

SENATE BILL NO. 395—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF ENVIRONMENTAL PROTECTION)

MARCH 29, 2005

Referred to Committee on Natural Resources

SUMMARY—Transfers responsibility for operation of certain programs from Health Division of Department of Human Resources to Division of Environmental Protection of State Department of Conservation and Natural Resources. (BDR 40-660)

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 public health; transferring responsibility for the operation of certain programs 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; transferring regulatory authority for drinking water standards and community and public water systems to the State Environmental Commission; 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.** NRS 444.650 is hereby amended to read as follows:  
2     444.650 1. The State Board of Health shall adopt regulations  
3 to control the use of ~~an~~ *a residential* individual system for disposal  
4 of sewage in this State. Those regulations are effective except in  
5 health districts in which a district board of health has adopted  
6 regulations to control the use of ~~an~~ *a residential* individual system  
7 for disposal of sewage in that district.



2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and any regulations adopted pursuant to those provisions.

*4. As used in this section, "residential individual system for disposal of sewage" means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single-family residential use.*

**Sec. 2.** Chapter 445A of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

**Sec. 3.** *"Commission" means the State Environmental Commission.*

**Sec. 4.** *"District board of health" means a district board of health created pursuant to NRS 439.370.*

**Sec. 5.** *"Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.*

**Sec. 6.** NRS 445A.805 is hereby amended to read as follows:

445A.805 As used in NRS 445A.800 to 445A.955, inclusive, *and sections 3, 4 and 5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 445A.807 to 445A.850, inclusive, *and sections 3, 4 and 5 of this act* have the meanings ascribed to them in those sections.

**Sec. 7.** NRS 445A.855 is hereby amended to read as follows:

445A.855 The ~~[State Board of Health]~~ *Commission* shall adopt by regulation:

1. Primary drinking water standards which prescribe the maximum permissible levels for contaminants in any public water system and provide for the monitoring and reporting of water quality. In establishing the standards, the ~~[Board]~~ *Commission* shall consider, among other things, the standards established pursuant to the Federal Act.

2. Secondary drinking water standards which reasonably ~~[insure]~~ *ensure* that drinking water is aesthetically adequate.

**Sec. 8.** NRS 445A.860 is hereby amended to read as follows:

445A.860 In addition to the regulations required to be adopted pursuant to NRS 445A.880, the ~~[State Board of Health:]~~ *Commission:*

1. Shall adopt regulations establishing procedures for a system of permits to operate water systems which are constructed on or after July 1, 1991.

2. May adopt such other regulations as may be necessary to govern the construction, operation and maintenance of public water



1 systems if those activities affect the quality of water, but the  
2 regulations do not supersede any regulation of the Public Utilities  
3 Commission of Nevada.

4 3. May establish by regulation a system for the issuance of  
5 operating permits for suppliers of water and set a reasonable date  
6 after which a person shall not operate a public water system  
7 constructed before July 1, 1991, without possessing a permit issued  
8 by ~~[a health authority.]~~ *the Division or the appropriate district*  
9 *board of health.*

10 4. May adopt such other regulations as may be necessary to  
11 ensure that a community water system or nontransient water system  
12 that commences operation on or after October 1, 1999, demonstrates  
13 the technical capability, managerial capability and financial  
14 capability to comply with 40 C.F.R. Part 141, but the regulations do  
15 not supersede any regulation of the Public Utilities Commission of  
16 Nevada or the authority of the *Public Utilities Commission of*  
17 *Nevada* or other state agencies or local governing bodies to issue  
18 permits or certificates of authority for suppliers of water.

19 5. May adopt such other regulations as may be necessary to  
20 evaluate the technical capability, managerial capability and financial  
21 capability of a community water system or nontransient water  
22 system that commenced operation before October 1, 1999, to  
23 comply with 40 C.F.R. Part 141, but the regulations do not  
24 supersede any regulation of the Public Utilities Commission of  
25 Nevada or the authority of the *Public Utilities Commission of*  
26 *Nevada* or other state agencies or local governing bodies to issue  
27 permits or certificates of authority for suppliers of water.

28 6. May adopt such other regulations as may be necessary to  
29 carry out the provisions of NRS 445A.800 to 445A.955, inclusive.

30 **Sec. 9.** NRS 445A.863 is hereby amended to read as follows:

31 445A.863 1. The ~~[State Board of Health]~~ *Commission* shall  
32 provide by regulation standards for the certification of laboratories  
33 for the analysis of water pursuant to NRS 445A.800 to 445A.955,  
34 inclusive. An analysis required pursuant to any provision of NRS  
35 445A.800 to 445A.955, inclusive, or required by a lender as a  
36 condition precedent to the transfer of real property must be  
37 performed by a laboratory that is certified in accordance with the  
38 standards adopted by the ~~[State Board of Health]~~ *Commission*  
39 pursuant to this subsection.

40 2. The certifying officer shall conduct an evaluation at the site  
41 of each laboratory to determine whether the laboratory is using the  
42 methods of analysis required by this section in an acceptable  
43 manner, applying procedures required by regulation for the control  
44 of quality and making results available in a timely manner.



3. For analyses required pursuant to NRS 445A.800 to 445A.955, inclusive, or by a lender as a condition precedent to the transfer of real property, the methods used must comply with the Federal Act.

4. A laboratory may be certified to perform analyses for the presence of one or more specified contaminants ~~[ ]~~ or to perform all analyses required pursuant to NRS 445A.800 to 445A.955, inclusive.

