

ASSEMBLY BILL NO. 626—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF DEPARTMENT OF MOTOR VEHICLES
AND PUBLIC SAFETY)

MARCH 19, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions relating to emergency management.
(BDR 36-755)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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; expanding the authority of the division of emergency management of the department of motor vehicles and public safety, the governor and local organizations of emergency management to respond to emergencies and disasters; authorizing the governor and the legislature to declare disasters; revising the composition of the board of search and rescue; requiring the coordinator of search and rescue to be an employee of the division of emergency management; expanding the membership of the committee on training in search and rescue; and providing other matters properly relating thereto.

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 thereto
- 2 the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2.** *“Disaster” means an occurrence or threatened occurrence*
- 4 *for which, in the determination of the governor, the assistance of the*
- 5 *Federal Government is needed to supplement the efforts and capabilities*
- 6 *of state agencies to save lives, protect property and protect the health and*
- 7 *safety of persons in this state, or to avert the threat of damage to property*
- 8 *or injury to or the death of persons in this state.*
- 9 **Sec. 3.** *“Emergency” means an occurrence or threatened*
- 10 *occurrence for which, in the determination of the governor, the*
- 11 *assistance of state agencies is needed to supplement the efforts and*

1 *capabilities of political subdivisions to save lives, protect property and*
2 *protect the health and safety of persons in this state, or to avert the threat*
3 *of damage to property or injury to or the death of persons in this state.*

4 **Sec. 4.** NRS 414.020 is hereby amended to read as follows:

5 414.020 1. Because of the existing and increasing possibility of the
6 occurrence of *emergencies or* disasters of unprecedented size and
7 destructiveness resulting from enemy attack, sabotage or other hostile
8 action, ~~for~~ from *a* fire, flood, earthquake, *storm*, or other natural causes,
9 *or from technological or man-made catastrophes*, and in order to ensure
10 that *the* preparations of this state will be adequate to deal with such
11 *emergencies or* disasters, and generally to provide for the common defense
12 and to protect the public ~~{peace, health, and safety,}~~ *welfare*, and to
13 preserve the lives and property of the people of the state, it is hereby found
14 and declared to be necessary:

15 (a) To create a state agency for emergency management and to
16 authorize the creation of local organizations for emergency management in
17 the political subdivisions of the state.

18 (b) To confer upon the governor and upon the executive heads or
19 governing bodies of the political subdivisions of the state the emergency
20 powers provided in this chapter.

21 (c) To ~~{provide for}~~ *assist with* the rendering of mutual aid among the
22 political subdivisions of the state and with other states and to cooperate
23 with the Federal Government with respect to ~~{the}~~ carrying out ~~{of}~~ *the*
24 functions of emergency management.

25 2. It is further declared to be the purpose of this chapter and the policy
26 of the state that all functions of emergency management in this state be
27 coordinated to the maximum extent with the comparable functions of the
28 Federal Government, including its various departments and agencies, of
29 other states and localities ~~{}~~ and of private agencies of every type, ~~{to the~~
30 ~~end that}~~ *providing for* the most effective preparation and use ~~{may be~~
31 ~~made}~~ of the nation's man power, resources and facilities for dealing with
32 any *emergency or* disaster that may occur.

33 **Sec. 5.** NRS 414.035 is hereby amended to read as follows:

34 414.035 "Emergency management" means the preparation for and the
35 carrying out of all emergency functions, other than functions for which
36 military forces are primarily responsible, to ~~{prevent,}~~ minimize *injury* and
37 repair ~~{injury and}~~ damage resulting from *emergencies or* disasters caused
38 by enemy attack, sabotage or other hostile action, ~~or~~ by fire, flood,
39 earthquake, *storm*, or other natural causes ~~{}~~, *or by technological or*
40 *man-made catastrophes*. These functions include ~~{fire fighting, police~~
41 ~~services, medical and health services, searches, rescues, engineering, air~~
42 ~~raid warning services, communications, radiological, chemical and other~~
43 ~~special weapons of defense, evacuation of persons from stricken areas,~~

~~emergency welfare services (civilian war aid), emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.],~~ **without limitation:**

1. The provision of support for search and rescue operations for persons and property in distress.

2. Organized analysis, planning and coordination of available resources for the mitigation of, preparation for, response to or recovery from emergencies or disasters.

Sec. 6. NRS 414.040 is hereby amended to read as follows:

414.040 1. A division of emergency management is hereby created within the department of motor vehicles and public safety. The chief of the division is appointed by and holds office at the pleasure of the director of the department of motor vehicles and public safety. The division is **the state agency for emergency management and** the state agency for civil defense ~~[and the]~~ **for the purposes of the compact ratified by the legislature pursuant to NRS 415.010. The** chief is the state's director of ~~[civil defense.]~~ **emergency management and the state's director of civil defense for the purposes of that compact.**

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

3. The chief, subject to the direction and control of the director, shall carry out the program for emergency management in this state. He shall coordinate the activities of all organizations for emergency management within the state, maintain liaison with and cooperate with agencies and organizations of other states and of the Federal Government for emergency management and carry out such additional duties as may be prescribed by the director.

