

SENATE ECOLOGY COMMITTEE

Minutes of Meeting --- March 30, 1971

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Committee members present:

Thomas Wilson, Chairman  
Clifton Young  
Lee Walker

" " absent:

John Foley  
Emerson Titlow  
Chic Hecht  
Coe Swobe

Also present were:

James L. Lambert  
Leonard Winkleman  
Bob Guinn  
Darryl Capurro  
Virgil Anderson  
Jean Ford  
Connie Sparbel  
Z.H. Postles  
and others

Nevada Dept. of Motor Vehicles  
" " " " "  
Nevada Transport Association  
" " "  
American Automobile Association  
League of Women Voters  
" " " "  
Reno Resident

Members of the News Media

Chairman Wilson called the meeting to order at 3:35 p.m. Under consideration was one bill:

S.B. 615 An act relating to motor vehicle pollution control; declaring legislative policy; providing for adoption of rules and regulations by the Department of Motor Vehicles governing motor vehicle pollution control devices; providing for licensed installers of such devices; providing exemptions; prescribing fees; providing penalties.

Mr. Lambert, Mr. Guinn, Mrs. Jean Ford and Mr. Winkleman joined members in an active discussion of the subject bill in relation to S.B. 275 and the requirements of the Federal 1970 Clean Air Act's regulations. Counsel was requested to draft amendments to the bills. Senator Walker moved to amend and Do Pass on S.B. 615, as amended; seconded by Senator Young. Motion unanimously carried.

There being no further business, the meeting was adjourned at 6:40 p.

Respectfully submitted,

*Jacqueline Crane*  
Jacqueline Crane, Committee Secretary

(Transcript attached)

JAMES LAMBERT: I would recommend that on Page 1, Section 4, subsection 4, the second sentence be changed to read "Provisions may be made for licensing owners of fleets of three or more vehicles as license stations to inspect and certify their own motor vehicles." There are some people who would qualify as "a fleet" that would not qualify as a "self-inspection station."

On Page 2, I would recommend that Section 5 read "Any person may install a required motor vehicle pollution control device..." and then end that sentence with a period. The rest of the sentence, I think, is a problem where it says "but no person who is not a licensed installer shall install such a device for compensation"... this puts us in a position that we have to go out and license every mechanic in the state as an "installer"; the reason for this is, a major tune-up. When they would have to repair one of these pollution control devices---and in regular tune-ups, they couldn't charge for this service. I think we would really be in trouble if we leave the wording as it is.

On Page 2, Section 7, line 22, where it provides that after July 1, 1972, no used motor vehicle as defined in NRS 482.132, shall be registered in this state unless the application for registration is accompanied with a certificate of compliance issued under the provisions of this act---I can see where this would present some problems in your requiring some new vehicles to comply. For instance, if a man in Oregon buys a new vehicle in that state...changes jobs and 90 days later and moves to Nevada, he will have to re-register his vehicle. And, he would then have to go and be certified again. I think that rather than saying "a used vehicle", you should say "a change of ownership" followed by a period, would eliminate some inequity there. Otherwise, we would be forcing anyone moving into the state with a new vehicle to go in and get a certificate of compliance yet, people living within Nevada would not be required to get one...

ROBERT GUINN: There's an answer to that...the bill could read "other than a current year's model new vehicle."

MR. LAMBERT: Yes, that would do it because the impact of this law is not to require a continuous inspection of this device to see if it is working on a regular operation, but only on transfer of ownership.

MR. GUINN: Under the existing law, "used vehicle" means any vehicle previously registered elsewhere, and "new vehicle" means any vehicle that has never been registered.

MR. LAMBERT: Regarding the pro-rate registration of vehicles...If we're going to enforce the inspection stations, I think we're going to get into a problem with the vast number of stations.

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on S.B. 615:

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MR. LAMBERT:(Cont'd): I think it would be well to have the fleets that are operating here. They are legitimate fleets that run a control and if they were to certify that these devices were in effect, it would add more weight to the bill because a large volume of our traffic is out-of-state vehicles that are using Nevada as a through state because of our geographical position. We are a bridge state. We're not going to be able to, under this program, put in a field enforcement, only a supervising system over the licensing stations and I don't think it would require any undo hardship on any facet of the automobile industry or motoring public.

