
SENATE BILL NO. 6—SENATOR RAWSON

PREFILED JANUARY 24, 2003

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to emergency management. (BDR 18-233)

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 Public Safety; creating an Office of Emergency Management in the Office of the Governor for the 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
2 thereto the provisions set forth as sections 2 to 10, inclusive, of this
3 act.
4 **Sec. 2.** *As used in sections 2 to 10, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3 and 4 of this act have the meanings ascribed to them*
7 *in those sections.*
8 **Sec. 3.** *“Director” means the Director of the Office of*
9 *Emergency Management appointed pursuant to section 6 of this*
10 *act.*
11 **Sec. 4.** *“Emergency management” has the meaning ascribed*
12 *to it in NRS 414.035.*



1 **Sec. 5.** *The provisions of NRS 223.085 do not apply to the*
2 *provisions of sections 2 to 10, inclusive, of this act.*
3 **Sec. 6.** *1. The Office of Emergency Management is hereby*
4 *created within the Office of the Governor.*
5 *2. The Governor shall appoint a Director and shall prescribe*
6 *the terms and conditions of employment for the Director. The*
7 *Director:*
8 *(a) Serves at the pleasure of the Governor; and*
9 *(b) Is in the unclassified service of the State.*
10 **Sec. 7.** *The Director shall:*
11 *1. Employ technical, clerical, stenographic and other*
12 *personnel as may be required, and may make such expenditures*
13 *therefor and for other expenses of his office within the*
14 *appropriation therefor, or from other money made available to*
15 *him for purposes of emergency management, as may be necessary*
16 *to carry out the purposes of this chapter; and*
17 *2. Perform such other duties as may be required of him*
18 *pursuant to chapter 414 of NRS and other applicable provisions of*
19 *law.*
20 **Sec. 8.** *The Office of Emergency Management shall:*
21 *1. Perform the duties required pursuant to NRS 353.2753 at*
22 *the request of a state agency or local government; and*
23 *2. Execute, administer and enforce the provisions of chapter*
24 *414 of NRS and perform such duties and exercise such powers as*
25 *may be conferred upon it pursuant to chapter 414 of NRS and*
26 *other applicable provisions of law.*
27 **Sec. 9.** *The Office of Emergency Management is the state*
28 *agency for emergency management and the state agency for civil*
29 *defense for the purposes of the compact ratified by the Legislature*
30 *pursuant to NRS 415.010. The Director is the State's Director of*
31 *Emergency Management and State's Director of Civil Defense for*
32 *the purposes of that compact.*
33 **Sec. 10.** *Money collected or received by the Office of*
34 *Emergency Management must be deposited with the State*
35 *Treasurer for credit to an appropriate account of the Office of*
36 *Emergency Management.*
37 **Sec. 11.** NRS 233F.170 is hereby amended to read as follows:
38 233F.170 In the event of any emergency, the Governor may
39 direct the ~~[Division]~~ *Office* of Emergency Management ~~[of the~~
40 ~~Department of Public Safety]~~ *created by section 6 of this act* to
41 assume control over all or part of the state communications system.
42 **Sec. 12.** Chapter 179A of NRS is hereby amended by adding
43 thereto a new section to read as follows:
44 *"Office of Emergency Management" means the Office of*
45 *Emergency Management created by section 6 of this act.*



1 **Sec. 13.** NRS 179A.010 is hereby amended to read as follows:
2 179A.010 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 179A.020 to
4 179A.073, inclusive, *and section 12 of this act* have the meanings
5 ascribed to them in those sections.

6 **Sec. 14.** NRS 179A.075 is hereby amended to read as follows:
7 179A.075 1. The Central Repository for Nevada Records of
8 Criminal History is hereby created within the Nevada Highway
9 Patrol Division of the Department.

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

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

14 (b) Submit the information collected to the Central Repository
15 in the manner recommended by the advisory committee and
16 approved by the Director of the Department.

17 3. Each agency of criminal justice shall submit the information
18 relating to sexual offenses and other records of criminal history that
19 it creates or issues, and any information in its possession relating to
20 the genetic markers of a biological specimen of a person who is
21 convicted of an offense listed in subsection 4 of NRS 176.0913, to
22 the Division in the manner prescribed by the Director of the
23 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
27 Department,

28 within the period prescribed by the Director of the Department. If an
29 agency has submitted a record regarding the arrest of a person who
30 is later determined by the agency not to be the person who
31 committed the particular crime, the agency shall, immediately upon
32 making that determination, so notify the Division. The Division
33 shall delete all references in the Central Repository relating to that
34 particular arrest.

35 4. The Division shall, in the manner prescribed by the Director
36 of the Department:

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

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

40 (2) The genetic markers of a biological specimen of a
41 person who is convicted of an offense listed in subsection 4 of
42 NRS 176.0913.

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



1 (c) Upon request, provide the information that is contained in
2 the Central Repository to the State Disaster Identification Team
3 of the ~~[Division]~~ *Office* of Emergency Management . ~~{of the~~
4 ~~Department.}~~

5 5. The Division may:

6 (a) Disseminate any information which is contained in the
7 Central Repository to any other agency of criminal justice;

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

11 (c) Request of and receive from the Federal Bureau of
12 Investigation information on the background and personal history of
13 any person whose record of fingerprints the Central Repository
14 submits to the Federal Bureau of Investigation and:

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

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

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

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

27 6. The Central Repository shall:

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

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

32 (c) Disseminate to federal agencies engaged in the collection of
33 statistical data relating to crime information which is contained in
34 the Central Repository.

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

36 (1) Has applied to the Superintendent of Public Instruction
37 for a license;

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

39 or

40 (3) Is employed by a county school district,
41 and notify the superintendent of each county school district and the
42 Superintendent of Public Instruction if the investigation of the
43 Central Repository indicates that the person has been convicted of a
44 violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395,
45 or convicted of a felony or any offense involving moral turpitude.



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

- 3 (1) Investigated pursuant to paragraph (d); or
4 (2) Employed by a county school district whose
5 fingerprints were sent previously to the Central Repository for
6 investigation,
7 who the Central Repository's records indicate have been convicted
8 of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or
9 453.3395, or convicted of a felony or any offense involving moral
10 turpitude since the Central Repository's initial investigation. The
11 superintendent of each county school district shall determine
12 whether further investigation or action by the district is appropriate.

13 (f) Investigate the criminal history of each person who submits
14 fingerprints or has his fingerprints submitted pursuant to NRS
15 449.176 or 449.179.

16 (g) On or before July 1 of each year, prepare and present to the
17 Governor a printed annual report containing the statistical data
18 relating to crime received during the preceding calendar year.
19 Additional reports may be presented to the Governor throughout the
20 year regarding specific areas of crime if they are recommended by
21 the advisory committee and approved by the Director of the
22 Department.

23 (h) On or before July 1 of each year, prepare and submit to the
24 Director of the Legislative Counsel Bureau, for submission to the
25 Legislature, or the Legislative Commission when the Legislature is
26 not in regular session, a report containing statistical data about
27 domestic violence in this state.

