

Senate Bill No. 193–Senators Rawson, O’Donnell and Jacobsen

CHAPTER.....

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 various changes to provisions relating to the disaster relief fund; making appropriations to the division for certain purposes; and providing other matters properly relating thereto.

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

Section 1. 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 civil defense and the chief is the state’s director of civil defense.

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. To facilitate the development of a comprehensive, coordinated approach to emergency management, the chief may develop an integrated process, using the partnership of governmental entities, business and industry and other interested persons, for the mitigation of, preparation for, response to and recovery from emergencies. In developing this process, he may suggest 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 occurs by fostering the adoption of plans for emergency operations, the training of necessary personnel and the acquisition of necessary resources;

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

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

5. The division shall perform the duties required pursuant to section 13 of this act at the request of a state agency or local government.

Sec. 2. 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 division of emergency management of the department of motor vehicles and public safety shall administer the account. The 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 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, 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 division for administration during a natural, 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 division may, with the approval of the interim finance committee, allocate all or any portion of the remaining balance, ***, not to exceed \$250,000,*** 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 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 division shall adopt such regulations as are necessary to administer the account.

7. The division may adopt regulations to provide for reimbursement of expenditures made from the account. If the 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 division.

Sec. 3. NRS 414.270 is hereby amended to read as follows:

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

1. Shall assign persons with expertise in various fields to the state disaster identification team; and
2. May activate such persons ~~[during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070]~~ to perform the duties of the state disaster identification team ~~[]~~ :

(a) During a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070; or

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

Sec. 4. NRS 414.280 is hereby amended to read as follows:

414.280 ~~[The]~~ *Upon activation, the* state disaster identification team shall:

1. Provide technical assistance and personnel to local authorities to recover, identify and process deceased victims . ~~[during a state of emergency or declaration of disaster.]~~
2. Within 2 hours after ~~[the notification of a state of emergency or declaration of disaster and at the request of the chief,]~~ *activation,* begin to identify and report to the chief the need for medical and health services to:
 - (a) Establish temporary facilities to be used as a morgue.
 - (b) Identify deceased victims by using, without limitation, latent fingerprints and the forensic methods of dentistry, pathology and anthropology.
 - (c) Process and dispose of the remains of deceased victims.

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

414.290 ~~[The]~~ *In carrying out its duties pursuant to NRS 414.280, the* state disaster identification team may ~~[, during a state of emergency or declaration of disaster,]~~

1. The information that is contained in the central repository for Nevada records of criminal history pursuant to NRS 179A.075.
2. The records of criminal history maintained by an agency of criminal justice pursuant to NRS 179A.100.
3. The records of missing children maintained by the attorney general pursuant to NRS 432.170.
4. The records and information concerning missing persons maintained by the investigation division of the department of motor vehicles and public safety pursuant to NRS 481.245.

Sec. 6. NRS 414.300 is hereby amended to read as follows:

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

1. Guidelines for the chief to:

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

(b) Determine which members of the state disaster identification team may be activated ~~[during a state of emergency or declaration of disaster.]~~ **pursuant to NRS 414.270.**

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

3. The compensation, if any, to be paid by the department to a member of the state disaster identification team who is activated ~~[during a state of emergency or declaration of disaster.]~~ **pursuant to NRS 414.270.**

Sec. 7. NRS 179A.075 is hereby amended to read as follows:

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

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

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

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

3. Each agency of criminal justice shall submit the information relating to sexual offenses and other records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense, to the division in the manner prescribed by the director of the department. The information must be submitted to the division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the director of the department, within the period prescribed by the director of the department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the division. The division shall delete all references in the central repository relating to that particular arrest.

4. The division shall, in the manner prescribed by the director of the department:

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

- (1) Sexual offenses and other records of criminal history; and
- (2) The genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him.

