

ASSEMBLY BILL NO. 125—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE PUBLIC UTILITIES COMMISSION)

FEBRUARY 23, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises provisions to clarify role of Public Utilities Commission of Nevada in approval of certain proposed subdivisions. (BDR 22-653)

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 land use planning; revising certain provisions to clarify the role of the Public Utilities Commission of Nevada in the approval of certain proposed subdivisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, tentative maps for proposed subdivisions must be reviewed
2 by various governmental entities, including the Public Utilities Commission of
3 Nevada. (NRS 278.330-278.3485, 704.6672) Existing law requires a planning
4 commission or governing body of a city or county, as applicable, that receives a
5 tentative map to forward to the Public Utilities Commission, for informational
6 purposes only, a copy of the tentative map if the subdivision will provide water or
7 services for disposal of sewage. (NRS 278.335) However, existing law also
8 requires the Public Utilities Commission to review applications for such
9 subdivisions to determine the continuity and adequacy of the water supply or sewer
10 service and prohibits the planning commission or governing body of the city or
11 county, as applicable, from approving an application for such a subdivision until
12 written approval has been given by the Public Utilities Commission.
13 (NRS 704.6672)

14 Existing law also requires that, as a requirement for the filing of a final map, a
15 subdivider of land must provide certificates from the Health Division of the
16 Department of Human Resources or district board of health and the Division of
17 Water Resources of the State Department of Conservation and Natural Resources
18 verifying that those agencies approved the final map with regard to sewage
19 disposal, water pollution, water quality and quantity and water supply facilities.
20 (NRS 278.377)



21 This bill resolves the inconsistency in existing law relating to the role of the
22 Public Utilities Commission with respect to the approval of proposed subdivisions
23 that provide water or sewer service by removing the provision that states that the
24 Public Utilities Commission receives tentative maps for informational purposes
25 only. This bill also prohibits the Health Division of the Department of Human
26 Resources or district board of health and the Division of Water Resources of the
27 State Department of Conservation and Natural Resources from certifying their
28 approval of a final map for a subdivision that provides water or sewer service
29 without obtaining written verification from the Public Utilities Commission that the
30 Commission has approved the final map with regard to the continuity and adequacy
31 of the water supply or sewer service for the proposed subdivision.

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

1 **Section 1.** NRS 278.335 is hereby amended to read as follows:

2 278.335 1. A copy of the tentative map must be forwarded by
3 the planning commission or its designated representative, or, if there
4 is no planning commission, the clerk or other designated
5 representative of the governing body, *for review* ~~to the~~ :

6 *(a) The* Division of Water Resources and the Division of
7 Environmental Protection of the State Department of Conservation
8 and Natural Resources ~~to, and the~~ ;

9 *(b) The* Health Division of the Department of Human Resources
10 or the district board of health acting for the Health Division pursuant
11 to subsection 2 ~~to, for review,~~ ; and

12 *(c) If the subdivision is subject to the provisions of NRS*
13 *704.6672, the Public Utilities Commission of Nevada.*

14 2. In a county whose population is 100,000 or more, if the
15 county and one or more incorporated cities in the county have
16 established a district board of health, the authority of the Health
17 Division to review and certify proposed subdivisions and conduct
18 construction or installation inspections must be exercised by the
19 district board of health.

20 3. A district board of health which conducts reviews and
21 inspections under this section shall consider all the requirements of
22 the law concerning sewage disposal, water pollution, water quality
23 and water supply facilities. At least four times annually, the district
24 board of health shall notify the Health Division of the Department of
25 Human Resources which subdivisions met these requirements of
26 law and have been certified by the district board of health.

27 4. The State is not chargeable with any expense incurred by a
28 district board of health acting pursuant to this section.

29 5. Each reviewing agency shall, within 15 days after the receipt
30 of the tentative map, file its written comments with the planning



1 commission or the governing body recommending approval,
2 conditional approval or disapproval and stating the reasons therefor.

