

Amendment No. 37

Assembly Amendment to Assembly Bill No. 50 (BDR 40-181)

Proposed by: Assembly Committee on Natural Resources, Agriculture, and Mining

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 50 (§§ 3, 5).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JFD/EGO



Date: 4/3/2017

A.B. No. 50—Revises provisions relating to the imposition of certain fees, civil penalties and administrative fines by the State Environmental Commission. (BDR 40-181)



ASSEMBLY BILL NO. 50—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING(ON BEHALF OF THE DIVISION OF ENVIRONMENTAL
PROTECTION OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions relating to the imposition of certain fees, civil penalties and administrative fines by the State Environmental Commission. (BDR 40-181)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to water; authorizing the State Environmental Commission to establish fees for certain services relating to public and community water systems; increasing the maximum civil penalties and administrative fines imposed on water suppliers for certain violations relating to public water systems; authorizing the State Environmental Commission to adopt regulations and establish fees for the review of certain water issues relating to land development plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Environmental Commission regulates community and public water systems. (NRS 445A.800-445A.955) **Section 3** of this bill authorizes the Commission to establish fees for any services of the Commission necessary to carry out these provisions relating to community and public water systems.

Under existing law, a person who owns, controls or operates a public water system is liable for a civil penalty and may be subject to an administrative fine per day for certain violations. (NRS 445A.950) **Section 4** of this bill increases the maximum civil penalty from \$5,000 to \$25,000 for each day of the violation and increases the maximum administrative fine from \$2,500 to \$5,000 which may be imposed upon such a person by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Existing law requires a person who proposes to subdivide land for development to submit a tentative and a final map to the Division of Environmental Protection for review concerning sewage disposal, water pollution, water quality and water supply facilities. (NRS 278.335, 278.377) **Section 5** of this bill authorizes the State Environmental Commission to adopt regulations and establish fees relating to its review of subdivisions. **Sections 6 and 7** of this bill make conforming changes.

17 **Section 1** of this bill requires the deposit of the fees authorized in this bill in a separate
18 account in the State General Fund.

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

1 **Section 1.** Chapter 445A of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 1. *All fees collected pursuant to subsection 6 of NRS 445A.860 and section*
4 *5 of this act must be deposited in a separate account created in the State General*
5 *Fund. The ~~Commission~~ State Department of Conservation and Natural*
6 *Resources shall administer the account.*

7 2. *The money in the account must be expended only to pay for the costs to*
8 *carry out the provisions of NRS 278.335, 278.377 and 445A.800 to 445A.955,*
9 *inclusive, and sections 1 and 5 of this act or for any other purpose authorized by*
10 *the Legislature.*

11 3. *The interest and income earned on the money in the account, after*
12 *deducting any applicable charges, must be credited to the account.*

13 **Sec. 2.** NRS 445A.805 is hereby amended to read as follows:

14 445A.805 As used in NRS 445A.800 to 445A.955, inclusive, *and section 1 of*
15 *this act*, unless the context otherwise requires, the words and terms defined in NRS
16 445A.807 to 445A.850, inclusive, have the meanings ascribed to them in those
17 sections.

18 **Sec. 3.** NRS 445A.860 is hereby amended to read as follows:

19 445A.860 In addition to the regulations required to be adopted pursuant to
20 NRS 445A.880, the Commission:

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

23 2. May adopt such other regulations as may be necessary to govern the
24 construction, operation and maintenance of public water systems if those activities
25 affect the quality of water, but the regulations do not supersede any regulation of
26 the Public Utilities Commission of Nevada.

27 3. May establish by regulation a system for the issuance of operating permits
28 for suppliers of water and set a reasonable date after which a person shall not
29 operate a public water system constructed before July 1, 1991, without possessing a
30 permit issued by the Division or the appropriate district board of health.

31 4. May adopt such other regulations as may be necessary to ensure that a
32 community water system or nontransient water system that commences operation
33 on or after October 1, 1999, demonstrates the technical capability, managerial
34 capability and financial capability to comply with 40 C.F.R. Part 141, but the
35 regulations do not supersede any regulation of the Public Utilities Commission of
36 Nevada or the authority of the Public Utilities Commission of Nevada or other state
37 agencies or local governing bodies to issue permits or certificates of authority for
38 suppliers of water.

