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FIRST REPRINT

EXEMPT

S.B. 306

SENATE BILL NO. 306—SENATORS RAWSON AND JACOBSEN

MARCH 9, 2001

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to emergency management. (BDR 18-1231)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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; abolishing the division of emergency management of the department of motor vehicles and public safety; creating an office of emergency management in the office of the governor for administration and enforcement of provisions relating to the management of emergencies in this state; creating the position of director of the office 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 223 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. The office of emergency management is hereby created within the***
4 ***office of the governor. The governor shall appoint a director of the office***
5 ***of emergency management and shall prescribe the terms and conditions***
6 ***of employment for the director. The director:***
7 ***(a) Serves at the pleasure of the governor; and***
8 ***(b) Is in the unclassified service of the state.***
9 ***2. The office of emergency management is the state agency for***
10 ***emergency management and the state agency for civil defense for the***
11 ***purposes of the compact ratified by the legislature pursuant to NRS***
12 ***415.010. The director is the state's director of emergency management***
13 ***and the state's director of civil defense for the purposes of that compact.***
14 ***3. The director may employ technical, clerical, stenographic and***
15 ***other personnel as may be required, and may make such expenditures***
16 ***therefor and for other expenses of his office within the appropriation***
17 ***therefor, or from other money made available to him for purposes of***
18 ***emergency management, as may be necessary to carry out the purposes***
19 ***of this chapter.***
20 ***4. The office of emergency management shall:***



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1 (a) Perform the duties required pursuant to NRS 353.2753 at the
2 request of a state agency or local government; and

3 (b) Administer and enforce the provisions of chapter 414 of NRS and
4 perform such duties and exercise such powers as may be conferred upon
5 it pursuant to chapter 414 of NRS and the provisions of any other laws.

6 5. Money collected or received by the office of emergency
7 management must be deposited with the state treasurer for credit to an
8 appropriate account of the office of emergency management.

9 Sec. 2. NRS 233F.170 is hereby amended to read as follows:

10 233F.170 In the event of any emergency, the governor may direct the
11 ~~{division} office~~ of emergency management ~~{of the department of motor~~
12 ~~vehicles and public safety}~~ created pursuant to section 1 of this act to
13 assume control over all or part of the state communications system.

14 Sec. 3. NRS 179A.075 is hereby amended to read as follows:

15 179A.075 1. The central repository for Nevada records of criminal
16 history is hereby created within the Nevada highway patrol division of the
17 department.

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

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

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

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

32 (a) Through an electronic network;

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

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

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

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

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

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



* S B 3 0 6 R 1 *

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

4 (c) Upon request, provide the information that is contained in the central
5 repository to the state disaster identification team of the ~~{division}~~ office of
6 emergency management ~~{of the department of motor vehicles and public~~
7 ~~safety}~~ *created pursuant to section 1 of this act.*

8 5. The division may:

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

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

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

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

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

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

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

30 6. The central repository shall:

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

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

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

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

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

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

42 (3) Is employed by a county school district,

43 and notify the superintendent of each county school district and the
44 superintendent of public instruction if the investigation of the central
45 repository indicates that the person has been convicted of a violation of
46 NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a
47 felony or any offense involving moral turpitude.

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



- 1 (1) Investigated pursuant to paragraph (d); or
2 (2) Employed by a county school district whose fingerprints were
3 sent previously to the central repository for investigation,
4 who the central repository's records indicate have been convicted of a
5 violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or
6 convicted of a felony or any offense involving moral turpitude since the
7 central repository's initial investigation. The superintendent of each county
8 school district shall determine whether further investigation or action by
9 the district is appropriate.
- 10 (f) Investigate the criminal history of each person who submits
11 fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or
12 449.179.
- 13 (g) On or before July 1 of each year, prepare and present to the
14 governor a printed annual report containing the statistical data relating to
15 crime received during the preceding calendar year. Additional reports may
16 be presented to the governor throughout the year regarding specific areas
17 of crime if they are recommended by the advisory committee and approved
18 by the director of the department.
- 19 (h) On or before July 1 of each year, prepare and submit to the director
20 of the legislative counsel bureau, for submission to the legislature, or the
21 legislative commission when the legislature is not in regular session, a
22 report containing statistical data about domestic violence in this state.
- 23 (i) Identify and review the collection and processing of statistical data
24 relating to criminal justice and the delinquency of children by any agency
25 identified in subsection 2, and make recommendations for any necessary
26 changes in the manner of collecting and processing statistical data by any
27 such agency.
- 28 7. The central repository may:
- 29 (a) At the recommendation of the advisory committee and in the manner
30 prescribed by the director of the department, disseminate compilations of
31 statistical data and publish statistical reports relating to crime or the
32 delinquency of children.
- 33 (b) Charge a reasonable fee for any publication or special report it
34 distributes relating to data collected pursuant to this section. The central
35 repository may not collect such a fee from an agency of criminal justice,
36 any other agency dealing with crime or the delinquency of children which
37 is required to submit information pursuant to subsection 2 or the state
38 disaster identification team of the ~~division~~ *office* of emergency
39 management ~~of the department of motor vehicles and public safety.~~
40 *created pursuant to section 1 of this act.* All money collected pursuant to
41 this paragraph must be used to pay for the cost of operating the central
42 repository.
- 43 (c) In the manner prescribed by the director of the department, use
44 electronic means to receive and disseminate information contained in the
45 central repository that it is authorized to disseminate pursuant to the
46 provisions of this chapter.
- 47 8. As used in this section:
- 48 (a) "Advisory committee" means the committee established by the
49 director of the department pursuant to NRS 179A.078.



