

C.

Agency Code: 080

Department: Administration

Division (if applicable): Budget Division

Appointing authority: Jeff Mohlenkamp

Agency contact: Jim Rodriguez. 684-0211 rodriguez@admin.nv.gov

Proposed BOE date: 3/11/14

1. Reason/purpose for requested change:

SAM 2525 - Update the dollar amount of associated with the agency's authority to receive grants and gifts without requiring IFC approval in accordance with NRS 353.335.

2. Existing and recommended language in SAM (*blue bold italics* is new language being proposed and ~~red strikethrough~~ is deleted language being proposed).
3. Explain how the recommended change(s) will benefit agencies or create consistencies or efficiencies, etc. (provide examples if applicable):

This clarification makes the submittal of work program requesting authority to receive gifts and grants consistent with revised Nevada statutes (NRS 353.335).

4. Will recommended change have a fiscal impact (if yes, explain): NO
5. Proposed effective date: Upon approval of the Board of Examiners

~~2525 Work Programs to Augment an Approved Budget Not Requiring Approval of the Interim Finance Committee Authority to Accept Gifts and Grants Not Requiring Interim Finance Approval, or by Expeditious Action~~ (Note: Title changed to reflect topic of discussion specific to the acceptance of gifts or grants. If this section was intended to address all Work Programs conditions not requiring IFC approval then this section must be expanded to address that wider scope of action)

*The general provisions of ~~General Provisions~~ (NRS 353.335) provide that ~~A State~~ a state agency may accept, with the approval of the Governor or his delegate the Budget Director, any gift or grant of property or services from any source ~~ONLY~~ *if the gift or grant was already included in the agency's legislatively approved budget or authorized by any other act of the Legislature authorizing the receipt and/or expenditure.**

NRS 353.335 also provides the authority for agencies, with the approval of the Governor or his delegate, to accept gifts and grants outside the legislative or Interim Finance approval process under the following conditions:

- ~~1. It is included in the Executive Budget and approved by the Legislature;~~
- ~~2. The gift or non-governmental grant does not exceed \$10,000 \$20,000 in value;~~
- ~~23. The government grant does not exceed \$100,000 \$150,000 in value and does not involve the hiring of new employees. Any grant associated with the hiring of new employees would require Interim Finance approval, regardless of the amount and source of the grant; and~~
- ~~4. The gifts or grants do not involve the hiring of new employees;,-~~
- 3. The gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property. Acceptance of the gift or grant under this condition requires reporting the action to Interim Finance as an information item indicating the acceptance and reason for the “emergency” action taken. These types of work programs rarely occur due to their nature, and require the advance approval of the Director of Administration and/or the Deputy Budget Director; or*
- 4. The gift or grant would be forfeited if the State failed to accept it before Interim Finance Committee can take action on the request (45 days from the time of submittal to the committee secretary as provided in NRS 353.335(c).) Under this condition the Governor can submit an expeditious request to the Interim Finance committee to approve the acceptance of the grant. Any proposed acceptance, which is not considered within the 15-day period, shall be deemed approved.*

This chapter does not apply to:

- 1. The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081; or*
- 2. The Nevada System of Higher Education; or*
- 3. For donations, gifts or grants to be disbursed pursuant to NRS 433.395 or 435.490; or*
- 4. For artifacts donated to the Department of Tourism and Cultural Affairs.*

~~**Emergency Provisions**—A State agency with the approval of the Governor or his delegate, the Budget Director, may accept any gift or governmental grant if:~~

- ~~1. The gift or grant is necessary for the protection or preservation of life or property; the Governor shall accept it and report the action and his reasons for determining that immediate action was necessary to the Interim Finance Committee; or~~
- ~~2. The Governor determines the gift or grant would be forfeited if the State failed to accept it within a 45-day period; the Governor may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. The Committee then has 15 days after receipt of the proposal by the Secretary of the Committee within which to approve or deny the acceptance.~~