

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; transferring the responsibility to administer the emergency assistance account within the disaster relief fund from the state emergency response commission to the division of emergency management; 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.*

1 **Sec. 3. “Emergency” means an occurrence or threatened**
2 **occurrence for which, in the determination of the governor, the**
3 **assistance of state agencies is needed to supplement the efforts and**
4 **capabilities of political subdivisions to save lives, protect property and**
5 **protect the health and safety of persons in this state, or to avert the threat**
6 **of damage to property or injury to or the death of persons in this state.**

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

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

18 (a) To create a state agency for emergency management and to authorize
19 the creation of local organizations for emergency management in the
20 political subdivisions of the state.

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

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

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

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

37 414.035 “Emergency management” means the preparation for and the
38 carrying out of all emergency functions, other than functions for which
39 military forces are primarily responsible, to ~~prevent,~~ minimize **injury** and
40 repair ~~{injury and}~~ damage resulting from **emergencies or** disasters caused
41 by enemy attack, sabotage or other hostile action, ~~or~~ by fire, flood,
42 earthquake, **storm**, or other natural causes ~~;~~, **or by technological or**
43 **man-made catastrophes.** These functions include ~~fire fighting, police~~

1 ~~services, medical and health services, searches, rescues, engineering, air~~
2 ~~raid warning services, communications, radiological, chemical and other~~
3 ~~special weapons of defense, evacuation of persons from stricken areas,~~
4 ~~emergency welfare services (civilian war aid), emergency transportation,~~
5 ~~existing or properly assigned functions of plant protection, temporary~~
6 ~~restoration of public utility services, and other functions related to civilian~~
7 ~~protection, together with all other activities necessary or incidental to the~~
8 ~~preparation for and carrying out of the foregoing functions.], without~~
9 ~~limitation:~~

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

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

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

16 414.040 1. A division of emergency management is hereby created
17 within the department of motor vehicles and public safety. The chief of the
18 division is appointed by and holds office at the pleasure of the director of
19 the department of motor vehicles and public safety. The division is ***the***
20 ***state agency for emergency management and*** the state agency for civil
21 defense ~~[and the]~~ ***for the purposes of the compact ratified by the***
22 ***legislature pursuant to NRS 415.010. The*** chief is the state's director of
23 ~~[civil defense.]~~ ***emergency management and the state's director of civil***
24 ***defense for the purposes of that compact.***

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

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

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

to:

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

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

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

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

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

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

20 414.060 1. The governor is responsible for ~~the~~ carrying out ~~of~~ the
21 provisions of this chapter, and in the event of *an emergency or* disaster
22 beyond local control , may assume direct operational control over all or any
23 part of the functions of emergency management within this state.

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

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

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

34 (b) Prepare a comprehensive *state emergency management* plan and
35 *develop a* program for emergency management in this state to be integrated
36 into and coordinated with the plans of the Federal Government and of other
37 states for emergency management to the fullest possible extent, and
38 coordinate the preparation of plans and programs for emergency
39 management by the political subdivisions of this state to be integrated into
40 and coordinated with the plan and program of this state to the fullest
41 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 partial or full mobilization of organizations for emergency management in advance of *an* actual *emergency or* disaster, to ensure the ~~furnishing~~ *availability* of adequately trained and equipped forces in time of need.

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

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

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

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

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

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

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

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

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

(6) Public meetings or gatherings.

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

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

414.070 The provisions of this section are operative only during the existence of a state of emergency ~~or~~ *or declaration of disaster*. The existence of such an emergency *or disaster* may be proclaimed by the

1 governor or by resolution of the legislature if the governor in his
2 proclamation, or the legislature in its resolution, finds that an attack upon
3 the United States has occurred or is anticipated in the immediate future, or
4 that a natural , *technological or man-made emergency or* disaster of major
5 proportions has actually occurred within this state, and that the safety and
6 welfare of the inhabitants of this state require an invocation of the
7 provisions of this section. Any such emergency ~~or~~ *or disaster*, whether
8 proclaimed by the governor or by the legislature, terminates upon the
9 proclamation of the termination thereof by the governor, or the passage by
10 the legislature of a resolution terminating the emergency ~~or~~ *or disaster*.
11 During the period when ~~the~~ *a* state of emergency *or declaration of*
12 *disaster* exists or continues, the governor may exercise the following
13 additional ~~emergency~~ powers:

