

CHAPTER.....

AN ACT relating to public health; transferring responsibility for the operation of certain programs from the Health Division of the Department of Human Resources to the Division of Environmental Protection of the State Department of Conservation and Natural Resources; transferring regulatory authority for drinking water standards and community and public water systems to the State Environmental Commission; and providing other matters properly relating thereto.

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

Section 1. NRS 444.650 is hereby amended to read as follows:
444.650 1. The State Board of Health shall adopt regulations to control the use of ~~[an]~~ *a residential* individual system for disposal of sewage in this State. Those regulations are effective except in health districts in which a district board of health has adopted regulations to control the use of ~~[an]~~ *a residential* individual system for disposal of sewage in that district.

2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and any regulations adopted pursuant to those provisions.

4. *As used in this section, “residential individual system for disposal of sewage” means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single-family residential use.*

Sec. 2. Chapter 445A of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. *“Commission” means the State Environmental Commission.*

Sec. 4. *“District board of health” means a district board of health created pursuant to NRS 439.370.*

Sec. 5. *“Division” means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.*

Sec. 6. NRS 445A.805 is hereby amended to read as follows:
445A.805 As used in NRS 445A.800 to 445A.955, inclusive, *and sections 3, 4 and 5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 445A.807 to

445A.850, inclusive, *and sections 3, 4 and 5 of this act* have the meanings ascribed to them in those sections.

Sec. 7. NRS 445A.855 is hereby amended to read as follows:

445A.855 The ~~[State Board of Health]~~ *Commission* shall adopt by regulation:

1. Primary drinking water standards which prescribe the maximum permissible levels for contaminants in any public water system and provide for the monitoring and reporting of water quality. In establishing the standards, the ~~[Board]~~ *Commission* shall consider, among other things, the standards established pursuant to the Federal Act.

2. Secondary drinking water standards which reasonably ~~[insure]~~ *ensure* that drinking water is aesthetically adequate.

Sec. 8. NRS 445A.860 is hereby amended to read as follows:

445A.860 In addition to the regulations required to be adopted pursuant to NRS 445A.880, the ~~[State Board of Health:]~~ *Commission:*

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

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

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

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

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

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

6. May adopt such other regulations as may be necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive.

Sec. 9. NRS 445A.863 is hereby amended to read as follows:

445A.863 1. The ~~[State Board of Health]~~ *Commission* shall provide by regulation standards for the certification of laboratories for the analysis of water pursuant to NRS 445A.800 to 445A.955, inclusive. An analysis required pursuant to any provision of NRS 445A.800 to 445A.955, inclusive, or required by a lender as a condition precedent to the transfer of real property must be performed by a laboratory that is certified in accordance with the standards adopted by the ~~[State Board of Health]~~ *Commission* pursuant to this subsection.

2. The certifying officer shall conduct an evaluation at the site of each laboratory to determine whether the laboratory is using the methods of analysis required by this section in an acceptable manner, applying procedures required by regulation for the control of quality and making results available in a timely manner.

3. For analyses required pursuant to NRS 445A.800 to 445A.955, inclusive, or by a lender as a condition precedent to the transfer of real property, the methods used must comply with the Federal Act.

4. A laboratory may be certified to perform analyses for the presence of one or more specified contaminants ~~[.]~~ or to perform all analyses required pursuant to NRS 445A.800 to 445A.955, inclusive.

Sec. 10. NRS 445A.865 is hereby amended to read as follows:

445A.865 To carry out the provisions and purposes of NRS 445A.800 to 445A.955, inclusive, the ~~[State Board of Health]~~ *Commission* may:

1. Through the ~~[State Health Officer and the]~~ Administrator of the ~~[Health]~~ Division:

(a) Enter into agreements, contracts or cooperative arrangements with other state agencies, federal or interstate agencies, municipalities, local health departments, educational institutions or other organizations or persons.

(b) Accept financial and technical assistance from the Federal Government, other public agencies or private contributors.