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

33 7. The Central Repository may:

34 (a) At the recommendation of the advisory committee and in the
35 manner prescribed by the Director of the Department, disseminate
36 compilations of statistical data and publish statistical reports relating
37 to crime or the delinquency of children.

38 (b) Charge a reasonable fee for any publication or special report
39 it distributes relating to data collected pursuant to this section. The
40 Central Repository may not collect such a fee from an agency of
41 criminal justice, any other agency dealing with crime or the
42 delinquency of children which is required to submit information
43 pursuant to subsection 2 or the State Disaster Identification Team
44 of the ~~Division~~ Office of Emergency Management . ~~of the~~



1 ~~Department.]~~ All money collected pursuant to this paragraph must
2 be used to pay for the cost of operating the Central Repository.

3 (c) In the manner prescribed by the Director of the Department,
4 use electronic means to receive and disseminate information
5 contained in the Central Repository that it is authorized to
6 disseminate pursuant to the provisions of this chapter.

7 8. As used in this section:

8 (a) "Advisory committee" means the committee established by
9 the Director of the Department pursuant to NRS 179A.078.

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

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

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

19 **Sec. 15.** NRS 179A.100 is hereby amended to read as follows:

20 179A.100 1. The following records of criminal history may
21 be disseminated by an agency of criminal justice without any
22 restriction pursuant to this chapter:

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

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

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

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

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

34 (c) Reported to the Central Repository.

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

38 (a) Reflect convictions only; or

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

42 4. The Central Repository shall disseminate to a prospective or
43 current employer, upon request, information relating to sexual
44 offenses concerning an employee, prospective employee, volunteer



1 or prospective volunteer who gives his written consent to the release
2 of that information.

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

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

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

12 (c) The State Gaming Control Board.

13 (d) The State Board of Nursing.

14 (e) The Private Investigator's Licensing Board to investigate an
15 applicant for a license.

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

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

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

23 (i) Any public utility subject to the jurisdiction of the Public
24 Utilities Commission of Nevada when the information is necessary
25 to conduct a security investigation of an employee or prospective
26 employee, or to protect the public health, safety or welfare.

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

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

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

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

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

44 (o) An agency which provides child welfare services, as defined
45 in NRS 432B.030.



1 (p) The Welfare Division of the Department of Human
2 Resources or its designated representative.

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

6 (r) The State Disaster Identification Team of the ~~[Division]~~
7 *Office* of Emergency Management. ~~[of the Department.]~~

8 (s) The Commissioner of Insurance.

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

14 **Sec. 16.** NRS 179A.140 is hereby amended to read as follows:

15 179A.140 1. An agency of criminal justice may charge a
16 reasonable fee for information relating to sexual offenses or other
17 records of criminal history furnished to any person or governmental
18 entity except another agency of criminal justice and the State
19 Disaster Identification Team of the ~~[Division]~~ *Office* of Emergency
20 Management. ~~[of the Department.]~~ The Central Repository shall not
21 charge such a fee for information relating to a person regarding
22 whom the Central Repository furnished a similar report within the
23 immediately preceding 6 months in conjunction with the application
24 by that person for professional licensure.

25 2. All money received or collected by the Department pursuant
26 to this section must be used to defray the cost of operating the
27 Central Repository.

28 **Sec. 17.** NRS 281.149 is hereby amended to read as follows:

29 281.149 1. Any public officer or employee of the State or any
30 agency thereof, or of a political subdivision or an agency of a
31 political subdivision, who is an emergency communications
32 technician must be relieved from his duties, upon the request of the
33 ~~[Division]~~ *Office* of Emergency Management ~~[of the Department of~~
34 ~~Public Safety]~~ *created by section 6 of this act* or a local
35 organization for emergency management and the approval of his
36 employer, to assist the ~~[Division]~~ *Office of Emergency*
37 *Management* or local organization for emergency management
38 during a disaster or emergency that occurs in this state, California,
39 Oregon, Idaho, Utah or Arizona, without loss of his regular
40 compensation for a period of not more than 15 working days in any
41 calendar year. No such absence may be a part of the annual vacation
42 of the public officer or employee which is provided for by law.

43 2. As used in this section:

44 (a) "Disaster" has the meaning ascribed to it in NRS 414.0335.



1 (b) "Emergency" has the meaning ascribed to it in
2 NRS 414.0345.

3 (c) "Emergency communications technician" means a person
4 who is:

5 (1) Licensed by the Federal Communications Commission as
6 an amateur radio operator; and

7 (2) A member of:

8 (I) The Radio Amateur Civil Emergency Service or a
9 successor organization sponsored by the agency of the Federal
10 Government for emergency management; or

11 (II) The Amateur Radio Emergency Service or a
12 successor organization sponsored by the American Radio Relay
13 League or its successor.

14 (d) "Local organization for emergency management" has the
15 meaning ascribed to it in NRS 414.036.

16 **Sec. 18.** NRS 289.010 is hereby amended to read as follows:
17 289.010 As used in this chapter, unless the context otherwise
18 requires:

19 1. "Choke hold" means the holding of a person's neck in a
20 manner specifically intended to restrict the flow of oxygen or blood
21 to the person's lungs or brain. The term includes the arm-bar
22 restraint, carotid restraint and lateral vascular neck restraint.

23 2. *"Office of Emergency Management" means the Office of*
24 *Emergency Management created by section 6 of this act.*

25 3. "Peace officer" means any person upon whom some or all of
26 the powers of a peace officer are conferred pursuant to NRS
27 289.150 to 289.360, inclusive.

28 ~~3.~~ 4. "Punitive action" means any action which may lead to
29 dismissal, demotion, suspension, reduction in salary, written
30 reprimand or transfer of a peace officer for purposes of punishment.

31 **Sec. 19.** NRS 289.270 is hereby amended to read as follows:
32 289.270 1. The following persons have the powers of a peace
33 officer:

34 (a) The Director of the Department of Public Safety.
35 (b) The chiefs of the divisions of the Department of Public
36 Safety.

37 (c) The deputy directors of the Department of Public Safety
38 employed pursuant to NRS 480.120.

39 (d) The investigators and agents of the Investigation Division of
40 the Department of Public Safety and any other officer or employee
41 of that Division whose principal duty is to enforce one or more laws
42 of this state, and any person promoted from such a duty to a
43 supervisory position related to such a duty.



1 (e) The personnel of the Capitol Police Division of the
2 Department of Public Safety appointed pursuant to subsection 2 of
3 NRS 331.140.

4 2. The personnel of the Nevada Highway Patrol appointed
5 pursuant to subsection 2 of NRS 480.330 have the powers of a peace
6 officer specified in NRS 480.330 and 480.360.

7 3. Administrators and investigators of the Division of
8 Compliance Enforcement of the Department of Motor Vehicles have
9 the powers of a peace officer to enforce any law of the State of
10 Nevada in carrying out their duties pursuant to NRS 481.048.