**Sec. 10.** NRS 445A.865 is hereby amended to read as follows:

445A.865 To carry out the provisions and purposes of NRS 445A.800 to 445A.955, inclusive, the ~~[State Board of Health]~~ *Commission* may:

1. Through the ~~[State Health Officer and the]~~ Administrator of the ~~[Health]~~ Division:

(a) Enter into agreements, contracts or cooperative arrangements with other state agencies, federal or interstate agencies, municipalities, local health departments, educational institutions or other organizations or persons.

(b) Accept financial and technical assistance from the Federal Government, other public agencies or private contributors.

2. Hold hearings and issue subpoenas requiring the attendance of witnesses and the production of evidence.

**Sec. 11.** NRS 445A.870 is hereby amended to read as follows:

445A.870 1. The ~~[State Board of Health]~~ *Commission* may appoint an Advisory Board to act in an advisory capacity in matters relating to the certification of operators of community water systems or noncommunity water systems.

2. If such an Advisory Board is appointed:

(a) At least one member of the Advisory Board must be a member of the American Water Works Association.

(b) At least one member of the Advisory Board must be a member of the Nevada Rural Water Association or its successor organization.

(c) One member of the Advisory Board may represent the general public.

3. Each member of the Advisory Board serves without compensation. While engaged in the business of the Advisory Board, each member of the Advisory Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, to the extent that money is made available for that purpose.

**Sec. 12.** NRS 445A.875 is hereby amended to read as follows:

445A.875 1. Except as otherwise provided in subsection 2, a person shall not act as an operator of a community water system or



1 noncommunity water system unless he has obtained a certificate to  
2 operate such a water system from the ~~[Health]~~ Division.

3 2. An operator of a transient water system is not required to  
4 obtain a certificate to operate a noncommunity water system if the  
5 system is designated by the ~~[Health]~~ Division as being supplied by  
6 ground water that is not under the direct influence of surface water.

7 3. An operator may be certified to operate more than one  
8 community water system or noncommunity water system.

9 4. This section does not require a certified operator to be on  
10 site at a community water system or noncommunity water system  
11 during all hours of operation.

12 **Sec. 13.** NRS 445A.880 is hereby amended to read as follows:

13 445A.880 1. The ~~[State Board of Health]~~ *Commission* shall  
14 adopt regulations to establish:

15 (a) A system of classification of operators of community water  
16 systems and noncommunity water systems who are required to be  
17 certified pursuant to NRS 445A.875;

18 (b) Requirements for certification for each class of operator;

19 (c) Reasonable fees for issuing and renewing certificates; and

20 (d) Requirements for continuing education for the renewal of a  
21 certificate.

22 2. The fees so collected must only be used to:

23 (a) Defray the cost of issuing and renewing certificates; and

24 (b) Pay any expenses incurred by the ~~[Health]~~ Division in  
25 carrying out its duties relating to operators of community water  
26 systems and noncommunity water systems.

27 3. The ~~[Health]~~ Division shall establish and administer  
28 examinations to determine the eligibility of any person who applies  
29 for certification. An applicant is entitled to certification upon  
30 satisfaction of the requirements of the ~~[State Board of Health]~~  
31 *Commission* and payment of the applicable fee. The ~~[Health]~~  
32 Division may enter into a contract with the American Water Works  
33 Association or another person, organization or agency to carry out  
34 or assist the ~~[Health]~~ Division in carrying out the provisions of this  
35 subsection.

36 4. The ~~[Health]~~ Division may grant such certification, without  
37 examination, to an applicant who holds current certification by the  
38 California/Nevada section of the American Water Works  
39 Association or by another organization whose requirements for  
40 certification are equivalent to the requirements for certification  
41 established by the ~~[State Board of Health]~~ *Commission* pursuant to  
42 subsection 1.

43 **Sec. 14.** NRS 445A.885 is hereby amended to read as follows:

44 445A.885 1. Except as otherwise provided in subsection 2,  
45 no water system which is constructed on or after July 1, 1991, may



1 operate unless the owner of the water system receives a permit to  
2 operate the water system from the ~~[State Board of Health or health~~  
3 ~~authority]~~ *Division or the district board of health* designated by the  
4 ~~[State Board of Health.]~~ *Commission*. The owner of such a water  
5 system is entitled to a permit to operate the water system upon  
6 satisfaction of the requirements set forth in NRS 445A.885 to  
7 445A.915, inclusive, and the requirements set forth in the  
8 regulations adopted by the ~~[State Board of Health]~~ *Commission*  
9 pursuant to NRS 445A.860.

10 2. Subsection 1 does not apply to the expansion of a public  
11 utility.

12 **Sec. 15.** NRS 445A.890 is hereby amended to read as follows:

13 445A.890 Before making the finding specified in NRS  
14 445A.910 and before making the determinations specified in NRS  
15 244.3655, 268.4102 and 445A.895, the ~~[State Board of Health]~~  
16 *Division* shall request comments from the:

- 17 1. Public Utilities Commission of Nevada;
- 18 2. State Engineer;
- 19 3. Local government within whose jurisdiction the water  
20 system is located; and
- 21 4. Owner of the water system.

