

SENATE BILL NO. 432—SENATOR PORTER

MARCH 15, 1999

Referred to Committee on Natural Resources

SUMMARY—Directs Legislative Commission to conduct interim study of certain air quality control programs and Department of Motor Vehicles and Public Safety to implement certain programs of air quality control. (BDR S-54)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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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 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.

- 1 WHEREAS, The legislature finds and declares that a general law cannot
- 2 be made applicable for the provisions of this act because of the unusual
- 3 patterns of growth in certain local governments of this state, the need to
- 4 identify and evaluate the environmental needs of certain counties that have
- 5 arisen as a result of the growth experienced by those counties and the
- 6 special conditions experienced in certain counties related to the need to
- 7 monitor and control air quality; and
- 8 WHEREAS, The Southern Nevada Strategic Planning Authority was
- 9 created by Senate Bill No. 383 of the 69th session of the Nevada
- 10 Legislature; and
- 11 WHEREAS, The Southern Nevada Strategic Planning Authority
- 12 submitted a final report to the 70th session of the Nevada Legislature which
- 13 establishes a set of goals and objectives that address twelve areas which are
- 14 highly impacted by growth in the Las Vegas Valley; and
- 15 WHEREAS, Support and implementation of the air quality and
- 16 environmental strategies contained within the final report of the Southern
- 17 Nevada Strategic Planning Authority are significant to the area of Las

1 Vegas that will not attain the federal standards for air pollution caused by
2 carbon monoxide and particulate matter; and

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

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

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

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

18 WHEREAS, According to the Department of Motor Vehicles and Public
19 Safety, in 1996, diesel-powered vehicles accounted for less than 2 percent
20 of the vehicles registered in the Las Vegas Valley, yet the Department of
21 Comprehensive Planning in Clark County estimates that diesel-powered
22 vehicles produce substantial amounts of nitrogen oxides, particulate matter
23 and sulfur dioxides that are emitted directly into the air from on-road and
24 nonroad mobile sources; and

25 WHEREAS, The Carbon Monoxide Air Quality Implementation Plan of
26 1995 from Clark County identifies gasoline-powered motor vehicles as the
27 primary source of emissions of carbon monoxide within the Las Vegas
28 Valley; and

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

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

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

1 THE PEOPLE OF THE STATE OF NEVADA,
2 REPRESENTED IN SENATE AND ASSEMBLY, DO
3 ENACT AS FOLLOWS:
4

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

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

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

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

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

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

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

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

23 (g) One member appointed by the Board of Health of Clark County;

24 (h) One member appointed by the Nevada League of Cities;

25 (i) One member appointed by the Las Vegas Chapter of the Associated
26 General Contractors of America;

27 (j) One member appointed by the Southern Nevada Chapter of the
28 Associated Builders and Contractors;

29 (k) One member appointed by the Nevada Motor Transport Association;

30 (l) One member appointed by the Southern Nevada Home Builders
31 Association;

32 (m) The Director of the Department of Motor Vehicles and Public
33 Safety or his designee;

34 (n) The Director of the Nevada Department of Transportation or his
35 designee; and

36 (o) The Administrator of the Division of Environmental Protection of
37 the State Department of Conservation and Natural Resources or his
38 designee.

39 3. The subcommittee of the Legislative Commission shall:

40 (a) Contract with a qualified, independent consultant to conduct a study
41 of the air quality in Clark County and negotiate the terms of the contract;

42 (b) Establish the scope of the study; and

1 (c) Ensure that the consultant is adhering to the scope of the study and
2 will complete the study on time by requiring progress reports from the
3 consultant and establishing a schedule for completion of the study.

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

7 (a) Existing programs related to air quality in Clark County and methods
8 for improving the efficiency of such programs;

9 (b) Programs that may be required in the future to meet standards
10 pertaining to particulates, carbon monoxide, ozone and regional haze and
11 visibility, including, without limitation, programs for the inspection of
12 heavy-duty motor vehicles that are powered by diesel fuel, programs for the
13 inspection and maintenance of light-duty motor vehicles, programs to
14 manage urban haze and visibility, programs that involve the use of
15 alternative fuels, remote sensing or alternative transportation, and estimates
16 of the potential effectiveness of such programs;

17 (c) Current and future funding requirements of programs related to air
18 quality, sources of funding for such programs and methods of determining
19 adequate levels of funding for such programs; and

20 (d) The roles of state and local governmental agencies and the private
21 sector in addressing air quality issues in Clark County, including, without
22 limitation, recommendations concerning an institutional structure that will
23 effectively address air quality issues in the Las Vegas Valley.

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

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

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

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

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

41 **Sec. 3.** 1. In consultation with the State Environmental Commission
42 and local air pollution control agencies, the Department of Motor Vehicles
43 and Public Safety shall ensure the expedient implementation of an

1 improved program to determine whether a motor vehicle that uses diesel
2 fuel complies with controls over emissions.

3 2. As soon as the equipment that is necessary becomes available, the
4 Department of Motor Vehicles and Public Safety shall begin conducting
5 roadside tests of the emissions from motor vehicles that are operated on
6 highways in a county whose population is 400,000 or more to determine
7 whether the vehicles comply with the provisions of NRS 445B.700 to
8 445B.845, inclusive, and the regulations adopted thereto.

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

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

18 **Sec. 4.** 1. There is hereby appropriated from the pollution control
19 account in the state general fund to the Legislative Commission the sum of
20 \$500,000 to pay for the costs associated with carrying out the provisions of
21 this act.

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

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

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