

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Seventy-fifth Session
May 12, 2009**

The Senate Committee on Natural Resources was called to order by Chair David R. Parks at 3:43 p.m. on Tuesday, May 12, 2009, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Allison Copening, Vice Chair
Senator Bernice Mathews
Senator Mark E. Amodei

COMMITTEE MEMBERS ABSENT:

Senator Bob Coffin (Excused)
Senator Dean A. Rhoads (Excused)
Senator Dennis Nolan (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Jerry D. Claborn, Assembly District No. 19

STAFF MEMBERS PRESENT:

Randy Stephenson, Committee Counsel
Michelle Van Geel, Committee Policy Analyst
Shirley Parks, Committee Secretary

OTHERS PRESENT:

Peter D. Krueger, Nevada Petroleum Marketers and Convenience Store Association
Lloyd Nelson, Services Manager, Emissions Program, Nevada Department of Motor Vehicles

Troy Dillard, Administrator, Division of Compliance Enforcement, Department of Motor Vehicles

CHAIR PARKS:

Indicate in the minutes that Senators Rhoads, Coffin and Nolan are absent and excused. We will begin with a hearing on Assembly Bill (A.B.) 414 and then proceed to the work session.

ASSEMBLY BILL 414: Makes various changes to the requirements for emissions inspections of certain vehicles. (BDR 40-821)

ASSEMBLYMAN JERRY D. CLABORN (Assembly District No. 19):

I will read the purpose of the bill, "An act relating to air pollution; providing for a voluntary program of electronic submission of emissions information to the Department of Motor Vehicles through the use of onboard diagnostic and transmission equipment; providing for the establishment of standards for emissions for a reconstructed vehicle; revising provisions for the establishment of standards for emission from a trimobile; revising provisions relating to the emissions from inspections of certain heavy-duty diesel vehicles by the Department and providing other matters properly relating thereto."

There are three or four issues in this one bill. They will be explained by several experts here today who are prepared to testify.

PETER D. KRUEGER (Nevada Petroleum Marketers and Convenience Store Association):

This bill has three important issues that affect and promote emissions in Clark and Washoe Counties. I want to call your attention to section 5 of the bill. The authority set forth in the *Nevada Revised Statutes* (NRS) 445B.770 providing for a compulsory inspection program is limited.

Members of our industry who are active and involved in the emissions testing program known as a smog program identify the importance of it along with the Department of Motor Vehicles (DMV) and the Division of Environmental Protection, State Department of Conservation and Natural Resources. We recognize there is a gap with certain types of vehicles and the fuel they use and that some are producing smog and need to be checked. Technology has made it easier for the newer cars to be checked by simply using electronic testing, and this is much more efficient than the old tailpipe emissions testing. On page 4,

section 5, of the bill, the above language clarifies the "duelies," pickup trucks with four tailpipes, and brings them into the emissions program. The DMV requested a definition of trimobiles be included also.

There are no new fees. We have talked with many Legislators. There is a fee referred to and allows for the first-time use of systems such as the global positioning system (GPS) that are designed as a tool for fleet management tracking. If the equipment is used, a report would be direct information to the company and to the DMV. The fee has not changed. There is no new revenue. The same \$6 fee is the same amount everyone pays.

CHAIR PARKS:

The two-thirds majority references sections 4 through 6. Can I assume that the vehicles that had a weight rating of 10,002 to 14,001 pounds are being brought into compliance?

RANDY STEPHENSON (Committee Counsel):

Yes, you are right. The two-thirds majority requirement is for sections 4, 5 and 6. The bill is theoretically expanding the group of vehicles that would be subject to these amendments. It is true there are no new fees, but there will be an increase in the number of people who are paying these fees. For purposes of the Nevada Constitution, we interpret this as the two-thirds majority requirement.

LLOYD NELSON (Services Manager, Emissions Program, Nevada Department of Motor Vehicles):

I have a handout of my prepared testimony which I will read to you ([Exhibit C](#)). There are three proposed changes related to the Nevada Motor Vehicle Emission Testing Program, A.B. 414, which are supported by the DMV. I will continue to read from the text, [Exhibit C](#).

Section 3 of the bill sets emission standards for reconstructed vehicles and certain trimobiles. Currently, the NRS states that all trimobiles are subject to the emission test needed for registration purposes.

This proposed amendment to NRS will solve the current issues with trimobile motorcycles because emission analyzers currently used to inspect vehicles are not capable of testing motorcycles, making it impossible to comply with current NRS requirements. The proposed change would exempt trimobiles, which are classified as motorcycles, based on weight. The trimobile model year is based

on the year that they are registered, but would be emission tested using standards set for the engine year, [Exhibit C](#).

