

SENATE BILL NO. 147—SENATORS WIENER, CARE,  
MCGINNESS, COPENING AND SCHNEIDER

FEBRUARY 18, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Establishes provisions governing broadcasters during emergencies. (BDR 36-960)

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 emergencies; requiring broadcasters in this State to develop plans for preparing for and responding to emergencies and disasters; authorizing the Nevada Broadcasters Association to establish a program for the training and certification of first response broadcasters in restoring, repairing and resupplying facilities and equipment during an emergency or disaster; providing that broadcasters and first response broadcasters must be given certain priority for equipment and supplies during an emergency or disaster; providing that certain equipment and supplies of a broadcaster or first response broadcaster must not be confiscated during an emergency or disaster; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Chapter 414 of NRS authorizes the Governor to prepare a comprehensive state  
2 emergency management plan and authorizes political subdivisions of this State to  
3 establish local organizations for emergency management in accordance with the  
4 state emergency management plan. (NRS 414.060, 414.090) **Section 4** of this bill  
5 requires broadcasters in this State to work in cooperation with the Division of  
6 Emergency Management of the Department of Public Safety and the Nevada  
7 Broadcasters Association to develop comprehensive, coordinated plans for  
8 preparing for and responding appropriately to an emergency or disaster.  
9 **Section 5** of this bill authorizes the Nevada Broadcasters Association to  
10 establish a program for training and certifying first response broadcasters who, with  
11 certain restrictions, must be given access to an area affected by an emergency or  
12 disaster for the purpose of restoring, repairing or resupplying any facility or



13 equipment critical to the ability of a broadcaster to acquire, produce and transmit  
14 essential emergency- or disaster-related public information programming.

15 Existing law provides the Governor with broad authority to seize materials and  
16 facilities for emergency management without regard to the limitations of any  
17 existing law. (NRS 414.070) **Sections 7 and 9** of this bill provide that this grant of  
18 authority to the Governor and the authority granted to the executive heads or  
19 governing bodies of the political subdivisions of this State must not be construed to  
20 allow the confiscation of equipment, supplies or facilities of a broadcaster or first  
21 response broadcaster if the equipment, supplies or facilities will be used to enable  
22 the broadcast of essential emergency- or disaster-related public information  
23 programming in an area affected by an emergency or disaster. **Section 6** of this bill  
24 provides that, to the extent practicable and consistent with not endangering public  
25 safety, broadcasters and first response broadcasters must be given priority for the  
26 distribution of fuel, food, water and any other equipment, supplies or facilities over  
27 all persons other than persons who provide essential emergency services, health  
28 care and utility restoration services.

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

1 **Section 1.** Chapter 414 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this  
3 act.

4 **Sec. 2.** *“Broadcaster” has the meaning ascribed to it in*  
5 *NRS 432.310.*

6 **Sec. 3.** *“First response broadcaster” means a person who*  
7 *has been certified as a first response broadcaster pursuant to*  
8 *section 5 of this act.*

9 **Sec. 4.** *Broadcasters in this State shall, in cooperation with*  
10 *the Division of Emergency Management of the Department of*  
11 *Public Safety and the Nevada Broadcasters Association or its*  
12 *successor organization, develop comprehensive, coordinated plans*  
13 *for preparing for and responding appropriately to an emergency*  
14 *or disaster.*

15 **Sec. 5. 1.** *The Nevada Broadcasters Association or its*  
16 *successor organization may establish a program for training and*  
17 *certifying broadcast engineers and technical personnel as first*  
18 *response broadcasters. The program must:*

19 *(a) Be consistent with federal law and guidelines;*

20 *(b) Provide training and education concerning restoring,*  
21 *repairing and resupplying any facilities and equipment of a*  
22 *broadcaster in an area affected by an emergency or disaster; and*

23 *(c) Provide training and education concerning the personal*  
24 *safety of a first response broadcaster in an area affected by an*  
25 *emergency or disaster.*

26 **2.** *To the extent practicable and consistent with not*  
27 *endangering public safety or inhibiting recovery efforts, state and*



1 *local governmental agencies shall allow a first response*  
2 *broadcaster access to an area affected by an emergency or disaster*  
3 *for the purpose of restoring, repairing or resupplying any facility*  
4 *or equipment critical to the ability of a broadcaster to acquire,*  
5 *produce and transmit essential emergency- or disaster-related*  
6 *public information programming, including, without limitation,*  
7 *repairing and maintaining transmitters and transporting fuel for*  
8 *generators.*

9 **Sec. 6.** *To the extent practicable and consistent with not*  
10 *endangering public safety, during an emergency or disaster, a*  
11 *broadcaster or first response broadcaster in an area affected by*  
12 *the emergency or disaster must be given priority for the*  
13 *distribution of fuel, food, water and any other equipment, supplies*  
14 *or facilities over all persons other than persons who provide*  
15 *essential emergency services, health care and utility restoration*  
16 *services.*

