

Amendment No. 742

Senate Amendment to Assembly Bill No. 67 First Reprint (BDR 40-568)

Proposed by: Senate Committee on Natural Resources**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 67 (§ 2).

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date	
Adopted	☐	Lost	☐	Adopted	☐	Lost	☐
Concurred In	☐	Not	☐	Concurred In	☐	Not	☐
Receded	☐	Not	☐	Receded	☐	Not	☐

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

JRS/TMC



Date: 5/17/2007

A.B. No. 67—Revises provisions governing the control of air pollution.
(BDR 40-568)



ASSEMBLY BILL NO. 67—COMMITTEE ON
NATURAL RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE DIVISION OF ENVIRONMENTAL PROTECTION)

PREFILED FEBRUARY 2, 2007

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing the control of air pollution.
(BDR 40-568)

FISCAL NOTE: Effect on Local Government: No.
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 air pollution; authorizing the State Department of Conservation and Natural Resources to collect money from the sale of emission credits or allocations; increasing the maximum amount the State Environmental Commission may establish as an administrative fine for certain lesser violations relating to air pollution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Department of Conservation and Natural Resources is designated as the Air Pollution Control Agency of the State for the purposes of the Clean Air Act, insofar as it pertains to state programs. (NRS 445B.135, 445B.205) **Section 2** of this bill authorizes the Department to collect money from the sale of emission credits or allocations. **Section 1** of this bill makes it a state policy periodically to retire a portion of the emission credits ~~or allocations.~~

The State Environmental Commission is required by law to adopt regulations that set forth a schedule of administrative fines not exceeding \$500 for minor violations of certain statutes and regulations relating to the prevention, abatement and control of air pollution. (NRS 445B.640) **Section 3** of this bill increases the maximum amount that the Commission may establish for such fines from \$500 to \$2,000.

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

Section 1. NRS 445B.100 is hereby amended to read as follows:
445B.100 1. It is the public policy of the State of Nevada and the purpose of
NRS 445B.100 to 445B.640, inclusive, to achieve and maintain levels of air quality

which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of the State.

2. It is the intent of NRS 445B.100 to 445B.640, inclusive, to:

(a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout the State of Nevada;

(b) Maintain cooperative programs between the State and its local governments; and

(c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction.

3. The quality of air is declared to be affected with the public interest, and NRS 445B.100 to 445B.640, inclusive, are enacted in the exercise of the police power of this State to protect the health, peace, safety and general welfare of its people.

4. It is also the public policy of this State ~~to~~ :

(a) To provide for the integration of all programs for the prevention of accidents in this State involving chemicals, including, without limitation, accidents involving hazardous air pollutants, highly hazardous chemicals, highly hazardous substances and extremely hazardous substances ~~to~~; and

(b) Periodically to retire a portion of the emission credits or allocations specified in NRS 445B.235 that may otherwise be available for ~~use~~ banking or for sale pursuant to that section.

Sec. 2. NRS 445B.235 is hereby amended to read as follows:

445B.235 1. In carrying out the purposes of NRS 445B.100 to 445B.640, inclusive, the Department may ~~if it considers it necessary or appropriate~~:

~~1~~ :
(a) Collect money from the sale of emission credits or allocations.

(b) Cooperate with appropriate federal officers and agencies of the Federal Government, other states, interstate agencies, local governmental agencies and other interested parties in all matters relating to air pollution control in preventing or controlling the pollution of the air in any area.

~~2~~ (c) On behalf of this State, apply for and receive ~~funds~~ money made available to the State for programs from any private source or from any agency of the Federal Government under the Federal Act. All ~~moneys~~ money received from any federal agency or private source as provided in this section ~~shall~~ must be paid into the State Treasury and ~~shall~~ must be expended, under the direction of the Department, solely for the purpose ~~for purposes~~ for which the grant ~~for grants have~~ has been made.

~~3~~ (d) Certify to the appropriate federal authority that facilities are in conformity with the state program and requirements for control of air pollution, or will be in conformity with the state program and requirements for control of air pollution if such facility is constructed and operated in accordance with the application for certification.

~~4~~ (e) Develop measures for control of air pollution originating in the State.

2. All money collected by the Department pursuant to paragraph (a) of subsection 1 must be deposited in the State General Fund for credit to the Account for the Management of Air Quality.

3. ~~The Commission shall, in cooperation with the Department, adopt regulations setting forth the requirements for the sale of emission credits pursuant to paragraph (a) of subsection 1. The regulations must include, without limitation, provisions for public participation in that sale.~~ Department shall:

(a) Develop proposed regulations establishing requirements for public participation in the determination by the Department of the amount of emission

credits or allocations that are available for sale pursuant to paragraph (a) of subsection 1; and

(b) Recommend that the Commission adopt the proposed regulations pursuant to NRS 445B.210.

Sec. 3. NRS 445B.640 is hereby amended to read as follows:

445B.640 1. Except as otherwise provided in subsection 4 and NRS 445C.010 to 445C.120, inclusive, any person who violates any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, or any regulation in force pursuant thereto, other than NRS 445B.570 on confidential information, is guilty of a civil offense and shall pay an administrative fine levied by the Commission of not more than \$10,000 per day per offense. Each day of violation constitutes a separate offense.

2. The Commission shall by regulation establish a schedule of administrative fines not exceeding ~~\$500~~ **\$2,000** for lesser violations of any provision of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, or any regulation in force pursuant thereto.

3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, regulations in force pursuant thereto, and orders made pursuant to NRS 445B.100 to 445B.450, inclusive, and 445B.470 to 445B.640, inclusive, by injunction or other appropriate remedy, and the Commission or the Director may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

4. Any person who fails to pay a fine levied pursuant to subsection 1 or 2 within 30 days after the fine is imposed is guilty of a misdemeanor. The provisions of this subsection do not apply to persons found by the court to be indigent.

5. All administrative fines collected by the Commission pursuant to this section must be deposited in the county school district fund of the county where the violation occurred.

Sec. 4. This act becomes effective upon passage and approval.