
SENATE BILL NO. 60—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF CLARK COUNTY)

PREFILED FEBRUARY 1, 2007

Referred to Committee on Natural Resources

SUMMARY—Increases the maximum amount of the proceeds collected from administrative penalties that may be retained by a local air pollution control board. (BDR 40-347)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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 the control of air pollution; increasing the maximum amount of the proceeds collected from administrative penalties that may be retained by a local air pollution control board under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a local air pollution control board in a county whose
2 population is 400,000 or more (currently Clark County) may delegate its authority
3 to adjudicate violations of air quality laws and levy administrative penalties to an
4 independent hearing officer or hearing board. A local air pollution control board
5 that makes this delegation may retain 17.5 percent of the amount of the proceeds
6 from the administrative penalties that it collects up to a maximum of \$17,500 per
7 year. The remainder of the proceeds are turned over to the county school district.
8 (NRS 445B.500) This bill increases to \$400,000 the maximum amount of the
9 proceeds from administrative penalties that may be retained by the local air
10 pollution control board.



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

Section 1. NRS 445B.500 is hereby amended to read as follows:

445B.500 1. Except as otherwise provided in this section and in NRS 445B.310:

(a) The district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more shall establish a program for the control of air pollution and administer the program within its jurisdiction unless superseded.

(b) The program:

(1) Must include, without limitation, standards for the control of emissions, emergency procedures and variance procedures established by ordinance or local regulation which are equivalent to or stricter than those established by statute or state regulation;

(2) May, in a county whose population is 400,000 or more, include requirements for the creation, receipt and exchange for consideration of credits to reduce and control air contaminants in accordance with NRS 445B.508; and

(3) Must provide for adequate administration, enforcement, financing and staff.

(c) The district board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and the Federal Act insofar as it pertains to local programs, and that agency is authorized to take all action necessary to secure for the county the benefits of the Federal Act.

(d) Powers and responsibilities provided for in NRS 445B.210, 445B.240 to 445B.470, inclusive, 445B.560, 445B.570, 445B.580 and 445B.640 are binding upon and inure to the benefit of local air pollution control authorities within their jurisdiction.

2. The local air pollution control board shall carry out all provisions of NRS 445B.215 with the exception that notices of public hearings must be given in any newspaper, qualified pursuant to the provisions of chapter 238 of NRS, once a week for 3 weeks. The notice must specify with particularity the reasons for the proposed regulations and provide other informative details. NRS 445B.215 does not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445B.610.

3. In a county whose population is 400,000 or more, the local air pollution control board may delegate to an independent hearing officer or hearing board its authority to determine violations and levy administrative penalties for violations of the provisions of NRS



1 445B.100 to 445B.450, inclusive, and 445B.500 to 445B.640,
2 inclusive, or any regulation adopted pursuant to those sections. If
3 such a delegation is made, 17.5 percent of any penalty collected
4 must be deposited in the county treasury in an account to be
5 administered by the local air pollution control board to a maximum
6 of ~~[\$17,500]~~ \$400,000 per year. The money in the account may only
7 be used to defray the administrative expenses incurred by the local
8 air pollution control board in enforcing the provisions of NRS
9 445B.100 to 445B.640, inclusive. The remainder of the penalty
10 must be deposited in the county school district fund of the county
11 where the violation occurred.

12 4. Any county whose population is less than 100,000 or any
13 city may meet the requirements of this section for administration
14 and enforcement through cooperative or interlocal agreement with
15 one or more other counties, or through agreement with the State, or
16 may establish its own program for the control of air pollution. If the
17 county establishes such a program, it is subject to the approval of
18 the Commission.

19 5. No district board of health, county board of health or board
20 of county commissioners may adopt any regulation or establish a
21 compliance schedule, variance order or other enforcement action
22 relating to the control of emissions from plants which generate
23 electricity by using steam produced by the burning of fossil fuel.

24 6. ~~For the purposes of~~ As used in this section, "plants which
25 generate electricity by using steam produced by the burning of fossil
26 fuel" means plants that burn fossil fuels in a boiler to produce steam
27 for the production of electricity. The term does not include any plant
28 which uses technology for a simple or combined cycle combustion
29 turbine, regardless of whether the plant includes duct burners.

30 **Sec. 2.** This act becomes effective on July 1, 2007.