4. The chief shall assist in the development of comprehensive, coordinated plans for emergency management by adopting an integrated process, using the partnership of governmental entities, business and industry, volunteer organizations and other interested persons, for the mitigation of, preparation for, response to and recovery from emergencies ~~[.]~~ **or disasters.** In adopting this process, he shall conduct activities designed to:

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

(b) Prepare state and local governmental agencies, private organizations and other persons to be capable of responding appropriately if an emergency **or disaster** occurs by fostering the adoption of plans for emergency operations, ~~the training of~~ **conducting exercises to test those plans, training** necessary personnel and ~~the acquisition of~~ **acquiring** necessary resources;

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

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

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

Sec. 7. NRS 414.060 is hereby amended to read as follows:

414.060 1. The governor is responsible for ~~the~~ carrying out ~~of~~ the provisions of this chapter, and in the event of **an emergency or** disaster beyond local control, may assume direct operational control over all or any part of the functions of emergency management within this state.

2. In performing his duties under this chapter, the governor may cooperate with the Federal Government, with other states, and with private agencies in all matters pertaining to emergency management in this state and the nation.

3. In performing his duties under this chapter and to effect its policy and purpose, the governor may:

(a) Make, amend and rescind the necessary orders and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon him in this chapter, with due consideration of the plans ~~of~~ **provided by** the Federal Government.

(b) Prepare a comprehensive **state emergency management** plan and **develop a** program for emergency management in this state to be integrated into and coordinated with the plans of the Federal Government and of other states for emergency management to the fullest possible extent, and coordinate the preparation of plans and programs for emergency management by the political subdivisions of this state to be integrated into and coordinated with the plan and program of this state to the fullest possible extent.

(c) In accordance with the plan and program for the emergency management in this state, procure supplies and equipment, institute **planning**, training **and exercise** programs ~~and~~, **carry out** public information programs, and take all other preparatory steps, including the

1 partial or full mobilization of organizations for emergency management in
2 advance of **an actual emergency or** disaster, to ensure the ~~{furnishing}~~
3 **availability** of adequately trained and equipped forces in time of need.

4 (d) Make such studies and surveys of ~~{the}~~ industries, resources and
5 facilities in this state as may be necessary to ascertain the capabilities of
6 the state for emergency management and plan for the most efficient
7 ~~{emergency}~~ use thereof.

8 (e) On behalf of this state, enter into mutual aid ~~{arrangements}~~
9 **agreements** with other states and coordinate mutual aid plans between
10 political subdivisions of this state.

11 (f) Delegate any administrative authority vested in him under this
12 chapter, and provide for the subdelegation of any such authority.

13 (g) Cooperate with the President **of the United States** and the heads of
14 the Armed Forces, the agency of the United States for emergency
15 management and other appropriate federal officers and agencies, and with
16 the officers and agencies of other states in matters pertaining to emergency
17 management in the state and nation, including the direction or control of:

18 (1) ~~{Black-outs and practice black-outs, air raid drills, mobilization~~
19 ~~of}~~ **Mobilizing** forces for emergency management and other tests and
20 exercises.

21 (2) ~~{Warnings and signals for drills or attacks and the mechanical}~~
22 **Mechanical** devices to be used in connection ~~{therewith.}~~ **with warnings**
23 **and signals for emergencies or disasters.**

24 (3) The effective screening or extinguishing of all lights and lighting
25 devices and appliances.

26 (4) ~~{Shutting off water mains, gas mains, electric power connections~~
27 ~~and the suspension of all other utility services.}~~ **Coordinating the efforts of**
28 **all public utilities in terminating and restoring service to the general**
29 **public during an emergency or disaster.**

30 (5) The conduct of ~~{civilians}~~ **the general public** and the movement
31 and cessation of movement of pedestrians and vehicular traffic during,
32 before and after ~~{drills or attack.}~~ **exercises or an emergency or disaster.**

33 (6) Public meetings or gatherings.

34 (7) The evacuation and reception of the ~~{civilian population.}~~ **general**
35 **public during an attack or an emergency or disaster.**

36 **Sec. 8.** NRS 414.070 is hereby amended to read as follows:

37 414.070 The provisions of this section are operative only during the
38 existence of a state of emergency ~~{.}~~ **or declaration of disaster.** The
39 existence of such an emergency **or disaster** may be proclaimed by the
40 governor or by resolution of the legislature if the governor in his
41 proclamation, or the legislature in its resolution, finds that an attack upon
42 the United States has occurred or is anticipated in the immediate future, or
43 that a natural , **technological or man-made emergency or** disaster of major

1 proportions has actually occurred within this state, and that the safety and
2 welfare of the inhabitants of this state require an invocation of the
3 provisions of this section. Any such emergency ~~[-] or disaster~~, whether
4 proclaimed by the governor or by the legislature, terminates upon the
5 proclamation of the termination thereof by the governor, or the passage by
6 the legislature of a resolution terminating the emergency ~~[-] or disaster~~.
7 During the period when ~~[-] a~~ state of emergency ~~or declaration of~~
8 ~~disaster~~ exists or continues, the governor may exercise the following
9 additional ~~[-] emergency~~ powers:

10 1. To enforce all laws and regulations relating to emergency
11 management and to assume direct operational control of any or all forces
12 ~~[-] and helpers~~, ~~including, without limitation, volunteers and auxiliary~~
13 ~~staff~~ for emergency management in the state.

14 2. To sell, lend, lease, give, transfer or deliver materials or perform
15 services for the purpose of emergency management on such terms and
16 conditions as the governor prescribes and without regard to the limitations
17 of any existing law, and to account to the state treasurer for any funds
18 received for such property.

