness, coordination and response efforts. **Sections 1 and 2** of this bill



20 exempt such disclosure by the Division from the prohibition on disclosure of such
21 plans, updates or deviations.

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

1 **Section 1.** NRS 388.259 is hereby amended to read as follows:
2 388.259 A plan developed ~~for approved~~ pursuant to NRS
3 388.243 or updated ~~for approved~~ pursuant to NRS 388.245, a
4 deviation and any information submitted to an emergency
5 operations plan development committee pursuant to NRS 388.249, a
6 deviation approved pursuant to NRS 388.251 and the model plan
7 developed pursuant to NRS 388.253 are confidential and, except as
8 otherwise provided in NRS 239.0115, 388.229 to 388.266,
9 inclusive, ~~and~~ 393.045 *and subsection 9 of NRS 414.040* must not
10 be disclosed to any person or government, governmental agency or
11 political subdivision of a government.

12 **Sec. 2.** NRS 394.1698 is hereby amended to read as follows:
13 394.1698 A plan developed pursuant to NRS 394.1687 or
14 updated pursuant to NRS 394.1688, a deviation and any information
15 submitted to an emergency operations plan development committee
16 pursuant to NRS 394.1691 and a deviation approved pursuant to
17 NRS 394.1692 are confidential and, except as otherwise provided in
18 NRS 239.0115, 388.253, ~~and~~ 394.168 to 394.1699, inclusive, *and*
19 *subsection 9 of NRS 414.040* must not be disclosed to any person or
20 government, governmental agency or political subdivision of a
21 government.

22 **Sec. 3.** NRS 414.040 is hereby amended to read as follows:
23 414.040 1. A Division of Emergency Management is hereby
24 created within the Office of the Military. The Chief of the Division
25 is appointed by and holds office at the pleasure of the Adjutant
26 General of the Office of the Military. The Division is the State
27 Agency for Emergency Management and the State Agency for Civil
28 Defense for the purposes of the Compact ratified by the Legislature
29 pursuant to NRS 415.010. The Chief is the State's Director of
30 Emergency Management and the State's Director of Civil Defense
31 for the purposes of that Compact.

32 2. The Chief may employ technical, clerical, stenographic and
33 other personnel as may be required, and may make such
34 expenditures therefor and for other expenses of his or her office
35 within the appropriation therefor, or from other money made
36 available to him or her for purposes of emergency management, as
37 may be necessary to carry out the purposes of this chapter.

38 3. The Chief, subject to the direction and control of the
39 Adjutant General, shall carry out the program for emergency



1 management in this State. The Chief shall coordinate the activities
2 of all organizations for emergency management within the State,
3 maintain liaison with and cooperate with agencies and organizations
4 of other states and of the Federal Government for emergency
5 management and carry out such additional duties as may be
6 prescribed by the Adjutant General.

7 4. The Chief shall assist in the development of comprehensive,
8 coordinated plans for emergency management by adopting an
9 integrated process, using the partnership of governmental entities,
10 business and industry, volunteer organizations and other interested
11 persons, for the mitigation of, preparation for, response to and
12 recovery from emergencies or disasters. In adopting this process, the
13 Chief shall:

14 (a) Except as otherwise provided in NRS 232.3532, develop
15 written plans for the mitigation of, preparation for, response to and
16 recovery from emergencies and disasters. The plans developed by
17 the Chief pursuant to this paragraph must include the information
18 prescribed in NRS 414.041 to 414.044, inclusive.

19 (b) Conduct activities designed to:

20 (1) Eliminate or reduce the probability that an emergency
21 will occur or to reduce the effects of unavoidable disasters;

22 (2) Prepare state and local governmental agencies, private
23 organizations and other persons to be capable of responding
24 appropriately if an emergency or disaster occurs by fostering the
25 adoption of plans for emergency operations, conducting exercises to
26 test those plans, training necessary personnel and acquiring
27 necessary resources;

28 (3) Test periodically plans for emergency operations to
29 ensure that the activities of state and local governmental agencies,
30 private organizations and other persons are coordinated;

31 (4) Provide assistance to victims, prevent further injury or
32 damage to persons or property and increase the effectiveness of
33 recovery operations; and

34 (5) Restore the operation of vital community life-support
35 systems and return persons and property affected by an emergency
36 or disaster to a condition that is comparable to or better than what
37 existed before the emergency or disaster occurred.

