

Amendment No. 915

Assembly Amendment to Senate Bill No. 111

(BDR 58-985)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) **blue bold italics** is new language in the original bill; (2) **green bold italic underlining** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

JRS/TMC



Date: 5/21/2007

S.B. No. 111—Clarifies applicability of certain provisions to certain suppliers of utility services. (BDR 58-985)



SENATE BILL NO. 111—SENATOR MCGINNESS

FEBRUARY 19, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Clarifies applicability of certain provisions to certain suppliers of utility services. (BDR 58-985)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public utilities; clarifying the applicability of ~~certain provisions to cooperative associations or nonprofit corporations or associations and other~~ **the Utility Environmental Protection Act to certain utility facilities owned by** suppliers of utility services that provide utility services only to ~~their own members;~~ **the members of those suppliers;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a ~~cooperative association or nonprofit corporation or association and every other~~ supplier of utility services that provides utility services only to its own members is subject to the jurisdiction, control and regulation of the Public Utilities Commission of Nevada for certain limited purposes. (NRS 704.675) **Section 1** of this bill clarifies that ~~such entities are~~, **if such a supplier of utility services is not jointly owned by certain other entities and is subject to the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq., a utility facility owned by the supplier** is exempt from the provisions of the Utility Environmental Protection Act, which controls the permitting process for the construction of new utility facilities. (NRS 704.820-704.900)

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

Section 1. NRS 704.865 is hereby amended to read as follows:

704.865 1. A person, other than a local government, shall not commence to construct a utility facility in the State without first having obtained a permit therefor from the Commission. The replacement of an existing facility with a like facility, as determined by the Commission, does not constitute construction of a utility facility. Any facility, with respect to which a permit is required, must thereafter be constructed, operated and maintained in conformity with the permit and any terms, conditions and modifications contained therein. A permit may only be issued pursuant to NRS 704.820 to 704.900, inclusive. Any authorization relating to a utility facility granted under other laws administered by the Commission constitutes

1 a permit under those sections if the requirements of those sections have been
2 complied with in the proceedings leading to the granting of the authorization.

3 2. A permit may be transferred, subject to the approval of the Commission, to
4 a person who agrees to comply with the terms, conditions and modifications
5 contained therein.

6 3. NRS 704.820 to 704.900, inclusive, do not apply to any utility facility:

7 (a) For which, before July 1, 1971, an application for the approval of the
8 facility has been made to any federal, state, regional or local governmental agency
9 which possesses the jurisdiction to consider the matters prescribed for finding and
10 determination in NRS 704.890;

11 (b) For which, before July 1, 1971, a governmental agency has approved the
12 construction of the facility and the person has incurred indebtedness to finance all
13 or part of the cost of the construction; ~~or~~

14 (c) Over which an agency of the Federal Government has exclusive jurisdiction
15 ~~or~~; or

16 (d) ~~Owned by a cooperative association, nonprofit corporation, association~~
17 ~~or~~ ~~supplier of services described in NRS 704.673 or 704.675~~ ~~that~~;

18 (1) Is not jointly owned by or with an entity that is not such a supplier of
19 services; and

20 (2) Is subject to the provisions of the National Environmental Policy Act
21 of 1969, 42 U.S.C §§ 4321 et seq.

22 4. Any person intending to construct a utility facility excluded from NRS
23 704.820 to 704.900, inclusive, pursuant to paragraph (a) or (b) of subsection 3 may
24 elect to waive the exclusion by delivering notice of its waiver to the Commission.
25 NRS 704.820 to 704.900, inclusive, thereafter apply to each utility facility
26 identified in the notice from the date of its receipt by the Commission.

27 **Sec. 2.** This act becomes effective on July 1, 2007.