22 **Sec. 16.** NRS 445A.895 is hereby amended to read as follows:

23 445A.895 A permit to operate a water system may not be  
24 issued pursuant to NRS 445A.885 unless all the following  
25 conditions are met:

26 1. Neither water provided by a public utility nor water  
27 provided by a municipality or other public entity is available to the  
28 persons to be served by the water system.

29 2. The applicant fully complies with all the conditions of NRS  
30 445A.885 to 445A.915, inclusive.

31 3. The applicant submits to the ~~[State Board of Health]~~  
32 *Division* or the *district board of health* ~~[authority]~~ designated by the  
33 ~~[State Board of Health]~~ *Commission* documentation issued by the  
34 State Engineer which sets forth that the applicant holds water rights  
35 that are sufficient to operate the water system.

36 4. The local governing body assumes:

37 (a) Responsibility in case of default by the builder or developer  
38 of the water system for its continued operation and maintenance in  
39 accordance with all the terms and conditions of the permit.

40 (b) The duty of assessing the lands served as provided in  
41 subsection 6.

42 5. The applicant furnishes the local governing body sufficient  
43 surety , in the form of a bond, certificate of deposit, investment  
44 certificate or any other form acceptable to the governing body, to



1 ensure the continued maintenance and operation of the water  
2 system:

3 (a) For 5 years following the date the system is placed in  
4 operation; or

5 (b) Until 75 percent of the lots or parcels served by the system  
6 are sold,

7 ➔ whichever is later.

8 6. The owners of the lands to be served by the water system  
9 record a declaration of covenants, conditions and restrictions ~~[ ]~~  
10 which is an equitable servitude running with the land and which  
11 must provide that each lot or parcel will be assessed by the local  
12 governing body for its proportionate share of the cost of continued  
13 operation and maintenance of the water system if there is a default  
14 by the applicant or operator of the water system and a sufficient  
15 surety, as provided in subsection 5, is not available.

16 7. If the water system uses or stores ozone, the portion of the  
17 system where ozone is used or stored must be constructed not less  
18 than 100 feet from any existing residence, unless the owner and  
19 occupant of each residence located closer than 100 feet consent to  
20 the construction of the system at a closer distance.

21 8. The declaration of covenants, conditions and restrictions  
22 recorded by the owners of the lands further provides that if the  
23 ~~[State Board of Health]~~ **Division** determines that:

24 (a) The water system is not satisfactorily serving the needs of its  
25 users; and

26 (b) Water provided by a public utility or a municipality or other  
27 public entity is reasonably available,

28 ➔ the local governing body may, pursuant to NRS 244.3655 or  
29 268.4102, require all users of the water system to connect into the  
30 available water system provided by a public utility or a municipality  
31 or other public entity, and each lot or parcel will be assessed by the  
32 local governing body for its proportionate share of the costs  
33 associated with connecting into that water system. If the water  
34 system is being connected into a public utility, the Public Utilities  
35 Commission of Nevada shall determine the amount of the  
36 assessments for the purposes of establishing a lien pursuant to  
37 NRS 445A.900.

38 9. Provision has been made for disposition of the water system  
39 and the land on which it is situated after the local governing body  
40 requires all users to connect into an available water system provided  
41 by a public utility or a municipality or other public entity.

42 **Sec. 17.** NRS 445A.910 is hereby amended to read as follows:

43 445A.910 1. If the ~~[State Board of Health]~~ **Division** has  
44 found that any of the conditions of a permit to operate a water  
45 system issued pursuant to NRS 445A.885 are being violated and has





1 notified the holder of the permit that he must bring the water system  
2 into compliance, but the holder of the permit has failed to comply  
3 within a reasonable time after the date of the notice, the local  
4 governing body, if requested to do so in writing by the ~~[State Board  
5 of Health.] Division~~, may take the following actions independently  
6 of any further action by the ~~[State Board of Health.] Division~~:

7 (a) Give written notice, by certified mail, to the owner of the  
8 water system and the owners of the property served by the system  
9 that if the violation is not corrected within 30 days after the date of  
10 the notice, the local governing body will seek a court order  
11 authorizing it to assume control; and

12 (b) After the 30-day period has expired, if the water system has  
13 not been brought into compliance, apply to the district court for an  
14 order authorizing the local governing body to assume control of the  
15 system and assess the property for the continued operation and  
16 maintenance of the system as provided in subsection 6 of  
17 NRS 445A.895.

18 2. If the local governing body determines at any time that  
19 immediate action is necessary to protect the public health and  
20 welfare, it may assume physical control and operation of a water  
21 system without complying with any of the requirements set forth in  
22 subsection 1. The local governing body may not maintain control of  
23 a water system pursuant to this subsection for a period greater than  
24 30 days unless it obtains an order from the district court authorizing  
25 an extension.

26 **Sec. 18.** NRS 445A.920 is hereby amended to read as follows:

27 445A.920 1. Except as *otherwise* provided in subsection 2,  
28 plans and specifications for any substantial addition to or alteration  
29 of a public water system subject to a regulation of the ~~[State Board  
30 of Health-shall] Commission must~~ be submitted to the *Division or  
31 the appropriate district board of health [authority]* for review and  
32 approval.

33 2. A public water system is not required to submit any plans  
34 and specifications if the addition or alteration complies with  
35 standards previously approved by ~~[a health authority.] the Division  
36 or the appropriate district board of health.~~

37 3. In approving the plans and specifications, the *Division or  
38 the appropriate district board of health [authority]* may require such  
39 modifications or impose such conditions as are necessary to carry  
40 out the provisions of NRS 445A.800 to 445A.955, inclusive.