2. Hold hearings and issue subpoenas requiring the attendance of witnesses and the production of evidence.

Sec. 11. NRS 445A.870 is hereby amended to read as follows:

445A.870 1. The ~~[State Board of Health]~~ *Commission* may appoint an Advisory Board to act in an advisory capacity in matters

relating to the certification of operators of community water systems or noncommunity water systems.

2. If such an Advisory Board is appointed:

(a) At least one member of the Advisory Board must be a member of the American Water Works Association.

(b) At least one member of the Advisory Board must be a member of the Nevada Rural Water Association or its successor organization.

(c) One member of the Advisory Board may represent the general public.

3. Each member of the Advisory Board serves without compensation. While engaged in the business of the Advisory Board, each member of the Advisory Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, to the extent that money is made available for that purpose.

Sec. 12. NRS 445A.875 is hereby amended to read as follows:

445A.875 1. Except as otherwise provided in subsection 2, a person shall not act as an operator of a community water system or noncommunity water system unless he has obtained a certificate to operate such a water system from the ~~Health~~ Division.

2. An operator of a transient water system is not required to obtain a certificate to operate a noncommunity water system if the system is designated by the ~~Health~~ Division as being supplied by ground water that is not under the direct influence of surface water.

3. An operator may be certified to operate more than one community water system or noncommunity water system.

4. This section does not require a certified operator to be on site at a community water system or noncommunity water system during all hours of operation.

Sec. 13. NRS 445A.880 is hereby amended to read as follows:

445A.880 1. The ~~State Board of Health~~ *Commission* shall adopt regulations to establish:

(a) A system of classification of operators of community water systems and noncommunity water systems who are required to be certified pursuant to NRS 445A.875;

(b) Requirements for certification for each class of operator;

(c) Reasonable fees for issuing and renewing certificates; and

(d) Requirements for continuing education for the renewal of a certificate.

2. The fees so collected must only be used to:

(a) Defray the cost of issuing and renewing certificates; and

(b) Pay any expenses incurred by the ~~Health~~ Division in carrying out its duties relating to operators of community water systems and noncommunity water systems.

3. The ~~[Health]~~ Division shall establish and administer examinations to determine the eligibility of any person who applies for certification. An applicant is entitled to certification upon satisfaction of the requirements of the ~~[State Board of Health]~~ *Commission* and payment of the applicable fee. The ~~[Health]~~ Division may enter into a contract with the American Water Works Association or another person, organization or agency to carry out or assist the ~~[Health]~~ Division in carrying out the provisions of this subsection.

4. The ~~[Health]~~ Division may grant such certification, without examination, to an applicant who holds current certification by the California/Nevada section of the American Water Works Association or by another organization whose requirements for certification are equivalent to the requirements for certification established by the ~~[State Board of Health]~~ *Commission* pursuant to subsection 1.

Sec. 14. NRS 445A.885 is hereby amended to read as follows:

445A.885 1. Except as otherwise provided in subsection 2, no water system which is constructed on or after July 1, 1991, may operate unless the owner of the water system receives a permit to operate the water system from the ~~[State Board of Health or health authority]~~ *Division or the district board of health* designated by the ~~[State Board of Health.]~~ *Commission*. The owner of such a water system is entitled to a permit to operate the water system upon satisfaction of the requirements set forth in NRS 445A.885 to 445A.915, inclusive, and the requirements set forth in the regulations adopted by the ~~[State Board of Health]~~ *Commission* pursuant to NRS 445A.860.

2. Subsection 1 does not apply to the expansion of a public utility.

Sec. 15. NRS 445A.890 is hereby amended to read as follows:

445A.890 Before making the finding specified in NRS 445A.910 and before making the determinations specified in NRS 244.3655, 268.4102 and 445A.895, the ~~[State Board of Health]~~ *Division* shall request comments from the:

1. Public Utilities Commission of Nevada;
2. State Engineer;
3. Local government within whose jurisdiction the water system is located; and
4. Owner of the water system.

