

## Amendment No. 930

Assembly Amendment to Assembly Bill No. 522 (BDR 58-1139)

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

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 522.

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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 dashed underlining is newly added transitory language.

MSN



Date: 5/22/2009

A.B. No. 522—Makes various changes relating to energy. (BDR 58-1139)



ASSEMBLY BILL NO. 522—COMMITTEE ON COMMERCE AND LABOR

MARCH 23, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to energy. (BDR 58-1139)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
Effect on the State: Yes.

~

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

AN ACT relating to energy; ~~creating the Nevada Energy Commission; transferring the duties of the Office of Energy and the Task Force for Renewable Energy and Energy Conservation to the Nevada Energy Commission; revising certain standards for the conservation of energy in buildings;~~ **creating the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans and the Account for Set-Aside Programs; authorizing the Director of the Department of Energy to administer the Fund;** authorizing the granting of partial abatements of certain property taxes and local sales and use taxes to ~~new~~ **certain** facilities ~~that generate~~ **for the generation of process heat from solar renewable energy, wholesale facilities for the generation of** electricity from renewable energy, ~~requiring the Public Utilities Commission of Nevada to adopt regulations concerning the removal of financial disincentives for an electric utility to support energy conservation; providing for the issuance of industrial development revenue bonds for renewable energy transmission projects; imposing an excise tax on the generation of electricity from renewable energy; providing a penalty;~~ **and facilities for the transmission of electricity produced from renewable energy;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Sections 1-27, 29-56 and 62-66 of this bill create the Nevada Energy Commission effective July 1, 2010, and provide for the transfer of the powers and duties of the Office of Energy and the Task Force for Renewable Energy and Energy Conservation to the Commission. Section 16 additionally requires the new Commission to: (1) develop a program to provide for energy conservation that provides rebates or incentives; and (2) create renewable energy zones and solicit and review proposals for renewable energy transmission projects.~~

~~Section 21 of this bill requires the adoption of a new standard for the conservation of energy in buildings and revises the requirements of a local government regarding standards for energy and energy efficiency in buildings.~~

Sections 1.1-1.8 of this bill establish the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans and the Account for Set-Aside Programs. The Director of the Office of Energy administers the Fund. The Fund and the Account for Set-Aside Programs may be used only for the purposes set forth in the American Recovery and Reinvestment Act and to make loans at a rate of not more than 3 percent to renewable energy systems for the construction of renewable energy projects. The Director is prohibited from committing any money in the Fund for expenditure or establishing the priorities for determining which renewable energy systems will receive money or other assistance from the Fund without obtaining the prior approval of the Legislature or the Interim Finance Committee if the Legislature is not in session.

Section 28 of this bill authorizes the [Commission on Economic Development] Nevada Energy Commissioner appointed pursuant to section 1.85 of this bill to grant partial abatements of property taxes and local sales and use taxes [other than any taxes imposed for public education] to [new] certain facilities [that generate] for the generation of process heat from solar renewable energy, wholesale facilities for the generation of electricity from renewable energy [and facilities for the transmission of electricity produced from renewable energy]. These abatements will cease to be effective in [40] 40 years.

~~[Sections 57-61 of this bill transfer from the Housing Division of the Department of Business and Industry to the Nevada Energy Commission certain duties relating to the distribution of money for weatherization programs to eligible households.]~~

~~Section 62 of this bill requires the Public Utilities Commission of Nevada to adopt regulations to establish methods and programs that remove financial disincentives for an electric utility to support energy conservation.~~

~~Sections 67-71 of this bill authorize the issuance of industrial development revenue bonds for renewable energy transmission projects.~~

~~Section 85 of this bill imposes an excise tax on the generation of electricity from renewable energy at the rate of 0.20 mills for each kilowatt hour of electricity generated. Sections 72-98 of this bill provide for the administration, collection and enforcement of the tax by the Department of Taxation in a manner similar to other state taxes.~~

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

**Section 1.** Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 to 12.] 1.1 to 1.95,~~ inclusive, of this act.

**Sec. 1.1.** As used in sections 1.1 to 1.8, inclusive, of this act, the words and terms defined in sections 1.15 to 1.45, inclusive, of this act have the meanings ascribed to them in those sections.

**Sec. 1.15.** "American Recovery and Reinvestment Act" means the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

**Sec. 1.2.** "Construction" means the erection, building, acquisition, alteration, remodeling, improvement or extension of a project and the inspection and supervision of such activities and includes, without limitation:

1. Any preliminary planning to determine the feasibility of a project;
2. Engineering, architectural, legal, environmental, fiscal or economic investigations or studies, surveys, designs, plans, working drawings, specifications or procedures that comply with the provisions of the American Recovery and Reinvestment Act and any regulations adopted pursuant thereto;
- and
3. Any other activities reasonably necessary to the completion of a project.

**Sec. 1.3.** "Federal grant" means money authorized by the American Recovery and Reinvestment Act to:

1 1. Create a revolving loan fund to assist in the financing of the construction  
2 of renewable energy projects; or

3 2. Fund set-aside programs authorized by the American Recovery and  
4 Reinvestment Act.

5 Sec. 1.4. "Fund" means the Fund for Renewable Energy, Energy  
6 Efficiency and Energy Conservation Loans created by section 1.5 of this act.

7 Sec. 1.45. "Renewable energy system" has the meaning ascribed to it in  
8 NRS 704.7815.

9 Sec. 1.5. 1. The Fund for Renewable Energy, Energy Efficiency and  
10 Energy Conservation Loans is hereby created. The Director shall administer the  
11 Fund.

12 2. The account to fund activities, other than projects, authorized by the  
13 American Recovery and Reinvestment Act, to be known as the Account for Set-  
14 Aside Programs, is hereby created in the Fund for the Municipal Bond Bank.

15 3. The money in the Fund and the Account for Set-Aside Programs may be  
16 used only for the purposes set forth in the American Recovery and Reinvestment  
17 Act.

18 4. All claims against the Fund and the Account for Set-Aside Programs  
19 must be paid as other claims against the State are paid.

20 5. The faith of the State is hereby pledged that the money in the Account for  
21 the Revolving Fund and the Account for Set-Aside Programs will not be used for  
22 purposes other than those authorized by the American Recovery and  
23 Reinvestment Act.

24 Sec. 1.6. 1. The interest and income earned on money in the Fund and  
25 the Account for Set-Aside Programs must be credited to the Fund and the  
26 Account for Set-Aside Programs, respectively.

27 2. All payments of principal and interest on all loans made to a renewable  
28 energy system and all proceeds from the sale, refunding or prepayment of  
29 obligations of a renewable energy system acquired or loans made in carrying out  
30 the purposes of the Fund must be deposited in the State Treasury for credit to the  
31 Fund.

32 3. The Director may accept gifts, contributions, grants and bequests of  
33 money from any public or private source. The money so accepted must be  
34 deposited in the State Treasury for credit to the Fund, or the Account for Set-  
35 Aside Programs, and can be used to provide money from the State to match the  
36 federal grant, as required by the American Recovery and Reinvestment Act.

37 4. Only federal money deposited in a separate subaccount of the Fund,  
38 including repayments of principal and interest on loans made solely from federal  
39 money, and interest and income earned on federal money in the Fund, may be  
40 used to benefit renewable energy systems not governmentally owned.

41 Sec. 1.7. 1. The Director shall:

42 (a) Use the money in the Fund and the Account for Set-Aside Programs for  
43 the purposes set forth in the American Recovery and Reinvestment Act.

44 (b) Determine whether renewable energy systems which receive money or  
45 other assistance from the Fund or the Account for Set-Aside Programs comply  
46 with the American Recovery and Reinvestment Act and regulations adopted  
47 pursuant thereto.

48 2. The Director may:

49 (a) Prepare and enter into required agreements with the Federal  
50 Government for the acceptance of grants of money for the Fund and the Account  
51 for Set-Aside Programs.

52 (b) Bind the Office of Energy to terms of the required agreements.

1 (c) Accept grants made pursuant to the American Recovery and  
2 Reinvestment Act.

3 (d) Manage the Fund and the Account for Set-Aside Programs in  
4 accordance with the requirements and objectives of the American Recovery and  
5 Reinvestment Act.

6 (e) Provide services relating to management and administration of the Fund  
7 and the Account for Set-Aside Programs, including the preparation of any  
8 agreement, plan or report.

9 (f) Perform, or cause to be performed by agencies or organizations through  
10 interagency agreement, contract or memorandum of understanding, set-aside  
11 programs pursuant to the American Recovery and Reinvestment Act.

12 3. The Director shall not:

13 (a) Commit any money in the Fund for expenditure for the purposes set forth  
14 in section 1.75 of this act; or

15 (b) Establish the priorities for determining which renewable energy systems  
16 will receive money or other assistance from the Fund,  
17 without obtaining the prior approval of the Legislature or the Interim Finance  
18 Committee if the Legislature is not in session.

19 Sec. 1.75. 1. Except as otherwise provided in section 1.6 of this act,  
20 money in the Fund, including repayments of principal and interest on loans, and  
21 interest and income earned on money in the Fund, may be used only to make  
22 loans at a rate of not more than 3 percent to renewable energy systems for the  
23 construction of renewable energy projects.

24 2. Money in the Account for Set-Aside Programs may be used only to fund  
25 set-aside programs authorized by the American Recovery and Reinvestment Act.  
26 Money in the Account for Set-Aside Programs may be transferred to the Fund  
27 pursuant to the American Recovery and Reinvestment Act.

28 3. A renewable energy system which requests a loan or other financial  
29 assistance must demonstrate that it has:

30 (a) Complied with the American Recovery and Reinvestment Act and  
31 regulations adopted pursuant thereto; or

32 (b) Agreed to take actions that are needed to ensure that it has the capability  
33 to comply with the American Recovery and Reinvestment Act and regulations  
34 adopted pursuant thereto.

35 4. Money from the Fund may not be given to an existing renewable energy  
36 system unless it has the technical, managerial and financial capability to ensure  
37 compliance with the American Recovery and Reinvestment Act and regulations  
38 adopted pursuant thereto. A new renewable energy system, to receive such  
39 funding, must demonstrate that it has the technical, managerial and financial  
40 capability to ensure compliance with the American Recovery and Reinvestment  
41 Act and regulations adopted pursuant thereto.

42 Sec. 1.8. The Director may adopt such regulations as are necessary to carry  
43 out the provisions of sections 1.1 to 1.8, inclusive, of this act.

44 Sec. 1.85. 1. The Governor shall appoint the Nevada Energy  
45 Commissioner, subject to confirmation by the Legislature, or the Legislative  
46 Commission if the Legislature is not in session.

47 2. The Commissioner:

48 (a) Is in the unclassified service of the State;

49 (b) Serves at the pleasure of the Governor; and

50 (c) Must have experience and demonstrated expertise in one or more of the  
51 following fields:

52 (1) Financing of energy projects;

53 (2) Energy generation projects;

(3) Energy transmission projects;

(4) Professional engineering related to energy efficiency; or

(5) Renewable energy.

3. The Commissioner may, within the limits of legislative appropriations or authorizations:

(a) Employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of his duties may require;

(b) Employ, or retain on a contract basis, legal counsel who shall:

(1) Act as counsel and attorney for the Commissioner in all actions, proceedings and hearings; and

(2) Generally aid the Commissioner in the performance of his duties; and

(c) Employ such additional personnel as may be required to carry out his duties, who must be in the classified service of the State.

4. A person employed by the Commissioner pursuant to this section must be qualified by training and experience to perform the duties of his employment.

5. The Commissioner and the persons employed by the Commissioner shall not have any conflict of interest relating to the performance of their duties.

Sec. 1.9. The Nevada Energy Commissioner shall:

1. Utilize all available public and private means to:

(a) Provide information to the public about issues relating to energy and to explain how conservation of energy and its sources may be accomplished; and

(b) Work with educational and research institutes, trade associations and any other public and private entities in this State to create a database for information on technological development, financing opportunities and federal and state policy developments regarding renewable energy and energy efficiency.

2. Encourage the development of any sources of renewable energy and any other energy projects which will benefit the State and any measures which conserve or reduce the demand for energy or which result in more efficient use of energy by, without limitation:

(a) Identifying appropriate areas in this State for the development of sources of renewable energy, based on:

(1) Assessments of solar, wind and geothermal potential;

(2) Evaluations of natural resource constraints;

(3) Current electric transmission infrastructure and capacity; and

(4) The feasibility of the construction of new electric transmission lines;

(b) Working with renewable energy developers to locate their projects within appropriate areas of this State, including, without limitation, assisting the developers to interface with the Bureau of Land Management, the Department of Defense and other federal agencies in:

(1) Expediting land leases;

(2) Resolving site issues; and

(3) Receiving permits for projects on public lands within the appropriate areas of this State;

(c) Coordinating the planning of renewable energy projects in appropriate areas of this State to establish a mix of solar, wind and geothermal renewable energy systems that create a reliable source of energy and maximize use of current or future transmission lines and infrastructure; and

(d) Developing proposals for the financing of future electric transmission projects for renewable energy if no such financing proposals exist.

