

SENATE BILL NO. 60—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF CLARK COUNTY)

PREFILED FEBRUARY 1, 2007

Referred to Committee on Natural Resources

SUMMARY—Establishes requirements concerning the expenditure of proceeds collected from administrative penalties for certain violations concerning the control of air pollution. (BDR 40-347)

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

~

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; authorizing the school district in certain counties to expend the proceeds collected from certain administrative penalties only in accordance with a spending plan approved by a local air pollution control board; requiring a local air pollution control board to approve such a plan 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 authorizes the school district to expend its share of the
9 proceeds from administrative penalties only in accordance with a spending plan that
10 is approved by the local air pollution control board. The board is required to
11 approve such a spending plan if its proposed expenditures are reasonable and
12 limited to: (1) programs of education on topics relating to air quality; and (2)
13 projects to improve air quality, such as the purchase and installation of equipment



14 to retrofit school buses of the school district to use biodiesel, compressed natural
15 gas or a similar fuel formulated to reduce emissions.

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

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

3 445B.500 1. Except as otherwise provided in this section and
4 in NRS 445B.310:

5 (a) The district board of health, county board of health or board
6 of county commissioners in each county whose population is
7 100,000 or more shall establish a program for the control of air
8 pollution and administer the program within its jurisdiction unless
9 superseded.

10 (b) The program:

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

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

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

21 (c) The district board of health, county board of health or board
22 of county commissioners is designated as the air pollution control
23 agency of the county for the purposes of NRS 445B.100 to
24 445B.640, inclusive, and the Federal Act insofar as it pertains to
25 local programs, and that agency is authorized to take all action
26 necessary to secure for the county the benefits of the Federal Act.

27 (d) Powers and responsibilities provided for in NRS 445B.210,
28 445B.240 to 445B.470, inclusive, 445B.560, 445B.570, 445B.580
29 and 445B.640 are binding upon and inure to the benefit of local air
30 pollution control authorities within their jurisdiction.

31 2. The local air pollution control board shall carry out all
32 provisions of NRS 445B.215 with the exception that notices of
33 public hearings must be given in any newspaper, qualified pursuant
34 to the provisions of chapter 238 of NRS, once a week for 3 weeks.
35 The notice must specify with particularity the reasons for the
36 proposed regulations and provide other informative details. NRS
37 445B.215 does not apply to the adoption of existing regulations
38 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 445B.100 to 445B.450, inclusive, and 445B.500 to 445B.640, inclusive, or any regulation adopted pursuant to those sections. If such a delegation is made, 17.5 percent of any penalty collected must be deposited in the county treasury in an account to be administered by the local air pollution control board to a maximum of \$17,500 per year. The money in the account may only be used to defray the administrative expenses incurred by the local air pollution control board in enforcing the provisions of NRS 445B.100 to 445B.640, inclusive. The remainder of the penalty must be deposited in the county school district fund of the county where the violation occurred ~~and~~ *and must be accounted for separately in the fund. A school district may spend the money received pursuant to this section only in accordance with an annual spending plan that is approved by the local air pollution control board and shall submit an annual report to that board detailing the expenditures of the school district under the plan. A local air pollution control board shall approve an annual spending plan if the proposed expenditures set forth in the plan are reasonable and limited to:*

(a) Programs of education on topics relating to air quality; and
(b) Projects to improve air quality, including, without limitation, the purchase and installation of equipment to retrofit school buses of the school district to use biodiesel, compressed natural gas or a similar fuel formulated to reduce emissions from the amount of emissions produced by the use of traditional fuels such as gasoline and diesel fuel,
which are consistent with the state implementation plan adopted by this State pursuant to 42 U.S.C. §§ 7410 and 7502.

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

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

6. ~~For the purposes of~~ *As used in* this section, "plants which generate electricity by using steam produced by the burning of fossil



* S B 6 0 R 1 *

1 fuel” means plants that burn fossil fuels in a boiler to produce steam
2 for the production of electricity. The term does not include any plant
3 which uses technology for a simple or combined cycle combustion
4 turbine, regardless of whether the plant includes duct burners.

5 **Sec. 1.5.** NRS 387.205 is hereby amended to read as follows:

6 387.205 1. Subject to the limitations set forth in NRS
7 387.206 and 387.207, money on deposit in the county school district
8 fund or in a separate account, if the board of trustees of a school
9 district has elected to establish such an account pursuant to the
10 provisions of NRS 354.603, must be used for:

11 (a) Maintenance and operation of the public schools controlled
12 by the county school district.

13 (b) Payment of premiums for Nevada industrial insurance.

14 (c) Rent of schoolhouses.

15 (d) Construction, furnishing or rental of teacherages, when
16 approved by the Superintendent of Public Instruction.

17 (e) Transportation of pupils, including the purchase of new
18 buses.

19 (f) Programs of nutrition, if such expenditures do not curtail the
20 established school program or make it necessary to shorten the
21 school term, and each pupil furnished lunch whose parent or
22 guardian is financially able so to do pays at least the actual cost of
23 the lunch.

24 (g) Membership fees, dues and contributions to an
25 interscholastic activities association.

26 (h) Repayment of a loan made from the State Permanent School
27 Fund pursuant to NRS 387.526.

28 *(i) Programs of education and projects relating to air quality*
29 *pursuant to NRS 445B.500.*

30 2. Subject to the limitations set forth in NRS 387.206 and
31 387.207, money on deposit in the county school district fund, or in a
32 separate account, if the board of trustees of a school district has
33 elected to establish such an account pursuant to the provisions of
34 NRS 354.603, when available, may be used for:

35 (a) Purchase of sites for school facilities.

36 (b) Purchase of buildings for school use.

37 (c) Repair and construction of buildings for school use.

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