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

5. The division may:

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

(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the central repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

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

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

6. The central repository shall:

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

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

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

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

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

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

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

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

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

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

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

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

(h) On or before July 1 of each year, prepare and submit to the director of the legislative counsel bureau, for submission to the legislature, or the legislative commission when the legislature is not in regular session, a report containing statistical data about domestic violence in this state.

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

7. The central repository may:

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

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The central repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the state disaster identification team of the division of emergency management of the

department of motor vehicles and public safety. All money collected pursuant to this paragraph must be used to pay for the cost of operating the central repository.

(c) In the manner prescribed by the director of the department, use electronic means to receive and disseminate information contained in the central repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Advisory committee" means the committee established by the director of the department pursuant to NRS 179A.078.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

Sec. 8. NRS 179A.100 is hereby amended to read as follows:

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

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

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

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

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

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

(c) Reported to the central repository.

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

(a) Reflect convictions only; or

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

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

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

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

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

(c) The state gaming control board.

(d) The state board of nursing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 9. NRS 289.270 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

5. Members of the state disaster identification team of the division of emergency management of the department of motor vehicles and public safety who are, pursuant to NRS 414.270, activated by the chief of the division ~~Iduring a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070]~~ to perform the duties of the state disaster identification team, have the powers of peace officers in carrying out those duties.

Sec. 10. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 11, 12 and 13 of this act.

Sec. 11. *“Division” means the division of emergency management of the department of motor vehicles and public safety.*

Sec. 12. *A local government may request a grant or loan from the fund if:*

1. Pursuant to NRS 414.090, the governing body of the local government determines that an event which has occurred constitutes a disaster; and

2. After the division conducts a preliminary assessment of the damages pursuant to section 13 of this act, the division determines that an event has occurred that constitutes a disaster.

Sec. 13. *1. A state agency or local government may request the division to conduct a preliminary assessment of the damages related to an event for which the state agency or local government seeks a grant or loan from the fund.*

2. Upon receipt of such a request, the division shall investigate the event or cause the event to be investigated to make a preliminary assessment of the damages related to the event and shall make or cause to be made a written report of the damages related to the event.

3. As soon as practicable after completion of the investigation and preparation of the report of damages, the division shall:

(a) Determine whether the event constitutes a disaster for which the state agency or local government may seek a grant or loan from the fund; and

(b) Submit the report prepared pursuant to this section and its written determination regarding whether the event constitutes a disaster to the state agency or local government.

4. The division shall prescribe by regulation the information that must be included in a report of damages, including, without limitation, a description of the damage caused by the event, an estimate of the costs to repair such damage and a specification of whether the purpose of the project is for repair or replacement, emergency response or mitigation.

Sec. 14. NRS 353.2705 is hereby amended to read as follows:

353.2705 As used in NRS 353.2705 to 353.2771, inclusive, *and sections 11, 12 and 13 of this act*, unless the context otherwise requires, the words and terms defined in NRS 353.271 to 353.2731, inclusive, *and section 11 of this act*, have the meanings ascribed to them in those sections.

Sec. 15. NRS 353.271 is hereby amended to read as follows:

353.271 “Disaster” means a fire, flood, earthquake, drought, explosion, civil disturbance or any other occurrence or threatened occurrence that, regardless of cause:

1. Results in, or may result in, widespread or severe damage to property or injury to or the death of persons in this state; and

2. As determined by ~~the governor,~~

(a) The governor; or

(b) The governing body of a local government pursuant to NRS 414.090 and the division pursuant to section 13 of this act,

requires immediate action to protect the health, safety and welfare of the residents of this state.

Sec. 16. NRS 353.2735 is hereby amended to read as follows:

353.2735 1. The disaster relief fund is hereby created as a special revenue fund. The interim finance committee shall administer the fund. Except as otherwise provided in subsection 2, money received from:

(a) A direct legislative appropriation to the fund;
(b) A transfer of one-half of the interest earned on money in the fund to stabilize the operation of state government made pursuant to NRS 353.288;
and

(c) A grant, gift or donation to the fund,
must be deposited in the fund. Except as otherwise provided in NRS 414.135, the interest and income earned on the money in the fund must, after deducting any applicable charges, be credited to the fund.

