

Assembly Bill No. 74—Committee on Natural Resources,
Agriculture, and Mining

CHAPTER.....

AN ACT relating to brownfield sites; creating a revolving fund to finance the remediation of brownfield sites; requiring the Division of Environmental Protection of the State Department of Conservation and Natural Resources to administer the fund; providing for the uses of money in the fund; authorizing the Administrator of the Division to impose a fee; authorizing the State Environmental Commission to adopt regulations; and providing other matters properly relating thereto.

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

Section 1. Chapter 459 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this act.

Sec. 2. *As used in sections 2 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Administrator” means the Administrator of the Division.*

Sec. 4. *“Brownfield project” means a project for the remediation of a brownfield site for future or alternative use.*

Sec. 5. *“Brownfield site” has the meaning ascribed to it in 42 U.S.C. § 9601.*

Sec. 6. *“Brownfields Restoration Act” means the Small Business Liability Relief and Brownfields Revitalization Act, Public Law 107-118.*

Sec. 7. *“Commission” means the State Environmental Commission.*

Sec. 8. *“Division” means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.*

Sec. 9. *“Federal grant” means money authorized by 42 U.S.C. § 9604(k) to create a revolving fund to finance the costs of brownfield projects.*

Sec. 10. *“Fund” means the Fund for Brownfield Projects created pursuant to section 11 of this act.*

Sec. 11. *1. The Fund for Brownfield Projects is hereby created in the State Treasury as a revolving fund, to be administered by the Division.*

2. Money in the Fund may be used only to carry out brownfield projects authorized pursuant to the Brownfields Restoration Act. Interest and income earned on the money in the Fund must be credited to the Fund. Money remaining in the Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund for Brownfield Projects must be carried forward.

3. All payments reimbursing the cost of cleanups for brownfield projects, including interest, must be deposited in the State Treasury for credit to the Fund.

4. Claims against the Fund must be paid as other claims against the State are paid.

5. The Division may accept gifts, appropriations, contributions, grants and bequests of money from any public or private sources. Money so accepted must be deposited in the State Treasury for credit to the Fund and may be used to match the federal grant.

Sec. 12. Except as otherwise provided in section 13 of this act, money in the Fund, including reimbursements, repayment of principal and interest on loans and other financial assistance, and interest earned on money in the Fund, may be used only to finance the cleanup of brownfield sites or provide other assistance to brownfield projects.

Sec. 13. With regard to the money from the federal grant in the Fund, the Administrator shall not spend more than the federally approved amounts for the administration and fiscal or financial oversight of the Fund.

Sec. 14. The Division shall:

1. Use the money in the Fund for the purposes set forth in the Brownfields Restoration Act.

2. Determine whether brownfield projects which receive money or other assistance from the Fund comply with the Brownfields Restoration Act.

Sec. 15. The Division may:

1. Prepare and enter into any agreements with the Federal Government for the acceptance of grants of money for the Fund.

2. Bind itself to terms of such an agreement.

3. Accept grants made pursuant to the Brownfields Restoration Act.

4. Manage the Fund in accordance with requirements and objectives of the Brownfields Restoration Act.

5. Provide services relating to the management and administration of the Fund, including the preparation of any agreement, plan or report.

Sec. 16. The Administrator may impose and collect a fee, in an amount established by the Commission by regulation, from

each recipient that receives financial assistance from the Fund. The fee must be used to defray the costs of administering the Fund.

Sec. 17. *The Administrator may employ any legal, fiscal, engineering and other expert services necessary to carry out his duties pursuant to sections 2 to 18, inclusive, of this act.*

Sec. 18. *The Commission may adopt such regulations as are necessary to carry out the provisions of sections 2 to 18, inclusive, of this act.*

Sec. 19. This act becomes effective upon passage and approval.