- 14 1. To enforce all laws and regulations relating to emergency
15 management and to assume direct operational control of any or all forces
16 ~~and helpers~~ , *including, without limitation, volunteers and auxiliary*
17 *staff* for emergency management in the state.
- 18 2. To sell, lend, lease, give, transfer or deliver materials or perform
19 services for the purpose of emergency management on such terms and
20 conditions as the governor prescribes and without regard to the limitations
21 of any existing law, and to account to the state treasurer for any funds
22 received for such property.
- 23 3. To procure, by purchase, condemnation, seizure or other means,
24 construct, lease, transport, store, maintain, renovate or distribute materials
25 and facilities for emergency management without regard to the limitations
26 of any existing law. He shall make compensation for the property so seized,
27 taken or condemned on the following basis:
 - 28 (a) ~~In case~~ *If* property is taken for temporary use, the governor, within
29 90 days ~~of~~ *after* the taking, shall fix the amount of compensation to be
30 paid therefor. If the property is returned to the owner in a damaged
31 condition, or is not returned to the owner, the governor shall fix within 90
32 days the amount of compensation to be paid for the damage or failure to
33 return ~~the~~ *the property*. Whenever the governor deems it advisable for the
34 state to take title to property taken under this section, he shall forthwith
35 cause the owner of such property to be notified thereof in writing by
36 registered or certified mail, postage prepaid, or by the best means available,
37 and forthwith cause to be filed a copy of the notice with the secretary of
38 state.
 - 39 (b) Within the 90-day period prescribed in paragraph (a) , the governor
40 shall make an offer in writing to the person or persons entitled to receive it
41 of the amount of money proposed to be paid as full compensation. If the
42 offer is accepted , ~~then~~ the money must be paid out of such fund, funds or
43 ~~such~~ *other* sources as are available and no further action either in law or

1 in equity may ever be maintained in connection therewith. If ~~[such]~~ **the**
2 offer of payment is refused, ~~[then]~~ the person or persons entitled thereto
3 have the same rights as plaintiffs in actions of eminent domain insofar as
4 the fixing of damages and compensation is concerned, NRS 37.060,
5 37.070, 37.080 and 37.090, so far as applicable, apply, and proceedings
6 must be had in conformity therewith so far as possible. Such action must be
7 commenced within 1 year after the receipt of **the** offer of settlement from
8 the governor.

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

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

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

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

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

1 2. In carrying out the provisions of this chapter , each political
2 subdivision in which any **emergency or** disaster described in NRS 414.020
3 occurs may enter into contracts and incur obligations necessary to combat
4 such ~~{a disaster, protecting}~~ **an emergency or disaster, protect** the health
5 and safety of persons and property ~~{, and providing}~~ **and provide**
6 emergency assistance to the victims of such ~~{a}~~ **an emergency or** disaster.
7 Each political subdivision may exercise the powers vested under this
8 section in the light of the exigencies of the extreme emergency ~~{situation}~~
9 **or disaster** without regard to time-consuming procedures and formalities
10 prescribed by law, except constitutional requirements, pertaining to the
11 performance of public work, entering into contracts, the incurring of
12 obligations, the employment of temporary workers, the rental of equipment,
13 the purchase of supplies and materials, the levying of taxes, and the
14 appropriation and expenditure of public funds.

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

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

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

28 414.110 1. All functions under this chapter and all other activities
29 relating to emergency management are hereby declared to be governmental
30 functions. Neither the state nor any political subdivision thereof nor other
31 agencies of the state or political subdivision thereof, nor except in cases of
32 willful misconduct, gross negligence, or bad faith, any worker complying
33 with or reasonably attempting to comply with this chapter, or any order or
34 regulation ~~{promulgated}~~ **adopted** pursuant to the provisions of this chapter,
35 or pursuant to any ordinance relating to ~~{black-out}~~ **any necessary**
36 **emergency procedures** or other precautionary measures enacted by any
37 political subdivision of the state, is liable for the death of or injury to
38 persons, or for damage to property, as a result of any such activity. The
39 provisions of this section do not affect the right of any person to receive
40 benefits to which he would otherwise be entitled under this chapter, or
41 under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of
42 NRS, or under any pension law, nor the right of any such person to receive
43 any benefits or compensation pursuant to any act of Congress.

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

3. As used in this section, ~~[the term]~~ "worker" includes **, without limitation,** any full-time or part-time paid, volunteer or auxiliary employee of this state, of any political subdivision thereof, of other states, territories, possessions or the District of Columbia, of the Federal Government, of any neighboring country, or of any political subdivision thereof, or of any agency or organization, performing services for emergency management at any place in this state subject to the order or control of, or pursuant to a request of, the state government or any political subdivision thereof.

