

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; requiring the Division of Environmental Protection of the State Department of Conservation and Natural Resources to allocate money deposited in the Account for the Management of Air Quality from such consent decrees, orders and settlement agreements to prevent, reduce or control air pollution, 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



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12 zero emission vehicles. (Partial Consent Decree, *In re Volkswagen “Clean Diesel”*
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 prevent, reduce or control air pollution throughout the State; (2) assist schools and
20 school districts to replace or repower eligible school buses to reduce emissions of
21 nitrogen oxides and other hazardous air contaminants; and (3) construct publicly
22 available electric vehicle charging stations and hydrogen-fueling stations. **Section 7**
23 of this bill requires the eligible proceeds from any consent decrees, orders or
24 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 Account for the Management of Air Quality in the State General
27 Fund.

28 **Section 8** of this bill requires the Division of Environmental Protection of the
29 State Department of Conservation and Natural Resources to: (1) establish criteria
30 for evaluating applications for projects that prevent, reduce or control air pollution
31 throughout the State and criteria for prioritizing the allocation of money for such
32 projects; and (2) develop policies and procedures whereby an entity in the State
33 may apply for money in the Account for such projects. Additionally, **section 8** of
34 this bill requires the Division to: (1) establish a method for annually evaluating
35 school bus fleets in this State and rank them based on certain criteria involving
36 emissions; and (2) develop policies and procedures whereby the owners or
37 operators of school buses in this State may apply for money from the Account to
38 replace or repower those eligible school buses to reduce emissions. **Section 8** also
39 requires the Division, in cooperation with the Department of Transportation and the
40 Governor’s Office of Energy, to determine and prioritize those areas of the State
41 where construction and installation of publicly available hydrogen-fueling stations
42 and electric vehicle charging stations would have the maximum impact on
43 encouraging the use of zero emission vehicles. **Section 8** requires the Division to
44 establish a program to issue grants for the construction of publicly available
45 hydrogen-fueling stations and electric vehicle charging stations. **Section 8** further
46 requires the Division to: (1) submit a report to the Interim Finance Committee
47 every 6 months regarding deposits into and allocations from the Account of money
48 received from any consent decrees, orders or settlement agreements by this State
49 for the purposes of mitigating emissions from vehicles or supporting the increased
50 use of zero emission vehicles; (2) submit a report to the Governor annually and
51 each odd-numbered year to the Director of the Legislative Counsel Bureau for
52 transmittal to the Legislature setting forth the allocations of such money from the
53 Account; and (3) adopt regulations. **Section 8** also authorizes the Division to take
54 any other actions that are necessary to carry out the duties imposed by **section 8**.
55 **Section 13** of this bill requires the Division to prepare and submit a Beneficiary
56 Mitigation Plan, as required by the partial consent decrees from the Volkswagen
57 litigation, which enacts the intent of the Legislature to use money from the
58 Mitigation Trust Fund to assist schools and school districts to replace or repower
59 eligible school buses to reduce emissions of nitrogen oxides and other hazardous air
60 pollutants and to construct and install publicly available hydrogen-fueling stations
61 and electric vehicle charging stations to support the increased use of zero emission
62 vehicles. **Section 13** further requires the Division, when providing input relevant to
63 the Draft National ZEV Investment Plan required by the partial consent decrees, to
64 advocate for and encourage inclusion in the National ZEV Investment Plan the



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65 construction in this State of hydrogen-fueling stations and electric vehicle charging
66 stations. Sections 9-12 of this bill make conforming changes.

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 1.5 to 8, inclusive, of this
3 act.

4 **Sec. 1.5.** *“Account for the Management of Air Quality” or*
5 *“Account” means the Account for the Management of Air Quality*
6 *created by NRS 445B.590.*

7 **Sec. 2.** *“Division” means the Division of Environmental*
8 *Protection of the Department.*

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

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

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

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

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

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

29 *(c) To construct publicly available hydrogen-fueling stations*
30 *and publicly available electric vehicle charging stations in this*
31 *State.*

32 **2.** *To further these priorities, the Legislature hereby declares*
33 *that it is in the best interest of the residents of the State of Nevada*
34 *that:*

35 *(a) A portion of the money received by the State pursuant to*
36 *any settlement agreement entered into by this State and a*
37 *manufacturer of vehicles with diesel engines, a portion of the*
38 *money recovered by the State pursuant to a consent decree or*



1 *order in a civil action against a manufacturer of vehicles with*
2 *diesel engines and a portion of the money received by the State*
3 *from a consent decree, order or settlement agreement for the*
4 *purposes of mitigating the emissions from any vehicles or*
5 *supporting the increased use of zero emission vehicles be*
6 *dedicated for use to prevent, reduce or control air pollution*
7 *throughout the State.*