3 ~~{6. The planning commission or its designated representative,~~
4 ~~or, if there is no planning commission, the clerk or other designated~~
5 ~~representative of the governing body shall, for informational~~
6 ~~purposes only, immediately forward a copy of the tentative map to~~
7 ~~the Public Utilities Commission of Nevada for any subdivision~~
8 ~~which will provide water or services for the disposal of sewage and~~
9 ~~is subject to the provisions of NRS 704.6672. The Public Utilities~~
10 ~~Commission of Nevada shall acknowledge receipt of the tentative~~
11 ~~map within 15 days after it is received.}~~

12 **Sec. 2.** NRS 278.377 is hereby amended to read as follows:

13 278.377 1. A final map presented for filing must include a
14 certificate by:

15 (a) The Health Division of the Department of Human Resources
16 or the district board of health acting pursuant to NRS 278.335
17 indicating that the final map is approved concerning sewage
18 disposal, water pollution, water quality and water supply facilities.
19 The Health Division or district board of health may not issue a
20 certificate unless it has received ~~{written}~~ :

21 *(1) Written* verification from the Division of Environmental
22 Protection of the State Department of Conservation and Natural
23 Resources that the *final* map ~~{or plan}~~ has been approved *by the*
24 *Division* with regard to water pollution and sewage disposal in
25 accordance with the Nevada Water Pollution Control Law ~~{H}~~ ; and

26 *(2) If the final map pertains to a subdivision which is*
27 *subject to the provisions of NRS 704.6672, written verification*
28 *from the Public Utilities Commission of Nevada that the final map*
29 *has been approved by the Commission with regard to continuity*
30 *and adequacy of water supply or sewer service, or both, as*
31 *applicable.*

32 (b) The Division of Water Resources of the State Department of
33 Conservation and Natural Resources, showing that the final map is
34 approved *by the Division* concerning water quantity. *If the final*
35 *map pertains to a subdivision which is subject to the provisions of*
36 *NRS 704.6672, the Division of Water Resources may not issue a*
37 *certificate unless it has received written verification from the*
38 *Public Utilities Commission of Nevada that the final map has been*
39 *approved by the Commission with regard to continuity and*
40 *adequacy of water supply or sewer service, or both, as applicable.*

41 2. Any person aggrieved by the issuance or denial of approval
42 with regard to water pollution and sewage disposal by the Division
43 of Environmental Protection of the State Department of
44 Conservation and Natural Resources may appeal to the State



1 Environmental Commission, which shall affirm, modify or reverse
2 the action of the Division. The Commission shall adopt regulations
3 providing the time within which appeals must be taken and the
4 manner of taking the appeal to the Commission.

5 3. A copy of the certificate by the Division of Water Resources
6 required by subsection 1 must be furnished to the subdivider who in
7 turn shall provide a copy of the certificate to each purchaser of land
8 before the time the sale is completed. Any statement of approval as
9 required in subsection 1 is not a warranty or representation in favor
10 of any person as to the safety or quantity of such water.

11 **Sec. 3.** NRS 704.6672 is hereby amended to read as follows:

12 704.6672 1. ~~[The Commission shall be furnished a copy of~~
13 ~~each application to any city, town, county or any planning~~
14 ~~commission for new subdivisions or other land development~~
15 ~~projects which require a water supply or connection with a sewer~~
16 ~~system. Filing of each application with the Commission shall be~~
17 ~~made within 48 hours of the filing with the appropriate city, town or~~
18 ~~county level of government.]~~ The Commission shall ~~[thereupon~~
19 ~~review such application]~~ *review each tentative map for a*
20 *subdivision received pursuant to NRS 278.335* and conduct an
21 investigation, if deemed necessary, to determine the continuity and
22 adequacy of ~~[subject]~~ *the* water supply or sewer service ~~[. Final~~
23 ~~approval of applications by any such local governmental entity shall~~
24 ~~not be granted unless and until approval in writing has been given~~
25 ~~by the Commission.]~~ , *or both, for the subdivision. If the*
26 *Commission approves the final map for the subdivision, the*
27 *Commission shall, for the purposes of NRS 278.377, submit*
28 *written verification of its approval to the Health Division of the*
29 *Department of Human Resources and the Division of Water*
30 *Resources of the State Department of Conservation and Natural*
31 *Resources.*

32 2. The Commission shall collect a fee not to exceed \$200,
33 which fee ~~[shall]~~ *must* be used to defray the cost of conducting any
34 investigation under the provisions of subsection 1.

35 3. The provisions of subsections 1 and 2 shall not apply in any
36 case where:

37 (a) The person to furnish the water supply or sewer service has
38 already been granted a certificate of public convenience and
39 necessity by the Commission to serve the area ~~[described in the~~
40 ~~application.]~~ *set forth in the tentative map.*

41 (b) Any county, municipality or other form of local government,
42 including but not limited to districts formed under the provisions of



- 1 chapter 318 of NRS, will furnish the water supply or sewer service
- 2 to the area ~~{described in the application.}~~ *set forth in the tentative*
- 3 *map.*



