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PROPOSED AMENDMENT TO ASSEMBLY BILL NO. 372
VERSION #3 Proposed by Tim Carlson and NDOW

(Matter in green type and underlined is new;

Matter in ~~green type, underlined and double-striked~~ is new matter to be omitted)

Summary of Proposed Amendment

The proposed amendment to Assembly Bill No. 372 (A.B. 372) seeks to adjust the assessment fee schedule and clarify the basis of the assessment. The corrected value of the fee would read "35 mills" and the basis would read "...for each megawatt hour of net energy produced by a renewable energy generation project ...". The permit and assessment program would be clarified to apply to any commercial renewable energy project with a capacity of greater than 5 megawatts that initiates production on or after October 1, 2003.

ASSEMBLY BILL NO. 372—ASSEMBLYMEN MARVEL, COLLINS,
SHERER, BROWN, GEDDES, GOICOECHEA, GRADY AND
HETTRICK

MARCH 17, 2003

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Requires person who develops or operates renewable energy generation project to obtain permit from Division of Wildlife of State Department of Conservation and Natural Resources under certain circumstances. (BDR 45-908)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.
Green numbers along left margin indicate location on the printed bill (e.g., 5-15 indicates page 5, line 15).

AN ACT relating to wildlife; requiring a person who develops or operates a renewable energy generation project that initiates production on or after October 1, 2003 to obtain a permit from the Division of Wildlife of the State Department of Conservation

E 1 of 6

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ASSEMBLY NATURAL RES., AGRICULTURE & MINING
DATE: 4/9/03 ROOM: 3161 EXHIBIT E1-6
SUBMITTED BY: Tim Carlson

and Natural Resources under certain circumstances; authorizing the Board of Wildlife Commissioners to establish a fee for the permit; requiring the holder of the permit to pay an assessment to the Division; providing a penalty; and providing other matters properly relating thereto.

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

1-1 **Section 1.** NRS 501.181 is hereby amended to read as follows:

1-2 501.181 The Commission shall:

1-3 1. Establish broad policies for:

1-4 (a) The protection, propagation, restoration, transplanting,
1-5 introduction and management of wildlife in this state.

1-6 (b) The promotion of the safety of persons using or property
1-7 used in the operation of vessels on the waters of this state.

2-1 (c) The promotion of uniformity of laws relating to policy
2-2 matters.

2-3 2. Guide the Division in its administration and enforcement of
2-4 the provisions of this title and of chapter 488 of NRS by the
2-5 establishment of such policies.

2-6 3. Establish policies for areas of interest including:

2-7 (a) The management of big and small game mammals, upland
2-8 and migratory game birds, fur-bearing mammals, game fish, and
2-9 protected and unprotected mammals, birds, fish, reptiles and
2-10 amphibians.

2-11 (b) The control of wildlife depredations.

2-12 (c) The acquisition of lands, water rights and easements and
2-13 other property for the management, propagation, protection and
2-14 restoration of wildlife.

2-15 (d) The entry, access to, and occupancy and use of such
2-16 property, including leases of grazing rights, sales of agricultural
2-17 products and requests by the Administrator to the State Land
2-18 Registrar for the sale of timber if the sale does not interfere with the
2-19 use of the property on which the timber is located for wildlife

2-20 management or for hunting or fishing thereon.

2-21 (e) The control of nonresident hunters.

2-22 (f) The introduction, transplanting or exporting of wildlife.

2-23 (g) Cooperation with federal, state and local agencies on wildlife
2-24 and boating programs.

2-25 (h) The revocation of licenses issued pursuant to this title to any
2-26 person who is convicted of a violation of any provision of this title
2-27 or any regulation adopted pursuant thereto.

2-28 4. Establish regulations necessary to carry out the provisions of
2-29 this title and of chapter 488 of NRS, including:

2-30 (a) Regular and special seasons for hunting game mammals and
2-31 game birds, for hunting or trapping fur-bearing mammals and for
2-32 fishing, the daily and possession limits, the manner and means of
2-33 taking wildlife, including, but not limited to, the sex, size or other
2-34 physical differentiation for each species, and, when necessary for
2-35 management purposes, the emergency closing or extending of a
2-36 season, reducing or increasing of the bag or possession limits on a
2-37 species, or the closing of any area to hunting, fishing or trapping.
2-38 The regulations must be established after first considering the
2-39 recommendations of the Division, the county advisory boards to
2-40 manage wildlife and others who wish to present their views at an
2-41 open meeting. Any regulations relating to the closure of a season
2-42 must be based upon scientific data concerning the management of
2-43 wildlife. The data upon which the regulations are based must be
2-44 collected or developed by the Division.

3-1 (b) The manner of using, attaching, filling out, punching,
3-2 inspecting, validating or reporting tags.

3-3 (c) The delineation of game management units embracing
3-4 contiguous territory located in more than one county, irrespective of
3-5 county boundary lines.

3-6 (d) The number of licenses issued to nonresidents for big game
3-7 and, if necessary, other game species for the regular and special
3-8 seasons.

3-9 5. Adopt regulations requiring the Division to make public,
3-10 before official delivery, its proposed responses to any requests by

3-11 federal agencies for its comment on drafts of statements concerning
3-12 the environmental effect of proposed actions or regulations affecting
3-13 public lands.