19 3. To procure, by purchase, condemnation, seizure or other means,
20 construct, lease, transport, store, maintain, renovate or distribute materials
21 and facilities for emergency management without regard to the limitations
22 of any existing law. He shall make compensation for the property so
23 seized, taken or condemned on the following basis:

24 (a) ~~[-] In case~~ ~~If~~ property is taken for temporary use, the governor, within
25 90 days ~~[-] of~~ ~~after~~ the taking, shall fix the amount of compensation to be
26 paid therefor. If the property is returned to the owner in a damaged
27 condition, or is not returned to the owner, the governor shall fix within 90
28 days the amount of compensation to be paid for the damage or failure to
29 return ~~[-] the property~~. Whenever the governor deems it advisable for the
30 state to take title to property taken under this section, he shall forthwith
31 cause the owner of such property to be notified thereof in writing by
32 registered or certified mail, postage prepaid, or by the best means
33 available, and forthwith cause to be filed a copy of the notice with the
34 secretary of state.

35 (b) Within the 90-day period prescribed in paragraph (a), the governor
36 shall make an offer in writing to the person or persons entitled to receive it
37 of the amount of money proposed to be paid as full compensation. If the
38 offer is accepted, ~~[-] then~~ the money must be paid out of such fund, funds or
39 ~~[-] such~~ ~~other~~ sources as are available and no further action either in law or
40 in equity may ever be maintained in connection therewith. If ~~[-] such~~ ~~the~~
41 offer of payment is refused, ~~[-] then~~ the person or persons entitled thereto
42 have the same rights as plaintiffs in actions of eminent domain insofar as
43 the fixing of damages and compensation is concerned, NRS 37.060,

1 37.070, 37.080 and 37.090, so far as applicable, apply, and proceedings
2 must be had in conformity therewith so far as possible. Such action must
3 be commenced within 1 year after the receipt of ~~the~~ offer of settlement
4 from the governor.

5 4. To provide for and compel the evacuation of all or part of the
6 population from any stricken or threatened area or areas within the state
7 and to take such steps as are necessary for the receipt and care of those
8 persons.

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

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

21 **Sec. 9.** NRS 414.090 is hereby amended to read as follows:

22 414.090 1. Each political subdivision of this state may establish a
23 local organization for emergency management in accordance with the
24 ~~{state's}~~ **state emergency management** plan and program for emergency
25 management. Such a political subdivision may confer or authorize the
26 conferring upon members of the auxiliary police the powers of police
27 officers, subject to such restrictions as it imposes. Each local organization
28 for emergency management must have a director who must be appointed
29 by the executive officer or governing body of the political subdivision, and
30 who has direct responsibility for the organization, administration and
31 operation of the local organization for emergency management subject to
32 the direction and control of the executive officer or governing body. Each
33 local organization for emergency management shall perform functions of
34 emergency management within the territorial limits of the political
35 subdivision within which it is organized, and, in addition, shall conduct
36 such functions outside of such territorial limits as may be required pursuant
37 to the provisions of NRS 414.100.

38 2. In carrying out the provisions of this chapter , each political
39 subdivision in which any **emergency or** disaster described in NRS 414.020
40 occurs may enter into contracts and incur obligations necessary to combat
41 such ~~{a disaster, protecting}~~ **an emergency or disaster, protect** the health
42 and safety of persons and property ~~{, and providing}~~ **and provide**
43 emergency assistance to the victims of such ~~{a}~~ **an emergency or** disaster.

1 Each political subdivision may exercise the powers vested under this
2 section in the light of the exigencies of the extreme emergency ~~{situation}~~
3 **or disaster** without regard to time-consuming procedures and formalities
4 prescribed by law, except constitutional requirements, pertaining to the
5 performance of public work, entering into contracts, the incurring of
6 obligations, the employment of temporary workers, the rental of
7 equipment, the purchase of supplies and materials, the levying of taxes,
8 and the appropriation and expenditure of public funds.

9 **Sec. 10.** NRS 414.100 is hereby amended to read as follows:

10 414.100 The director of each local organization for emergency
11 management may, in collaboration with other public and private agencies
12 within this state, develop or cause to be developed ~~{arrangements}~~
13 **agreements** for reciprocal aid and assistance in case of **an emergency or**
14 **disaster** ~~{too great to be dealt with unassisted. Such arrangements}~~ **for**
15 **which the local organization requires such assistance. Such agreements**
16 must be consistent with the state's ~~{plan and program for}~~ emergency
17 management **plan** and **program for emergency management, and** in time
18 of emergency **or disaster** each local organization for emergency
19 management shall render assistance in accordance with the provisions of
20 such ~~{arrangements.}~~ **agreements.**

21 **Sec. 11.** NRS 414.110 is hereby amended to read as follows:

22 414.110 1. All functions under this chapter and all other activities
23 relating to emergency management are hereby declared to be governmental
24 functions. Neither the state nor any political subdivision thereof nor other
25 agencies of the state or political subdivision thereof, nor except in cases of
26 willful misconduct, gross negligence, or bad faith, any worker complying
27 with or reasonably attempting to comply with this chapter, or any order or
28 regulation ~~{promulgated}~~ **adopted** pursuant to the provisions of this
29 chapter, or pursuant to any ordinance relating to ~~{black-out}~~ **any necessary**
30 **emergency procedures** or other precautionary measures enacted by any
31 political subdivision of the state, is liable for the death of or injury to
32 persons, or for damage to property, as a result of any such activity. The
33 provisions of this section do not affect the right of any person to receive
34 benefits to which he would otherwise be entitled under this chapter, or
35 under the provisions of chapters 616A to 616D, inclusive, of NRS, or
36 under any pension law, nor the right of any such person to receive any
37 benefits or compensation under any Act of Congress.

