

ASSEMBLY BILL NO. 71—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DIVISION OF EMERGENCY MANAGEMENT
OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning expenditures
related to disasters and emergencies. (BDR 31-349)

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 state financial administration; authorizing the Attorney General to enter into an agreement with a tribal government for the provision of grants and loans to the tribal government from the Disaster Relief Account because of a disaster; creating a revolving account for the provision of grants relating to owner-occupied homes damaged by disasters; authorizing a temporary advance to the Emergency Assistance Account from the State General Fund for the payment of expenses incurred during a state of emergency or declaration of disaster under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law creates the Disaster Relief Account in the State General Fund and
2 provides for the distribution of money in that Account as a grant or loan to a state
3 agency or a local government because of specified disastrous events. (NRS
4 353.2705-353.2771) **Section 2** of this bill authorizes the Attorney General to enter
5 into an agreement with a tribal government to provide for a grant or loan to the
6 tribal government from the Account because of a disaster. **Section 2** requires that
7 the provisions of such an agreement require the tribal government to substantially
8 comply with the requirements and procedures in existing law relating to the request
9 for and distribution of a grant or loan from the Disaster Relief Account that apply to
10 a local government. **Sections 6, 7 and 9** of this bill make conforming changes.



Section 3 of this bill creates a revolving account within the State General Fund for the awarding of grants by the Division of Emergency Management of the Department of Public Safety to persons who own and occupy homes damaged by a disaster for costs related to the damages. **Section 3** provides for the funding of the grants through transfers from the Disaster Relief Account to the revolving account. **Section 8** of this bill makes a conforming change.

Existing law creates the Emergency Assistance Account in the State General Fund: (1) to provide supplemental emergency assistance to this State or to local governments in this State that are affected by an emergency or disaster for which available resources of this State or the local government are inadequate to provide a satisfactory remedy; or (2) to pay any actual expenses incurred by the Division for administration during an emergency or disaster. (NRS 414.135) **Section 4** of this bill authorizes a temporary advance from the State General Fund to the Emergency Assistance Account for payment of expenses that are authorized to be paid from that Account relating to a state of emergency or declaration of disaster if the Chief of the Division determines that the balance in the Account is insufficient to cover those expenses.

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

Section 1. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *The Attorney General may enter into an agreement with a tribal government to provide for the distribution of money from the Account as a grant or loan to the tribal government because of a disaster. The provisions of such an agreement must require:*

(a) The tribal government to substantially comply with the provisions of NRS 353.2705 to 353.2771, inclusive, and sections 2 and 3 of this act, as those provisions apply to a local government; and

(b) The Division to administer such a grant or loan.

2. *"Tribal government" has the meaning ascribed to it in NRS 239C.105.*

Sec. 3. 1. *The Division shall establish a revolving account within the State General Fund for the awarding of grants by the Division from the revolving account to persons who own and occupy homes damaged by a disaster for costs related to the damages.*

2. *Upon the declaration of a disaster pursuant to NRS 414.070, the Chief of the Division may request approval of the Interim Finance Committee for the transfer of money from the Disaster Relief Account to the revolving account. The Interim Finance Committee shall not approve such a transfer of money to the revolving account if the transfer would result in a balance in*



1 *the revolving account that is more than 25 percent of the balance*
2 *of the Disaster Relief Account.*

3 *3. The Division shall adopt such regulations as are necessary*
4 *to carry out the provisions of this section, including, without*
5 *limitation, regulations prescribing standards for eligibility for a*
6 *grant pursuant to this section.*

7 *Sec. 4. 1. If, during a state of emergency or declaration of*
8 *disaster proclaimed pursuant to NRS 414.070, the Chief of the*
9 *Division of Emergency Management of the Department of Public*
10 *Safety determines that the balance in the Emergency Assistance*
11 *Account created by NRS 414.135 is insufficient to cover the*
12 *expenses relating to the emergency or disaster that are authorized*
13 *pursuant to NRS 414.135, the Chief may request from the Director*
14 *of the Office of Finance a temporary advance from the State*
15 *General Fund to the Emergency Assistance Account for the*
16 *payment of those expenses.*

17 *2. The Director of the Office of Finance shall notify the State*
18 *Controller and the Fiscal Analysis Division of the Legislative*
19 *Counsel Bureau of his or her approval of a request made pursuant*
20 *to subsection 1. The State Controller shall draw his or her warrant*
21 *upon receipt of the approval by the Director of the Office of*
22 *Finance.*

23 *3. Any money which is advanced from the State General*
24 *Fund to the Emergency Assistance Account pursuant to*
25 *subsection 1 must be repaid as soon as the money which the*
26 *advance replaced is deposited in the Emergency Assistance*
27 *Account. If the money deposited in the Emergency Assistance*
28 *Account in any fiscal year is insufficient to pay back the money*
29 *advanced, an amount equal to the shortfall is hereby contingently*
30 *appropriated from the State General Fund to the Emergency*
31 *Assistance Account.*

