

SENATE BILL NO. 50—COMMITTEE ON TRANSPORTATION
AND HOMELAND SECURITY

PREFILED JANUARY 30, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Revises provisions governing hazardous materials training programs. (BDR 40-156)

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 governing the establishment and operation of a statewide training program for response to emergencies involving hazardous materials and related fires; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill transfers the responsibility of establishing and operating a statewide
2 training program and a training center for handling emergencies relating to
3 hazardous materials and related fires from the State Fire Marshal to the State
4 Emergency Response Commission. (NRS 459.735, 459.742, 477.045)

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

- 1 **Section 1.** NRS 459.735 is hereby amended to read as follows:
2 459.735 1. The Contingency Account for Hazardous
3 Materials is hereby created in the State General Fund.
4 2. The Commission shall administer the Contingency Account
5 for Hazardous Materials , and **H** except as otherwise provided in
6 subsection 4, the money in the Account may be expended only for:
7 (a) Carrying out the provisions of NRS 459.735 to 459.773,
8 inclusive;



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(b) Carrying out the provisions of 42 U.S.C. §§ 11001 et seq. and 49 U.S.C. §§ 5101 et seq.;

(c) Maintaining and supporting the operations of the Commission and local emergency planning committees;

(d) Training and equipping state and local personnel to respond to accidents and incidents involving hazardous materials; and

(e) The operation of training programs and a training center for handling emergencies relating to hazardous materials and related fires pursuant to **subsection 2 of NRS ~~[477.045.] 459.742.~~**

3. All money received by this State pursuant to 42 U.S.C. §§ 11001 et seq. or 49 U.S.C. §§ 5101 et seq. must be deposited with the State Treasurer to the credit of the Contingency Account for Hazardous Materials. In addition, all money received by the Commission from any source must be deposited with the State Treasurer to the credit of the Contingency Account for Hazardous Materials. ~~[The State Controller shall transfer from the Contingency Account to the Operating Account of the State Fire Marshal such money collected pursuant to chapter 477 of NRS as is authorized for expenditure in the budget of the State Fire Marshal for use pursuant to paragraph (e) of subsection 2.]~~

4. Any fees deposited with the State Treasurer for credit to the Contingency Account for Hazardous Materials pursuant to subsection 5 of NRS 482.379365 must be accounted for separately and must be expended solely to provide financial assistance to this State or to local governments in this State to support preparedness to combat terrorism, including, without limitation, planning, training and purchasing supplies and equipment.

5. Upon the presentation of budgets in the manner required by law, money to support the operation of the Commission pursuant to this chapter, other than its provision of grants, must be provided by direct legislative appropriation from the State Highway Fund or other legislative authorization to the Contingency Account for Hazardous Materials.

6. The interest and income earned on the money in the Contingency Account for Hazardous Materials, after deducting any applicable charges, must be credited to the Account.

7. All claims against the Contingency Account for Hazardous Materials must be paid as other claims against the State are paid.

Sec. 2. NRS 459.742 is hereby amended to read as follows:

459.742 **1.** The Commission, in carrying out its duties and within the limits of legislative appropriations and other available money, may:

~~[1-]~~ **(a)** Enter into contracts, leases or other agreements or transactions;



1 ~~(2-)~~ (b) Provide grants of money to local emergency planning
2 committees to improve their ability to respond to emergencies
3 involving hazardous materials;

4 ~~(3-)~~ (c) Assist with the development of comprehensive plans for
5 responding to such emergencies in this State;

6 ~~(4-)~~ (d) Provide technical assistance and administrative support
7 to the Telecommunications Unit of the Communication and
8 Computing Division of the Department of Information Technology
9 for the development of systems for communication during such
10 emergencies;

11 ~~(5-)~~ (e) Provide technical and administrative support and
12 assistance for training programs;

13 ~~(6-)~~ (f) Develop a system to provide public access to data
14 relating to hazardous materials;

15 ~~(7-)~~ (g) Support any activity or program eligible to receive
16 money from the Contingency Account for Hazardous Materials;

17 ~~(8-)~~ (h) Adopt regulations setting forth the manner in which the
18 Division of Emergency Management of the Department shall:

19 ~~((a))~~ (1) Allocate money received by the Division which relates
20 to hazardous materials or is received pursuant to 42 U.S.C. §§
21 11001 et seq. or 49 U.S.C. §§ 5101 et seq.; and

22 ~~((b))~~ (2) Approve programs developed to address planning for
23 and responding to emergencies involving hazardous materials; and

24 ~~(9-)~~ (i) Coordinate the activities administered by state agencies
25 to carry out the provisions of this chapter, 42 U.S.C. §§ 11001 et
26 seq. and 49 U.S.C. §§ 5101 et seq.

27 ***2. The Commission shall establish and operate a statewide***
28 ***training program and a training center for response to spills of***
29 ***hazardous materials and related fires pursuant to NRS 477.045.***

30 **Sec. 3.** NRS 477.045 is hereby amended to read as follows:

31 477.045 1. ~~[(The State Fire Marshal shall establish a statewide~~
32 ~~training program for response to spills of hazardous materials and~~
33 ~~related fires.)]~~ The State Fire Marshal shall require persons who store
34 hazardous materials to obtain a permit to do so. The State Fire
35 Marshal shall collect a surcharge of \$60 for each such permit issued
36 in the State. The surcharge is in addition to any other fee charged for
37 the issuance of such a permit.

38 2. The revenue derived by the State Fire Marshal pursuant to
39 this section must be deposited with the State Treasurer for credit to
40 the Contingency Account for Hazardous Materials.

41 **Sec. 4.** This act becomes effective on July 1, 2007.