* S B 3 0 6 R 1 *

(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. 4. 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.



* S B 3 0 6 R 1 *

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

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

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

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

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

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

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

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

25 (o) The division of child and family services of the department of
26 human resources and any county agency that is operated pursuant to NRS
27 432B.325 or authorized by a court of competent jurisdiction to receive and
28 investigate reports of abuse or neglect of children and which provides or
29 arranges for protective services for such children.

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

32 (q) An agency of this or any other state or the Federal Government that
33 is conducting activities pursuant to Part D of Title IV of the Social Security
34 Act, ~~42 U.S.C. §§ 651 et seq. D-1~~

35 (r) The state disaster identification team of the ~~division~~ *office* of
36 emergency management ~~of the department of motor vehicles and public~~
37 ~~safety~~ *created pursuant to section 1 of this act.*

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

42 **Sec. 5.** NRS 179A.140 is hereby amended to read as follows:

43 179A.140 1. An agency of criminal justice may charge a reasonable
44 fee for information relating to sexual offenses or other records of criminal
45 history furnished to any person or governmental entity except another
46 agency of criminal justice and the state disaster identification team of the
47 ~~division~~ *office* of emergency management ~~of the department of motor~~
48 ~~vehicles and public safety~~ *created pursuant to section 1 of this act.* The
49 central repository shall not charge such a fee for information relating to a



1 person regarding whom the central repository furnished a similar report
2 within the immediately preceding 6 months in conjunction with the
3 application by that person for professional licensure.

4 2. All money received or collected by the department pursuant to this
5 section must be used to defray the cost of operating the central repository.

6 **Sec. 6.** NRS 284.140 is hereby amended to read as follows:

7 284.140 The unclassified service of the state consists of the following
8 state officers or employees in the executive department of the state
9 government who receive annual salaries for their service:

10 1. Members of boards and commissions, and heads of departments,
11 agencies and institutions required by law to be appointed.

12 2. Except as otherwise provided in section 3 of *Senate Bill No. 401 of*
13 *this ~~last~~ session* and NRS 223.085 and 223.570, all persons required by
14 law to be appointed by the governor or heads of departments or agencies
15 appointed by the governor or by boards.

16 3. All employees other than clerical in the office of the attorney
17 general and the state public defender required by law to be appointed by
18 the attorney general or the state public defender.

19 4. Except as otherwise provided by the board of regents of the
20 University of Nevada pursuant to NRS 396.251, officers and members of
21 the teaching staff and the staffs of the agricultural extension department
22 and experiment station of the University and Community College System
23 of Nevada, or any other state institution of learning, and student employees
24 of these institutions. Custodial, clerical or maintenance employees of these
25 institutions are in the classified service. The board of regents of the
26 University of Nevada shall assist the director in carrying out the provisions
27 of this chapter applicable to the University and Community College
28 System of Nevada.

29 5. All other officers and employees authorized by law to be employed
30 in the unclassified service.

31 **Sec. 7.** NRS 289.270 is hereby amended to read as follows:

32 289.270 1. The following persons have the powers of a peace officer:

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

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

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

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

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

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



* S B 3 0 6 R 1 *

1 3. Administrators and investigators of the division of compliance
2 enforcement of the motor vehicles branch of the department of motor
3 vehicles and public safety have the powers of a peace officer to enforce
4 any law of the State of Nevada in carrying out their duties pursuant to NRS
5 481.048.

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

10 5. Members of the state disaster identification team of the ~~division~~
11 ~~office~~ of emergency management ~~of the department of motor vehicles and~~
12 ~~public safety~~ *created pursuant to section 1 of this act* who are, pursuant
13 to NRS 414.270, activated by the ~~chief~~ director of the ~~division~~ *office of*
14 *emergency management* to perform the duties of the state disaster
15 identification team, have the powers of peace officers in carrying out those
16 duties.

17 **Sec. 8.** NRS 289.550 is hereby amended to read as follows:

18 289.550 1. Except as otherwise provided in subsection 2, a person
19 upon whom some or all of the powers of a peace officer are conferred
20 pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the
21 commission within 1 year after the date on which the person commences
22 employment as a peace officer unless the commission, for good cause
23 shown, grants in writing an extension of time, which must not exceed 6
24 months, by which the person must become certified. A person who fails to
25 become certified within the required time shall not exercise any of the
26 powers of a peace officer after the time for becoming certified has expired.

27 2. The following persons are not required to be certified by the
28 commission:

- 29 (a) The chief parole and probation officer;
30 (b) The director of the department of prisons;
31 (c) The state fire marshal;
32 (d) The director of the department of motor vehicles and public safety,
33 the deputy directors of the department, the chiefs of the divisions of the
34 department other than the investigation division ; ~~and the members of the~~
35 ~~state disaster identification team of the division of emergency management~~
36 ~~of the department;~~
37 (e) The commissioner of insurance and his chief deputy;
38 (f) *The members of the state disaster identification team of the office*
39 *of emergency management created pursuant to section 1 of this act;*
40 (g) Railroad policemen; and
41 ~~(g)~~ (h) California correctional officers.