41 **Sec. 19.** NRS 445A.925 is hereby amended to read as follows:

42 445A.925 1. The ~~[State Health Officer] Division~~ and *the  
43 district boards of health [authorities]* shall:

44 (a) Enforce the provisions of NRS 445A.800 to 445A.955,  
45 inclusive, and regulations adopted pursuant thereto; and





(b) Make such investigations and inspections as are necessary to ensure compliance with those sections and regulations.

2. Any representative of ~~{a health authority}~~ *the Division or the appropriate district board of health* may enter the property of any public water system at any reasonable time for the purpose of inspecting and investigating the adequacy and sanitary condition of the system and the quality of its water.

3. Except in an emergency, ~~{a health authority}~~ *the Division or the appropriate district board of health* shall notify and permit the supplier of water to be present when an inspection or investigation is being conducted.

**Sec. 20.** NRS 445A.930 is hereby amended to read as follows:

445A.930 1. An imminent hazard exists if the ~~{State Health Officer,}~~ *Division*, after consulting with the *district board of health* ~~{authority}~~ and the supplier of water, determines that a contaminant is or will be found in a public water system and the contaminant is a serious risk to public health.

2. To eliminate an imminent hazard, the ~~{State Health Officer}~~ *Division* may issue an emergency order requiring the supplier of water immediately to take action necessary to protect the public health. An emergency order may require that a supplier of water cease distributing the water.

3. Such an emergency order is effective immediately and is not subject to review unless the supplier to whom the order is issued, within 30 days after the date the order is served, petitions for a hearing before the ~~{State Board of Health,}~~ *Division*.

4. Whenever conditions of a public water system are such as to require immediate action to protect the public health, the ~~{State Health Officer}~~ *Division* may issue public warnings in such manner as ~~{he}~~ *the Division* determines to be suitable.

**Sec. 21.** NRS 445A.935 is hereby amended to read as follows:

445A.935 1. A supplier of water may apply to the ~~{State Board of Health}~~ *Commission* for a variance or exemption from the ~~{Board's regulations. The Board}~~ *regulations of the Commission*. *The Commission* may grant variances or exemptions after notice and public hearing.

2. A supplier of water shall notify all users of the water system as soon as the ~~{Board}~~ *Commission* has scheduled a time and place for the public hearing on the application for a variance or exemption.

3. The Public Utilities Commission of Nevada may participate in the hearing.



1     **Sec. 22.** NRS 445A.940 is hereby amended to read as follows:

2     445A.940 1. A supplier of water shall immediately notify the  
3     *Division or the* appropriate ~~local board or boards~~ *district board* of  
4     health and the users of the supplier's public water system whenever:

5     (a) The system is not in compliance with the primary drinking  
6     water standards;

7     (b) The supplier fails to perform any required monitoring of  
8     water quality;

9     (c) The supplier has been granted a variance or exemption by the  
10    ~~State Board of Health;~~ *Commission;* or

11    (d) The supplier fails to comply with the conditions imposed by  
12    the ~~State Board of Health~~ *Commission* in granting the variance or  
13    exemption.

14    2. The notification ~~shall~~ *must* be in the form and manner  
15    prescribed by the ~~State Board of Health;~~ *Division.*

16    **Sec. 23.** NRS 445A.945 is hereby amended to read as follows:

17    445A.945 1. ~~A health authority~~ *The Division or the*  
18    *appropriate district board of health* may apply to a court of  
19    competent jurisdiction to enjoin the continuance or occurrence of  
20    any act or practice which violates the provisions of NRS 445A.800  
21    to 445A.955, inclusive, or of any regulation adopted or order issued  
22    pursuant thereto.

23    2. On a showing by the *Division or the district board of* health  
24    ~~authority~~ that such a violation has occurred or will occur, the court  
25    may issue, without bond, such prohibitory or mandatory injunction  
26    as the facts may warrant.

27    **Sec. 24.** NRS 445A.950 is hereby amended to read as follows:

28    445A.950 1. Any supplier of water who:

29    (a) Violates any standard established pursuant to  
30    NRS 445A.855;

31    (b) Violates or fails to comply with an emergency order issued  
32    pursuant to NRS 445A.930;

33    (c) Violates any condition imposed by the ~~State Board of~~  
34    ~~Health~~ *Commission* upon granting a variance or exemption under  
35    NRS 445A.935;

36    (d) Violates a regulation adopted by the ~~State Board of Health~~  
37    *Commission* pursuant to NRS 445A.860; or

38    (e) Fails to give a notice as required by NRS 445A.940,  
39    ➔ is liable for a civil penalty, to be recovered by the Attorney  
40    General in the name of the ~~Health~~ Division, of not more than  
41    \$5,000 for each day of the violation.

42    2. In addition to the civil penalty prescribed in subsection 1,  
43    the ~~State Board of Health~~ *Division* may impose an administrative  
44    fine against a supplier of water who commits any violation



1 enumerated in subsection 1. The administrative fine imposed may  
2 not be more than \$2,500 per day for each such violation.

3 3. The civil penalty and administrative fine prescribed in this  
4 section may be imposed in addition to any other penalties or relief  
5 prescribed in NRS 445A.800 to 445A.955, inclusive.

