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ASSEMBLY BILL NO. 661—SELECT COMMITTEE ON ENERGY

MARCH 26, 2001

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Referred to Select Committee on Energy

SUMMARY—Revises and repeals various provisions concerning utilities and energy.  
(BDR 58-1128)

FISCAL NOTE: Effect on Local Government: No.  
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.

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AN ACT relating to energy; changing the office of commissioner of the public utilities commission of Nevada from an appointed to an elected office; establishing separate procedures for the filing and approval of changes in rates by certain electric utilities; authorizing certain electric utilities to use deferred accounting; providing for the levy of a one-time assessment on certain electric generating plants; requiring the public utilities commission of Nevada to consider in certain circumstances whether the construction of a new electric generating plant will increase the amount of electricity that is available for purchase in this state; requiring a public utility that purchases electricity for resale pursuant to multiple agreements to ensure to the extent practicable that the duration of such agreements is varied; revising the authority of the public utilities commission of Nevada to regulate mergers, acquisitions and other transactions involving public utilities, holding companies and other entities; making various changes with respect to net metering; establishing a program for the issuance of bonds to pay the cost of renewable energy generation projects; creating the task force for renewable energy; prescribing the membership and duties of the task force for renewable energy; creating the trust fund for renewable energy; transferring control of the Nevada state energy office from the director of the department of business and industry to the bureau of consumer protection in the office of the attorney general; allocating to the housing division of the department of business and industry for use by the administrator of the division for a program for weatherization certain proceeds of a county tax attributable to growth in assessed valuation; prohibiting certain transactions entered into by certain utilities and holding companies; and providing other matters properly relating thereto.

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

- 1     **Section 1.** NRS 703.030 is hereby amended to read as follows:  
2     703.030 1. The commission consists of three commissioners  
3     ~~{appointed by the governor}~~ ***elected*** for terms of 4 years.



1 ~~{2. The governor shall appoint as members of the commission persons~~  
2 ~~who have at least 2 years of experience in one or more of the following~~  
3 ~~fields:~~  
4 ~~— (a) Accounting.~~  
5 ~~— (b) Business administration.~~  
6 ~~— (c) Finance or economics.~~  
7 ~~— (d) Administrative law.~~  
8 ~~— (e) Professional engineering.~~  
9 ~~3. Not more than two of the commissioners may be:~~  
10 ~~— (a) Members of the same political party.~~  
11 ~~— (b) From the same field of experience.} One commissioner must be~~  
12 ~~elected by the registered voters of congressional district 1, one~~  
13 ~~commissioner must be elected by the registered voters of congressional~~  
14 ~~district 2, and one commissioner must be elected by the registered voters~~  
15 ~~of congressional district 3.~~  
16 *2. A member of the commission must be a resident of the*  
17 *congressional district from which that member is elected.*  
18 *3. If a vacancy occurs on the commission, the governor shall appoint*  
19 *a person to fill the vacancy until the next general election. A person*  
20 *appointed pursuant to this subsection to fill a vacancy on the commission*  
21 *must be a resident of the congressional district corresponding to the*  
22 *vacancy on the commission.*  
23 **Sec. 2.** NRS 703.110 is hereby amended to read as follows:  
24 703.110 1. ~~{The}~~ *Except as otherwise provided in sections 7 to 25,*  
25 *inclusive, of this act or any other specific statute, the* majority of the  
26 *commissioners have full power to act in all matters within* ~~{their}~~  
27 ~~jurisdiction.} the jurisdiction of the commission.~~  
28 2. If two commissioners are disqualified or if there are two vacancies  
29 within the commission, the remaining commissioner shall exercise all the  
30 powers of the commission.  
31 3. Except as otherwise provided in this chapter, all hearings and  
32 meetings conducted by the commission must be open to the public.  
33 **Sec. 3.** NRS 703.130 is hereby amended to read as follows:  
34 703.130 1. The commission shall appoint a deputy commissioner  
35 who shall serve in the unclassified service of the state.  
36 2. The commission shall appoint a secretary who shall perform such  
37 administrative and other duties as are prescribed by the commission. The  
38 commission shall also appoint an assistant secretary.  
39 3. The commission may employ such other clerks, experts or engineers  
40 as may be necessary.  
41 4. ~~{The commission may}~~ *Except as otherwise provided in subsection*  
42 *5, the commission:*  
43 *(a) May* appoint one or more hearing officers for a period specified by  
44 the commission to conduct proceedings or hearings that may be conducted  
45 by the commission pursuant to chapters 704, 704A, 705, 708 and 711 of  
46 NRS. ~~{The commission shall}~~  
47 *(b) Shall* prescribe by regulation the procedure for appealing a decision  
48 of a hearing officer to the commission.



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1     5. *The commission may not appoint a hearing officer to conduct*  
2 *proceedings or hearings pursuant to sections 7 to 25, inclusive, of this*  
3 *act.*

4     Sec. 4. NRS 703.320 is hereby amended to read as follows:

5     703.320 1. ~~{When, in}~~ *In* any matter pending before the commission,  
6 *if* a hearing is required by ~~law,~~ *a specific statute* or is ~~normally~~  
7 *otherwise* required by the commission, the commission shall give notice of  
8 the pendency of the matter to all persons entitled to notice of the hearing.  
9 ~~{The}~~ *Except as otherwise provided in sections 7 to 25, inclusive, of this*  
10 *act, the* commission shall by regulation specify:

11     (a) The manner of giving notice ~~{;}~~ *in each type of proceeding;* and

12     (b) ~~{Where not specified by law, the}~~ *The* persons entitled to notice in  
13 each type of proceeding.

14     2. ~~{Unless,}~~ *The commission may not dispense with a hearing in any*  
15 *matter pending before the commission pursuant to sections 7 to 25,*  
16 *inclusive, of this act.*

17     3. *In any other matter pending before the commission, the*  
18 *commission may dispense with a hearing and act upon the matter*  
19 *pending unless,* within 10 days after the date of the notice of pendency, a  
20 person entitled to notice of the hearing files with the commission a request  
21 that the hearing be held. ~~{, the commission may dispense with a hearing~~  
22 ~~and act upon the matter pending.~~

23 ~~—3.—~~ *If such* a request for a hearing is filed, the commission shall give at  
24 least 10 days' notice of the hearing.

25     Sec. 5. NRS 703.374 is hereby amended to read as follows:

26     703.374 1. A court of competent jurisdiction, after hearing, may  
27 issue an injunction suspending or staying any final order of the commission  
28 if:

29     (a) The applicant has filed a motion for a preliminary injunction;

30     (b) The applicant has served the motion on the commission and other  
31 interested parties within 20 days after the rendition of the order on which  
32 the complaint is based;

33     (c) The court finds there is a reasonable likelihood that the applicant  
34 will prevail on the merits of the matter and will suffer irreparable injury if  
35 injunctive relief is not granted; and

36     (d) The applicant files a bond or other undertaking to secure the adverse  
37 parties in such manner as the court finds sufficient.

38     2. The decision of the commission on each matter considered shall be  
39 deemed reasonable and just until set aside by the court, and in all actions  
40 for injunction or otherwise the burden of proof is upon the party attacking  
41 or resisting the order of the commission to show by clear and satisfactory  
42 evidence that the order is unlawful, or unreasonable, as the case may be.

43     3. If an injunction is granted by the court and the order complained of  
44 is one which *disapproves or* permanently suspends a schedule of rates and  
45 charges or a part thereof filed by any public utility pursuant to NRS  
46 704.070 to 704.110, inclusive, or *sections 7 to 25, inclusive, of this act, or*  
47 which otherwise prevents the schedule or any part thereof from taking  
48 effect, the public utility complaining may keep in effect or put into effect,  
49 as the case may be, the *disapproved or* suspended schedule or any part



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1 thereof pending final determination by the court having jurisdiction, by  
2 filing a bond with the court in such an amount as the court may fix,  
3 conditioned upon the refund to persons entitled to the excess amount if the  
4 rate or rates so suspended are finally determined by the court to be  
5 excessive.

6 **Sec. 6.** Chapter 704 of NRS is hereby amended by adding thereto the  
7 provisions set forth as sections 7 to 30, inclusive, of this act.

8 **Sec. 7.** *As used in sections 7 to 25, inclusive, of this act, unless the*  
9 *context otherwise requires, the words and terms defined in sections 8 to*  
10 *16, inclusive, of this act have the meanings ascribed to them in those*  
11 *sections.*

12 **Sec. 8.** *“Application of substantial financial emergency” means an*  
13 *application filed by an electric utility pursuant to section 22 of this act*  
14 *requesting approval from the commission to implement or change one or*  
15 *more rates for a temporary period based upon a substantial financial*  
16 *emergency.*

17 **Sec. 9.** *“Application to clear its deferred accounts” means an*  
18 *application filed by an electric utility pursuant to section 21 of this act*  
19 *requesting approval from the commission to clear its deferred accounts*  
20 *for purchased fuel and purchased power.*

21 **Sec. 10.** 1. *“Approved by every member of the commission” means*  
22 *that, with regard to a particular matter before the commission, every*  
23 *commissioner who is a member of the commission:*

24 (a) *Must be present at a hearing on the matter that is open to the*  
25 *public; and*

26 (b) *Must vote to approve the matter on the record at the hearing.*

27 2. *For the purposes of this section, “commissioner” does not include:*

28 (a) *Any vacancy within the commission; and*

29 (b) *Any commissioner who is prohibited or disqualified from voting or*  
30 *taking action on the matter pursuant to NRS 281.411 to 281.581,*  
31 *inclusive, or any other specific statute.*

32 **Sec. 11.** *“Consumer’s advocate” means the consumer’s advocate of*  
33 *the bureau of consumer protection in the office of the attorney general.*

34 **Sec. 12.** *“Date of filing” means the date on which an electric utility*  
35 *has filed, in the form and manner required by the commission, an*  
36 *application and all supporting materials that are required to be submitted*  
37 *with the application.*

38 **Sec. 13.** 1. *“Electric utility” means any public utility or successor*  
39 *in interest that:*

40 (a) *Is in the business of providing electric service to customers;*

41 (b) *Holds a certificate of public convenience and necessity issued or*  
42 *transferred pursuant to this chapter; and*

43 (c) *In the most recently completed calendar year or in any other*  
44 *calendar year within the 7 calendar years immediately preceding the*  
45 *most recently completed calendar year, had a gross operating revenue of*  
46 *\$250,000,000 or more in the State of Nevada.*

47 2. *The term does not include a cooperative association, nonprofit*  
48 *corporation, nonprofit association or provider of electric service which is*



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1 declared to be a public utility pursuant to NRS 704.673 and which  
2 provides service only to its members.

3 **Sec. 14.** "General rate application" means an application filed by an  
4 electric utility pursuant to section 19 of this act requesting approval from  
5 the commission to implement or change one or more rates.

6 **Sec. 15.** "Rate" means:

7 1. Any rate, charge, fee, assessment or revenue collected by an  
8 electric utility from its customers for providing those customers with any  
9 component of electric service; and

10 2. Any schedule, tariff, rule, regulation, classification, design,  
11 practice or service related to or affecting such rates, charges, fees,  
12 assessments or revenue.

13 **Sec. 16.** "Substantial financial emergency" means, with regard to  
14 an electric utility, any set of circumstances that:

15 1. Exists or has a substantial probability of coming into existence  
16 within the immediate future; and

17 2. Has caused or has a substantial probability of causing the electric  
18 utility to become:

19 (a) Insolvent or subject to any proceeding in bankruptcy; or

20 (b) Unable to secure credit, fuel or power to such a degree that the  
21 electric utility is substantially impaired in its ability to provide reliable  
22 electric service to its customers.

23 **Sec. 17.** The provisions of NRS 704.100 and 704.110 do not apply to  
24 any rate that is subject to the provisions of sections 7 to 25, inclusive, of  
25 this act.

26 **Sec. 18.** 1. An electric utility shall not implement or change any  
27 rate unless, before the implementation or change, the commission  
28 approves the rate by a written order issued in accordance with the  
29 provisions of sections 7 to 25, inclusive, of this act.

30 2. If an electric utility implements or changes any rate in violation of  
31 the provisions of sections 7 to 25, inclusive, of this act, the rate is void  
32 and unenforceable and is not valid for any purpose.

33 **Sec. 19.** Except as otherwise provided in sections 20 and 21 of this  
34 act:

35 1. An electric utility may file a general rate application requesting  
36 approval from the commission to implement or change one or more rates  
37 if, on the date of filing, the electric utility:

38 (a) Has not filed with the commission any other general rate  
39 application within the immediately preceding 4 months; and

40 (b) Does not have any other general rate application pending before  
41 the commission.

42 2. If an electric utility files a general rate application, the electric  
43 utility shall, on the date of filing, submit with the application:

44 (a) A statement showing its recorded results of revenues, expenses,  
45 investments and costs of capital for the most recent 12-month period for  
46 which such data was available when the application was prepared; and

47 (b) Any other supporting materials that are required to be filed with  
48 the application pursuant to the regulations adopted by the commission.