42 **Sec. 9.** Chapter 353 of NRS is hereby amended by adding thereto a
43 new section to read as follows:

44 *"Office of emergency management" means the office of emergency*
45 *management created pursuant to section 1 of this act.*

46 **Sec. 10.** NRS 353.2705 is hereby amended to read as follows:

47 353.2705 As used in NRS 353.2705 to 353.2771, inclusive, *and*
48 *section 9 of this act*, unless the context otherwise requires, the words and



1 terms defined in NRS 353.271 to 353.2731, inclusive, *and section 9 of this*
2 *act* have the meanings ascribed to them in those sections.

3 **Sec. 11.** NRS 353.271 is hereby amended to read as follows:

4 353.271 "Disaster" means a fire, flood, earthquake, drought,
5 explosion, civil disturbance, crisis involving violence on school property,
6 at a school activity or on a school bus, or any other occurrence or
7 threatened occurrence that, regardless of cause:

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

10 2. As determined by:

11 (a) The governor; or

12 (b) The governing body of a local government pursuant to NRS 414.090
13 and the ~~division~~ *office of emergency management* pursuant to NRS
14 353.2753,

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

17 **Sec. 12.** NRS 353.2753 is hereby amended to read as follows:

18 353.2753 1. A state agency or local government may request the
19 ~~division~~ *office of emergency management* to conduct a preliminary
20 assessment of the damages related to an event for which the state agency or
21 local government seeks a grant or loan from the fund.

22 2. Upon receipt of such a request, the ~~division~~ *office of emergency*
23 *management* shall investigate the event or cause the event to be
24 investigated to make a preliminary assessment of the damages related to
25 the event and shall make or cause to be made a written report of the
26 damages related to the event.

27 3. As soon as practicable after completion of the investigation and
28 preparation of the report of damages, the ~~division~~ *office of emergency*
29 *management* shall:

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

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

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

42 **Sec. 13.** NRS 353.2754 is hereby amended to read as follows:

43 353.2754 A local government may request a grant or loan from the
44 fund if:

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

48 2. After the ~~division~~ *office of emergency management* conducts a
49 preliminary assessment of the damages pursuant to NRS 353.2753, the



* S B 3 0 6 R 1 *

1 ~~division~~ *office of emergency management* determines that an event has
2 occurred that constitutes a disaster.

3 **Sec. 14.** NRS 353.2755 is hereby amended to read as follows:

4 353.2755 1. A state agency or local government may submit a
5 request to the state board of examiners for a grant or loan from the fund as
6 provided in NRS 353.2705 to 353.2771, inclusive, if:

7 (a) The agency or local government finds that, because of a disaster, it
8 is unable to pay for an expense or grant match specified in NRS 353.274,
9 353.2745 or 353.2751 from money appropriated or otherwise available to
10 the agency or local government;

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

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

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

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

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

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

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

30 (e) A written report of damages prepared by the ~~division~~ *office of*
31 *emergency management* and the written determination made by the
32 ~~division~~ *office of emergency management* that the event constitutes a
33 disaster pursuant to NRS 353.2753; and

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

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

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

43 (a) Shall consider the request; and

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

46 4. If the state board of examiners finds that a grant or loan is
47 appropriate, it shall include in its recommendation to the interim finance
48 committee the proposed amount of the grant or loan. If the state board of
49 examiners recommends a grant, it shall include a recommendation



* S B 3 0 6 R 1 *

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

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

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

12 **Sec. 15.** Chapter 414 of NRS is hereby amended by adding thereto a
13 new section to read as follows:

14 *"Office of emergency management" means the office of emergency*
15 *management created pursuant to section 1 of this act.*

16 **Sec. 16.** NRS 414.020 is hereby amended to read as follows:

17 414.020 1. Because of the existing and increasing possibility of the
18 occurrence of emergencies or disasters of unprecedented size and
19 destructiveness resulting from enemy attack, sabotage or other hostile
20 action, from a fire, flood, earthquake, storm or other natural causes, or
21 from technological or man-made catastrophes, and in order to ensure that
22 the preparations of this state will be adequate to deal with such
23 emergencies or disasters, and generally to provide for the common defense
24 and to protect the public welfare, and to preserve the lives and property of
25 the people of the state, it is hereby found and declared to be necessary:

26 (a) To ~~create a state agency for emergency management and to~~
27 authorize the creation of local organizations for emergency management in
28 the political subdivisions of the state.

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

32 (c) To assist with the rendering of mutual aid among the political
33 subdivisions of the state and with other states and to cooperate with the
34 Federal Government with respect to carrying out the functions of
35 emergency management.

36 2. It is further declared to be the purpose of this chapter and the policy
37 of the state that all functions of emergency management in this state be
38 coordinated to the maximum extent with the comparable functions of the
39 Federal Government, including its various departments and agencies, of
40 other states and localities and of private agencies of every type, providing
41 for the most effective preparation and use of the nation's man power,
42 resources and facilities for dealing with any emergency or disaster that may
43 occur.

