

ASSEMBLY BILL NO. 366—ASSEMBLYMAN EDWARDS

MARCH 20, 2019

JOINT SPONSOR: SENATOR PICKARD

Referred to Committee on Government Affairs

SUMMARY—Requires the Division of Emergency Management of the Department of Public Safety to establish a program to provide assistance to persons who own and occupy certain damaged homes. (BDR 36-1077)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to homes; requiring the Division of Emergency Management of the Department of Public Safety to establish a program to provide assistance to persons who own and occupy certain damaged homes; requiring the expenditure of money from the Emergency Assistance Account for the program for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law creates the Division of Emergency Management within the
2 Department of Public Safety and requires the Chief of the Division, subject to the
3 direction of the Director of the Department, to carry out a program of emergency
4 management in this State. In developing comprehensive and coordinated plans for
5 emergency management, the Chief is required to conduct activities designed to: (1)
6 provide assistance to victims and prevent further injury or damage to persons or
7 property; and (2) return persons and property affected by an emergency or disaster
8 to a condition that is comparable to or better than what existed before the
9 emergency or disaster occurred. (NRS 414.040) Existing law also creates
10 the Emergency Assistance Account in the State General Fund and requires the
11 expenditure of money in the Account for certain purposes. (NRS 414.135) **Section**
12 **1** of this bill requires the Division to adopt regulations which establish a program to
13 provide assistance to a person who owns and occupies a home damaged by any act
14 of a state agency or political subdivision of the State in carrying out the duties or
15 exercising the powers of the state agency or political subdivision. **Section 2** of this



bill requires the expenditure of money from the Emergency Assistance Account to provide assistance to persons under the program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 414 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division of Emergency Management of the Department of Public Safety shall adopt regulations which establish a program to provide assistance to a person who owns and occupies a home damaged by any act of a state agency or political subdivision in carrying out the duties or exercising the powers of the state agency or political subdivision. The program must provide assistance to such a person regardless of whether immunity from liability for the act is waived by NRS 41.031 or granted by NRS 41.032 or an award for damages for the act is limited by NRS 41.035.

2. Any regulations adopted pursuant to subsection 1 must include, without limitation, provisions which:

(a) Prescribe the standards for eligibility for a person to receive assistance from the program;

(b) Set forth the type of assistance that a person may receive under the program, including, without limitation:

(1) The purchase of his or her damaged home by the Division at fair market value; or

(2) The repair by the Division of his or her damaged home;

(c) Prescribe any action that must be taken to correct any problem which caused or may have caused the damage to the home; and

(d) Any other provisions required by the Division to carry out the provisions of this section.

Sec. 2. NRS 414.135 is hereby amended to read as follows:

414.135 1. There is hereby created in the State General Fund the Emergency Assistance Account. Beginning with the fiscal year that begins on July 1, 1999, the State Controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the Disaster Relief Account created pursuant to NRS 353.2735 to the Emergency Assistance Account in an amount not to exceed \$500,000.

2. The Division of Emergency Management of the Department of Public Safety shall administer the Emergency Assistance Account. The Division may adopt regulations authorized by this section before, on or after July 1, 1999.



3. Except as otherwise provided in paragraph ~~(c)~~ (d), all expenditures from the Emergency Assistance Account must be approved in advance by the Division. Except as otherwise provided in subsection 4, all money in the Emergency Assistance Account must be expended:

(a) To provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a natural, technological or man-made emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy;

(b) To pay any actual expenses incurred by the Division for administration during a natural, technological or man-made emergency or disaster; ~~and~~

(c) *To provide assistance to a person in accordance with the program established pursuant to section 1 of this act; and*

(d) For any other purpose authorized by the Legislature.

4. Beginning with the fiscal year that begins on July 1, 1999, if any balance remains in the Emergency Assistance Account at the end of a fiscal year and the balance has not otherwise been committed for expenditure, the Division may, with the approval of the Interim Finance Committee, allocate all or any portion of the remaining balance, not to exceed \$250,000, to this state or to a local government to:

(a) Purchase equipment or supplies required for emergency management;

(b) Provide training to personnel related to emergency management; and

(c) Carry out the provisions of NRS 388.229 to 388.266, inclusive.

5. Beginning with the fiscal year that begins on July 1, 1999, the Division shall, at the end of each quarter of a fiscal year, submit to the Interim Finance Committee a report of the expenditures made from the Emergency Assistance Account for the previous quarter.

6. The Division shall adopt such regulations as are necessary to administer the Emergency Assistance Account.

7. The Division may adopt regulations to provide for reimbursement of expenditures made from the Emergency Assistance Account. If the Division requires such reimbursement, the Attorney General shall take such action as is necessary to recover the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130, computed from the date on which the money was removed from the Disaster Relief Account, upon request by the Division.

Sec. 3. This act becomes effective:



- 1 1. Upon passage and approval for the purposes of adopting
- 2 regulations and any other preparatory administrative tasks that are
- 3 necessary to carry out the provisions of this act; and
- 4 2. On January 1, 2020, for all other purposes.