3-14 6. Adopt regulations:

3-15 (a) Governing the provisions of the ~~{permit}~~ *permits* required by
3-16 NRS 502.390 *and section 2 of this act* and for the issuance, renewal
3-17 and revocation of ~~{such a permit.}~~ *those permits*.

3-18 (b) Establishing the method for determining the amount of ~~{an}~~
3-19 ~~assessment}~~ *the assessments* and the time and manner of payment,
3-20 necessary for the collection of the ~~{assessment}~~ *assessments*
3-21 required by NRS 502.390~~{.}~~ *and section 2 of this act*.

3-22 7. Designate those portions of wildlife management areas for
3-23 big game mammals that are of special concern for the regulation of
3-24 the importation, possession and propagation of alternative livestock
3-25 pursuant to NRS 576.129.

3-26 **Sec. 2.** Chapter 502 of NRS is hereby amended by adding
3-27 thereto a new section to read as follows:

3-28 *1. A person shall not, without first obtaining a permit*
3-29 *pursuant to this section, develop or operate a renewable energy*
3-30 *generation project that initiates production on or after October 1,*
3-31 *2003 if:*

3-32 (a) *The development or operation of the renewable energy*
3-33 *generation project is for a purpose other than personal or*
3-34 *noncommercial use or commercial use less than 5 megawatts; and*

3-35 (b) *The renewable energy generation project causes or may*
3-36 *cause:*

3-37 (1) *Death to any wildlife in this state; or*

3-38 (2) *Any adverse effect to any habitat for wildlife in this*
3-39 *state.*

3-40 *2. A person may apply for a permit on a form prescribed by*
3-41 *the Division. Within 30 working days after receiving an*
3-42 *application for a permit, the Division shall issue the permit or*
3-43 *deny the application and notify the applicant of its determination*
3-44 *in writing. An applicant may appeal the denial of a permit to the*
Commission.

4-1 3. In considering an application for a permit, the Division
4-2 shall, based upon accepted methods of biological science,
4-3 determine whether the renewable energy generation project for
4-4 which the person submits the application causes or may cause:
4-5 (a) Death to any wildlife in this state; or
4-6 (b) Any adverse effect to any habitat for wildlife in this state.
4-7 4. A permit issued pursuant to this section is valid for the
4-8 period during which the renewable energy generation project is in
4-9 operation. The Commission may establish a fee for the permit in
4-10 an amount not to exceed \$500 per year. The Division may revoke a
4-11 permit issued pursuant to this section if the holder of the permit
4-12 fails to pay any fee established pursuant to this subsection.
4-13 5. The Division may impose any terms or conditions upon the
4-14 holder of a permit issued pursuant to this section. If the Division
4-15 determines that the holder of the permit has violated any such
4-16 term or condition, the Division shall submit a written notice of
4-17 noncompliance to the holder of the permit. The written notice
4-18 must set forth each term or condition violated by the holder of the
4-19 permit and the necessary corrective action to be taken by him.
4-20 Within 30 days after receiving the written notice, the holder of the
4-21 permit shall submit to the Division a plan for corrective action for
4-22 each violation specified in the written notice. As soon as
4-23 practicable after receiving the plan, the Division shall approve or
4-24 reject the plan and notify the holder of the permit of its
4-25 determination in writing. If the Division approves the plan, the
4-26 holder of the permit shall carry out the plan within 30 days after
4-27 the Division notifies him of its approval of the plan.
4-28 6. The holder of a permit issued pursuant to this section may
4-29 transfer the permit to another person. The person to whom the
4-30 permit is transferred shall comply with the provisions of this
4-31 section and the terms and conditions specified in the permit.
4-32 7. The holder of a permit issued pursuant to this section
4-33 shall, in addition to the fee for the permit, pay to the Division an
4-34 annual assessment in an amount prescribed in a regulation
4-35 adopted by the Commission. The assessment must not exceed

4-36 ~~(0.035)~~ 35 mills for each megawatt/hour of net energy produced by
the

4-37 renewable energy generation project during the fiscal year
4-38 immediately preceding the fiscal year in which the Division
4-39 imposes the assessment.

4-40 8. If the holder of a permit issued pursuant to this section is
4-41 required by a law or regulation of this state or the Federal
4-42 Government to mitigate any impact to wildlife or habitat for
4-43 wildlife in this state resulting from the development or operation
4-44 of the renewable energy generation project, the requirement shall
4-45 be deemed to be a condition of the permit.

5-1 9. Any person who develops or operates a renewable energy
5-2 generation project without first obtaining a permit pursuant to this
5-3 section, or who fails to pay an assessment required pursuant to
5-4 this section or to comply with any term or condition of the permit
5-5 is:

5-6 (a) For the first offense, guilty of a misdemeanor; or

5-7 (b) For a second or subsequent offense, guilty of a gross
5-8 misdemeanor.

5-9 10. The Division may revoke the permit of a person who is
5-10 guilty of a misdemeanor or gross misdemeanor specified in
5-11 subsection 9.

5-12 11. As used in this section, "renewable energy generation
5-13 project" has the meaning ascribed to it in NRS 701.080.

5-14 Sec. 3. Any person who, on October 1, 2003, is developing or
5-15 operating a renewable energy generation project that initiates
production on or after October 1, 2003 as defined in NRS
5-16 701.080 that causes or may cause death to any wildlife in this state
5-17 or causes or may cause any adverse effect to any habitat for wildlife
5-18 in this state shall obtain the permit required pursuant to section 2 of
5-19 this act on or before October 1, 2004.