3. Review jointly with the Nevada System of Higher Education the policies of this State relating to the research and development of the geothermal energy

1 resources in this State and make recommendations to the appropriate state and  
2 federal agencies concerning methods for the development of the geothermal  
3 energy resources in this State.

4 4. If the Commissioner determines that it is feasible and cost-effective, enter  
5 into contracts with researchers from the Nevada System of Higher Education:

6 (a) To conduct environmental studies in connection with the identification of  
7 appropriate areas in this State for the development of renewable energy  
8 resources, including, without limitation, hydrologic studies, solar resource  
9 mapping studies and wind power modeling studies; and

10 (b) For the development of technologies that will facilitate the energy  
11 efficiency of the electricity grid for this State, including, without limitation,  
12 meters that facilitate energy efficiency for consumers of electricity.

13 5. Cooperate with the Director:

14 (a) To promote energy projects that enhance the economic development of  
15 the State;

16 (b) To promote the use of renewable energy in this State;

17 (c) To promote the use of measures which conserve or reduce the demand for  
18 energy or which result in more efficient use of energy;

19 (d) To develop a comprehensive program for retrofitting public buildings in  
20 this State with energy efficiency measures; and

21 (e) If the Commissioner determines that it is feasible and cost-effective, to  
22 enter into contracts with researchers from the Nevada System of Higher  
23 Education for the design of energy efficiency and retrofit projects to carry out the  
24 comprehensive program for retrofitting public buildings in this State developed  
25 pursuant to paragraph (d).

26 6. Coordinate activities and programs with the activities and programs of  
27 the Office of Energy, the Consumer's Advocate and the Public Utilities  
28 Commission of Nevada in general and with other federal, state and local officers  
29 and agencies that promote, fund, administer or operate activities and programs  
30 related to the use of renewable energy and the use of measures which conserve or  
31 reduce the demand for energy or which result in more efficient use of energy.

32 7. Carry out all other directives concerning energy that are prescribed by  
33 the Legislature.

34 Sec. 1.95. The Commissioner may:

35 1. Administer any gifts or grants which he is authorized to accept.

36 2. Expend money received from those gifts or grants or from any money  
37 received through legislative appropriations or authorizations to contract with  
38 qualified persons or institutions for research in the production and efficient use  
39 of energy resources.

40 3. Enter into any cooperative agreement with any federal or state agency or  
41 political subdivision.

42 4. Participate in any program established by the Federal Government  
43 relating to sources of energy and adopt regulations appropriate to such a  
44 program.

45 5. Assist developers of renewable energy systems in preparing and making  
46 requests to obtain money for development through the issuance of industrial  
47 development revenue bonds pursuant to NRS 349.400 to 349.670, inclusive.

48 6. Adopt any regulations that the Commissioner determines are necessary to  
49 carry out his duties.

50 7. Within the limits of legislative appropriations and other money  
51 authorized for expenditure for such purposes, negotiate and execute agreements  
52 with public or private entities which are necessary to the exercise of the powers  
53 and duties of the Commissioner.



1       Sec. 2. ~~["Commission" means the Nevada Energy Commission.] (Deleted~~  
2 ~~by amendment.)~~

3       Sec. 3. ~~["Renewable energy transmission project":~~

4 ~~1. Means a project involving the transmission of electricity generated by~~  
5 ~~renewable energy.~~

6 ~~2. Does not include a project involving an electric generating facility or~~  
7 ~~system that uses nuclear energy, in whole or in part, to generate electricity.]~~

8 ~~(Deleted by amendment.)~~

9       Sec. 4. ~~[1. There is hereby created the Nevada Energy Commission.~~

10 ~~2. The Commission consists of three Commissioners who are appointed by~~  
11 ~~the Governor for terms of 4 years and serve in the unclassified service of the~~  
12 ~~State.~~

13 ~~3. The Governor shall appoint as members of the Commission persons who~~  
14 ~~have experience and demonstrated expertise in one or more of the following~~  
15 ~~fields:~~

16 ~~(a) Financing of energy projects;~~

17 ~~(b) Energy generation or transmission projects;~~

18 ~~(c) Professional engineering; and~~

19 ~~(d) Renewable energy.~~

20 ~~4. Not more than two of the Commissioners may:~~

21 ~~(a) Be members of the same political party; or~~

22 ~~(b) Have expertise in the same field.~~

23 ~~5. A vacancy on the Commission must be appointed in the same manner as~~  
24 ~~the original appointment.~~

25 ~~6. Members of the Commission may be reappointed in the same manner as~~  
26 ~~an original appointment.] (Deleted by amendment.)~~

27       Sec. 5. ~~[1. All Commissioners must:~~

28 ~~(a) Be independent of the industries regulated by the Commission;~~

29 ~~(b) Possess demonstrated competence; and~~

30 ~~(c) Not have a pecuniary interest in any energy company in this State or~~  
31 ~~elsewhere.~~

32 ~~2. Except as otherwise provided in NRS 284.143, the Commissioners shall~~  
33 ~~give their entire time to the business of the Commission and shall not pursue any~~  
34 ~~other business or vocation or hold any other office of profit.~~

35 ~~3. No Commissioner may be a member of any political convention or a~~  
36 ~~member of any committee of any political party.~~

37 ~~4. Before entering upon the duties of his office, each Commissioner shall:~~

38 ~~(a) Swear that all requirements to serve on the Commission have been met;~~  
39 ~~and~~

40 ~~(b) Subscribe to the constitutional oath of office.~~

41 ~~5. The oath of office must be filed in the Office of the Secretary of State.]~~  
42 ~~(Deleted by amendment.)~~

43       Sec. 6. ~~[The Chairman of the Commission:~~

44 ~~1. Shall serve for a term of 2 years;~~

45 ~~2. Is a position which rotates among the members of the Commission; and~~

46 ~~3. Serves as the Executive Officer of the Commission.] (Deleted by~~  
47 ~~amendment.)~~

48       Sec. 7. ~~[1. A majority of the Commissioners has full power to act in all~~  
49 ~~matters within the jurisdiction of the Commission.~~

50 ~~2. Before the Commission may enter a final order on a matter, there must~~  
51 ~~be at least two Commissioners who are able to act on the matter.~~



~~3. Except as otherwise provided in this chapter, all hearings and meetings conducted by the Commission must be open to the public.~~ (Deleted by amendment.)

Sec. 8. ~~[The Commission may sue and be sued in the name of the Nevada Energy Commission.]~~ (Deleted by amendment.)

Sec. 9. ~~[1. The Commission shall keep its principal office at Carson City, Nevada, in rooms provided by the Buildings and Grounds Division of the Department of Administration and may maintain another office in Las Vegas, Nevada.~~

~~2. If an office is so maintained in Las Vegas, any document which is required to be filed with the Commission may be filed at its office in Las Vegas with the same effect as if it were filed at the office in Carson City.]~~ (Deleted by amendment.)

Sec. 10. ~~[1. The Commission shall appoint a Deputy Commissioner who shall serve in the unclassified service of the State.~~

~~2. The Commission shall appoint a Secretary who shall perform such administrative and other duties as are prescribed by the Commission. The Commission shall also appoint an Assistant Secretary.~~

~~3. The Commission may employ or contract with such persons as may be necessary to conduct the business of the Commission within limits of legislative appropriations and authorizations.]~~ (Deleted by amendment.)

Sec. 11. ~~[1. The expenditures of each Commissioner and employee of the Commission while traveling on its business must be sworn to by the person who incurred the expense and must be approved by the Chairman of the Commission.~~

~~2. The per diem allowance and travel expenses of the members of the Commission and its staff must be paid at the rate established for state officers and employees generally.]~~ (Deleted by amendment.)

Sec. 12. ~~[The Commission may do all things necessary and convenient to carry out the provisions of this chapter, including, without limitation, prescribing such forms and adopting such procedures as are necessary to carry out the provisions of this chapter.]~~ (Deleted by amendment.)

Sec. 13. ~~[NRS 701.020 is hereby amended to read as follows:  
701.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 701.030 to [701.090,] 701.080, inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 14. ~~[NRS 701.160 is hereby amended to read as follows:  
701.160 The [Director] Commission shall prepare a report concerning the status of energy in the State of Nevada and submit it to:~~

~~1. The Governor on or before January 20 of each year; and~~

~~2. The [Legislature] Director of the Legislative Counsel Bureau on or before January 30 of each [odd-numbered] year.]~~ (Deleted by amendment.)

Sec. 15. ~~[NRS 701.170 is hereby amended to read as follows:~~

~~701.170 The [Director] Commission may:~~

~~1. Administer any gifts or grants which the [Office of Energy] Commission is authorized to accept for the purposes of this chapter;~~

~~2. Expend money received from those gifts or grants or from legislative appropriations to contract with qualified persons or institutions for research in the production and efficient use of energy resources;~~

~~3. Enter into any cooperative agreement with any federal or state agency or political subdivision;~~

~~4. Participate in any program established by the Federal Government relating to sources of energy and adopt regulations appropriate to that program.~~

~~5. Assist developers of renewable energy generation projects or renewable energy transmission projects in preparing and making requests to obtain money for development through the issuance of industrial development revenue bonds pursuant to NRS 349.400 to 349.670, inclusive.~~

~~6. Adopt any regulations that the [Director] Commission determines are necessary to carry out [the] its duties [of the Office of Energy] pursuant to this chapter.~~

~~7. Within the limits of legislative appropriations and other money authorized for expenditure for such purposes, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which [the] the Commission determines is necessary or convenient for the exercise of the powers and duties of the [Office of Energy.] Commission. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the [Office of Energy.] Commission.~~

~~8. Within the limits of legislative appropriations and other money authorized for expenditure for such purposes, negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the [Director or the Office of Energy.] Commission.] (Deleted by amendment.)~~

**Sec. 16.** [NRS 701.180 is hereby amended to read as follows:  
~~701.180 The [Director] Commission shall:~~

~~1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources;~~

~~2. Utilize all available public and private means to provide information to the public about problems relating to energy and to explain how conservation of energy and its sources may be accomplished;~~

~~3. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:~~

~~(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;~~

~~(b) The amount of energy available to meet each level of demand;~~

~~(c) The probable implications of the forecast on the demand and supply of energy; and~~

~~(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects;~~

~~4. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.~~

~~5. Encourage the development of:~~

~~(a) Any sources of renewable energy and any other energy projects which will benefit the State; and~~

~~(b) Any measures which conserve or reduce the demand for energy or which result in more efficient use of energy;~~

~~6. In conjunction with the Desert Research Institute, review policies relating to the research and development of the State's geothermal resources and make recommendations to the appropriate state and federal agencies for establishing methods of developing the geothermal resources within the State;~~

~~7. Solicit and serve as the point of contact for grants and other money from the Federal Government and other sources to promote:~~

~~(a) Energy projects that enhance the economic development of the State;~~

~~(b) The use of renewable energy; and~~

~~(c) The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;~~

~~8. Coordinate the activities and programs of the [Office of Energy] Commission with the activities and programs of [the Task Force,] the Consumer's Advocate, [and] the Public Utilities Commission of Nevada and other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.~~

~~9. [Carry out all other directives concerning energy that are prescribed by the Governor.] Create renewable energy zones and solicit and review proposals for renewable energy transmission projects in those zones. If the Commission finds that no submitted proposals are suitable for financing, the Commission may plan, build and divest itself of a renewable energy transmission project.~~

~~10. Coordinate with entities within and outside of this State to effectively transmit electricity generated from renewable energy.~~

~~11. Develop a program to provide for energy conservation in this State that provides rebates or incentives for such conservation.~~

~~12. Develop a program to provide for energy efficiency in this State for residential buildings that provides rebates or incentives for such efficiency.~~

~~13. Carry out programs of energy conservation, weatherization and energy efficiency for eligible households pursuant to NRS 702.270.] (Deleted by amendment.)~~

**Sec. 17.** [NRS 701.190 is hereby amended to read as follows:]

~~701.190 1. The [Director] Commission shall prepare a comprehensive state energy plan which provides for the promotion of:~~

- ~~(a) Energy projects that enhance the economic development of the State;~~
- ~~(b) The use of renewable energy; and~~
- ~~(c) The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.~~

~~2. The comprehensive state energy plan must include provisions for:~~

- ~~(a) The assessment of the potential benefits of proposed energy projects on the economic development of the State;~~
- ~~(b) The education of persons and entities concerning renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy;~~
- ~~(c) The creation of incentives for investment in and the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy;~~
- ~~(d) Grants and other money to establish programs and conduct activities which promote;~~