11 4. Officers and investigators of the Section for the Control of
12 Emissions From Vehicles of the Department of Motor Vehicles,
13 appointed pursuant to NRS 481.0481, have the powers of peace
14 officers in carrying out their duties under that section.

15 5. Members of the State Disaster Identification Team of the
16 ~~[Division] Office~~ of Emergency Management ~~[of the Department of~~
17 ~~Public Safety]~~ who are, pursuant to NRS 414.270, activated by
18 the ~~[Chief] Director~~ of the ~~[Division] Office of Emergency~~
19 ~~Management~~ to perform the duties of the State Disaster
20 Identification Team have the powers of peace officers in carrying
21 out those duties.

22 **Sec. 20.** NRS 289.550 is hereby amended to read as follows:

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

33 2. The following persons are not required to be certified by the
34 Commission:

- 35 (a) The Chief Parole and Probation Officer;
- 36 (b) The Director of the Department of Corrections;
- 37 (c) The State Fire Marshal;
- 38 (d) The Director of the Department of Public Safety, the deputy
39 directors of the Department, the chiefs of the divisions of the
40 Department other than the Investigation Division ; ~~[- and the~~
41 ~~members of the State Disaster Identification Team of the Division of~~
42 ~~Emergency Management of the Department.];~~
- 43 (e) The Commissioner of Insurance and his Chief Deputy;
- 44 (f) *The members of the State Disaster Identification Team of*
45 *the Office of Emergency Management;*



1 (g) Railroad policemen; and
2 ~~(e)~~ (h) California correctional officers.
3 **Sec. 21.** Chapter 353 of NRS is hereby amended by adding
4 thereto a new section to read as follows:
5 *“Office of Emergency Management” means the Office of*
6 *Emergency Management created by section 6 of this act.*
7 **Sec. 22.** NRS 353.2705 is hereby amended to read as follows:
8 353.2705 As used in NRS 353.2705 to 353.2771, inclusive,
9 *and section 21 of this act*, unless the context otherwise requires, the
10 words and terms defined in NRS 353.271 to 353.2731, inclusive,
11 *and section 21 of this act* have the meanings ascribed to them in
12 those sections.
13 **Sec. 23.** NRS 353.271 is hereby amended to read as follows:
14 353.271 “Disaster” means a fire, flood, earthquake, drought,
15 explosion, civil disturbance, crisis involving violence on school
16 property, at a school activity or on a school bus, or any other
17 occurrence or threatened occurrence that, regardless of cause:
18 1. Results in, or may result in, widespread or severe damage to
19 property or injury to or the death of persons in this state; and
20 2. As determined by:
21 (a) The Governor; or
22 (b) The governing body of a local government pursuant to NRS
23 414.090 and the ~~Division~~ *Office of Emergency Management*
24 pursuant to NRS 353.2753,
25 requires immediate action to protect the health, safety and welfare of
26 the residents of this state.
27 **Sec. 24.** NRS 353.2735 is hereby amended to read as follows:
28 353.2735 1. The Disaster Relief Fund is hereby created as a
29 special revenue fund. The Interim Finance Committee shall
30 administer the Fund.
31 2. The ~~Division~~ *Office of Emergency Management* may
32 accept grants, gifts or donations for deposit in the Fund. Except as
33 otherwise provided in subsection 3, money received from:
34 (a) A direct legislative appropriation to the Fund;
35 (b) A transfer of one-half of the interest earned on money in the
36 Fund to Stabilize the Operation of State Government made pursuant
37 to NRS 353.288; and
38 (c) A grant, gift or donation to the Fund,
39 must be deposited in the Fund. Except as otherwise provided in
40 NRS 414.135, the interest and income earned on the money in the
41 Fund must, after deducting any applicable charges, be credited to
42 the Fund.
43 3. If, at the end of each quarter of a fiscal year, the balance in
44 the Fund exceeds 0.75 percent of the total amount of all
45 appropriations from the State General Fund for the operation of all



1 departments, institutions and agencies of State Government and
2 authorized expenditures from the State General Fund for the
3 regulation of gaming for that fiscal year, the State Controller shall
4 not, until the balance in the Fund is 0.75 percent or less of that
5 amount, transfer any interest earned on money in the Fund to
6 Stabilize the Operation of State Government from the State General
7 Fund to the Fund pursuant to the provisions of NRS 353.288.

8 4. Money in the Fund may be distributed through grants and
9 loans to state agencies and local governments as provided in NRS
10 353.2705 to 353.2771, inclusive ~~[]~~, and *section 21 of this act*.
11 Except as otherwise provided in NRS 353.276, such grants will be
12 disbursed on the basis of reimbursement of costs authorized
13 pursuant to NRS 353.274 and 353.2745.

14 5. If the Governor declares a disaster, the State Board of
15 Examiners shall estimate:

16 (a) The money in the Fund that is available for grants and loans
17 for the disaster pursuant to the provisions of NRS 353.2705 to
18 353.2771, inclusive ~~[]~~, and *section 21 of this act*; and

19 (b) The anticipated amount of those grants and loans for the
20 disaster.

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

31 **Sec. 25.** NRS 353.2753 is hereby amended to read as follows:

32 353.2753 1. A state agency or local government may request
33 *that* the ~~[division to]~~ *Office of Emergency Management* conduct a
34 preliminary assessment of the damages related to an event for which
35 the state agency or local government seeks a grant or loan from the
36 Fund.

37 2. Upon receipt of such a request, the ~~[Division]~~ *Office of*
38 *Emergency Management* shall investigate the event or cause the
39 event to be investigated to make a preliminary assessment of the
40 damages related to the event and shall make or cause to be made a
41 written report of the damages related to the event.

42 3. As soon as practicable after completion of the investigation
43 and preparation of the report of damages, the ~~[Division]~~ *Office of*
44 *Emergency Management* shall:



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

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

7 4. The ~~Division~~ *Office of Emergency Management* shall
8 prescribe by regulation the information that must be included in a
9 report of damages, including, without limitation, a description of the
10 damage caused by the event, an estimate of the costs to repair such
11 damage and a specification of whether the purpose of the project is
12 for repair or replacement, emergency response or mitigation.

13 **Sec. 26.** NRS 353.2754 is hereby amended to read as follows:
14 353.2754 A local government may request a grant or loan from
15 the Fund if:

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

19 2. After the ~~Division~~ *Office of Emergency Management*
20 conducts a preliminary assessment of the damages pursuant to NRS
21 353.2753, the ~~Division~~ *Office of Emergency Management*
22 determines that an event has occurred that constitutes a disaster.