SENATOR YOUNG: What language would you suggest?

MR. LAMBERT: Well, I think if you would eliminate the exemption portion of it on Page 2, Section 7, Subsection 3, Lines 37 through 40. You're already giving a fleet operator a self-inspection license isn't that right in the previous part of the bill? So that all you're saying then, is this fleet is certifying to us that they are running a competent maintenance program and that these devices are installed where required by federal regulation. I'm saying that if we put a period after the word devices, then as self-inspectors of fleets, they would certify to the state when they apply the license that these devices were installed.

MR. GUINN: I have a comment on that...let me point out that NRS 706.730 to 706.870 is known as The Inter-State Highway User Fee Apportionment Act, and it is a devise by which commercial fleet operators and parties to, I think now a 16-state compact, pay registration fees and privilege tax to the State of Nevada on all vehicles that come through the state on the basis of the percent of miles traveled in this and other states.

In other words, they allocate their registration fees among the states in which they travel, then, these vehicles in effect become registered. We're talking about vehicles that could be based in any one of the 16 states and then we have a unilateral arrangement with Utah in which we're talking about 17. Now, I certainly think we ought to say that "vehicles that are operated in inter-state commerce and are based in this state should be required to be certified."

But, in view of the fact the rules and regulations as I envision them, and I'm simply basing this on what California does, in which they have to actually inspect the station, see that it has the required equipment and certify its personnel...either on the basis of factory certification of the personnel or determine they are properly qualified by giving written tests...to try and extend this to all out-of-state vehicles here in Nevada, would be an extremely difficult task. I think to confront the out-of-state people who are continually adding vehicles to these fleets on supplemental basis, with another monstrous task of sending these certification papers over here, well, I just don't think it is practical.

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MR. GUINN (Cont'd): I certainly believe that the bill should be amended to say "or a vehicle registered under the provisions of this act and based outside of the State of Nevada." This would mean that vehicles that are locally based carriers would be required to make certain certifications.

MR. LAMBERT: My only comment on this would be that if our trucks are making up the goodly portion of our traffic, and we are striving to clear up the air pollution problems, I don't know how you can really exempt them. If you want to exempt those from states who have parallel laws and they are certified in that state and so indicate, such as P.I.E. which operates out of Oakland---it's not unusual for them to license 900 tractors---If these tractors were going to be operating through this state and we are after the control of air pollution by vehicles, for them to certify that they have the required devices on them, as a fleet operation, I can't see that this would be any great problem...since they are already identifying these vehicles with us when they register.

MR. GUINN: It seems to me that it would be just as logical to try and say that they be able to inspect a vehicle based in Utah that came over here. Let me say that so far as current, established federal requirements on vehicle emission devices there is nothing that applies to vehicles of more than 6,000 pounds gross weight. Diesel-powered equipment has no federal requirements at the moment. I think there will be some standards set, probably during the 1971-1972 calendar year. It just might be that you are going to create a tremendous amount of paper work here and get beyond your jurisdiction. I would concede and I would certainly agree, that any fleet operator with vehicles based here in the state should comply.

MR. LAMBERT: May I make this comment, do you refer to California? I know full well that California enforces a smoke-control device on out-of-state trucks that travel through the state. If your ejectors aren't adjusted right and you're emitting too much smoke, the California Highway Patrol stops and cites them for smoke violations.

MR. GUINN: But, that's not equipment.

MR. LAMBERT: All right, that's not equipment, but we contacted the California Highway Patrol this morning and here are their remarks: the California Highway Patrol does not presently have a program for testing vehicle exhaust emissions. They are in the process of evaluating, on paper, and purchasing six testing devices for a pilot program. This, if effective, will probably be expanded to 30 testing devices for each one of the random inspection teams. Now this is what California is doing at present and I don't think we would be making any undo hardship on a fleet if all we're going require is that they have complied with federal regulations. If the trucks are over what are now regulated then, we're not harming them because they don't have to certify.