17 **Sec. 7.** *To the extent practicable and consistent with not*  
18 *endangering public safety, the emergency powers conferred upon*  
19 *the Governor and upon the executive heads or governing bodies of*  
20 *the political subdivisions of this State must not be construed to*  
21 *allow the confiscation of vehicles, fuel, food, water or any other*  
22 *equipment, supplies or facilities from a broadcaster or first*  
23 *response broadcaster if the broadcaster or first response*  
24 *broadcaster adequately documents that the equipment, supplies or*  
25 *facilities will be used to enable the broadcast of essential*  
26 *emergency- or disaster-related public information programming in*  
27 *an area affected by an emergency or disaster.*

28 **Sec. 8.** NRS 414.030 is hereby amended to read as follows:

29 414.030 As used in this chapter, the words and terms defined  
30 in NRS 414.031 to 414.038, inclusive, *and sections 2 and 3 of this*  
31 *act* have the meanings ascribed to them in those sections.

32 **Sec. 9.** NRS 414.070 is hereby amended to read as follows:

33 414.070 The provisions of this section are operative only  
34 during the existence of a state of emergency or declaration of  
35 disaster. The existence of such an emergency or disaster may be  
36 proclaimed by the Governor or by resolution of the Legislature if the  
37 Governor in his proclamation, or the Legislature in its resolution,  
38 finds that an attack upon the United States has occurred or is  
39 anticipated in the immediate future, or that a natural, technological  
40 or man-made emergency or disaster of major proportions has  
41 actually occurred within this State, and that the safety and welfare of  
42 the inhabitants of this State require an invocation of the provisions  
43 of this section. Any such emergency or disaster, whether proclaimed  
44 by the Governor or by the Legislature, terminates upon the  
45 proclamation of the termination thereof by the Governor, or the



1 passage by the Legislature of a resolution terminating the  
2 emergency or disaster. During the period when a state of emergency  
3 or declaration of disaster exists or continues, the Governor may  
4 exercise the following additional powers:

5 1. To enforce all laws and regulations relating to emergency  
6 management and to assume direct operational control of any or all  
7 forces, including, without limitation, volunteers and auxiliary staff  
8 for emergency management in the State.

9 2. To sell, lend, lease, give, transfer or deliver materials or  
10 perform services for the purpose of emergency management on such  
11 terms and conditions as the Governor prescribes and without regard  
12 to the limitations of any existing law, and to account to the State  
13 Treasurer for any ~~funds~~ money received for such property.

14 3. Except as otherwise provided in NRS 414.155 ~~§~~ and  
15 *section 7 of this act*, to procure, by purchase, condemnation, seizure  
16 or other means, construct, lease, transport, store, maintain, renovate  
17 or distribute materials and facilities for emergency management  
18 without regard to the limitations of any existing law. The Governor  
19 shall make compensation for the property so seized, taken or  
20 condemned on the following basis:

21 (a) If property is taken for temporary use, the Governor, within  
22 90 days after the taking, shall fix the amount of compensation to be  
23 paid therefor. If the property is returned to the owner in a damaged  
24 condition, or is not returned to the owner, the Governor shall fix  
25 within 90 days the amount of compensation to be paid for the  
26 damage or failure to return the property. If the Governor deems it  
27 advisable for the State to take title to property taken under this  
28 section, he shall forthwith cause the owner of the property to be  
29 notified thereof in writing by registered or certified mail, postage  
30 prepaid, or by the best means available, and forthwith cause to be  
31 filed a copy of the notice with the Secretary of State.

32 (b) Within the 90-day period prescribed in paragraph (a), the  
33 Governor shall make an offer in writing to the person or persons  
34 entitled to receive it of the amount of money proposed to be paid as  
35 full compensation. If the offer is accepted, the money must be paid  
36 out of such fund, funds or other sources as are available and no  
37 further action in law or in equity may ever be maintained in  
38 connection therewith. If the offer of payment is refused, the person  
39 or persons entitled thereto have the same rights as plaintiffs in  
40 actions of eminent domain insofar as the fixing of damages and  
41 compensation is concerned, NRS 37.060, 37.070, 37.080 and  
42 37.090, so far as applicable, apply, and proceedings must be had in  
43 conformity therewith so far as possible. The action must be  
44 commenced within 1 year after the receipt of the offer of settlement  
45 from the Governor.



1 4. To provide for and compel the evacuation of all or part of  
2 the population from any stricken or threatened area or areas within  
3 the State and to take such steps as are necessary for the receipt and  
4 care of those persons.

5 5. Subject to the provisions of the State Constitution, to remove  
6 from office any public officer having administrative responsibilities  
7 under this chapter for willful failure to obey an order or regulation  
8 adopted pursuant to this chapter. The removal must be upon charges  
9 after service upon the officer of a copy of the charges and after  
10 giving him an opportunity to be heard in his defense. Pending the  
11 preparation and disposition of charges, the Governor may suspend  
12 the officer for a period not exceeding 30 days. A vacancy resulting  
13 from removal or suspension pursuant to this section must be filled  
14 as provided by law.

15 6. To perform and exercise such other functions, powers and  
16 duties as are necessary to promote and secure the safety and  
17 protection of the civilian population.

18 **Sec. 10.** This act becomes effective upon passage and  
19 approval.







