

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

LCB File No. R046-16

April 6, 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 ~~+~~ *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~~ *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.