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- 1     3. *The commission may not hear the merits of or make a final*  
2 *decision on a general rate application if the electric utility that filed the*  
3 *application has not submitted with the application all supporting*  
4 *materials required by this section or by an order of the commission*  
5 *issued after the date of filing.*
- 6     4. *If an electric utility has filed a general rate application and has*  
7 *submitted with the application all supporting materials required by this*  
8 *section, the commission shall:*
- 9       (a) *Provide public notice of the application not later than 3 days after*  
10 *the date of filing. Such public notice must include, without limitation:*
- 11          (1) *Publishing notices for at least 3 consecutive days in one or more*  
12 *newspapers of general circulation in the two counties with the largest*  
13 *populations in this state and, as determined by the commission,*  
14 *publishing such notices in one or more newspapers of general*  
15 *circulation in other counties. The electric utility that filed the application*  
16 *shall pay the costs for publishing all such notices.*
- 17          (2) *Posting notices on any website or other Internet site which is*  
18 *administered by the commission or which is administered by the state for*  
19 *use by the executive department.*
- 20          (3) *Other methods of notice, as determined by the commission, by*  
21 *which the electric utility informs its customers of the application.*
- 22       (b) *For a period of not less than 14 days after the date on which*  
23 *notices are first published in one or more newspapers, allow any*  
24 *interested persons to file protests to the application or petitions to*  
25 *intervene in the matter. The consumer's advocate shall be deemed a party*  
26 *of record and does not have to file a petition to intervene in the matter.*
- 27       (c) *Not sooner than 14 days after the date on which protests and*  
28 *petitions to intervene must be filed, conduct one or more hearings on the*  
29 *application that are open to the public.*
- 30       (d) *Not later than 120 days after the date of filing, issue a written*  
31 *order disapproving or approving the rates in the application upon such*  
32 *terms, conditions or modifications as the commission deems appropriate.*  
33 *The commission may extend the time within which it must issue an order*  
34 *for a single period not to exceed 30 days.*
- 35     5. *The commission shall consider the following evidence to*  
36 *determine whether to approve the rates in a general rate application:*
- 37       (a) *Actual recorded results of operations by the electric utility for the*  
38 *12-month period identified in the application, adjusted for increased*  
39 *revenues, increased investment in any utility facility, increased expenses*  
40 *for depreciation, other operating expenses as approved by the*  
41 *commission and changes in the costs of securities if such adjustments:*
- 42          (1) *Are known and are measurable with reasonable accuracy on the*  
43 *date of filing; and*
- 44          (2) *Will become effective not later than 6 months after the last*  
45 *month of the 12-month period, except that no rate may be implemented*  
46 *or increased based upon such adjustments until the changes justifying*  
47 *the adjustments have been experienced by the electric utility and certified*  
48 *by the electric utility to the commission.*



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- 1     (b) Expenses for depreciation, calculated on an annual basis,  
2     applicable to any utility facility which is a major component of the  
3     electric utility's plant and which was placed into service during the 12-  
4     month period or the period for certification as set forth in the  
5     application.
- 6     6. For the purposes of this section:
- 7     (a) Adjustments to revenues, operating expenses and costs of  
8     securities must be calculated on an annual basis.
- 9     (b) A utility facility identified in a 3-year plan submitted pursuant to  
10    NRS 704.741 and accepted by the commission for acquisition or  
11    construction pursuant to NRS 704.751 and the regulations adopted  
12    pursuant thereto shall be deemed to be a prudent investment. The utility  
13    may recover all just and reasonable costs of planning and constructing  
14    such a facility.
- 15    7. If the commission approves one or more rates in a general rate  
16    application, the rates do not become effective until:
- 17    (a) The date on which the commission issues its order approving the  
18    rates; or
- 19    (b) Any later date that is designated by the commission in its order  
20    approving the rates.
- 21    **Sec. 20.** The commission may exempt an electric utility from the  
22    strict application of any provision of section 19 of this act for any part of  
23    a general rate application requesting approval from the commission to  
24    discontinue or decrease one or more rates.
- 25    **Sec. 21.** 1. An electric utility shall use deferred accounting by  
26    recording upon its books and records all increases and decreases in costs  
27    for purchased fuel and purchased power.
- 28    2. If an electric utility has one or more of its operating departments  
29    in this state using deferred accounting pursuant to this section, the  
30    electric utility shall include in its annual report to the commission a  
31    statement showing the allocated rate of return for each operating  
32    department using deferred accounting. If the rate of return for any such  
33    operating department using deferred accounting is greater than the rate  
34    of return authorized by the commission in the most recently approved  
35    general rate application of the electric utility, the commission shall order  
36    the electric utility that recovered costs of purchased fuel and purchased  
37    power through its rates during the reporting period to transfer to the next  
38    energy adjustment period that portion of the amount recovered by the  
39    electric utility that exceeds the authorized rate of return.
- 40    3. If an electric utility has one or more of its operating departments  
41    in this state using deferred accounting pursuant to this section, the  
42    electric utility shall:
- 43    (a) File an application to clear its deferred accounts not later than 30  
44    days after the last day of each 6-month period of deferred accounting.  
45    The electric utility may not file more than one application for each 6-  
46    month period of deferred accounting.
- 47    (b) On the date of filing, submit with the application any supporting  
48    materials that are required to be filed with the application pursuant to  
49    the regulations adopted by the commission.



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1     4. The commission may not hear the merits of or make a final  
2 decision on an electric utility's application to clear its deferred accounts  
3 if the electric utility has not submitted with the application all supporting  
4 materials required by this section or by an order of the commission  
5 issued after the date of filing.

6     5. If an electric utility has filed an application to clear its deferred  
7 accounts and has submitted with the application all supporting materials  
8 required by this section, the commission shall:

9     (a) Provide public notice of the application not later than 3 days after  
10 the date of filing. Such public notice must include, without limitation:

11     (1) Publishing notices for at least 3 consecutive days in one or more  
12 newspapers of general circulation in the two counties with the largest  
13 populations in this state and, as determined by the commission,  
14 publishing such notices in one or more newspapers of general  
15 circulation in other counties. The electric utility that filed the application  
16 shall pay the costs for publishing all such notices.

17     (2) Posting notices on any website or other Internet site which is  
18 administered by the commission or which is administered by the state for  
19 use by the executive department.

20     (3) Other methods of notice, as determined by the commission, by  
21 which the electric utility informs its customers of the application.

22     (b) For a period of 7 days after the date on which notices are first  
23 published in one or more newspapers, allow any interested persons to file  
24 protests to the application or petitions to intervene in the matter. The  
25 consumer's advocate shall be deemed a party of record and does not have  
26 to file a petition to intervene in the matter.

27     (c) Not later than 15 days after the date on which protests and  
28 petitions to intervene must be filed, conduct one or more hearings on the  
29 application that are open to the public.

30     (d) Not later than 30 days after the date of filing, issue a written order  
31 disapproving or approving the application upon such terms, conditions  
32 or modifications as the commission deems appropriate.

33     6. If an electric utility's application to clear its deferred accounts is  
34 approved by the commission, the commission:

35     (a) Shall authorize the electric utility to clear its deferred accounts by  
36 refunding any credit balance to its customers or by recovering any debit  
37 balance through its rates during a period not to exceed 1 year, as  
38 determined by the commission.

39     (b) Shall not authorize the electric utility to recover any debit balance,  
40 or portion thereof, in an amount that would result in a rate of return that  
41 exceeds the rate of return authorized by the commission in the most  
42 recently approved general rate application of the electric utility.

43     **Sec. 22.** 1. Except as otherwise provided in this section, if an  
44 electric utility has filed a general rate application and has submitted with  
45 the application all supporting materials required by section 19 of this act,  
46 while the general rate application is pending the electric utility may file  
47 an application of substantial financial emergency requesting approval  
48 from the commission to implement or change one or more rates for a  
49 temporary period based upon a substantial financial emergency.



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- 1     2. If an electric utility files an application of substantial financial  
2     emergency, the electric utility shall, on the date of filing, submit with the  
3     application any supporting materials that are required to be filed with the  
4     application pursuant to the regulations adopted by the commission.
- 5     3. The commission may not hear the merits of or make a final  
6     decision on an application of substantial financial emergency if the  
7     electric utility that filed the application has not submitted with the  
8     application all supporting materials required by this section or by an  
9     order of the commission issued after the date of filing.
- 10    4. If an electric utility has filed an application of substantial  
11    financial emergency and has submitted with the application all  
12    supporting materials required by this section, the commission shall:
  - 13    (a) Provide public notice of the application not later than 3 days after  
14    the date of filing. Such public notice must include, without limitation:
    - 15    (1) Publishing notices for at least 3 consecutive days in one or more  
16    newspapers of general circulation in the two counties with the largest  
17    populations in this state and, as determined by the commission,  
18    publishing such notices in one or more newspapers of general  
19    circulation in other counties. The electric utility that filed the application  
20    shall pay the costs for publishing all such notices.
    - 21    (2) Posting notices on any website or other Internet site which is  
22    administered by the commission or which is administered by the state for  
23    use by the executive department.
    - 24    (3) Other methods of notice, as determined by the commission, by  
25    which the electric utility informs its customers of the application.
  - 26    (b) For a period of 7 days after the date on which notices are first  
27    published in one or more newspapers, allow any interested persons to file  
28    protests to the application or petitions to intervene in the matter. The  
29    consumer's advocate shall be deemed a party of record and does not have  
30    to file a petition to intervene in the matter.
  - 31    (c) Not later than 15 days after the date on which protests and  
32    petitions to intervene must be filed, conduct one or more hearings on the  
33    application that are open to the public.
  - 34    (d) Not later than 30 days after the date of filing, issue a written order  
35    disapproving or approving the rates in the application. The commission  
36    may not approve the rates in the application unless:
    - 37    (1) The electric utility proves a substantial financial emergency by  
38    clear and convincing evidence; and
    - 39    (2) The rates are approved by every member of the commission.
- 40    5. If the commission approves one or more rates in an application of  
41    substantial financial emergency:
  - 42    (a) The electric utility may not file another application of substantial  
43    financial emergency while the general rate application is pending.
  - 44    (b) The rates approved by the commission may not be effective for a  
45    period of more than 120 days, except that the rates expire on the date on  
46    the date of filing.



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1 *which the commission issues a written order disapproving or approving*  
2 *the rates in the general rate application, if such a date occurs sooner. If*  
3 *the commission finds during its consideration of the general rate*  
4 *application that one or more rates approved in the application of*  
5 *substantial financial emergency were excessive, the commission shall*  
6 *order the electric utility to refund to its customers, in accordance with a*  
7 *plan approved by the commission, the total amount determined by the*  
8 *commission to be excessive.*

9 *6. If the commission disapproves an application of substantial*  
10 *financial emergency, the electric utility may not file another application*  
11 *of substantial financial emergency while the general rate application is*  
12 *pending, unless new facts or considerations of policy are advanced in the*  
13 *new application of substantial financial emergency to justify a reversal of*  
14 *the prior decision of the commission.*

15 **Sec. 23.** *In a general rate application, an application to clear its*  
16 *deferred accounts or an application of substantial financial emergency,*  
17 *an electric utility may not set forth as its justification for a rate any items*  
18 *of expense or rate base that previously have been considered and*  
19 *disallowed by the commission, unless those items are clearly identified in*  
20 *the application and new facts or considerations of policy for each item*  
21 *are advanced in the application to justify a reversal of the prior decision*  
22 *of the commission.*

23 **Sec. 24.** *1. An electric utility shall post copies of:*

24 *(a) All rates that the electric utility has proposed in any general rate*  
25 *application, application to clear its deferred accounts or application of*  
26 *substantial financial emergency that is pending before the commission*  
27 *for approval.*

28 *(b) All rates which the commission has approved pursuant to sections*  
29 *7 to 25, inclusive, of this act and which are not currently in force.*

30 *2. An electric utility shall post copies of such rates in the same*  
31 *stations and offices and in substantially the same form, manner and*  
32 *places as required by NRS 704.070 for the posting of copies of rates that*  
33 *are currently in force.*

34 **Sec. 25.** *1. After issuing an order pursuant to sections 7 to 25,*  
35 *inclusive, of this act, the commission may issue any supplemental order*  
36 *that the commission finds is necessary or appropriate to:*

37 *(a) Amend, modify, supplement or carry out the provisions of the prior*  
38 *order;*

39 *(b) Protect, further or serve the public interest; or*

40 *(c) Carry out the provisions of sections 7 to 25, inclusive, of this act.*

41 *2. If a supplemental order affects a prior order that was required to*  
42 *be approved by every member of the commission pursuant to sections 7 to*  
43 *25, inclusive, of this act, the supplemental order must be approved by*  
44 *every member of the commission.*

45 **Sec. 26.** *As used in this section and NRS 704.330 to 704.430,*  
46 *inclusive, unless the context otherwise requires, "electric utility" has the*  
47 *meaning ascribed to it in section 13 of this act.*

