

SENATE BILL NO. 324—SENATOR MANENDO (BY REQUEST)

MARCH 16, 2015

Referred to Committee on Transportation

SUMMARY—Revises provisions concerning the Department of Transportation. (BDR 35-23)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 the Department of Transportation; authorizing the Director of the Department to adopt regulations to enforce compliance with the conditions of certain environmental permits; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill authorizes the Director of the Department of Transportation to adopt
2 regulations to enforce compliance with the conditions of an environmental permit
3 issued to the Department by any state or federal agency or any plan or program
4 adopted by the Department as a condition of such a permit. In addition, this bill
5 provides that a person violating such a regulation is guilty of a gross misdemeanor.

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

- 1 **Section 1.** Chapter 408 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

- 3 *1. The Director, in consultation with the Board, may adopt*
4 *regulations to enforce compliance with the conditions of any*
5 *environmental permit issued to the Department by any state or*
6 *federal agency, or any plan or program adopted by the*
7 *Department pursuant thereto, including, without limitation, a*
8 *discharge permit issued pursuant to NRS 445A.475 or a*



1 *stormwater management program adopted in accordance with the*
2 *requirements of such a discharge permit.*

3 2. *Regulations adopted pursuant to subsection 1 may include,*
4 *without limitation, provisions:*

5 (a) *Granting authority to employees of the Department to issue*
6 *notices of violations, citations and orders to stop work that are*
7 *related to a violation of the conditions of an environmental permit*
8 *issued pursuant to NRS 533.463 or 533.504 to the Department, or*
9 *the provisions of any program or plan of the Department adopted*
10 *pursuant thereto;*

11 (b) *Establishing processes and procedures for the adjudication*
12 *of any citation issued in accordance with provisions described in*
13 *paragraph (a), including, without limitation, administrative*
14 *hearings and appeals processes; and*

15 (c) *Establishing a schedule of civil penalties for various*
16 *violations of the conditions of an environmental permit issued to*
17 *the Department, or the provisions of any program or plan of the*
18 *Department adopted pursuant thereto.*

19 3. *In addition to any civil penalties imposed pursuant to*
20 *provisions described in paragraph (c) of subsection 2, the Director*
21 *may require any person violating the conditions of an*
22 *environmental permit issued pursuant to NRS 533.463 or 533.504*
23 *to the Department, or the provisions of any program or plan of the*
24 *Department adopted pursuant thereto, to pay any costs associated*
25 *with the remediation of the violation. If any such costs of*
26 *remediation are not paid within a reasonable amount of time, the*
27 *Director may commence a civil action in any court of competent*
28 *jurisdiction for the recovery of such costs.*

29 4. *A person who violates any regulation adopted pursuant to*
30 *subsection 1 is guilty of a gross misdemeanor for which the*
31 *Director may request that the Attorney General institute a*
32 *criminal prosecution by indictment or information.*

33 5. *The remedies specified in subsections 3 and 4 and any*
34 *provisions described in paragraph (c) of subsection 2 are*
35 *cumulative, and the institution of any proceeding or action*
36 *seeking any one of the remedies or sanctions does not bar any*
37 *simultaneous or subsequent action or proceeding seeking any*
38 *other of the remedies or sanctions.*

39 **Sec. 2.** This act becomes effective on July 1, 2015.