- ~~(1) Energy projects that enhance the economic development of the State;~~
- ~~(2) The use of renewable energy; and~~
- ~~(3) The use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;~~

~~(c) The development or incorporation by reference of model and uniform building and energy codes and standards which are written in language that is easy to understand and which include performance standards for conservation of energy and efficient use of energy;~~

~~(f) Oversight and accountability with respect to all programs and activities described in this subsection.~~

~~(g) Any other matter that the [Task Force] Commission determines to be relevant to the issues of energy resources, energy use, energy conservation and energy efficiency.] (Deleted by amendment.)~~

1       **Sec. 18.** ~~[NRS 701.200 is hereby amended to read as follows:~~  
2       ~~701.200 1. The [Director] Commission may recommend to state agencies,~~  
3       ~~local governments and appropriate private persons and entities, standards for~~  
4       ~~conservation of energy and its sources and for carrying out the comprehensive state~~  
5       ~~energy plan.~~

6       ~~2. In recommending such standards, the [Director] Commission shall consider~~  
7       ~~the usage of energy and its sources in the State and the methods available for~~  
8       ~~conservation of those sources.] (Deleted by amendment.)~~

9       **Sec. 19.** ~~[NRS 701.210 is hereby amended to read as follows:~~

10       ~~701.210 The [Director] Commission shall:~~

11       ~~1. Prepare, subject to the approval of the Governor, petroleum allocation and~~  
12       ~~rationing plans for possible energy contingencies. The plans shall be carried out~~  
13       ~~only by executive order of the Governor.~~

14       ~~2. Carry out and administer any federal programs which authorize state~~  
15       ~~participation in fuel allocation programs.] (Deleted by amendment.)~~

16       **Sec. 20.** ~~[NRS 701.215 is hereby amended to read as follows:~~

17       ~~701.215 The [Director] Commission shall prepare a state energy reduction~~  
18       ~~plan which requires state agencies, departments and other entities in the Executive~~  
19       ~~Branch to reduce grid-based energy purchases for state-owned buildings by 20~~  
20       ~~percent by 2015.] (Deleted by amendment.)~~

21       **Sec. 21.** ~~[NRS 701.220 is hereby amended to read as follows:~~

22       ~~701.220 1. The [Director] Commission shall adopt regulations for the~~  
23       ~~conservation of energy in buildings, including manufactured homes. Such~~  
24       ~~regulations must include the adoption of the most recent version of the International~~  
25       ~~Energy Conservation Code, issued by the International Code Council, and~~  
26       ~~ASHRAE Standard 90.1-2007, Energy Standard for Buildings Except Low-Rise~~  
27       ~~Residential Buildings, issued by the American Society of Heating, Refrigerating~~  
28       ~~and Air-Conditioning Engineers, Inc., and any amendments to the Code or~~  
29       ~~Standard that will not materially lessen the effective energy savings requirements~~  
30       ~~of the Code or Standard and are deemed necessary to support effective compliance~~  
31       ~~and enforcement of the Code [,] or Standard, and must establish the minimum~~  
32       ~~standards for:~~

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

34       ~~(b) The equipment and systems for heating, ventilation and air conditioning;~~

35       ~~(c) Electrical equipment and systems;~~

36       ~~(d) Insulation; and~~

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

38       ~~The regulations must provide for the adoption of the most recent version of the~~  
39       ~~International Energy Conservation Code [,] and the Standard, and any amendments~~  
40       ~~thereto, every third year.~~

41       ~~2. The [Director] Commission may exempt a building from a standard if [he]~~  
42       ~~the Commission determines that application of the standard to the building would~~  
43       ~~not accomplish the purpose of the regulations.~~

44       ~~3. The regulations must authorize allowances in design and construction for~~  
45       ~~sources of renewable energy used to supply all or a part of the energy required in a~~  
46       ~~building.~~

47       ~~4. The standards adopted by the [Director] Commission are the minimum~~  
48       ~~standards for the conservation of energy and energy efficiency [which apply only to~~  
49       ~~areas in which the governing body of the local government has not adopted~~  
50       ~~standards for the conservation of energy and energy efficiency in buildings. Such~~  
51       ~~governing bodies shall assist the Director in the enforcement of the regulations~~  
52       ~~adopted pursuant to this section.] in buildings in this State. The governing body of~~

~~a local government that is authorized by law to adopt and enforce a building code;~~

~~(a) Except as otherwise provided in paragraph (b), shall incorporate the standards adopted by the Commission in its building code;~~

~~(b) May adopt higher or more stringent standards if approved by the Commission; and~~

~~(c) Shall enforce the standards adopted;~~

~~5. The [Director] Commission shall solicit comments regarding the adoption of regulations pursuant to this section from:~~

~~(a) Persons in the business of constructing and selling homes;~~

~~(b) Contractors;~~

~~(c) Public utilities;~~

~~(d) Local building officials; and~~

~~(e) The general public;~~

~~before adopting any regulations. The [Director] Commission must conduct at least three hearings in different locations in the State, after giving 30 days' notice of each hearing, before [he] the Commission may adopt any regulations pursuant to this section. (Deleted by amendment.)~~

~~Sec. 22. [NRS 701.230 is hereby amended to read as follows:]~~

~~701.230 1. In a county whose population is 100,000 or more, a building whose construction began on or after October 1, 1983, must not contain a system using electric resistance for heating spaces unless:~~

~~(a) The system is merely supplementary to another means of heating;~~

~~(b) Under the particular circumstances no other primary means of heating the spaces is a feasible or economical alternative to heating by electric resistance; or~~

~~(c) The [Office of Energy] Commission determines that the present or future availability of other sources of energy is so limited as to justify the use of such a system.~~

~~2. This section does not prohibit the use of incandescent or fluorescent lighting. (Deleted by amendment.)~~

~~Sec. 23. [NRS 701.240 is hereby amended to read as follows:]~~

~~701.240 1. The [Director] Commission shall develop a program to distribute money, within the limits of legislative appropriation, in the form of grants, incentives or rebates to persons to pay or defray, in whole or in part, the costs for those persons to acquire, install or improve net metering systems, if the [Director] Commission determines that the distribution of money to a person for that purpose will encourage, promote or stimulate:~~

~~(a) The development or use of sources of renewable energy in the State or the development of industries or technologies that use sources of renewable energy in the State;~~

~~(b) The conservation of energy in the State, the diversification of the types of energy used in the State or any reduction in the dependence of the State on foreign sources of energy;~~

~~(c) The protection of the natural resources of the State or the improvement of the environment;~~

~~(d) The enhancement of existing utility facilities or any other infrastructure in the State or the development of new utility facilities or any other infrastructure in the State; or~~

~~(e) The investment of capital or the expansion of business opportunities in the State or any growth in the economy of the State.~~

~~2. The [Director] Commission may adopt any regulations that are necessary to carry out the provisions of this section.~~

~~3. The [Director] Commission shall not distribute money to any person pursuant to this section unless:~~

~~(a) The person complies with any requirements that the [Director] Commission adopts by regulation; and~~

~~(b) The distribution of the money is consistent with one or more of the public purposes set forth in paragraphs (a) to (e), inclusive, of subsection 1.~~

~~4. As used in this section, "person" includes, without limitation, any state or local governmental agency or entity.~~ **(Deleted by amendment.)**

**Sec. 24.** ~~[NRS 701.250 is hereby amended to read as follows:]~~

~~701.250 1. The [Director] Commission shall adopt regulations establishing a program for evaluating the energy consumption of residential property in this State.~~

~~2. The regulations must include, without limitation:~~

~~(a) Standards for evaluating the energy consumption of residential property; and~~

~~(b) Provisions prescribing a form to be used pursuant to NRS 113.115, including, without limitation, provisions that require a portion of the form to provide information on programs created pursuant to NRS 702.275 and other programs of improving energy conservation and energy efficiency in residential property.~~

~~3. As used in this section:~~

~~(a) "Dwelling unit" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one person who maintains a household or by two or more persons who maintain a common household.~~

~~(b) "Residential property" means any land in this State to which is affixed not less than one or more than four dwelling units.~~ **(Deleted by amendment.)**

**Sec. 25.** ~~[NRS 701.260 is hereby amended to read as follows:]~~

~~701.260 1. Between January 1, 2012, and December 31, 2015, inclusive, no general purpose light may be sold in this State unless it produces at least 25 lumens per watt of electricity consumed.~~

~~2. On and after January 1, 2016, no general purpose light may be sold in this State unless it meets or exceeds the minimum standard of energy efficiency established by the [Director] Commission pursuant to subsection 3 for lumens per watt of electricity consumed.~~

~~3. The [Director] Commission shall adopt regulations to carry out the provisions of this section. The regulations must, without limitation:~~

~~(a) Establish a minimum standard of energy efficiency for lumens per watt of electricity consumed that must be produced by general purpose lights sold in this State on and after January 1, 2016. The minimum standard of energy efficiency established by the [Director] Commission must exceed 25 lumens per watt of electricity consumed.~~

~~(b) Attempt to minimize the overall cost to consumers for general purpose lighting, considering the needs of consumers relating to lighting, technological feasibility and anticipated product availability and performance.~~

~~4. As used in this section, "general purpose light" means lamps, bulbs, tubes or other devices that provide functional illumination for indoor or outdoor use. The term does not include "specialty lighting" or "lighting necessary to provide illumination for persons with special needs," as defined by the [Director] Commission by regulation.~~ **(Deleted by amendment.)**

**Sec. 26.** ~~[NRS 701.370 is hereby amended to read as follows:]~~

~~701.370 1. The Trust Fund for Renewable Energy and Energy Conservation is hereby created in the State Treasury.~~

~~2. The [Task Force] Commission shall administer the Fund. As administrator of the Fund, the [Task Force] Commission:~~

~~(a) Shall maintain the financial records of the Fund;~~

~~(b) Shall invest the money in the Fund as the money in other state funds is invested;~~

~~(c) Shall manage any account associated with the Fund;~~

~~(d) Shall maintain any instruments that evidence investments made with the money in the Fund;~~

~~(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and~~

~~(f) May perform any other duties that are necessary to administer the Fund.~~

~~3. The interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.~~

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

~~5. The money in the Fund remains in the Fund and does not revert to the State General Fund at the end of any fiscal year.~~

~~6. All money that is deposited or paid into the Fund may only be expended pursuant to an allocation made by the [Task Force] Commission. Money expended from the Fund must not be used to supplant existing methods of funding that are available to public agencies. (Deleted by amendment.)~~

**Sec. 27. [NRS 701.380 is hereby amended to read as follows:]**

~~701.380 [1.] The [Task Force] Commission shall:~~

~~[(a) Advise the Office of Energy in:~~

~~(1) The development and periodic review of the comprehensive state energy plan with regard to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;~~

~~(2) The distribution of money to persons pursuant to NRS 701.240 to pay or defray, in whole or in part, the costs for those persons to acquire, install or improve net metering systems;~~

~~(b) Coordinate its activities and programs with the activities and programs of the Office of Energy, the Consumer's Advocate and the Public Utilities Commission of Nevada and other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;~~

~~[(c)] 1. Spend the money in the Trust Fund for Renewable Energy and Energy Conservation to:~~

~~[(1)] (a) Educate persons and entities concerning renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy;~~

~~[(2)] (b) Create incentives for investment in and the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy;~~

~~[(3)] (c) Establish a program to offset consumer utility costs;~~

~~(d) Distribute grants and other money to establish programs and projects which incorporate the use of renewable energy and measures which conserve or reduce the demand for energy or which result in more efficient use of energy;~~

~~[(4)] (e) Conduct feasibility studies, including, without limitation, any feasibility studies concerning the establishment or expansion of any grants, incentives, rebates or other programs to enable or assist persons to reduce the cost~~



~~of purchasing on-site generation systems, net metering systems and distributed generation systems that use renewable energy;~~

~~[(d) Take any other actions that the Task Force deems necessary to carry out its duties, including, without limitation, contracting with consultants, if necessary, for the purposes of program design or to assist the Task Force in carrying out its duties.]~~

~~2. [The Task Force shall prepare an] *Include in the* annual report [concerning its activities and programs and submit the report to the Legislative Commission and the Governor on or before January 30 of each year. The annual report must include,] *submitted pursuant to NRS 701.160, the status of the activities and programs that received money from the Trust Fund for Renewable Energy and Energy Conservation, including,* without limitation:~~

~~(a) A description of the objectives of each activity and program;~~

~~(b) An analysis of the effectiveness and efficiency of each activity and program in meeting the objectives of the activity or program;~~

~~(c) The amount of money distributed for each activity and program from the Trust Fund for Renewable Energy and Energy Conservation and a detailed description of the use of that money for each activity and program;~~

~~(d) An analysis of the coordination between the [Task Force] *Commission* and other officers and agencies; and~~

~~(e) Any changes planned for each activity and program.~~

~~3. As used in this section, "distributed generation system" means a facility or system for the generation of electricity that is in close proximity to the place where the electricity is consumed.] *(Deleted by amendment.)*~~

*Sec. 27.5. Chapter 701A of NRS is hereby amended by adding thereto the provisions set forth as sections 28 and 28.5 of this act.*

*Sec. 28. [Chapter 701A of NRS is hereby amended by adding thereto a new section to read as follows:]*

*1. A person who intends to locate a facility for the generation of process heat from solar renewable energy, a wholesale facility for the generation of electricity from renewable energy or a facility for the transmission of electricity produced from renewable energy in this State may apply to the [Commission on Economic Development] Director for a partial abatement of [one or more of] the local sales and use taxes [or], the taxes imposed pursuant to chapter 361 of NRS [, other than any taxes imposed for public education].*

*2. Except as otherwise provided in subsection 3, the Commission on Economic Development], or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS. A person who intends to locate a facility for the generation of electricity from geothermal resources in this State may apply to the Director for a partial abatement of local sales and use taxes. A facility that is owned, operated, leased or otherwise controlled by a governmental entity is not eligible for an abatement pursuant to this section.*

*2. As soon as practicable after the Director receives such an application, the Director shall submit the application to the Commissioner and forward a copy of the application to:*

*(a) The Chief of the Budget Division of the Department of Administration;*

*(b) The Department of Taxation;*

*(c) The board of county commissioners;*

*(d) The county assessor;*

*(e) The county treasurer; and*

*(f) The Commission on Economic Development.*

*➤ With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a*

presentation regarding the facility. A request for a presentation must be made within 30 days after receipt of the application. The Commissioner shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in this subsection have received a copy of the application.