44 **Sec. 17.** NRS 414.030 is hereby amended to read as follows:

45 414.030 As used in this chapter, the words and terms defined in NRS
46 414.031 to 414.038, inclusive, *and section 15 of this act* have the
47 meanings ascribed to them in those sections.



1 **Sec. 18.** NRS 414.040 is hereby amended to read as follows:

2 414.040 1. ~~{A division of emergency management is hereby created~~
3 ~~within the department of motor vehicles and public safety. The chief of the~~
4 ~~division is appointed by and holds office at the pleasure of the director of~~
5 ~~the department of motor vehicles and public safety. The division is the~~
6 ~~state agency for emergency management and the state agency for civil~~
7 ~~defense for the purposes of the compact ratified by the legislature pursuant~~
8 ~~to NRS 415.010. The chief is the state's director of emergency~~
9 ~~management and the state's director of civil defense for the purposes of~~
10 ~~that compact.~~

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

16 ~~— 3. The chief,}~~ *The director of the office of emergency management,*
17 subject to the direction and control of the ~~{director,}~~ *governor,* shall carry
18 out the program for emergency management in this state. He shall
19 coordinate the activities of all organizations for emergency management
20 within the state, maintain liaison with and cooperate with agencies and
21 organizations of other states and of the Federal Government for emergency
22 management and carry out such additional duties as may be prescribed by
23 the director.

24 ~~{4. The chief}~~

25 *2. The director of the office of emergency management* shall assist in
26 the development of comprehensive, coordinated plans for emergency
27 management by adopting an integrated process ~~{ of emergency~~
28 *management,* using the partnership of governmental entities, business and
29 industry, volunteer organizations and other interested persons, for the
30 mitigation of, preparation for, response to and recovery from emergencies
31 or disasters. In adopting this process, he shall conduct activities designed
32 to:

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

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

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

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

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



~~15. The division shall perform the duties required pursuant to NRS 353.2753 at the request of a state agency or local government.~~

Sec. 19. 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~~ *office* of emergency management ~~of the department of motor vehicles and public safety~~ shall administer the account. The ~~division~~ *office of emergency management* 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~~ *office of emergency management*. 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~~ *office of emergency management* 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~~ *office of emergency management* 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;

(b) Provide training to personnel related to emergency management; and

(c) Carry out the provisions of sections 2 to 16, inclusive, of *Senate Bill No. 289* of this ~~act~~ *session*.

5. Beginning with the fiscal year that begins on July 1, 1999, the ~~division~~ *office of emergency management* 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~~ *office of emergency management* shall adopt such regulations as are necessary to administer the account.

7. The ~~division~~ *office of emergency management* may adopt regulations to provide for reimbursement of expenditures made from the account. If the ~~division~~ *office of emergency management* 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



* S B 3 0 6 R 1 *

1 money was removed from the fund, upon request by the ~~{division}~~ *office*
2 *of emergency management.*

3 **Sec. 20.** NRS 414.170 is hereby amended to read as follows:

4 414.170 1. The board of search and rescue, consisting of 10
5 members appointed by the ~~{chief}~~ *director of the office of emergency*
6 *management*, is hereby created. The ~~{chief}~~ *director of the office of*
7 *emergency management* shall appoint:

8 (a) One member who is a representative of the Nevada Wing of the
9 Civil Air Patrol;

10 (b) One member who is a representative of the Nevada National Guard;

11 (c) Four members who are representatives of the Nevada Sheriffs and
12 Chiefs Association or its legal successor;

13 (d) One member who is a representative of the health division of the
14 department of human resources and whose primary responsibilities relate
15 to the licensure and certification of persons who provide emergency
16 medical services;

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

19 (f) One member who is a representative of a search and rescue
20 organization of a law enforcement agency; and

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

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

26 **Sec. 21.** NRS 414.180 is hereby amended to read as follows:

27 414.180 The board shall:

28 1. Meet at the call of the ~~{chief}~~ *director of the office of emergency*
29 *management* and at least once every 6 months;

30 2. Provide direction and guidance for the coordinator;

31 3. Formulate policy regarding search and rescue; and

32 4. Carry out the other duties assigned to it in this chapter.

33 **Sec. 22.** NRS 414.200 is hereby amended to read as follows:

34 414.200 The ~~{chief}~~ *director of the office of emergency management*,
35 with the advice of the board, shall appoint an employee of the ~~{division}~~
36 *office of emergency management* ~~{of the department of motor vehicles and~~
37 ~~public safety}~~ as coordinator of search and rescue.

38 **Sec. 23.** NRS 414.270 is hereby amended to read as follows:

39 414.270 A state disaster identification team is hereby established
40 within the ~~{division}~~ *office of emergency management*. ~~{of the department~~
41 ~~of motor vehicles and public safety. The chief.}~~ *The director of the office*
42 *of emergency management:*

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

45 2. May activate such persons to perform the duties of the state disaster
46 identification team:

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



1 (b) Upon the request of a political subdivision of this state if the ~~chief~~
2 *director of the office of emergency management* determines that the
3 political subdivision requires the services of the state disaster identification
4 team.