32 *4. The Director of the Office of Finance shall notify the*
33 *Fiscal Analysis Division of the Legislative Counsel Bureau if the*
34 *money deposited in the Emergency Assistance Account in any*
35 *fiscal year is insufficient to pay back the money advanced*
36 *pursuant to subsection 1.*

37 *Sec. 5. NRS 353.2705 is hereby amended to read as follows:*

38 *353.2705 As used in NRS 353.2705 to 353.2771, inclusive,*
39 *and sections 2 and 3 of this act, unless the context otherwise*
40 *requires, the words and terms defined in NRS 353.2707 to*
41 *353.2731, inclusive, have the meanings ascribed to them in those*
42 *sections.*

43 *Sec. 6. NRS 353.271 is hereby amended to read as follows:*

44 *353.271 "Disaster" means a fire, flood, earthquake, drought,*
45 *explosion, civil disturbance, crisis involving violence on school*



property, at a school activity or on a school bus, or any other occurrence or threatened occurrence that, regardless of cause:

1. Results in, or may result in, widespread or severe damage to property or injury to or the death of persons in this State; and

2. As determined by:

(a) The Governor; ~~or~~

(b) The governing body of a local government pursuant to NRS 414.090 *or an agreement entered into pursuant to section 2 of this act* and the Division pursuant to NRS 353.2753,

↪ requires immediate action to protect the health, safety and welfare of the residents of this State.

Sec. 7. NRS 353.2731 is hereby amended to read as follows:

353.2731 "Local government" has the meaning ascribed to it in NRS 354.474. *The term includes, without limitation, a tribal government that has entered into an agreement pursuant to section 2 of this act.*

Sec. 8. NRS 353.2735 is hereby amended to read as follows:

353.2735 1. The Disaster Relief Account is hereby created in the State General Fund. The Interim Finance Committee shall administer the Disaster Relief Account.

2. The Division may accept grants, gifts or donations for deposit in the Disaster Relief Account. Except as otherwise provided in subsection 3, money received from:

(a) A direct legislative appropriation to the Disaster Relief Account;

(b) A transfer from the State General Fund in an amount equal to not more than 10 percent of the aggregate balance in the Account to Stabilize the Operation of the State Government made pursuant to NRS 353.288; and

(c) A grant, gift or donation to the Disaster Relief Account, ↪ must be deposited in the Disaster Relief Account. Except as otherwise provided in NRS 414.135, the interest and income earned on the money in the Disaster Relief Account must, after deducting any applicable charges, be credited to the Disaster Relief Account.

3. If, at the end of each quarter of a fiscal year, the balance in the Disaster Relief Account exceeds 0.75 percent of the total amount of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year, the State Controller shall not, until the balance in the Disaster Relief Account is 0.75 percent or less of that amount, transfer any money in the Account to Stabilize the Operation of the State Government from the State General Fund to the Disaster Relief Account pursuant to the provisions of NRS 353.288.



4. Money in the Disaster Relief Account may be used for any purpose authorized by the Legislature or distributed through grants *to persons who own and occupy homes damaged by a disaster pursuant to section 3 of this act or through grants* and loans to state agencies and local governments as provided in NRS 353.2705 to 353.2771, inclusive ~~[]~~, *and sections 2 and 3 of this act*. Except as otherwise provided in NRS 353.276, ~~[such]~~ grants *to state agencies and local governments* will be disbursed on the basis of reimbursement of costs authorized pursuant to NRS 353.274 and 353.2745.

5. If the State Board of Examiners receives a notice submitted to and forwarded by the Division pursuant to subsections 1 and 2 of NRS 353.2755, the State Board of Examiners shall estimate:

(a) The money in the Disaster Relief Account that is available for grants and loans for the disaster that is the subject of the notice pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive ~~[]~~, *and sections 2 and 3 of this act*; and

(b) The anticipated amount of those grants and loans for the disaster.

➤ Except as otherwise provided in this subsection, if the anticipated amount determined pursuant to paragraph (b) exceeds the available money in the Disaster Relief Account for such grants and loans, all grants and loans from the Disaster Relief Account for the disaster must be reduced in the same proportion that the anticipated amount of the grants and loans exceeds the money in the Disaster Relief Account that is available for grants and loans for the disaster. If the reduction of a grant or loan from the Disaster Relief Account would result in a reduction in the amount of money that may be received by a state agency or local government from the Federal Government, the reduction in the grant or loan must not be made.

Sec. 9. NRS 353.2754 is hereby amended to read as follows:

353.2754 A local government may request a grant or loan from the Account if:

1. Pursuant to NRS 414.090 ~~[]~~ *or an agreement entered into pursuant to section 2 of this act*, the governing body of the local government determines that an event which has occurred constitutes a disaster; and

2. After the Division conducts an assessment of the damages pursuant to NRS 353.2753, the Division determines that an event has occurred that constitutes a disaster.

Sec. 10. 1. This section and sections 1, 2, 3 and 5 to 9, inclusive, of this act become effective upon passage and approval.

2. Section 4 of this act becomes effective on July 1, 2019.