6 **Sec. 25.** NRS 445A.955 is hereby amended to read as follows:

7 445A.955 Any person who violates the provisions of NRS  
8 445A.800 to 445A.955, inclusive, or any regulation adopted by the  
9 ~~[State Board of Health]~~ **Commission** pursuant to those provisions is  
10 guilty of a misdemeanor. Each day of violation constitutes a  
11 separate offense.

12 **Sec. 26.** NRS 118B.077 is hereby amended to read as follows:

13 118B.077 1. The landlord of a manufactured home park shall  
14 post in a conspicuous and readily accessible place in the community  
15 or recreational facility in the manufactured home park, at or near the  
16 entrance of the manufactured home park or other common area in  
17 the manufactured home park, a current report on the quality of the  
18 water that is supplied to the manufactured home park.

19 2. Except as otherwise provided in subsection 3, the report  
20 must be obtained from the community water system that is the  
21 supplier of water to the manufactured home park. Except as  
22 otherwise provided in subsection 4, the landlord shall post the report  
23 at least once each year and at such other times as the community  
24 water system may provide an updated report to the landlord.

25 3. If a manufactured home park is not a community water  
26 system and does not otherwise obtain water from a community  
27 water system, the landlord of the manufactured home park shall  
28 annually cause the water that is provided to the tenants of the  
29 manufactured home park to be tested in accordance with the  
30 standards adopted pursuant to NRS 445A.855. The test must be  
31 performed by a laboratory certified by the ~~[Health Division of the~~  
32 ~~Department of Human Resources]~~ **State Environmental**  
33 **Commission** pursuant to NRS 445A.863.

34 4. Upon receipt of the results of a test performed pursuant to  
35 subsection 3, the landlord shall prepare or cause to be prepared a  
36 report on the quality of the water that is supplied to the tenants of  
37 the manufactured home park. The report must be accurately based  
38 upon the results of the test and prepared in accordance with the  
39 standards adopted by the State ~~[Board of Health]~~ **Environmental**  
40 **Commission** pursuant to NRS 445A.855 for similar reports by  
41 community water systems. The landlord shall post a copy of the  
42 most current report in accordance with subsection 1 and shall  
43 deliver a copy of each such report to the ~~[Health Division of the~~  
44 ~~Department of Human Resources or the health authority as that term~~  
45 ~~is defined in NRS 445A.820.]~~ **State Environmental Commission.**



1        5. As used in this section, “community water system” has the  
2 meaning ascribed to it in NRS 445A.808.

3        **Sec. 27.** NRS 244.3655 is hereby amended to read as follows:

4        244.3655 1. If the State ~~[Board of Health]~~ *Environmental*  
5 *Commission* determines that:

6        (a) A water system which is located in a county and was  
7 constructed on or after July 1, 1991, is not satisfactorily serving the  
8 needs of its users; and

9        (b) Water provided by a public utility or a municipality or other  
10 public entity is reasonably available to those users,

11        ➔ the board of county commissioners of that county may require all  
12 users of the system to connect into the available water system  
13 provided by a public utility or a municipality or other public entity,  
14 and may assess each lot or parcel served for its proportionate share  
15 of the costs associated with connecting into that water system. If the  
16 water system is being connected into a public utility, the Public  
17 Utilities Commission of Nevada shall determine the amount of the  
18 assessments for the purposes of establishing a lien pursuant to NRS  
19 ~~[445A.905.]~~ *445A.900.*

20        2. As used in this section, “water system” has the meaning  
21 ascribed to it in NRS 445A.850.

22        **Sec. 28.** NRS 244A.503 is hereby amended to read as follows:

23        244A.503 1. Before the State acting through the board, or the  
24 county, prepares or causes to be prepared plans, specifications or  
25 other documents for the construction, other acquisition,  
26 improvement or equipment of any work or other real property for  
27 the facilities of the State or the county except repairs, major  
28 renewals and major replacements, the State or the county shall  
29 submit preliminary plans to:

30        (a) The Division of Environmental Protection of the State  
31 Department of Conservation and Natural Resources;

32        (b) The county board of health; and

33        (c) The county regional planning body,

34        ➔ for approval of the type, scope and location of the proposed work  
35 or other real property for the facilities.

36        2. Each such agency may require the State or the county to  
37 submit additional information to the agency pertaining to any such  
38 request for such approval and may require modifications to such  
39 plans as a condition of the agency’s approval.

40        3. Upon the receipt of each agency’s approval in writing of  
41 such plans, the State or the county may prepare or cause to be  
42 prepared plans, specifications or other ~~[instruments or]~~ documents  
43 for the construction, other acquisition, improvement or equipment of  
44 such works or property in conformance with such approval.



1 4. The county board of health shall not require any  
2 modification with which the ~~[Health Division of the Department of~~  
3 ~~Human Resources]~~ *State Environmental Commission* does not  
4 concur.

5 **Sec. 29.** NRS 268.4102 is hereby amended to read as follows:

6 268.4102 1. If the State ~~[Board of Health]~~ *Environmental*  
7 *Commission* determines that:

8 (a) A water system which is located within the boundaries of a  
9 city and was constructed on or after July 1, 1991, is not  
10 satisfactorily serving the needs of its users; and

11 (b) Water provided by a public utility or a municipality or other  
12 public entity is reasonably available to those users,

13 ↳ the governing body of that city may require all users of the  
14 system to connect into the available water system provided by a  
15 public utility or a municipality or other public entity, and may assess  
16 each lot or parcel served for its share of the costs associated with  
17 connecting into that water system. If the water system is being  
18 connected into a public utility, the Public Utilities Commission of  
19 Nevada shall determine the amount of the assessments for the  
20 purposes of establishing a lien pursuant to NRS 445A.900.