8 *(b) A portion of the money received by the State pursuant to*
9 *any settlement agreement entered into by the State and a*
10 *manufacturer of vehicles with diesel engines, a portion of the*
11 *money recovered by the State pursuant to a consent decree or*
12 *order in a civil action against a manufacturer of vehicles with*
13 *diesel engines and a portion of the money received by the State*
14 *from a consent decree, order or settlement agreement for the*
15 *purposes of mitigating the emissions from any vehicles be*
16 *dedicated toward the achievement of the goal of assisting every*
17 *entity in this State which owns or operates a school bus to replace*
18 *or repower the school bus in a way that:*

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

21 *(2) Mitigates the impacts of emissions of nitrogen oxides*
22 *and other hazardous air pollutants on communities that have*
23 *historically borne a disproportionate share of the adverse impact*
24 *of those emissions.*

25 *(c) A portion of the money received by the State pursuant to*
26 *any settlement agreement entered into by the State and a*
27 *manufacturer of vehicles with diesel engines, a portion of the*
28 *money recovered by the State pursuant to a consent decree or*
29 *order in a civil action against a manufacturer of vehicles with*
30 *diesel engines and a portion of the money received by the State*
31 *from a consent decree, order or settlement agreement for the*
32 *purposes of mitigating the emissions from any vehicles or*
33 *supporting the increased use of zero emission vehicles be*
34 *dedicated toward the construction of publicly available hydrogen-*
35 *fueling stations and publicly available electric vehicle charging*
36 *stations in this State to promote and encourage the use of zero*
37 *emission vehicles in a way that:*

38 *(1) Reduces emissions of nitrogen oxides and other*
39 *hazardous air pollutants from the vehicles traveling on the*
40 *highways of this State; and*

41 *(2) Supports the increased use of technology for zero*
42 *emission vehicles.*

43 **Sec. 7. 1. The State Treasurer shall deposit in the Account:**

44 *(a) The money received by this State pursuant to any*
45 *settlement entered into by the State of Nevada and a manufacturer*



1 *of vehicles equipped with diesel engines which by the terms of the*
2 *settlement may be deposited into the Account;*

3 *(b) The money received by this State pursuant to any consent*
4 *decree or order in a civil action against a manufacturer of vehicles*
5 *equipped with diesel engines which by the terms of the consent*
6 *decree or order may be deposited into the Account;*

7 *(c) The money received by this State pursuant to any consent*
8 *decree or order in a civil action or any settlement entered into by*
9 *the State of Nevada and any entity for which money is to be*
10 *received by this State for purposes that include the mitigation of*
11 *emissions from any vehicles and for which the money received, by*
12 *the terms of the consent decree, order or settlement, may be*
13 *deposited into the Account;*

14 *(d) The money received by this State pursuant to any consent*
15 *decree or order in a civil action or any settlement entered into by*
16 *the State of Nevada and any entity for which money is to be*
17 *received by this State for purposes that include supporting the*
18 *increased use of zero emission vehicle technology, may be*
19 *deposited into the Account; and*

20 *(e) Any gifts, grants, bequests or donations specifically*
21 *designated for the Account by the donor.*

22 *2. All money that is deposited or paid into the Account*
23 *pursuant to this section is hereby appropriated to be used for any*
24 *purpose authorized by the Legislature or by the Division for*
25 *expenditure or allocation in accordance with the provisions of*
26 *section 8 of this act. Money expended from the Account pursuant*
27 *to that section must not be used to supplant existing methods of*
28 *funding that are available to public agencies.*

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

30 *(a) Establish criteria for evaluating applications for projects*
31 *that prevent, reduce or control air pollution throughout the State*
32 *that include, without limitation, determining which projects are*
33 *eligible for funding pursuant to the terms of any conditions*
34 *restricting the allocation of any money in the Account.*

35 *(b) Develop policies and procedures for the solicitation of and*
36 *applications by an entity in this State to obtain money from the*
37 *Account for a project that seeks to prevent, reduce or control air*
38 *pollution throughout the State.*

39 *(c) Establish criteria for prioritizing the allocation of money*
40 *from the Account for applications received pursuant to paragraph*
41 *(b) for projects to prevent, reduce or control air pollution*
42 *throughout the State.*

43 *(d) Meet all applicable requirements for receiving or*
44 *expending money pursuant to any consent decree, order or*



1 settlement of a type set forth in paragraph (a), (b), (c) or (d) of
2 subsection 1 of section 7 of this act.