38 2. Any requirement for a license to practice any professional,
39 mechanical or other skill does not apply to any authorized worker who, in
40 the course of performing his duties as such, practices that professional,
41 mechanical or other skill during an emergency ~~{-}~~ **or disaster.**

42 3. As used in this section, ~~{the term}~~ "worker" includes **, without**
43 **limitation,** any full-time or part-time paid, volunteer or auxiliary employee

1 of this state, of any political subdivision thereof, of other states, territories,
2 possessions or the District of Columbia, of the Federal Government, of any
3 neighboring country, or of any political subdivision thereof, or of any
4 agency or organization, performing services for emergency management at
5 any place in this state subject to the order or control of, or pursuant to a
6 request of, the state government or any political subdivision thereof.

7 **Sec. 12.** NRS 414.120 is hereby amended to read as follows:

8 414.120 Any person owning or controlling real property or other
9 premises who voluntarily and without compensation grants a license or
10 privilege, or otherwise permits the designation or use of the whole or any
11 part or parts of such real property or premises ~~{for the purpose of~~
12 ~~sheltering}~~ **to shelter** persons during an actual, impending, mock or
13 practice attack ~~{shall, together with}~~, **or during an emergency, or disaster**
14 **as described in NRS 414.020, and** his successors in interest, if any, **are** not
15 ~~{be}~~ civilly liable for negligently causing the death of, or injury to, any
16 person on or about such real property or premises, or for loss of, or
17 damage to, the property of such **a** person.

18 **Sec. 13.** NRS 414.135 is hereby amended to read as follows:

19 414.135 1. There is hereby created the emergency assistance account
20 within the disaster relief fund created pursuant to NRS 353.2735.

21 Beginning with the fiscal year that begins on July 1, 1999, the state
22 controller shall, at the end of each fiscal year, transfer the interest earned
23 during the previous fiscal year on the money in the disaster relief fund to
24 the account in an amount not to exceed \$500,000.

25 2. The state emergency response commission shall administer the
26 account. The commission may adopt regulations authorized by this section
27 before, on or after July 1, 1999.

28 3. All expenditures from the account must be approved in advance by
29 the commission. Except as otherwise provided in subsection 4, all money
30 in the account must be expended solely to:

31 (a) Provide supplemental emergency assistance to this state or to local
32 governments in this state that are severely and adversely affected by a
33 natural, ~~{or}~~ technological **or man-made** emergency or disaster for which
34 available resources of this state or the local government are inadequate to
35 provide a satisfactory remedy; and

36 (b) Pay any actual expenses incurred by the commission for
37 administration during a natural, ~~{or}~~ technological **or man-made**
38 emergency or disaster.

39 4. Beginning with the fiscal year that begins on July 1, 1999, if any
40 balance remains in the account at the end of a fiscal year and the balance
41 has not otherwise been committed for expenditure, the commission may,
42 with the approval of the interim finance committee, allocate all or any
43 portion of the remaining balance to this state or to a local government to:

1 (a) Purchase equipment or supplies required for emergency
2 management; and

3 (b) Provide training to personnel related to emergency management.

4 5. Beginning with the fiscal year that begins on July 1, 1999, the
5 commission shall, at the end of each quarter of a fiscal year, submit to the
6 interim finance committee a report of the expenditures made from the
7 account for the previous quarter.

8 6. The commission shall adopt such regulations as are necessary to
9 administer the account.

10 7. The commission may adopt regulations to provide for
11 reimbursement of expenditures made from the account. If the commission
12 requires such reimbursement, the attorney general shall take such action as
13 is necessary to recover the amount of any unpaid reimbursement plus
14 interest at a rate determined pursuant to NRS 17.130, computed from the
15 date on which the money was removed from the fund, upon request by the
16 commission.

17 **Sec. 14.** NRS 414.170 is hereby amended to read as follows:

18 414.170 1. The board of search and rescue, consisting of ~~eight~~ **10**
19 members appointed by the chief, is hereby created. The chief shall appoint:

20 (a) ~~One member who is a representative of the Nevada highway patrol;~~
21 ~~(b)~~ One member who is a representative of the Nevada Wing of the
22 Civil Air Patrol;

23 ~~(c)~~ **(b)** One member who is a representative of the Nevada National
24 Guard;

25 ~~(d) One member who is a representative of the sheriffs of Nevada;~~
26 ~~(e)~~ **(c) Four members who are representatives of the Nevada Sheriffs**
27 **and Chiefs Association or its legal successor;**

28 **(d)** One member who is a representative of the ~~medical profession;~~
29 ~~(f)~~ **health division of the department of human resources and whose**
30 **primary responsibilities relate to the licensure and certification of**
31 **persons who provide emergency medical services;**

32 **(e)** One member who is a representative of the division of forestry of
33 the state department of conservation and natural resources;

34 ~~(g)~~ **(f)** One member who is a representative of ~~organizations which~~
35 ~~specialize in~~ **a search and rescue** ~~;~~ **and**

36 ~~(h)~~ **organization of a law enforcement agency; and**

37 **(g)** One member who is a representative of the Nevada Fire Chiefs'
38 Association or its legal successor. If the association ceases to exist and no
39 legal successor is formed, the chief shall appoint one member who is a fire
40 chief.

41 2. The term of office of each member of the board is 2 years.

1 **Sec. 15.** NRS 414.200 is hereby amended to read as follows:

2 414.200 The chief, with the advice of the board, shall appoint ~~an~~ **an**
3 **employee of the division of emergency management of the department of**
4 **motor vehicles and public safety as** coordinator of search and rescue.