23 **Sec. 27.** NRS 353.2755 is hereby amended to read as follows:
24 353.2755 1. A state agency or local government may submit
25 a request to the State Board of Examiners for a grant or loan from
26 the Fund as provided in NRS 353.2705 to 353.2771, inclusive, *and*
27 *section 21 of this act* if:

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

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

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

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

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

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



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

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

9 (e) A written report of damages prepared by the ~~[Division]~~
10 *Office of Emergency Management* and the written determination
11 made by the ~~[Division]~~ *Office of Emergency Management* that the
12 event constitutes a disaster pursuant to NRS 353.2753; and

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

16 Any additional documentation relating to the request that is
17 requested by the State Board of Examiners must be submitted within
18 6 months after the disaster unless the State Board of Examiners and
19 the Interim Finance Committee ~~[grants]~~ *grant* an extension.

20 3. Upon the receipt of a complete request for a grant or loan
21 submitted pursuant to subsection 1, the State Board of Examiners:

22 (a) Shall consider the request; and

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

25 4. If the State Board of Examiners finds that a grant or loan is
26 appropriate, it shall include in its recommendation to the Interim
27 Finance Committee the proposed amount of the grant or loan. If the
28 State Board of Examiners recommends a grant, it shall include a
29 recommendation regarding whether or not the state agency or local
30 government requires an advance to avoid severe financial hardship.
31 If the State Board of Examiners recommends a loan for a local
32 government, it shall include the information required pursuant to
33 subsection 1 of NRS 353.2765. If the State Board of Examiners
34 finds that a grant or loan is not appropriate, it shall include in its
35 recommendation the reason for its determination.

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

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

41 **Sec. 28.** Chapter 392 of NRS is hereby amended by adding
42 thereto a new section to read as follows:

43 *"Office of Emergency Management" means the Office of*
44 *Emergency Management created by section 6 of this act.*



1 **Sec. 29.** NRS 392.600 is hereby amended to read as follows:
2 392.600 As used in NRS 392.600 to 392.656, inclusive, *and*
3 *section 28 of this act*, unless the context otherwise requires, the
4 words and terms defined in NRS 392.604, 392.608 and 392.612 *and*
5 *section 28 of this act* have the meanings ascribed to them in those
6 sections.

7 **Sec. 30.** NRS 392.624 is hereby amended to read as follows:
8 392.624 1. Each development committee shall, at least once
9 each year, review and update as appropriate the plan that it
10 developed pursuant to NRS 392.620, and provide an updated copy
11 of the plan to the board of trustees of the school district that
12 established the committee or the governing body of the charter
13 school that established the committee.

14 2. The board of trustees of each school district and the
15 governing body of each charter school shall:

16 (a) Post a notice of the completion of each review and update
17 that its development committee performs pursuant to subsection 1 at
18 each school in its school district or at its charter school;

19 (b) Post a copy of NRS 392.600 to 392.656, inclusive, *and*
20 *section 28 of this act* at each school in its school district or at its
21 charter school;

22 (c) Retain a copy of each plan developed pursuant to NRS
23 392.620, each plan updated pursuant to subsection 1 and each
24 deviation approved pursuant to NRS 392.636;

25 (d) Provide a copy of each plan developed pursuant to NRS
26 392.620 and each plan updated pursuant to subsection 1 to:

27 (1) The State Board;

28 (2) Each local law enforcement agency in the county in
29 which the school district or charter school is located; and

30 (3) The ~~Division~~ *Office* of Emergency Management ; ~~of~~
31 ~~the Department of Public Safety;~~

32 (e) Upon request, provide a copy of each plan developed
33 pursuant to NRS 392.620 and each plan updated pursuant to
34 subsection 1 to a local agency that is included in the plan and to an
35 employee of a school who is included in the plan;

36 (f) Upon request, provide a copy of each deviation approved
37 pursuant to NRS 392.636 to:

38 (1) The State Board;

39 (2) A local law enforcement agency in the county in which
40 the school district or charter school is located;

41 (3) The ~~Division~~ *Office* of Emergency Management ; ~~of~~
42 ~~the Department of Public Safety;~~

43 (4) A local agency that is included in the plan; and

44 (5) An employee of a school who is included in the plan; and



1 (g) At least once each year, provide training in responding to a
2 crisis to each employee of the school district or of the charter
3 school, including, without limitation, training concerning drills for
4 evacuating and securing schools.

5 3. The board of trustees of each school district and the
6 governing body of each charter school may apply for and accept
7 gifts, grants and contributions from any public or private source to
8 carry out the provisions of NRS 392.600 to 392.656, inclusive ~~§~~,
9 *and section 28 of this act.*

10 **Sec. 31.** NRS 392.640 is hereby amended to read as follows:

11 392.640 1. The State Board shall, with assistance from other
12 state agencies, including, without limitation, the ~~Division~~ *Office* of
13 Emergency Management, the Investigation Division ~~§~~ *of the*
14 *Department of Public Safety* and the Nevada Highway Patrol of the
15 Department of Public Safety, develop a plan for the management of
16 a crisis that involves a public school, including, without limitation, a
17 charter school, or a private school and that requires immediate
18 action. The plan must include, without limitation, a procedure for
19 coordinating the resources of local, state and federal agencies,
20 officers and employees, as appropriate. In developing the plan, the
21 State Board shall consider the plans to respond to crises developed
22 pursuant to NRS 392.620 and 394.1687 and updated pursuant to
23 NRS 392.624 and 394.1688.

24 2. The State Board may disseminate to any appropriate local,
25 state or federal agency, officer or employee, as the State Board
26 determines is necessary:

27 (a) The plan developed by the State Board pursuant to
28 subsection 1;

29 (b) A plan developed pursuant to NRS 392.620 or updated
30 pursuant to NRS 392.624;

31 (c) A plan developed pursuant to NRS 394.1687 or updated
32 pursuant to NRS 394.1688; and

33 (d) A deviation approved pursuant to NRS 392.636 or 394.1692.

34 **Sec. 32.** NRS 392.648 is hereby amended to read as follows:

35 392.648 1. If a crisis that requires immediate action occurs at
36 a public school, including, without limitation, a charter school, the
37 principal of the school involved, or his designated representative,
38 shall, in accordance with the plan to respond to a crisis developed
39 for the school pursuant to NRS 392.620 and in accordance with any
40 deviation approved pursuant to NRS 392.636, contact all
41 appropriate local agencies to respond to the crisis.

42 2. If a local agency that is responsible for responding to a crisis
43 is contacted pursuant to subsection 1 and the local agency
44 determines that the crisis requires assistance from a state agency, the
45 local agency may:



1 (a) If a local organization for emergency management has been
2 established in the city or county in which the local agency that was
3 contacted is located, through such local organization for emergency
4 management, notify the ~~{Division}~~ *Office* of Emergency
5 Management ~~{of the Department of Public Safety}~~ of the crisis and
6 request assistance from the ~~{Division}~~ *Office of Emergency*
7 *Management* in responding to the crisis; or

8 (b) If a local organization for emergency management has not
9 been established in the city or county in which the local agency that
10 was contacted is located, directly notify the ~~{Division}~~ *Office* of
11 Emergency Management ~~{of the Department of Public Safety}~~ of the
12 crisis and request assistance from the ~~{Division}~~ *Office of*
13 *Emergency Management* in responding to the crisis.