5 **Sec. 24.** NRS 414.280 is hereby amended to read as follows:

6 414.280 Upon activation, the state disaster identification team shall:

7 1. Provide technical assistance and personnel to local authorities to
8 recover, identify and process deceased victims.

9 2. Within 2 hours after activation, begin to identify and report to the
10 ~~chief~~ *director of the office of emergency management* the need for
11 medical and health services to:

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

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

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

17 **Sec. 25.** NRS 414.300 is hereby amended to read as follows:

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

22 1. Guidelines for the ~~chief~~ *director of the office of emergency*
23 *management* to:

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

26 (b) Determine which members of the state disaster identification team
27 may be activated pursuant to NRS 414.270.

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

30 3. The compensation, if any, to be paid by the ~~department~~ *office of*
31 *emergency management* to a member of the state disaster identification
32 team who is activated pursuant to NRS 414.270.

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

34 432.170 1. The attorney general shall:

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

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

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

42 3. The director may:

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

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



* S B 3 0 6 R 1 *

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

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

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

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

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

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

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

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

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

24 5. The director shall, upon request, provide records regarding a
25 missing child to the state disaster identification team of the ~~{division}~~
26 ~~office~~ of emergency management ~~{of the department of motor vehicles and~~
27 ~~public safety}~~ *created pursuant to section 1 of this act.*

28 **Sec. 27.** NRS 459.742 is hereby amended to read as follows:

29 459.742 The commission, in carrying out its duties and within the
30 limits of legislative appropriations and other available money, may:

31 1. Enter into contracts, leases or other agreements or transactions;

32 2. Provide grants of money to local emergency planning committees to
33 improve their ability to respond to emergencies involving hazardous
34 materials;

35 3. Assist with the development of comprehensive plans for responding
36 to such emergencies in this state;

37 4. Provide technical assistance and administrative support to the
38 telecommunications unit of the communication and computing division of
39 the department of information technology for the development of systems
40 for communication during such emergencies;

41 5. Provide technical and administrative support and assistance for
42 training programs;

43 6. Develop a system to provide public access to data relating to
44 hazardous materials;

45 7. Support any activity or program eligible to receive money from the
46 contingency account for hazardous materials;

47 8. Adopt regulations setting forth the manner in which the ~~{division}~~
48 ~~office~~ of emergency management ~~{of the department of motor vehicles and~~
49 ~~public safety}~~ *created pursuant to section 1 of this act* shall:



* S B 3 0 6 R 1 *

1 (a) Allocate money received by the division which relates to hazardous
2 materials or is received pursuant to Public Law 99-499 or Title I of Public
3 Law 93-633; and

4 (b) Approve programs developed to address planning for and
5 responding to emergencies involving hazardous materials; and

6 9. Coordinate the activities administered by state agencies to carry out
7 the provisions of chapter 459 of NRS, Public Law 99-499 and Title I of
8 Public Law 93-633.

9 **Sec. 28.** NRS 459.796 is hereby amended to read as follows:

10 459.796 A person is entitled to immunity under subsection 2 of NRS
11 459.792 only if:

12 1. In the case of one furnishing advice or assistance, he is qualified by
13 training, education or experience in the handling of hazardous materials
14 and provides advice or assistance within the area of his qualifications; and

15 2. He was requested to provide the equipment, advice or other
16 assistance by:

17 (a) The person responsible for the discharge;

18 (b) The ~~division~~ *office* of emergency management ~~of the department~~
19 ~~of motor vehicles and public safety;~~ *created pursuant to section 1 of this*
20 *act;*

21 (c) The division of industrial relations of the department of business and
22 industry;

23 (d) The division of environmental protection of the state department of
24 conservation and natural resources;

25 (e) The Nevada highway patrol division of the department of motor
26 vehicles and public safety;

27 (f) The state fire marshal division of the department of motor vehicles
28 and public safety;

29 (g) The state emergency response commission or a local emergency
30 planning committee appointed by the commission;

31 (h) A local fire department; or

32 (i) A local agency for law enforcement.

33 **Sec. 29.** NRS 481.023 is hereby amended to read as follows:

34 481.023 Except as otherwise provided therein, the department shall
35 execute, administer and enforce, and perform the functions and duties
36 provided in:

37 1. Title 43 of NRS relating to vehicles.

38 2. Chapter 706 of NRS relating to licensing of motor vehicle carriers
39 and the use of public highways by those carriers.

40 3. Chapter 366 of NRS relating to imposition and collection of taxes
41 on special fuels used for motor vehicles.

42 4. Chapter 453 of NRS relating to controlled substances and chapter
43 454 of NRS relating to dangerous drugs.

44 5. Chapter 459 of NRS relating to the transportation of hazardous
45 materials.

46 6. ~~Chapter 414 of NRS relating to emergency management.~~

47 ~~7.~~ Chapter 477 of NRS relating to the state fire marshal.