5 **Sec. 16.** NRS 414.210 is hereby amended to read as follows:

6 414.210 The coordinator shall:

7 1. Identify, inventory and coordinate resources available for searches
8 and rescues;

9 2. Investigate and apply for grants and other financial assistance for
10 search and rescue;

11 3. Maintain statistics regarding searches and rescues;

12 4. Coordinate assistance during **intrastate searches and rescues and**
13 searches and rescues involving two or more counties;

14 5. Act as liaison with other states' operations involving searches and
15 rescues;

16 6. Provide assistance, upon request, to sheriffs during searches and
17 rescues;

18 7. Prepare a plan for searches and rescues;

19 8. Establish and maintain a system of communication for use
20 throughout the state for operations relating to searches and rescues; and

21 9. Prepare and distribute publications relating to searches and rescues.

22 **Sec. 17.** NRS 414.220 is hereby amended to read as follows:

23 414.220 The committee on training in search and rescue, consisting of
24 ~~three~~ **six** members appointed by the coordinator with the advice of the
25 board, is hereby created.

26 **Sec. 18.** NRS 414.270 is hereby amended to read as follows:

27 414.270 A state disaster identification team is hereby established
28 within the division of emergency management of the department of motor
29 vehicles and public safety. The chief:

30 1. Shall assign persons with expertise in various fields to the state
31 disaster identification team; and

32 2. May activate such persons during a state of emergency **or**
33 **declaration of disaster** proclaimed pursuant to NRS 414.070 to perform
34 the duties of the state disaster identification team.

35 **Sec. 19.** NRS 414.280 is hereby amended to read as follows:

36 414.280 The state disaster identification team shall:

37 1. Provide technical assistance and personnel to local authorities to
38 recover, identify and process deceased victims during a state of emergency
39 ~~or~~ **or declaration of disaster.**

40 2. Within 2 hours after the notification of a state of emergency ~~or~~ **or**
41 **declaration of disaster and at the request of the chief,** begin to identify
42 and report to the chief the need for medical and health services to:

43 (a) Establish temporary facilities to be used as a morgue.

1 (b) Identify deceased victims by using, without limitation, latent
2 fingerprints and the forensic methods of dentistry, pathology and
3 anthropology.

4 (c) Process and dispose of the remains of deceased victims.

5 **Sec. 20.** NRS 414.290 is hereby amended to read as follows:

6 414.290 The state disaster identification team may, during a state of
7 emergency ~~or~~ **or declaration of disaster**, have access to:

8 1. The information that is contained in the central repository for
9 Nevada records of criminal history pursuant to NRS 179A.075.

10 2. The records of criminal history maintained by an agency of criminal
11 justice pursuant to NRS 179A.100.

12 3. The records of missing children maintained by the attorney general
13 pursuant to NRS 432.170.

14 4. The records and information concerning missing persons
15 maintained by the investigation division of the department of motor
16 vehicles and public safety pursuant to NRS 481.245.

17 **Sec. 21.** NRS 414.300 is hereby amended to read as follows:

18 414.300 The department of motor vehicles and public safety shall
19 adopt regulations to govern the state disaster identification team. The
20 regulations must include, without limitation:

21 1. Guidelines for the chief to:

22 (a) Assign persons to positions on the state disaster identification team;
23 and

24 (b) Determine which members of the state disaster identification team
25 may be activated during a state of emergency ~~or~~ **or declaration of disaster**.

26 2. Provisions governing the organization, administration and operation
27 of the state disaster identification team.

28 3. The compensation, if any, to be paid by the department to a member
29 of the state disaster identification team who is activated during a state of
30 emergency ~~or~~ **or declaration of disaster**.

31 **Sec. 22.** NRS 179A.075 is hereby amended to read as follows:

32 179A.075 1. The central repository for Nevada records of criminal
33 history is hereby created within the Nevada highway patrol division of the
34 department.

35 2. Each agency of criminal justice and any other agency dealing with
36 crime or delinquency of children shall:

37 (a) Collect and maintain records, reports and compilations of statistical
38 data required by the department; and

39 (b) Submit the information collected to the central repository in the
40 manner recommended by the advisory committee and approved by the
41 director of the department.

1 3. Each agency of criminal justice shall submit the information
2 relating to sexual offenses and other records of criminal history it collects,
3 and any information in its possession relating to the genetic markers of the
4 blood and the secretor status of the saliva of a person who is convicted of
5 sexual assault or any other sexual offense, to the division in the manner
6 prescribed by the director of the department. A report of disposition must
7 be submitted to the division:

8 (a) Through an electronic network;

9 (b) On a medium of magnetic storage; or

10 (c) In the manner prescribed by the director of the department,
11 within 30 days after the date of disposition. If an agency has submitted a
12 record regarding the arrest of a person who is later determined by the
13 agency not to be the person who committed the particular crime, the
14 agency shall, immediately upon making that determination, so notify the
15 division. The division shall delete all references in the central repository
16 relating to that particular arrest.

17 4. The division shall:

18 (a) Collect, maintain and arrange all information submitted to it relating
19 to:

20 (1) Sexual offenses and other records of criminal history; and

21 (2) The genetic markers of the blood and the secretor status of the
22 saliva of a person who is convicted of sexual assault or any other sexual
23 offense.

24 (b) Use a record of the subject's fingerprints as the basis for any records
25 maintained regarding him.

26 (c) Upon request during a state of emergency *or declaration of disaster*
27 proclaimed pursuant to NRS 414.070, provide the information that is
28 contained in the central repository to the state disaster identification team
29 of the division of emergency management of the department of motor
30 vehicles and public safety.