Sec. 16. NRS 445A.895 is hereby amended to read as follows:

445A.895 A permit to operate a water system may not be issued pursuant to NRS 445A.885 unless all the following conditions are met:

1. Neither water provided by a public utility nor water provided by a municipality or other public entity is available to the persons to be served by the water system.

2. The applicant fully complies with all the conditions of NRS 445A.885 to 445A.915, inclusive.

3. The applicant submits to the ~~State Board of Health~~ *Division* or the *district board of health* ~~authority~~ designated by the ~~State Board of Health~~ *Commission* documentation issued by the State Engineer which sets forth that the applicant holds water rights that are sufficient to operate the water system.

4. The local governing body assumes:

(a) Responsibility in case of default by the builder or developer of the water system for its continued operation and maintenance in accordance with all the terms and conditions of the permit.

(b) The duty of assessing the lands served as provided in subsection 6.

5. The applicant furnishes the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system:

(a) For 5 years following the date the system is placed in operation; or

(b) Until 75 percent of the lots or parcels served by the system are sold,

↳ whichever is later.

6. The owners of the lands to be served by the water system record a declaration of covenants, conditions and restrictions ~~§~~ which is an equitable servitude running with the land and which must provide that each lot or parcel will be assessed by the local governing body for its proportionate share of the cost of continued operation and maintenance of the water system if there is a default by the applicant or operator of the water system and a sufficient surety, as provided in subsection 5, is not available.

7. If the water system uses or stores ozone, the portion of the system where ozone is used or stored must be constructed not less than 100 feet from any existing residence, unless the owner and occupant of each residence located closer than 100 feet consent to the construction of the system at a closer distance.

8. The declaration of covenants, conditions and restrictions recorded by the owners of the lands further provides that if the ~~State Board of Health~~ *Division* determines that:

(a) The water system is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available,

↳ the local governing body may, pursuant to NRS 244.3655 or 268.4102, require all users of the water system to connect into the available water system provided by a public utility or a municipality or other public entity, and each lot or parcel will be assessed by the local governing body for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

9. Provision has been made for disposition of the water system and the land on which it is situated after the local governing body requires all users to connect into an available water system provided by a public utility or a municipality or other public entity.

Sec. 17. NRS 445A.910 is hereby amended to read as follows:

445A.910 1. If the ~~[State Board of Health]~~ **Division** has found that any of the conditions of a permit to operate a water system issued pursuant to NRS 445A.885 are being violated and has notified the holder of the permit that he must bring the water system into compliance, but the holder of the permit has failed to comply within a reasonable time after the date of the notice, the local governing body, if requested to do so in writing by the ~~[State Board of Health.]~~ **Division**, may take the following actions independently of any further action by the ~~[State Board of Health:]~~ **Division**:

(a) Give written notice, by certified mail, to the owner of the water system and the owners of the property served by the system that if the violation is not corrected within 30 days after the date of the notice, the local governing body will seek a court order authorizing it to assume control; and

(b) After the 30-day period has expired, if the water system has not been brought into compliance, apply to the district court for an order authorizing the local governing body to assume control of the system and assess the property for the continued operation and maintenance of the system as provided in subsection 6 of NRS 445A.895.

2. If the local governing body determines at any time that immediate action is necessary to protect the public health and welfare, it may assume physical control and operation of a water system without complying with any of the requirements set forth in subsection 1. The local governing body may not maintain control of a water system pursuant to this subsection for a period greater than 30 days unless it obtains an order from the district court authorizing an extension.

Sec. 18. NRS 445A.920 is hereby amended to read as follows:

445A.920 1. Except as *otherwise* provided in subsection 2, plans and specifications for any substantial addition to or alteration

of a public water system subject to a regulation of the ~~{State Board of Health shall}~~ *Commission must* be submitted to the *Division or the appropriate district board of* health ~~{authority}~~ for review and approval.