14 3. If the ~~{Division}~~ *Office* of Emergency Management ~~{of the~~
15 ~~Department of Public Safety}~~ receives notification of a crisis and a
16 request for assistance pursuant to subsection 2 and the Governor or
17 his designated representative determines that the crisis requires
18 assistance from a state agency, the ~~{Division}~~ *Office of Emergency*
19 *Management* shall carry out its duties set forth in the plan
20 developed pursuant to NRS 392.640 and its duties set forth in
21 chapter 414 of NRS, including, without limitation, addressing the
22 immediate crisis and coordinating the appropriate and available
23 local, state and federal resources to provide support services and
24 counseling to pupils, teachers, and parents or legal guardians of
25 pupils, and providing support for law enforcement agencies, for as
26 long as is reasonably necessary.

27 **Sec. 33.** Chapter 394 of NRS is hereby amended by adding
28 thereto a new section to read as follows:

29 *“Office of Emergency Management” means the Office of*
30 *Emergency Management created by section 6 of this act.*

31 **Sec. 34.** NRS 394.168 is hereby amended to read as follows:

32 394.168 As used in NRS 394.168 to 394.1699, inclusive, *and*
33 *section 33 of this act*, unless the context otherwise requires, the
34 words and terms defined in NRS 394.1681, 394.1682 and 394.1683
35 *and section 33 of this act* have the meanings ascribed to them in
36 those sections.

37 **Sec. 35.** NRS 394.1688 is hereby amended to read as follows:

38 394.1688 1. Each development committee shall, at least once
39 each year, review and update as appropriate the plan that it
40 developed pursuant to NRS 394.1687, and provide an updated copy
41 of the plan to the governing body of the school.

42 2. The governing body of each private school shall:

43 (a) Post a notice of the completion of each review and update
44 that its development committee performs pursuant to subsection 1 at
45 the school;



- 1 (b) Post a copy of NRS 392.640 and 394.168 to 394.1699,
2 inclusive, *and section 33 of this act* at the school;
- 3 (c) Retain a copy of each plan developed pursuant to NRS
4 394.1687, each plan updated pursuant to subsection 1 and each
5 deviation approved pursuant to NRS 394.1692;
- 6 (d) Provide a copy of each plan developed pursuant to NRS
7 394.1687 and each plan updated pursuant to subsection 1 to:
- 8 (1) The Board;
- 9 (2) Each local law enforcement agency in the county in
10 which the school is located; and
- 11 (3) The ~~Division~~ *Office* of Emergency Management ; ~~of~~
12 ~~the Department of Public Safety;~~
- 13 (e) Upon request, provide a copy of each plan developed
14 pursuant to NRS 394.1687 and each plan updated pursuant to
15 subsection 1 to a local agency that is included in the plan and to an
16 employee of the school who is included in the plan;
- 17 (f) Upon request, provide a copy of each deviation approved
18 pursuant to NRS 394.1692 to:
- 19 (1) The Board;
- 20 (2) A local law enforcement agency in the county in which
21 the school is located;
- 22 (3) The ~~Division~~ *Office* of Emergency Management ; ~~of~~
23 ~~the Department of Public Safety;~~
- 24 (4) A local agency that is included in the plan; and
- 25 (5) An employee of the school who is included in the plan;
- 26 and
- 27 (g) At least once each year, provide training in responding to a
28 crisis to each employee of the school, including, without limitation,
29 training concerning drills for evacuating and securing the school.
- 30 **Sec. 36.** NRS 394.1696 is hereby amended to read as follows:
- 31 394.1696 1. If a crisis that requires immediate action occurs
32 at a private school, the principal or other person in charge of the
33 private school involved, or his designated representative, shall, in
34 accordance with the plan to respond to a crisis developed for the
35 school pursuant to NRS 394.1687 and in accordance with any
36 deviation approved pursuant to NRS 394.1692, contact all
37 appropriate local agencies to respond to the crisis.
- 38 2. If a local agency that is responsible for responding to a crisis
39 is contacted pursuant to subsection 1 and the local agency
40 determines that the crisis requires assistance from a state agency, the
41 local agency may:
- 42 (a) If a local organization for emergency management has been
43 established in the city or county in which the local agency that was
44 contacted is located, through such local organization for
45 emergency management, notify the ~~Division~~ *Office* of Emergency



1 Management ~~[of the Department of Public Safety]~~ of the crisis and
2 request assistance from the ~~[Division]~~ *Office of Emergency*
3 *Management* in responding to the crisis; or

4 (b) If a local organization for emergency management has not
5 been established in the city or county in which the local agency that
6 was contacted is located, directly notify the ~~[Division]~~ *Office* of
7 Emergency Management ~~[of the Department of Public Safety]~~ of the
8 crisis and request assistance from the ~~[Division]~~ *Office of*
9 *Emergency Management* in responding to the crisis.

10 3. If the ~~[Division]~~ *Office* of Emergency Management ~~[of the~~
11 ~~Department of Public Safety]~~ receives notification of a crisis and a
12 request for assistance pursuant to subsection 2 and the Governor or
13 his designated representative determines that the crisis requires
14 assistance from a state agency, the ~~[Division]~~ *Office of Emergency*
15 *Management* shall carry out its duties set forth in the plan
16 developed pursuant to NRS 392.640 and its duties set forth in
17 chapter 414 of NRS, including, without limitation, addressing the
18 immediate crisis and coordinating the appropriate and available
19 local, state and federal resources to provide support services and
20 counseling to pupils, teachers, and parents or legal guardians of
21 pupils, and providing support for law enforcement agencies, for as
22 long as is reasonably necessary.

23 **Sec. 37.** Chapter 414 of NRS is hereby amended by adding
24 thereto the provisions set forth as sections 38 and 39 of this act.

25 **Sec. 38.** *“Director” means the Director of the Office of*
26 *Emergency Management appointed pursuant to section 6 of this*
27 *act.*

28 **Sec. 39.** *“Office of Emergency Management” means the*
29 *Office of Emergency Management created by section 6 of this act.*

30 **Sec. 40.** NRS 414.020 is hereby amended to read as follows:

31 414.020 1. Because of the existing and increasing possibility
32 of the occurrence of emergencies or disasters of unprecedented size
33 and destructiveness resulting from enemy attack, sabotage or other
34 hostile action, from a fire, flood, earthquake, storm or other natural
35 causes, or from technological or man-made catastrophes, and in
36 order to ensure that the preparations of this state will be adequate to
37 deal with such emergencies or disasters, and generally to provide for
38 the common defense and to protect the public welfare, and to
39 preserve the lives and property of the people of the State, it is
40 hereby found and declared to be necessary:

41 (a) To ~~[create a state agency for emergency management and to]~~
42 authorize the creation of local organizations for emergency
43 management in the political subdivisions of the State.



1 (b) To confer upon the Governor and upon the executive heads
2 or governing bodies of the political subdivisions of the State the
3 emergency powers provided in this chapter.

