

**ADOPTED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R191-03

Effective January 21, 2004

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

AUTHORITY: §1, NRS 439.150 and 439.200.

Section 1. NAC 278.490 is hereby amended to read as follows:

278.490 The following fees are prescribed for services performed by the Health Division:

For reviewing a tentative map.....	[\$200] \$400
Plus [\$2] \$3 for each building lot shown on the map.	
For reviewing a final map	[200] 400
Plus [\$2] \$3 for each building lot shown on the final map.	
For [evaluating] a <i>preliminary evaluation of a</i> plant for water treatment	
[.] <i>for a subdivision</i> , an additional fee of.....	50
For requesting and considering information which the subdivider has failed to submit in accordance with NAC 278.260 to 278.370, inclusive, each request.....	[25] 100

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R191-03**

The State Board of Health adopted regulations assigned LCB File No. R191-03 which pertain to chapter 278 of the Nevada Administrative Code on December 12, 2003.

Notice date: 11/12/2003
Hearing date: 12/12/2003

Date of adoption by agency: 12/12/2003
Filing date: 1/21/2004

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested parties may obtain a copy of the summary.

Letters soliciting comments and including copies of the proposed changes were sent to all affected public water systems as well as those engineering firms who normally do business with the Bureau of Health Protection Services (BHPS) and local health authorities advising them of the potential fee changes and providing notice of public workshops. Copies of the proposed amendments were published before workshops and posted at the Health Division's web site. Notices were published in 8 newspapers throughout Nevada, and posted at public libraries and BHPS offices. Public workshops were held in Carson City, Las Vegas and Elko in September 2003 and again in Carson City and Las Vegas on October 28, 2003. Copies of proposed amendments have been provided to those individuals and businesses, which requested direct service.

Several faxed responses and numerous phone calls provided initial general responses to the generic questionnaire included in the mass mailing, which included fee amendments to nine Chapters of the NAC. Generally, many responders, whether or not they met the definition of a small business, complained that any increase in state fees was an increase in consumer fees, which was an adverse impact, and therefore not warranted. Although many of the responses were not specific to the changes proposed in NAC 278.390, the following did appear to address the proposal. Some indicated that they doubted very much if they would see any beneficial effects. With respect to the changes proposed in NAC 278.390, one engineering firm indicated that "all regulatory fees are passed through to clients," and that there was "[P]otential for improved response to plan reviews." Another indicated that the new fee would be prohibitive to pay, cause a financial loss to his firm, and would cause a loss of service to clients. Still another indicated that he expected no adverse impacts.

Interested persons may obtain a list of the recipients and a summary of written responses to the solicited comments by contacting the Bureau of Health Protection Services, 1179 Fairview Dr., Ste. 101, Carson City, NV 89701 or by calling (775) 687-4750 after December 12, 2003.

2. The number of persons who:
(a) Attended the hearing:

- (b) Testified at each hearing; and**
- (c) Submitted to the agency written comments.**

On December 12, 2003, the State Board of Health meeting was held in Las Vegas and via videoconference to Carson City.

- a. No one from the public attended the hearing regarding this proposed amendment.
- b. No one from the public testified at the hearing.
- c. No one submitted to the agency any written comments.

- 3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from businesses and the general public as indicated in the response to Question 1, so the response to this requirement is the same.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Only the references to certain sections of NAC 445A in the proposed regulation were deleted as requested by the Legislative Counsel Bureau. There were no proposals for changing the proposed fees, so there are no reasons for changing the proposed fees.

- 5. The estimated economic effect of the regulation on the business, which it is to regulate, and on the public. These must be stated separately, and in each case must include:**
- (a) Both adverse and beneficial effects; and**
 - (b) Both immediate and long-term effects.**

Adverse and Beneficial Effects

A potential adverse effect may be that some engineering firms and developers will experience increased costs for plan reviews of subdivisions.

A beneficial effect is that the additional revenue should facilitate improved response to review tentative and final maps by providing sufficient financial resources for data management, review processes and, possibly, personnel.

Immediate and long-term effects

The immediate effect will be that the costs for engineering firms and developers that submit maps for review will increase. The economic effect of the proposed fee increases on the public water systems that qualify as small businesses, although unknown, is not expected to be large and will be primarily incurred by engineering firms and developers in the tentative and final subdivision map review process. Indirect costs may be incurred by developers hiring the engineering firms to develop those maps and eventually by buyers of homes in the subdivision. Since costs vary with the number of lots in the subdivision, costs would have to be determined on a case-by-case basis. The long-term effects of these increases should not be significant as the fees should be included in the cost of the firms' business expenses and

passed on to clients and consumers. The long-term effects of the proposed fee changes on affected small businesses cannot be quantified. Overall, a beneficial effect of the proposed fees will be that adequate funding for better protection of the health and safety of Nevada residents by ensuring that subdivisions are planned in accordance with drinking water standards, thereby decreasing the possibility of contamination of the public water supply, and ensuring safe drinking water to current and future customers.

6. The estimated cost to the agency for the enforcement of the proposed regulation.

The estimated cost to the agency for enforcement of the proposed regulation is minimal and will be handled through the existing administrative process.

7. A description of any regulations of other state or government agencies, which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency.

The proposed fee changes do not overlap or duplicate any federal, state or local regulations.

8. The regulation includes provisions, which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

This section does not apply. These fees are relevant only to a statutory and budget requirements proscribed by the Nevada State Legislature.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The total amount of revenue expected to be collected from this fee proposal is estimated at \$27,450, an increase of about \$13,825 over existing revenue. The funds will be used to enhance the existing review process to facilitate plan reviews.