

SENATE BILL NO. 418—SENATOR SPEARMAN

MARCH 20, 2017

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to air pollution. (BDR 40-970)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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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; declaring the priorities of the Legislature to expend the proceeds from certain consent decrees, orders and settlement agreements involving emissions from vehicles; creating the Fund for Cleaner Emission Vehicles; requiring the Division of Environmental Protection of the State Department of Conservation and Natural Resources to allocate money from the Fund to replace or repower certain school buses in this State and to construct and install publicly available hydrogen fueling stations and electric vehicle charging stations; requiring the Division to take certain actions required by certain consent decrees, orders and settlements entered into by this State relating to emissions from vehicles; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 The United States District Court for the Northern District of California recently  
2 approved two partial consent decrees in litigation between the United States  
3 Department of Justice and the Volkswagen Corporation and its subsidiaries  
4 regarding the installation and use of emissions testing devices in many vehicles  
5 sold and operated in the United States. One provision of the partial consent decrees  
6 requires the Volkswagen Corporation to fund a Mitigation Trust Fund, the money  
7 from which will be disbursed to the states based on the number of affected vehicles  
8 which were registered in each state. The money must be used to fund projects  
9 intended to offset the excess emissions of nitrogen oxides caused by the vehicles.  
10 Another provision requires the Volkswagen Corporation to direct \$2,000,000,000  
11 of investments over a 10-year period to support the increased use of technology for  
12 zero emission vehicles. (Partial Consent Decree, *In re Volkswagen “Clean Diesel”*)



\* S B 4 1 8 \*

13 Marketing, Sales Practices and Products Liability Litigation, No. MDL No. 2672  
14 CRB, (N.D. Cal. Sept. 30, 2016) and Second Partial Consent Decree, *In re*  
15 Volkswagen “Clean Diesel” Marketing, Sales Practices and Products Liability  
16 Litigation, No. MDL No. 2672 CRB, (N.D. Cal. Dec. 20, 2016))

17 **Section 6** of this bill declares that the priority of the Legislature in expending  
18 any proceeds from this or similar litigation is to use a portion of the proceeds to: (1)  
19 assist schools and school districts to replace or repower eligible school buses to  
20 reduce emissions of nitrogen oxides and other hazardous air contaminants; and (2)  
21 construct publicly available electric vehicle charging stations and hydrogen-fueling  
22 stations. **Section 7** of this bill creates the Fund for Cleaner Emission Vehicles in the  
23 State General Fund, requires the eligible proceeds from any consent decrees, orders  
24 or settlement agreements received by this State for the purposes of mitigating  
25 emissions from vehicles or supporting the increased use of zero emission vehicles  
26 be deposited in the Fund, and provides for the administration of the Fund by the  
27 State Treasurer. **Section 8** of this bill requires the Division of Environmental  
28 Protection of the State Department of Conservation and Natural Resources to: (1)  
29 establish a method for annually evaluating school bus fleets in this State and rank  
30 them based on certain criteria involving emissions; (2) develop policies and  
31 procedures whereby the owners or operators of school buses in this State may apply  
32 for money from the Fund to replace or repower those eligible school buses to  
33 reduce emissions; and (3) allocate all the money available in the Fund each year for  
34 that purpose to applicants who meet the criteria for the allocations. **Section 8** also  
35 requires the Division, in cooperation with the Department of Transportation, to: (1)  
36 determine and prioritize those areas of the State where construction and installation  
37 of publicly available hydrogen-fueling stations and electric vehicle charging  
38 stations would have the maximum impact on encouraging the use of zero emission  
39 vehicles; and (2) allocate all the money available in the Fund each year for that  
40 purpose for the construction. **Section 8** further requires the Division to: (1) submit a  
41 report to the Governor annually and each odd-numbered year to the Director of  
42 the Legislative Counsel Bureau for transmittal to the Legislature setting forth the  
43 allocations from the Fund; and (2) adopt regulations. **Section 8** also authorizes the  
44 Division to take any other actions that are necessary to carry out the duties imposed  
45 by **section 8**. **Section 13** of this bill requires the Division to prepare and submit a  
46 Beneficiary Mitigation Plan, as required by the partial consent decrees from the  
47 Volkswagen litigation, which enacts the intent of the Legislature to use money from  
48 the Mitigation Trust Fund to assist schools and school districts to replace or  
49 repower eligible school buses to reduce emissions of nitrogen oxides and other  
50 hazardous air pollutants and to construct and install publicly available hydrogen-  
51 fueling stations and electric vehicle charging stations to support the increased use  
52 of zero emission vehicles. **Section 13** further requires the Division, when providing  
53 input relevant to the Draft National ZEV Investment Plan required by the partial  
54 consent decrees, to advocate for and encourage inclusion in the National ZEV  
55 Investment Plan the construction in this State of hydrogen-fueling stations and  
56 electric vehicle charging stations. **Sections 9-12** of this bill make conforming  
57 changes.