4 (c) To assist with the rendering of mutual aid among the
5 political subdivisions of the State and with other states and to
6 cooperate with the Federal Government with respect to carrying out
7 the functions of emergency management.

8 2. It is further declared to be the purpose of this chapter and the
9 policy of the State that all functions of emergency management in
10 this state be coordinated to the maximum extent with the
11 comparable functions of the Federal Government, including its
12 various departments and agencies, of other states and localities and
13 of private agencies of every type, providing for the most effective
14 preparation and use of the nation's man power, resources and
15 facilities for dealing with any emergency or disaster that may occur.

16 **Sec. 41.** NRS 414.030 is hereby amended to read as follows:
17 414.030 As used in this chapter, the words and terms defined
18 in NRS 414.031 to 414.038, inclusive, *and sections 38 and 39 of*
19 *this act* have the meanings ascribed to them in those sections.

20 **Sec. 42.** NRS 414.040 is hereby amended to read as follows:
21 414.040 1. ~~[A Division of Emergency Management is hereby~~
22 ~~created within the Department of Public Safety. The Chief of the~~
23 ~~Division is appointed by and holds office at the pleasure of the~~
24 ~~Director of the Department of Public Safety. The Division is the~~
25 ~~state agency for emergency management and the state agency for~~
26 ~~civil defense for the purposes of the compact ratified by the~~
27 ~~Legislature pursuant to NRS 415.010. The Chief is the State's~~
28 ~~Director of Emergency Management and the State's Director of~~
29 ~~Civil Defense for the purposes of that compact.~~

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

36 ~~—3. The Chief,] The Director,~~ subject to the direction and
37 control of the ~~[Director,] Governor,~~ shall carry out the program for
38 emergency management in this state. He shall coordinate the
39 activities of all organizations for emergency management within the
40 State, maintain liaison with and cooperate with agencies and
41 organizations of other states and of the Federal Government for
42 emergency management and carry out such additional duties as may
43 be prescribed by the ~~[Director.~~

44 ~~4.—The Chief] Governor.~~



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

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

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

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

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

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

27 ~~[5.—The Division shall perform the duties required pursuant to
28 NRS 353.2753 at the request of a state agency or local government.]~~

29 **Sec. 43.** NRS 414.135 is hereby amended to read as follows:

30 414.135 1. There is hereby created the Emergency Assistance
31 Account within the Disaster Relief Fund created pursuant to NRS
32 353.2735. Beginning with the fiscal year that begins on July 1,
33 1999, the State Controller shall, at the end of each fiscal year,
34 transfer the interest earned during the previous fiscal year on the
35 money in the Disaster Relief Fund to the Account in an amount not
36 to exceed \$500,000.

37 2. The ~~[Division]~~ **Office** of Emergency Management ~~[of the
38 Department of Public Safety]~~ shall administer the Account. The
39 ~~[Division]~~ **Office of Emergency Management** may adopt
40 regulations authorized by this section before, on or after July 1,
41 1999.

42 3. All expenditures from the Account must be approved in
43 advance by the ~~[Division.]~~ **Office of Emergency Management.**
44 Except as otherwise provided in subsection 4, all money in the
45 Account must be expended solely to:



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

6 (b) Pay any actual expenses incurred by the ~~{Division}~~ *Office of*
7 *Emergency Management* for administration during a natural,
8 technological or man-made emergency or disaster.

9 4. Beginning with the fiscal year that begins on July 1, 1999, if
10 any balance remains in the Account at the end of a fiscal year and
11 the balance has not otherwise been committed for expenditure, the
12 ~~{Division}~~ *Office of Emergency Management* may, with the
13 approval of the Interim Finance Committee, allocate all or any
14 portion of the remaining balance, not to exceed \$250,000, to this
15 state or to a local government to:

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

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

20 (c) Carry out the provisions of NRS 392.600 to 392.656,
21 inclusive ~~{ }~~, *and section 28 of this act.*

22 5. Beginning with the fiscal year that begins on July 1, 1999,
23 the ~~{Division}~~ *Office of Emergency Management* shall, at the end
24 of each quarter of a fiscal year, submit to the Interim Finance
25 Committee a report of the expenditures made from the Account for
26 the previous quarter.

27 6. The ~~{Division}~~ *Office of Emergency Management* shall
28 adopt such regulations as are necessary to administer the Account.

29 7. The ~~{Division}~~ *Office of Emergency Management* may
30 adopt regulations to provide for reimbursement of expenditures
31 made from the Account. If the ~~{Division}~~ *Office of Emergency*
32 *Management* requires such reimbursement, the Attorney General
33 shall take such action as is necessary to recover the amount of any
34 unpaid reimbursement plus interest at a rate determined pursuant to
35 NRS 17.130, computed from the date on which the money was
36 removed from the Fund, upon request by the ~~{Division}~~ *Office of*
37 *Emergency Management.*

38 **Sec. 44.** NRS 414.170 is hereby amended to read as follows:

39 414.170 1. The Board of Search and Rescue, consisting of 10
40 members appointed by the ~~{Chief}~~ *Director* is hereby created. The
41 ~~{Chief}~~ *Director* shall appoint:

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

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



- 1 (c) Four members who are representatives of the Nevada
2 Sheriffs and Chiefs Association or its legal successor;
- 3 (d) One member who is a representative of the Health Division
4 of the Department of Human Resources and whose primary
5 responsibilities relate to the licensure and certification of persons
6 who provide emergency medical services;
- 7 (e) One member who is a representative of the Division of
8 Forestry of the State Department of Conservation and Natural
9 Resources;
- 10 (f) One member who is a representative of a search and rescue
11 organization of a law enforcement agency; and
- 12 (g) One member who is a representative of the Nevada Fire
13 ~~Chiefs'~~ *Chiefs* Association or its legal successor. If the association
14 ceases to exist and no legal successor is formed, the ~~Chief~~
15 *Director* shall appoint one member who is a fire chief.
- 16 2. The term of office of each member of the Board is 2 years.
- 17 **Sec. 45.** NRS 414.180 is hereby amended to read as follows:
18 414.180 The Board shall:
- 19 1. Meet at the call of the ~~Chief~~ *Director* and at least once
20 every 6 months;
- 21 2. Provide direction and guidance for the Coordinator;
- 22 3. Formulate policy regarding search and rescue; and
- 23 4. Carry out the other duties assigned to it in this chapter.
- 24 **Sec. 46.** NRS 414.200 is hereby amended to read as follows:
25 414.200 The ~~Chief,~~ *Director*, with the advice of the Board,
26 shall appoint an employee of the ~~Division~~ *Office* of Emergency
27 Management ~~of the Department of Public Safety~~ as Coordinator of
28 Search and Rescue.
- 29 **Sec. 47.** NRS 414.270 is hereby amended to read as follows:
30 414.270 A State Disaster Identification Team is hereby
31 established within the ~~Division~~ *Office* of Emergency Management
32 ~~of the Department of Public Safety. The Chief;~~ *The Director*:
- 33 1. Shall assign persons with expertise in various fields to the
34 State Disaster Identification Team; and
- 35 2. May activate such persons to perform the duties of the State
36 Disaster Identification Team:
- 37 (a) During a state of emergency or declaration of disaster
38 proclaimed pursuant to NRS 414.070; or
- 39 (b) Upon the request of a political subdivision of this state if the
40 ~~Chief~~ *Director* determines that the political subdivision requires
41 the services of the State Disaster Identification Team.
- 42 **Sec. 48.** NRS 414.280 is hereby amended to read as follows:
43 414.280 Upon activation, the State Disaster Identification
44 Team shall:



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

3 2. Within 2 hours after activation, begin to identify and report
4 to the ~~{Chief}~~ *Director* the need for medical and health services to:

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

6 (b) Identify deceased victims by using, without limitation, latent
7 fingerprints and the forensic methods of dentistry, pathology and
8 anthropology.

