
SENATE BILL NO. 193—SENATORS RAWSON, O'DONNELL AND JACOBSEN

FEBRUARY 15, 1999

Referred to Committee on Finance

SUMMARY—Makes various changes relating to emergency management. (BDR 36-883)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

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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; limiting the amount of the balance remaining in the emergency assistance account within the disaster relief fund at the end of a fiscal year that may be allocated by the state emergency response commission; providing for the activation of the state disaster identification team of the division of emergency management of the department of motor vehicles and public safety upon the request of a political subdivision in certain circumstances; making an appropriation to the division; 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.** NRS 414.135 is hereby amended to read as follows:
2 414.135 1. There is hereby created the emergency assistance account
3 within the disaster relief fund created pursuant to NRS 353.2735.
4 Beginning with the fiscal year that begins on July 1, 1999, the state
5 controller shall, at the end of each fiscal year, transfer the interest earned
6 during the previous fiscal year on the money in the disaster relief fund to
7 the account in an amount not to exceed \$500,000.
8 2. The state emergency response commission shall administer the
9 account. The commission may adopt regulations authorized by this section
10 before, on or after July 1, 1999.
11 3. All expenditures from the account must be approved in advance by
12 the commission. Except as otherwise provided in subsection 4, all money in
13 the account must be expended solely to:

1 (a) Provide supplemental emergency assistance to this state or to local
2 governments in this state that are severely and adversely affected by a
3 natural or technological emergency or disaster for which available
4 resources of this state or the local government are inadequate to provide a
5 satisfactory remedy; and

6 (b) Pay any actual expenses incurred by the commission for
7 administration during a natural or technological emergency or disaster.

8 4. Beginning with the fiscal year that begins on July 1, 1999, if any
9 balance remains in the account at the end of a fiscal year and the balance
10 has not otherwise been committed for expenditure, the commission may,
11 with the approval of the interim finance committee, allocate all or any
12 portion of the remaining balance , **not to exceed \$250,000**, to this state or
13 to a local government to:

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

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

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

21 6. The commission shall adopt such regulations as are necessary to
22 administer the account.

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

30 **Sec. 2.** NRS 414.270 is hereby amended to read as follows:

31 414.270 A state disaster identification team is hereby established
32 within the division of emergency management of the department of motor
33 vehicles and public safety. The chief:

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

36 2. May activate such persons ~~[during a state of emergency proclaimed~~
37 ~~pursuant to NRS 414.070]~~ to perform the duties of the state disaster
38 identification team ~~[]~~ :

39 (a) ***During a state of emergency proclaimed pursuant to NRS 414.070;***
40 ***or***

41 (b) ***Upon the request of a political subdivision of this state if the chief***
42 ***determines that the political subdivision requires the services of the state***
43 ***disaster identification team.***

1 **Sec. 3.** NRS 414.280 is hereby amended to read as follows:

2 414.280 ~~{The}~~ **Upon activation, the** state disaster identification team
3 shall:

4 1. Provide technical assistance and personnel to local authorities to
5 recover, identify and process deceased victims . ~~{during a state of~~
6 ~~emergency.}~~

7 2. Within 2 hours after ~~{the notification of a state of emergency,}~~
8 **activation**, begin to identify and report to the chief the need for medical
9 and health services to:

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

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

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

15 **Sec. 4.** NRS 414.290 is hereby amended to read as follows:

16 414.290 ~~{The}~~ **In carrying out its duties pursuant to NRS 414.280,**
17 **the** state disaster identification team may ~~{, during a state of emergency,}~~
18 have access to:

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

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

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

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

28 **Sec. 5.** NRS 414.300 is hereby amended to read as follows:

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

32 1. Guidelines for the chief to:

33 (a) Assign persons to positions on the state disaster identification team;
34 and

35 (b) Determine which members of the state disaster identification team
36 may be activated ~~{during a state of emergency.}~~ **pursuant to NRS 414.270.**

37 2. Provisions governing the organization, administration and operation
38 of the state disaster identification team.

39 3. The compensation, if any, to be paid by the department to a member
40 of the state disaster identification team who is activated ~~{during a state of~~
41 ~~emergency.}~~ **pursuant to NRS 414.270.**

1 **Sec. 6.** NRS 179A.075 is hereby amended to read as follows:

2 179A.075 1. The central repository for Nevada records of criminal
3 history is hereby created within the Nevada highway patrol division of the
4 department.

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

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

9 (b) Submit the information collected to the central repository in the
10 manner recommended by the advisory committee and approved by the
11 director of the department.

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

19 (a) Through an electronic network;

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

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

28 4. The division shall:

29 (a) Collect, maintain and arrange all information submitted to it relating
30 to:

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

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

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

37 (c) Upon request, ~~[during a state of emergency proclaimed pursuant to~~
38 ~~NRS 414.070,]~~ provide the information that is contained in the central
39 repository to the state disaster identification team of the division of
40 emergency management of the department of motor vehicles and public
41 safety.

1 5. The division may:

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

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

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

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

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

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

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

18 6. The central repository shall:

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

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

23 (c) Disseminate to federal agencies engaged in the collection of
24 statistical data relating to crime information which is contained in the
25 central repository.