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

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

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

414.135 1. There is hereby created the emergency assistance account within the disaster relief fund created pursuant to NRS 353.2735. Beginning with the fiscal year that begins on July 1, 1999, the state controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the disaster relief fund to the account in an amount not to exceed \$500,000.

2. The ~~[state emergency response commission]~~ **division of emergency management of the department of motor vehicles and public safety** shall administer the account. The ~~[commission]~~ **division** may adopt regulations authorized by this section before, on or after July 1, 1999.

3. All expenditures from the account must be approved in advance by the ~~[commission.]~~ **division.** Except as otherwise provided in subsection 4, all money in the account must be expended solely to:

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

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

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

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

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

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

6. The ~~{commission}~~ *division* shall adopt such regulations as are necessary to administer the account.

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

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

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

(a) ~~{One member who is a representative of the Nevada highway patrol;~~

~~—(b)}~~ One member who is a representative of the Nevada Wing of the Civil Air Patrol;

~~{(e)}~~ *(b)* One member who is a representative of the Nevada National Guard;

~~{(d)} One member who is a representative of the sheriffs of Nevada;~~

~~—(e)}~~ *(c) Four members who are representatives of the Nevada Sheriffs and Chiefs Association or its legal successor;*

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

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

1 ~~[(g)] (f)~~ One member who is a representative of ~~{organizations which~~
2 ~~specialize in}~~ a search and rescue ~~[-and~~
3 ~~-(h)] organization of a law enforcement agency; and~~

4 (g) One member who is a representative of the Nevada Fire Chiefs'
5 Association or its legal successor. If the association ceases to exist and no
6 legal successor is formed, the chief shall appoint one member who is a fire
7 chief.

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

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

10 414.200 The chief, with the advice of the board, shall appoint ~~{a}~~ **an**
11 **employee of the division of emergency management of the department of**
12 **motor vehicles and public safety as** coordinator of search and rescue.

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

14 414.210 The coordinator shall:

15 1. Identify, inventory and coordinate resources available for searches
16 and rescues;

17 2. Investigate and apply for grants and other financial assistance for
18 search and rescue;

19 3. Maintain statistics regarding searches and rescues;

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

22 5. Act as liaison with other states' operations involving searches and
23 rescues;

24 6. Provide assistance, upon request, to sheriffs during searches and
25 rescues;

26 7. Prepare a plan for searches and rescues;

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

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

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

31 414.220 The committee on training in search and rescue, consisting of
32 ~~{three}~~ **six** members appointed by the coordinator with the advice of the
33 board, is hereby created.

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

35 414.270 A state disaster identification team is hereby established
36 within the division of emergency management of the department of motor
37 vehicles and public safety. The chief:

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

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

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

2 414.280 The state disaster identification team shall:

3 1. Provide technical assistance and personnel to local authorities to
4 recover, identify and process deceased victims during a state of emergency
5 **~~H~~ or declaration of disaster.**

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

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

10 (b) Identify deceased victims by using, without limitation, latent
11 fingerprints and the forensic methods of dentistry, pathology and
12 anthropology.

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

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

15 414.290 The state disaster identification team may, during a state of
16 emergency **~~H~~ or declaration of disaster**, have access to:

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

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

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

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

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

27 414.300 The department of motor vehicles and public safety shall
28 adopt regulations to govern the state disaster identification team. The
29 regulations must include, without limitation:

30 1. Guidelines for the chief to:

31 (a) Assign persons to positions on the state disaster identification team;
32 and

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

35 2. Provisions governing the organization, administration and operation
36 of the state disaster identification team.

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

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

41 179A.075 1. The central repository for Nevada records of criminal
42 history is hereby created within the Nevada highway patrol division of the
43 department.

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

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

5 (b) Submit the information collected to the central repository in the
6 manner recommended by the advisory committee and approved by the
7 director of the department.

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

15 (a) Through an electronic network;

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

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

24 4. The division shall:

25 (a) Collect, maintain and arrange all information submitted to it relating
26 to:

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

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

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

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

38 5. The division may:

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

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

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

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

5 (2) With whom any agency of the state or any political subdivision
6 intends to enter into a relationship of employment or a contract for personal
7 services;

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

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

13 6. The central repository shall:

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

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

18 (c) Disseminate to federal agencies engaged in the collection of
19 statistical data relating to crime information which is contained in the
20 central repository.