39 5. May adopt such other regulations as may be necessary to evaluate the
40 technical capability, managerial capability and financial capability of a community
41 water system or nontransient water system that commenced operation before
42 October 1, 1999, to comply with 40 C.F.R. Part 141, but the regulations do not
43 supersede any regulation of the Public Utilities Commission of Nevada or the

1 authority of the Public Utilities Commission of Nevada or other state agencies or
2 local governing bodies to issue permits or certificates of authority for suppliers of
3 water.

4 6. *May establish by regulation reasonable fees as may be necessary to carry*
5 *out the provisions of NRS 445A.800 to 445A.955, inclusive, and section 1 of this*
6 *act. All fees collected pursuant to this subsection must be deposited in the account*
7 *created pursuant to section 1 of this act.*

8 7. May adopt such other regulations as may be necessary to carry out the
9 provisions of NRS 445A.800 to 445A.955, inclusive ~~H~~, *and section 1 of this act.*

10 Sec. 4. NRS 445A.950 is hereby amended to read as follows:

11 445A.950 1. Any supplier of water who:

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

13 (b) Violates or fails to comply with an order issued pursuant to NRS 445A.930
14 or subsection 1 or 2 of NRS 445A.943;

15 (c) Violates any condition imposed by the Commission upon granting a
16 variance or exemption under NRS 445A.935;

17 (d) Violates a regulation adopted by the Commission pursuant to NRS
18 445A.860 or 445A.880; or

19 (e) Fails to give a notice as required by NRS 445A.940,

20 ➤ is liable for a civil penalty, to be recovered by the Attorney General in the name
21 of the Division, of not more than ~~\$5,000~~ **\$25,000** for each day of the violation.

22 2. In addition to the civil penalty prescribed in subsection 1, the Division may
23 impose an administrative fine against a supplier of water who commits any
24 violation enumerated in subsection 1. The administrative fine imposed may not be
25 more than ~~\$2,500~~ **\$5,000** per day for each such violation.

26 3. The civil penalty and administrative fine prescribed in this section may be
27 imposed in addition to any other penalties or relief prescribed in NRS 445A.800 to
28 445A.955, inclusive ~~H~~, *and section 1 of this act.*

29 Sec. 5. Chapter 278 of NRS is hereby amended by adding thereto a new
30 section to read as follows:

31 *The State Environmental Commission may adopt such regulations as may be*
32 *necessary for the Division of Environmental Protection of the State Department*
33 *of Conservation and Natural Resources to carry out its duties under the*
34 *provisions of this section and NRS 278.335 and 278.377, including, without*
35 *limitation, establishing reasonable fees for services provided by the Division. All*
36 *fees collected pursuant to this section must be deposited in the account created*
37 *pursuant to section 1 of this act.*

38 Sec. 6. NRS 278.010 is hereby amended to read as follows:

39 278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 5 of this*
40 *act*, unless the context otherwise requires, the words and terms defined in NRS
41 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those
42 sections.

43 Sec. 7. NRS 278.4925 is hereby amended to read as follows:

44 278.4925 1. An owner or governing body that owns two or more contiguous
45 parcels may merge and resubdivide the land into new parcels or lots without
46 reverting the preexisting parcels to acreage pursuant to NRS 278.490.

47 2. Parcels merged without reversion to acreage pursuant to this section must
48 be resubdivided and recorded on a final map, parcel map or map of division into
49 large parcels, as appropriate, in accordance with NRS 278.320 to 278.4725,
50 inclusive, *and section 5 of this act* and any applicable local ordinances. The
51 recording of the resubdivided parcels or lots on a final map, parcel map or map of
52 division into large parcels, as appropriate, constitutes the merging of the preexisting
53 parcels into a single parcel and the simultaneous resubdivision of that single parcel

1 into parcels or lots of a size and description set forth in the final map, parcel map or
2 map of division into large parcels, as appropriate.

3 3. With respect to a merger and resubdivision of parcels pursuant to this
4 section, the owner or governing body conducting the merger and resubdivision shall
5 ensure that streets, easements and utility easements, whether public or private, that
6 will remain in effect after the merger and resubdivision, are delineated clearly on
7 the final map, parcel map or map of division into large parcels, as appropriate, on
8 which the merger and resubdivision is recorded.

9 4. If a governing body required an owner or governing body to post security
10 to secure the completion of improvements to two or more contiguous parcels and
11 those improvements will not be completed because of a merger and resubdivision
12 conducted pursuant to this section, the governing body shall credit on a pro rata
13 basis the security posted by the owner or governing body toward the same purposes
14 with respect to the parcels as merged and resubdivided.

15 **Sec. 8.** This act becomes effective upon passage and approval.