* S B 3 0 6 R 1 *

1 ~~18.1~~ 7. Chapters 176A and 213 of NRS relating to parole and
2 probation.
3 ~~19.1~~ 8. The provisions of NRS 426.401 to 426.461, inclusive.
4 **Sec. 30.** NRS 481.0473 is hereby amended to read as follows:
5 481.0473 1. The department consists of:
6 (a) A motor vehicles branch that includes:
7 (1) A division of compliance enforcement.
8 (2) A division of field services.
9 (3) A division of central services and records.
10 (4) A division of management services and programs.
11 (b) A public safety branch that includes:
12 (1) A Nevada highway patrol division.
13 (2) An administrative services division.
14 (3) An investigation division.
15 (4) ~~A division of emergency management.~~
16 ~~(5)~~ A state fire marshal division.
17 ~~(6)~~ (5) A division of parole and probation.
18 ~~(7)~~ (6) A capitol police division.
19 ~~(8)~~ (7) A training division.
20 (c) Such other branches or divisions as the director may from time to
21 time establish.
22 2. Before he reorganizes the department, the director shall obtain the
23 approval of:
24 (a) The legislature, if it is in regular session; or
25 (b) The interim finance committee, if the legislature is not in regular
26 session.
27 **Sec. 31.** NRS 481.0475 is hereby amended to read as follows:
28 481.0475 1. Any change in the organization of the department may
29 include the branches, divisions, functions and responsibilities described in
30 subsection 2 but must not include those described in paragraphs (d), *(f) and*
31 ~~(and (h))~~ of that subsection.
32 2. Unless the organization of the department is changed by the
33 director, the primary functions and responsibilities of the specified
34 branches and divisions of the department are as follows:
35 (a) The motor vehicles branch shall:
36 (1) Execute, administer and enforce the provisions of chapter 482 of
37 NRS and perform such duties and exercise such powers as may be
38 conferred upon it pursuant to chapter 482 of NRS and the provisions of any
39 other laws;
40 (2) Execute and administer the laws relative to the licensing of motor
41 vehicle carriers and the use of public highways by those carriers as
42 contained in chapter 706 of NRS;
43 (3) Perform such duties and exercise such powers as may be
44 conferred upon it pursuant to chapter 706 of NRS;
45 (4) Execute and administer the provisions of chapter 366 of NRS,
46 relating to the imposition and collection of taxes on special fuels used for
47 motor vehicles;
48 (5) Perform such duties and exercise such powers as may be
49 conferred upon it pursuant to chapter 366 of NRS;



1 (6) Execute, administer and enforce the provisions of chapter 483 of
2 NRS and perform such duties and exercise such powers as may be
3 conferred upon it pursuant to chapter 483 of NRS;

4 (7) Execute, administer and enforce the provisions of chapter 485 of
5 NRS and perform such duties and exercise such powers as may be
6 conferred upon it pursuant to chapter 485 of NRS;

7 (8) Execute, administer and enforce the laws relating to the licensing
8 of drivers of motorcycles and similar vehicles in accordance with the
9 provisions of chapter 486 of NRS;

10 (9) Execute, administer and enforce the provisions of chapter 487 of
11 NRS and perform such duties and exercise such powers as may be
12 conferred upon it pursuant to chapter 487 of NRS; and

13 (10) Execute, administer and enforce the provisions of chapter 108 of
14 NRS and perform such duties and exercise such powers relating to liens on
15 vehicles as may be conferred upon it pursuant to chapter 108 of NRS or the
16 provisions of any other laws.

17 (b) The administrative services division shall furnish fiscal, accounting
18 and other administrative services to the director and the various branches
19 and divisions, and advise and assist the director and the various branches
20 and divisions in carrying out their functions and responsibilities.

21 (c) The investigation division shall:

22 (1) Execute, administer and enforce the provisions of chapter 453 of
23 NRS relating to controlled substances and chapter 454 of NRS relating to
24 dangerous drugs;

25 (2) Assist the secretary of state in carrying out an investigation
26 pursuant to NRS 293.124; and

27 (3) Perform such duties and exercise such powers as may be
28 conferred upon it pursuant to this chapter and any other laws.

29 (d) The Nevada highway patrol division shall execute, administer and
30 enforce the provisions of chapter 484 of NRS and perform such duties and
31 exercise such powers as may be conferred upon it pursuant to NRS
32 481.180 and the provisions of any other laws.

33 ~~(e) The division of emergency management shall execute, administer~~
34 ~~and enforce the provisions of chapter 414 of NRS and perform such duties~~
35 ~~and exercise such powers as may be conferred upon it pursuant to chapter~~
36 ~~414 of NRS and the provisions of any other laws.~~

37 ~~—(f)~~ The state fire marshal division shall execute, administer and enforce
38 the provisions of chapter 477 of NRS and perform such duties and exercise
39 such powers as may be conferred upon it pursuant to chapter 477 of NRS
40 and the provisions of any other laws.

41 ~~(g)~~ (f) The division of parole and probation shall execute, administer
42 and enforce the provisions of chapters 176A and 213 of NRS relating to
43 parole and probation and perform such duties and exercise such powers as
44 may be conferred upon it pursuant to those chapters and the provisions of
45 any other laws.

46 ~~(h)~~ (g) The capitol police division shall assist the chief of the
47 buildings and grounds division of the department of administration in the
48 enforcement of subsection 1 of NRS 331.140.



1 ~~(f)(1)~~ (h) The training division shall provide training to the employees of
2 the department.