48 **Sec. 27.** *1. After a person constructs an electric generating plant in*  
49 *this state and before the electric generating plant begins commercial*



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- 1 operation, the commission shall levy and collect an assessment from the  
2 person pursuant to this section.
- 3 2. The amount of the assessment levied pursuant to this section must  
4 equal the product obtained by multiplying the maximum generating  
5 capacity of the electric generating plant, as determined by the public  
6 utilities commission of Nevada, expressed in megawatts, by the sum of  
7 \$1,000.
- 8 3. The commission shall, on a quarterly basis, transfer any money  
9 collected pursuant to this section to the state treasurer for credit to the  
10 trust fund for renewable energy, created pursuant to section 85 of this  
11 act.
- 12 4. The assessment authorized pursuant to this section may be levied  
13 only one time with respect to a particular electric generating plant.
- 14 5. The provisions of this section apply to any electric generating  
15 plant that begins commercial operation on or after the effective date of  
16 this act, whether or not construction began on the electric generating  
17 plant before the effective date of this act.
- 18 6. As used in this section:
- 19 (a) "Electric generating plant" means a facility that generates  
20 electricity through the combustion of a fossil fuel.
- 21 (b) "Fossil fuel" has the meaning ascribed to it in section 81 of this  
22 act.
- 23 (c) "Person" means any of the following, whether or not subject  
24 ordinarily to regulation by the commission:
- 25 (1) A natural person;
- 26 (2) Any form of business or social organization and any other  
27 nongovernmental legal entity, including, without limitation, a  
28 corporation, partnership, association, trust or unincorporated  
29 organization;
- 30 (3) A government or an agency or instrumentality of a government,  
31 other than this state or an agency or instrumentality of this state; and
- 32 (4) A political subdivision of this state or of any other government  
33 or an agency or instrumentality of a political subdivision of this state or  
34 of any other government.
- 35 **Sec. 28.** With respect to the construction of an electric generating  
36 plant and its associated facilities, the commission shall consider, in  
37 determining whether to grant:
- 38 1. A certificate of public convenience and necessity;
- 39 2. A permit for construction pursuant to NRS 704.820 to 704.900,  
40 inclusive; or
- 41 3. Any other approval within the authority of the commission,  
42 whether the electric generating plant and its associated facilities will  
43 benefit the residents of this state by increasing the quantity of electricity  
44 that will be available for purchase in this state.
- 45 **Sec. 29.** 1. If a public utility purchases electric current for resale  
46 pursuant to multiple contracts or existing obligations for the purchase of  
47 power, the public utility shall, to the extent practicable, ensure that the  
48 duration of such contracts or obligations are varied to protect the



1 *customers of the public utility from the effects of fluctuations in the price*  
2 *of electricity.*

3 2. *In determining pursuant to subsection 3 of NRS 704.320 whether*  
4 *the purchase by a public utility of electric current for resale is desirable*  
5 *in the public interest, the commission shall consider whether the public*  
6 *utility is complying with the provisions of subsection 1.*

7 **Sec. 30.** *“Renewable energy” has the meaning ascribed to it in*  
8 *section 83 of this act.*

9 **Sec. 31.** NRS 704.070 is hereby amended to read as follows:

10 704.070 Unless exempt under the provisions of NRS 704.075 ,  
11 *704.095* or 704.097:

12 1. ~~Every~~ *Each* public utility shall file with the commission, within a  
13 time to be fixed by the commission, schedules which must be open to  
14 public inspection ~~[-, showing all]~~ *and which must show:*

15 (a) *All* rates, tolls and charges which ~~the~~ *the public utility* has  
16 established , *which the commission has approved, if such approval was*  
17 *required*, and which are *currently* in force ~~at the time~~ for any service  
18 performed or product furnished ~~in connection therewith by any~~ *by the*  
19 public utility ~~controlled and operated by it.~~ ; and

20 (b) *All joint rates, tolls and charges which the public utility has*  
21 *established with one or more other public utilities, which the commission*  
22 *has approved, if such approval was required, and which are currently in*  
23 *force between those public utilities for any service performed or product*  
24 *furnished by those public utilities.*

25 2. All rules or regulations that in any manner affect the rates , *tolls or*  
26 *charges that are* charged or ~~to~~ *will* be charged for any service *performed*  
27 or product *furnished by the public utility* must be filed with ~~that~~ *the*  
28 *appropriate* schedule.

29 3. *A copy of each schedule filed by the public utility pursuant to this*  
30 *section, or so much of the schedule as the commission deems necessary*  
31 *for inspection by the public, must be:*

32 (a) *Printed in plain type and posted in each station or office of the*  
33 *public utility where payments are made to the public utility by its*  
34 *customers; and*

35 (b) *Open to inspection by the public and in such form and place as to*  
36 *be readily accessible to and conveniently inspected by the public.*

37 **Sec. 32.** NRS 704.075 is hereby amended to read as follows:

38 704.075 1. As used in this section, with respect to the sale of *natural*  
39 *gas*:

40 (a) “Generating customer” means a customer who generates electricity  
41 by burning natural gas.

42 (b) “Industrial customer” means a customer engaged primarily in  
43 manufacturing or processing which changes raw or unfinished materials  
44 into another form or creates another product.

45 (c) “Large commercial customer” means a customer whose  
46 requirements equal or exceed ~~50 thousand~~ *50,000* cubic feet *of natural*  
47 *gas* per day on any day and which is an institution, an agency of federal,  
48 state or local government, or engaged primarily in renting out offices or



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1 other commercial space, in providing lodging or in the sale of other goods  
2 or services.

3 2. The commission shall establish standards for the setting, increase or  
4 decrease of rates and charges for natural gas to generating, industrial and  
5 large commercial customers. These standards must authorize increases or  
6 decreases on less than 30 days' notice. Establishing different classes of  
7 customers, and charging different rates to customers of the same class, for  
8 these customers do not violate this chapter.

9 3. The commission may, for sales to generating, industrial and large  
10 commercial customers:

11 (a) Exempt the filing of rates from those provisions of NRS ~~704.080,~~  
12 ~~704.090,~~ 704.070, 704.100 and 704.110 which it determines are not  
13 needed to protect the public interest.

14 (b) Authorize the establishment of different classes of customer or the  
15 charging of different rates for customers of the same class, based on value  
16 of the service and on the customer's ability to change from one fuel to  
17 another.

18 **Sec. 33.** NRS 704.100 is hereby amended to read as follows:

19 704.100 Except as otherwise provided in NRS 704.075 *and section 17*  
20 *of this act*, or *except* as may otherwise be provided by the commission  
21 pursuant to NRS 704.095, 704.097 or 704.275:

22 1. ~~No changes may be made~~ *A public utility shall not make changes*  
23 in any schedule, including schedules of joint rates, or in the rules or  
24 regulations affecting any rates or charges, except upon 30 days' notice to  
25 the commission, and all changes must be plainly indicated, or by filing new  
26 schedules in lieu thereof 30 days before the time the schedules are to take  
27 effect. The commission, upon application of ~~any~~ *the* public utility, may  
28 prescribe a shorter time within which a reduction may be made.

29 2. ~~Copies~~ *A public utility shall post copies* of all proposed ~~it~~  
30 *schedules and all* new or amended schedules ~~must be filed and posted in~~  
31 ~~the offices of public utilities as required for original schedules.~~ *in the*  
32 *same stations and offices and in substantially the same form, manner*  
33 *and places as required by NRS 704.070 for the posting of copies of*  
34 *schedules that are currently in force.*

35 3. A public utility may *not* set forth as justification for a rate increase  
36 *any* items of expense or rate base ~~which~~ *that previously* have been  
37 considered and disallowed by the commission, ~~only if~~ *unless* those items  
38 are clearly identified in the application and new facts or considerations of  
39 policy for each item are advanced in the application to justify a reversal of  
40 the ~~commission's~~ prior decision ~~it~~ *of the commission.*

41 4. The commission shall determine whether a hearing must be held  
42 when the proposed change in any schedule stating a new or revised  
43 individual or joint rate, fare or charge, or any new or revised individual or  
44 joint regulation or practice affecting any rate, fare or charge, will result in  
45 an increase in annual gross revenue as certified by the applicant of \$2,500  
46 or less.

47 ~~It~~ In making ~~the~~ *such a* determination, the commission shall first  
48 consider all timely written protests, any presentation the staff of the



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1 commission may desire to present, the application *of the public utility* and  
2 any other matters deemed relevant by the commission.

3 **Sec. 34.** NRS 704.110 is hereby amended to read as follows:

4 704.110 Except as otherwise provided in NRS 704.075 *and section 17*  
5 *of this act*, or *except* as otherwise provided by the commission pursuant to  
6 NRS 704.095 or 704.097:

7 1. Whenever there is filed with the commission any schedule stating a  
8 new or revised individual or joint rate or charge, or any new or revised  
9 individual or joint regulation or practice affecting any rate or charge, or  
10 any schedule resulting in a discontinuance, modification or restriction of  
11 service, the commission may, upon complaint or upon its own motion  
12 without complaint, at once, without answer or formal pleading by the  
13 interested utility, investigate or, upon reasonable notice, conduct a hearing  
14 concerning the propriety of the rate, charge, classification, regulation,  
15 discontinuance, modification, restriction or practice.

16 2. Pending the investigation or hearing and the decision thereon, the  
17 commission, upon delivering to the utility affected thereby a statement in  
18 writing of its reasons for the suspension, may suspend the operation of the  
19 schedule and defer the use of the rate, charge, classification, regulation,  
20 discontinuance, modification, restriction or practice, but not for more than  
21 150 days beyond the time when the rate, charge, classification, regulation,  
22 discontinuance, modification, restriction or practice would otherwise go  
23 into effect.

24 3. Whenever there is filed with the commission any schedule stating an  
25 increased individual or joint rate or charge for service or equipment, the  
26 public utility shall submit with its application a statement showing the  
27 recorded results of revenues, expenses, investments and costs of capital for  
28 its most recent 12 months for which data were available when the  
29 application was prepared. During any hearing concerning the increased  
30 rates or charges determined by the commission to be necessary, the  
31 commission shall consider evidence in support of the increased rates or  
32 charges based upon actual recorded results of operations for the same 12  
33 months, adjusted for increased revenues, any increased investment in  
34 facilities, increased expenses for depreciation, certain other operating  
35 expenses as approved by the commission and changes in the costs of  
36 securities which are known and are measurable with reasonable accuracy at  
37 the time of filing and which will become effective within 6 months after  
38 the last month of those 12 months, but no new rates or charges may be  
39 placed into effect until the changes have been experienced and certified by  
40 the utility to the commission. The commission shall also consider evidence  
41 supporting expenses for depreciation, calculated on an annual basis,  
42 applicable to major components of the public utility's plant placed into  
43 service during the recorded test period or the period for certification as set  
44 forth in the application. Adjustments to revenues, operating expenses and  
45 costs of securities must be calculated on an annual basis. Within 90 days  
46 after the filing with the commission of the certification required in this  
47 subsection, or before the expiration of any period of suspension ordered  
48 pursuant to subsection 2, whichever time is longer, the commission shall



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1 make such order in reference to those rates or charges as is required by this  
2 chapter.

3 4. After full investigation or hearing, whether completed before or  
4 after the date upon which the rate, charge, classification, regulation,  
5 discontinuance, modification, restriction or practice is to go into effect, the  
6 commission may make such order in reference to the rate, charge,  
7 classification, regulation, discontinuance, modification, restriction or  
8 practice as would be proper in a proceeding initiated after the rate, charge,  
9 classification, regulation, discontinuance, modification, restriction or  
10 practice has become effective.

11 5. Except as otherwise provided in subsection 6, whenever a general  
12 rate application for an increased rate or charge for, or classification,  
13 regulation, discontinuance, modification, restriction or practice involving  
14 service or equipment has been filed with the commission, a public utility  
15 shall not submit another general rate application until all pending general  
16 rate applications for increases in rates submitted by that public utility have  
17 been decided unless, after application and hearing, the commission  
18 determines that a substantial financial emergency would exist if the other  
19 application is not permitted to be submitted sooner.

20 6. A public utility may not file an application to recover the increased  
21 cost of purchased fuel, purchased power, or natural gas purchased for  
22 resale more often than once every 30 days.

23 7. A utility facility identified in a 3-year plan submitted pursuant to  
24 NRS 704.741 and accepted by the commission for acquisition or  
25 construction pursuant to NRS 704.751 and the regulations adopted  
26 pursuant thereto shall be deemed to be a prudent investment. The utility  
27 may recover all just and reasonable costs of planning and constructing such  
28 a facility.

