

ASSEMBLY BILL NO. 473—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 24, 2003

Referred to Committee on Ways and Means

SUMMARY—Makes various changes relating to accounts concerning safe drinking water. (BDR 40-1252)

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

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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 water; creating the Account to Finance the Purchase of Alternative Sources of Safe Drinking Water in Schools; establishing procedures for granting money from the Account to school districts; transferring the authority to administer certain accounts that provide financial assistance to public water systems from the Health Division of the Department of Human Resources to the Division of Environmental Protection of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 445A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 6, inclusive,
3 of this act.
4 **Sec. 2.** *As used in sections 2 to 6, inclusive, of this act, unless*
5 *the context otherwise requires, the words and terms defined in*
6 *sections 3 and 4 of this act have the meanings ascribed to them in*
7 *those sections.*
8 **Sec. 3.** *“Account” means the Account to Finance the*
9 *Purchase of Alternative Sources of Safe Drinking Water in*
10 *Schools created by section 5 of this act.*



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1 **Sec. 4.** *“Administrator” means the Administrator of the*
2 *Division of Environmental Protection of the State Department of*
3 *Conservation and Natural Resources.*

4 **Sec. 5.** *1. The Account to Finance the Purchase of*
5 *Alternative Sources of Safe Drinking Water in Schools is hereby*
6 *created in the State General Fund.*

7 *2. The Administrator shall administer the Account. The*
8 *Administrator may apply for and accept any gift, donation,*
9 *bequest, grant or other source of money for deposit in the*
10 *Account. Money received by the Administrator pursuant to this*
11 *subsection must be deposited in the State Treasury for credit to the*
12 *Account.*

13 *3. The money in the Account must be used only for the*
14 *purposes set forth in section 6 of this act and may not be used to*
15 *pay for expenses related to the administration of the Account.*

16 *4. All claims against the Account must be paid as other*
17 *claims against the State are paid.*

18 *5. The interest and income earned on the money in the*
19 *Account must be credited to the Account. Money in the Account*
20 *does not revert to the State General Fund at the end of any fiscal*
21 *year and must be carried forward to the next fiscal year.*

22 **Sec. 6.** *1. The board of trustees of a county school district*
23 *that is served by a public water system may file an application with*
24 *the Administrator requesting a grant of money from the Account*
25 *to provide an alternative source of safe drinking water to pupils*
26 *attending schools within the school district if:*

27 *(a) A majority of the members of the board of trustees*
28 *approves a resolution requesting such a grant;*

29 *(b) The water provided by the public water system serving the*
30 *school district contains arsenic or other substances at levels that*
31 *are higher than the standards for safe drinking water adopted by*
32 *the United States Environmental Protection Agency; and*

33 *(c) The board of trustees can demonstrate a need for financial*
34 *assistance for the current budget or operating year to provide an*
35 *alternative source of safe drinking water.*

36 *2. An application filed pursuant to subsection 1 must be in*
37 *such form and contain such information as may be required by*
38 *the Administrator.*

39 *3. Upon receipt of an application for a grant, the*
40 *Administrator shall consult with the State Health Officer*
41 *regarding the need of the school district to provide an alternative*
42 *source of safe drinking water and the immediacy of that need.*

43 *4. If the Administrator determines that the school district*
44 *qualifies for a grant, the Administrator shall, to the extent of*
45 *money available in the Account, grant money to the school district*



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1 *based on the need of the school district to purchase an alternative*
2 *source of safe drinking water.*

3 5. *The Administrator shall adopt such regulations as are*
4 *necessary to carry out the provisions of this section, including,*
5 *without limitation:*

6 (a) *Requirements for the submission and review of*
7 *applications;*

8 (b) *Criteria for eligibility to receive a grant from the Account;*
9 *and*

10 (c) *Standards for consulting with the State Health Officer*
11 *regarding applications that are filed with the Administrator.*

12 6. *As used in this section, "public water system" has the*
13 *meaning ascribed to it in NRS 445A.235.*

14 **Sec. 7.** NRS 445A.210 is hereby amended to read as follows:

15 445A.210 ~~["Board"]~~ *"Commission"* means the State ~~[Board of~~
16 ~~Health.]~~ *Environmental Commission.*

17 **Sec. 8.** NRS 445A.220 is hereby amended to read as follows:

18 445A.220 "Division" means the ~~[Health]~~ Division of
19 *Environmental Protection of the State* Department of ~~[Human~~
20 ~~Resources.]~~ *Conservation and Natural Resources.*

21 **Sec. 9.** (Deleted by amendment.)

22 **Sec. 10.** NRS 445A.270 is hereby amended to read as follows:

23 445A.270 The ~~[Board]~~ *Commission* may adopt such
24 regulations as are necessary to carry out the provisions of NRS
25 445A.200 to 445A.295, inclusive.

26 **Sec. 11.** NRS 445A.280 is hereby amended to read as follows:

27 445A.280 1. The Administrator shall not:

28 (a) Spend more than 4 percent of the federal grant for a set-aside
29 program for administration pursuant to 42 U.S.C. § 300j-12(g)(2) of
30 the Safe Drinking Water Act;

31 (b) Spend more than 10 percent of the federal grant for a set-
32 aside program for activities authorized pursuant to 42 U.S.C. § 300j-
33 12(g)(2) of the Safe Drinking Water Act if matched equally by the
34 State;

35 (c) Spend more than 2 percent of the federal grant for a set-aside
36 program for technical assistance to small water systems pursuant to
37 42 U.S.C. § 300j-12(g)(2) of the Safe Drinking Water Act; or

38 (d) Spend more than 15 percent of the federal grant for a set-
39 aside program for activities authorized pursuant to 42 U.S.C. § 300j-
40 12(k) of the Safe Drinking Water Act.

41 2. The Administrator may impose and collect a fee from each
42 public water system that receives a loan or other financial assistance
43 from the Account for the Revolving Fund or the Account for Set-
44 Aside Programs. The fee must be used to defray the costs of



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1 administering the Account for the Revolving Fund or the Account
2 for Set-Aside Programs.

3 3. If the Administrator imposes a fee pursuant to subsection 2,
4 the ~~{Board}~~ *Commission* shall adopt regulations establishing the
5 amount of the fee to be collected.

6 **Sec. 12.** NRS 445A.295 is hereby amended to read as follows:

7 445A.295 1. The ~~{Board}~~ *Commission* shall adopt such
8 regulations as are necessary relating to the environmental review
9 required by the Safe Drinking Water Act.

10 2. Each public water system which receives money from the
11 Account for the Revolving Fund shall prepare an environmental
12 assessment which complies with the regulations adopted by the
13 ~~{Board}~~ *Commission* and submit it to the Division for review.

14 3. The Division shall review each such assessment.

15 **Sec. 12.5.** 1. Any regulations adopted by the State Board of
16 Health pursuant to NRS 445A.200 to 445A.295, inclusive, remain in
17 force until amended by the State Environmental Commission. Such
18 regulations may be enforced by the State Environmental
19 Commission.

20 2. Any contracts or other agreements entered into by the Health
21 Division of the Department of Human Resources pursuant to NRS
22 445A.200 to 445A.295, inclusive, are binding upon the Division of
23 Environmental Protection of the State Department of Conservation
24 and Natural Resources. Such contracts or other agreements may be
25 enforced by the Division of Environmental Protection.

26 **Sec. 13.** This act becomes effective on July 1, 2003.