38 5. In addition to any other requirement concerning the program
39 of emergency management in this State, the Chief shall:

40 (a) Maintain an inventory of any state or local services,
41 equipment, supplies, personnel and other resources related to
42 participation in the Nevada Intrastate Mutual Aid System
43 established pursuant to NRS 414A.100;



1 (b) Coordinate the provision of resources and equipment within
2 this State in response to requests for mutual aid pursuant to NRS
3 414.075 or chapter 414A of NRS;

4 (c) Coordinate with state agencies, local governments, Indian
5 tribes or nations and special districts to use the personnel and
6 equipment of those state agencies, local governments, Indian tribes
7 or nations and special districts as agents of the State during a
8 response to a request for mutual aid pursuant to NRS 414.075 or
9 414A.130; and

10 (d) Provide notice:

11 (1) On or before February 15 of each year to the governing
12 body of each political subdivision of whether the political
13 subdivision has complied with the requirements of NRS 239C.250;

14 (2) On or before February 15 of each year to the Chair of the
15 Public Utilities Commission of Nevada of whether each utility that
16 is not a governmental utility and each provider of new electric
17 resources has complied with the requirements of NRS 239C.270;

18 (3) On or before February 15 of each year to the Governor of
19 whether each governmental utility described in subsection 1 of NRS
20 239C.050 and each provider of new electric resources has complied
21 with the requirements of NRS 239C.270;

22 (4) On or before February 15 of each year to the governing
23 body of each governmental utility described in subsection 2 of NRS
24 239C.050 and each provider of new electric resources of whether
25 each such governmental utility has complied with the requirements
26 of NRS 239C.270;

27 (5) On or before November 15 of each year to the
28 Superintendent of Public Instruction of whether each board of
29 trustees of a school district, governing body of a charter school or
30 governing body of a private school has complied with the
31 requirements of NRS 388.243 or 394.1687, as applicable; and

32 (6) On or before November 15 of each year to the Chair of
33 the Nevada Gaming Control Board of whether each resort hotel has
34 complied with the requirements of NRS 463.790.

35 6. The Division shall:

36 (a) Perform the duties required pursuant to chapter 415A of
37 NRS;

38 (b) Perform the duties required pursuant to NRS 353.2753 at the
39 request of a state agency or local government;

40 (c) Adopt regulations setting forth the manner in which federal
41 funds received by the Division to finance projects related to
42 emergency management and homeland security are allocated, except
43 with respect to any funds committed by specific statute to the
44 regulatory authority of another person or agency, including, without



1 limitation, funds accepted by the State Emergency Response
2 Commission pursuant to NRS 459.740; and

3 (d) Submit a written report to the Nevada Commission on
4 Homeland Security within 60 days of making a grant of money to a
5 state agency, political subdivision or tribal government to pay for a
6 project or program relating to the prevention of, detection of,
7 mitigation of, preparedness for, response to and recovery from acts
8 of terrorism that includes, without limitation:

9 (1) The total amount of money that the state agency, political
10 subdivision or tribal government has been approved to receive for
11 the project or program;

12 (2) A description of the project or program; and

13 (3) An explanation of how the money may be used by the
14 state agency, political subdivision or tribal government.

15 7. The Division shall develop a written guide for the
16 preparation and maintenance of an emergency response plan to
17 assist a person or governmental entity that is required to file a plan
18 pursuant to NRS 239C.250, 239C.270, 388.243, 394.1687 or
19 463.790. The Division shall review the guide on an annual basis and
20 revise the guide if necessary. On or before January 15 of each year,
21 the Division shall post the guide on a publicly accessible Internet
22 website maintained by the Division.

23 8. The Division shall provide a copy of the written guide
24 developed pursuant to subsection 7 to a person or governmental
25 entity that is required to file a plan pursuant to NRS 239C.250,
26 239C.270, 388.243, 394.1687 or 463.790 upon the request of such a
27 person or entity.

28 *9. The Division may disseminate to a local public safety*
29 *agency, as the Division determines is reasonably necessary in the*
30 *event of an act of terrorism or related emergency or for emergency*
31 *preparedness, coordination and response efforts:*

32 *(a) A plan developed pursuant to NRS 388.243 or updated*
33 *pursuant to NRS 388.245;*

34 *(b) A plan developed pursuant to NRS 394.1687 or updated*
35 *pursuant to NRS 394.1688; and*

36 *(c) A deviation approved pursuant to NRS 388.251 or*
37 *394.1692.*

38 *10. As used in this section, "public safety agency" has the*
39 *meaning ascribed to it in NRS 388.2345.*

40 **Sec. 4.** This act becomes effective upon passage and approval.