29 **Sec. 35.** NRS 704.329 is hereby amended to read as follows:

30 704.329 1. Except as otherwise provided in subsection ~~4, no person~~  
31 ~~may~~ *6, a person shall not* merge with, *directly* acquire, *indirectly acquire*  
32 through a subsidiary or affiliate, or otherwise directly or indirectly obtain  
33 control of a public utility doing business in this state or ~~an entity~~ *a*  
34 *holding company* that holds a controlling interest in ~~such~~ a public utility  
35 *doing business in this state* without first submitting to the commission an  
36 application for authorization of the proposed *merger, acquisition or other*  
37 transaction and obtaining authorization from the commission pursuant to  
38 subsection ~~2~~ *4*.

39 2. *Except as otherwise provided in subsection 6:*

40 (a) *A public utility doing business in this state shall not merge with,*  
41 *directly acquire, indirectly acquire through a subsidiary or affiliate, or*  
42 *otherwise directly or indirectly obtain control of an entity; and*

43 (b) *A holding company that holds a controlling interest in a public*  
44 *utility doing business in this state shall not merge with, directly acquire,*  
45 *or indirectly acquire through a subsidiary or affiliate, or otherwise*  
46 *directly or indirectly obtain control of an entity,*  
47 *without first submitting to the commission an application for*  
48 *authorization of the proposed merger, acquisition or other transaction*





1 *and obtaining authorization from the commission pursuant to subsection*  
2 *4.*

3 3. Any merger, acquisition or ~~change in control in violation~~ *other*  
4 *transaction that violates the provisions* of this section *is void and*  
5 *unenforceable and* is not valid for any purpose.

6 ~~2-4~~ 4. Before authorizing ~~the~~ *a* merger, acquisition or ~~change in~~  
7 ~~control of a public utility doing business in this state.~~ *other transaction*  
8 *described in subsection 1 or 2*, the commission shall consider the effect of  
9 the proposed *merger, acquisition or other* transaction. If the commission  
10 finds that the proposed merger, acquisition or ~~change in control~~ *other*  
11 *transaction* is in the public interest, the commission shall authorize the  
12 proposed *merger, acquisition or other* transaction.

13 ~~3-4~~ 5. If the commission does not issue a final determination regarding  
14 the proposed *merger, acquisition or other* transaction within 180 days  
15 after the date on which an application or amended application for  
16 authorization of the proposed *merger, acquisition or other* transaction was  
17 filed with the commission, the *proposed merger, acquisition or other*  
18 transaction shall be deemed ~~approved.~~

19 ~~4-4~~ *to be authorized by the commission.*

20 6. The provisions of this section do not apply to the transfer of stock  
21 ~~of a public utility doing business in this state or to the transfer of the~~  
22 ~~stock~~ of an entity ~~holding a controlling interest in such a public utility.~~ if  
23 a transfer of not more than 25 percent of the common stock of ~~such a~~  
24 ~~public utility or~~ *the* entity is proposed.

25 7. *As used in this section, unless the context otherwise requires:*

26 (a) *"Affiliate" means a person who, directly or indirectly through one*  
27 *or more intermediaries, controls, is controlled by or is under common*  
28 *control with an entity.*

29 (b) *"Entity" means any person other than a natural person, including,*  
30 *without limitation, a public utility and a holding company.*

31 (c) *"Person" means:*

32 (1) *A natural person.*

33 (2) *Any form of business or social organization and any other*  
34 *nongovernmental legal entity, including, without limitation, a*  
35 *corporation, partnership, association, trust or unincorporated*  
36 *organization.*

37 (3) *A government, a political subdivision of a government or an*  
38 *agency or instrumentality of a government or a political subdivision of a*  
39 *government.*

40 **Sec. 36.** NRS 704.360 is hereby amended to read as follows:

41 704.360 All hearings and investigations under NRS 704.330 to  
42 704.430, inclusive, ~~shall~~ *and section 26 of this act concerning:*

43 1. *An electric utility, must be conducted substantially as is provided*  
44 *for hearings and investigations related to the rates of such utilities*  
45 *pursuant to sections 7 to 25, inclusive, of this act.*

46 2. *Any other public utility, must* be conducted substantially as is  
47 provided for hearings and investigations ~~of~~ *related to the* tolls, charges  
48 and service ~~of~~ *of such utilities.*



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1     **Sec. 37.** NRS 704.370 is hereby amended to read as follows:

2     704.370 1. The commission shall have the power, after hearing, to  
3     issue or refuse such certificate of public convenience, or to issue it for the  
4     construction of a portion only of the contemplated line, plant or systems, or  
5     extension thereof, and may attach thereto such terms and conditions as, in  
6     its judgment, the public convenience and necessity may require.

7     2. ~~The~~ *Except as otherwise provided in subsection 3, the*  
8     commission, in its discretion ~~and after investigation~~, may dispense with  
9     the hearing on the application if, upon the expiration of the time fixed in  
10    the notice thereof, no protest against the granting of the ~~certificate~~  
11    *application* has been filed by or on behalf of any interested person.

12    3. *The commission may not dispense with the hearing on the*  
13    *application of an electric utility.*

14    **Sec. 38.** NRS 704.390 is hereby amended to read as follows:

15    704.390 1. It shall be unlawful for any public utility to discontinue,  
16    modify or restrict service to any city, town, municipality, community or  
17    territory theretofore serviced by it, except upon 30 days' notice filed with  
18    the commission, specifying in detail the character and nature of the  
19    discontinuance or restriction of the service intended, and upon order of the  
20    commission, made after hearing, permitting such discontinuance,  
21    modification or restriction of service.

22    2. ~~The~~ *Except as otherwise provided in subsection 3, the*  
23    commission, in its discretion and after investigation, may dispense with  
24    the hearing on the application for discontinuance, modification or  
25    restriction of service ~~and~~ if, upon the expiration of the time fixed in the  
26    notice thereof, no protest against the granting of the application has been  
27    filed by or on behalf of any interested person.

28    3. *The commission may not dispense with the hearing on the*  
29    *application of an electric utility.*

30    **Sec. 39.** NRS 704.410 is hereby amended to read as follows:

31    704.410 1. Any public utility subject to the provisions of NRS  
32    ~~704.005~~ *704.001* to 704.751, inclusive, *and sections 7 to 25, inclusive, of*  
33    *this act* to which a certificate of public convenience and necessity has been  
34    issued pursuant to NRS ~~704.005~~ *704.001* to 704.751, inclusive, *and*  
35    *sections 7 to 25, inclusive, of this act* may transfer the certificate to any  
36    person qualified under NRS ~~704.005~~ *704.001* to 704.751, inclusive, ~~but~~  
37    ~~the~~ *and sections 7 to 25, inclusive, of this act. Such a* transfer is not valid  
38    for any purpose until a joint application to make the transfer has been made  
39    to the commission by the transferor and the transferee, and the commission  
40    has authorized the substitution of the transferee for the transferor.

41    2. The commission ~~may~~ :

42    (a) *Shall conduct a hearing on a transfer involving an electric utility.*

43    (b) *May* direct that a hearing be ~~had in the matter of the transfer~~  
44    *conducted on a transfer involving any other public utility.* If the  
45    commission determines that *such* a hearing should be held, the hearing  
46    must be noticed and conducted in the same manner as other contested  
47    hearings before the commission.

48    ~~3. The commission has the sole discretion to direct that a hearing be~~  
49    ~~held if the application seeks to transfer the certificate from a person or~~



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~~partners to a corporation when the officers of the corporation will be substantially the same person or partners.~~

~~4-1~~ The commission may dispense with *such* a hearing if, upon the expiration of the time fixed in the notice thereof, no protest to the proposed transfer has been filed by or on behalf of any interested person.

~~15-1~~ **3.** In determining whether the transfer of a certificate of public convenience and necessity to an applicant transferee should be authorized, the commission must take into consideration:

(a) The utility service performed by the transferor and the proposed utility service of the transferee;

(b) Other authorized utility services in the territory for which the transfer is sought; and

(c) Whether the transferee is fit, willing and able to perform the services of a public utility and whether the proposed operation will be consistent with the legislative policies set forth in NRS ~~704.005~~ **704.001** to 704.751, inclusive ~~1-~~

~~6-1~~, *and sections 7 to 25, inclusive, of this act.*

**4.** The commission may make such amendments, restrictions or modifications in a certificate upon transferring it as the public interest requires.

~~17-1~~ **5.** No transfer is valid beyond the life of the certificate transferred.

**Sec. 40.** NRS 704.430 is hereby amended to read as follows:

704.430 1. Any person, firm, association or corporation who ~~shall violate~~ *violates* any provisions of NRS 704.330 to ~~704.410~~ **704.430**, inclusive, *and section 26 of this act* shall be punished by a fine of not more than \$250.

2. Each day's operation without a certificate as provided in NRS 704.330 to ~~704.410~~ **704.430**, inclusive, *and section 26 of this act* or each day that service is discontinued, modified or restricted, as defined in NRS 704.330 to ~~704.410, inclusive, shall~~ **704.430, inclusive, and section 26 of this act must** be considered a separate offense.

**Sec. 41.** NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS ~~704.767~~ **704.766** to 704.775, inclusive, unless the context otherwise requires, the words and terms defined in NRS 704.768 to 704.772, inclusive, *and section 30 of this act* have the meanings ascribed to them in those sections.

**Sec. 42.** NRS 704.771 is hereby amended to read as follows:

704.771 "Net metering system" means a facility for the production of electrical energy that:

1. Uses ~~wind or solar~~ *renewable* energy as its primary source of fuel;

2. Has a generating capacity of not more than ~~10~~ **20** kilowatts;

3. Is located on the customer-generator's premises;

4. Operates in parallel with the utility's transmission and distribution facilities; and

5. Is intended primarily to offset part or all of the customer-generator's requirements for electricity.



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1     **Sec. 43.** NRS 704.773 is hereby amended to read as follows:

2     704.773 1. A utility shall offer net metering, as set forth in NRS  
3 704.775, to the customer-generators operating within its service area .  
4 ~~{until 100 of those customer-generators have accepted the offer.}~~

5     2. A utility:

6     (a) Shall offer to make available to each of its customer-generators who  
7 has accepted its offer for net metering an energy meter that is capable of  
8 registering the flow of electricity in two directions.

9     (b) May, at its own expense and with the written consent of the  
10 customer-generator, install one or more additional meters to monitor the  
11 flow of electricity in each direction.

12     (c) Shall not charge a customer-generator any fee or charge that would  
13 increase the customer-generator's minimum monthly charge to an amount  
14 greater than that of other customers of the utility in the same rate class as  
15 the customer-generator.

16     (d) *Shall ensure that for any period in which a customer-generator is*  
17 *generating and feeding electricity back to the utility, the electricity so*  
18 *generated and fed back to the utility is valued at the same price per*  
19 *kilowatt hour that the utility would charge the customer-generator for*  
20 *electricity during that same period.*

21     **Sec. 44.** NRS 228.360 is hereby amended to read as follows:

22     228.360 The consumer's advocate ~~{may,}~~ :

23     1. *Shall intervene in and represent the public interest in all*  
24 *proceedings conducted pursuant to sections 7 to 25, inclusive, of this act.*

25     2. *May,* with respect to all public utilities except railroads and  
26 cooperative utilities, and except as provided in NRS 228.380:

27     ~~{1-}~~ (a) Conduct or contract for studies, surveys, research or expert  
28 testimony relating to matters affecting the public interest or the interests of  
29 utility customers.

30     ~~{2-}~~ (b) Examine any books, accounts, minutes, records or other papers  
31 or property of any public utility subject to the regulatory authority of the  
32 public utilities commission of Nevada in the same manner and to the same  
33 extent as authorized by law for members of the public utilities commission  
34 of Nevada and its staff.

35     ~~{3- Petition}~~

36     (c) *Except as otherwise provided in subsection 1, petition* for, request,  
37 initiate, appear or intervene in any proceeding concerning rates, charges,  
38 tariffs, modifications of service or any related matter before the public  
39 utilities commission of Nevada or any court, regulatory body, board,  
40 commission or agency having jurisdiction over any matter which the  
41 consumer's advocate may bring before or has brought before the public  
42 utilities commission of Nevada or in which the public interest or the  
43 interests of any particular class of utility customers are involved. The  
44 consumer's advocate may represent the public interest or the interests of  
45 any particular class of utility customers in any such proceeding, and he is a  
46 real party in interest in the proceeding.

47     **Sec. 45.** NRS 228.390 is hereby amended to read as follows:

48     228.390 *Except as otherwise provided in sections 7 to 25, inclusive,*  
49 *of this act:*



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1 1. The consumer's advocate has sole discretion to represent or refrain  
2 from representing the public interest and any class of customers in any  
3 proceeding.

4 2. In exercising his discretion, the consumer's advocate shall consider  
5 the importance and extent of the public interest or the customers' interests  
6 involved and whether those interests would be adequately represented  
7 without his participation.

8 3. If the consumer's advocate determines that there would be a conflict  
9 between the public interest and any particular class of customers or any  
10 inconsistent interests among the classes of customers involved in a  
11 particular matter, he may choose to represent one of the interests, to  
12 represent no interest, or to represent one interest through his office and  
13 another or others through outside counsel engaged on a case basis.

