

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

LCB File No. R046-16

Effective June 28, 2016

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

AUTHORITY: §§1-3, NRS 414.135.

A REGULATION relating to the Emergency Assistance Account; revising the requirements for an application for an allocation from the Account; revising provisions relating to the appointment of a preliminary damage assessment team by the Division of Emergency Management of the Department of Public Safety; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Division of Emergency Management of the Department of Public Safety to administer the Emergency Assistance Account to pay for certain projects and expenses incurred by the State or local governments in this State resulting from certain emergencies or disasters. (NRS 414.135) **Section 1** of this regulation revises the definition of “project” for the purposes of requesting money from the Account to include efforts to provide preparations for an emergency or disaster. Existing regulations require an application for an allocation from the Account to include a copy of the declaration of emergency or disaster. (NAC 414.105) **Section 2** of this regulation provides that, if such a declaration is not available at the time of the application, the applicant may instead provide a detailed explanation of the emergency or disaster.

Existing regulations require the Division to appoint a preliminary damage assessment team if the applicant for an allocation from the Account is a state agency and a preliminary damage assessment team has not been deployed before the application is made. (NAC 414.110) **Section 3** of this regulation provides that the Division must first determine if appointment of a damage assessment team is appropriate, and then only appoint such a team if the Division determines it would be appropriate to do so. **Section 2** makes a conforming change regarding the deployment of such a preliminary damage assessment team.

Section 1. NAC 414.045 is hereby amended to read as follows:

414.045 “Project” means any effort to provide ~~fa~~ satisfactory *preparations for or a satisfactory* remedy to a natural, technological or human-caused emergency or disaster.

Sec. 2. NAC 414.105 is hereby amended to read as follows:

414.105 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 ~~fa~~ *or, if such a declaration is not available, a detailed explanation of the 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 , *if any*, 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~~ *Office of Finance*.

(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. 3. NAC 414.110 is hereby amended to read as follows:

414.110 Upon the receipt of an application for assistance from the Emergency Assistance Account, the Division will:

1. Verify the declaration of emergency or disaster ~~{}~~ *if provided with the application.*
2. Verify that the emergency or disaster ~~{meets the criteria as to}~~ *poses* 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, *determine if it is appropriate to appoint a preliminary damage assessment team and, if so*, 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.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R046-16**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 414.

1. A clear and concise explanation of the need for the adopted regulation.

The purpose of this proposed regulation is to revise the requirements for an application to the Emergency Assistance Account (“EAA”). This proposed regulation includes three changes to the application process. First, the definition of “project” was amended to include efforts to prepare for an emergency or disaster. Second, this regulation eliminates the requirement for the existence of a declaration of emergency or disaster in order to apply for assistance from the EAA. Lastly, this regulation has been amended to reflect that the Division must first determine if it is appropriate to deploy a damage assessment team when the applicant is a state agency.

2. 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.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of emergency management as well as any persons who had specifically requested such notice. These documents were also made available at the websites of http://dem.nv.gov/DEM/DEM_Public_Meeting_Information/, mailed to all county libraries in Nevada and posted at the following locations:

Nevada Division of Emergency Management
2478 Fairview Drive
Carson City, NV 89701

Las Vegas Governor’s Office
555 E. Washington Avenue
Las Vegas, NV 89101

Carson City Governor’s Office
101 N. Carson Street
Carson City, NV 89701

Clark County Fire Department
575 E. Flamingo Road
Las Vegas, NV 89119

<http://notice.nv.gov>

There was no public response to any of these public outreach efforts—public posting, the workshop, and the public hearing.

3. The number of persons who:

- (a) Attended each hearing: 3**
- (b) Testified at each hearing: 0**
- (c) Submitted to the agency written comments: 0**

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.

5. 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.

The regulations only apply to the Department of Public Safety, Division of Emergency Management.

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

No suggested changes were made by the public through written or oral comment. Therefore, the proposed regulation was adopted without change.

7. 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.**

This proposed regulation only applies to the Department of Public Safety, Division of Emergency Management. This proposed regulation does not involve any adverse or beneficial effects on any business or on the public. This proposed regulation will not involve any immediate or long-term effects on businesses or the public.

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

The Department of Public Safety, Division of Emergency Management will not incur significant costs for implementation and enforcement of this proposed regulation.

- 9. 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.**

This proposed regulation does not overlap or duplicate regulations of other state or local government agencies. This proposed regulation does not overlap or duplicate federal regulations.

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

This proposed regulation does not include a provision which is more stringent than a federal regulation that regulates the same activity.

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

This proposed regulation does not establish a fee or increase an existing fee.