3 **Sec. 32.** NRS 481.083 is hereby amended to read as follows:
4 481.083 1. Except for the operation of the investigation division, ~~the~~
5 ~~division of emergency management,~~ the state fire marshal division, the
6 division of parole and probation, and the capitol police division of the
7 department, money for the administration of the provisions of this chapter
8 must be provided by direct legislative appropriation or authorization from
9 the state highway fund upon the presentation of budgets in the manner
10 required by law.

11 2. All money provided for the support of the department and its
12 various divisions must be paid out on claims approved by the director in
13 the same manner as other claims against the state are paid.

14 **Sec. 33.** NRS 481.085 is hereby amended to read as follows:
15 481.085 Money collected or received by:
16 1. ~~The division of emergency management pursuant to chapter 414 of~~
17 ~~NRS;~~
18 ~~2.~~ The state fire marshal division pursuant to chapter 477 of NRS; and
19 ~~3.~~ 2. The division of parole and probation pursuant to chapter 176A
20 or 213 of NRS,
21 must be deposited with the state treasurer for credit to the appropriate
22 accounts of the respective divisions.

23 **Sec. 34.** NRS 481.087 is hereby amended to read as follows:
24 481.087 1. Except as otherwise provided in subsection 2, the
25 expenses incurred in the administration of this chapter and in the
26 administration of the powers and duties provided in this chapter shall be
27 deemed to be a cost of administration with respect to the operation of
28 motor vehicles upon the public highways of this state.

29 2. The provisions of subsection 1 do not apply to the expenses incurred
30 in the administration of:
31 (a) The investigation division;
32 (b) ~~The division of emergency management;~~
33 ~~(c)~~ The state fire marshal division;
34 ~~(d)~~ (c) The division of parole and probation; and
35 ~~(e)~~ (d) The capitol police division,
36 of the department.

37 **Sec. 35.** NRS 481.245 is hereby amended to read as follows:
38 481.245 1. When a coroner is unable to establish the identity of a
39 dead body by means other than by dental records, he shall have a dental
40 examination of the body made by a dentist. The dentist shall prepare a
41 record of his findings and forward it to the investigation division and to the
42 central repository for Nevada records of criminal history.

43 2. Each sheriff, chief of police or other law enforcement agency which
44 receives a report of a person missing under suspicious circumstances who
45 is 18 years or older shall:
46 (a) Transmit to the investigation division and to the central repository
47 for Nevada records of criminal history:
48 (1) The initial report that contains identifying information concerning
49 the missing person within 72 hours after the receipt of that report; and



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

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

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

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

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

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

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

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

35 (b) Upon request, provide the records and other information that are
36 maintained pursuant to this subsection to the state disaster identification
37 team of the ~~division~~ office of emergency management ~~of the~~
38 ~~department.~~ *created pursuant to section 1 of this act.*

39 **Sec. 36.** NRS 616A.140 is hereby amended to read as follows:

40 616A.140 A member of the Nevada Wing of the Civil Air Patrol who
41 participates:

42 1. In a mission; or

43 2. In training,

44 which has been authorized by the ~~division~~ office of emergency
45 management ~~of the department of motor vehicles and public safety~~
46 *created pursuant to section 1 of this act* shall be deemed for the purposes
47 of chapters 616A to 616D, inclusive, of NRS to be an employee of the
48 ~~division~~ office of emergency management at the wage of \$600 per month



* S B 3 0 6 R 1 *

1 and, in the event of injury during such a mission or training, is entitled to
2 the benefits of those chapters.

3 **Sec. 37.** Section 3 of Assembly Bill No. 489 of this session is hereby
4 amended to read as follows:

5 Sec. 3. NRS 179A.075 is hereby amended to read as follows:

6 179A.075 1. The central repository for Nevada records of
7 criminal history is hereby created within the Nevada highway patrol
8 division of the department.

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

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

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

16 3. Each agency of criminal justice shall submit the information
17 relating to sexual offenses and other records of criminal history that it
18 creates or issues, and any information in its possession relating to the
19 genetic markers of ~~{the blood and the secretor status of the saliva}~~ *a*
20 *biological specimen* of a person who is convicted of ~~{sexual assault or~~
21 ~~any other sexual offense.}~~ *an offense listed in subsection 4 of NRS*
22 *176.0913*, to the division in the manner prescribed by the director of
23 the department. The information must be submitted to the division:

24 (a) Through an electronic network;

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

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

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

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

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

38 (2) The genetic markers of ~~{the blood and the secretor status of~~
39 ~~the saliva}~~ *a biological specimen* of a person who is convicted of
40 ~~{sexual assault or any other sexual offense.}~~ *an offense listed in*
41 *subsection 4 of NRS 176.0913.*

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

45 (c) Upon request, provide the information that is contained in the
46 central repository to the state disaster identification team of the office
47 of emergency management created pursuant to section 1 of *Senate*
48 *Bill No. 306 of this* ~~{act}~~ *session.*

49 5. The division may:



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

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

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

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

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

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

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

22 6. The central repository shall:

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

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

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

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

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

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

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

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

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

43 (2) Employed by a county school district whose fingerprints
44 were sent previously to the central repository for investigation,
45 who the central repository's records indicate have been convicted of a
46 violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395,
47 or convicted of a felony or any offense involving moral turpitude
48 since the central repository's initial investigation. The superintendent



* S B 3 0 6 R 1 *

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 office of emergency management created pursuant to section 1 of *Senate Bill No. 306 of this ~~1st~~ session*. 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:



* S B 3 0 6 R 1 *

(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. 38. Section 240 of Assembly Bill No. 618 of this session is hereby amended to read as follows:

Sec. 240. 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.