21 2. As used in this section, "water system" has the meaning  
22 ascribed to it in NRS 445A.850.

23 **Sec. 30.** NRS 278.335 is hereby amended to read as follows:

24 278.335 1. A copy of the tentative map must be forwarded by  
25 the planning commission or its designated representative, or ~~[ ]~~ if  
26 there is no planning commission, the clerk or other designated  
27 representative of the governing body, to the Division of Water  
28 Resources and the Division of Environmental Protection of the State  
29 Department of Conservation and Natural Resources, ~~[and the Health~~  
30 ~~Division of the Department of Human Resources]~~ or the district  
31 board of health acting for the ~~[Health]~~ Division *of Environmental*  
32 *Protection* pursuant to subsection 2, for review.

33 2. In a county whose population is 100,000 or more, if the  
34 county and one or more incorporated cities in the county have  
35 established a district board of health, the authority of the ~~[Health]~~  
36 Division *of Environmental Protection* to review and certify  
37 proposed subdivisions and *to* conduct construction or installation  
38 inspections must be exercised by the district board of health.

39 3. A district board of health which conducts reviews and  
40 inspections under this section shall consider all the requirements of  
41 the law concerning sewage disposal, water pollution, water quality  
42 and water supply facilities. At least four times annually, the district  
43 board of health shall notify the ~~[Health]~~ Division of ~~[the Department~~  
44 ~~of Human Resources]~~ *Environmental Protection* which



1 subdivisions met these requirements of law and have been certified  
2 by the district board of health.

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

5 5. Each reviewing agency shall, within 15 days after the receipt  
6 of the tentative map, file its written comments with the planning  
7 commission or the governing body recommending approval,  
8 conditional approval or disapproval and stating the reasons therefor.

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

18 **Sec. 31.** NRS 278.377 is hereby amended to read as follows:

19 278.377 1. A final map presented for filing must include a  
20 certificate by:

21 (a) The ~~{Health}~~ Division of *Environmental Protection* of the  
22 *State* Department of ~~{Human}~~ *Conservation and Natural* Resources  
23 or the district board of health acting pursuant to NRS 278.335  
24 indicating that the final map is approved concerning sewage  
25 disposal, water pollution, water quality and water supply facilities.  
26 The ~~{Health-Division-of}~~ district board of health may not issue a  
27 certificate unless it has received written verification from the  
28 Division of Environmental Protection ~~{of the State Department of~~  
29 ~~Conservation and Natural Resources}~~ that the map or plan has been  
30 approved with regard to water pollution and sewage disposal in  
31 accordance with the Nevada Water Pollution Control Law.

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 concerning water quantity.

35 2. Any person aggrieved by the issuance or denial of approval  
36 with regard to water pollution and sewage disposal by the Division  
37 of Environmental Protection ~~{of the State Department of~~  
38 ~~Conservation and Natural Resources}~~ may appeal to the State  
39 Environmental Commission, which shall affirm, modify or reverse  
40 the action of the Division ~~{}~~ *of Environmental Protection*. The  
41 *State Environmental* Commission shall adopt regulations providing  
42 the time within which appeals must be taken and the manner of  
43 taking the appeal to the *State Environmental* Commission.

44 3. A copy of the certificate by the Division of Water Resources  
45 required by subsection 1 must be furnished to the subdivider who in



1 turn shall provide a copy of the certificate to each purchaser of land  
2 before the time the sale is completed. Any statement of approval as  
3 required in subsection 1 is not a warranty or representation in favor  
4 of any person as to the safety or quantity of such water.

5 **Sec. 32.** NRS 349.957 is hereby amended to read as follows:

6 349.957 1. The Board for Financing Water Projects is hereby  
7 created. The Board consists of one ex officio member and five  
8 members appointed by the Governor.

9 2. The Governor shall appoint to the Board:

10 (a) One member who is a representative of the county with the  
11 largest population in the State;

12 (b) One member who is a representative of the county with the  
13 second largest population in the State; and

14 (c) Three members who are representatives of counties in the  
15 State whose populations are less than 100,000,

16 ➔ of whom one member is knowledgeable in the field of municipal  
17 finance and the remaining members are knowledgeable in the fields  
18 of planning and the development and reclamation of water  
19 resources.

20 3. The Administrator of the ~~{Health Division of the State~~  
21 ~~Department of Human Resources,}~~ *Division of Environmental*  
22 *Protection of the State Department of Conservation and Natural*  
23 *Resources*, or a person he designates, shall serve ex officio as a  
24 nonvoting member of the Board.

25 4. Not more than three voting members of the Board may be  
26 members of the same political party , and not more than two may be  
27 residents of the same county.

28 **Sec. 33.** NRS 349.961 is hereby amended to read as follows:

29 349.961 1. When any municipality or other obligor desires to  
30 undertake a water project , it may present its preliminary plan to the  
31 Board for approval. If the proposed water project affects drinking  
32 water, the Board shall request *that* the Administrator of the ~~{Health~~  
33 ~~Division of the Department of Human Resources to}~~ *Division of*  
34 *Environmental Protection of the State Department of*  
35 *Conservation and Natural Resources* submit comments and  
36 recommendations regarding the project. The Board shall analyze the  
37 potential yield of the water project, and may tentatively approve it if  
38 it will preserve or increase the water available for beneficial use in  
39 this State.