3. The Commissioner shall approve an application for a partial abatement pursuant to this section if the ~~Commission~~ Commissioner makes the following determinations:

(a) ~~The facility is consistent with:~~  
~~(1) The State Plan for Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067; and~~

~~(2) Any guidelines adopted pursuant to the State Plan;~~  
~~(b) The applicant has executed an agreement with the ~~Commission~~ Commissioner which must:~~

(1) State that the facility will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection ~~5.1~~ 6, continue in operation in this State for a period specified by the ~~Commission~~ Commissioner, which must be at least ~~5~~ 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.  
~~(c) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.~~

~~(d) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.~~

~~(e) If the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:~~

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Commissioner for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least \$10,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and;

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Commissioner by regulation pursuant to subsection 9.

(e) If the facility will be located in a county whose population is less than 100,000 or a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Commissioner for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least \$3,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and;

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Commissioner by regulation pursuant to subsection 9.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

~~3. If a person submits an application to the Commission on Economic Development pursuant to subsection 1, the Commission:~~

~~(a) Shall not consider the application unless the Commission has requested a letter of acknowledgment of the request for the abatement from any affected county, city or town;~~

~~(b) Shall provide notice to the governing body of the county and the governing body of the city or town, if any, in which the person intends to locate a facility. The notice required pursuant to this paragraph must set forth the date, time and location of the hearing at which the Commission will consider the application.~~

4. Notwithstanding the provisions of subsection 2, the Commissioner may, if the Commissioner determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet the requirements set forth in paragraph (d) or (e) of subsection 3;

(b) Make the requirements set forth in paragraph (d) or (e) of subsection 3 more stringent; or

(c) Add additional requirements that a facility must meet to qualify for a partial abatement.

5. If the ~~Commission on Economic Development~~ Commissioner approves an application for a partial abatement pursuant to this section of:

(a) Property taxes imposed pursuant to chapter 361 of NRS, the partial abatement must:

(1) Be for a duration of ~~2 years or, if the agreement required by paragraph (b) of subsection 2 requires that at least 30 percent of the materials~~

~~used in the construction of the facility must be purchased in this State, for a duration of 5 years;}~~ the 20 fiscal years immediately following the date of approval of the application;

(2) ~~Be equal to 50 percent of the taxes on real and personal property payable by the facility each year ; , other than any taxes imposed for public education;}~~ and

(3) ~~Not apply during any period in which the facility is receiving another abatement or exemption from property taxes imposed pursuant to chapter 361 of NRS, other than any partial abatement provided pursuant to NRS 361.4722.~~

(b) ~~Local sales and use taxes , the ;~~

(1) The partial abatement must:

~~{(1)} (I) Be for a duration of the 2 years for, if the agreement required by paragraph (b) of subsection 2 requires that at least 30 percent of the materials used in the construction of the facility must be purchased in this State, for a duration of 5 years;~~

~~{(2)} beginning on the date of approval of the application;~~

~~{(II) Be equal to 50 percent of the local sales and use taxes payable by the facility each year, other than any taxes imposed for public education; and~~

~~{(3)} that portion of the combined rate of all the local sales and use taxes payable by the facility each year which exceeds 0.5 percent; and~~

~~{(III) Not apply during any period in which the facility is receiving another abatement or exemption from local sales and use taxes.~~

~~{5} (2) The Department of Taxation shall issue to the facility a document certifying the abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2.5 percent.~~

6. Upon approving an application for a partial abatement pursuant to this section, the ~~Commission on Economic Development~~ Commissioner shall immediately notify the Director of the terms of the abatement and the Director shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The ~~Nevada Tax Commission;~~

~~(c) The Nevada Energy Commission; and~~

~~(d) If the partial abatement is from property taxes imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the facility will be located.~~

~~6. The Commission on Economic Development may adopt such regulations as the Commission determines to be necessary or advisable to carry out the provisions of this section.~~

~~7. An applicant for an abatement who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.~~

~~8.} board of county commissioners;~~

(c) The county assessor;

(d) The county treasurer; and

(e) The Commission on Economic Development.

7. As soon as practicable after receiving a copy of:

(a) An application pursuant to subsection 2;

(1) The Chief of the Budget Division shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State and forward a copy of the fiscal note to the Director for submission to the Commissioner; and

1 (2) The Department of Taxation shall publish a fiscal note that indicates  
2 an estimate of the fiscal impact of the partial abatement on each affected local  
3 government, and forward a copy of the fiscal note to each affected local  
4 government and to the Director for submission to the Commissioner.

5 (b) A certificate of eligibility pursuant to subsection 6, the Department of  
6 Taxation shall forward a copy of the certificate to each affected local  
7 government.

8 8. A partial abatement approved by the Commissioner pursuant to this  
9 section terminates upon any determination by the Commissioner that the facility  
10 has ceased to meet any eligibility requirements for the abatement. The  
11 Commissioner shall provide notice and a reasonable opportunity to cure any  
12 noncompliance issues before making a determination that the facility has ceased  
13 to meet those requirements. The Commissioner shall immediately provide notice  
14 of each determination of termination to the Director, and the Director shall  
15 immediately provide a copy of the notice to:

16 (a) The Commissioner, who shall immediately notify each affected local  
17 government of the determination;

18 (b) The board of county commissioners;

19 (c) The county assessor;

20 (d) The county treasurer; and

21 (e) The Commission on Economic Development.

22 9. The Commissioner:

23 (a) Shall adopt regulations:

24 (1) Prescribing the minimum level of benefits that a facility must provide  
25 to its employees if the facility is going to use benefits paid to employees as a basis  
26 to qualify for a partial abatement pursuant to this section;

27 (2) Prescribing such requirements for an application for a partial  
28 abatement pursuant to this section as will ensure that all information and other  
29 documentation necessary for the Commissioner to make an appropriate  
30 determination is filed with the Director;

31 (3) Requiring each recipient of a partial abatement pursuant to this  
32 section to file annually with the Director, for submission to the Commissioner,  
33 such information and documentation as may be necessary for the Commissioner  
34 to determine whether the recipient is in compliance with any eligibility  
35 requirements for the abatement; and

36 (4) Regarding the capital investment that a facility must make to meet the  
37 requirement set forth in paragraph (d) or (e) of subsection 3; and

38 (b) May adopt such other regulations as the Commissioner determines to be  
39 necessary to carry out the provisions of this section.

40 10. Notwithstanding any statutory provision to the contrary, if the  
41 Commissioner approves an application for a partial abatement pursuant to this  
42 section of:

43 (a) Property taxes imposed pursuant to chapter 361 of NRS, the amount of  
44 all the property taxes which are collected from the facility for the period of the  
45 abatement must be allocated and distributed in such a manner that:

46 (1) For the period beginning on July 1, 2009, and ending on June 30,  
47 2011:

48 (I) Forty-five percent of that amount is deposited in the unrestricted  
49 balance of the State General Fund; and

50 (II) Fifty-five percent of that amount is distributed to the local  
51 governmental entities that would otherwise be entitled to receive those taxes in  
52 proportion to the relative amount of those taxes those entities would otherwise be  
53 entitled to receive; and

(2) For the period beginning on July 1, 2011, and ending on June 30, 2049:

(I) Forty-five percent of that amount is deposited in the Renewable Energy Fund created by section 28.5 of this act; and

(II) Fifty-five percent of that amount is distributed to the local governmental entities that would otherwise be entitled to receive those taxes in proportion to the relative amount of those taxes those entities would otherwise be entitled to receive.

(b) Local sales and use taxes, the State Controller shall allocate, transfer and remit an amount equal to all the sales and use taxes imposed in this State and collected from the facility for the period of the abatement in the same manner as if that amount consisted solely of the proceeds of taxes imposed by NRS 374.110 and 374.190.

11. As used in this section:

(a) "Biomass" means any organic matter that is available on a renewable basis, including, without limitation:

(1) Agricultural crops and agricultural wastes and residues;

(2) Wood and wood wastes and residues;

(3) Animal wastes;

(4) Municipal wastes; and

(5) Aquatic plants.

(b) "Commissioner" means the Nevada Energy Commissioner appointed pursuant to section 1.85 of this act.

(c) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(d) "Facility for the generation of electricity from renewable energy" ~~and~~ "facility" means a facility for the generation of electricity that:

(1) Uses renewable energy as its primary source of energy; and

(2) Has a generating capacity of at least 10 ~~kilowatts~~ megawatts.

~~↪ The term includes all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity. The term does not include a facility that is located on residential property.~~

~~(e)~~ (e) "Facility for the generation of process heat from solar renewable energy" means a facility that:

(1) Uses solar renewable energy to generate process heat; and

(2) Has an output capacity of at least 12,920,000 British thermal units per hour.

(f) "Fuel cell" means a device or contrivance which, through the chemical process of combining ions of hydrogen and oxygen, produces electricity and water.

~~(d)~~ (g) "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.

~~(e)~~ (h) "Renewable energy" means:

(1) Biomass;

(2) Fuel cells;

(3) Solar energy;

(4) Waterpower; or

(5) Wind.

↪ The term does not include coal, natural gas, oil, propane or any other fossil fuel, geothermal energy or nuclear energy.



~~(f) "Taxes imposed for public education" means:~~

- ~~(1) Any ad valorem tax authorized or required by chapter 387 of NRS;~~  
~~(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020;~~  
~~(3) The taxes imposed by NRS 374.110, 374.190 and 374A.010; and~~  
~~(4) Any other ad valorem tax or local sales and use taxes for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.]~~

(i) "Wholesale facility for the generation of electricity from renewable energy" means a facility for the generation of electricity from renewable energy that, except as otherwise provided in subparagraph (2), does not sell the electricity to the end user of the electricity. The term includes:

(1) All the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity.

(2) A facility that is owned, leased or otherwise controlled by an entity that has authority to sell electricity and provide transmission services or distribution services, or both.

Sec. 28.5. The Renewable Energy Fund is hereby created. The Nevada Energy Commissioner appointed pursuant to section 1.85 of this act shall administer the Fund. The interest and income earned on the money in the fund must be credited to the fund. The money in the fund must be used primarily to defer the rate of the utility to the consumer or otherwise offset the cost of electricity and natural gas to retail customers. The Commissioner may establish other uses of the money in the Fund by regulation.