2. If, at the end of each quarter of a fiscal year, the balance in the fund exceeds 0.75 percent of the total amount of all appropriations from the state general fund for the operation of all departments, institutions and agencies of state government and authorized expenditures from the state general fund for the regulation of gaming for that fiscal year, the state controller shall not, until the balance in the fund is 0.75 percent or less of that amount, transfer any interest earned on money in the fund to stabilize the operation of state government from the state general fund to the fund pursuant to the provisions of NRS 353.288.

3. Money in the fund may be distributed through grants and loans to state agencies and local governments as provided in NRS 353.2705 to 353.2771, inclusive ~~H~~, *and sections 11, 12 and 13 of this act. Except as otherwise provided in NRS 353.276, such grants will be disbursed on the basis of reimbursement of costs authorized pursuant to NRS 353.274 and 353.2745.*

4. If the governor declares a disaster, the state board of examiners shall estimate:

(a) The money in the fund that is available for grants and loans for the disaster pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive ~~H~~, *and sections 11, 12 and 13 of this act;* and

(b) The anticipated amount of those grants and loans for the disaster. Except as otherwise provided in this subsection, if the anticipated amount determined pursuant to paragraph (b) exceeds the available money in the fund for such grants and loans, all grants and loans from the fund for the disaster must be reduced in the same proportion that the anticipated amount of the grants and loans exceeds the money in the fund that is available for grants and loans for the disaster. If the reduction of a grant or loan from the fund would result in a reduction in the amount of money that may be received by a state agency or local government from the Federal Government, the reduction in the grant or loan must not be made.

Sec. 17. NRS 353.274 is hereby amended to read as follows:

353.274 Money in the fund may be distributed as a grant to a state agency because of a disaster for the payment of expenses incurred by the state agency for:

1. The repair or replacement of **public** roads, **public** streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the state and damaged by the disaster;
2. Any emergency measures undertaken to save lives, protect public health and safety or protect **public** property in the jurisdiction in which the disaster occurred;
3. The removal of debris from publicly or privately owned land and waterways undertaken because of the disaster; and
4. The administration of a disaster assistance program.

Sec. 18. NRS 353.2745 is hereby amended to read as follows:

353.2745 Money in the fund may be distributed as a grant to a local government because of a disaster for:

1. The payment of **not more than 50 percent of the** expenses incurred by the local government for:

- (a) The repair or replacement of **public** roads, **public** streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the disaster; and

- (b) Any emergency measures undertaken to save lives, protect public health and safety or protect **public** property in the jurisdiction in which the disaster occurred; and

2. The payment of not more than 50 percent of any grant match the local government must provide to obtain a grant from a federal disaster assistance agency for an eligible project to repair damage caused by the disaster within the jurisdiction of the local government.

Sec. 19. NRS 353.2751 is hereby amended to read as follows:

353.2751 Money in the fund may be distributed as a loan to a local government because of a disaster for:

1. The payment of expenses incurred by the local government for:

- (a) The repair or replacement of **public** roads, **public** streets, bridges, water control facilities, public buildings, public utilities, recreational facilities and parks owned by the local government and damaged by the disaster;

- (b) Any overtime worked by an employee of the local government because of the disaster or any other extraordinary expenses incurred by the local government because of the disaster; and

- (c) Any projects to reduce or prevent the possibility of damage to persons or property from similar disasters in the future; and

2. The payment of not more than 50 percent of any grant match the local government must provide to obtain a grant from a federal disaster assistance agency for an eligible project to repair damage caused by the disaster within the jurisdiction of the local government. Before a loan may be distributed to a local government pursuant to this subsection:

- (a) The interim finance committee must make a determination that the local government is currently unable to meet its financial obligations; and

(b) The local government must execute a loan agreement in which the local government agrees to:

(1) Use the money only for the purpose of paying the grant match; and

(2) Repay the entire amount of the loan, without any interest or other charges, to the disaster relief fund not later than 10 years after the date on which the agreement is executed.