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MR. LAMBERT (Cont'd): If the Federal Government, during this session of Congress, enacts a law requiring this, then we will already have it on our books so that they will certify and I think it will lend effect to your pollution control program.

SENATOR YOUNG: Do you enthusiastically support this bill, Jim?

MR. LAMBERT: Not really. I'm just trying to use a little logic on it. If we're going to enforce one section of it and we can't enforce all users that are licensing with us---then we can't extend our control to a Utah resident, as Bob said, because he doesn't license here.

CHAIRMAN WILSON: Let me ask you a question---a general one. This bill is related to S.B. 275, Jim. As I said, the other day, we're faced with a threshold question of where to vest jurisdiction to set standards. The question is, whether to vest it in the Air Pollution Control Board or vest it in the Department of Motor Vehicles. Looking at that question for a minute, is your department in a position to support this bill; testify in its favor; and ask for this kind of responsibility when this bill goes to the Assembly?

MR. LAMBERT: Not in our setting the standards, Senator.

CHAIRMAN WILSON: I'm not talking about standards, I'm talking about control, enforcement and inspection.

MR. LAMBERT: We're working the highway anyway and this is just another duty that our highway patrol officers would be performing on the highway.

CHAIRMAN WILSON: We may want to talk about some changes, but essentially, is your department in a position to assume responsibilities outlined in this bill, S.B. 615?

MR. LAMBERT: I feel we are as far as controlling the stations, if this is the Senate's intent. I am not testifying here to try to kill the bill. I feel the department could, with funding and required personnel do this. I don't think the department could take this on without presenting you a budget, to effectively operate it.

CHAIRMAN WILSON: This bill provides for issuing certificates and making certain charges for certification forms, etc... We may as well speak bluntly. If we have to go to Senate Finance to raise the money out of the general fund to finance this program, this provision is in trouble and this bill is in trouble. What concerns me is, we are carving out of S.B. 275, control jurisdiction, placing it on this bill, 615 implementing completion of that jurisdiction, providing for a means of financing it by charging for the certification forms...Do you think this is feasible?

MR. LAMBERT: I do think it is feasible. And if we go a little further I think there should be a set inspection fee from your stations and we don't have a projected figure because we don't have any facts to base this on. We're doing everything in theory.

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CHAIRMAN WILSON: There's always a danger, when taking part of a package and cutting it up into two bills, submit them separately, when you're trying to fund them outside of the general fund, so it's a force by itself. One of the reasons I wanted to bring up S.B. 275 for discussion while you are here talking about 615 is because if they are companion bills, they are interrelated and independent... S.B. 615 is part of S.B. 275 and if this bill gets into trouble, there's a hole in 275, and I don't want that to happen.

MR. LAMBERT: Well, Senator, as we were talking last night, the reason I mentioned that I thought we would be better off with permissive legislation. You don't know what the exact costs are and it's pretty hard to predicate what it will take when you have never operated a program in this area and you can't find another substantial program already operating, on which to base your costs. California is on a pilot program which is one of the reasons we called the C.H.P. this morning to find out what their cost factors are. They told us they haven't gone far enough into this program to really be able to develop that. I say we could, under this provision, you could probably set up this type of regulatory control, but to come out and say definitely will this cover the budget? I would not make a statement of that nature.

SENATOR YOUNG: When you say permissive, do you mean the D.M.V. has the option to go ahead with the program or what do you mean?

MR. LAMBERT: Not the option but make it a little more permissive as to the time it can be developed. In other words, we're crowding January 1 1972 on the beginning of this bill. It may sound like a long time off but it isn't. By the time this legislation is enacted and the Department has time to act on it, you're going to find it is actually a very short period of time. If you could make it more permissive, to the effect---so we can develop the program and have to report back, either to a legislative sub-committee or is permissive enough--- and this would have to be your decision as Senators here, could we live with it in a definite program at the next session in 1973? Do you have to have functioning prior to that? If you do, I think a loosening of the time control would be of great benefit because I don't think in six months we can put together a decent program for you.