31 5. The division may:

32 (a) Disseminate any information which is contained in the central
33 repository to any other agency of criminal justice;

34 (b) Enter into cooperative agreements with federal and state repositories
35 to facilitate exchanges of such information; and

36 (c) Request of and receive from the Federal Bureau of Investigation
37 information on the background and personal history of any person:

38 (1) Who has applied to any agency of the state or any political
39 subdivision for a license which it has the power to grant or deny;

40 (2) With whom any agency of the state or any political subdivision
41 intends to enter into a relationship of employment or a contract for
42 personal

services;

1 (3) About whom any agency of the state or any political subdivision
2 has a legitimate need to have accurate personal information for the
3 protection of the agency or the persons within its jurisdiction; or

4 (4) For whom such information is required to be obtained pursuant to
5 NRS 449.179.

6 6. The central repository shall:

7 (a) Collect and maintain records, reports and compilations of statistical
8 data submitted by any agency pursuant to subsection 2.

9 (b) Tabulate and analyze all records, reports and compilations of
10 statistical data received pursuant to this section.

11 (c) Disseminate to federal agencies engaged in the collection of
12 statistical data relating to crime information which is contained in the
13 central repository.

14 (d) Investigate the criminal history of any person who:

15 (1) Has applied to the superintendent of public instruction for a
16 license;

17 (2) Has applied to a county school district for employment; or

18 (3) Is employed by a county school district,
19 and notify the superintendent of each county school district and the
20 superintendent of public instruction if the investigation of the central
21 repository indicates that the person has been convicted of a violation of
22 NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a
23 felony or any offense involving moral turpitude.

24 (e) Upon discovery, notify the superintendent of each county school
25 district by providing him with a list of all persons:

26 (1) Investigated pursuant to paragraph (d); or

27 (2) Employed by a county school district whose fingerprints were
28 sent previously to the central repository for investigation,
29 who the central repository's records indicate have been convicted of a
30 violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or
31 convicted of a felony or any offense involving moral turpitude since the
32 central repository's initial investigation. The superintendent of each county
33 school district shall determine whether further investigation or action by
34 the district is appropriate.

35 (f) Investigate the criminal history of each person who submits
36 fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or
37 449.179.

38 (g) On or before July 1 of each year, prepare and present to the
39 governor a printed annual report containing the statistical data relating to
40 crime received during the preceding calendar year. Additional reports may
41 be presented to the governor throughout the year regarding specific areas
42 of crime if they are recommended by the advisory committee and approved
43 by the director of the department.

1 (h) On or before January 31 of each odd-numbered year, prepare and
2 submit to the director of the legislative counsel bureau, for submission to
3 the legislature, a report containing statistical data about domestic violence
4 in this state.

5 (i) Identify and review the collection and processing of statistical data
6 relating to criminal justice and delinquency of children by any agency
7 identified in subsection 2, and make recommendations for any necessary
8 changes in the manner of collecting and processing statistical data by any
9 such agency.

10 7. The central repository may:

11 (a) At the recommendation of the advisory committee and in the
12 manner prescribed by the director of the department, disseminate
13 compilations of statistical data and publish statistical reports relating to
14 crime or delinquency of children.

15 (b) Charge a reasonable fee for any publication or special report it
16 distributes relating to data collected pursuant to this section. The central
17 repository may not collect such a fee from an agency of criminal justice,
18 any other agency dealing with crime or delinquency of children which is
19 required to submit information pursuant to subsection 2 or the state disaster
20 identification team of the division of emergency management of the
21 department of motor vehicles and public safety. All money collected
22 pursuant to this paragraph must be used to pay for the cost of operating the
23 central repository.

24 8. As used in this section, “advisory committee” means the committee
25 established by the director of the department pursuant to NRS 179A.078.

26 **Sec. 23.** NRS 179A.100 is hereby amended to read as follows:

27 179A.100 1. The following records of criminal history may be
28 disseminated by an agency of criminal justice without any restriction
29 pursuant to this chapter:

30 (a) Any which reflect records of conviction only; and

31 (b) Any which pertain to an incident for which a person is currently
32 within the system of criminal justice, including parole or probation.

33 2. Without any restriction pursuant to this chapter, a record of criminal
34 history or the absence of such a record may be:

35 (a) Disclosed among agencies which maintain a system for the mutual
36 exchange of criminal records.

37 (b) Furnished by one agency to another to administer the system of
38 criminal justice, including the furnishing of information by a police
39 department to a district attorney.

40 (c) Reported to the central repository.

41 3. An agency of criminal justice shall disseminate to a prospective
42 employer, upon request, records of criminal history concerning a
43 prospective employee or volunteer which:

1 (a) Reflect convictions only; or

2 (b) Pertain to an incident for which the prospective employee or
3 volunteer is currently within the system of criminal justice, including
4 parole or probation.

5 4. The central repository shall disseminate to a prospective or current
6 employer, upon request, information relating to sexual offenses concerning
7 an employee, prospective employee, volunteer or prospective volunteer
8 who gives his written consent to the release of that information.

9 5. Records of criminal history must be disseminated by an agency of
10 criminal justice upon request, to the following persons or governmental
11 entities:

12 (a) The person who is the subject of the record of criminal history for
13 the purposes of NRS 179A.150.

14 (b) The person who is the subject of the record of criminal history or his
15 attorney of record when the subject is a party in a judicial, administrative,
16 licensing, disciplinary or other proceeding to which the information is
17 relevant.