Sec. 20. NRS 353.2755 is hereby amended to read as follows:

353.2755 1. A state agency or local government may submit a request to the state board of examiners for a grant or loan from the fund as provided in NRS 353.2705 to 353.2771, inclusive, *and sections 11, 12 and 13 of this act*, if:

(a) The agency or local government finds that, because of a disaster, it is unable to pay for an expense or grant match specified in NRS 353.274, 353.2745 or 353.2751 from money appropriated or otherwise available to the agency or local government; ~~and~~

(b) The request has been approved by the chief administrative officer of the state agency or the governing body of the local government ~~and~~; *and*

(c) If the requester is an incorporated city, the city has requested financial assistance from the county and was denied all or a portion of the requested assistance.

2. A request for a grant or loan submitted pursuant to subsection 1 must *be made within 60 days after the disaster and must* include:

(a) A statement setting forth the amount of money requested by the state agency or local government;

(b) An assessment of the need of the state agency or local government for the money requested;

(c) If the request is submitted by a local government that has established a fund pursuant to NRS 354.6115 to mitigate the effects of a natural disaster, a statement of the amount of money that is available in that fund, if any, for the payment of expenses incurred by the local government as a result of a disaster; ~~and~~

(d) A determination of the type, value and amount of resources the state agency or local government may be required to provide as a condition for the receipt of a grant or loan from the fund ~~and~~;

(e) A written report of damages prepared by the division and the written determination made by the division that the event constitutes a disaster pursuant to section 13 of this act; and

(f) If the requester is an incorporated city, all documents which relate to a request for assistance submitted to the board of county commissioners of the county in which the city is located.

Any additional documentation relating to the request that is requested by the state board of examiners must be submitted within 6 months after the disaster unless the state board of examiners and the interim finance committee grants an extension.

3. Upon the receipt of a **complete** request for a grant or loan submitted pursuant to subsection 1, the state board of examiners:

(a) Shall consider the request; and

(b) May require any additional information that it determines is necessary to make a recommendation.

4. If the state board of examiners finds that a grant or loan is appropriate, it shall include in its recommendation to the interim finance committee the proposed amount of the grant or loan. ***If the state board of examiners recommends a grant, it shall include a recommendation regarding whether or not the state agency or local government requires an advance to avoid severe financial hardship.*** If the state board of examiners recommends a loan for a local government, it shall include the information required pursuant to subsection 1 of NRS 353.2765. If the state board of examiners finds that a grant or loan is not appropriate, it shall include in its recommendation the reason for its determination.

5. The provisions of this section do not prohibit a state agency or local government from submitting more than one request for a grant or loan from the fund.

6. As used in this section, the term "natural disaster" has the meaning ascribed to it in NRS 354.6115.

Sec. 21. NRS 353.276 is hereby amended to read as follows:

353.276 1. The state board of examiners shall submit a recommendation for each request for a grant or loan made pursuant to NRS 353.2755 to the director of the legislative counsel bureau. Upon receipt of the recommendation, the director shall notify the chairman of the interim finance committee of that recommendation. The chairman shall call a meeting of the committee to consider the recommendation.

2. The interim finance committee may reject any recommendation of the state board of examiners and independently evaluate and act upon any request submitted pursuant to NRS 353.2755.

3. If the interim finance committee finds that a grant or loan from the fund is appropriate and may be made in accordance with the provisions of NRS 353.2705 to 353.2771, inclusive, ***and sections 11, 12 and 13 of this act,*** it shall, by resolution:

(a) Establish the amount and purpose of the grant or loan . ~~§ and~~

~~—(b) Provide]~~

(b) Except as otherwise provided in this paragraph, provide for the transfer of that amount from the fund to the appropriate state agency or local government. If the request is for a grant, the interim finance committee shall authorize disbursement of the grant from the fund on the basis of reimbursement for costs unless it determines that disbursement in that manner would cause severe financial hardship to the state agency or local government. If the interim finance committee determines that disbursement on the basis of reimbursement of costs would cause severe

financial hardship, the interim finance committee may authorize an advance of money to the state agency or local government in an amount not to exceed 25 percent of the total estimated cost of the projects for which the grant is requested.