40 2. If the Board, after a public hearing on the issue, tentatively  
41 approves the water project, the municipality or other obligor may  
42 proceed to prepare a final plan and submit it for final approval. If  
43 the Board finally approves the water project, the cost of the final  
44 plan may be included in the cost of the water project. If the Board  
45 does not finally approve the water project, the Director may, within





1 the limits of money available for this purpose in the Account for the  
2 Financing of Water Projects, reimburse a municipality for the costs  
3 incurred after the tentative approval.

4 **Sec. 34.** NRS 349.981 is hereby amended to read as follows:

5 349.981 1. There is hereby established a program to provide  
6 grants of money to:

7 (a) A purveyor of water to pay for costs of capital improvements  
8 to publicly owned community water systems and publicly owned  
9 nontransient water systems required or made necessary by the State  
10 ~~[Board of Health]~~ *Environmental Commission* pursuant to NRS  
11 445A.800 to 445A.955, inclusive, or made necessary by the Safe  
12 Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations  
13 adopted pursuant thereto.

14 (b) An eligible recipient to pay for the cost of improvements to  
15 conserve water, including, without limitation:

- 16 (1) Piping or lining of an irrigation canal;
- 17 (2) Recovery or recycling of wastewater or tailwater;
- 18 (3) Scheduling of irrigation;
- 19 (4) Measurement or metering of the use of water;
- 20 (5) Improving the efficiency of irrigation operations; and
- 21 (6) Improving the efficiency of the operation of a facility for

22 the storage of water, including, without limitation, efficiency in  
23 diverting water to such a facility.

24 (c) An eligible recipient, to pay the following costs associated  
25 with connecting a domestic well or *a* well with a temporary permit  
26 to a municipal water system, if the well was in existence on or  
27 before October 1, 1999, and the well is located in an area designated  
28 by the State Engineer pursuant to NRS 534.120 as an area where the  
29 ground water basin is being depleted:

30 (1) Any local or regional fee for connection to the municipal  
31 water system.

32 (2) The cost of any capital improvement that is required to  
33 comply with a decision or regulation of the State Engineer.

34 (d) An eligible recipient, to pay the following costs associated  
35 with abandoning an individual sewage disposal system and  
36 connecting the property formerly served by the abandoned  
37 individual sewage disposal system to a community sewage disposal  
38 system, if the Division of Environmental Protection requires the  
39 individual sewage disposal system to be abandoned and the property  
40 upon which the individual sewage disposal system was located to be  
41 connected to a community sewage disposal system pursuant to the  
42 provisions of NRS 445A.300 to 445A.730, inclusive, or any  
43 regulations adopted pursuant thereto:

44 (1) Any local or regional fee for connection to the  
45 community sewage disposal system.



1 (2) The cost of any capital improvement that is required to  
2 comply with a statute of this State or a decision, directive, order or  
3 regulation of the Division of Environmental Protection.

4 2. Except as otherwise provided in NRS 349.983, the  
5 determination of who is to receive a grant is solely within the  
6 discretion of the Board.

7 3. As used in this section, "eligible recipient" means a political  
8 subdivision of this State, including, without limitation, a city,  
9 county, unincorporated town, water authority, conservation district,  
10 irrigation district, water district or water conservancy district.

11 **Sec. 35.** NRS 445A.820 and 445A.825 are hereby repealed.

12 **Sec. 36.** 1. Notwithstanding the amendatory provisions of  
13 sections 7, 8, 9 and 13 of this act transferring authority to adopt  
14 regulations from the State Board of Health to the State  
15 Environmental Commission, any regulations adopted by the State  
16 Board of Health pursuant to NRS 445A.855, 445A.860, 445A.863  
17 and 445A.880 before October 1, 2005, shall be deemed to have been  
18 adopted by, and may be enforced and amended by, the State  
19 Environmental Commission.

20 2. Notwithstanding the amendatory provisions of section 10 of  
21 this act transferring authority to enter into agreements, contracts or  
22 cooperative arrangements from the State Board of Health to the  
23 State Environmental Commission, any agreement, contract or  
24 cooperative arrangement entered into by the State Board of Health  
25 pursuant to NRS 445A.865 before October 1, 2005, is binding upon  
26 the State Environmental Commission. The State Environmental  
27 Commission may enforce any such agreement, contract or  
28 cooperative arrangement.

29 3. Notwithstanding the amendatory provisions of section 11 of  
30 this act transferring authority to appoint an Advisory Board from the  
31 State Board of Health to the State Environmental Commission, an  
32 Advisory Board appointed by the State Board of Health pursuant to  
33 NRS 445A.870 before October 1, 2005, remains in existence and  
34 may advise the State Environmental Commission on matters relating  
35 to the certification of operators of community water systems or  
36 noncommunity water systems until such time as the Advisory Board  
37 is replaced by the State Environmental Commission.

38 4. Notwithstanding the amendatory provisions of sections 12  
39 and 13 of this act transferring authority to grant certificates and  
40 certifications from the Health Division of the Department of Human  
41 Resources to the Division of Environmental Protection of the State  
42 Department of Conservation and Natural Resources, any certificate  
43 or certification granted by the Health Division pursuant to NRS  
44 445A.875 or 445A.880 before October 1, 2005, shall be deemed to  
45 have been granted by the Division of Environmental Protection.