3 2. The Division shall:

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

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

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

12 (3) Contain the highest percentage of buses that are eligible
13 to be replaced or repowered pursuant to the terms of any
14 conditions restricting the allocation of any money in the Account.

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

20 (c) Establish criteria for prioritizing the allocation of money
21 from the Account, including, without limitation, the rankings
22 established pursuant to paragraph (a).

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

27 3. The Division, in cooperation with the Department of
28 Transportation and the Governor's Office of Energy, shall:

29 (a) Determine those areas of this State where the construction
30 and installation of publicly available hydrogen-fueling stations
31 and publicly available electric vehicle charging stations would
32 have the maximum impact on promoting, supporting and
33 encouraging the use of zero emission vehicles.

34 (b) Establish criteria for prioritizing the allocation of money
35 from the Account for the construction and installation of publicly
36 available hydrogen-fueling stations and publicly available electric
37 vehicle charging stations, including, without limitation, those
38 areas of the State determined pursuant to paragraph (a).

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

43 4. Except as otherwise provided in subsection 5, the Division
44 shall:



1 (a) *Prioritize the disbursement of money in the Account that*
2 *was deposited pursuant to section 7 of this act for the purposes of*
3 *subsections 1, 2 and 3 based on, without limitation, any uses of the*
4 *money which are in the best interests of the State; and*

5 (b) *Ensure that all allocations from the money in the Account*
6 *that was deposited pursuant to section 7 of this act are for projects*
7 *or purposes that meet the criteria established by the Division in*
8 *subsections 1, 2 and 3.*

9 5. *The Division shall establish a program to issue grants for*
10 *the construction of publicly available hydrogen-fueling stations*
11 *and publicly available electric vehicle charging stations. The*
12 *Department shall, to the extent money that was deposited pursuant*
13 *to section 7 of this act is available in the Account for that purpose,*
14 *provide from that money an amount not to exceed \$2,000,000 for*
15 *use by the Division for the program.*

16 6. *The Division shall submit:*

17 (a) *A report to the Interim Finance Committee biannually of*
18 *all deposits into and allocations from the Account pursuant to this*
19 *section and section 7 of this act during the reporting period; and*

20 (b) *An annual report of all applications and allocations made*
21 *pursuant to this section to the Governor and, on or before*
22 *February 1 of each odd-numbered year, submit each annual*
23 *report for the immediately preceding 2 years to the Director of the*
24 *Legislative Counsel Bureau for transmittal to the Legislature.*

25 7. *The Division:*

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

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

28 ↪ *that are necessary to carry out its duties pursuant to this*
29 *section.*

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

31 445B.105 As used in NRS 445B.100 to 445B.640, inclusive,
32 *and sections 1.5 to 8, inclusive, of this act*, unless the context
33 otherwise requires, the words and terms defined in NRS 445B.110
34 to 445B.155, inclusive, *and sections 1.5 to 5, inclusive, of this act*
35 have the meanings ascribed to them in those sections.

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

37 445B.460 1. If, in the judgment of the Director, any person is
38 engaged in or is about to engage in any act or practice which
39 constitutes or will constitute a violation of any provision of NRS
40 445B.100 to 445B.640, inclusive, *and sections 1.5 to 8, inclusive,*
41 *of this act*, or any rule, regulation, order or operating permit issued
42 pursuant to NRS 445B.100 to 445B.640, inclusive, *and sections 1.5*
43 *to 8, inclusive, of this act*, the Director may request that the
44 Attorney General apply to the district court for an order enjoining
45 the act or practice, or for an order directing compliance with any



1 provision of NRS 445B.100 to 445B.640, inclusive, *and sections*
2 *1.5 to 8, inclusive, of this act*, or any rule, regulation, order or
3 operating permit issued pursuant to NRS 445B.100 to 445B.640,
4 inclusive ~~†~~, *and sections 1.5 to 8, inclusive, of this act.*

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

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

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

16 445B.470 1. A person shall not knowingly:

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

19 (b) Fail to pay any fee;

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

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

23 → required pursuant to the provisions of NRS 445B.100 to
24 445B.450, inclusive, *and sections 1.5 to 8, inclusive, of this act*, or
25 445B.470 to 445B.640, inclusive, *and sections 1.5 to 8, inclusive,*
26 *of this act*, or any regulation adopted pursuant to those provisions.

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

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

33 4. If, in the judgment of the Director of the Department or the
34 Director's designee, any person is engaged in any act or practice
35 which constitutes a criminal offense pursuant to NRS 445B.100 to
36 445B.640, inclusive, *and sections 1.5 to 8, inclusive, of this act*, the
37 Director of the Department or the designee may request that
38 the Attorney General or the district attorney of the county in which
39 the criminal offense is alleged to have occurred institute by
40 indictment or information a criminal prosecution of the person.