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

10 **Sec. 49.** NRS 414.300 is hereby amended to read as follows:

11 414.300 The ~~{Department of Public Safety}~~ *Director* shall
12 adopt regulations to govern the State Disaster Identification Team.
13 The regulations must include, without limitation:

14 1. Guidelines for the ~~{Chief}~~ *Director* to:

15 (a) Assign persons to positions on the State Disaster
16 Identification Team; and

17 (b) Determine which members of the State Disaster
18 Identification Team may be activated pursuant to NRS 414.270.

19 2. Provisions governing the organization, administration and
20 operation of the State Disaster Identification Team.

21 3. The compensation, if any, to be paid by the ~~{Department}~~
22 *Office of Emergency Management* to a member of the State
23 Disaster Identification Team who is activated pursuant to
24 NRS 414.270.

25 **Sec. 50.** NRS 432.170 is hereby amended to read as follows:

26 432.170 1. The Attorney General shall:

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

29 (b) Appoint a Director to administer the provisions of the
30 program.

31 2. The Director is in the unclassified service of the State. To
32 assist the Director in carrying out the provisions of NRS 432.150 to
33 432.220, inclusive, the Attorney General may appoint such
34 assistants or investigators as deemed necessary by the Attorney
35 General.

36 3. The Director may:

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

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

43 (2) Governmental and private agencies and programs for
44 locating and identifying missing or exploited children, preventing



1 the abduction or disappearance of children and preventing the abuse
2 or neglect of children.

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

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

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

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

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

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

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

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

25 5. The Director shall, upon request, provide records regarding a
26 missing child to the State Disaster Identification Team of the
27 ~~Division] Office~~ of Emergency Management ~~[of the Department of~~
28 ~~Public Safety.] created by section 6 of this act.~~

29 **Sec. 51.** Chapter 459 of NRS is hereby amended by adding
30 thereto a new section to read as follows:

31 *“Office of Emergency Management” means the Office of*
32 *Emergency Management created by section 6 of this act.*

33 **Sec. 52.** NRS 459.700 is hereby amended to read as follows:

34 459.700 As used in NRS 459.700 to 459.780, inclusive, *and*
35 *section 51 of this act*, unless the context otherwise requires, the
36 words and terms defined in NRS 459.7005 to 459.7032, inclusive,
37 *and section 51 of this act* have the meanings ascribed to them in
38 those sections.

39 **Sec. 53.** NRS 459.742 is hereby amended to read as follows:

40 459.742 The Commission, in carrying out its duties and within
41 the limits of legislative appropriations and other available money,
42 may:

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



- 1 2. Provide grants of money to local emergency planning
- 2 committees to improve their ability to respond to emergencies
- 3 involving hazardous materials;
- 4 3. Assist with the development of comprehensive plans for
- 5 responding to such emergencies in this state;
- 6 4. Provide technical assistance and administrative support to
- 7 the Telecommunications Unit of the Communication and
- 8 Computing Division of the Department of Information Technology
- 9 for the development of systems for communication during such
- 10 emergencies;
- 11 5. Provide technical and administrative support and assistance
- 12 for training programs;
- 13 6. Develop a system to provide public access to data relating to
- 14 hazardous materials;
- 15 7. Support any activity or program eligible to receive money
- 16 from the Contingency Account for hazardous materials;
- 17 8. Adopt regulations setting forth the manner in which the
- 18 ~~Division~~ *Office* of Emergency Management ~~of the Department~~
- 19 shall:
- 20 (a) Allocate money received by the ~~Division~~ *Office of*
- 21 *Emergency Management* which relates to hazardous materials or is
- 22 received pursuant to 42 U.S.C. §§ 11001 et seq. or 49 U.S.C. §§
- 23 5101 et seq.; and
- 24 (b) Approve programs developed to address planning for and
- 25 responding to emergencies involving hazardous materials; and
- 26 9. Coordinate the activities administered by state agencies to
- 27 carry out the provisions of this chapter, 42 U.S.C. §§ 11001 et seq.
- 28 and 49 U.S.C. §§ 5101 et seq.
- 29 **Sec. 54.** NRS 459.796 is hereby amended to read as follows:
- 30 459.796 A person is entitled to immunity under subsection 2 of
- 31 NRS 459.792 only if:
- 32 1. In the case of one furnishing advice or assistance, he is
- 33 qualified by training, education or experience in the handling of
- 34 hazardous materials and provides advice or assistance within the
- 35 area of his qualifications; and
- 36 2. He was requested to provide the equipment, advice or other
- 37 assistance by:
- 38 (a) The person responsible for the discharge;
- 39 (b) The ~~Division~~ *Office* of Emergency Management ; ~~of the~~
- 40 ~~Department of Public Safety;~~
- 41 (c) The Division of Industrial Relations of the Department of
- 42 Business and Industry;
- 43 (d) The Division of Environmental Protection of the State
- 44 Department of Conservation and Natural Resources;



1 (e) The Nevada Highway Patrol Division of the Department of
2 Public Safety;

3 (f) The State Fire Marshal Division of the Department of Public
4 Safety;

5 (g) The State Emergency Response Commission or a local
6 emergency planning committee appointed by the Commission;

7 (h) A local fire department; or

8 (i) A local agency for law enforcement.

9 **Sec. 55.** NRS 480.110 is hereby amended to read as follows:

10 480.110 Except as otherwise provided therein, the Department
11 shall execute, administer and enforce, and perform the functions and
12 duties provided in:

13 1. Chapters 176A and 213 of NRS relating to parole and
14 probation;

15 2. ~~{Chapter 414 of NRS relating to emergency management;~~

16 ~~—3.}~~ Chapter 453 of NRS relating to controlled substances and
17 chapter 454 of NRS relating to dangerous drugs;

18 ~~{4.}~~ 3. Chapter 459 of NRS relating to the transportation of
19 hazardous materials; and

20 ~~{5.}~~ 4. Chapter 477 of NRS relating to the State Fire Marshal.