2. A public water system is not required to submit any plans and specifications if the addition or alteration complies with standards previously approved by ~~{a health authority.}~~ *the Division or the appropriate district board of health.*

3. In approving the plans and specifications, the *Division or the appropriate district board of* health ~~{authority}~~ may require such modifications or impose such conditions as are necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive.

Sec. 19. NRS 445A.925 is hereby amended to read as follows:

445A.925 1. The ~~{State Health Officer}~~ *Division* and *the district boards of* health ~~{authorities}~~ shall:

(a) Enforce the provisions of NRS 445A.800 to 445A.955, inclusive, and regulations adopted pursuant thereto; and

(b) Make such investigations and inspections as are necessary to ensure compliance with those sections and regulations.

2. Any representative of ~~{a health authority}~~ *the Division or the appropriate district board of health* may enter the property of any public water system at any reasonable time for the purpose of inspecting and investigating the adequacy and sanitary condition of the system and the quality of its water.

3. Except in an emergency, ~~{a health authority}~~ *the Division or the appropriate district board of health* shall notify and permit the supplier of water to be present when an inspection or investigation is being conducted.

Sec. 20. NRS 445A.930 is hereby amended to read as follows:

445A.930 1. An imminent hazard exists if the ~~{State Health Officer.}~~ *Division*, after consulting with the *district board of* health ~~{authority}~~ and the supplier of water, determines that a contaminant is or will be found in a public water system and the contaminant is a serious risk to public health.

2. To eliminate an imminent hazard, the ~~{State Health Officer}~~ *Division* may issue an emergency order requiring the supplier of water immediately to take action necessary to protect the public health. An emergency order may require that a supplier of water cease distributing the water.

3. Such an emergency order is effective immediately and is not subject to review unless the supplier to whom the order is issued, within 30 days after the date the order is served, petitions for a hearing before the ~~{State Board of Health.}~~ *Division.*

4. Whenever conditions of a public water system are such as to require immediate action to protect the public health, the ~~{State~~

~~Health Officer~~ *Division* may issue public warnings in such manner as ~~he~~ *the Division* determines to be suitable.

Sec. 21. NRS 445A.935 is hereby amended to read as follows:

445A.935 1. A supplier of water may apply to the ~~State Board of Health~~ *Commission* for a variance or exemption from the ~~Board's regulations. The Board~~ *regulations of the Commission. The Commission* may grant variances or exemptions after notice and public hearing.

2. A supplier of water shall notify all users of the water system as soon as the ~~Board~~ *Commission* has scheduled a time and place for the public hearing on the application for a variance or exemption.

3. The Public Utilities Commission of Nevada may participate in the hearing.

Sec. 22. NRS 445A.940 is hereby amended to read as follows:

445A.940 1. A supplier of water shall immediately notify the ~~Division or the~~ appropriate ~~local board or boards~~ *district board* of health and the users of the supplier's public water system whenever:

(a) The system is not in compliance with the primary drinking water standards;

(b) The supplier fails to perform any required monitoring of water quality;

(c) The supplier has been granted a variance or exemption by the ~~State Board of Health;~~ *Commission;* or

(d) The supplier fails to comply with the conditions imposed by the ~~State Board of Health~~ *Commission* in granting the variance or exemption.

2. The notification ~~shall~~ *must* be in the form and manner prescribed by the ~~State Board of Health.~~ *Division.*

Sec. 23. NRS 445A.945 is hereby amended to read as follows:

445A.945 1. ~~A health authority~~ *The Division or the appropriate district board of health* may apply to a court of competent jurisdiction to enjoin the continuance or occurrence of any act or practice which violates the provisions of NRS 445A.800 to 445A.955, inclusive, or of any regulation adopted or order issued pursuant thereto.

2. On a showing by the ~~Division or the district board of health authority~~ *Division or the district board of health* that such a violation has occurred or will occur, the court may issue, without bond, such prohibitory or mandatory injunction as the facts may warrant.