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



1 institute by indictment or information a criminal prosecution of the
2 person.

3 **Sec. 12.** NRS 445B.500 is hereby amended to read as follows:
4 445B.500 1. Except as otherwise provided in this section and
5 in NRS 445B.310 and 704.7318:

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

11 (b) The program:

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

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

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

22 (c) The district board of health, county board of health or board
23 of county commissioners is designated as the air pollution control
24 agency of the county for the purposes of NRS 445B.100 to
25 445B.640, inclusive, *and sections 1.5 to 8, inclusive, of this act* and
26 the Federal Act insofar as it pertains to local programs, and that
27 agency is authorized to take all action necessary to secure for the
28 county the benefits of the Federal Act.

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

33 2. The local air pollution control board shall carry out all
34 provisions of NRS 445B.215 with the exception that notices of
35 public hearings must be given in any newspaper, qualified pursuant
36 to the provisions of chapter 238 of NRS, once a week for 3 weeks.
37 The notice must specify with particularity the reasons for the
38 proposed regulations and provide other informative details. NRS
39 445B.215 does not apply to the adoption of existing regulations
40 upon transfer of authority as provided in NRS 445B.610.

41 3. In a county whose population is 700,000 or more, the local
42 air pollution control board may delegate to an independent hearing
43 officer or hearing board its authority to determine violations and
44 levy administrative penalties for violations of the provisions of NRS
45 445B.100 to 445B.450, inclusive, *and sections 1.5 to 8, inclusive,*



1 *of this act* and 445B.500 to 445B.640, inclusive, *and sections 1.5 to*
2 *8, inclusive, of this act*, or any regulation adopted pursuant to those
3 sections. If such a delegation is made, 17.5 percent of any penalty
4 collected must be deposited in the county treasury in an account to
5 be administered by the local air pollution control board to a
6 maximum of \$17,500 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 **H**, *and sections 1.5 to 8,*
10 *inclusive, of this act.* The remainder of the penalty must be
11 deposited in the county school district fund of the county where the
12 violation occurred and must be accounted for separately in the fund.
13 A school district may spend the money received pursuant to this
14 section only in accordance with an annual spending plan that is
15 approved by the local air pollution control board and shall submit an
16 annual report to that board detailing the expenditures of the school
17 district under the plan. A local air pollution control board shall
18 approve an annual spending plan if the proposed expenditures set
19 forth in the plan are reasonable and limited to:

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

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

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

41 6. As used in this section, "plants which generate electricity by
42 using steam produced by the burning of fossil fuel" means plants
43 that burn fossil fuels in a boiler to produce steam for the production
44 of electricity. The term does not include any plant which uses



1 technology for a simple or combined cycle combustion turbine,
2 regardless of whether the plant includes duct burners.

3 **Sec. 13.** 1. The Division of Environmental Protection of the
4 State Department of Conservation and Natural Resources, in its role
5 as lead agency on behalf of this State designated as required in
6 section 4.2.1 of Appendix D to the Partial Consent Decree, shall,
7 upon a determination of Beneficiary status pursuant to section 4.0 of
8 Appendix D to the Partial Consent Decree, prepare and submit a
9 Beneficiary Mitigation Plan as required by section 4.1 of Appendix
10 D to the Partial Consent Decree which includes, without limitation,
11 those provisions of sections 1.5 to 8, inclusive, of this act which
12 enact the intent of the Legislature pursuant to section 6 of this act,
13 and to the extent that such provisions are permissible under the
14 requirements of the Partial Consent Decree and the Second Partial
15 Consent Decree.

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

27 3. As used in this section:

28 (a) "Beneficiary" has the meaning ascribed to it in section 1.1 of
29 Appendix D to the Partial Consent Decree.

30 (b) "Beneficiary Mitigation Plan" means the submittal required
31 of a Beneficiary pursuant to section 4.1 of Appendix D to the Partial
32 Consent Decree.

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

37 (d) "National ZEV Investment Plan" has the meaning ascribed
38 to it in section 1.6 of Appendix C to the Partial Consent Decree.

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

43 (f) "Second Partial Consent Decree" means Second Partial
44 Consent Decree, *In re Volkswagen "Clean Diesel" Marketing, Sales*



1 Practices and Products Liability Litigation, No. MDL No. 2672
2 CRB, (N.D. Cal. Dec. 20, 2016).

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

6 **Sec. 15.** This act becomes effective upon passage and
7 approval.

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