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\* S B 4 1 8 \*

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

1       **Section 1.** Chapter 445B of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this  
3 act.

4       **Sec. 2.** *“Division” means the Division of Environmental*  
5 *Protection of the Department.*

6       **Sec. 3.** *“Publicly available electric vehicle charging station”*  
7 *means the equipment used to supply electric energy for the*  
8 *recharging of the batteries in vehicles which are partly or solely*  
9 *powered by electric motors that is open to the public.*

10       **Sec. 4.** *“Publicly available hydrogen-fueling station” means*  
11 *the equipment used to store and dispense hydrogen fuel according*  
12 *to industry codes and standards that is open to the public.*

13       **Sec. 5.** *“School bus” has the meaning ascribed to it in*  
14 *NRS 483.160.*

15       **Sec. 6. 1.** *The Legislature hereby declares that its priorities*  
16 *in expending the proceeds to the State of Nevada from consent*  
17 *decrees, orders and settlement agreements which result in the*  
18 *State receiving money for the purposes of mitigating the emissions*  
19 *from any vehicles and supporting the increased use of zero*  
20 *emission vehicles are:*

21       (a) *To prevent, reduce or control air pollution throughout the*  
22 *State;*

23       (b) *To assist schools and school districts to replace or repower*  
24 *school buses to reduce the emissions of nitrogen oxides and other*  
25 *hazardous air pollutants from the buses; and*

26       (c) *To construct publicly available hydrogen-fueling stations*  
27 *and publicly available electric vehicle charging stations in this*  
28 *State.*

29       **2.** *To further these priorities, the Legislature hereby declares*  
30 *that it is in the best interest of the residents of the State of Nevada*  
31 *that:*

32       (a) *A portion of the money received by the State pursuant to*  
33 *any settlement agreement entered into by the State and a*  
34 *manufacturer of vehicles with diesel engines, a portion of the*  
35 *money recovered by the State pursuant to a consent decree or*  
36 *order in a civil action against a manufacturer of vehicles with*  
37 *diesel engines and a portion of the money received by the State*  
38 *from a consent decree, order or settlement agreement for the*  
39 *purposes of mitigating the emissions from any vehicles be*  
40 *dedicated toward the achievement of the goal of assisting every*  
41 *entity in this State which owns or operates a school bus to replace*  
42 *or repower the school bus in a way that:*



1       (1) *Reduces emissions of nitrogen oxides and other*  
2 *hazardous air pollutants from the school bus; and*

3       (2) *Mitigates the impacts of emissions of nitrogen oxides*  
4 *and other hazardous air pollutants on communities that have*  
5 *historically borne a disproportionate share of the adverse impact*  
6 *of those emissions.*

7       (b) *A portion of the money received by the State pursuant to*  
8 *any settlement agreement entered into by the State and a*  
9 *manufacturer of vehicles with diesel engines, a portion of the*  
10 *money recovered by the State pursuant to a consent decree or*  
11 *order in a civil action against a manufacturer of vehicles with*  
12 *diesel engines and a portion of the money received by the State*  
13 *from a consent decree, order or settlement agreement for the*  
14 *purposes of mitigating the emissions from any vehicles or*  
15 *supporting the increased use of zero emission vehicles be*  
16 *dedicated toward the construction of publicly available hydrogen-*  
17 *fueling stations and publicly available electric vehicle charging*  
18 *stations in this State to promote and encourage the use of zero*  
19 *emission vehicles in a way that:*

20       (1) *Reduces emissions of nitrogen oxides and other*  
21 *hazardous air pollutants from the vehicles traveling on the*  
22 *highways of this State; and*

23       (2) *Supports the increased use of technology for zero*  
24 *emission vehicles.*

25       **Sec. 7. 1. The Fund for Cleaner Emission Vehicles is**  
26 **hereby created in the State Treasury. The State Treasurer shall**  
27 **deposit in the Fund:**