MR. GUINN: If the bill becomes effective July 1, 1971 and appropriations are made from the Highway Department that could be available for a full year to set the program up. Again, I'm not arguing for any fixed date but this July 1, 1972 date anticipates that stations would have to be appointed and personnel certified by that time. I might point out that the pilot program over in California that I think he's talking about does not involve the program that's been in vogue in California for many years, after which is patterned S.B. 615, which is the certification of vehicles registered to a new owner who is required to have emission control equipment installed and working...what he's talking about is a pilot program in which they actually put something on the end of that exhaust pipe and determine how many parts per million of carbonyl, carbon-monoxide and oxide-nitrogen are emitted.

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MR. GUINN (Cont'd): In so far as the set-up over there where you have to have the vehicle certified on re-registration, that's been going on for a number of years. The highway patrol in California has developed a comprehensive set of rules and regulations and manuals which involve the equipment requirements of the stations and qualifications of personnel, testing procedures to be employed...I think all could be lifted almost entirely into this state and the D.M.V. could take them over, with very little research effort.

Going back to what you people said to us, that if you object to this business of giving somebody blanket-authority to institute one of these programs, what would you offer as a substitute? We discussed with you, alternatives. You said "We like this idea of learning to crawl before we walk, why don't we start out with what California has and we'll get the stations set up and get a program in motion if and when we can."

I'm saying to you that it's going to come within the next three or four years. If we come to the federal requirements for some sort of mandatory, periodic inspection program on the part of the states, then this thing will be up and going and we'll know what it's all about. I think it's just that simple. I want to emphasize that one of the requirements of the federal 1970 Clean Air Act is that you meet certain air quality standards by about 1975. And if we're going to do it, and there was testimony before this committee that there are conditions in Las Vegas right today, due to traffic congestion and certain other conditions, an extremely poor condition of air quality in that area which could result ultimately in some sort of order to restrict the movement of traffic there. This would have a serious impact on the economy of the state and everyone else, so this is indicated as a first step.

I also think that in Section 2.... of this bill is a step towards meeting one of the specific federal requirements which is that each state should, when necessary and feasible, have a program providing for such control. Now, going back to what personnel will be required: it's not my prerogative to say what they would need. I have to say that there would be between 70 and 80 new car dealers who operate used car lots who have the garages and repair facilities and so on to undertake this program. They will have to become qualified under this inspection section. You would then have to have inspection stations set up for used car dealers who would have to have their vehicles certified before they dare sell them to you or me, to make sure we would take them down to register them. Also, to take care of the occasional sales by individuals, I would guess perhaps a couple of hundred stations, but I don't think there's any overwhelming problem in getting these stations certified and in effect within the next 15 months. Although, they'd have had financing for twelve months. Now if it's your feeling that the date ought to be advanced to January 1, 1973 or something, fine. Frankly I would hope we do step on it. I'd say I have the grudging consent of the automobile dealers in this state to go along with the bill. I mean they are not overly enthused about it but they will go along with it.

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SENATOR YOUNG: Jim, I've sensed a reluctance on your part --- all during these sessions we've had. I've enjoyed the colloquies between you and Bob Guinn---it's been very informational, but it just seems to me that you don't like this approach and have been fighting it all the way and you're raising all sorts of objections to the bill. What worries me, suppose we do get it through the Senate you may not testify against the bill, but you can damn it with faint praise on the Assembly side. I just feel we ought to do something...crawl before we walk.

MR. LAMBERT: This is not my type of operation, Senator. If I were really against the bill on its principle, I would just say so and let it go at that. I hate to see anything pushed into operation before you can operate it. I've seen so many laws passed and they say do it even though you may not have the where-with-all to do it and you can't do a decent job of it and it fails by its own weight. I would hate to see that happen here.

California has many things going. They test emissions right now. Yes they may have advanced many programs, as Bob says...I don't know why the C.H.P. gave the answers they did to our questions about their programs. But to enforce this in the field, you would have to have, as Bob said, perhaps 80 new car dealers. I don't know what the car dealer numbers are. It would be a vast program and I don't know what the revenues, at this point, would be. I feel the department would have to qualify any garage for mechanical operation that could qualify because if you don't let them in on the inspection stations then you're depriving them of a logical portion of the business. I am definitely not objecting to the bill, because I know it is coming.