* S B 3 0 6 R 1 *

(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 office of emergency management created pursuant to section 1 of *Senate Bill No. 306 of this ~~act.~~ session.*

(s) The commissioner of insurance.

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. 39. Section 10 of Senate Bill No. 327 of this session is hereby amended to read as follows:

Sec. 10. NRS 459.742 is hereby amended to read as follows:



459.742 The commission, in carrying out its duties and within the limits of legislative appropriations and other available money, may:

1. Enter into contracts, leases or other agreements or transactions;
2. Provide grants of money to local emergency planning committees to improve their ability to respond to emergencies involving hazardous materials;
3. Assist with the development of comprehensive plans for responding to such emergencies in this state;
4. Provide technical assistance and administrative support to the telecommunications unit of the communication and computing division of the department of information technology for the development of systems for communication during such emergencies;
5. Provide technical and administrative support and assistance for training programs;
6. Develop a system to provide public access to data relating to hazardous materials;
7. Support any activity or program eligible to receive money from the contingency account for hazardous materials;
8. Adopt regulations setting forth the manner in which the office of emergency management created pursuant to section 1 of *Senate Bill No. 306 of this ~~act~~ session* shall:
 - (a) Allocate money received by the division which relates to hazardous materials or is received pursuant to ~~{Public Law 99-499 or Title 1 of Public Law 93-633;}~~ *42 U.S.C. §§ 11001 et seq. or 49 U.S.C. §§ 5101 et seq.;* and
 - (b) Approve programs developed to address planning for and responding to emergencies involving hazardous materials; and
9. Coordinate the activities administered by state agencies to carry out the provisions of chapter 459 of NRS, ~~{Public Law 99-499 and Title 1 of Public Law 93-633;}~~ *42 U.S.C. §§ 11001 et seq. and 49 U.S.C. §§ 5101 et seq.*

Sec. 40. Section 7 of Senate Bill No. 401 of this session is hereby amended to read as follows:

Sec. 7. NRS 284.140 is hereby amended to read as follows:

284.140 The unclassified service of the state consists of the following state officers or employees in the executive department of the state government who receive annual salaries for their service:

1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.
2. Except as otherwise provided in *section 3 of this act and* NRS 223.085 and 223.570, all persons required by law to be appointed by the governor or heads of departments or agencies appointed by the governor or by boards.
3. All employees other than clerical in the office of the attorney general and the state public defender required by law to be appointed by the attorney general or the state public defender.
4. Except as otherwise provided by the board of regents of the University of Nevada pursuant to NRS 396.251, officers and members



1 of the teaching staff and the staffs of the agricultural extension
2 department and experiment station of the University and Community
3 College System of Nevada, or any other state institution of learning,
4 and student employees of these institutions. Custodial, clerical or
5 maintenance employees of these institutions are in the classified
6 service. The board of regents of the University of Nevada shall assist
7 the director in carrying out the provisions of this chapter applicable to
8 the University and Community College System of Nevada.

9 5. All other officers and employees authorized by law to be
10 employed in the unclassified service.

11 **Sec. 41.** Section 10 of Senate Bill No. 401 of this session is hereby
12 amended to read as follows:

13 Sec. 10. 1. This section and sections 1 to 6, inclusive, 8 and 9
14 of this act become effective on July 1, 2001.

15 2. Section 7 of this act becomes effective at 12:01 a.m. on July 1,
16 2001.

17 **Sec. 42.** The Legislative Counsel shall:

18 1. In preparing the reprint and supplements to the Nevada Revised
19 Statutes, appropriately change any references to an officer, agency or other
20 entity whose name is changed or whose responsibilities are transferred
21 pursuant to the provisions of this act to refer to the appropriate officer,
22 agency or other entity.

23 2. In preparing supplements to the Nevada Administrative Code,
24 appropriately change any references to an officer, agency or other entity
25 whose name is changed or whose responsibilities are transferred pursuant
26 to the provisions of this act to refer to the appropriate officer, agency or
27 other entity.

28 **Sec. 43.** NRS 353.2712 and 414.0315 are hereby repealed.

29 **Sec. 44.** 1. This section and sections 1 to 5, inclusive, 7, 9, 10, 12 to
30 18, inclusive, and 20 to 43, inclusive, of this act become effective on
31 July 1, 2001.

32 2. Sections 8, 11 and 19 of this act become effective at 12:01 a.m. on
33 July 1, 2001.

34 3. Section 6 of this act becomes effective at 12:02 a.m. on July 1,
35 2001.

TEXT OF REPEALED SECTIONS

353.2712 "Division" defined. "Division" means the division of
emergency management of the department of motor vehicles and public
safety.

414.0315 "Chief" defined. "Chief" means the chief of the division
of emergency management of the department of motor vehicles and public
safety.