SENATOR MATHEWS:

What about a motorcycle, beginning with the year 1998 or newer?

MR. NELSON:

A motorcycle would be classified under 1,750 pounds and would not be required to have an emissions check.

TROY DILLARD (Administrator, Division of Compliance Enforcement, Nevada Department of Motor Vehicles):

I am chief of compliance enforcement. I can address Senator Mathew's question. The U.S. Code of Federal Regulations actually specifies the weights that were reported in Lloyd Nelson's report. We are adopting the federal guidelines as determined by their definition of a motorcycle versus a motor vehicle.

SENATOR MATHEWS:

This would mean all the new Harley-Davidson Motorcycles are classified as motor vehicles.

MR. DILLARD

Almost all of them are motorcycles. These are the three-wheelers, two wheels in the back and a single wheel forward.

SENATOR MATHEWS:

This would mean they can carry me on the back.

MR. DILLARD:

It has to do with the fact it has the ability to be emission tested. Some of these three-wheelers have motorcycle engines in them and some have an automobile engine in them. Under federal regulations, the automobile engine does not have to comply with the current emission requirements that would apply to a motor vehicle. The requirements depend on weight.

SENATOR MATHEWS:

I was not sure what I was asking. I understood that you were not talking about three-wheelers, but two-wheelers.

MR. DILLARD:

For clarification, this is only specific to the trimobiles which are the three-wheel motorcycles.

SENATOR MATHEWS:

Are there no two-wheel motorcycles that meet this requirement?

MR. DILLARD:

The two-wheel motorcycles are exempt from this requirement for emissions testing. We are trying to clarify the definition of what trimobile means so that we comply with the Federal Code of Regulations and how they determine what goes into those engines as far as emissions compliance.

MR. NELSON:

I will continue to read from my prepared testimony and give the requirements for the exemptions for reconstructed vehicles, [Exhibit C](#).

MR. DILLARD:

I want to touch on the 10,000-to 14,000-pound issue. The real issue is that you may have a three-quarter ton truck in your driveway of one brand and a neighbor has a three-quarter ton truck in his driveway of another brand. Both are diesel. One is currently in the program and the other is not simply because of the weight. As of 2008, all the diesel engines are on-board diagnostically compliant up to 14,000 pounds. This fills the gap and makes the program fair. There is no fiscal note because it is strictly fee-based revenues. About 9,500 additional vehicles presently registered will be added under the proposed A.B. 414.

CHAIR PARKS:

This appears to be all the individuals who signed up to testify. I will close the hearing on A.B. 414. This concludes our hearing. We have several bills on our work session.

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We will begin with the first bill in the work session packet, A.B. 75 ([Exhibit D](#)). We will finish with A.B. 416.

ASSEMBLY BILL 75 (1st Reprint): Requires the State Forester Firewarden to submit annual reports concerning fire prevention and forest health in the Nevada portion of the Lake Tahoe Basin to certain persons and entities. (BDR 47-439)

MICHELLE VAN GEEL (Committee Policy Analyst):

I will give a summary of A.B. 75. It requires the State Forester Firewarden to submit annual reports concerning fire prevention and forest health in the Nevada portion of the Lake Tahoe Basin to the Governor, the Legislature, The Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, Nevada's Congressional Delegation and the Tahoe Regional Planning Agency. When the bill was heard in Committee on May 5, 2008, there was no opposition to the bill.

SENATOR AMODEI MOVED TO DO PASS A.B. 75.

SENATOR MATHEWS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR PARKS:

The next bill is A.B. 416, in the work session packet, [Exhibit D](#).

ASSEMBLY BILL 416 (1st Reprint): Requires the State Engineer or a person designated by him to conduct an inventory of a basin before approving an application for an interbasin transfer of groundwater under certain circumstances. (BDR 48-732)

MS. VAN GEEL:

Assembly Bill 416 requires the State Engineer or a person designated by him to conduct a basin inventory before approving an application for an interbasin transfer of groundwater under certain circumstances. The bill was heard in Committee on May 5, 2008. There was no opposition to the bill.

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SENATOR COPENING MOVED TO DO PASS A.B. 416.

SENATOR AMODEI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

This concludes the hearings and the work session for today. There is no further business to come before the Senate Committee on Natural Resources. We are adjourned at 4:10 p.m.

RESPECTFULLY SUBMITTED:

Shirley Parks,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____