SENATOR YOUNG: What would you recommend to make it work and give us as much support as you can possibly muster?

MR. LAMBERT: I would think we can work it out if we're not required to meet a hard date on it. We're talking about Section 7, "July 1, 1972" I don't really know what, at this point, it would take to form a crew, train them, send them out, approve the equipment, test it---I'd be hesitant to say we couldn't do it in four months and I'd be hesitant to say we could do it in six months because I really don't know.

CHAIRMAN WILSON: This is the question that's going through my mind: Operationally, this thing in large measure, depends on your department. From a standpoint of broad policy of standards, the ultimate responsibility is going to fall on The Air Pollution Control Board. I'm serious wondering, with respect to the control element of the jurisdiction, whether it should be vested concurrently and then if your department is going too slow in developing the program, at least the Air Board can step in and tell you to hurry up. It puts the operation control in your hands but nonetheless it creates a concurrent type of jurisdiction as far as getting this program going, that's not good government in the structural sense. I don't like it in concept but on the other hand, maybe it's the way we ought to go. By making it concurrent, perhaps we can improve it substantially.

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MR. LAMBERT: The one thing I'd like to comment on and Mr. Winkleman does want to comment on the budgetary effects, is the more stations and installers we license, the more money we have to operate with. You create a double problem then, because the more people you have to supervise. Without the capability of studying the program from a point of state-wide locations and that, I'm hesitant to say how much money will come in and how much of a budget it would take to function. And is this, in effect, going to kill the bill?

CHAIRMAN WILSON: Monetarily speaking, you're going to have to live with the bill as it is, if this is what we go for.

MR. LAMBERT: If this shorts us in money and delays the function, and it could well do this, and I think you can see where it might, then you'd have a problem. Is there any way you can have the funds set up to where there is an appropriation for this money coming back in to pay for it?

CHAIRMAN WILSON: We cannot get appropriation. Realistically speaking, this bill will not get out of Finance Committee if we send it there for appropriation, even though we're talking about reimbursement scheme for the sale of these certificates.

MR. GUINN: I'm not sure that is correct. I think if the department would present a budget as to what they would need, starting with fiscal year ending June 30, 1972, for the management of this program and fund it out of the State Highway Fund, with the idea that the fees collected would be used for reimbursement and if you would emphasize on both side of The House that this thing is a part and parcel of S.B. 275 and part of our effort to comply with the federal 1970 Clean Air Act, then you can pass this. In so far as what these fees will produce, we asked Arnie Herz to give us a figure on '63 and later model vehicles that were registered each year to new owners. He said it was impossible to that.

We had Darryl Capurro spend an entire day contacting just new car dealers in Reno and one used car dealer to get a list of their used car sales for last year and an estimate from them of what percentage of those sales would be '63 and later and would require an inspection under this system we have of charging a dollar for each one of the certification forms.

California charges 16-cents, so we'll say there's an 80-cent profit. We were told that in the Reno area alone, with just new car dealers and Teddy Bear Havas, there would be about 7,500 cars a year. We'd have double that number in Las Vegas. And when extended to the rest of the state, a conservative figure of about 40,000 units per year would be about \$32,000.

SENATOR WILSON: All right, let's assume we may use the Highway Fund on the basis of reimbursement. What concerns me is that it is late in the session and we're going to have to go fast to sell this view on this two-way bill. How do you feel about a form of concurrent jurisdiction?

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CHAIRMAN WILSON (Cont'd): If we can get this one on, great. If we don't then at least we've got some kind of arrangement set up on a cooperative basis where you've got concurrent jurisdiction with your Department and the Air Pollution Control Board.

MR. GUINN: It's difficult for me to understand how it could be implemented by concurrent effort any more than it could by a single effort. You have to have money in it, Senator. You've got to have a program.

CHAIRMAN WILSON: If S.B. 615 doesn't pass, then we're in trouble as far as the operating part of emission controls are concerned because we've taken it out of S.B. 275. I question what happens if we make the control jurisdiction concurrent in S.B. 275? If S.B. 615 does pass it will give us the means to implement jurisdiction...and we can get a practical program going.