1       5. The State Controller shall transfer to an account for the use  
2 of the Division of Environmental Protection of the State Department  
3 of Conservation and Natural Resources pursuant to NRS 445A.880,  
4 as amended by this act, all money collected as fees pursuant to  
5 paragraph (c) of subsection 1 of NRS 445A.880 that has not been  
6 committed for expenditure on October 1, 2005.

7       6. Notwithstanding the amendatory provisions of section 13 of  
8 this act transferring authority to enter into contracts from the Health  
9 Division of the Department of Human Resources to the Division of  
10 Environmental Protection of the State Department of Conservation  
11 and Natural Resources, any contract or other agreement entered into  
12 by the Health Division pursuant to NRS 445A.880 before October 1,  
13 2005, is binding upon and may be enforced by the Division of  
14 Environmental Protection.

15       7. Notwithstanding the amendatory provisions of section 14 of  
16 this act transferring authority to issue permits to operate water  
17 systems from the State Board of Health to the Division of  
18 Environmental Protection of the State Department of Conservation  
19 and Natural Resources, any permit to operate a water system issued  
20 by the State Board of Health or a health authority pursuant to NRS  
21 445A.885 before October 1, 2005, shall be deemed to have been  
22 issued by the Division of Environmental Protection or the  
23 appropriate district board of health designated by the State  
24 Environmental Commission.

25       8. Any reference to the State Board of Health in a declaration  
26 of covenants, conditions and restrictions described in subsection 8  
27 of NRS 445A.895, as amended by this act, that is recorded before  
28 October 1, 2005, shall be deemed to be a reference to the Division  
29 of Environmental Protection of the State Department of  
30 Conservation and Natural Resources.

31       9. Notwithstanding the amendatory provisions of section 17 of  
32 this act transferring authority to issue notices of noncompliance  
33 from the State Board of Health to the Division of Environmental  
34 Protection of the State Department of Conservation and Natural  
35 Resources, any notice to an operator of a water system issued by the  
36 State Board of Health pursuant to NRS 445A.910 before October 1,  
37 2005, shall be deemed to have been issued by the Division of  
38 Environmental Protection.

39       10. Notwithstanding the amendatory provisions of section 17  
40 of this act transferring authority to issue to a local governing body a  
41 written request to act from the State Board of Health to the Division  
42 of Environmental Protection of the State Department of  
43 Conservation and Natural Resources, any written request issued to a  
44 local governing body by the State Board of Health pursuant to NRS  
45 445A.910 before October 1, 2005, shall be deemed a proper basis



1 for the appropriate local governing body to take any action  
2 authorized by NRS 445A.910.

3 11. Notwithstanding the amendatory provisions of section 18  
4 of this act transferring authority to review and approve plans and  
5 specifications for any substantial addition to or alteration of a public  
6 water system subject to regulation by the State Environmental  
7 Commission from the health authorities to the Division of  
8 Environmental Protection of the State Department of Conservation  
9 and Natural Resources and appropriate district boards of health,  
10 standards previously approved by any health authority pursuant to  
11 NRS 445A.920 before October 1, 2005, remain in effect and a  
12 public water system which contemplates an addition or alteration  
13 that complies with those standards is not required to submit any  
14 plans and specifications to the Division of Environmental Protection  
15 or any district board of health for review.

16 12. Notwithstanding the amendatory provisions of section 20  
17 of this act transferring authority to issue an emergency order or  
18 public warning from the State Health Officer to the Division of  
19 Environmental Protection of the State Department of Conservation  
20 and Natural Resources, any emergency order or public warning  
21 issued by the State Health Officer pursuant to NRS 445A.930 before  
22 October 1, 2005, remains in effect and may be enforced by the  
23 Division of Environmental Protection.

24 13. Notwithstanding the amendatory provisions of section 21  
25 of this act transferring authority to grant a variance or exemption  
26 from the State Board of Health to the State Environmental  
27 Commission, any variance or exemption granted by the State Board  
28 of Health pursuant to NRS 445A.935 before October 1, 2005,  
29 remains in effect unless modified or revoked by the State  
30 Environmental Commission.

31 14. Notwithstanding the amendatory provisions of section 22  
32 of this act requiring a supplier of water to notify the Division of  
33 Environmental Protection of the State Department of Conservation  
34 and Natural Resources or the appropriate district board of health  
35 upon the occurrence of certain events, any notification of a local  
36 board or board of health made by a supplier of water pursuant to  
37 NRS 445A.940 before October 1, 2005, shall be deemed to be  
38 notification of the Division of Environmental Protection.

39 15. Notwithstanding the amendatory provisions of section 24  
40 of this act providing that the Attorney General may recover a civil  
41 penalty in the name of the Division of Environmental Protection of  
42 the State Department of Conservation and Natural Resources for any  
43 violation enumerated in NRS 445A.950, the Attorney General may  
44 recover a civil penalty in the name of the Health Division of the



- 1 Department of Human Resources for any violation of NRS
- 2 445A.950 that occurs before October 1, 2005.

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### TEXT OF REPEALED SECTIONS

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**445A.820 “Health authority” defined.** “Health authority” means the officers and agents of the Health Division or the officers and agents of the local boards of health.

**445A.825 “Health Division” defined.** “Health Division” means the Health Division of the Department of Human Resources.