Sec. 29. [NRS 701A.100 is hereby amended to read as follows:]

~~701A.100 1. The [Director of the Office of Energy] Nevada Energy Commission shall adopt a Green Building Rating System for the purposes of determining the eligibility of a building or other structure for a tax abatement pursuant to NRS 701A.110.~~

~~2. The Green Building Rating System must include standards and ratings equivalent to the standards and ratings provided pursuant to the Leadership in Energy and Environmental Design Green Building Rating System, except that the standards adopted by the [Director.] Nevada Energy Commission:~~

~~(a) Except as otherwise provided in paragraphs (b) and (c), must not include:~~

~~(1) Any standard that has not been included in the Leadership in Energy and Environmental Design Green Building Rating System for at least 2 years; or~~

~~(2) Standards for homes;~~

~~(b) Must provide reasonable exceptions based on the size of the area occupied by the building or other structure; and~~

~~(c) Must require a building or other structure to obtain:~~

~~(1) At least 3 points of credit for energy conservation to meet the equivalent of the silver level;~~

~~(2) At least 5 points of credit for energy conservation to meet the equivalent of the gold level; and~~

~~(3) At least 8 points of credit for energy conservation to meet the equivalent of the platinum level;~~

~~3. As used in this section, "home" means a building or other structure for which the principal use is as a residential dwelling for not more than four families.]~~

(Deleted by amendment.)



1       **Sec. 30.** ~~[NRS 701A.110 is hereby amended to read as follows:~~  
2       ~~701A.110 1. Except as otherwise provided in this section, the [Director]~~  
3       ~~Nevada Energy Commission shall grant a partial abatement from the portion of the~~  
4       ~~taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for~~  
5       ~~public education, on a building or other structure that is determined to meet the~~  
6       ~~equivalent of the silver level or higher by an independent contractor authorized to~~  
7       ~~make that determination in accordance with the Green Building Rating System~~  
8       ~~adopted by the [Director] Nevada Energy Commission pursuant to NRS 701A.100,~~  
9       ~~if:~~  
10       ~~(a) No funding is provided by any governmental entity in this State for the~~  
11       ~~acquisition, design or construction of the building or other structure or for the~~  
12       ~~acquisition of any land therefor. For the purposes of this paragraph:~~  
13       ~~(1) Private activity bonds must not be considered funding provided by a~~  
14       ~~governmental entity.~~  
15       ~~(2) The term "private activity bond" has the meaning ascribed to it in 26~~  
16       ~~U.S.C. § 141.~~  
17       ~~(b) The owner of the property:~~  
18       ~~(1) Submits an application for the partial abatement to the [Director.]~~  
19       ~~Nevada Energy Commission. If such an application is submitted for a project that~~  
20       ~~has not been completed on the date of that submission and there is a significant~~  
21       ~~change in the scope of the project after that date, the application must be amended~~  
22       ~~to include the change or changes.~~  
23       ~~(2) Except as otherwise provided in this subparagraph, provides to the~~  
24       ~~[Director,] Nevada Energy Commission, within 48 months after applying for the~~  
25       ~~partial abatement, proof that the building or other structure meets the equivalent of~~  
26       ~~the silver level or higher, as determined by an independent contractor authorized to~~  
27       ~~make that determination in accordance with the Green Building Rating System~~  
28       ~~adopted by the [Director] Nevada Energy Commission pursuant to NRS 701A.100.~~  
29       ~~The [Director] Nevada Energy Commission may, for good cause shown, extend the~~  
30       ~~period for providing such proof.~~  
31       ~~2. As soon as practicable after the [Director] Nevada Energy Commission~~  
32       ~~receives:~~  
33       ~~(a) The application required by subsection 1, the [Director] Nevada Energy~~  
34       ~~Commission shall forward a copy of that application to the:~~  
35       ~~(1) Chief of the Budget Division of the Department of Administration;~~  
36       ~~(2) Department of Taxation;~~  
37       ~~(3) County assessor;~~  
38       ~~(4) County treasurer; and~~  
39       ~~(5) Commission on Economic Development.~~  
40       ~~(b) The application and proof required by subsection 1, the [Director] Nevada~~  
41       ~~Energy Commission shall determine whether the building or other structure is~~  
42       ~~eligible for the abatement and, if so, forward a certificate of eligibility for the~~  
43       ~~abatement to the:~~  
44       ~~(1) Department of Taxation;~~  
45       ~~(2) County assessor;~~  
46       ~~(3) County treasurer; and~~  
47       ~~(4) Commission on Economic Development.~~  
48       ~~3. As soon as practicable after receiving a copy of:~~  
49       ~~(a) An application pursuant to paragraph (a) of subsection 2;~~  
50       ~~(1) The Chief of the Budget Division shall publish a fiscal note that~~  
51       ~~indicates an estimate of the fiscal impact of the partial abatement on the State; and~~  
52       ~~(2) The Department of Taxation shall publish a fiscal note that indicates an~~  
53       ~~estimate of the fiscal impact of the partial abatement on each affected local~~

~~government, and forward a copy of the fiscal note to each affected local government.~~

~~(b) A certificate of eligibility pursuant to paragraph (b) of subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.~~

~~4. The partial abatement:~~

~~(a) Must be for a duration of not more than 10 years and in an annual amount that equals, for a building or other structure that meets the equivalent of:~~

~~(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land;~~

~~(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land; or~~

~~(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land.~~

~~(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.~~

~~(c) Terminates upon any determination by the [Director] Nevada Energy Commission that the building or other structure has ceased to meet the equivalent of the silver level or higher. The [Director] Nevada Energy Commission shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The [Director] Nevada Energy Commission shall immediately provide notice of each determination of termination to the:~~

~~(1) Department of Taxation, who shall immediately notify each affected local government of the determination;~~

~~(2) County assessor;~~

~~(3) County treasurer; and~~

~~(4) Commission on Economic Development.~~

~~5. The [Director] Nevada Energy Commission shall adopt regulations:~~

~~(a) Establishing the qualifications and methods to determine eligibility for the abatement;~~

~~(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the [Director] Nevada Energy Commission; and~~

~~(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (b) of subsection 1;~~

~~and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.~~

~~6. As used in this section:~~

~~(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling for not more than four families.~~

~~(b) ["Director]" means the Director of the Office of Energy appointed pursuant to NRS 701.150.~~

~~(e)] “Taxes imposed for public education” means:~~

~~(1) Any ad valorem tax authorized or required by chapter 387 of NRS;~~

~~(2) Any ad valorem tax authorized or required by chapter 250 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 250.020; and~~

~~(3) Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.] (Deleted by amendment.)~~

~~Sec. 31. [NRS 701B.080 is hereby amended to read as follows:~~

~~701B.080 “Participant” means a person who has been selected by the [Task Force] Nevada Energy Commission to participate in the Solar Program.] (Deleted by amendment.)~~

~~Sec. 32. [NRS 701B.200 is hereby amended to read as follows:~~

~~701B.200 The Public Utilities Commission of Nevada shall adopt regulations necessary to carry out the provisions of NRS 701B.010 to 701B.290, inclusive, including, without limitation, regulations that establish:~~

~~1. The type of incentives available to participants in the Solar Program and the level or amount of those incentives;~~

~~2. The requirements for a utility’s annual plan for carrying out and administering the Solar Program. A utility’s annual plan must include, without limitation:~~

~~(a) A detailed plan for advertising the Solar Program;~~

~~(b) A detailed budget and schedule for carrying out and administering the Solar Program;~~

~~(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Solar Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Solar Program;~~

~~(d) A detailed account of the procedures that will be used for inspection and verification of a participant’s solar energy system and compliance with the Solar Program;~~

~~(e) A detailed account of training and educational activities that will be used to carry out and administer the Solar Program; and~~

~~(f) Any other information required by the Public Utilities Commission [.] of Nevada.] (Deleted by amendment.)~~

~~Sec. 33. [NRS 701B.210 is hereby amended to read as follows:~~

~~701B.210 The Public Utilities Commission of Nevada shall adopt regulations that establish:~~

~~1. The qualifications and requirements an applicant must meet to be eligible to participate in each applicable category of:~~

~~(a) School property;~~

~~(b) Public and other property; and~~

~~(c) Private residential property and small business property; and~~

~~2. The form and content of the master application which a utility must submit to the [Task Force] Nevada Energy Commission pursuant to NRS 701B.250.] (Deleted by amendment.)~~

~~Sec. 34. [NRS 701B.220 is hereby amended to read as follows:~~

~~701B.220 In adopting regulations for the Solar Program, the Public Utilities Commission of Nevada shall adopt regulations establishing an incentive for participation in the Solar Program.] (Deleted by amendment.)~~

~~Sec. 35. [NRS 701B.230 is hereby amended to read as follows:~~

~~701B.230 1. Each year on or before the date established by the Public Utilities Commission [.] of Nevada, a utility shall file with the Public Utilities~~

~~Commission its annual plan for carrying out and administering the Solar Program within its service area for a program year.~~

~~2. The **Public Utilities Commission of Nevada** shall:~~

~~(a) Review each annual plan filed by a utility for compliance with the requirements established by regulation of the **Public Utilities Commission**; and~~

~~(b) Approve each annual plan with such modifications and upon such terms and conditions as the **Public Utilities Commission** finds necessary or appropriate to facilitate the Solar Program.~~

~~3. A utility shall carry out and administer the Solar Program within its service area in accordance with the utility's annual plan as approved by the **Public Utilities Commission [.] of Nevada**.~~

~~4. A utility may recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Solar Program within its service area by seeking recovery of those costs in an appropriate proceeding before the **Public Utilities Commission of Nevada** pursuant to NRS 704.110.] **(Deleted by amendment.)**~~

**Sec. 36. [NRS 701B.240 is hereby amended to read as follows:]**

~~701B.240 1. The Solar Energy Systems Incentive Program is hereby created.~~

~~2. The Solar Program must have three categories as follows:~~

~~(a) School property;~~

~~(b) Public and other property; and~~

~~(c) Private residential property and small business property.~~

~~3. To be eligible to participate in the Solar Program, a person must:~~

~~(a) Meet the qualifications established by the **Public Utilities Commission of Nevada** pursuant to NRS 701B.210;~~

~~(b) Submit an application to a utility and be selected by the [Task Force] **Nevada Energy Commission** for inclusion in the Solar Program pursuant to NRS 701B.250 and 701B.260;~~

~~(c) When installing the solar energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and~~

~~(d) If the person will be participating in the Solar Program in the category of school property or public and other property, provide for the public display of the solar energy system, including, without limitation, providing for public demonstrations of the solar energy system and for hands-on experience of the solar energy system by the public.] **(Deleted by amendment.)**~~

**Sec. 37. [NRS 701B.250 is hereby amended to read as follows:]**

~~701B.250 1. If an applicant desires to participate in the Solar Program for a program year, the applicant must submit an application to a utility. If an applicant desires to participate in the category of school property or public and other property, the applicant may submit an application for multiple program years, not to exceed 5 years.~~

~~2. Each year on or before the date established by the **Public Utilities Commission [.] of Nevada**, a utility shall review each application submitted pursuant to subsection 1 to ensure that the applicant meets the qualifications and requirements to be eligible to participate in the Solar Program and submit to the [Task Force.] **Nevada Energy Commission**.~~

~~(a) The utility's recommendations as to which applications should be approved for participation in the Solar Program; and~~

~~(b) A master application containing all the applications recommended by the utility.~~

~~3. At any time after submitting an application to a utility, an applicant may install or energize his solar energy system if the solar energy system meets all applicable building codes and all applicable requirements of the utility as approved by the Public Utilities Commission [.] of Nevada. An applicant who installs or energizes his solar energy system under such circumstances remains eligible to participate in the Solar Program, and the installation or energizing of the solar energy system does not alter the applicant's status on the list of participants or the prioritized waiting list pursuant to NRS 701B.260.~~ **(Deleted by amendment.)**

**Sec. 38. [NRS 701B.260 is hereby amended to read as follows:]**

~~701B.260 1. Except as otherwise provided in this section, the Public Utilities Commission of Nevada may approve, for a program year, solar energy systems:~~

- ~~(a) Totalling 2,000 kilowatts of capacity for school property;~~
- ~~(b) Totalling 760 kilowatts of capacity for public and other property; and~~
- ~~(c) Totalling 1,000 kilowatts of capacity for private residential property and small business property.~~

~~2. If the capacity allocated to any category for a program year is not fully subscribed by participants in that category, the Public Utilities Commission of Nevada may, in any combination it deems appropriate:~~

- ~~(a) Allow a utility to submit additional applications to the [Task Force] Nevada Energy Commission from applicants who want to participate in that category; or~~
- ~~(b) Reallocate any of the unused capacity in that category to any of the other categories;~~

~~but in no case may the sum of the allocated total capacities of all the categories be greater than 3,760 kilowatts, which is the sum of the approvable total capacities of all the categories as described in subsection 1.~~

~~3. To promote the installation of solar energy systems on as many school properties as possible, the Public Utilities Commission of Nevada may not approve for use in the Solar Program a solar energy system having a generating capacity of more than 50 kilowatts if the solar energy system is or will be installed on school property on or after July 1, 2007, unless the Public Utilities Commission determines that approval of a solar energy system with a greater generating capacity is more practicable for a particular school property.~~

~~4. After reviewing the master application submitted by a utility pursuant to NRS 701B.250 and ensuring that each applicant meets the qualifications and requirements to be eligible to participate in the Solar Program, the [Task Force] Nevada Energy Commission shall:~~

~~(a) Within the limits of the capacity allocated to each category, select applicants to be participants in the Solar Program and place those applicants on a list of participants; and~~

~~(b) Select applicants to be placed on a prioritized waiting list to become participants in the Solar Program if any capacity within a category becomes available.~~

~~5. Not later than 30 days after the date on which the [Task Force] Nevada Energy Commission selects an applicant to be on the list of participants or the prioritized waiting list, the utility which submitted the application to the [Task Force] Nevada Energy Commission on behalf of the applicant shall provide written notice of the selection to the applicant.~~

~~6. After the [Task Force] Nevada Energy Commission selects an applicant to be on the list of participants, the utility which submitted the application to the [Task Force] Nevada Energy Commission on behalf of the applicant may approve the solar energy system proposed by the applicant. Except as otherwise provided in subsection 3 of NRS 701B.250, immediately upon the utility's approval of the solar~~

energy system, the applicant may install and energize the solar energy system.]  
(Deleted by amendment.)