14 **Sec. 46.** Chapter 293 of NRS is hereby amended by adding thereto a  
15 new section to read as follows:

16 *The secretary of state shall establish designations which separately*  
17 *identify each office of commissioner of the public utilities commission of*  
18 *Nevada. Before a person may file a declaration of candidacy for the*  
19 *office of commissioner of the public utilities commission of Nevada, he*  
20 *must designate the particular office for which he is declaring his*  
21 *candidacy.*

22 **Sec. 47.** NRS 293.195 is hereby amended to read as follows:

23 293.195 1. Judicial offices, school offices, the office of county  
24 sheriff, the board of regents of the University of Nevada, city and town  
25 officers, the state board of education, *the public utilities commission of*  
26 *Nevada* and members of boards of hospital trustees of public hospitals are  
27 hereby designated nonpartisan offices.

28 2. No words designating the party affiliation of a candidate for  
29 nonpartisan offices may be printed upon the ballot.

30 **Sec. 48.** Chapter 349 of NRS is hereby amended by adding thereto the  
31 provisions set forth as sections 49 to 74, inclusive, of this act.

32 **Sec. 49.** *As used in sections 49 to 74, inclusive, of this act, unless the*  
33 *context otherwise requires, the words and terms defined in sections 50 to*  
34 *61, inclusive, of this act have the meanings ascribed to them in those*  
35 *sections.*

36 **Sec. 50.** *"Cost of a renewable energy generation project" means all*  
37 *or a designated part of the cost of a renewable energy generation project,*  
38 *including any incidental cost pertaining to the project. The cost of a*  
39 *renewable energy generation project may include, among other costs, the*  
40 *costs of:*

41 *1. Designing and constructing the renewable energy generation*  
42 *project;*

43 *2. Surveys, audits, preliminary plans, other plans, specifications,*  
44 *estimates and other costs of preparations;*

45 *3. Appraising, printing, estimating, advice, services of engineers,*  
46 *architects, financial consultants, attorneys, clerical personnel and other*  
47 *agents and employees;*

48 *4. Publishing, posting, mailing and otherwise giving notice, filing or*  
49 *recording instruments, taking options and fees to banks;*



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- 1     5. *Establishment of a reserve for contingencies;*
- 2     6. *Interest on bonds for any time which does not exceed the*
- 3     *estimated period of construction plus 1 year, discounts on bonds, reserves*
- 4     *for the payment of the principal of and interest on bonds, replacement*
- 5     *expenses and other costs of issuing bonds;*
- 6     7. *Amending any resolution or other instrument authorizing the*
- 7     *issuance of, or otherwise relating to, bonds for the renewable energy*
- 8     *generation project; and*
- 9     8. *Short-term financing,*
- 10    *and the expense of operation and maintenance of the renewable energy*
- 11    *generation project.*
- 12    **Sec. 51.** *“Director” means the director of the department of business*
- 13    *and industry or any person within the department of business and*
- 14    *industry designated by the director to perform duties in connection with a*
- 15    *renewable energy generation project or the issuance of bonds.*
- 16    **Sec. 52.** *“Expense of operation and maintenance” means any*
- 17    *reasonable and necessary current expense of the state for the operation,*
- 18    *maintenance or administration of a renewable energy generation project*
- 19    *or of the collection and administration of revenues from such a project.*
- 20    *The term includes, among other expenses:*
- 21      1. *Expenses for engineering, auditing, reporting, legal services and*
- 22      *other expenses of the director which are directly related to the*
- 23      *administration of renewable energy generation projects.*
- 24      2. *Premiums for fidelity bonds and policies of property and liability*
- 25      *insurance pertaining to renewable energy generation projects, and*
- 26      *shares of the premiums of blanket bonds and policies which may be*
- 27      *reasonably allocated to the state.*
- 28      3. *Payments to pension, retirement, health insurance and other*
- 29      *insurance funds.*
- 30      4. *Reasonable charges made by any paying agent, commercial bank,*
- 31      *credit union, trust company or other depository bank pertaining to any*
- 32      *bonds.*
- 33      5. *Services rendered pursuant to the terms of contracts, services of*
- 34      *professionally qualified persons, salaries, administrative expenses and*
- 35      *the cost of materials, supplies and labor pertaining to the issuance of any*
- 36      *bonds, including the expenses of any trustee, receiver or other fiduciary.*
- 37      6. *Costs incurred in the collection and any refund of revenues from*
- 38      *the renewable energy generation project, including the amount of the*
- 39      *refund.*
- 40    **Sec. 53.** *“Fossil fuel” has the meaning ascribed to it in section 81 of*
- 41    *this act.*
- 42    **Sec. 54.** *“Mortgage” includes a deed of trust and any other security*
- 43    *agreement covering real or personal property, or both.*
- 44    **Sec. 55.** *“Obligor” means the natural person, partnership, firm,*
- 45    *company, public utility, corporation, association, trust, estate, political*
- 46    *subdivision, state agency or any other legal entity, or its legal*
- 47    *representative, who agrees to make the payments sufficient to pay the*
- 48    *principal of, premium, if any, and interest on the state securities or*
- 49    *revenue bonds issued pursuant to sections 49 to 74, inclusive, of this act.*



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1     *Sec. 56. “Renewable energy” has the meaning ascribed to it in*  
2     *section 83 of this act.*

3     *Sec. 57. 1. “Renewable energy generation project” means a project*  
4     *involving an electric generating plant that produces electricity by*  
5     *harnessing or otherwise using renewable energy.*

6     *2. The term does not include a project involving an electric*  
7     *generating plant that produces electricity through the combustion of a*  
8     *fossil fuel or by way of a nuclear reaction.*

9     *Sec. 58. “Revenue bonds” means bonds, notes or other securities*  
10    *evidencing a special limited obligation of the state, the principal and*  
11    *interest of which are payable solely out of revenues derived from the*  
12    *financing, leasing or sale of the renewable energy generation project that*  
13    *is to be financed.*

14    *Sec. 59. “State securities” means notes, warrants, interim*  
15    *debentures, bonds and temporary bonds issued as general obligations by*  
16    *the director for any renewable energy generation project, or for a*  
17    *refunding, which are payable from taxes, whether or not additionally*  
18    *secured by a pledge of all or any designated revenues of one or more*  
19    *renewable energy generation projects.*

20    *Sec. 60. “Task Force” means the task force for renewable energy*  
21    *created pursuant to section 86 of this act.*

22    *Sec. 61. “Tax” means a general tax upon property.*

23    *Sec. 62. The director has all the powers necessary to accomplish the*  
24    *purposes set forth in sections 49 to 74, inclusive, of this act. These*  
25    *powers must be exercised for the health, safety, convenience, prosperity*  
26    *and welfare of the inhabitants of this state. The director may adopt such*  
27    *regulations as the director determines are necessary to carry out the*  
28    *provisions of sections 49 to 74, inclusive, of this act.*

29    *Sec. 63. Sections 49 to 74, inclusive, of this act must be construed*  
30    *liberally to effectuate the purposes of those sections.*

31    *Sec. 64. The director shall not finance a renewable energy*  
32    *generation project unless, before financing:*

33    *1. The renewable energy generation project has been finally*  
34    *approved by the task force after a public hearing on the matter.*

35    *2. The director finds and the state board of finance approves the*  
36    *findings of the director that:*

37    *(a) The contemplated lessee, purchaser or other obligor has sufficient*  
38    *financial resources to place the renewable energy generation project in*  
39    *operation and to continue its operation, meeting the obligations of the*  
40    *lease, purchase contract or financing agreement;*

41    *(b) There are sufficient safeguards to assure that all money provided*  
42    *by the director will be expended solely for the purposes of the renewable*  
43    *energy generation project; and*

44    *(c) The total amount of money necessary to be provided by the director*  
45    *for financing the renewable energy generation project has been*  
46    *determined in writing by the task force on a form acceptable to the*  
47    *director.*

48    *3. For the issuance of state securities, the director and the state*  
49    *board of finance have received and approved the authorizing documents*



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1 *showing the legal authority for the obligor to borrow and repay the*  
2 *proceeds of the state securities.*

3 *4. For the issuance of revenue bonds, the director and the state*  
4 *board of finance have received and approved:*

5 *(a) The financial plan showing that the revenues to be derived from*  
6 *the renewable energy generation project are adequate to pay the*  
7 *principal and interest on such bonds;*

8 *(b) A 5-year operating history from the contemplated lessee,*  
9 *purchaser or other obligor or from a parent or other guarantor, who*  
10 *guarantees the payments of principal and interest on any bonds issued;*  
11 *and*

12 *(c) A written statement from the obligor affirming that the obligor*  
13 *does not undertake to commit the state, and any political subdivision or*  
14 *municipality thereof, to incur any pecuniary liability in connection with*  
15 *the issuance of the bonds.*

16 **Sec. 65. 1. The bonds must be authorized by an order of the**  
17 **director, and must:**

18 *(a) Be in the denominations;*

19 *(b) Bear the date or dates;*

20 *(c) Mature at the time or times, not exceeding 30 years after their*  
21 *respective dates;*

22 *(d) Bear interest at a rate or rates specified in the order;*

23 *(e) Be in the form;*

24 *(f) Carry the registration privileges;*

25 *(g) Be executed in the manner;*

26 *(h) Be payable at the place or places within or without the state; and*

27 *(i) Be subject to the terms of redemption,*  
28 *which the order authorizing their issue provides.*

29 *2. The bonds may be sold in one or more series at par, or below or*  
30 *above par, in the manner and for the price or prices which the director*  
31 *determines in his discretion.*

32 *3. State securities must be authorized by resolution of the board of*  
33 *finance at the request of the director.*

34 *4. As an incidental expense to any renewable energy generation*  
35 *project to be financed by the bonds, the director may employ:*

36 *(a) Financial and legal consultants in regard to the financing of the*  
37 *renewable energy generation project; and*

38 *(b) A person whose business is in Nevada or elsewhere to act as a*  
39 *trustee for the renewable energy generation project.*

40 *5. The bonds are fully negotiable under the terms of the Uniform*  
41 *Commercial Code—Investment Securities.*

42 **Sec. 66. 1. The director may, to pay the cost of any renewable**  
43 **energy generation project, borrow money or otherwise become obligated,**  
44 **and may provide evidence of those obligations by issuing, except as**  
45 **otherwise provided in this subsection, state securities or revenue bonds.**  
46 **If the obligor is not a governmental entity, the director shall issue only**  
47 **revenue bonds to fulfill the obligation.**

48 *2. State obligations may be outstanding pursuant to this section in an*  
49 *aggregate principal amount of not more than \$300,000,000.*



1     3. State securities must be payable from taxes and may be  
2     additionally secured by all or any designated revenues from one or more  
3     renewable energy generation projects. Any governmental entity  
4     statutorily authorized to levy taxes for the payment of bonded  
5     indebtedness may use the proceeds of those taxes to pay the principal,  
6     interest and redemption premiums due in connection with state securities  
7     issued pursuant to this section. Any such state securities may be issued  
8     without an election or other preliminaries. No state securities may be  
9     issued to refund any municipal securities issued to finance a renewable  
10    energy generation project before July 1, 2001.

11    4. Provisions of NRS 349.150 to 349.364, inclusive, which are not  
12    inconsistent with the provisions of sections 49 to 74, inclusive, of this act,  
13    apply to the issuance of state securities pursuant to this section.  
14    Provisions of NRS 349.400 to 349.670, inclusive, which are not  
15    inconsistent with the provisions of sections 49 to 74, inclusive, of this act,  
16    apply to the issuance of revenue bonds pursuant to this section.

17    5. The legislature finds and declares that the issuance of state  
18    securities pursuant to sections 49 to 74, inclusive, of this act:

19    (a) Is necessary for the protection and preservation of the natural  
20    resources of this state and for the purpose of obtaining the benefits  
21    thereof; and

22    (b) Constitutes an exercise of the authority conferred by the second  
23    paragraph of section 3 of article 9 of the constitution of the State of  
24    Nevada.

25    **Sec. 67.** 1. The director may charge the obligor a fee not to exceed  
26    2 percent of the principal amount of the financing, including a  
27    nonrefundable application fee not to exceed 0.25 percent of the principal  
28    amount or \$7,500, whichever is less, payable either in advance or at the  
29    time the bonds are issued. The director shall deposit all money received  
30    pursuant to this section, except money received from application fees,  
31    with the state treasurer for credit to the account for the financing of  
32    renewable energy generation projects.

33    2. Money received from application fees collected pursuant to this  
34    section must be:

35    (a) Accounted for separately in the state general fund.

36    (b) Used by the director to support the operations of his office in  
37    administering the provisions of sections 49 to 74, inclusive, of this act.

38    3. Whether or not bonds are issued, the director shall use money  
39    received pursuant to this section, except money received from application  
40    fees, to reimburse his office for the expenses and costs incurred in  
41    financing the renewable energy generation project and, within the limits  
42    of money available for this purpose, to reimburse a municipality  
43    pursuant to the provisions of section 74 of this act. Any portion of the  
44    money so received, except money received from application fees, which  
45    exceeds the director's expenses and costs must be refunded to the  
46    obligor.