28       (a) *The money received by this State pursuant to any*  
29 *settlement entered into by the State of Nevada and a manufacturer*  
30 *of vehicles equipped with diesel engines which by the terms of the*  
31 *settlement may be deposited into the Fund;*

32       (b) *The money received by this State pursuant to any consent*  
33 *decree or order in a civil action against a manufacturer of vehicles*  
34 *equipped with diesel engines which by the terms of the consent*  
35 *decree or order may be deposited into the Fund;*

36       (c) *The money received by this State pursuant to any consent*  
37 *decree or order in a civil action or any settlement entered into by*  
38 *the State of Nevada and any entity for which money is to be*  
39 *received by this State for purposes that include the mitigation of*  
40 *emissions from any vehicles and for which the money received, by*  
41 *the terms of the consent decree, order or settlement, may be*  
42 *deposited into the Fund;*

43       (d) *The money received by this State pursuant to any consent*  
44 *decree or order in a civil action or any settlement entered into by*  
45 *the State of Nevada and any entity for which money is to be*



1 received by this State for purposes that include supporting the  
2 increased use of zero emission vehicle technology, may be  
3 deposited into the Fund; and

4 (e) Any gifts, grants, bequests or donations specifically  
5 designated for the Fund by the donor.

6 2. The State Treasurer shall administer the Fund. As  
7 administrator of the Fund, the State Treasurer:

8 (a) Shall maintain the financial records of the Fund;

9 (b) Shall invest the money in the Fund as the money in other  
10 state funds is invested;

11 (c) Shall manage any account associated with the Fund;

12 (d) Shall maintain any instruments that evidence investments  
13 made with the money in the Fund;

14 (e) May contract with vendors for any good or service that is  
15 necessary to carry out the provisions of this section; and

16 (f) May perform any other duties necessary to administer the  
17 Fund.

18 3. The interest and income earned on the money in the Fund  
19 must, after deducting any applicable charges, be credited to the  
20 Fund. All claims against the Fund must be paid as other claims  
21 against the State are paid.

22 4. The State Treasurer or the Department may submit to the  
23 Interim Finance Committee a request for an allocation for  
24 administrative expenses from the Fund pursuant to this section.  
25 Except as otherwise limited by this subsection, the Interim  
26 Finance Committee may allocate all or part of the money so  
27 requested. The annual allocation for administrative expenses from  
28 the Fund must not exceed:

29 (a) Two percent of the money in the Fund, as calculated  
30 pursuant to this subsection, each year to pay the costs incurred by  
31 the State Treasurer to administer the Fund; and

32 (b) Five percent of the money in the Fund, as calculated  
33 pursuant to this subsection, each fiscal year to pay the costs  
34 incurred by the Division to carry out its duties set forth in section  
35 8 of this act to administer the provisions of that section.

36 ↪ For the purposes of this subsection, the amount of money  
37 available for allocation to pay for the administrative costs must be  
38 calculated at the beginning of each fiscal year based on the total  
39 amount of money anticipated by the State Treasurer to be  
40 deposited in the Fund during that fiscal year.

41 5. The money in the Fund remains in the Fund and does not  
42 revert to the State General Fund at the end of any fiscal year.

43 6. All money that is deposited or paid into the Fund is hereby  
44 appropriated to be used for any purpose authorized by the  
45 Legislature or by the Division for expenditure or allocation in



1 *accordance with the provisions of section 8 of this act. Money*  
2 *expended from the Fund must not be used to supplant existing*  
3 *methods of funding that are available to public agencies.*

4 **Sec. 8. 1. The Division shall:**

5 *(a) Establish a method for annually evaluating the school bus*  
6 *fleets of schools and school districts in this State to rank those*  
7 *fleets based on which fleets:*

8 *(1) Emit the largest amount of nitrogen oxides or other*  
9 *hazardous air contaminants;*

10 *(2) Are used primarily in communities that have*  
11 *historically borne a disproportionate share of the adverse impact*  
12 *of those air contaminants; and*

13 *(3) Contain the highest percentage of buses that are eligible*  
14 *to be replaced or repowered pursuant to the terms of any*  
15 *conditions restricting the allocation of any money in the Fund for*  
16 *Cleaner Emission Vehicles created by section 7 of this act.*

17 *(b) Develop policies and procedures for the solicitation of and*  
18 *applications by any entity in this State which owns or operates a*  
19 *school bus to obtain money from the Fund for Cleaner Emission*  
20 *Vehicles for the purpose of replacing or repowering a school bus*  
21 *to reduce the emission of nitrogen oxides or other hazardous air*  
22 *pollutants.*