Sec. 39. [NRS 701B.270 is hereby amended to read as follows:]

~~701B.270 1. Except as otherwise provided in this section, if the *Public Utilities Commission of Nevada* determines that a participant has not complied with the requirements for participation in the Solar Program, the *Public Utilities Commission* shall, after notice and an opportunity for a hearing, withdraw the participant from the Solar Program.~~

~~2. The *Public Utilities Commission of Nevada* may, without notice or an opportunity for a hearing, withdraw from the Solar Program:~~

~~(a) A participant in the category of private residential property and small business property, if the participant does not complete the installation of a solar energy system within 12 months after the date the participant receives written notice of his selection to participate in the Solar Program;~~

~~(b) A participant in the category of school property or public and other property, if the participant does not complete the installation of a solar energy system within 30 months after the date the participant receives written notice of his selection to participate in the Solar Program;~~

~~3. A participant who is withdrawn from the Solar Program pursuant to subsection 2 forfeits any incentives.] (Deleted by amendment.)~~

Sec. 40. [NRS 701B.290 is hereby amended to read as follows:]

~~701B.290 1. After a participant installs a solar energy system included in the Solar Program, the *Public Utilities Commission of Nevada* shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the *Public Utilities Commission* pursuant to NRS 704.7821.~~

~~2. The *Public Utilities Commission of Nevada* shall designate the portfolio energy credits issued pursuant to this section as portfolio energy credits generated, acquired or saved from solar renewable energy systems for the purposes of the portfolio standard;~~

~~3. All portfolio energy credits issued for a solar energy system installed pursuant to the Solar Program must be assigned to and become the property of the utility administering the Program.] (Deleted by amendment.)~~

Sec. 41. [NRS 701B.470 is hereby amended to read as follows:]

~~701B.470 "Participant" means a person who has been selected by the [Task Force] *Nevada Energy Commission* pursuant to NRS 701B.620 to participate in the Wind Demonstration Program.] (Deleted by amendment.)~~

Sec. 42. [NRS 701B.580 is hereby amended to read as follows:]

~~701B.580 1. The Wind Energy Systems Demonstration Program is hereby created;~~

~~2. The Program must have four categories as follows:~~

~~(a) School property;~~

~~(b) Other public property;~~

~~(c) Private residential property and small business property; and~~

~~(d) Agricultural property;~~

~~3. To be eligible to participate in the Program, a person must:~~

~~(a) Meet the qualifications established by the *Public Utilities Commission of Nevada* pursuant to NRS 701B.590;~~

~~(b) Submit an application to a utility and be selected by the [Task Force] *Nevada Energy Commission* for inclusion in the Program pursuant to NRS 701B.610 and 701B.620;~~

~~(c) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and~~

~~(d) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public. (Deleted by amendment.)~~

**Sec. 43.** ~~[NRS 701B.590 is hereby amended to read as follows:]~~

~~701B.590 The *Public Utilities Commission of Nevada* shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:~~

~~1. The qualifications and requirements an applicant must meet to be eligible to participate in the Program in each particular category of:~~

~~(a) School property;~~

~~(b) Other public property;~~

~~(c) Private residential property and small business property; and~~

~~(d) Agricultural property.~~

~~2. The type of incentives available to participants in the Program and the level or amount of those incentives.~~

~~3. The requirements for a utility's annual plan for carrying out and administering the Program. A utility's annual plan must include, without limitation:~~

~~(a) A detailed plan for advertising the Program;~~

~~(b) A detailed budget and schedule for carrying out and administering the Program;~~

~~(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Program;~~

~~(d) A detailed account of the procedures that will be used for inspection and verification of a participant's wind energy system and compliance with the Program;~~

~~(e) A detailed account of training and educational activities that will be used to carry out and administer the Program; and~~

~~(f) Any other information required by the *Public Utilities Commission [.] of Nevada.* (Deleted by amendment.)~~

**Sec. 44.** ~~[NRS 701B.600 is hereby amended to read as follows:]~~

~~701B.600 1. Each utility shall carry out and administer the Wind Demonstration Program within its service area in accordance with its annual plan as approved by the *Public Utilities Commission of Nevada* pursuant to NRS 701B.610.~~

~~2. A utility may recover its reasonable and prudent costs, including, without limitation, customer incentives, that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the *Public Utilities Commission of Nevada* pursuant to NRS 704.110. (Deleted by amendment.)~~

**Sec. 45.** ~~[NRS 701B.610 is hereby amended to read as follows:]~~

~~701B.610 1. On or before February 1, 2008, and on or before February 1 of each year thereafter, each utility shall file with the *Public Utilities Commission of Nevada* its annual plan for carrying out and administering the Wind Demonstration Program within its service area for the following program year.~~

~~2. On or before July 1, 2008, and on or before July 1 of each year thereafter, the *Public Utilities Commission of Nevada* shall:~~

~~(a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and~~



~~(b) Approve the annual plan with such modifications and upon such terms and conditions as the **Public Utilities** Commission finds necessary or appropriate to facilitate the Program;~~

~~3. On or before November 1, 2008, and on or before November 1 of each year thereafter, each utility shall submit to the [Task Force] **Nevada Energy Commission** the utility's recommendations as to which applications received by the utility should be approved for participation in the Program. The [Task Force] **Nevada Energy Commission** shall review the applications to ensure that each applicant meets the qualifications and requirements to be eligible to participate in the Program;~~

~~4. Except as otherwise provided in NRS 701B.620, the [Task Force] **Nevada Energy Commission** may approve, from among the applications recommended by each utility, wind energy systems totaling:~~

~~(a) For the program year beginning July 1, 2008:~~

~~(1) 500 kilowatts of capacity for school property;~~

~~(2) 500 kilowatts of capacity for other public property;~~

~~(3) 700 kilowatts of capacity for private residential property and small business property; and~~

~~(4) 700 kilowatts of capacity for agricultural property;~~

~~(b) For the program year beginning July 1, 2009:~~

~~(1) An additional 250 kilowatts of capacity for school property;~~

~~(2) An additional 250 kilowatts of capacity for other public property;~~

~~(3) An additional 350 kilowatts of capacity for private residential property and small business property; and~~

~~(4) An additional 350 kilowatts of capacity for agricultural property;~~

~~(c) For the program year beginning July 1, 2010:~~

~~(1) An additional 250 kilowatts of capacity for school property;~~

~~(2) An additional 250 kilowatts of capacity for other public property;~~

~~(3) An additional 350 kilowatts of capacity for private residential property and small business property; and~~

~~(4) An additional 350 kilowatts of capacity for agricultural property.]~~

**(Deleted by amendment.)**

**Sec. 46. [NRS 701B.620 is hereby amended to read as follows:]**

~~701B.620 1. Based on the applications submitted by each utility for a program year, the [Task Force] **Nevada Energy Commission** shall:~~

~~(a) Within the limits of the capacity allocated to each category, select applicants to be participants in the Wind Demonstration Program and place those applicants on a list of participants; and~~

~~(b) Select applicants to be placed on a prioritized waiting list to become participants in the Program if any capacity within a category becomes available.~~

~~2. Not later than 30 days after the date on which the [Task Force] **Nevada Energy Commission** selects an applicant to be on the list of participants or the prioritized waiting list, the utility which submitted the application to the [Task Force] **Nevada Energy Commission** on behalf of the applicant shall provide written notice of the selection to the applicant.~~

~~3. If the capacity allocated to any category for a program year is not fully subscribed by participants in that category, the [Task Force] **Nevada Energy Commission** may, in any combination it deems appropriate:~~

~~(a) Allow a utility to submit additional applications from applicants who want to participate in that category; or~~

~~(b) Reallocate any of the unused capacity in that category to any of the other categories.~~

1 ~~4. At any time after submitting an application to participate in the Program to~~  
2 ~~a utility, an applicant may energize his wind energy system if the wind energy~~  
3 ~~system meets all applicable building codes and all applicable requirements of the~~  
4 ~~utility as approved by the *Public Utilities Commission* [.] of Nevada. An applicant~~  
5 ~~who energizes his wind energy system under such circumstances remains eligible to~~  
6 ~~participate in the Program, and the energizing of the wind energy system does not~~  
7 ~~alter the applicant's status on the list of participants or the prioritized waiting list.]~~  
8 ~~(Deleted by amendment.)~~

9 ~~Sec. 47. [NRS 701B.630 is hereby amended to read as follows:~~  
10 ~~701B.630 1. Except as otherwise provided in this section, if the [Task~~  
11 ~~Force] *Nevada Energy Commission* determines that a participant has not complied~~  
12 ~~with the requirements for participation in the Wind Demonstration Program, the~~  
13 ~~[Task Force] *Nevada Energy Commission* shall, after notice and an opportunity for~~  
14 ~~a hearing, withdraw the participant from the Program.~~

15 ~~2. The [Task Force] *Nevada Energy Commission* may, without notice or an~~  
16 ~~opportunity for a hearing, withdraw from the Program.~~

17 ~~(a) A participant in the category of private residential property and small~~  
18 ~~business property or a participant in the category of agricultural property if the~~  
19 ~~participant does not complete the installation of a wind energy system within 12~~  
20 ~~months after the date the participant receives written notice of his selection to~~  
21 ~~participate in the Program.~~

22 ~~(b) A participant in the category of school property or a participant in the~~  
23 ~~category of other public property if the participant does not complete the~~  
24 ~~installation of a wind energy system within 30 months after the date the participant~~  
25 ~~receives written notice of his selection to participate in the Program.~~

26 ~~3. A participant who is withdrawn from the Program pursuant to subsection 2~~  
27 ~~forfeits any incentives.] (Deleted by amendment.)~~

28 ~~Sec. 48. [NRS 701B.640 is hereby amended to read as follows:~~  
29 ~~701B.640 1. After a participant installs a wind energy system included in~~  
30 ~~the Wind Demonstration Program, the *Public Utilities Commission of Nevada* shall~~  
31 ~~issue portfolio energy credits for use within the system of portfolio energy credits~~  
32 ~~adopted by the *Public Utilities Commission* pursuant to NRS 704.7821 equal to the~~  
33 ~~actual or estimated kilowatt-hour production of the wind energy system.~~

34 ~~2. All portfolio energy credits issued for a wind energy system installed~~  
35 ~~pursuant to the Wind Demonstration Program must be assigned to and become the~~  
36 ~~property of the utility administering the Program.] (Deleted by amendment.)~~

37 ~~Sec. 49. [NRS 701B.740 is hereby amended to read as follows:~~  
38 ~~701B.740 "Participant" means a person who has been selected by the *Public*~~  
39 ~~*Utilities Commission of Nevada* to participate in the Waterpower Demonstration~~  
40 ~~Program.] (Deleted by amendment.)~~

41 ~~Sec. 50. [NRS 701B.820 is hereby amended to read as follows:~~  
42 ~~701B.820 1. The Waterpower Energy Systems Demonstration Program is~~  
43 ~~hereby created.~~

44 ~~2. The Waterpower Demonstration Program is created for agricultural uses.~~

45 ~~3. To be eligible to participate in the Waterpower Demonstration Program, a~~  
46 ~~person must meet the qualifications established pursuant to subsection 4 and apply to~~  
47 ~~and be selected by the [Task Force] *Nevada Energy Commission* for inclusion in~~  
48 ~~the Waterpower Demonstration Program.~~

49 ~~4. The *Public Utilities Commission of Nevada* shall adopt regulations~~  
50 ~~providing for the qualifications an applicant must meet to qualify to participate in~~  
51 ~~the Waterpower Demonstration Program.] (Deleted by amendment.)~~

