



**STATE OF NEVADA
MEETING NOTICE AND AGENDA
NEVADA DEPARTMENT OF PUBLIC SAFETY
DIVISION OF EMERGENCY MANAGEMENT**

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations in Chapter 414 of the Nevada Administrative Code Related to the Emergency Assistance Account

The Department of Public Safety, Division of Emergency Management (“Division”) will hold a public hearing on Wednesday, June 1, 2016, at 3:30 p.m. at the Legislative Counsel Bureau, Room 3138, Carson City, NV, 89701 and through video or teleconference at the Legislative Counsel Bureau, Room 4401, Las Vegas NV, 89119. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to Chapter 414 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

LCB File No. R046-16

1. The need for and the purposes of the proposed 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. The terms or the substance of the proposed temporary regulation to be adopted, amended or repealed, or a description of the subject and issues involved.

This proposed regulation will be a permanent regulation.

3. A statement explaining how to obtain the approved or revised text of the proposed permanent regulation.

The text of the proposed regulation may be obtained by going to the Register of Administrative Regulations for 2016 and clicking this link:

<http://www.leg.state.nv.us/Register/2016Register/R046-16P.pdf>

The proposed regulation text is also available by contacting Chris Molnar at cmolnar@dps.state.nv.us or by telephone at 775-687-0300.

4. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**
 - (a) **Both adverse and beneficial effects; and**
 - (b) **Both immediate and long-term effects.**

Since the proposed regulation only applies to the Division, it will not involve any adverse or beneficial effects on any business or on the public. The proposed regulation will not involve any immediate or long-term effects on businesses or the public.

5. **The methods used by the agency in determining the impact on a small business.**

The proposed regulation only applies to a state agency.

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

The Division will not incur significant costs for implementation and enforcement of this proposed regulation.

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

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

8. **If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The proposed regulation is not required pursuant to federal law.

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

The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.

10. **Whether the proposed regulation established a new fee or increases an existing fee.**

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

Persons wishing to comment upon the proposed action of the Division may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Division of Emergency Management, 2478 Fairview Drive, Carson City, NV 89701. Written submissions must be received by the Division at least 14 days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to make an oral presentation, the Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at 2478 Fairview Drive, Carson City, Nevada 89701 and on the Division website, http://dem.nv.gov/DEM/DEM_Public_Meeting_Information/, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been 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

Nevada State Library
100 North Stewart Street
Carson City, Nevada 89701

Carson City Library
900 North Roop Street
Carson City, Nevada 89701-3101

Churchill County Library
553 South Maine Street
Fallon, Nevada 89406-3306

Las Vegas-Clark Co. Library Dist. Hdqtrs.
833 Las Vegas Blvd. North
Las Vegas, Nevada 89101

Douglas County Public Library
1625 Library Lane
Post Office Box 337
Minden, Nevada 89423-0337

Elko County Library
720 Court Street
Elko, Nevada 89801-3397

Esmeralda County Library
Corner of Crook & Fourth Street
Post Office Box 430
Goldfield, Nevada 89013-0430

Eureka County Library
10190 Monroe Street
Post Office Box 293
Eureka, Nevada 89316-0293

Humboldt County Library
85 East Fifth Street
Winnemucca, Nevada 89445-3095

Battle Mountain Branch Library (Lander
County)
625 South Broad Street
Post Office Box 141
Battle Mountain, Nevada 89820-0141

Lincoln County Library
63 Main Street
Post Office Box 330
Pioche, Nevada 89043-0330

Lyon County Library System
20 Nevin Way
Yerington, Nevada 89447-2399

Mineral County Library
110 First Street
Post Office Box 1390
Hawthorne, Nevada 89415-1390

Tonopah Public Library
(Nye County)
167 South Central Street
Post Office Box 449
Tonopah, Nevada 89049-0449

Pershing County Library
1125 Central Avenue
Post Office Box 781
Lovelock, Nevada 89419-0781

Storey County Treasurer & Clerk's Office
Drawer D
Virginia City, Nevada 89440

Washoe Co. Library System
301 S. Center St.
Reno, NV 89501

White Pine Co. Library
950 Campton St.
Ely, NV 89301

<http://notice.nv.gov>.

We are pleased to make reasonable accommodations for members of the public who are disabled. If special arrangements for the meeting are necessary, or if there is a need to obtain copies of any supporting meeting materials, please contact Chris Molnar at the Nevada Division of Emergency Management at (775) 687-0300. 24-hour advance notice is requested. Thank you.

**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 ~~[a]~~ 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~~ *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.