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

27 (1) Has applied to the superintendent of public instruction for a
28 license;

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

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

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

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

39 (2) Employed by a county school district whose fingerprints were sent
40 previously to the central repository for investigation,
41 who the central repository's records indicate have been convicted of a
42 violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or
43 convicted of a felony or any offense involving moral turpitude since the

1 central repository's initial investigation. The superintendent of each county
2 school district shall determine whether further investigation or action by the
3 district is appropriate.

4 (f) Investigate the criminal history of each person who submits
5 fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or
6 449.179.

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

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

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

22 7. The central repository may:

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

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

36 8. As used in this section, "advisory committee" means the committee
37 established by the director of the department pursuant to NRS 179A.078.

38 **Sec. 7.** NRS 179A.100 is hereby amended to read as follows:

39 179A.100 1. The following records of criminal history may be
40 disseminated by an agency of criminal justice without any restriction
41 pursuant to this chapter:

- 1 (a) Any which reflect records of conviction only; and
- 2 (b) Any which pertain to an incident for which a person is currently
- 3 within the system of criminal justice, including parole or probation.
- 4 2. Without any restriction pursuant to this chapter, a record of criminal
- 5 history or the absence of such a record may be:
- 6 (a) Disclosed among agencies which maintain a system for the mutual
- 7 exchange of criminal records.
- 8 (b) Furnished by one agency to another to administer the system of
- 9 criminal justice, including the furnishing of information by a police
- 10 department to a district attorney.
- 11 (c) Reported to the central repository.
- 12 3. An agency of criminal justice shall disseminate to a prospective
- 13 employer, upon request, records of criminal history concerning a
- 14 prospective employee or volunteer which:
- 15 (a) Reflect convictions only; or
- 16 (b) Pertain to an incident for which the prospective employee or
- 17 volunteer is currently within the system of criminal justice, including parole
- 18 or probation.
- 19 4. The central repository shall disseminate to a prospective or current
- 20 employer, upon request, information relating to sexual offenses concerning
- 21 an employee, prospective employee, volunteer or prospective volunteer
- 22 who gives his written consent to the release of that information.
- 23 5. Records of criminal history must be disseminated by an agency of
- 24 criminal justice upon request, to the following persons or governmental
- 25 entities:
- 26 (a) The person who is the subject of the record of criminal history for
- 27 the purposes of NRS 179A.150.
- 28 (b) The person who is the subject of the record of criminal history or his
- 29 attorney of record when the subject is a party in a judicial, administrative,
- 30 licensing, disciplinary or other proceeding to which the information is
- 31 relevant.
- 32 (c) The state gaming control board.
- 33 (d) The state board of nursing.
- 34 (e) The private investigator's licensing board to investigate an applicant
- 35 for a license.
- 36 (f) A public administrator to carry out his duties as prescribed in chapter
- 37 253 of NRS.
- 38 (g) A public guardian to investigate a ward or proposed ward or persons
- 39 who may have knowledge of assets belonging to a ward or proposed ward.
- 40 (h) Any agency of criminal justice of the United States or of another
- 41 state or the District of Columbia.

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

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

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

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

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

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

21 (o) The division of child and family services of the department of human
22 resources and any county agency that is operated pursuant to NRS
23 432B.325 or authorized by a court of competent jurisdiction to receive and
24 investigate reports of abuse or neglect of children and which provides or
25 arranges for protective services for such children.

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

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

31 (r) The state disaster identification team of the division of emergency
32 management of the department of motor vehicles and public safety . ~~during~~
33 ~~a state of emergency proclaimed pursuant to NRS 414.070.]~~

34 6. Agencies of criminal justice in this state which receive information
35 from sources outside this state concerning transactions involving criminal
36 justice which occur outside Nevada shall treat the information as
37 confidentially as is required by the provisions of this chapter.

38 **Sec. 8.** NRS 289.270 is hereby amended to read as follows:

39 289.270 1. The following persons have the powers of a peace officer:

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

1 (b) The chiefs of the divisions of the department of motor vehicles and
2 public safety.

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

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

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

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

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

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

24 5. Members of the state disaster identification team of the division of
25 emergency management of the department of motor vehicles and public
26 safety who are, pursuant to NRS 414.270, activated by the chief of the
27 division ~~[during a state of emergency proclaimed pursuant to NRS~~
28 ~~414.070]~~ to perform the duties of the state disaster identification team, have
29 the powers of peace officers in carrying out those duties.

30 **Sec. 9.** NRS 432.170 is hereby amended to read as follows:

31 432.170 1. The attorney general shall:

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

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

35 2. The director is in the unclassified service of the state. For the
36 purposes of assisting the director in carrying out the provisions of NRS
37 432.150 to 432.220, inclusive, the attorney general may appoint such
38 assistants or investigators as deemed necessary by the attorney general.

39 3. The director may:

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

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

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

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

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

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

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

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

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

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

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

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

29 **Sec. 10.** 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 is
37 18 years or older shall:

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 11.** 1. There is hereby appropriated from the state general fund
2 to the division of emergency management of the department of motor
3 vehicles and public safety the sum of \$90,000 for training, supplies and
4 statewide activities related to emergency management.
5 2. Any remaining balance of the appropriation made in subsection 1
6 must not be committed for expenditure after July 1, 2001, and reverts to the
7 state general fund as soon as all payments of money committed have been
8 made.

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