

**LCB File No. R202-01**

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

**Proposed Regulations  
of the  
Emergency Assistance Account**

**AUTHORITY: NRS 414.135**

**Section 1.** *The Emergency Assistance Account, created during the 1997 Legislative Session within the disaster relief fund pursuant to NRS 353.2735 and beginning with the fiscal year that begins July 1, 1999, will be administered through the Department of Public Safety (DPS) by the Division of Emergency Management (hereafter, referred to as the division). These funds will be expended for the purpose of providing supplemental emergency assistance to state and political subdivisions in this state that are severely and adversely affected by the effects of a natural, technological or manmade emergency/disaster for which the financial/physical resource capabilities have been or will be exhausted in providing a satisfactory remedy for the affected state agency(s), political subdivision(s) and/or discipline(s).*

**Section 2.** *All applications for assistance from the account must be submitted to and approved in advance by the division. A request for assistance must be received by the division within 30 days following an event or official identification of an element(s) that can adversely affect the health and/or safety of human life. Each application must include the following, when applicable:*

- (1) Declaration of Emergency;*
- (2) Preliminary Damage Assessment (PDA) which is conducted by a PDA team deployed by the Division in conjunction with requesting agency's officials for the purpose of arriving at a consensus pertaining to extent of damage and estimation of cost for emergency/disaster events;*
- (3) Official report(s)/statement(s) of actual or potential health/safety threat(s);*
- (4) Full disclosure of applicant's financial records for review and determination of financial need;*
- (5) Certification that existing financial resources are insufficient and no other funding sources are available to support all costs included within the application; and*
- (6) Certification that all other available resources have been exhausted (i.e., inter-local agreements, mutual aid agreements, and private resources, etc.).*

**Section 3.** *Except as otherwise provided in NRS 414.135(4), all money in the account must be expended solely to:*

- (1) Provide supplemental emergency assistance to this state or political subdivisions in this state in the form of financial assistance or payment of deployed physical resources.*

*(2) Pay any actual expenses incurred by the division for administration during an emergency/disaster up to and including those costs supporting the activation and continued operations of the state Emergency Operations Center. The division shall further reimburse supporting state agencies for costs exceeding the agency's budgetary capabilities.*

*(Reimbursement of costs to a support agency will require approval of the requesting agency's assigned budget analyst with the Department of Administration, Budget Division).*

**Section 4.** *Upon receipt of an application for assistance, the division shall:*

- (1) Verify application meets emergency/disaster criteria as threat to life, safety, health or property of persons in this state;*
- (2) Verify Declaration of Emergency;*
- (3) Deploy Preliminary Damage Assessment team, when applicable;*
- (4) Review financial records of applicant for determination that applicant has or will exceed existing financial capabilities as a result of the emergency/disaster (state agencies shall provide certification of financial need from assigned budget analyst within the Department of Administration, Budget Division); and*
- (5) Verify that applicant has exhausted all other available resources.*

**Section 5.** *All allocations from this account must be expended within 60 days of approval unless otherwise stipulated. Any allocations for long-term projects pertaining to issues of health/safety of human life must be expended within the state fiscal year unless otherwise stipulated. Any requests for extension of time must be submitted to and approved by the division prior to expiration of the approved expenditure period. Remaining balance of funds not expended prior to expiration of the approved expenditure period will be de-obligated and assumed to be available for reallocation.*

**Section 6.** *All projects must be completed within 90 days from date of project approval unless otherwise stipulated. Any requests for extension of time must be submitted to and approved by the division prior to expiration of the approved period. Applicant will be required to submit a final project report 30 days following the end of the approved period and quarterly reports beginning from the date of project approval when project period is approved for or is extended to periods in excess of 90 days.*

**Section 7.** *All payments from this account will be made on a reimbursement basis with exceptions considered for the following only:*

*(1) Due to budgetary constraints, applicant is unable to begin recovery without advance funding. Note: Advance funding will be provided at a maximum of 25% of total project cost with progressive advances based on percentage of project completion and submission of full supporting documentation of all costs incurred to date.*

*(2) Budgetary capabilities are not sufficient to support purchases(s) of equipment/supplies.*

**Section 8.** *Applicant will submit final request for reimbursement with full supporting documentation of all costs incurred for project no later than 60 days following project completion. Applicant may submit periodic requests for reimbursement during extended project periods. Upon receipt of claim for reimbursement, the division shall:*

- (1) *Review claim for project costs eligibility;*
- (2) *Ensure supporting documentation is present for all claimed costs;*
- (3) *Verify project funding availability; and*
- (4) *Process approved claim for payment.*

**Section 9.** *Any project costs paid by this account that are later reimbursed by another source, up to and including, but not limited to other federal, state, local or private sources, will be refunded by applicant for reimbursement to the Emergency Assistance Account not later than 30 days of receipt. This is to include recovery of costs resulting from legal action taken against any person or entity responsible for an emergency/disaster, if applicable, and payments received as a result of insurance policy coverage.*

**Section 10.** *Pursuant to NRS 414.135(4), any balance remaining in this account at the end of a fiscal year that has not otherwise been committed for expenditure, with the approval of the interim finance committee, may be allocated to this state or political subdivision (in an amount not to exceed \$250,000) for the purpose of the following:*

- (1) *Purchase of equipment or supplies required for emergency management; and*
- (2) *Providing training to personnel related to emergency management.*

**Section 11.** *All funds expended pursuant to Section 10 will be subject to the criteria outlined in Sections 4-9 respectively.*

**Section 12.** *At the end of each fiscal year, the balance remaining in the account shall be balanced forward to same fund, budget account and category.*

**Section 13.** *The division shall utilize the criteria outlined in sections 2-9 respectively in managing all future legislative appropriations relative to emergency/disaster assistance unless otherwise directed by legislation.*