23 *(c) Establish criteria for prioritizing the allocation of money*  
24 *from the Fund for Cleaner Emission Vehicles, including, without*  
25 *limitation, the rankings established pursuant to paragraph (a).*

26 *(d) Allocate all money available for that purpose in the Fund*  
27 *for Cleaner Emission Vehicles each year to applicants who meet*  
28 *the criteria established pursuant to paragraph (c).*

29 *(e) Meet all applicable requirements for receiving or*  
30 *expending money pursuant to any consent decree, order or*  
31 *settlement of a type set forth in paragraph (a), (b), (c) or (d) of*  
32 *subsection 1 of section 7 of this act.*

33 *(f) Submit annually a report of all rankings, applications and*  
34 *allocations made pursuant to this subsection to the Governor and,*  
35 *on or before February 1 of each odd-numbered year, submit each*  
36 *annual report for the immediately preceding 2 years to the*  
37 *Director of the Legislative Counsel Bureau for transmittal to the*  
38 *Legislature.*

39 **2. The Division, in cooperation with the Department of**  
40 **Transportation, shall:**

41 *(a) Determine those areas of this State where the construction*  
42 *and installation of publicly available hydrogen-fueling stations*  
43 *and publicly available electric vehicle charging stations would*  
44 *have the maximum impact on promoting, supporting and*  
45 *encouraging the use of zero emission vehicles.*



1       ***(b) Establish criteria for prioritizing the allocation of money***  
2 ***from the Fund for Cleaner Emissions from Vehicles for the***  
3 ***construction and installation of publicly available hydrogen-***  
4 ***fueling stations and publicly available electric vehicle charging***  
5 ***stations, including, without limitation, those areas of the State***  
6 ***determined pursuant to paragraph (a).***

7       ***(c) Allocate all money available for that purpose in the Fund***  
8 ***for Cleaner Emission Vehicles each year to the Department of***  
9 ***Transportation for the construction and installation, in***  
10 ***accordance with the provisions of chapter 333 of NRS, of publicly***  
11 ***available hydrogen-fueling stations and publicly available electric***  
12 ***vehicle charging stations in the order of priority determined***  
13 ***pursuant to paragraph (b).***

14       ***(d) Meet all applicable requirements for receiving or***  
15 ***expending money pursuant to any consent decree, order or***  
16 ***settlement of a type set forth in paragraph (a), (b), (c) or (d) of***  
17 ***subsection 1 of section 7 of this act.***

18       ***(e) Submit annually a report of all determinations and***  
19 ***allocations made pursuant to this subsection to the Governor and,***  
20 ***on or before February 1 of each odd-numbered year, submit each***  
21 ***annual report for the immediately preceding 2 years to the***  
22 ***Director of the Legislative Counsel Bureau for transmittal to the***  
23 ***Legislature.***

24       ***3. The Division:***

25       ***(a) Shall adopt any regulations; and***

26       ***(b) May take any other actions,***

27       ***↳ that are necessary to carry out its duties pursuant to this***  
28 ***section.***

29       **Sec. 9.** NRS 445B.105 is hereby amended to read as follows:

30       445B.105 As used in NRS 445B.100 to 445B.640, inclusive,  
31 ***and sections 2 to 8, inclusive, of this act,*** unless the context  
32 otherwise requires, the words and terms defined in NRS 445B.110  
33 to 445B.155, inclusive, ***and sections 2 to 5, inclusive, of this act***  
34 have the meanings ascribed to them in those sections.

35       **Sec. 10.** NRS 445B.460 is hereby amended to read as follows:

36       445B.460 1. If, in the judgment of the Director, any person is  
37 engaged in or is about to engage in any act or practice which  
38 constitutes or will constitute a violation of any provision of NRS  
39 445B.100 to 445B.640, inclusive, ***and sections 2 to 8, inclusive, of***  
40 ***this act,*** or any rule, regulation, order or operating permit issued  
41 pursuant to NRS 445B.100 to 445B.640, inclusive, ***and sections 2 to***  
42 ***8, inclusive, of this act,*** the Director may request that the Attorney  
43 General apply to the district court for an order enjoining the act or  
44 practice, or for an order directing compliance with any provision of  
45 NRS 445B.100 to 445B.640, inclusive, ***and sections 2 to 8,***



1 *inclusive, of this act*, or any rule, regulation, order or operating  
2 permit issued pursuant to NRS 445B.100 to 445B.640, inclusive **H**,  
3 *and sections 2 to 8, inclusive, of this act*.