21 **Sec. 56.** NRS 480.130 is hereby amended to read as follows:

22 480.130 The Department consists of:

23 1. An Administrative Services Division;

24 2. An Investigation Division;

25 3. A Nevada Highway Patrol Division;

26 4. ~~{A Division of Emergency Management;~~

27 ~~—5.}~~ A State Fire Marshal Division;

28 ~~{6.}~~ 5. A Division of Parole and Probation;

29 ~~{7.}~~ 6. A Capitol Police Division; and

30 ~~{8.}~~ 7. A Training Division.

31 **Sec. 57.** NRS 480.140 is hereby amended to read as follows:

32 480.140 The primary functions and responsibilities of the
33 divisions of the Department are as follows:

34 1. The Administrative Services Division shall furnish fiscal,
35 accounting and other administrative services to the Director and the
36 various divisions, and advise and assist the Director and the various
37 divisions in carrying out their functions and responsibilities.

38 2. The Investigation Division shall:

39 (a) Execute, administer and enforce the provisions of chapter
40 453 of NRS relating to controlled substances and chapter 454 of
41 NRS relating to dangerous drugs;

42 (b) Assist the Secretary of State in carrying out an investigation
43 pursuant to NRS 293.124; and



1 (c) Perform such duties and exercise such powers as may be
2 conferred upon it pursuant to this chapter and any other specific
3 statute.

4 3. The Nevada Highway Patrol Division shall, in conjunction
5 with the Department of Motor Vehicles, execute, administer and
6 enforce the provisions of chapter 484 of NRS and perform such
7 duties and exercise such powers as may be conferred upon it
8 pursuant to NRS 480.360 and any other specific statute.

9 ~~4. [The Division of Emergency Management shall execute,
10 administer and enforce the provisions of chapter 414 of NRS and
11 perform such duties and exercise such powers as may be conferred
12 upon it pursuant to chapter 414 of NRS and any other specific
13 statute.~~

14 ~~5.]~~ The State Fire Marshal Division shall execute, administer
15 and enforce the provisions of chapter 477 of NRS and perform such
16 duties and exercise such powers as may be conferred upon it
17 pursuant to chapter 477 of NRS and any other specific statute.

18 ~~[6.]~~ 5. The Division of Parole and Probation shall execute,
19 administer and enforce the provisions of chapters 176A and 213 of
20 NRS relating to parole and probation and perform such duties and
21 exercise such powers as may be conferred upon it pursuant to those
22 chapters and any other specific statute.

23 ~~[7.]~~ 6. The Capitol Police Division shall assist the Chief of the
24 Buildings and Grounds Division of the Department of
25 Administration in the enforcement of subsection 1 of NRS 331.140.

26 ~~[8.]~~ 7. The Training Division shall provide training to the
27 employees of the Department.

28 **Sec. 58.** NRS 480.170 is hereby amended to read as follows:

29 480.170 Money collected or received by ~~[-~~

30 ~~1. The Division of Emergency Management pursuant to
31 chapter 414 of NRS; or~~

32 ~~2. The] the~~ State Fire Marshal Division pursuant to chapter 477
33 of NRS ~~[-~~ must be deposited with the State Treasurer for credit to
34 the appropriate accounts of the respective divisions.

35 **Sec. 59.** NRS 480.500 is hereby amended to read as follows:

36 480.500 1. When a coroner is unable to establish the identity
37 of a dead body by means other than by dental records, he shall have
38 a dental examination of the body made by a dentist. The dentist shall
39 prepare a record of his findings and forward it to the Investigation
40 Division and to the Central Repository for Nevada Records of
41 Criminal History.

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



- 1 (a) Transmit to the Investigation Division and to the Central
2 Repository for Nevada Records of Criminal History:
- 3 (1) The initial report that contains identifying information
4 concerning the missing person within 72 hours after the receipt of
5 that report; and
6 (2) Any subsequent report concerning the missing person
7 within 5 working days after the receipt of that report if the report
8 contains additional identifying information concerning the missing
9 person;
- 10 (b) Notify immediately such persons and make inquiries
11 concerning the missing person as the agency deems necessary; and
12 (c) Enter the information concerning the missing person into the
13 computer for the National Crime Information Center and the Central
14 Repository for Nevada Records of Criminal History, if appropriate.
- 15 3. The sheriff, chief of police or other law enforcement agency
16 shall request the written consent of the next of kin or guardian of a
17 person who has been reported to him as missing for 30 days or more
18 to obtain certain identifying information about the missing person
19 that the National Crime Information Center recommends be
20 provided from the appropriate providers of medical care. After
21 receiving the written consent, the sheriff, chief of police or other law
22 enforcement agency shall obtain the identifying information from
23 the providers of medical care and forward that information and any
24 other relevant information to the Investigation Division and to the
25 Central Repository for Nevada Records of Criminal History for
26 comparison with the identifying information that is on file
27 concerning unidentified deceased persons. This subsection does not
28 prevent the voluntary release of identifying information about the
29 missing person by the next of kin or guardian of the missing person
30 at any time.
- 31 4. The next of kin or guardian of the person reported as
32 missing shall promptly notify the appropriate law enforcement
33 agency when the missing person is found.
- 34 5. The sheriff, chief of police or other law enforcement agency
35 shall inform the Investigation Division, the Central Repository for
36 Nevada Records of Criminal History and the National Crime
37 Information Center when a missing person has been found.
- 38 6. The Investigation Division and the Central Repository for
39 Nevada Records of Criminal History shall:
- 40 (a) Maintain the records and other information forwarded to
41 them pursuant to subsections 1, 2 and 3 ~~for the purpose of~~
42 ~~comparing~~ *to compare* the records and otherwise assisting in the
43 identification of dead bodies; and
44 (b) Upon request, provide the records and other information that
45 are maintained pursuant to this subsection to the State Disaster



1 Identification Team of the ~~{Division}~~ *Office* of Emergency
2 Management ~~{of the Department.}~~ *created by section 6 of this act.*

3 **Sec. 60.** NRS 616A.140 is hereby amended to read as follows:
4 616A.140 A member of the Nevada Wing of the Civil Air
5 Patrol who participates:

- 6 1. In a mission; or
- 7 2. In training,

8 which has been authorized by the ~~{Division}~~ *Office* of Emergency
9 Management ~~{of the Department of Public Safety}~~ *created by*
10 *section 6 of this act* shall be deemed for the purposes of chapters
11 616A to 616D, inclusive, of NRS to be an employee of the
12 ~~{Division}~~ *Office* of Emergency Management at the wage of \$600
13 per month and, in the event of injury during such a mission or
14 training, is entitled to the benefits of those chapters.

15 **Sec. 61.** NRS 353.2712 and 414.0315 are hereby repealed.

16 **Sec. 62.** The Legislative Counsel shall:

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

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

27 **Sec. 63.** This act becomes effective on July 1, 2003.

TEXT OF REPEALED SECTIONS

353.2712 “Division” defined. “Division” means the
Division of Emergency Management of the Department of Public
Safety.

414.0315 “Chief” defined. “Chief” means the Chief of the
Division of Emergency Management of the Department of Public
Safety.