SENATOR YOUNG: Supposing it doesn't pass, what happens then to the concurrent jurisdiction?

CHAIRMAN WILSON: If it doesn't pass, we're going to have to limp along on it and we won't have a program. No way to fund it. Then, at least the Air Pollution Control Board is going to have to work out some kind of a program with the Department of Motor Vehicles, to try to recommend standards and try to devise some kind of scheme that doesn't cost any money. Right now what they have in 275 is the general language that says they have jurisdiction to control automotive emissions. In Section 28, it refers to an Air Pollution Control Board and that doesn't help us very much.

LEONARD WINKLEMAN: I'm Internal Auditor for the Department of Motor Vehicles. I'd like to talk about this from a fiscal standpoint. This bill does not stipulate where the revenue from the license and forms would go---whether to the General Fund, the Highway Fund or into a special fund. Speaking for the Department, we would like to particularly stay away from the "special fund." This means of course, we would definitely have to have an appropriation from the General Fund or the Highway Fund. If Guinn's figures are correct, stating \$32,000 from the sale of certificates---these are just figures off the top of my head---because we don't know how much revenue we would generate from these. If we were to license 500 stations this would mean \$5,000 and if we were to license 1,000 installers we would need another \$5,000, which comes to a total of \$42,000 revenue...rounding the figures up, say we did get \$50,000 revenue the department is not prepared at this time to undertake a program of this nature without an adequate staff. We just don't have the staff at the present time with what we're attempting to do and with what's happened in the Legislature, without additional salaries asked for. I feel it would take approximately \$150,000 a year to administer this program.

CHAIRMAN WILSON: This is exactly why I am concerned about whether 275 is going to do the job...if we take this jurisdiction out of it and put it in the other bill.

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MR. WINKLEMAN: I feel with the revenue generated and, if our figure of \$50,000 is anywhere near accurate, this would not be adequate.

SENATOR YOUNG: How do you figure it will take \$150,000 to administer the program? Is the breakdown for one or two years?

MR. WINKLEMAN: This would be \$150,000 a year. If this bill is passed, providing for the program to be implemented by July 1971, then I'd say it would take us the next fiscal year to set up our policies, procedure etc.

SENATOR YOUNG: How many men would you have working on this? It seems to me if we borrow what California has it shouldn't take very long to set up procedures.

MR. WINKLEMAN: I don't worry so much about procedures as I do about going out and actually finding out if the stations are qualified to handle this and the persons to be installers are qualified...because we have to prescribe these qualifications and therefore, go out and find out if they can be licensed.

CHAIRMAN WILSON: In other words, you're saying if your department is going to endorse this bill, you're going to have to do it qualifiedly, and I suppose that's going to mean that qualification is the appropriation of X-number of dollars. Does it come down to that?

MR. WINKLEMAN: That's basically it, yes.

MR..LAMBERT: This is another reason, Senator, why I think the department should set an inspection fee and, in addition, get a turn-back from each inspection fee. This would help the revenue problem.

CHAIRMAN WILSON: All right. Let's go back to S.B. 275 for a minute. As far as I'm concerned, this means that 275 amy very well have to stand on its own. If it does, and we're satisfied with 275 in its present form, as amended---then, I think we ought to proceed with S.B. 615 independently, and that's fine. We may not get 615 passed. In fact, the probabilities are against it. By the time we get it through the Senate---if we do, and The Assembly, I'd say the outlook for 615, at this point, is very dim.

I don't care what the arguments are, or the relative merits are, we've got to take the bills in the context as we get them. Now, the question is, what do you want to do with 275 in this form? We've taken some of the language out of it. On Section 28, we've deleted lines 1 through 2 and prescribed language which says The Air Pollution Control Board may, by regulation, prescribe standards for exhaust emissions, fuel evaporative emissions, visible smoke emissions from internal combustion engine stationary or otherwise; on the ground or in the air; including, but not limited to aircraft, motor vehicles, snowmobiles and railroad locomotives. Such regulations shall be consistent with any federal regulations for such emissions and shall be uniform throughout the state."

