

CHAPTER.....

AN ACT relating to air pollution; revising the provisions governing the distribution of money in the Pollution Control Account to local governmental agencies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Pollution Control Account in the State General Fund. The Department of Motor Vehicles deposits money in the Account collected from fees for licensing and renewing licenses of certain entities that inspect, repair, adjust or install devices for the control of motor vehicle emissions. The Department also deposits money in the Account from fees collected for forms certifying emission control compliance. One-sixth of the amount collected for such forms must be used to fund grants provided to certain local governmental agencies located in areas with high levels of air pollution. The balance of the money in the Account is expended pursuant to legislative appropriation or authorization. At the end of the fiscal year, any money remaining in the Account in excess of \$500,000 is used to fund additional grants to local governmental agencies. (NRS 445B.830)

This bill revises the manner in which money in the Pollution Control Account is expended. This bill provides that a portion of the money collected for forms certifying emission control compliance must be distributed quarterly to qualified local governmental agencies rather than requiring the agencies to apply for grants. This bill requires the local governmental agencies to report to the Legislature annually on the use of the money received. Under this bill, local governmental agencies may continue to receive grants if excess money remains in the Account at the end of the fiscal year. However, this bill increases the balance that must remain in the Account to \$1 million before such grants may be awarded.

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

Section 1. NRS 445B.830 is hereby amended to read as follows:

445B.830 1. In areas of the State where and when a program is commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid to the Department of Motor Vehicles and accounted for in the Pollution Control Account, which is hereby created in the State General Fund:

- (a) For the issuance and annual renewal of a license for an authorized inspection station, authorized maintenance station, authorized station or fleet station..... \$25
- (b) For each set of 25 forms certifying emission control compliance..... 150
- (c) For each form issued to a fleet station 6

2. Except as otherwise provided in subsections ~~4, 5 and~~ 6, ~~7 and 8~~, and after deduction of the ~~amount required for grants pursuant to paragraph (a) of~~ **amounts distributed pursuant to** subsection 4, money in the Pollution Control Account may, pursuant

to legislative appropriation or with the approval of the Interim Finance Committee, be expended by the following agencies in the following order of priority:

(a) The Department of Motor Vehicles to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.

(b) The State Department of Conservation and Natural Resources to carry out the provisions of this chapter.

(c) The State Department of Agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.

(d) Local governmental agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air.

(e) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.

3. The Department of Motor Vehicles may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.

4. *The Department of Motor Vehicles shall make quarterly distributions of money in the Pollution Control Account to local governmental agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408. The distributions of money made to agencies in a county pursuant to this subsection must be made from an amount of money in the Pollution Control Account that is equal to one-sixth of the amount received for each form issued in the county pursuant to subsection 1.*

5. *Each local governmental agency that receives money pursuant to subsection 4 shall, not later than 45 days after the end of the fiscal year in which the money is received, submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee a report on the use of the money received.*

6. The Department of Motor Vehicles shall by regulation establish a program to award grants of money in the Pollution Control Account to local governmental agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of *the* air. The grants to agencies in a county pursuant to this subsection must be made from ~~the~~:

~~—(a) An amount of money in the Pollution Control Account that is equal to one-sixth of the amount received for each form issued in the county pursuant to subsection 1; and~~

~~—(b) Excess~~ **any excess** money in the Pollution Control Account. As used in this ~~[paragraph,]~~ **subsection**, “excess money” means the money in excess of ~~[\$500,000]~~ **\$1,000,000** remaining in the Pollution Control Account at the end of the fiscal year, after deduction of the ~~[amount required for grants pursuant to paragraph (a)]~~ **amounts distributed pursuant to subsection 4** and any disbursements made from the Account pursuant to subsection 2.

~~[5-]~~ **7.** Any regulations adopted pursuant to subsection ~~[4]~~ **6** must provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:

(a) Review applications for grants and make recommendations for their approval, rejection or modification;

(b) Establish goals and objectives for the program for control of emissions from motor vehicles;

(c) Identify areas where funding should be made available; and

(d) Review and make recommendations concerning regulations adopted pursuant to subsection ~~[4]~~ **6** or NRS 445B.770.

~~[6-]~~ **8.** Grants proposed pursuant to subsections ~~[4 and 5]~~ **6 and 7** must be submitted to the appropriate deputy director of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources. Proposed grants approved by the appropriate deputy director and the Administrator must not be awarded until approved by the Interim Finance Committee.

Sec. 2. This act becomes effective on July 1, 2005.