4 2. If, in the judgment of the control officer of a local air  
5 pollution control board, any person is engaged in or is about to  
6 engage in such an act or practice, the control officer may request  
7 that the district attorney of the county in which the act or practice is  
8 being engaged in or is about to be engaged in apply to the district  
9 court for such an order.

10 3. Upon a showing by the Director or the control officer that a  
11 person has engaged in or is about to engage in any such act or  
12 practice, a permanent or temporary injunction, restraining order or  
13 other appropriate order may be granted by the court.

14 **Sec. 11.** NRS 445B.470 is hereby amended to read as follows:

15 445B.470 1. A person shall not knowingly:

16 (a) Violate any applicable provision, the terms or conditions of  
17 any permit or any provision for the filing of information;

18 (b) Fail to pay any fee;

19 (c) Falsify any material statement, representation or certification  
20 in any notice or report; or

21 (d) Render inaccurate any monitoring device or method,

22 ➔ required pursuant to the provisions of NRS 445B.100 to  
23 445B.450, inclusive, *and sections 2 to 8, inclusive, of this act*, or  
24 445B.470 to 445B.640, inclusive, *and sections 2 to 8, inclusive, of  
25 this act*, or any regulation adopted pursuant to those provisions.

26 2. Any person who violates any provision of subsection 1 shall  
27 be punished by a fine of not more than \$10,000 for each day of the  
28 violation.

29 3. The burden of proof and degree of knowledge required to  
30 establish a violation of subsection 1 are the same as those required  
31 by 42 U.S.C. § 7413(c), as that section existed on October 1, 1993.

32 4. If, in the judgment of the Director of the Department or the  
33 Director's designee, any person is engaged in any act or practice  
34 which constitutes a criminal offense pursuant to NRS 445B.100 to  
35 445B.640, inclusive, *and sections 2 to 8, inclusive, of this act*, the  
36 Director of the Department or the designee may request that  
37 the Attorney General or the district attorney of the county in which  
38 the criminal offense is alleged to have occurred institute by  
39 indictment or information a criminal prosecution of the person.

40 5. If, in the judgment of the control officer of a local air  
41 pollution control board, any person is engaged in such an act or  
42 practice, the control officer may request that the district attorney of  
43 the county in which the criminal offense is alleged to have occurred  
44 institute by indictment or information a criminal prosecution of the  
45 person.





1       **Sec. 12.** NRS 445B.500 is hereby amended to read as follows:  
2       445B.500 1. Except as otherwise provided in this section and  
3 in NRS 445B.310 and 704.7318:

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

9       (b) The program:

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

14       (2) May, in a county whose population is 700,000 or more,  
15 include requirements for the creation, receipt and exchange for  
16 consideration of credits to reduce and control air contaminants in  
17 accordance with NRS 445B.508; and

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

20       (c) The district board of health, county board of health or board  
21 of county commissioners is designated as the air pollution control  
22 agency of the county for the purposes of NRS 445B.100 to  
23 445B.640, inclusive, *and sections 2 to 8, inclusive, of this act* and  
24 the Federal Act insofar as it pertains to local programs, and that  
25 agency is authorized to take all action necessary to secure for the  
26 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.

39       3. In a county whose population is 700,000 or more, the local  
40 air pollution control board may delegate to an independent hearing  
41 officer or hearing board its authority to determine violations and  
42 levy administrative penalties for violations of the provisions of NRS  
43 445B.100 to 445B.450, inclusive, *and sections 2 to 8, inclusive, of*  
44 *this act* and 445B.500 to 445B.640, inclusive, *and sections 2 to 8,*  
45 *inclusive, of this act*, or any regulation adopted pursuant to those



1 sections. If such a delegation is made, 17.5 percent of any penalty  
2 collected must be deposited in the county treasury in an account to  
3 be administered by the local air pollution control board to a  
4 maximum of \$17,500 per year. The money in the account may only  
5 be used to defray the administrative expenses incurred by the local  
6 air pollution control board in enforcing the provisions of NRS  
7 445B.100 to 445B.640, inclusive **+**, **and sections 2 to 8, inclusive,**  
8 **of this act.** The remainder of the penalty must be deposited in the  
9 county school district fund of the county where the violation  
10 occurred and must be accounted for separately in the fund. A school  
11 district may spend the money received pursuant to this section only  
12 in accordance with an annual spending plan that is approved by the  
13 local air pollution control board and shall submit an annual report to  
14 that board detailing the expenditures of the school district under the  
15 plan. A local air pollution control board shall approve an annual  
16 spending plan if the proposed expenditures set forth in the plan are  
17 reasonable and limited to:

- 18 (a) Programs of education on topics relating to air quality; and
- 19 (b) Projects to improve air quality, including, without limitation,  
20 the purchase and installation of equipment to retrofit school buses of  
21 the school district to use biodiesel, compressed natural gas or a  
22 similar fuel formulated to reduce emissions from the amount of  
23 emissions produced by the use of traditional fuels such as gasoline  
24 and diesel fuel,

25 ➔ which are consistent with the state implementation plan adopted  
26 by this State pursuant to 42 U.S.C. §§ 7410 and 7502.

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

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

39 6. As used in this section, "plants which generate electricity by  
40 using steam produced by the burning of fossil fuel" means plants  
41 that burn fossil fuels in a boiler to produce steam for the production  
42 of electricity. The term does not include any plant which uses  
43 technology for a simple or combined cycle combustion turbine,  
44 regardless of whether the plant includes duct burners.



1       **Sec. 13.** 1. The Division of Environmental Protection of the  
2 State Department of Conservation and Natural Resources, in its role  
3 as lead agency on behalf of this State designated as required in  
4 section 4.2.1 of Appendix D to the Partial Consent Decree, shall,  
5 upon a determination of Beneficiary status pursuant to section 4.0 of  
6 Appendix D to the Partial Consent Decree, prepare and submit a  
7 Beneficiary Mitigation Plan as required by section 4.1 of Appendix  
8 D to the Partial Consent Decree which includes, without limitation,  
9 those provisions of sections 2 to 8, inclusive, of this act which enact  
10 the intent of the Legislature pursuant to section 6 of this act, and to  
11 the extent that such provisions are permissible under the  
12 requirements of the Partial Consent Decree and the Second Partial  
13 Consent Decree.

14       2. The Division of Environmental Protection of the State  
15 Department of Conservation and Natural Resources, when providing  
16 input relevant to the development of a Draft National ZEV  
17 Investment Plan pursuant to section 2.4 of Appendix C to the Partial  
18 Consent Decree, shall advocate for and encourage inclusion in the  
19 National ZEV Investment Plan the construction of publicly available  
20 hydrogen-fueling stations and publicly available electric vehicle  
21 charging stations which enact the intent of the Legislature pursuant  
22 to section 6 of this act, to the extent that such construction is  
23 permissible under the requirements of the Partial Consent Decree  
24 and the Second Partial Consent Decree.

25       3. As used in this section:

26       (a) “Beneficiary” has the meaning ascribed to it in section 1.1 of  
27 Appendix D to the Partial Consent Decree.

28       (b) “Beneficiary Mitigation Plan” means the submittal required  
29 of a Beneficiary pursuant to section 4.1 of Appendix D to the Partial  
30 Consent Decree.

31       (c) “Draft National ZEV Investment Plan” means a draft of the  
32 National ZEV Investment Plan, which is required to be submitted to  
33 the Environmental Protection Agency pursuant to section 2.4 of  
34 Appendix C to the Partial Consent Decree.

35       (d) “National ZEV Investment Plan” has the meaning ascribed  
36 to it in section 1.6 of Appendix C to the Partial Consent Decree.

37       (e) “Partial Consent Decree” means Partial Consent Decree, *In*  
38 *re Volkswagen “Clean Diesel” Marketing, Sales Practices and*  
39 *Products Liability Litigation*, No. MDL No. 2672 CRB, (N.D. Cal.  
40 Sept. 30, 2016).

41       (f) “Second Partial Consent Decree” means Second Partial  
42 Consent Decree, *In re Volkswagen “Clean Diesel” Marketing, Sales*  
43 *Practices and Products Liability Litigation*, No. MDL No. 2672  
44 CRB, (N.D. Cal. Dec. 20, 2016).



1     **Sec. 14.** The provisions of subsection 1 of NRS 218D.380 do  
2 not apply to any provision of this act which adds or revises a  
3 requirement to submit a report to the Legislature.

4     **Sec. 15.** This act becomes effective upon passage and  
5 approval.