47    **Sec. 68.** 1. Except as otherwise provided in subsection 3 and  
48    section 67 of this act, all amounts received by the director from an  
49    obligor in connection with any financing undertaken pursuant to



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1 sections 49 to 74, inclusive, of this act, must be deposited with the state  
2 treasurer for credit to the account for the financing of renewable energy  
3 generation projects which is hereby created in the fund for the municipal  
4 bond bank.

5 2. Any revenue from renewable energy generation projects financed  
6 with state securities which is in the account must be applied in the  
7 following order of priority:

8 (a) Deposited into the consolidated bond interest and redemption fund  
9 in amounts necessary to pay the principal, interest and redemption  
10 premiums due in connection with state securities issued for renewable  
11 energy generation projects.

12 (b) Deposited into any reserve account created for the payment of the  
13 principal, interest and redemption premiums due in connection with state  
14 securities issued for renewable energy generation projects, in amounts  
15 and at times determined to be necessary.

16 (c) Paid out for expenses of operation and maintenance.

17 3. Any revenue from renewable energy generation projects financed  
18 with revenue bonds may:

19 (a) Be deposited in the account for the financing of renewable energy  
20 generation projects and subject to the provisions of subsection 2; or

21 (b) Subject to any agreement with the holders of the bonds, be  
22 invested, deposited or held by the director in such funds or accounts as  
23 he deems necessary or desirable. If the director is acting pursuant to this  
24 subsection, he need not deposit the money in the state treasury and the  
25 provisions of chapters 355 and 356 of NRS do not apply to any  
26 investments or deposits made pursuant to this subsection.

27 **Sec. 69.** 1. Any bonds issued pursuant to the provisions of sections  
28 49 to 74, inclusive, of this act, may be refunded by the director by the  
29 issuance of refunding bonds in an amount which he deems necessary to  
30 refund the principal of the bonds to be so refunded, any unpaid interest  
31 thereon and any premiums and incidental expenses necessary to be paid  
32 in connection with refunding.

33 2. Refunding may be carried out whether the bonds to be refunded  
34 have matured or thereafter mature, either by sale of the refunding bonds  
35 and the application of the proceeds to the payment of the bonds to be  
36 refunded, or by exchange of the refunding bonds for the bonds to be  
37 refunded. The holders of the bonds to be refunded must not be  
38 compelled, without their consent, to surrender their bonds for payment or  
39 exchange before the date on which they are payable by maturity, option  
40 to redeem or otherwise, or if they are called for redemption before the  
41 date on which they are by their terms subject to redemption by option or  
42 otherwise.

43 3. All refunding bonds issued pursuant to this section must be  
44 payable solely from revenues and other money out of which the bonds to  
45 be refunded thereby are payable or from revenues out of which bonds of  
46 the same character may be made payable under this or any other law  
47 then in effect at the time of the refunding.

48 **Sec. 70.** No action may be brought questioning the legality of any  
49 contract, lease, agreement, indenture, mortgage, order or bonds



1 *executed, adopted or taken in connection with any renewable energy*  
2 *generation project or improvements authorized pursuant to sections 49 to*  
3 *74, inclusive, of this act, after 30 days after the effective date of the order*  
4 *of the director authorizing the issuance of those bonds.*

5 **Sec. 71.** *The faith of the state is hereby pledged that sections 49 to*  
6 *74, inclusive, of this act, will not be repealed, amended or modified to*  
7 *impair any outstanding bonds or any revenues pledged to their payment,*  
8 *or to impair, limit or alter the rights or powers vested in a city or county*  
9 *to acquire, finance, improve and equip a renewable energy generation*  
10 *project in any way that would jeopardize the interest of any lessee,*  
11 *purchaser or other obligor, or to limit or alter the rights or powers vested*  
12 *in the director to perform any agreement made with any lessee,*  
13 *purchaser or other obligor, until all bonds have been discharged in full*  
14 *or provisions for their payment and redemption have been fully made.*

15 **Sec. 72.** *A renewable energy generation project is not subject to any*  
16 *requirements relating to public buildings, structures, ground works or*  
17 *improvements imposed by the statutes of this state or any other similar*  
18 *requirements which may be lawfully waived by this section, and any*  
19 *requirement of competitive bidding or other restriction imposed on the*  
20 *procedure for award of contracts for such purpose or the lease, sale or*  
21 *other disposition of property is not applicable to any action taken*  
22 *pursuant to sections 49 to 74, inclusive, of this act, except that the*  
23 *provisions of NRS 338.010 to 338.090, inclusive, apply to any contract*  
24 *for new construction, repair or reconstruction work to be done on a*  
25 *renewable energy generation project.*

26 **Sec. 73.** *1. The state engineer shall advise the task force, upon its*  
27 *request, of the existence and status of any water rights which affect a*  
28 *renewable energy generation project under consideration by the task*  
29 *force.*

30 *2. Upon the request of the task force and within the limits of*  
31 *available resources and staff, the director and the consumer's advocate*  
32 *may on a case by case basis assist persons in the preparation of a*  
33 *preliminary plan for a renewable energy generation project.*

34 *3. As used in this section, "consumer's advocate" has the meaning*  
35 *ascribed to it in section 80 of this act.*

36 **Sec. 74.** *1. When any municipality or other obligor desires to*  
37 *undertake a renewable energy generation project it may present its*  
38 *preliminary plan to the task force for approval. The task force shall*  
39 *analyze the potential output of the renewable energy generation project,*  
40 *and may tentatively approve it if it will increase the quantity of electricity*  
41 *available for use in this state.*

42 *2. If the task force, after a public hearing on the issue, tentatively*  
43 *approves the renewable energy generation project, the municipality or*  
44 *other obligor may proceed to prepare a final plan and submit it for final*  
45 *approval. If the task force finally approves the renewable energy*  
46 *generation project, the cost of the final plan may be included in the cost*  
47 *of the renewable energy generation project. If the task force does not*  
48 *finally approve the renewable energy generation project, the director*  
49 *may, within the limits of money available for this purpose in the account*



1 *for the financing of renewable energy generation projects, reimburse a*  
2 *municipality for the costs incurred after the tentative approval.*

3 **Sec. 75.** NRS 349.987 is hereby amended to read as follows:

4 349.987 1. The provisions of NRS 349.150 to 349.364, inclusive,  
5 which are not inconsistent with the provisions of NRS 349.980 to 349.987,  
6 inclusive, apply to the bonds issued pursuant to NRS 349.986.

7 2. The provisions of NRS 349.935 to 349.956, inclusive, ~~and~~ 349.961  
8 *and sections 49 to 74, inclusive, of this act*, do not apply to the program or  
9 to any grants made or bonds issued pursuant to NRS 349.986.

10 **Sec. 76.** NRS 354.59811 is hereby amended to read as follows:

11 354.59811 1. Except as otherwise provided in NRS 354.59813,  
12 354.59815, 354.5982, 354.5987, 354.59871, 354.705, 354.723, 450.425,  
13 450.760, 540A.265 and 543.600, for each fiscal year beginning on or after  
14 July 1, 1989, the maximum amount of money that a local government,  
15 except a school district, a district to provide a telephone number for  
16 emergencies, or a redevelopment agency, may receive from taxes ad  
17 valorem, other than those attributable to the net proceeds of minerals or  
18 those levied for the payment of bonded indebtedness and interest thereon  
19 incurred as general long-term debt of the issuer, or for the payment of  
20 obligations issued to pay the cost of a water project pursuant to NRS  
21 349.950, *or for the payment of obligations issued to pay the cost of a*  
22 *renewable energy generation project pursuant to section 66 of this act*, or  
23 for the payment of obligations under a capital lease executed before April  
24 30, 1981, must be calculated as follows:

25 (a) The rate must be set so that when applied to the current fiscal year's  
26 assessed valuation of all property which was on the preceding fiscal year's  
27 assessment roll, together with the assessed valuation of property on the  
28 central assessment roll which was allocated to the local government, but  
29 excluding any assessed valuation attributable to the net proceeds of  
30 minerals, assessed valuation attributable to a redevelopment area and  
31 assessed valuation of a fire protection district attributable to real property  
32 which is transferred from private ownership to public ownership for the  
33 purpose of conservation, it will produce 106 percent of the maximum  
34 revenue allowable from taxes ad valorem for the preceding fiscal year,  
35 except that the rate so determined must not be less than the rate allowed for  
36 the previous fiscal year, except for any decrease attributable to the  
37 imposition of a tax pursuant to NRS 354.59813 in the previous year.

38 (b) This rate must then be applied to the total assessed valuation,  
39 excluding the assessed valuation attributable to the net proceeds of  
40 minerals and the assessed valuation of a fire protection district attributable  
41 to real property which is transferred from private ownership to public  
42 ownership for the purpose of conservation but including new real property,  
43 possessory interests and mobile homes, for the current fiscal year to  
44 determine the allowed revenue from taxes ad valorem for the local  
45 government.

46 2. As used in this section, "general long-term debt" does not include  
47 debt created for medium-term obligations pursuant to NRS 350.085 to  
48 350.095, inclusive.



- 1     **Sec. 77.** Chapter 523 of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 78 to 88, inclusive, of this act.
- 3     **Sec. 78.** *“Biomass” means any organic matter that is available on a*  
4 *renewable basis, including, without limitation:*  
5     1. *Agricultural crops and agricultural wastes and residues;*  
6     2. *Wood and wood wastes and residues;*  
7     3. *Animal wastes;*  
8     4. *Municipal wastes; and*  
9     5. *Aquatic plants.*
- 10    **Sec. 79.** *“Bureau” means the bureau of consumer protection created*  
11 *within the office of the attorney general pursuant to NRS 228.310.*
- 12    **Sec. 80.** *“Consumer’s advocate” means the executive head of the*  
13 *bureau or his designee.*
- 14    **Sec. 81.** 1. *“Fossil fuel” means a fuel that is formed in the ground*  
15 *from the remains of dead plants and animals.*  
16     2. *The term includes, without limitation, coal, natural gas and oil.*
- 17    **Sec. 82.** *“Fuel cell” means a device or contrivance which, through*  
18 *the chemical process of combining ions of hydrogen and oxygen,*  
19 *produces electricity and water.*
- 20    **Sec. 83.** 1. *“Renewable energy” means sources of energy from*  
21 *which electricity is produced, but which are regenerated naturally,*  
22 *including, without limitation:*  
23     (a) *Biomass;*  
24     (b) *Fuel cells;*  
25     (c) *Geothermal energy;*  
26     (d) *Solar energy; and*  
27     (e) *Wind.*  
28     2. *The term does not include fossil fuel or nuclear energy.*
- 29    **Sec. 84.** *“Task force” means the task force for renewable energy*  
30 *created pursuant to section 86 of this act.*
- 31    **Sec. 85.** 1. *The trust fund for renewable energy is hereby created*  
32 *in the state treasury. The state treasurer shall deposit in the fund all*  
33 *money received by him for credit to the fund pursuant to subsection 3 of*  
34 *section 27 of this act.*  
35     2. *The task force shall administer the fund. As administrator of the*  
36 *fund, the task force:*  
37     (a) *Shall maintain the financial records of the fund;*  
38     (b) *Shall invest the money in the fund as the money in other state*  
39 *funds is invested;*  
40     (c) *Shall manage any account associated with the fund;*  
41     (d) *Shall maintain any instruments that evidence investments made*  
42 *with the money in the fund;*  
43     (e) *May contract with vendors for any good or service that is*  
44 *necessary to carry out the provisions of this section; and*  
45     (f) *May perform any other duties necessary to administer the fund.*  
46     3. *The interest and income earned on the money in the fund must,*  
47 *after deducting any applicable charges, be credited to the fund. All*  
48 *claims against the fund must be paid as other claims against the state are*  
49 *paid.*





1     4. Not more than 2 percent of the money in the fund may be used to  
2     pay the costs of administering the fund.

3     5. The money in the fund remains in the fund and does not revert to  
4     the state general fund at the end of any fiscal year.

5     6. All money that is deposited or paid into the fund may only be  
6     expended pursuant to an allocation made by the task force. Money  
7     expended from the fund must not be used to supplant existing methods of  
8     funding that are available to public agencies.

9     **Sec. 86.** 1. The task force for renewable energy is hereby created.  
10    The task force consists of nine members who are appointed as follows:

11    (a) Two members appointed by the majority leader of the senate, one  
12    of whom represents the interests of private industry with respect to  
13    geothermal energy and the other of whom represents the interests of  
14    private industry with respect to solar energy.

15    (b) Two members appointed by the speaker of the assembly, one of  
16    whom represents the interests of private industry with respect to energy  
17    generated by the power of the wind and the other of whom represents a  
18    nonprofit organization dedicated to the protection of the environment.

19    (c) One member appointed by the minority leader of the senate to  
20    represent the interests of state government.