18 (c) The state gaming control board.

19 (d) The state board of nursing.

20 (e) The private investigator's licensing board to investigate an applicant
21 for a license.

22 (f) A public administrator to carry out his duties as prescribed in chapter
23 253 of NRS.

24 (g) A public guardian to investigate a ward or proposed ward or persons
25 who may have knowledge of assets belonging to a ward or proposed ward.

26 (h) Any agency of criminal justice of the United States or of another
27 state or the District of Columbia.

28 (i) Any public utility subject to the jurisdiction of the public utilities
29 commission of Nevada when the information is necessary to conduct a
30 security investigation of an employee or prospective employee, or to
31 protect the public health, safety or welfare.

32 (j) Persons and agencies authorized by statute, ordinance, executive
33 order, court rule, court decision or court order as construed by appropriate
34 state or local officers or agencies.

35 (k) Any person or governmental entity which has entered into a contract
36 to provide services to an agency of criminal justice relating to the
37 administration of criminal justice, if authorized by the contract, and if the
38 contract also specifies that the information will be used only for stated
39 purposes and that it will be otherwise confidential in accordance with state
40 and federal law and regulation.

41 (l) Any reporter for the electronic or printed media in his professional
42 capacity for communication to the public.

1 (m) Prospective employers if the person who is the subject of the
2 information has given written consent to the release of that information by
3 the agency which maintains it.

4 (n) For the express purpose of research, evaluative or statistical
5 programs pursuant to an agreement with an agency of criminal justice.

6 (o) The division of child and family services of the department of
7 human resources and any county agency that is operated pursuant to NRS
8 432B.325 or authorized by a court of competent jurisdiction to receive and
9 investigate reports of abuse or neglect of children and which provides or
10 arranges for protective services for such children.

11 (p) The welfare division of the department of human resources or its
12 designated representative.

13 (q) An agency of this or any other state or the Federal Government that
14 is conducting activities pursuant to Part D of Title IV of the Social Security
15 Act (42 U.S.C. §§ 651 et seq.).

16 (r) The state disaster identification team of the division of emergency
17 management of the department of motor vehicles and public safety during
18 a state of emergency *or declaration of disaster* proclaimed pursuant to
19 NRS 414.070.

20 6. Agencies of criminal justice in this state which receive information
21 from sources outside this state concerning transactions involving criminal
22 justice which occur outside Nevada shall treat the information as
23 confidentially as is required by the provisions of this chapter.

24 **Sec. 24.** NRS 281.147 is hereby amended to read as follows:

25 281.147 Any public officer or employee of the state or any agency
26 thereof, or of a political subdivision or an agency of a political subdivision,
27 who is classified by the American National Red Cross as a disaster
28 technician must be relieved from his duties, upon the request of the
29 American National Red Cross and the approval of his employer, to assist
30 the American National Red Cross during ~~la~~ *an emergency or* disaster
31 described in NRS 414.020 which occurs in this state or California, Oregon,
32 Idaho, Utah or Arizona, without loss of his regular compensation for a
33 period of not more than 15 working days in any calendar year. No such
34 absence may be a part of the annual vacation of the public officer or
35 employee which is provided for by law.

36 **Sec. 25.** NRS 289.270 is hereby amended to read as follows:

37 289.270 1. The following persons have the powers of a peace
38 officer:

39 (a) The director of the department of motor vehicles and public safety.

40 (b) The chiefs of the divisions of the department of motor vehicles and
41 public safety.

42 (c) The deputy directors of the department of motor vehicles and public
43 safety employed pursuant to subsection 2 of NRS 481.035.

1 (d) The investigators and agents of the investigation division of the
2 department of motor vehicles and public safety and any other officer or
3 employee of that division whose principal duty is to enforce one or more
4 laws of this state, and any person promoted from such a duty to a
5 supervisory position related to such a duty.

6 (e) The personnel of the capitol police division of the department of
7 motor vehicles and public safety appointed pursuant to subsection 2 of
8 NRS 331.140.

9 2. The personnel of the Nevada highway patrol appointed pursuant to
10 subsection 2 of NRS 481.150 have the powers of a peace officer specified
11 in NRS 481.150 and 481.180.

12 3. Administrators and investigators of the bureau of enforcement of
13 the registration division of the department of motor vehicles and public
14 safety have the powers of a peace officer to enforce any law of the State of
15 Nevada in carrying out their duties under NRS 481.048.

16 4. Officers and investigators of the section for the control of emissions
17 from vehicles of the registration division of the department of motor
18 vehicles and public safety, appointed pursuant to NRS 481.0481, have the
19 powers of peace officers in carrying out their duties under that section.

20 5. Members of the state disaster identification team of the division of
21 emergency management of the department of motor vehicles and public
22 safety who are, pursuant to NRS 414.270, activated by the chief of the
23 division during a state of emergency *or declaration of disaster* proclaimed
24 pursuant to NRS 414.070 to perform the duties of the state disaster
25 identification team, have the powers of peace officers in carrying out those
26 duties.

27 **Sec. 26.** NRS 432.170 is hereby amended to read as follows:

28 432.170 1. The attorney general shall:

29 (a) Establish a program to coordinate activities and information in this
30 state concerning missing or exploited children; and

31 (b) Appoint a director to administer the provisions of the program.

32 2. The director is in the unclassified service of the state. ~~For the~~
33 ~~purposes of assisting~~ *To assist* the director in carrying out the provisions
34 of NRS 432.150 to 432.220, inclusive, the attorney general may appoint
35 such assistants or investigators as deemed necessary by the attorney
36 general.

