

**ADOPTED REGULATION OF THE DIVISION
OF EMERGENCY MANAGEMENT OF THE
DEPARTMENT OF PUBLIC SAFETY**

LCB File No. R202-01

Effective April 24, 2003

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-18, NRS 414.135.

Section 1. Chapter 414 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 18, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Disaster” has the meaning ascribed to it in NRS 414.0335.*

Sec. 4. *“Division” means the division of emergency management of the department of public safety.*

Sec. 5. *“Emergency” has the meaning ascribed to it in NRS 414.0345.*

Sec. 6. *“Emergency assistance account” means the emergency assistance account created by NRS 414.135.*

Sec. 7. *“Political subdivision” has the meaning ascribed to it in NRS 414.038.*

Sec. 8. *“Preliminary damage assessment” means:*

1. A determination of the extent of damage caused by a natural, technological or man-made emergency or disaster; and

2. An estimation of the amount of financial assistance and payments for the deployment of physical resources needed to repair the damages.

Sec. 9. "Project" means any effort to provide a satisfactory remedy to a natural, technological or man-made emergency or disaster.

Sec. 10. 1. Pursuant to paragraph (a) of subsection 3 of NRS 414.135, all money in the emergency assistance account must be expended to provide supplemental emergency assistance to this state or to political subdivisions in this state that are severely and adversely affected by a natural, technological or man-made emergency or disaster in the form of financial assistance or payment for the deployment of physical resources.

2. Pursuant to paragraph (b) of subsection 3 of NRS 414.135, money in the account will be used to pay the actual expenses incurred by the division for administration during a natural, technological or man-made emergency or disaster, including those costs necessary for the activation and continued operation of an official center for emergency operations.

3. The division will use the money in the emergency assistance account to reimburse a state agency that has contributed financial assistance or payments for the deployment of physical resources for costs exceeding their budgetary capabilities.

Sec. 11. 1. Except as otherwise provided in subsection 3, a state agency or political subdivision that seeks assistance from the emergency assistance account for an emergency or disaster must submit, in writing, an application for assistance to the division in accordance with the requirements for the application set forth in this section.

2. A state agency or county submitting an application for assistance from the emergency assistance account must submit the application for assistance directly to the division.

3. Before a city may submit an application to the division for assistance from the emergency assistance account, the city must apply for any available assistance from the county in which the city is located.

4. An application for assistance from the emergency assistance account for an emergency or disaster must be received by the division:

(a) Within 30 days after the determination of an emergency or disaster, if the applicant is a state agency or county; or

(b) Within 45 days after the determination of an emergency or disaster, if the applicant is a city.

5. Each application for assistance from the emergency assistance account must include the following:

(a) A copy of the declaration of emergency or disaster.

(b) Any official report of a governmental entity concerning any actual or potential threat to the life, health, safety or property of persons in this state.

(c) Any professional reports or certifications supporting the existence of an emergency or disaster.

(d) Any preliminary damage assessment conducted:

(1) If the applicant is a state agency, by officials of the agency and a preliminary damage assessment team deployed by the division to arrive at a consensus pertaining to the preliminary damage assessment; or

(2) If the applicant is a political subdivision, by a preliminary damage assessment team.

(e) A full disclosure of the financial records of the applicant for a determination of the financial need of the applicant by the division.

(f) A certification that the existing financial or physical resources of the applicant are insufficient and no other funding sources are available to support all the estimated costs in providing a satisfactory remedy to the emergency or disaster. Such a certification from a state agency must be submitted by the budget division of the department of administration.

(g) A certification that all other available resources have been exhausted, including, without limitation, interlocal agreements, mutual aid agreements and private resources.

(h) A description of all the projects to be paid, in whole or in part, by any allocation from the emergency assistance account.

Sec. 12. *Upon the receipt of an application for assistance from the emergency assistance account, the division will:*

- 1. Verify the declaration of emergency or disaster.*
- 2. Verify that the emergency or disaster meets the criteria as to a threat to the life, safety, health or property of persons in this state.*
- 3. Review any professional reports or certifications supporting the existence of an emergency or disaster.*
- 4. If the applicant is a state agency and a preliminary damage assessment team has not been deployed before application is made, appoint a preliminary damage assessment team to work with officials from the agency to conduct a preliminary damage assessment.*
- 5. Review the financial records of the applicant for a determination that the applicant has exhausted or will exhaust the existing financial or physical resources as a result of the emergency or disaster.*
- 6. Review the certification of financial need submitted by the applicant.*
- 7. Verify that the applicant has exhausted all other available resources.*

8. *Review the projects submitted for approval by the division.*

Sec. 13. 1. *Except as otherwise provided in subsection 2, an allocation from the emergency assistance account for an emergency or disaster must be expended within 60 days after the approval of the allocation by the division, unless such time is extended by the division based upon a showing of good cause by the requesting entity.*

2. *An allocation for a project that the division reasonably determines to be a long-term project pertaining to the health or safety of human life must be expended within the fiscal year in which the allocation is approved by the division, unless such time is extended by the division based upon a showing of good cause by the requesting entity.*

3. *A request for an extension of the time in which an allocation is required to be expended must be submitted to the division in writing and approved by the division before the expiration of the period in which the allocation is required to be expended pursuant to this section.*

4. *Any money advanced but not expended within the period required pursuant to this section must be returned to the emergency assistance account. Any money returned or obligated but not expended within the period required pursuant to this section will be made available for reallocation.*

Sec. 14. 1. *Each project must be completed within 90 days after the date the application was approved by the division, unless such time is extended by the division based upon a showing of good cause by the requesting entity.*

2. *A request for an extension of time to complete a project must be submitted to the division in writing and approved by the division before the expiration of the period required pursuant to subsection 1.*

3. If the period authorized for completion of a project is more than 90 days or is extended to more than 90 days, the applicant shall submit quarterly reports of each project to the division. Every applicant shall submit a final report of each project to the division not later than 30 days after the end of the period authorized to complete the project.