Sec. 24. NRS 445A.950 is hereby amended to read as follows:

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

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

(b) Violates or fails to comply with an emergency order issued pursuant to NRS 445A.930;

(c) Violates any condition imposed by the ~~{State Board of Health}~~ **Commission** upon granting a variance or exemption under NRS 445A.935;

(d) Violates a regulation adopted by the ~~{State Board of Health}~~ **Commission** pursuant to NRS 445A.860; or

(e) Fails to give a notice as required by NRS 445A.940,
↳ is liable for a civil penalty, to be recovered by the Attorney General in the name of the ~~{Health}~~ Division, of not more than \$5,000 for each day of the violation.

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

3. The civil penalty and administrative fine prescribed in this section may be imposed in addition to any other penalties or relief prescribed in NRS 445A.800 to 445A.955, inclusive.

Sec. 25. NRS 445A.955 is hereby amended to read as follows:

445A.955 Any person who violates the provisions of NRS 445A.800 to 445A.955, inclusive, or any regulation adopted by the ~~{State Board of Health}~~ **Commission** pursuant to those provisions is guilty of a misdemeanor. Each day of violation constitutes a separate offense.

Sec. 26. NRS 118B.077 is hereby amended to read as follows:

118B.077 1. The landlord of a manufactured home park shall post in a conspicuous and readily accessible place in the community or recreational facility in the manufactured home park, at or near the entrance of the manufactured home park or other common area in the manufactured home park, a current report on the quality of the water that is supplied to the manufactured home park.

2. Except as otherwise provided in subsection 3, the report must be obtained from the community water system that is the supplier of water to the manufactured home park. Except as otherwise provided in subsection 4, the landlord shall post the report at least once each year and at such other times as the community water system may provide an updated report to the landlord.

3. If a manufactured home park is not a community water system and does not otherwise obtain water from a community water system, the landlord of the manufactured home park shall annually cause the water that is provided to the tenants of the manufactured home park to be tested in accordance with the standards adopted pursuant to NRS 445A.855. The test must be performed by a laboratory certified by the ~~{Health Division of the Department of Human Resources}~~ **State Environmental Commission** pursuant to NRS 445A.863.

4. Upon receipt of the results of a test performed pursuant to subsection 3, the landlord shall prepare or cause to be prepared a report on the quality of the water that is supplied to the tenants of the manufactured home park. The report must be accurately based upon the results of the test and prepared in accordance with the standards adopted by the State ~~[Board of Health]~~ *Environmental Commission* pursuant to NRS 445A.855 for similar reports by community water systems. The landlord shall post a copy of the most current report in accordance with subsection 1 and shall deliver a copy of each such report to the ~~[Health Division of the Department of Human Resources or the health authority as that term is defined in NRS 445A.820.]~~ *State Environmental Commission*.

5. As used in this section, "community water system" has the meaning ascribed to it in NRS 445A.808.

Sec. 27. NRS 244.3655 is hereby amended to read as follows:

244.3655 1. If the State ~~[Board of Health]~~ *Environmental Commission* determines that:

(a) A water system which is located in a county and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available to those users,

↳ the board of county commissioners of that county may require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS ~~[445A.905.]~~ *445A.900*.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 28. NRS 244A.503 is hereby amended to read as follows:

244A.503 1. Before the State acting through the board, or the county, prepares or causes to be prepared plans, specifications or other documents for the construction, other acquisition, improvement or equipment of any work or other real property for the facilities of the State or the county except repairs, major renewals and major replacements, the State or the county shall submit preliminary plans to:

(a) The Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(b) The county board of health; and

(c) The county regional planning body,

↳ for approval of the type, scope and location of the proposed work or other real property for the facilities.

2. Each such agency may require the State or the county to submit additional information to the agency pertaining to any such request for such approval and may require modifications to such plans as a condition of the agency's approval.

3. Upon the receipt of each agency's approval in writing of such plans, the State or the county may prepare or cause to be prepared plans, specifications or other ~~[instruments or]~~ documents for the construction, other acquisition, improvement or equipment of such works or property in conformance with such approval.

4. The county board of health shall not require any modification with which the ~~[Health Division of the Department of Human Resources]~~ *State Environmental Commission* does not concur.