21    (d) One member appointed by the minority leader of the assembly to  
22    represent the interests of local government.

23    (e) One member who represents the bureau, appointed by the  
24    consumer's advocate.

25    (f) One member who represents the public utilities commission of  
26    Nevada, appointed by the commissioners of the public utilities  
27    commission of Nevada.

28    (g) One member who represents the University of Nevada, appointed  
29    by the board of regents of the University of Nevada.

30    2. After the initial appointments, the term of each member of the task  
31    force is 3 years. A vacancy on the task force must be filled for the  
32    remainder of the unexpired term in the same manner as the original  
33    appointment. A member may be reappointed to the task force.

34    3. A member of the task force who is an officer or employee of this  
35    state or a political subdivision of this state must be relieved from his  
36    duties without loss of his regular compensation so that he may prepare  
37    for and attend meetings of the task force and perform any work  
38    necessary to carry out the duties of the task force in the most timely  
39    manner practicable. A state agency or political subdivision of this state  
40    shall not require an officer or employee who is a member of the task  
41    force to:

42    (a) Make up the time he is absent from work to carry out his duties as  
43    a member of the task force; or

44    (b) Take annual leave or compensatory time for the absence.

45    **Sec. 87.** 1. The members of the task force shall select a chairman  
46    from among their membership. The term of the chairman is 1 year. If a  
47    vacancy occurs in the chairmanship, the vacancy must be filled for the  
48    remainder of the unexpired term in the same manner as the original  
49    selection.



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1     2. A majority of the members of the task force constitutes a quorum,  
2     and a quorum may exercise all the power and authority conferred on the  
3     task force.

4     3. Except as otherwise provided in this subsection, the members of  
5     the task force serve without compensation and are not entitled to the per  
6     diem and travel expenses provided for state officers and employees  
7     generally. For each day of attendance at a meeting of the task force and  
8     while engaged in the business of the task force, a member of the task  
9     force who is an officer or employee of this state or a political subdivision  
10    of this state is entitled to receive the per diem and travel expenses  
11    provided for state officers and employees generally, paid by his  
12    governmental employer.

13    4. The consumer's advocate shall provide the task force with  
14    administrative and clerical support and with such other assistance,  
15    including, without limitation, making arrangements for facilities,  
16    equipment and other services in preparation for meetings, as may be  
17    necessary for the task force to carry out its duties pursuant to section 88  
18    of this act.

19    **Sec. 88. 1. The task force shall:**

20    (a) Meet at least four times annually or more frequently at the  
21    discretion of the chairman.

22    (b) Establish a comprehensive plan for the promotion and use of  
23    renewable energy in this state. The plan must include provisions for:

24    (1) The conservation of energy;

25    (2) The efficient use of energy;

26    (3) The education of persons and entities concerning renewable  
27    energy;

28    (4) The creation of incentives for investment in and the use of  
29    renewable energy;

30    (5) Grants and other money to establish programs and projects  
31    which incorporate the use of renewable energy;

32    (6) Oversight and accountability with respect to the promotion and  
33    use of renewable energy;

34    (7) The incorporation of the use of renewable energy with respect to  
35    codes and standards for building, written in language which is easy to  
36    understand; and

37    (8) Any other matter that the task force determines to be relevant to  
38    the promotion and use of renewable energy.

39    (c) Solicit grants and other money from the Federal Government and  
40    other sources to promote the use of renewable energy in this state.

41    (d) Identify and provide incentives to developers and builders of  
42    homes to incorporate the use of renewable energy in homes and other  
43    buildings, including, without limitation, systems for the heating of water  
44    by solar power and the use of net metering systems.

45    (e) Promote programs to conserve energy by the use of various  
46    technologies to turn air-conditioning systems off for a limited time  
47    during periods of peak electrical demand.

48    (f) Evaluate the benefits of distributed generation and consider paying  
49    for the cost of a pilot program to use distributed generation in connection



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1 *with a project for the use of renewable energy the output of which*  
2 *exceeds 20 kilowatts per hour.*

3 *(g) Carry out the duties assigned to it pursuant to sections 49 to 74,*  
4 *inclusive, of this act.*

5 *2. The task force may take such other actions as are necessary to*  
6 *carry out its duties.*

7 *3. As used in this section:*

8 *(a) “Distributed generation” means the generation of electricity in*  
9 *close proximity to the place of use, including, without limitation, the use*  
10 *of generators and small turbines.*

11 *(b) “Net metering system” has the meaning ascribed to it in NRS*  
12 *704.771.*

13 **Sec. 89.** NRS 523.011 is hereby amended to read as follows:

14 523.011 1. The legislature finds that:

15 (a) Energy is essential to the economy of the state and to the health,  
16 safety and welfare of the people of the state.

17 (b) The state has a responsibility to encourage the maintenance of a  
18 reliable and economical supply of energy at a level which is consistent with  
19 the protection of environmental quality.

20 (c) The state has a responsibility to encourage the utilization of a wide  
21 range of measures which reduce wasteful uses of energy resources.

22 (d) Planning for energy conservation and future energy requirements  
23 should include consideration of state, regional and local plans for land use,  
24 urban expansion, transportation systems, environmental protection and  
25 economic development.

26 (e) Government and private enterprise need to accelerate research and  
27 development of ~~alternative~~ sources of *renewable* energy and to improve  
28 technology related to the research and development of existing sources of  
29 energy.

30 (f) While government and private enterprise are seeking to accelerate  
31 research and development of ~~alternative~~ sources of *renewable* energy,  
32 they must also prepare for and respond to the advent of competition within  
33 the electrical energy industry and are, therefore, encouraged to maximize  
34 the use of indigenous energy resources to the extent competitively and  
35 economically feasible.

36 (g) Prevention of delays and interruptions in providing energy,  
37 protecting environmental values and conserving energy require expanded  
38 authority and capability within state government.

39 2. It is the policy of this state to encourage participation with all levels  
40 of government and private enterprise in cooperative state, regional and  
41 national programs to assure adequate supplies of energy resources and  
42 markets for such energy resources.

43 3. It is the policy of this state to assign the responsibility for managing  
44 and conserving energy and its sources to agencies whose other programs  
45 are similar, to avoid duplication of effort in developing policies and  
46 programs for energy.

47 **Sec. 90.** NRS 523.021 is hereby amended to read as follows:

48 523.021 As used in this chapter, unless the context otherwise requires

49 ~~†~~



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- 1 ~~1. “Department” means the department of business and industry.~~  
2 ~~2. “Director” means the director of the department.] , the words and~~  
3 ~~terms defined in sections 78 to 84, inclusive, of this act have the~~  
4 ~~meanings ascribed to them in those sections.~~

5 **Sec. 91.** NRS 523.051 is hereby amended to read as follows:

6 523.051 The ~~director~~ *consumer’s advocate* may:

- 7 1. Administer any gifts or grants which the ~~department~~ *bureau* is  
8 authorized to accept for the purposes of this chapter.  
9 2. Expend money received from those gifts or grants or from  
10 legislative appropriations to contract with qualified persons or institutions  
11 for research in the production and efficient use of energy resources.  
12 3. Enter into any cooperative agreement with any federal or state  
13 agency or political subdivision.  
14 4. Participate in any program established by the Federal Government  
15 relating to sources of energy and adopt regulations appropriate to that  
16 program.

17 **Sec. 92.** NRS 523.131 is hereby amended to read as follows:

18 523.131 The ~~director~~ *consumer’s advocate* shall:

- 19 1. Acquire and analyze information relating to energy and to the  
20 supply, demand and conservation of its sources.  
21 2. Utilize all available public and private means to provide information  
22 to the public about problems relating to energy and to explain how  
23 conservation of energy and its sources may be accomplished.  
24 3. Review and evaluate information which identifies trends and  
25 permits forecasting of the energy available to the state. Such forecasts must  
26 include estimates on:  
27 (a) The level of demand for energy in the state for 5-, 10- and 20-year  
28 periods;  
29 (b) The amount of energy available to meet each level of demand;  
30 (c) The probable implications of the forecast on the demand and supply  
31 of energy; and  
32 (d) The ~~alternative~~ sources of *renewable* energy which are available  
33 and their possible effects.  
34 4. Study means of reducing wasteful, inefficient, unnecessary or  
35 uneconomical uses of energy and encourage the maximum utilization of  
36 existing sources of energy in the state.  
37 5. Encourage the development of any existing ~~and alternative~~ sources  
38 of energy *and any sources of renewable energy* which will benefit the  
39 state.  
40 6. In conjunction with the desert research institute, review policies  
41 relating to the research and development of the state’s geothermal  
42 resources and make recommendations to the appropriate state and federal  
43 agencies for establishing methods of developing the geothermal resources  
44 within the state.  
45 7. *To the extent practicable, carry out his powers and duties*  
46 *pursuant to this chapter in consultation with the task force, to avoid*  
47 *duplication of effort in developing policies and programs for energy.*



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1     **Sec. 93.** NRS 523.141 is hereby amended to read as follows:  
2     523.141 1. The ~~{director}~~ *consumer's advocate* shall prepare a state  
3     energy conservation plan which provides methods for conserving and  
4     improving efficiency in the use of energy resources and establishes  
5     procedures for reducing the rate of growth of energy demand and  
6     minimizing the adverse social, economic, political and environmental  
7     effects of increasing energy resource consumption.

8     2. The plan must be ~~{presented}~~ :  
9     (a) *Consistent with the comprehensive plan established by the task*  
10    *force pursuant to section 88 of this act.*

11    (b) *Presented* to the governor, and upon approval by the governor, may  
12    be submitted by him in compliance with any program established by the  
13    Federal Government.

14    **Sec. 94.** NRS 523.151 is hereby amended to read as follows:

15    523.151 The ~~{director}~~ *consumer's advocate* shall:

16    1. Prepare, subject to the approval of the governor, petroleum  
17    allocation and rationing plans for possible energy contingencies. The plans  
18    ~~{shall}~~ *must* be carried out only by executive order of the governor.

19    2. Carry out and administer any federal programs which authorize state  
20    participation in fuel allocation programs.

21    **Sec. 95.** NRS 523.161 is hereby amended to read as follows:

22    523.161 1. Except for those energy resources for ~~{whose}~~ *which*  
23    priorities of use are established by the public utilities commission of  
24    Nevada, the ~~{director}~~ *consumer's advocate* may recommend to state  
25    agencies, local governments and appropriate private persons and entities,  
26    standards for conservation of energy and its sources and for carrying out  
27    the state plan for the conservation of energy.

28    2. In recommending such standards the ~~{director}~~ *consumer's*  
29    *advocate* shall consider the usage of energy and its sources in the state and  
30    the methods available for conservation of those sources.

31    **Sec. 96.** NRS 523.164 is hereby amended to read as follows:

32    523.164 1. The ~~{director}~~ *consumer's advocate* shall adopt  
33    regulations for the conservation of energy in buildings, including  
34    manufactured homes, which establish the minimum standards for:

35    (a) The construction of floors, walls, ceilings and roofs;

36    (b) The equipment and systems for heating, ventilation and air-  
37    conditioning;

38    (c) Electrical equipment and systems;

39    (d) Insulation; and

40    (e) Other factors which affect the use of energy in a building.

41    2. The ~~{director}~~ *consumer's advocate* may exempt a building from a  
42    standard if he determines that application of the standard to the building  
43    would not accomplish the purpose of the regulations.

44    3. The regulations must authorize allowances in design and  
45    construction for ~~{solar, wind or any other renewable source}~~ *sources* of  
46    *renewable* energy used to supply all or a part of the energy required in a  
47    building.

48    4. The standards adopted by the ~~{director}~~ *consumer's advocate* are  
49    the minimum standards for the conservation of energy which apply only to



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1 areas in which the governing body of the local government has not adopted  
2 standards for the conservation of energy in buildings. Such governing  
3 bodies shall assist the ~~director~~ *consumer's advocate* in the enforcement  
4 of the regulations adopted pursuant to this section.

5 5. The ~~director~~ *consumer's advocate* shall solicit comments  
6 regarding the adoption of regulations pursuant to this section from:

- 7 (a) Persons in the business of constructing and selling homes;
- 8 (b) Contractors;
- 9 (c) Public utilities;
- 10 (d) Local building inspectors; and
- 11 (e) The general public,

12 before adopting any regulations. The ~~director~~ *consumer's advocate* must  
13 conduct at least three hearings in different locations in the state, after  
14 giving 30 days' notice of each hearing, before he may adopt any  
15 regulations pursuant to this section.

16 **Sec. 97.** NRS 523.167 is hereby amended to read as follows:

17 523.167 1. In a county whose population is 100,000 or more, a  
18 building whose construction began on or after October 1, 1983, must not  
19 contain a system using electric resistance for heating spaces unless:

- 20 (a) The system is merely supplementary to another means of heating;
- 21 (b) Under the particular circumstances no other primary means of  
22 heating the spaces is a feasible or economical alternative to heating by  
23 electric resistance; or
- 24 (c) The ~~department~~ *bureau* determines that the present or future  
25 availability of other sources of energy is so limited as to justify the use of  
26 such a system.