1       **Sec. 51.** ~~[NRS 701B.830 is hereby amended to read as follows:~~  
2       ~~701B.830 The [Task Force] Nevada Energy Commission is responsible for~~  
3       ~~the administration and delivery of the Waterpower Demonstration Program as~~  
4       ~~approved by the Public Utilities Commission [.] of Nevada.] (Deleted by~~  
5       ~~amendment.)~~

6       **Sec. 52.** ~~[NRS 701B.840 is hereby amended to read as follows:~~  
7       ~~701B.840 The Public Utilities Commission of Nevada shall adopt regulations~~  
8       ~~that establish:~~

9       ~~1. The level, amount and type of incentives available for participants in the~~  
10       ~~Waterpower Demonstration Program.~~

11       ~~2. The requirements for an annual plan for the administration and delivery of~~  
12       ~~the Waterpower Demonstration Program. The requirements for an annual plan must~~  
13       ~~include, without limitation:~~

14       ~~(a) An advertising plan;~~

15       ~~(b) A detailed budget;~~

16       ~~(c) A schedule;~~

17       ~~(d) Administrative processes, including, without limitation, a copy of the~~  
18       ~~application and process for accepting applications;~~

19       ~~(e) An inspection and verification process;~~

20       ~~(f) Proposed training and educational activities; and~~

21       ~~(g) Any other information required by the Public Utilities Commission [.] of~~  
22       ~~Nevada.] (Deleted by amendment.)~~

23       **Sec. 53.** ~~[NRS 701B.850 is hereby amended to read as follows:~~

24       ~~701B.850 1. On or before February 21, 2008, and on or before February 1~~  
25       ~~of each subsequent year, each utility shall file with the Public Utilities Commission~~  
26       ~~of Nevada for approval an annual plan for the administration and delivery of the~~  
27       ~~Waterpower Demonstration Program for the program year beginning July 1, 2008,~~  
28       ~~and each subsequent year thereafter.~~

29       ~~2. On or before July 1, 2008, and on or before each July 1 of each subsequent~~  
30       ~~year, the Public Utilities Commission of Nevada shall review the annual plan for~~  
31       ~~compliance with the requirements set forth by regulation of the Public Utilities~~  
32       ~~Commission.~~

33       ~~3. On or before November 1, 2008, and on or before November 1 of each~~  
34       ~~subsequent year, each utility shall submit to the [Task Force] Nevada Energy~~  
35       ~~Commission a recommendation of which applications received should be accepted~~  
36       ~~into the program. The [Task Force] Nevada Energy Commission shall review the~~  
37       ~~applications to ensure that the applicant meets the requirements adopted pursuant to~~  
38       ~~subsection 4 of NRS 701B.820.~~

39       ~~4. The [Task Force] Nevada Energy Commission may approve, from among~~  
40       ~~the applications recommended by each utility, waterpower energy systems totaling:~~

41       ~~(a) For the program year beginning July 1, 2008, 200 kilowatts of capacity;~~

42       ~~(b) For the program year beginning July 1, 2009, an additional 100 kilowatts of~~  
43       ~~capacity; and~~

44       ~~(c) For the program year beginning July 1, 2010, an additional 100 kilowatts of~~  
45       ~~capacity.] (Deleted by amendment.)~~

46       **Sec. 54.** ~~[NRS 701B.860 is hereby amended to read as follows:~~

47       ~~701B.860 Each utility may recover its reasonable and prudent costs,~~  
48       ~~including, without limitation, customer incentives, that are associated with carrying~~  
49       ~~out and administering the Waterpower Demonstration Program within its service~~  
50       ~~area by seeking recovery of those costs in an appropriate proceeding before the~~  
51       ~~Public Utilities Commission of Nevada pursuant to NRS 704.110.] (Deleted by~~  
52       ~~amendment.)~~

1       **Sec. 55.** ~~[NRS 701B.870 is hereby amended to read as follows:~~  
2       ~~701B.870 1. After a participant installs a waterpower energy system~~  
3       ~~included in the Waterpower Demonstration Program, the *Public Utilities*~~  
4       ~~Commission of Nevada shall issue portfolio energy credits for use within the~~  
5       ~~system of portfolio energy credits adopted by the *Public Utilities* Commission~~  
6       ~~pursuant to NRS 704.7821 equal to the actual or estimated kilowatt-hour production~~  
7       ~~of the waterpower energy system of the participant.~~  
8       ~~2. All portfolio energy credits issued for a waterpower energy system~~  
9       ~~installed pursuant to the Waterpower Demonstration Program are assigned to and~~  
10       ~~become the property of the utility administering the Program.] **(Deleted by**~~  
11       ~~**amendment.)**~~

12       **Sec. 56.** ~~[NRS 701B.890 is hereby amended to read as follows:~~  
13       ~~701B.890 If the *Public Utilities* Commission of Nevada determines that a~~  
14       ~~participant did not comply with the requirements for participation in the~~  
15       ~~Waterpower Demonstration Program, the *Public Utilities* Commission shall, after~~  
16       ~~notice and an opportunity for a hearing, withdraw the participant from the~~  
17       ~~Waterpower Demonstration Program. Notice or a hearing is not required for~~  
18       ~~dropping an applicant from the Program who fails to meet any completion time~~  
19       ~~frames specified for the Program.] **(Deleted by amendment.)**~~

20       **Sec. 57.** ~~[NRS 702.150 is hereby amended to read as follows:~~  
21       ~~702.150 1. The provisions of NRS 702.160 do not apply to any therm of~~  
22       ~~natural gas or any kilowatt-hour of electricity that a retail customer purchases from:~~  
23       ~~(a) A rural electric cooperative established pursuant to chapter 81 of NRS;~~  
24       ~~(b) A general improvement district established pursuant to chapter 318 of NRS;~~  
25       ~~(c) A cooperative association, nonprofit corporation, nonprofit association or~~  
26       ~~provider of service which is declared to be a public utility pursuant to NRS 704.673~~  
27       ~~and which provides service only to its members.~~  
28       ~~2. If a retail customer is exempted from paying the universal energy charge~~  
29       ~~pursuant to subsection 1, the retail customer may not receive money or other~~  
30       ~~assistance from:~~  
31       ~~(a) The Division of Welfare and Supportive Services pursuant to NRS 702.260~~  
32       ~~for any utility service for which the retail customer is exempted from paying the~~  
33       ~~universal energy charge; [or]~~  
34       ~~(b) The [Housing Division] *Nevada Energy Commission* pursuant to NRS~~  
35       ~~702.270 [.] ; or~~  
36       ~~(c) *The Housing Division* pursuant to NRS 702.275.] **(Deleted by**~~  
37       ~~**amendment.)**~~

38       **Sec. 58.** ~~[NRS 702.260 is hereby amended to read as follows:~~  
39       ~~702.260 1. Seventy-five percent of the money in the Fund must be~~  
40       ~~distributed to the Division of Welfare and Supportive Services for programs to~~  
41       ~~assist eligible households in paying for natural gas and electricity. The Division~~  
42       ~~may use not more than 5 percent of the money distributed to it pursuant to this~~  
43       ~~section for its administrative expenses.~~  
44       ~~2. Except as otherwise provided in NRS 702.150, after deduction for its~~  
45       ~~administrative expenses, the Division may use the money distributed to it pursuant~~  
46       ~~to this section only to:~~  
47       ~~(a) Assist eligible households in paying for natural gas and electricity;~~  
48       ~~(b) Carry out activities related to consumer outreach;~~  
49       ~~(c) Pay for program design;~~  
50       ~~(d) Pay for the annual evaluations conducted pursuant to NRS 702.280;~~  
51       ~~3. Except as otherwise provided in subsection 4, to be eligible to receive~~  
52       ~~assistance from the Division pursuant to this section, a household must have a~~

household income that is not more than 150 percent of the federally designated level signifying poverty, as determined by the Division.

4. The Division is authorized to render emergency assistance to a household if an emergency related to the cost or availability of natural gas or electricity threatens the health or safety of one or more of the members of the household. Such emergency assistance may be rendered upon the good faith belief that the household is otherwise eligible to receive assistance pursuant to this section.

5. Before July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division shall determine the amount of assistance that the household will receive by using the existing formulas set forth in the state plan for low-income home energy assistance.

6. On or after July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division:

(a) Shall, to the extent practicable, determine the amount of assistance that the household will receive by determining the amount of assistance that is sufficient to reduce the percentage of the household's income that is spent on natural gas and electricity to the median percentage of household income spent on natural gas and electricity statewide;

(b) May adjust the amount of assistance that the household will receive based upon such factors as:

- (1) The income of the household;
- (2) The size of the household;
- (3) The type of energy that the household uses; and
- (4) Any other factor which, in the determination of the Division, may make the household particularly vulnerable to increases in the cost of natural gas or electricity.

7. The Division shall adopt regulations to carry out and enforce the provisions of this section and NRS 702.250.

8. In carrying out the provisions of this section, the Division shall:

(a) Solicit advice from the Housing Division and the Nevada Energy Commission and from other knowledgeable persons;

(b) Identify and implement appropriate delivery systems to distribute money from the Fund and to provide other assistance pursuant to this section;

(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low-income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;

(d) Establish a process for evaluating the programs conducted pursuant to this section;

(e) Develop a process for making changes to such programs; and

(f) Engage in annual planning and evaluation processes with the Housing Division and the Nevada Energy Commission as required by NRS 702.280.]

**(Deleted by amendment.)**

**Sec. 59.** [NRS 702.270 is hereby amended to read as follows:]

702.270 1. Twenty-five percent of the money in the Fund must be distributed to the [Housing Division] Nevada Energy Commission for programs of energy conservation, weatherization and energy efficiency for eligible households. The [Housing Division] Nevada Energy Commission may use not more than 6 percent of the money distributed to it pursuant to this section for its administrative expenses.

2. Except as otherwise provided in NRS 702.150, after deduction for its administrative expenses, the [Housing Division] Nevada Energy Commission may use the money distributed to it pursuant to this section only to:

~~(a) Provide an eligible household with services of basic home energy conservation and home energy efficiency or to assist an eligible household to acquire such services, including, without limitation, services of load management;~~

~~(b) Pay for appropriate improvements associated with energy conservation, weatherization and energy efficiency;~~

~~(c) Carry out activities related to consumer outreach;~~

~~(d) Pay for program design;~~

~~(e) Pay for the annual evaluations conducted pursuant to NRS 702.280;~~

~~3. Except as otherwise provided in subsection 4, to be eligible to receive assistance from the [Housing Division] Nevada Energy Commission pursuant to this section, a household must have a household income that is not more than 150 percent of the federally designated level signifying poverty, as determined by the [Housing Division] Nevada Energy Commission;~~

~~4. The [Housing Division] Nevada Energy Commission is authorized to render emergency assistance to a household if the health or safety of one or more of the members of the household is threatened because of the structural, mechanical or other failure of:~~

~~(a) The unit of housing in which the household dwells; or~~

~~(b) A component or system of the unit of housing in which the household dwells;~~

~~Such emergency assistance may be rendered upon the good faith belief that the household is otherwise eligible to receive assistance pursuant to this section;~~

~~5. The [Housing Division] Nevada Energy Commission shall adopt regulations to carry out and enforce the provisions of this section;~~

~~6. In carrying out the provisions of this section, the [Housing Division] Nevada Energy Commission shall:~~

~~(a) Solicit advice from the Division of Welfare and Supportive Services and the Housing Division and from other knowledgeable persons;~~

~~(b) Identify and implement appropriate delivery systems to distribute money from the Fund and to provide other assistance pursuant to this section;~~

~~(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;~~

~~(d) Encourage other persons to provide resources and services, including, to the extent practicable, schools and programs that provide training in the building trades and apprenticeship programs;~~

~~(e) Establish a process for evaluating the programs conducted pursuant to this section;~~

~~(f) Develop a process for making changes to such programs; and~~

~~(g) Engage in annual planning and evaluation processes with the Division of Welfare and Supportive Services and the Housing Division as required by NRS 702.280.] (Deleted by amendment.)~~

**Sec. 60.** ~~[NRS 702.275 is hereby amended to read as follows:]~~

~~702.275 1. At the beginning of a fiscal year, 30 percent of the money in the Fund which was allocated to the Division of Welfare and Supportive Services during the preceding fiscal year pursuant to NRS 702.260 and which remains unspent and unencumbered must be distributed to the Housing Division for a program of improving energy conservation and energy efficiency in residential property. The Housing Division may use not more than 6 percent of the money distributed pursuant to this section for its administrative expenses;~~

~~2. Except as otherwise provided in NRS 702.150, after deduction for its administrative expenses, the Housing Division may use the money distributed~~

