

Senate Bill No. 432—Senator Porter

CHAPTER.....

AN ACT relating to air pollution; directing the Legislative Commission to conduct an interim study of certain air quality control programs; setting forth the purpose and duties of the subcommittee of the Legislative Commission; establishing an advisory committee; directing the Department of Motor Vehicles and Public Safety to implement certain programs of air quality control; making an appropriation; and providing other matters properly relating thereto.

WHEREAS, The legislature finds and declares that a general law cannot be made applicable for the provisions of this act because of the unusual patterns of growth in certain local governments of this state, the need to identify and evaluate the environmental needs of certain counties that have arisen as a result of the growth experienced by those counties and the special conditions experienced in certain counties related to the need to monitor and control air quality; and

WHEREAS, The Southern Nevada Strategic Planning Authority was created by Senate Bill No. 383 of the 69th session of the Nevada Legislature; and

WHEREAS, The Southern Nevada Strategic Planning Authority submitted a final report to the 70th session of the Nevada Legislature which establishes a set of goals and objectives that address twelve areas which are highly impacted by growth in the Las Vegas Valley; and

WHEREAS, Support and implementation of the air quality and environmental strategies contained within the final report of the Southern Nevada Strategic Planning Authority are significant to the area of Las Vegas that will not attain the federal standards for air pollution caused by carbon monoxide and particulate matter; and

WHEREAS, While Clark County currently attains the federal standards for air pollution caused by ozone, based upon 11 observations of Clark County exceeding requirements in 1998, it is expected that Clark County will not attain the federal standards for air pollution caused by ozone within the next 3 years; and

WHEREAS, The federal standards for carbon monoxide, particulate matter and ozone cannot be attained and maintained within the Las Vegas Valley without the adoption and implementation of additional or improved strategies to control emissions, or both; and

WHEREAS, The failure to attain the standard for carbon monoxide by December 31, 2000, may result in the loss of federal money; and

WHEREAS, With the exception of heavy-duty motor vehicles, most motorized vehicles registered in the Las Vegas Valley are required to have an annual emission test as part of an inspection and maintenance program; and

WHEREAS, According to the Department of Motor Vehicles and Public Safety, in 1996, diesel-powered vehicles accounted for less than 2 percent of the vehicles registered in the Las Vegas Valley, yet the Department of

Comprehensive Planning in Clark County estimates that diesel-powered vehicles produce substantial amounts of nitrogen oxides, particulate matter and sulfur dioxides that are emitted directly into the air from on-road and nonroad mobile sources; and

WHEREAS, The Carbon Monoxide Air Quality Implementation Plan of 1995 from Clark County identifies gasoline-powered motor vehicles as the primary source of emissions of carbon monoxide within the Las Vegas Valley; and

WHEREAS, The provisions of NRS 445B.798 authorize the Department of Motor Vehicles and Public Safety to conduct a test of the emissions from a motor vehicle that is being operated on a highway in certain counties; and

WHEREAS, The Department agreed to begin conducting tests of the emissions from 50 percent of the motor vehicles in the Las Vegas Valley in the beginning of 2001, and to conduct tests of the emissions from 90 percent of the motor vehicles in the Las Vegas Valley by the end of 2001; and

WHEREAS, The provisions of NRS 445B.830 establish the pollution control account for the express purpose of providing money to the Department of Motor Vehicles and Public Safety, and to agencies in nonattainment or maintenance areas for carbon monoxide, for programs related to the improvement of the quality of air; now, therefore,

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

Section 1. 1. The Legislative Commission shall appoint a subcommittee consisting of three Senators and three Assemblymen to conduct an interim study concerning the programs for air quality control in Clark County.

