

SENATE BILL NO. 73—SENATOR NOLAN

FEBRUARY 16, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Revises provisions relating to certain fees charged and collected by State Emergency Response Commission. (BDR 40-715)

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

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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 hazardous materials; revising provisions relating to certain fees charged and collected by the State Emergency Response Commission concerning the storage or transportation of extremely hazardous waste and the reporting of toxic chemical releases; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the State Emergency Response Commission to establish
2 by regulation certain fees for its services and regulatory activities, including a fee to
3 be paid by a person who stores extremely hazardous material in an amount that
4 exceeds the limit established by federal law and a reporting fee to be paid by each
5 person who is required to submit a toxic chemical release form pursuant to federal
6 law. (NRS 459.744)
7 This bill increases the amount that may be charged for the reporting fee from
8 \$500 to not more than \$15,000 per year. This bill also provides that the fees
9 established for storage of excessive amounts of hazardous materials and the
10 reporting fee must not exceed \$15,000 in the aggregate in any calendar year.
11 Additionally, this bill provides for a refund to be paid to a person who paid
12 reporting fees during the 2003 and 2004 calendar years for any amount above
13 \$7,500 that the person paid in each calendar year.

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

- 1 **Section 1.** NRS 459.744 is hereby amended to read as follows:
2 459.744 The Commission shall establish by regulation:



1 1. A schedule of fees for its services and regulatory activities.
2 The fees must be set at an amount which approximates the cost to
3 the Commission of performing those services and activities.

4 2. A fee, not to exceed \$15,000 per year, to be paid , *except as*
5 *otherwise provided in subsection 5*, by each person who stores an
6 extremely hazardous material in an amount greater than the
7 threshold planning quantity established for such material in 40
8 C.F.R. Part 355, Appendix A or B. The fee must include:

9 (a) A filing fee for each facility in which such material is stored;
10 and

11 (b) A surcharge for each ton of such material stored in excess of
12 1 ton,

13 ➔ and must be paid on or before March 1 of each year for the
14 preceding calendar year.

15 3. A fee, not to exceed \$2,000 per year, to be paid by each
16 person who manufactures for transport an extremely hazardous
17 material in an amount greater than the threshold planning quantity
18 established for such material in 40 C.F.R. Part 355, Appendix A or
19 B. The fee must include:

20 (a) A filing fee for each facility in which such material is
21 manufactured; and

22 (b) A surcharge for each ton of such material which is
23 manufactured for transport in this State,

24 ➔ and must be paid on or before January 31 of each year for the
25 preceding calendar year.

26 4. A reporting fee ~~of \$500~~ , *not to exceed \$15,000 per year*,
27 to be paid , *except as otherwise provided in subsection 5*, by each
28 person who is required to submit a toxic chemical release form
29 pursuant to 42 U.S.C. §§ 11001 et seq., which becomes due upon
30 the filing of the form.

31 *5. A method for limiting the amount of the fees established*
32 *pursuant to subsections 2 and 4 so that the aggregate amount of*
33 *the fees imposed on a person during any calendar year does not*
34 *exceed \$15,000.*

35 **Sec. 2.** As soon as practicable after the effective date of this
36 act, the State Emergency Response Commission shall refund to a
37 person any fees in excess of \$7,500 paid by that person pursuant to
38 subsection 4 of NRS 459.744 for each of the 2003 and 2004
39 calendar years.

40 **Sec. 3.** This act becomes effective upon passage and approval.