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SENATOR YOUNG: How about adding another provision in there, requiring the board to develop a program for control and report back at the next legislative session or something like that. The reason I suggest this is that at least it would be some indication we are working on a program toward the control---if that's required by the 1970 act. I would still like to go on S.B. 615, but if we don't have any money, there's nothing more you can do but have the board develop or study and come back next session...that's all we can do to show we're sincere and trying to get a program underway.

CHAIRMAN WILSON: We can return control to them, too. One of the impressions I got from the Assembly committee is that they probably are going to prefer that The Governor's Environmental Council be specified to serve as The Air Pollution Control Board.

MR. GUINN: That doesn't have anything to do with the control problem, Senator. I've talked with the members of the Assembly Environment and Public Resources Sub-Committee and I don't think they have any quarrel with the language that's in S.B. 275, as amended. I think we'll have their support on S.B. 615. I'm just flabbergasted at the idea that it's supposedly going to cost \$150,000 a year to administer a program!

CHAIRMAN WILSON: Well, if this bill has to go to the Finance Committee it's dead.

MR. GUINN: It doesn't need to go to Finance, I don't agree with you.

CHAIRMAN WILSON: It's got to go to Finance, at least to determine if it can have any monetary effect. Clearly, if there's an argument as to whether or not the sale of the certificates is going to effect whether it's going to need appropriation---and, Finance is going to have to pass on it. Frankly, I'm not willing to risk this to the Finance Committee in having the thing approved.

MR. GUINN: Well, my point is, that if we could get a realistic figure on administration of the program, with the say that we're going to have to spend \$4.00 for fees on each vehicle in riding herd over this thing doesn't make sense.

CHAIRMAN WILSON: Don't you see that what I'm saying is that regardless who ultimately wins the argument on how much money it's going to cost, that argument will necessarily have to be settled by the Finance Committee.

MR. GUINN: I agree with that, Senator. But, I think if you would provide for about three men under this bill, and once these stations are certified and the personnel is certified, basically, the job is done. The only thing we have then is a means of taking on new people. I point out to you that the equipment that is required for this thing is very very simple as far as running the inspection stations.

CHAIRMAN WILSON: Well, you might be right on the merits of the bill---I'm not going to debate that with you. I'm just saying that it seriously complicates the picture of the future of S.B. 615.

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CHAIRMAN WILSON: The question that concerns me now, is that we've got to move S.B. 275 out from this committee and we'd better hedge our bet on S.B. 615 and see if we're satisfied with 275 if it has to stand alone.

SENATOR FOLEY: I think we have to figure each bill has to stand alone.

SENATOR WALKER: Aside from the financial picture...are you satisfied with 615? I think you will have a difficult time having it approved by Finance, aside from the financial impact of 615, aren't too warmed up over this.

CHAIRMAN WILSON: Going back to the language in Section 28 of S.B. 275.. it says "the board can establish standards, and may provide for the control of emissions, etc..

MR. GUINN: I am mystified as to how, giving a lay board authority with no money, nothing to work with...all that this amounts to is a gesture.

SENATOR YOUNG: What do we need to do to comply with the Federal Clean Air Act? That's all I care about? I'd like to get some basic legislation through. Frankly, I'm afraid we're not getting the kind of support I'd like to get out of the Department of Motor Vehicles. I can't believe that it would cost \$150,000 to implement this program...I'd like to basically comply with the Federal Act, if we can, and get something on the road, before the session is over.

MR. GUINN: Well, if you want something in the bill that's more than a gesture, put something in the language like what we suggested to the legislative commission---implement something, if and when, it is required by the administration.

CHAIRMAN WILSON: It is only a gesture, that's the reason I feel if we put together 615---my question is, should we do anything with 275 because 615 might not pass, because I think it's questionable it will pass. We're going to have to put 275 out in final form because 615 might not pass and we don't know who's going to win the argument or how much it will cost to fund 615. The issue is, is 275 satisfactory standing alone or should be put something back in it?