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

22 (1) Has applied to the superintendent of public instruction for a
23 license;

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

25 (3) Is employed by a county school district,
26 and notify the superintendent of each county school district and the
27 superintendent of public instruction if the investigation of the central
28 repository indicates that the person has been convicted of a violation of
29 NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a
30 felony or any offense involving moral turpitude.

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

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

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

1 (f) Investigate the criminal history of each person who submits
2 fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or
3 449.179.

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

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

14 (i) Identify and review the collection and processing of statistical data
15 relating to criminal justice and delinquency of children by any agency
16 identified in subsection 2, and make recommendations for any necessary
17 changes in the manner of collecting and processing statistical data by any
18 such agency.

19 7. The central repository may:

20 (a) At the recommendation of the advisory committee and in the manner
21 prescribed by the director of the department, disseminate compilations of
22 statistical data and publish statistical reports relating to crime or
23 delinquency of children.

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

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

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

36 179A.100 1. The following records of criminal history may be
37 disseminated by an agency of criminal justice without any restriction
38 pursuant to this chapter:

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

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

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

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

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

6 (c) Reported to the central repository.

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

10 (a) Reflect convictions only; or

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

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

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

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

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

27 (c) The state gaming control board.

28 (d) The state board of nursing.

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

31 (f) A public administrator to carry out his duties as prescribed in chapter
32 253 of NRS.

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

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

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

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

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

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

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

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

14 (o) The division of child and family services of the department of human
15 resources and any county agency that is operated pursuant to NRS
16 432B.325 or authorized by a court of competent jurisdiction to receive and
17 investigate reports of abuse or neglect of children and which provides or
18 arranges for protective services for such children.

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

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

24 (r) The state disaster identification team of the division of emergency
25 management of the department of motor vehicles and public safety during a
26 state of emergency *or declaration of disaster* proclaimed pursuant to NRS
27 414.070.

28 6. Agencies of criminal justice in this state which receive information
29 from sources outside this state concerning transactions involving criminal
30 justice which occur outside Nevada shall treat the information as
31 confidentially as is required by the provisions of this chapter.

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

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

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

2 289.270 1. The following persons have the powers of a peace officer:

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

4 (b) The chiefs of the divisions of the department of motor vehicles and
5 public safety.

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

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

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

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

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

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

27 5. Members of the state disaster identification team of the division of
28 emergency management of the department of motor vehicles and public
29 safety who are, pursuant to NRS 414.270, activated by the chief of the
30 division during a state of emergency *or declaration of disaster* proclaimed
31 pursuant to NRS 414.070 to perform the duties of the state disaster
32 identification team, have the powers of peace officers in carrying out those
33 duties.

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

35 432.170 1. The attorney general shall:

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

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

39 2. The director is in the unclassified service of the state. ~~For the~~
40 ~~purposes of assisting~~ *To assist* the director in carrying out the provisions
41 of NRS 432.150 to 432.220, inclusive, the attorney general may appoint
42 such assistants or investigators as deemed necessary by the attorney
43 general.

1 3. The director may:

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

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

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

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

11 (4) Techniques for the investigation of cases involving missing or
12 exploited children.

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

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

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

20 (d) Enter into agreements with regional and national organizations for
21 assistance and exchange of information concerning missing or exploited
22 children.

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

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

29 5. The director shall, upon request during a state of emergency **or**
30 **declaration of disaster** proclaimed pursuant to NRS 414.070, provide
31 records regarding a missing child to the state disaster identification team of
32 the division of emergency management of the department of motor vehicles
33 and public safety.

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

35 481.245 1. When a coroner is unable to establish the identity of a
36 dead body by means other than by dental records, he shall have a dental
37 examination of the body made by a dentist. The dentist shall prepare a
38 record of his findings and forward it to the investigation division and to the
39 central repository for Nevada records of criminal history.

40 2. Each sheriff, chief of police or other law enforcement agency which
41 receives a report of a person missing under suspicious circumstances who is

42 18 years or older shall:

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

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

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

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

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

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

27 4. The next of kin or guardian of the person reported as missing shall
28 promptly notify the appropriate law enforcement agency when the missing
29 person is found.

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

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

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

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

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

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

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

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

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

21 **Sec. 29.** Section 11 of this act becomes effective at 12:01 a.m. on
22 October 1, 1999.