

SENATE BILL NO. 201—COMMITTEE ON NATURAL RESOURCES

FEBRUARY 25, 2003

Referred to Committee on Natural Resources

SUMMARY—Eliminates limitation on amount of fees that State Emergency Response Commission may impose for certain services of Commission or activities relating to extremely hazardous materials. (BDR 40-1047)

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 hazardous materials; eliminating the limitation on the amount of fees that the State Emergency Response Commission may impose for the services of the Commission and for the storing or manufacturing of extremely hazardous materials under certain circumstances; 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 459.744 is hereby amended to read as follows:
- 2     459.744 ~~{1}~~ The Commission shall establish by regulation:
- 3     ~~{a}~~ **1.** A schedule of fees for its services and regulatory
- 4     activities. The fees must be set at an amount which approximates the
- 5     cost to the Commission of performing those services and activities.
- 6     ~~{b}~~ **2.** A fee ~~{, not to exceed \$5,000 per year,}~~ to be paid by
- 7     each person who stores an extremely hazardous material in an
- 8     amount greater than the threshold planning quantity established for
- 9     such material in 40 C.F.R. Part 355, Appendix A or B. The fee must
- 10    include:
- 11    ~~{1}~~ **(a)** A filing fee for each facility in which such material
- 12    is stored; and



1 ~~[(2)]~~ (b) A surcharge for each ton of such material stored in  
2 excess of 1 ton,  
3 and must be paid on or before March 1 of each year for the  
4 preceding calendar year.

5 ~~[(e)]~~ 3. A fee ~~[, not to exceed \$2,000 per year,]~~ to be paid by  
6 each person who manufactures for transport an extremely hazardous  
7 material in an amount greater than the threshold planning quantity  
8 established for such material in 40 C.F.R. Part 355, Appendix A or  
9 B. The fee must include:

10 ~~[(1)]~~ (a) A filing fee for each facility in which such material  
11 is manufactured; and

12 ~~[(2)]~~ (b) A surcharge for each ton of such material which is  
13 manufactured for transport in this state,  
14 and must be paid on or before January 31 of each year for the  
15 preceding calendar year.

16 ~~[(d)]~~ 4. A reporting fee ~~[of \$500]~~ to be paid by each person  
17 who is required to submit a toxic chemical release form pursuant to  
18 42 U.S.C. §§ 11001 et seq., which becomes due upon the filing of  
19 the form.

20 ~~[(2) The Commission shall not require any person to pay more~~  
21 ~~than \$5,000 in fees imposed pursuant to subsection 1 for any~~  
22 ~~calendar year.]~~

23 **Sec. 2.** This act becomes effective on July 1, 2003.