4. No grant or loan from the fund may be made by the interim finance committee to increase the salaries of any officers or employees of the state or a local government.

Sec. 22. NRS 432.170 is hereby amended to read as follows:

432.170 1. The attorney general shall:

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

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

2. The director is in the unclassified service of the state. To assist the director in carrying out the provisions of NRS 432.150 to 432.220, inclusive, the attorney general may appoint such assistants or investigators as deemed necessary by the attorney general.

3. The director may:

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

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

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

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

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

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

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

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

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

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

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

5. The director shall, upon request, ~~[(during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070,)]~~ provide records regarding a missing child to the state disaster identification team of the division of emergency management of the department of motor vehicles and public safety.

Sec. 23. NRS 481.245 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 24. Section 22 of Assembly Bill No. 626 of this session is hereby amended to read as follows:

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

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

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

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

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

3. Each agency of criminal justice shall submit the information relating to sexual offenses and other records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense, to the division in the manner prescribed by the director of the department. The information must be submitted to the division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the director of the department, within the period prescribed by the director of the department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the division. The division shall delete all references in the central repository relating to that particular arrest.

4. The division shall, in the manner prescribed by the director of the department:

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

- (1) Sexual offenses and other records of criminal history; and
- (2) The genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him.

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

5. The division may:

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

(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the central repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

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

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

6. The central repository shall:

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

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

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

- (d) Investigate the criminal history of any person who:
 - (1) Has applied to the superintendent of public instruction for a license;
 - (2) Has applied to a county school district for employment; or
 - (3) Is employed by a county school district,and notify the superintendent of each county school district and the superintendent of public instruction if the investigation of the central repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.
- (e) Upon discovery, notify the superintendent of each county school district by providing him with a list of all persons:
 - (1) Investigated pursuant to paragraph (d); or
 - (2) Employed by a county school district whose fingerprints were sent previously to the central repository for investigation, who the central repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the central repository's initial investigation. The superintendent of each county school district shall determine whether further investigation or action by the district is appropriate.
- (f) Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or 449.179.
- (g) On or before July 1 of each year, prepare and present to the governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the governor throughout the year regarding specific areas of crime if they are recommended by the advisory committee and approved by the director of the department.
- (h) On or before July 1 of each year, prepare and submit to the director of the legislative counsel bureau, for submission to the legislature, or the legislative commission when the legislature is not in regular session, a report containing statistical data about domestic violence in this state.
- (i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2, and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The central repository may:

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

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

(c) In the manner prescribed by the director of the department, use electronic means to receive and disseminate information contained in the central repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Advisory committee" means the committee established by the director of the department pursuant to NRS 179A.078.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

Sec. 25. 1. There is hereby appropriated from the state general fund to the division of emergency management of the department of motor vehicles and public safety the sum of \$90,000 for training, supplies and statewide activities related to emergency management.

2. Any remaining balance of the appropriation made in subsection 1 must not be committed for expenditure after July 1, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 26. 1. There is hereby appropriated from the state general fund to the division of emergency management of the department of motor vehicles and public safety the sum of \$30,000 for contract computer programming assistance on software relating to emergency management.

2. Any remaining balance of the appropriation made in subsection 1 must not be committed for expenditure after July 1, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 27. 1. This section and section 26 of this act become effective upon passage and approval.

2. Sections 1, 10 to 21, inclusive, 24 and 25 of this act become effective on October 1, 1999.

3. Sections 2 to 9, inclusive, 22 and 23 of this act become effective at 12:01 a.m. on October 1, 1999.

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