

SENATE BILL NO. 48—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF CLARK COUNTY)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to air quality. (BDR 40-395)

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 the control of air pollution; revising the allocation and use of certain proceeds collected from administrative penalties for violations of certain provisions relating to air pollution; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a local air pollution board in a county whose population is
2 700,000 or more (currently Clark County) may delegate its authority to adjudicate
3 violations of air quality laws and levy administrative penalties to an independent
4 hearing officer or hearing board. A local air pollution control board that makes this
5 delegation: (1) is authorized to retain 17.5 percent of the amount of the proceeds from
6 the administrative penalties that it collects up to a maximum of \$17,500 per year; and
7 (2) is required to use the money retained to defray administrative expenses incurred
8 by the board in enforcing certain laws relating to air pollution. The remainder of the
9 proceeds are required to be deposited into the county school district fund of the
10 county where the violation occurred to be used for programs of education on topics
11 related to air pollution and projects to improve air quality. (NRS 445B.500) **Section 1**
12 of this bill eliminates the requirement for the deposit of the remainder of the proceeds
13 in the county school district fund and instead requires the remainder of the proceeds
14 to: (1) remain in the existing account administered by the local air pollution control
15 board to be used to support activities, services and programs related to the
16 improvement of air quality; or (2) be deposited in the county school district fund to be
17 used for the programs for which such proceeds may be used under existing law.

18 **Section 2** of this bill makes a conforming change to require that certain money in
19 the county school district fund be used for programs to address air quality only if such
20 money is deposited in the county school district fund. (NRS 387.205)



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 and 704.7318:

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 700,000 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.

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



1 NRS 445B.100 to 445B.450, inclusive, and 445B.500 to 445B.640,
2 inclusive, or any regulation adopted pursuant to those sections. If
3 such a delegation is made, ~~{17.5 percent of any penalty}~~ *the money*
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}~~ *Not more than* \$17,500 ~~{per year. The}~~ *of* money in
7 the account may ~~{only}~~ be used *per year* to defray the administrative
8 expenses incurred by the local air pollution control board in
9 enforcing the provisions of NRS 445B.100 to 445B.640, inclusive.
10 The remainder of the ~~{penalty must be}~~ *money in the account*
11 *may only be used to support activities, services and programs*
12 *related to the improvement of air quality which are consistent*
13 *with the state implementation plan adopted by this State pursuant*
14 *to 42 U.S.C. §§ 7410 and 7502 or* deposited in the county school
15 district fund of the county ~~{where the violation occurred and~~
16 ~~must}~~ *to* be accounted for separately in the fund. ~~{A}~~ *If money is*
17 *deposited in the county school district fund pursuant to this*
18 *section, the* school district may spend the money ~~{received~~
19 ~~pursuant to this section}~~ only in accordance with an annual
20 spending plan that is approved by the local air pollution control
21 board and shall submit an annual report to that board detailing the
22 expenditures of the school district under the plan. A local air
23 pollution control board shall approve an annual spending plan if the
24 proposed expenditures set forth in the plan are reasonable and
25 limited to:

26 (a) Programs of education on topics relating to air quality; and

27 (b) Projects to improve air quality, including, without limitation,
28 the purchase and installation of equipment to retrofit school buses of
29 the school district to use biodiesel, compressed natural gas or a
30 similar fuel formulated to reduce emissions from the amount of
31 emissions produced by the use of traditional fuels such as gasoline
32 and diesel fuel,

33 ↪ which are consistent with the state implementation plan adopted
34 by this State pursuant to 42 U.S.C. §§ 7410 and 7502.

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

42 5. No district board of health, county board of health or board
43 of county commissioners may adopt any regulation or establish a
44 compliance schedule, variance order or other enforcement action



1 relating to the control of emissions from plants which generate
2 electricity by using steam produced by the burning of fossil fuel.

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

9 **Sec. 2.** NRS 387.205 is hereby amended to read as follows:

10 387.205 1. Subject to the provisions of subsection 3, money
11 on deposit in the county school district fund or in a separate account,
12 if the board of trustees of a school district has elected to establish
13 such an account pursuant to the provisions of NRS 354.603, must be
14 used for:

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

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

18 (c) Rent of schoolhouses.

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

21 (e) Transportation of pupils, including the purchase of new
22 buses.

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

28 (g) Membership fees, dues and contributions to an
29 interscholastic activities association.

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

32 (i) ~~Programs~~ *If money is deposited in the county school*
33 *district fund pursuant to subsection 3 of NRS 445B.500, programs*
34 *of education and projects relating to air quality pursuant to*
35 *NRS 445B.500.*

36 2. Money on deposit in the county school district fund, or in a
37 separate account, if the board of trustees of a school district has
38 elected to establish such an account pursuant to the provisions of
39 NRS 354.603, when available, may be used for:

40 (a) Purchase of sites for school facilities.

41 (b) Purchase of buildings for school use.

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

43 3. The board of trustees of a school district, in allocating the
44 use of money pursuant to this section, shall prioritize expenditures



- 1 in a manner which ensures that the budgetary priorities determined
- 2 pursuant to NRS 387.301 are carried out.

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