MR. GUINN: I think if it's likely 615 won't pass then, we'd better put something back in S.B. 275.

JEAN FORD: In the latest information provided by The Environmental Protection Agency, dated March 1971, it gives the suggested language: As the state of knowledge and technology relating to the control of emissions from motor vehicles may permit or make appropriate and in each of the furtherances of purposes of the Act, the board may provide rules and regulations for the control of emissions from motor vehicles, etc.

MR. GUINN: Here's where you run head-on into the people I represent and have to look out for. I cannot stand here and support a bill that gives some lay board the authority to do anything they want in a field as complicated as this.

(Cont)

SENATOR YOUNG: How about having them just make a study and report back next session? Will your people go for that?

MR. GUINN: Sure, no quarrel with that, but I thought you told us you were unwilling to leave here without making some sort of standard program.

SENATOR YOUNG: Well, I'm willing to go with a study on S.B. 615 but we have to get 275 on the road.

MR. GUINN: I would assume that something of that nature could be put in there and would be satisfactory.

CHAIRMAN WILSON: What do you recommend if S.B. 615 fails?

MR. GUINN: Well, the language Cliff indicated is a possible approach.

CHAIRMAN WILSON: These studies, you know, is like going to the Chamber of Commerce...

SENATOR YOUNG: Maybe so but that's better than nothing.

MRS. FORD: But I don't think that meets federal requirements to say you've given the board the power to make a two-year study.

SENATOR YOUNG: Then how are we going to meet them if we don't have money?

MRS. FORD: I mean, you can give them the enabling legislation even though you say it's only a gesture. But, that's what the federal law requires---is that the "board" has the power to handle problems if and when...

SENATOR YOUNG: What happens if we're not in compliance? What dire consequences will befall the State of Nevada?

MRS. FORD: The Federal Government will come in and do it for you unless we have our implementation plan submitted by next January for the whole program.

MR. GUINN: There will be opposition to this bill, on the whole, if there is any thing in the bill giving these people authority that is too strong.

MRS. FORD: The rules and regulations all have to be adopted by public hearings. You're talking about a lay board, but it still has to be staffed...you still have to rely on the technical expertise of the staff.

MR. GUINN: The objection to the authority and having the staff to do all these things and the people who are involved in this, are not willing to be saddled with it by having it shoved down their throats.

(Cont)

MR. GUINN: In direct response to what Senator Wilson asked me, yes, I would like to get this thing, that in the event of the Federal Government Administrator's requiring the implementation of the inspection program and one has not been adopted by this state, that the "board" have authority only to the extend necessary to comply until such time as The Legislature convenes. We gave you language like that with respect to the Legislative Commission's bill drafts.

I would rather see these things implemented by elected officials than by lay appointees, but you could write something into Section 28 of S.B. 275. That would copper our bet and give them limited authority for a limited amount of time and that I think, would ease the concern of my people that if any lay board gets in their hair with all of these things, it might not be reasonable.

SENATOR FOLEY: Jean, this is your concern, isn't it, that we won't have a program ready when the Federal Government says we have to?

MRS. FORD: Well, I'm quite concerned---not that the Federal Government will come in as much as I just think the state should allow some enabling legislation. As we indicated earlier, we know the state of finances is not sufficient to go into a whole inspection program. Obviously we can't. But we think we should write the law right the first time and provide an enabling act to take care of some of the problems. We have indications from people that no one is ready to start any program that's not provided for.

MR. GUINN: I think if the board and inspection program were subject to legislative review within a limited period of time, I think that would eliminate the concern of the people I have to look out for.

I suggest Section 28 of S.B. 275 be revised to say something like this: In the event the administrator of the Federal Environmental Protection Agency, acting under the terms of the 1970 Clean Air Act, requires by regulation, periodic inspection tests of motor vehicles to enforce compliance with emission standards, the board is authorized to implement a program, such program as required in cooperation with the Motor Vehicle Department, until such time as they can be considered at the next session of The Nevada Legislature.

CHAIRMAN WILSON: Since that seems to agree with everyone let's get the bill drafter in here and work amendments up to S.B. 275 and 615.

(End of verbatim transcript)