
ASSEMBLY BILL NO. 129—COMMITTEE ON NATURAL RESOURCES,
AGRICULTURE, AND MINING

(ON BEHALF OF THE DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES, ENVIRONMENTAL PROTECTION DIVISION)

FEBRUARY 14, 2003

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Makes various changes concerning money deposited
in certain accounts and funds for use by State
Department of Conservation and Natural Resources.
(BDR 40-519)

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 the State Department of Conservation and
Natural Resources; requiring the interest earned on the
money deposited in certain accounts or funds for use by
the Department to be credited to those accounts or funds;
providing that certain money collected for purposes of the
Program for the Voluntary Cleanup of Hazardous
Substances and Relief From Liability must be deposited
in the Account for the Management of Hazardous Waste;
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 445B.590 is hereby amended to read as
2 follows:
3 445B.590 1. The Account for the Management of Air Quality
4 is hereby created in the State General Fund, to be administered by
5 the Department.



* A B 1 2 9 *

1 2. Money in the Account for the Management of Air Quality
2 must be expended only:

3 (a) To carry out and enforce the provisions of NRS 445B.100 to
4 445B.640, inclusive, and of any regulations adopted pursuant to
5 those sections, including, without limitation, the direct and indirect
6 costs of:

7 (1) Preparing regulations and recommendations for
8 legislation regarding those provisions;

9 (2) Furnishing guidance for compliance with those
10 provisions;

11 (3) Reviewing and acting upon applications for operating
12 permits;

13 (4) Administering and enforcing the terms and conditions of
14 operating permits;

15 (5) Monitoring emissions and the quality of the ambient air;

16 (6) Preparing inventories and tracking emissions;

17 (7) Performing modeling, analyses and demonstrations; and

18 (8) Establishing and administering a program for the
19 provision of assistance, pursuant to 42 U.S.C. § 7661f, to small
20 businesses operating stationary sources; and

21 (b) In any other manner required as a condition to the receipt of
22 federal money for the purposes of NRS 445B.100 to 445B.640,
23 inclusive.

24 3. *All interest earned on the money in the Account for the*
25 *Management of Air Quality must be credited to the Account.*

26 Claims against the Account for the Management of Air Quality must
27 be paid as other claims against the State are paid.

28 **Sec. 2.** NRS 459.3824 is hereby amended to read as follows:

29 459.3824 1. The owner of a regulated facility shall pay to the
30 Division an annual fee based on the fiscal year. The annual fee for
31 each facility is the sum of a base fee set by the State Environmental
32 Commission and any additional fee imposed by the Commission
33 pursuant to subsection 2. The annual fee must be prorated and may
34 not be refunded.

35 2. The State Environmental Commission may impose an
36 additional fee upon the owner of a regulated facility in an amount
37 determined by the Commission to be necessary to enable the
38 Division to carry out its duties pursuant to NRS 459.380 to
39 459.3874, inclusive. The additional fee must be based on a
40 graduated schedule adopted by the Commission which takes into
41 consideration the quantity of hazardous substances located at each
42 facility.

43 3. After the payment of the initial annual fee, the Division shall
44 send the owner of a regulated facility a bill in July for the annual fee



1 for the fiscal year then beginning which is based on the applicable
2 reports for the preceding year.

3 4. The owner of a regulated facility shall submit, with any
4 payment required by this section, the number assigned by the
5 Department of Taxation, for the imposition and collection of taxes
6 pursuant to chapter 364A of NRS, to the business for which the
7 payment is made.

8 5. All fees collected pursuant to this section and penalties
9 collected pursuant to NRS 459.3833, 459.3834 and 459.3874 ~~[and~~
10 ~~any interest earned thereon,]~~ must be deposited with the State
11 Treasurer for credit to the Fund for Precaution Against Chemical
12 Accidents, which is hereby created as a special revenue fund. *All*
13 *interest earned on the money in the Fund must be credited to the*
14 *Fund.*

15 **Sec. 3.** NRS 459.3829 is hereby amended to read as follows:

16 459.3829 1. No owner or operator of a regulated facility may
17 commence construction or operation of any new process subject to
18 regulation pursuant to NRS 459.380 to 459.3874, inclusive, unless
19 he first obtains all appropriate permits from the Division to
20 construct the new process or commence operation of the new
21 process, or both. Before issuing any such permits, the Division shall
22 consult with the Division of Industrial Relations of the Department
23 of Business and Industry.

24 2. An application for such a permit must be submitted on a
25 form prescribed by the Division.

26 3. The Division may require the applicant to comply with
27 requirements that it establishes by regulation before issuing any
28 permits for construction and operation of the process.

29 4. The Division may charge and collect a fee for the issuance
30 of such a permit. All fees collected pursuant to this section ~~[and any~~
31 ~~interest earned thereon]~~ must be deposited with the State Treasurer
32 for credit to the Fund for Precaution Against Chemical Accidents
33 created pursuant to NRS 459.3824.

34 **Sec. 4.** NRS 459.530 is hereby amended to read as follows:

35 459.530 1. All proceeds from agreements entered into
36 pursuant to NRS 459.505, all application fees collected pursuant to
37 NRS 459.634, all reimbursements and penalties recovered pursuant
38 to NRS 459.537, and all fees collected ~~[and~~ *and* all civil penalties
39 imposed ~~[and all interest accrued]~~ pursuant to NRS 459.400 to
40 ~~[459.600,]~~ *459.658*, inclusive, must be deposited with the State
41 Treasurer for credit to the Account for the Management of
42 Hazardous Waste, which is hereby created in the State General
43 Fund. *All interest earned on the money in the Account must be*
44 *credited to the Account.* The money in the Account must be paid as
45 other claims against the State are paid.



1 2. The State Treasurer shall account separately for each of the
2 fees collected pursuant to NRS 459.512.

3 **Sec. 5.** NRS 519A.170 is hereby amended to read as follows:
4 519A.170 ~~[Fees]~~ *All fees* collected by the Division *pursuant to*
5 *this chapter, including, without limitation, the fees* for an
6 application for and the issuance of a permit, must be deposited with
7 the State Treasurer for credit to the appropriate account of the
8 Division and must be used in the administration of NRS 519A.010
9 to 519A.280, inclusive. *All interest earned on the money credited*
10 *pursuant to this section must be credited to the account to which*
11 *the money was credited.*

12 **Sec. 6.** NRS 519A.280 is hereby amended to read as follows:
13 519A.280 1. Except as otherwise provided in NRS 445C.010
14 to 445C.120, inclusive, a person who violates any provision of NRS
15 519A.010 to 519A.280, inclusive, or any regulation adopted by the
16 Commission pursuant to NRS 519A.160, is guilty of a misdemeanor
17 and, in addition to any criminal penalty, is subject to a civil penalty
18 imposed by the Division at a hearing for which notice has been
19 given, in an amount determined pursuant to the schedule adopted by
20 the Commission pursuant to NRS 519A.160.

21 2. Any money received by the Division pursuant to subsection
22 1 must be deposited ~~[in the state general fund.]~~ *with the State*
23 *Treasurer for credit to the appropriate account of the Division. All*
24 *interest earned on the money credited pursuant to this section*
25 *must be credited to the account to which the money was credited.*

26 **Sec. 7.** This act becomes effective on July 1, 2003.