2. In addition to the legislators, the Legislative Commission shall appoint an advisory committee to assist the subcommittee consisting of:

(a) One member appointed by the Board of County Commissioners of Clark County, who shall serve as Chairman of the Committee;

(b) One member appointed by the Board of County Commissioners of Clark County to represent the fuel industry;

(c) Two members appointed by the Board of County Commissioners of Clark County to represent environmental concerns;

(d) One member appointed by the Board of County Commissioners of Clark County to represent the Nevada Contractors Association;

(e) One member appointed by the Regional Transportation Commission of Clark County;

(f) One member appointed by the Board of Trustees of the Clark County School District;

- (g) One member appointed by the Board of Health of Clark County;
- (h) One member appointed by the Nevada League of Cities;
- (i) One member appointed by the Las Vegas Chapter of the Associated General Contractors of America;
- (j) One member appointed by the Southern Nevada Chapter of the Associated Builders and Contractors;
- (k) One member appointed by the Nevada Motor Transport Association;
- (l) One member appointed by the Southern Nevada Home Builders Association;
- (m) The Director of the Department of Motor Vehicles and Public Safety or his designee;
- (n) The Director of the Nevada Department of Transportation or his designee; and
- (o) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources or his designee.

3. The subcommittee of the Legislative Commission shall:

- (a) Contract with a qualified, independent consultant to conduct a study of the air quality in Clark County and negotiate the terms of the contract;
- (b) Establish the scope of the study; and
- (c) Ensure that the consultant is adhering to the scope of the study and will complete the study on time by requiring progress reports from the consultant and establishing a schedule for completion of the study.

Sec. 2. 1. The study of the air quality in Clark County conducted by the consultant pursuant to section 1 of this act must include, without limitation, an analysis of and recommendations concerning:

- (a) Existing programs related to air quality in Clark County and methods for improving the efficiency of such programs;
- (b) Programs that may be required in the future to meet standards pertaining to particulates, carbon monoxide, ozone and regional haze and visibility, including, without limitation, programs for the inspection of heavy-duty motor vehicles that are powered by diesel fuel, programs for the inspection and maintenance of light-duty motor vehicles, programs to manage urban haze and visibility, programs that involve the use of alternative fuels, remote sensing or alternative transportation, and estimates of the potential effectiveness of such programs;
- (c) Current and future funding requirements of programs related to air quality, sources of funding for such programs and methods of determining adequate levels of funding for such programs; and
- (d) The roles of state and local governmental agencies and the private sector in addressing air quality issues in Clark County, including, without limitation, recommendations concerning an institutional structure that will effectively address air quality issues in the Las Vegas Valley.

2. The consultant shall consider, when analyzing and making recommendations concerning a program related to air quality in Clark County:

(a) The cost-effectiveness of the program by comparing it with other programs related to air quality; and

(b) Whether the program is technologically feasible based on evidence relating to the availability, effectiveness, reliability and safety of any proposed technology that may be used in the program.

3. On or before June 30, 2000, the consultant shall submit a written report of the study to the subcommittee of the Legislative Commission.

4. On or before October 15, 2000, the subcommittee shall review the report submitted pursuant to subsection 3. Any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Assembly appointed to the subcommittee and a majority of the members of the Senate appointed to the subcommittee. The Legislative Commission shall submit its findings and recommendations for legislation to the 71st session of the Nevada Legislature.

Sec. 3. 1. In consultation with the State Environmental Commission and local air pollution control agencies, the Department of Motor Vehicles and Public Safety shall ensure the expedient implementation of an improved program to determine whether a motor vehicle that uses diesel fuel complies with controls over emissions.

2. As soon as the equipment that is necessary becomes available, the Department of Motor Vehicles and Public Safety shall begin conducting roadside tests of the emissions from motor vehicles that are operated on highways in a county whose population is 400,000 or more to determine whether the vehicles comply with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted thereto.

3. The Department of Motor Vehicles and Public Safety shall monitor the effectiveness of its programs for the inspection and maintenance of motor vehicles and shall implement improvements to provide the highest air quality and improvement in air quality.

4. The Department of Motor Vehicles and Public Safety shall implement its use of computers to ensure that its use of staff is efficient, to increase the number of staff that can conduct inspections of motor vehicles and to address current problems with the program to control emissions from motor vehicles.

Sec. 4. 1. There is hereby appropriated from the pollution control account in the state general fund to the Legislative Commission the sum of \$500,000 to pay for the costs associated with carrying out the provisions of this act.

2. The Legislative Commission shall determine the manner in which to expend the money appropriated pursuant to subsection 1 and shall distribute at least \$100,000 of the appropriation to the Department of Motor Vehicles and Public Safety for use by the Department in its program for the inspection of heavy-duty motor vehicles that are powered by diesel fuel.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 5. This act becomes effective upon passage and approval.

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