Sec. 29. NRS 268.4102 is hereby amended to read as follows:

268.4102 1. If the State ~~[Board of Health]~~ *Environmental Commission* determines that:

(a) A water system which is located within the boundaries of a city and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available to those users,

↳ the governing body of that city may require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 30. NRS 278.335 is hereby amended to read as follows:

278.335 1. A copy of the tentative map must be forwarded by the planning commission or its designated representative, or ~~[;]~~ if there is no planning commission, the clerk or other designated representative of the governing body, to the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources, ~~[and the Health Division of the Department of Human Resources]~~ or the district board of health acting for the ~~[Health]~~ *Division of Environmental Protection* pursuant to subsection 2, for review.

2. In a county whose population is 100,000 or more, if the county and one or more incorporated cities in the county have established a district board of health, the authority of the ~~[Health]~~

Division *of Environmental Protection* to review and certify proposed subdivisions and *to* conduct construction or installation inspections must be exercised by the district board of health.

3. A district board of health which conducts reviews and inspections under this section shall consider all the requirements of the law concerning sewage disposal, water pollution, water quality and water supply facilities. At least four times annually, the district board of health shall notify the ~~[Health]~~ Division of ~~[the Department of Human Resources]~~ *Environmental Protection* which subdivisions met these requirements of law and have been certified by the district board of health.

4. The State is not chargeable with any expense incurred by a district board of health acting pursuant to this section.

5. Each reviewing agency shall, within 15 days after the receipt of the tentative map, file its written comments with the planning commission or the governing body recommending approval, conditional approval or disapproval and stating the reasons therefor.

6. The planning commission or its designated representative, or ~~[]~~ if there is no planning commission, the clerk or other designated representative of the governing body, shall, for informational purposes only, immediately forward a copy of the tentative map to the Public Utilities Commission of Nevada for any subdivision which will provide water or services for the disposal of sewage and is subject to the provisions of NRS 704.6672. The Public Utilities Commission of Nevada shall acknowledge receipt of the tentative map within 15 days after it is received.

Sec. 31. NRS 278.377 is hereby amended to read as follows:

278.377 1. A final map presented for filing must include a certificate by:

(a) The ~~[Health]~~ Division of *Environmental Protection of the State* Department of ~~[Human]~~ *Conservation and Natural Resources* or the district board of health acting pursuant to NRS 278.335 indicating that the final map is approved concerning sewage disposal, water pollution, water quality and water supply facilities. The ~~[Health Division or]~~ district board of health may not issue a certificate unless it has received written verification from the Division of Environmental Protection ~~[of the State Department of Conservation and Natural Resources]~~ that the map or plan has been approved with regard to water pollution and sewage disposal in accordance with the Nevada Water Pollution Control Law.

(b) The Division of Water Resources of the State Department of Conservation and Natural Resources, showing that the final map is approved concerning water quantity.

2. Any person aggrieved by the issuance or denial of approval with regard to water pollution and sewage disposal by the Division of Environmental Protection ~~[of the State Department of~~

~~Conservation and Natural Resources]~~ may appeal to the State Environmental Commission, which shall affirm, modify or reverse the action of the Division ~~[H]~~ *of Environmental Protection*. The *State Environmental* Commission shall adopt regulations providing the time within which appeals must be taken and the manner of taking the appeal to the *State Environmental* Commission.

3. A copy of the certificate by the Division of Water Resources required by subsection 1 must be furnished to the subdivider who in turn shall provide a copy of the certificate to each purchaser of land before the time the sale is completed. Any statement of approval as required in subsection 1 is not a warranty or representation in favor of any person as to the safety or quantity of such water.

Sec. 32. NRS 349.957 is hereby amended to read as follows:

349.957 1. The Board for Financing Water Projects is hereby created. The Board consists of one ex officio member and five members appointed by the Governor.