27 2. This section does not prohibit the use of incandescent or fluorescent  
28 lighting.

29 **Sec. 98.** NRS 523.171 is hereby amended to read as follows:

30 523.171 The ~~director~~ *consumer's advocate*, in cooperation with the  
31 chief of the buildings and grounds division of the department of  
32 administration, shall, upon request, provide information and assistance to  
33 any agency, bureau, board, commission, department or division which is  
34 engaged in the management, planning, utilization and distribution of  
35 energy.

36 **Sec. 99.** NRS 523.181 is hereby amended to read as follows:

37 523.181 The ~~director~~ *consumer's advocate* shall prepare a report  
38 concerning the status of energy in the State of Nevada and submit it to:

- 39 1. The governor on or before January 30 of each year; and
- 40 2. The legislature on or before January 30 of each odd-numbered year.

41 **Sec. 100.** NRS 549.020 is hereby amended to read as follows:

42 549.020 1. The director of the agricultural extension department of the  
43 public service division of the University and Community College System  
44 of Nevada shall prepare and submit to the board of county commissioners,  
45 for each county participating, an annual financial budget covering the  
46 county, state and federal funds cooperating in the cost of educational,  
47 research, outreach and service programs pertaining to agriculture,  
48 community development, health and nutrition, horticulture, personal and



1 family development, and natural resources in the rural and urban  
2 communities in the State of Nevada.

3 ~~12-1~~ The budget must be adopted by the board of county commissioners  
4 and certified as a part of the annual county budget . ~~1- and the county tax~~  
5 ~~levy provided for agricultural extension work in the~~

6 **2. The** annual county budget must include a levy of not less than 1  
7 cent on each \$100 of taxable property. If the proceeds of the county tax  
8 levy of 1 cent are insufficient to meet the county's share of the cooperative  
9 agricultural extension work, as provided in the combined annual financial  
10 budget, the board of county commissioners may, by unanimous vote, levy  
11 an additional tax so that the total in no instance exceeds 5 cents on each  
12 \$100 of the county tax rate.

13 3. ~~The~~ *That portion of the proceeds of the tax described in*  
14 *subsection 2, not to exceed 1 percent on each \$100 of assessed value of*  
15 *the taxable property in the county, which is attributable to any growth in*  
16 *the assessed value of the taxable property in the county as shown upon*  
17 *the assessment roll on or after July 1, 2001, must be paid over by the*  
18 *county treasurer to the housing division of the department of business*  
19 *and industry for use by the administrator of the division for the program*  
20 *of weatherization.*

21 4. All proceeds of ~~such a~~ *the tax described in subsection 2 which are*  
22 *not paid over to the housing division of the department of business and*  
23 *industry pursuant to subsection 3* must be placed in the agricultural  
24 extension fund in each county treasury and must be paid out on claims  
25 drawn by the agricultural extension agent of the county as designated by  
26 the director of the agricultural extension department of the public service  
27 division of the University and Community College System of Nevada,  
28 when approved by the director and countersigned by the treasurer of the  
29 University and Community College System of Nevada.

30 ~~14-1~~ 5. A record of all such claims approved and paid, segregated by  
31 counties, must be kept by the treasurer of the University and Community  
32 College System of Nevada. The cost of maintaining the record must be  
33 paid from state funds provided for by this chapter.

34 ~~15-1~~ 6. The state's cooperative share of the cost of such agricultural  
35 extension work, as entered in the budget described in this section, must not  
36 be more than a sum equal to the proceeds of 1 cent of such county tax rate;  
37 but when the proceeds of a 1-cent tax rate are insufficient to carry out the  
38 provisions of the budget previously adopted, the director of the agricultural  
39 extension department of the public service division of the University and  
40 Community College System of Nevada is authorized to supplement the  
41 state's cooperative share from the funds as may be made available in the  
42 public service division fund of the University and Community College  
43 System of Nevada.

44 **Sec. 101.** NRS 703.060, 704.080 and 704.090 are hereby repealed.

45 **Sec. 102.** 1. Nevada Power Company shall not file an application for  
46 a fuel and purchased power rider on or after the effective date of this act.

47 2. Notwithstanding the provisions of section 21 of this act:



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1 (a) On the day immediately following the last day accounted for by its  
2 most recently filed fuel and purchased power rider, Nevada Power  
3 Company shall begin to use deferred accounting.

4 (b) Not later than 60 days after the effective date of this act, Nevada  
5 Power Company shall file an application to clear its deferred accounts.

6 3. Not later than September 1, 2001, Nevada Power Company shall file  
7 a general rate application in accordance with the provisions of sections 7 to  
8 23, inclusive, of this act. On the date that the commission approves one or  
9 more rates in the general rate application filed by Nevada Power Company  
10 pursuant to this subsection, the rates set forth in the comprehensive energy  
11 plan filed by Nevada Power Company on or after January 1, 2001, and all  
12 rates based upon a fuel and purchased power rider expire and those rates  
13 are void and unenforceable and are not valid for any purpose thereafter.

14 4. Sierra Pacific Power Company shall not file an application for a fuel  
15 and purchased power rider on or after the effective date of this act.

16 5. Notwithstanding the provisions of section 21 of this act:

17 (a) On the day immediately following the last day accounted for by its  
18 most recently filed fuel and purchased power rider, Sierra Pacific Power  
19 Company shall begin to use deferred accounting.

20 (b) Not later than 60 days after the effective date of this act, Sierra  
21 Pacific Power Company shall file an application to clear its deferred  
22 accounts.

23 6. Not later than March 1, 2002, Sierra Pacific Power Company shall  
24 file a general rate application in accordance with the provisions of sections  
25 7 to 23, inclusive, of this act. On the date that the commission approves  
26 one or more rates in the general rate application filed by Sierra Pacific  
27 Power Company pursuant to this subsection, the rates set forth in the  
28 comprehensive energy plan filed by Sierra Pacific Power Company on or  
29 after January 1, 2001, and all rates based upon a fuel and purchased power  
30 rider expire and those rates are void and unenforceable and are not valid  
31 for any purpose thereafter.

32 7. As used in this section:

33 (a) "Commission" means the public utilities commission of Nevada.

34 (b) The words and terms defined in sections 8 to 16, inclusive, of this  
35 act have the meanings ascribed to them in those sections.

36 **Sec. 103.** 1. If, on or after January 1, 1999, and before the effective  
37 date of this act, an electric utility doing business in this state or a holding  
38 company that holds a controlling interest in such an electric utility entered  
39 into any transaction to merge with, directly acquire, indirectly acquire  
40 through a subsidiary or affiliate, or otherwise directly or indirectly obtain  
41 control of an entity, the transaction is void and unenforceable and is not  
42 valid for any purpose on or after the effective date of this act unless, before  
43 the effective date of this act:

44 (a) All terms and conditions of the transaction were satisfied; and

45 (b) All parties to the transaction fully performed all promises, covenants  
46 and obligations under the transaction.

47 2. The provisions of this section do not prohibit an electric utility  
48 doing business in this state or a holding company that holds a controlling  
49 interest in such an electric utility from entering into any transaction to



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1 merge with, directly acquire, indirectly acquire through a subsidiary or  
2 affiliate, or otherwise directly or indirectly obtain control of an entity on or  
3 after the effective date of this act, except that any such transaction is  
4 subject to the provisions of NRS 704.329, as amended by this act.

5 3. As used in this section, "electric utility" has the meaning ascribed to  
6 it in section 13 of this act.

7 **Sec. 104.** 1. Notwithstanding the provisions of this act and except as  
8 otherwise provided in subsection 2, the department of business and  
9 industry and its director shall exercise all the power and perform all the  
10 duties that are assigned to the consumer's advocate of the bureau of  
11 consumer protection in the office of the attorney general pursuant to the  
12 provisions of NRS 523.011 to 523.181, inclusive, as amended by this act,  
13 until the date on which the attorney general certifies to the governor that  
14 the consumer's advocate is prepared to carry out those provisions, or until  
15 January 1, 2002, whichever occurs earlier.

16 2. During the period described in subsection 1, the consumer's  
17 advocate may exercise any power and perform any duty assigned to him  
18 pursuant to the provisions of NRS 523.011 to 523.181, inclusive, as  
19 amended by this act, if the exercise of the power or the performance of the  
20 duty is necessary as an organizational, preparatory or preliminary measure  
21 to prepare the consumer's advocate to carry out those provisions.

22 **Sec. 105.** 1. Any administrative regulations adopted by an officer or  
23 an agency whose name has been changed or whose responsibilities have  
24 been transferred pursuant to the provisions of this act to another officer or  
25 agency remain in force until amended by the officer or agency to which the  
26 responsibility for the adoption of the regulations has been transferred.

27 2. Any contracts or other agreements entered into by an officer or  
28 agency whose name has been changed or whose responsibilities have been  
29 transferred pursuant to the provisions of this act to another officer or  
30 agency are binding upon the officer or agency to which the responsibility  
31 for the administration of the provisions of the contract or other agreement  
32 has been transferred. Such contracts and other agreements may be enforced  
33 by the officer or agency to which the responsibility for the enforcement of  
34 the provisions of the contract or other agreement has been transferred.

35 3. Any action taken by an officer or agency whose name has been  
36 changed or whose responsibilities have been transferred pursuant to the  
37 provisions of this act to another officer or agency remains in effect as if  
38 taken by the officer or agency to which the responsibility for the  
39 enforcement of such actions has been transferred.

40 **Sec. 106.** 1. The terms of all commissioners appointed to the public  
41 utilities commission of Nevada who are incumbent on January 1, 2003,  
42 expire on that date.

43 2. Notwithstanding the provisions of NRS 703.030, the three persons  
44 elected to the public utilities commission of Nevada by the qualified  
45 electors of this state at the first general election following the effective date  
46 of this act must serve initial terms that are staggered so that one  
47 commissioner serves a term of 2 years and two commissioners serve terms  
48 of 4 years.



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1 3. As soon as is practicable after the first general election following  
2 the effective date of this act, the secretary of state shall summon the three  
3 persons elected to the public utilities commission of Nevada to appear  
4 before him at a time and place designated by him and he shall determine by  
5 lot which commissioner shall serve a term of 2 years.

6 **Sec. 107.** As soon as practicable after the effective date of this act, the  
7 appointing authorities set forth in section 86 of this act shall appoint  
8 members to the task force for renewable energy created pursuant to that  
9 section. The initial appointed members of the task force shall, at the first  
10 meeting of the task force after their appointment, draw lots to determine  
11 which:

12 1. Five members of the board will serve initial terms that expire on  
13 June 30, 2004.

14 2. Four members of the board will serve initial terms that expire on  
15 June 30, 2003.

16 **Sec. 108.** 1. This section, sections 2 to 45, inclusive, 48 to 107,  
17 inclusive, and 109 of this act become effective upon passage and approval.

18 2. Sections 1, 46 and 47 of this act become effective upon passage and  
19 approval for the purpose of electing commissioners to the public utilities  
20 commission of Nevada and on January 1, 2003, for all other purposes.

21 **Sec. 109.** 1. The legislative counsel shall:

22 (a) In preparing the reprint and supplements to the Nevada Revised  
23 Statutes, appropriately change any references to an officer or agency whose  
24 name is changed or whose responsibilities have been transferred pursuant  
25 to the provisions of this act to refer to the appropriate officer or agency.

26 (b) In preparing supplements to the Nevada Administrative Code,  
27 appropriately change any references to an officer or agency whose name is  
28 changed or whose responsibilities have been transferred pursuant to the  
29 provisions of this act to refer to the appropriate officer or agency.

30 2. Any reference in a bill or resolution passed by the 71st session of  
31 the Nevada legislature to an officer or agency whose name is changed or  
32 whose responsibilities have been transferred pursuant to the provisions of  
33 this act to another officer or agency shall be deemed to refer to the officer  
34 or agency to which the responsibility is transferred.

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## TEXT OF REPEALED SECTIONS

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**703.060 Commissioners: Removal.** The governor shall have the power to remove any commissioner for inefficiency, neglect of duty or malfeasance in office. Such removal shall be upon public hearing after 10 days' notice and the service of a copy of the charges upon the commissioner. The record of any such proceedings shall be filed with the secretary of state if a commissioner is removed.

**704.080 Printing and posting of schedules.** A copy, or so much of the schedule as the commission shall deem necessary for the use of the public, shall be printed in plain type and posted in every station or office of such public utility where payments are made by the consumers or users,



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open to the public, in such form and place as to be readily accessible to the public and conveniently inspected.

**704.090 Schedule of joint rates: Filing; printing; posting.** When a schedule of joint rates or charges is or may be in force between two or more public utilities, such schedule shall, in like manner, be printed and filed with the commission, and so much thereof as the commission may deem necessary for the use of the public shall be posted conspicuously in every station or office as provided in NRS 704.080.

