

Amendment No. 1

Senate Amendment to Senate Bill No. 3	(BDR 58-656)
Proposed by: Committee on Commerce and Labor	
Amendment Box:	
Resolves Conflicts with: N/A	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by deleting sec. 2 and the leadlines of repealed sections and adding a new section designated sec. 2, following section 1, to read as follows:

“**Sec. 2.** Chapter 705 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter do not apply to an individual, company or corporation operating a railroad in this State to the extent that such a provision is:

(a) Preempted, either expressly or by implication, by a federal law or an administrative regulation, rule, decision, opinion or order having the force of a federal law; or

(b) Declared to be preempted by a court of competent jurisdiction interpreting a federal law or an administrative regulation, rule, decision, opinion or order having the force of a federal law.

KP

Date: 2/15/2005

S.B. No. 3—Revises certain provisions relating to regulation of public utilities.

2. If a provision of this chapter is preempted, the provision is suspended and must not be enforced against the individual, company or corporation operating the railroad only for the period during which the preemption is valid and effective.

3. This section is intended only to codify the rules of construction applicable to the federal doctrine of preemption and must not be interpreted in a manner that is inconsistent with those rules.”.

Amend the title of the bill by deleting the second line and inserting:

“violations involving certain pipelines; clarifying the application of certain”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing state law provides for a civil penalty to be imposed upon a person who violates any regulation of the Public Utilities Commission of Nevada which was adopted to conform with the federal Natural Gas Pipeline Safety Act of 1968. (NRS 704.595) The federal Natural Gas Pipeline Safety Act of 1968, as amended, allows the Public Utilities Commission of Nevada to receive federal funding to regulate pipeline safety. However, such funding is conditioned upon the State imposing civil penalties for a violation of any state regulation adopted in conformity with the Act which are substantially the same as those provided in the federal Act. (49 U.S.C. §§ 60101 et seq.) In 2002, Congress amended the federal Act to increase the maximum civil penalties. (49 U.S.C. § 60122)

To comply with the federal Act, this bill increases the maximum amount of civil penalties which the State may impose for violating a regulation of the Public Utilities Commission of Nevada which was adopted to conform with the federal Natural Gas Pipeline Safety Act.

Existing state law in Chapter 705 of NRS regulates certain aspects of railroad operations.

This bill clarifies that the provisions in Chapter 705 of NRS do not apply to those aspects of railroad operations where the state law provisions are preempted by federal law.