2. The Governor shall appoint to the Board:

(a) One member who is a representative of the county with the largest population in the State;

(b) One member who is a representative of the county with the second largest population in the State; and

(c) Three members who are representatives of counties in the State whose populations are less than 100,000,

↳ of whom one member is knowledgeable in the field of municipal finance and the remaining members are knowledgeable in the fields of planning and the development and reclamation of water resources.

3. The Administrator of the ~~[Health Division of the State Department of Human Resources,]~~ *Division of Environmental Protection of the State Department of Conservation and Natural Resources*, or a person he designates, shall serve ex officio as a nonvoting member of the Board.

4. Not more than three voting members of the Board may be members of the same political party, and not more than two may be residents of the same county.

Sec. 33. NRS 349.961 is hereby amended to read as follows:

349.961 1. When any municipality or other obligor desires to undertake a water project, it may present its preliminary plan to the Board for approval. If the proposed water project affects drinking water, the Board shall request *that* the Administrator of the ~~[Health Division of the Department of Human Resources to]~~ *Division of Environmental Protection of the State Department of Conservation and Natural Resources* submit comments and recommendations regarding the project. The Board shall analyze the potential yield of the water project, and may tentatively approve it if

it will preserve or increase the water available for beneficial use in this State.

2. If the Board, after a public hearing on the issue, tentatively approves the water project, the municipality or other obligor may proceed to prepare a final plan and submit it for final approval. If the Board finally approves the water project, the cost of the final plan may be included in the cost of the water project. If the Board does not finally approve the water project, the Director may, within the limits of money available for this purpose in the Account for the Financing of Water Projects, reimburse a municipality for the costs incurred after the tentative approval.

Sec. 34. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants of money to:

(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the State ~~[Board of Health]~~ *Environmental Commission* pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

- (1) Piping or lining of an irrigation canal;
- (2) Recovery or recycling of wastewater or tailwater;
- (3) Scheduling of irrigation;
- (4) Measurement or metering of the use of water;
- (5) Improving the efficiency of irrigation operations; and
- (6) Improving the efficiency of the operation of a facility for

the storage of water, including, without limitation, efficiency in diverting water to such a facility.

(c) An eligible recipient, to pay the following costs associated with connecting a domestic well or *a* well with a temporary permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the State Engineer pursuant to NRS 534.120 as an area where the ground water basin is being depleted:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

(d) An eligible recipient, to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the

individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

2. Except as otherwise provided in NRS 349.983, the determination of who is to receive a grant is solely within the discretion of the Board.

3. As used in this section, "eligible recipient" means a political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

Sec. 35. NRS 445A.820 and 445A.825 are hereby repealed.

Sec. 36. 1. Notwithstanding the amendatory provisions of sections 7, 8, 9 and 13 of this act transferring authority to adopt regulations from the State Board of Health to the State Environmental Commission, any regulations adopted by the State Board of Health pursuant to NRS 445A.855, 445A.860, 445A.863 and 445A.880 before October 1, 2005, shall be deemed to have been adopted by, and may be enforced and amended by, the State Environmental Commission.

2. Notwithstanding the amendatory provisions of section 10 of this act transferring authority to enter into agreements, contracts or cooperative arrangements from the State Board of Health to the State Environmental Commission, any agreement, contract or cooperative arrangement entered into by the State Board of Health pursuant to NRS 445A.865 before October 1, 2005, is binding upon the State Environmental Commission. The State Environmental Commission may enforce any such agreement, contract or cooperative arrangement.

3. Notwithstanding the amendatory provisions of section 11 of this act transferring authority to appoint an Advisory Board from the State Board of Health to the State Environmental Commission, an Advisory Board appointed by the State Board of Health pursuant to NRS 445A.870 before October 1, 2005, remains in existence and may advise the State Environmental Commission on matters relating to the certification of operators of community water systems or noncommunity water systems until such time as the Advisory Board is replaced by the State Environmental Commission.