37 3. The director may:

38 (a) Assist any public or private school in establishing a program of
39 information about missing or exploited children by providing, free of
40 charge, materials, publications and instructional aids relating to:

41 (1) Offenses under federal and state law regarding missing or
42 exploited children and the abuse or neglect of children.

1 (2) Governmental and private agencies and programs for locating and
2 identifying missing or exploited children, preventing the abduction or
3 disappearance of children and preventing the abuse or neglect of children.

4 (3) Methods of preventing the abduction or disappearance of
5 children.

6 (4) Techniques for the investigation of cases involving missing or
7 exploited children.

8 (5) Any other issue involving missing or exploited children.

9 (b) Develop and maintain a system of information concerning missing
10 or exploited children, including information concerning public or private
11 resources which may be available to such children and their families.

12 (c) Accept gifts or donations on behalf of the clearinghouse which must
13 be accounted for separately and used by the director in carrying out the
14 provisions of NRS 432.150 to 432.220, inclusive.

15 (d) Enter into agreements with regional and national organizations for
16 assistance and exchange of information concerning missing or exploited
17 children.

18 (e) Assist in the investigation of children who are reported missing in
19 this state or who are reported abducted or taken from this state.

20 4. The director may provide the materials, publications and
21 instructional aids identified in paragraph (a) of subsection 3 to any other
22 person or governmental agency for a reasonable fee not to exceed the cost
23 of preparing the materials.

24 5. The director shall, upon request during a state of emergency *or*
25 *declaration of disaster* proclaimed pursuant to NRS 414.070, provide
26 records regarding a missing child to the state disaster identification team of
27 the division of emergency management of the department of motor
28 vehicles and public safety.

29 **Sec. 27.** NRS 481.245 is hereby amended to read as follows:

30 481.245 1. When a coroner is unable to establish the identity of a
31 dead body by means other than by dental records, he shall have a dental
32 examination of the body made by a dentist. The dentist shall prepare a
33 record of his findings and forward it to the investigation division and to the
34 central repository for Nevada records of criminal history.

35 2. Each sheriff, chief of police or other law enforcement agency which
36 receives a report of a person missing under suspicious circumstances who
37 is 18 years or older shall:

38 (a) Transmit to the investigation division and to the central repository
39 for Nevada records of criminal history:

40 (1) The initial report that contains identifying information concerning
41 the missing person within 72 hours after the receipt of that report; and

1 (2) Any subsequent report concerning the missing person within 5
2 working days after the receipt of that report if the report contains
3 additional identifying information concerning the missing person;

4 (b) Notify immediately such persons and make inquiries concerning the
5 missing person as the agency deems necessary; and

6 (c) Enter the information concerning the missing person into the
7 computer for the National Crime Information Center and the central
8 repository for Nevada records of criminal history, if appropriate.

9 3. The sheriff, chief of police or other law enforcement agency shall
10 request the written consent of the next of kin or guardian of a person who
11 has been reported to him as missing for 30 days or more to obtain certain
12 identifying information about the missing person that the National Crime
13 Information Center recommends be provided from the appropriate
14 providers of medical care. After receiving the written consent, the sheriff,
15 chief of police or other law enforcement agency shall obtain the
16 identifying information from the providers of medical care and forward
17 that information and any other relevant information to the investigation
18 division and to the central repository for Nevada records of criminal
19 history for comparison with the identifying information that is on file
20 concerning unidentified deceased persons. This subsection does not
21 prevent the voluntary release of identifying information about the missing
22 person by the next of kin or guardian of the missing person at any time.

23 4. The next of kin or guardian of the person reported as missing shall
24 promptly notify the appropriate law enforcement agency when the missing
25 person is found.

26 5. The sheriff, chief of police or other law enforcement agency shall
27 inform the investigation division, the central repository for Nevada records
28 of criminal history and the National Crime Information Center when a
29 missing person has been found.

30 6. The investigation division and the central repository for Nevada
31 records of criminal history shall:

32 (a) Maintain the records and other information forwarded to them
33 pursuant to subsections 1, 2 and 3 for the purpose of comparing the records
34 and otherwise assisting in the identification of dead bodies; and

35 (b) Upon request during a state of emergency *or declaration of disaster*
36 proclaimed pursuant to NRS 414.070, provide the records and other
37 information that are maintained pursuant to this subsection to the state
38 disaster identification team of the division of emergency management of
39 the department.

40 **Sec. 28.** 1. The terms of office of all members appointed to the
41 board of search and rescue who are incumbent on October 1, 1999, expire
42 on that date.

1 2. Not later than October 1, 1999, appointments to the board of search
2 and rescue required to be made pursuant to NRS 414.170, as amended by
3 section 14 of this act, must be made as follows:

4 (a) One member who is a representative of the Nevada Wing of the
5 Civil Air Patrol, one member who is a representative of the Nevada
6 National Guard, two members who are representatives of the Nevada
7 Sheriffs and Chiefs Association and one member who is a representative of
8 the health division of the department of human resources must be
9 appointed to terms expiring on October 1, 2000.

10 (b) Two members who are representatives of the Nevada Sheriffs and
11 Chiefs Association, one member who is a representative of the division of
12 forestry, one member who is a representative of a search and rescue
13 organization of a law enforcement agency and one member who is a
14 representative of the Nevada Fire Chiefs' Association must be appointed to
15 terms expiring on October 1, 2001.

16 3. A member of the board of search and rescue whose term of office
17 expires pursuant to subsection 1 may be appointed to succeed himself.

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