Sec. 15. *1. Except as otherwise provided in this section, all payments from the emergency assistance account must be made on the basis of reimbursement.*

2. Assistance will be provided from the emergency assistance account on a basis of advance funding only if:

(a) The applicant is unable to begin recovery from the emergency or disaster without advance funding; and

(b) The amounts budgeted by the applicant for an emergency or disaster are not sufficient to support the purchase of equipment or supplies.

3. Advance funding will be provided at a maximum of 25 percent of the total cost of the project. Progressive advances will be provided based on the percentage of the project that has been completed and the submission of documentation evidencing all costs incurred to date.

Sec. 16. *An applicant submitting a final request for reimbursement shall submit documentation evidencing all costs incurred for the project not later than 60 days after the completion of the project. An applicant may submit periodic requests for reimbursement during a project that the division determined to be a long-term project pursuant to section 13 of this regulation. Upon the receipt of a request for reimbursement, the division will:*

1. Review the eligibility of the project costs for money from the emergency assistance account;

2. Require documentation evidencing all costs claimed on the request for reimbursement;

3. *Verify the availability of money approved for the project; and*
4. *Process any claim that has been approved by the division for payment to the applicant.*

Sec. 17. *1. A state agency or political subdivision that seeks an allocation of money pursuant to subsection 4 of NRS 414.135 must submit, in writing, an application to the division.*

2. Any money allocated from the emergency assistance account pursuant to subsection 4 of NRS 414.135 must be expended within 60 days after the approval of the allocation by the division, unless such time is extended by the division based upon a showing of good cause by the requesting entity.

3. A request for an extension of the time in which an allocation is required to be expended must be submitted to the division in writing and approved by the division before the expiration of the period in which the allocation is required to be expended pursuant to this section.

4. Any money advanced but not expended within the period required pursuant to this section must be returned to the emergency assistance account. Any money returned or obligated but not expended within the period required pursuant to this section will be made available for reallocation.

Sec. 18. *An applicant receiving money from the emergency assistance account shall reimburse the emergency assistance account from any money the applicant receives from:*

1. *Any federal, state or local governmental agency or private source for the emergency or disaster;*
2. *Legal action taken against any person or entity responsible for the emergency or disaster; or*

3. *Payments received as a result of coverage from a policy of insurance relating to the emergency or disaster,*
not later than 30 days after the applicant receives such money.

FLUSH

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R202-01

The Division of Emergency Management of the Department of Public Safety adopted regulations assigned LCB File No. R202-01 which pertain to chapter 414 of the Nevada Administrative Code on April 21, 2003.

Notice date: 6/18/2002 & 3/07/2003
Hearing date: 9/18/2002 & 4/18/2003

Date of adoption by agency: 4/21/2003
Filing date: 4/24/2003

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

The change in NAC under LCB File R202-01 was noticed two times: June 18, 2002, and March 07, 2003. The notices were sent via registered mail to the seventeen county emergency management coordinators and to the public libraries in each county. One written comment was received for the June 18, 2002, notification. The hearing held September 18, 2002, did not produce any additional comments/changes in the submitted language. The written comment received centered in the request to have political subdivisions found within counties to submit their request through the county. A copy of the written comments may be obtained by calling the Division of Emergency Management at (775) 687-4240 or by writing to the Division at 2525 South Carson Street, Carson, NV 89711.

2. The number of persons who:

a. Attended each hearing:

- i. Hearing of September 18, 2002: zero (0)
- ii. Hearing of April 18, 2003: zero (0)

b. Testified at each hearing:

- i. Hearing of September 18, 2002: zero (0)
- ii. Hearing of April 18, 2003: zero (0)

c. Submitted to the agency written comments: Comments were submitted by the Clark County Office of Emergency Management.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

As outlined in question number 1, the emergency management offices in each county were notified through a certified mailing of the Notice of Hearing and a copy of the draft regulation. The mailings were sent June 18, 2002, and March 07, 2003. The written response received requested the addition of language to include that local subdivisions within a county submit applications through the county's emergency management office. A copy of the written comments may be obtained by calling the Division of Emergency Management at

(775) 687-4240 or by writing to the Division at 2525 South Carson Street, Carson, NV 89711.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted at the Division of Emergency Management April 21, 2003, with no changes to the proposed regulation. The proposed regulations were adopted with no change because no written or verbal comments were received at the second hearing from the affected community.

5. The estimated economic effect of the adopted regulation on the businesses, which it is to regulate, and on the public. These must be stated separately, and each case must include:

- a. Both adverse and beneficial effects; and**
- b. Both immediate and long-term effects.**

The proposed regulation is expected to have an immediate and long-term beneficial economic effect upon the emergency management community statewide. This regulation provides for organized procedure for the State's political subdivisions to obtain funding in emergency events under specific circumstances. There is no estimated adverse economic effect, immediate or long-term, upon the emergency management community in the State.

The proposed regulation is expected to have an immediate and long-term beneficial economic effect upon the public statewide. This regulation provides for organized procedure for the State's political subdivisions to obtain funding in emergency events under specific circumstances. This in turn will allow relief in the recovery of an emergency incident. There is no estimated adverse economic effect, immediate or long-term, upon the public in the State.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies, which the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are not other state or federal government agency regulations that the proposed regulation overlaps or duplicates.

8. If the regulation includes provisions that are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

Not applicable.

9. If the regulation provides a new fee or increase an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide or involve a new fee. Therefore no total amount is expected.