4. Notwithstanding the amendatory provisions of sections 12 and 13 of this act transferring authority to grant certificates and

certifications from the Health Division of the Department of Human Resources to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, any certificate or certification granted by the Health Division pursuant to NRS 445A.875 or 445A.880 before October 1, 2005, shall be deemed to have been granted by the Division of Environmental Protection.

5. The State Controller shall transfer to an account for the use of the Division of Environmental Protection of the State Department of Conservation and Natural Resources pursuant to NRS 445A.880, as amended by this act, all money collected as fees pursuant to paragraph (c) of subsection 1 of NRS 445A.880 that has not been committed for expenditure on October 1, 2005.

6. Notwithstanding the amendatory provisions of section 13 of this act transferring authority to enter into contracts from the Health Division of the Department of Human Resources to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, any contract or other agreement entered into by the Health Division pursuant to NRS 445A.880 before October 1, 2005, is binding upon and may be enforced by the Division of Environmental Protection.

7. Notwithstanding the amendatory provisions of section 14 of this act transferring authority to issue permits to operate water systems from the State Board of Health to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, any permit to operate a water system issued by the State Board of Health or a health authority pursuant to NRS 445A.885 before October 1, 2005, shall be deemed to have been issued by the Division of Environmental Protection or the appropriate district board of health designated by the State Environmental Commission.

8. Any reference to the State Board of Health in a declaration of covenants, conditions and restrictions described in subsection 8 of NRS 445A.895, as amended by this act, that is recorded before October 1, 2005, shall be deemed to be a reference to the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

9. Notwithstanding the amendatory provisions of section 17 of this act transferring authority to issue notices of noncompliance from the State Board of Health to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, any notice to an operator of a water system issued by the State Board of Health pursuant to NRS 445A.910 before October 1, 2005, shall be deemed to have been issued by the Division of Environmental Protection.

10. Notwithstanding the amendatory provisions of section 17 of this act transferring authority to issue to a local governing body a

written request to act from the State Board of Health to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, any written request issued to a local governing body by the State Board of Health pursuant to NRS 445A.910 before October 1, 2005, shall be deemed a proper basis for the appropriate local governing body to take any action authorized by NRS 445A.910.

11. Notwithstanding the amendatory provisions of section 18 of this act transferring authority to review and approve plans and specifications for any substantial addition to or alteration of a public water system subject to regulation by the State Environmental Commission from the health authorities to the Division of Environmental Protection of the State Department of Conservation and Natural Resources and appropriate district boards of health, standards previously approved by any health authority pursuant to NRS 445A.920 before October 1, 2005, remain in effect and a public water system which contemplates an addition or alteration that complies with those standards is not required to submit any plans and specifications to the Division of Environmental Protection or any district board of health for review.

12. Notwithstanding the amendatory provisions of section 20 of this act transferring authority to issue an emergency order or public warning from the State Health Officer to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, any emergency order or public warning issued by the State Health Officer pursuant to NRS 445A.930 before October 1, 2005, remains in effect and may be enforced by the Division of Environmental Protection.

13. Notwithstanding the amendatory provisions of section 21 of this act transferring authority to grant a variance or exemption from the State Board of Health to the State Environmental Commission, any variance or exemption granted by the State Board of Health pursuant to NRS 445A.935 before October 1, 2005, remains in effect unless modified or revoked by the State Environmental Commission.

14. Notwithstanding the amendatory provisions of section 22 of this act requiring a supplier of water to notify the Division of Environmental Protection of the State Department of Conservation and Natural Resources or the appropriate district board of health upon the occurrence of certain events, any notification of a local board or board of health made by a supplier of water pursuant to NRS 445A.940 before October 1, 2005, shall be deemed to be notification of the Division of Environmental Protection.

15. Notwithstanding the amendatory provisions of section 24 of this act providing that the Attorney General may recover a civil penalty in the name of the Division of Environmental Protection of

the State Department of Conservation and Natural Resources for any violation enumerated in NRS 445A.950, the Attorney General may recover a civil penalty in the name of the Health Division of the Department of Human Resources for any violation of NRS 445A.950 that occurs before October 1, 2005.