~~pursuant to this section only to provide a qualified purchaser of residential property which has received a deficient evaluation on the energy consumption of the residential property pursuant to the program established in NRS 701.250 with a grant to pay for improvements designed to increase the energy conservation and energy efficiency of the residential property or to assist an eligible household in acquiring such improvements.~~

~~3. To be eligible to receive assistance from the Housing Division pursuant to this section:~~

~~(a) The purchaser of the residential property must have a household income that is not more than 80 percent of the median gross family income for the county in which the property is located, based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for that county; and~~

~~(b) The residential property must not meet the standards for energy consumption established pursuant to NRS 701.250.~~

~~4. The Housing Division shall adopt regulations to carry out and enforce the provisions of this section.~~

~~5. In carrying out the provisions of this section, the Housing Division shall:~~

~~(a) Solicit advice from the Division of Welfare and Supportive Services and the Nevada Energy Commission and from other knowledgeable persons;~~

~~(b) Identify and implement appropriate delivery systems to distribute money from the Fund and to provide other assistance pursuant to this section;~~

~~(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;~~

~~(d) Encourage other persons to provide resources and services, including, to the extent practicable, schools and programs that provide training in the building trades and apprenticeship programs;~~

~~(e) Establish a process for evaluating the program conducted pursuant to this section;~~

~~(f) Develop a process for making changes to the program; and~~

~~(g) Engage in annual planning and evaluation processes with the Division of Welfare and Supportive Services and the Nevada Energy Commission as required by NRS 702.280.] (Deleted by amendment.)~~

**Sec. 61.** ~~[NRS 702.280 is hereby amended to read as follows:]~~

~~702.280 1. The Division of Welfare and Supportive Services, the Nevada Energy Commission and the Housing Division jointly shall establish an annual plan to coordinate their activities and programs pursuant to this chapter. In preparing the annual plan, the [Divisions] Division of Welfare and Supportive Services, the Nevada Energy Commission and the Housing Division shall solicit advice from knowledgeable persons. The annual plan must include, without limitation, a description of:~~

~~(a) The resources and services being used by each program and the efforts that will be undertaken to increase or improve those resources and services;~~

~~(b) The efforts that will be undertaken to improve administrative efficiency;~~

~~(c) The efforts that will be undertaken to coordinate with other federal, state and local agencies, nonprofit organizations and any private business or trade organizations that provide energy assistance or conservation services to low income persons;~~

~~(d) The measures concerning program design that will be undertaken to improve program effectiveness; and~~



~~(c) The efforts that will be taken to address issues identified during the most recently completed annual evaluation conducted pursuant to subsection 2;~~

~~2. The Division of Welfare and Supportive Services, the Nevada Energy Commission and the Housing Division jointly shall:~~

~~(a) Conduct an annual evaluation of the programs that [each] the Division of Welfare and Supportive Services, the Nevada Energy Commission and the Housing Division carries out pursuant to NRS 702.260, 702.270 and 702.275;~~

~~(b) Solicit advice from the Commission as part of the annual evaluation; and~~

~~(c) Prepare a report concerning the annual evaluation and submit the report to the Governor, the Legislative Commission and the Interim Finance Committee.~~

~~3. The report prepared pursuant to subsection 2 must include, without limitation:~~

~~(a) A description of the objectives of each program;~~

~~(b) An analysis of the effectiveness and efficiency of each program in meeting the objectives of the program;~~

~~(c) The amount of money distributed from the Fund for each program and a detailed description of the use of that money for each program;~~

~~(d) An analysis of the coordination between the [Divisions] Division of Welfare and Supportive Services, the Nevada Energy Commission and the Housing Division concerning each program; and~~

~~(e) Any changes planned for each program.] (Deleted by amendment.)~~

**Sec. 62.** ~~[Chapter 704 is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Commission shall adopt regulations to establish methods and programs for an electric utility which remove financial disincentives that discourage the electric utility from supporting energy conservation, including, without limitation, procedures for an electric utility to have a mechanism established during a general rate application filed pursuant to NRS 704.110 to ensure that the costs of the electric utility for providing service are recovered without regard to the difference in the quantity of electrical energy actually sold by the public utility by taking into account the adjusted and annualized quantity of electrical energy sold during a test year and the growth in the number of customers of the electric utility.~~

~~2. The regulations adopted pursuant to subsection 1 must ensure that the methods and programs consider the recovery of costs, stabilization of revenue and any reduction of risk for the electric utility.] (Deleted by amendment.)~~

**Sec. 63.** ~~[NRS 113.115 is hereby amended to read as follows:~~

~~113.115 1. Except as otherwise provided in subsection 3, the seller shall have the energy consumption of the residential property evaluated pursuant to the program established in NRS 701.250.~~

~~2. Except as otherwise provided in subsection 4, before closing a transaction for the conveyance of residential property, the seller shall serve the purchaser with the completed evaluation required pursuant to subsection 1, if any, on a form to be provided by the [Director of the Office of Energy.] Nevada Energy Commission, as prescribed in regulations adopted pursuant to NRS 701.250.~~

~~3. Subsection 1 does not apply to a sale or intended sale of residential property.~~

~~(a) By foreclosure pursuant to chapter 107 of NRS;~~

~~(b) Between any co-owners of the property, spouses or persons related within the third degree of consanguinity;~~

~~(c) By a person who takes temporary possession or control of or title to the property solely to facilitate the sale of the property on behalf of a person who~~

relocates to another county, state or country before title to the property is transferred to a purchaser.

~~(d) If the seller and purchaser agree to waive the requirements of subsection 1, 4. If an evaluation of a residential property was completed not more than 5 years before the seller and purchaser entered into the agreement to purchase the residential property, the seller may serve the purchaser with that evaluation.]~~  
**(Deleted by amendment.)**

**Sec. 64.** ~~[NRS 332.430 is hereby amended to read as follows:  
332.430 A qualified service company shall provide to the [Office of Energy within the Office of the Governor] Nevada Energy Commission information concerning each performance contract which the qualified service company enters into pursuant to NRS 332.300 to 332.440, inclusive, including, without limitation, the name of the project, the local government for which the project is being carried out and the expected operating cost savings. The [Office of Energy] Nevada Energy Commission may report any energy savings realized as a result of such performance contracts to the United States Department of Energy pursuant to 42 U.S.C. § 13285.]~~  
**(Deleted by amendment.)**

**Sec. 65.** ~~[NRS 333A.080 is hereby amended to read as follows:  
333A.080 1. The State Public Works Board shall determine those companies that satisfy the requirements of qualified service companies for the purposes of this chapter. In making such a determination, the State Public Works Board shall enlist the assistance of the staffs of the [Office of Energy within the Office of the Governor] Nevada Energy Commission, the Buildings and Grounds Division of the Department of Administration and the Purchasing Division of the Department of Administration. The State Public Works Board shall prepare and issue a request for qualifications to not less than three potential qualified service companies.~~

~~2. In sending out a request for qualifications, the State Public Works Board:  
(a) Shall attempt to identify at least one potential qualified service company located within this State; and~~

~~(b) May consider whether and to what extent the companies to which the request for qualifications will be sent will use local contractors.~~

~~3. The State Public Works Board shall adopt, by regulation, criteria to determine those companies that satisfy the requirements of qualified service companies. The criteria for evaluation must include, without limitation, the following areas as substantive factors to assess the capability of such companies:~~

~~(a) Design;~~

~~(b) Engineering;~~

~~(c) Installation;~~

~~(d) Maintenance and repairs associated with performance contracts;~~

~~(e) Experience in conversions to different sources of energy or fuel and other services related to operating cost savings measures provided that is done in association with a comprehensive energy, water or waste disposal cost savings retrofit;~~

~~(f) Monitoring projects after the projects are installed;~~

~~(g) Data collection and reporting of savings;~~

~~(h) Overall project experience and qualifications;~~

~~(i) Management capability;~~

~~(j) Ability to access long-term financing;~~

~~(k) Experience with projects of similar size and scope; and~~

~~(l) Such other factors determined by the State Public Works Board to be relevant and appropriate to the ability of a company to perform the projects.~~

~~1 In determining whether a company satisfies the requirements of a qualified  
2 service company, the State Public Works Board shall also consider whether the  
3 company holds the appropriate licenses required for the design, engineering and  
4 construction which would be completed pursuant to a performance contract.~~

~~5 4. The State Public Works Board shall compile a list of those companies that  
6 it determines satisfy the requirements of qualified service companies.] (Deleted by  
7 amendment.)~~

~~8 Sec. 66. [NRS 333A.140 is hereby amended to read as follows:~~

~~9 333A.140 A qualified service company shall provide to the [Office of Energy  
10 within the Office of the Governor] Nevada Energy Commission information  
11 concerning each performance contract which the qualified service company enters  
12 into pursuant to this chapter, including, without limitation, the name of the project,  
13 the using agency for which the project is being carried out and the expected  
14 operating cost savings. The [Office of Energy] Nevada Energy Commission may  
15 report any energy savings realized as a result of such performance contracts to the  
16 United States Department of Energy pursuant to 42 U.S.C. § 12385.] (Deleted by  
17 amendment.)~~

~~18 Sec. 67. [Chapter 349 of NRS is hereby amended by adding thereto a new  
19 section to read as follows:~~

~~20 "Renewable energy transmission project":~~

~~21 1. Means a project involving the transmission of electricity generated by  
22 renewable energy.~~

~~23 2. Does not include a project involving an electric generating facility or  
24 system that uses nuclear energy, in whole or in part, to generate electricity.]  
25 (Deleted by amendment.)~~

~~26 Sec. 68. [NRS 349.400 is hereby amended to read as follows:~~

~~27 349.400 As used in NRS 349.400 to 349.670, inclusive, and section 67 of  
28 this act, unless the context otherwise requires, the words and terms defined in NRS  
29 349.405 to 349.540, inclusive, and section 67 of this act have the meanings  
30 ascribed to them in those sections.] (Deleted by amendment.)~~

~~31 Sec. 69. [NRS 349.510 is hereby amended to read as follows:~~

~~32 349.510 "Project" means:~~

~~33 1. Any land, building or other improvement and all real and personal  
34 properties necessary in connection therewith, excluding inventories, raw materials  
35 and working capital, whether or not in existence, suitable for new construction,  
36 improvement, rehabilitation or redevelopment for:~~

~~37 (a) Industrial uses, including assembling, fabricating, manufacturing,  
38 processing or warehousing;~~

~~39 (b) Research and development relating to commerce or industry, including  
40 professional, administrative and scientific offices and laboratories;~~

~~41 (c) Commercial enterprises;~~

~~42 (d) Civic and cultural enterprises open to the general public, including theaters,  
43 museums and exhibitions, together with buildings and other structures, machinery,  
44 equipment, facilities and appurtenances thereto which the Director deems useful or  
45 desirable in connection with the conduct of any such enterprise;~~

~~46 (e) An educational institution operated by a nonprofit organization not  
47 otherwise directly funded by the State which is accredited by a nationally  
48 recognized educational accrediting association;~~

~~49 (f) Health and care facilities and supplemental facilities for health and care;~~

~~50 (g) The purposes of a corporation for public benefit; or~~

~~51 (h) A renewable energy generation project [.] or renewable energy  
52 transmission project.~~

~~2. Any real or personal property appropriate for addition to a hotel, motel, apartment building, casino or office building to protect it or its occupants from fire.~~

~~3. The preservation of a historic structure or its restoration for its original or another use, if the plan has been approved by the Office of Historic Preservation of the Department of Cultural Affairs.~~ **(Deleted by amendment.)**

**Sec. 70.** ~~[NRS 349.565 is hereby amended to read as follows:]~~

~~349.565 1. The Director may not, under NRS 349.400 to 349.670, inclusive,~~

~~(a) Operate any manufacturing, industrial, warehousing or commercial enterprise or an organization for research and development or any health and care facility to which he provided assistance; or~~

~~(b) Except as otherwise provided in subsection 2, assist any manufacturing, industrial, warehousing or commercial enterprise or an organization for research and development to locate in a county or city which would result in the abandonment or closure of an existing facility of a like nature located within that county or city, unless the existing facility is operated by the contemplated lessee, purchaser or other obligor or an affiliate of such a person and the facility is to be abandoned or closed because of obsolescence, lack of available labor or limitations at the site of the facility.~~

~~2. The provisions of paragraph (b) of subsection 1 do not apply to:~~

~~(a) Health and care facilities and supplemental facilities for a health and care facility;~~

~~(b) Civic and cultural enterprises open to the general public;~~

~~(c) Enterprises located in a redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive;~~

~~(d) Enterprises located in an area designated as an empowerment zone pursuant to sections 1391 to 1397, inclusive, of the Internal Revenue Code of 1986, 26 U.S.C. §§ 1391-97, future amendments to those sections and the corresponding provisions of future internal revenue laws;~~

~~(e) Facilities established by a corporation for public benefit;~~

~~(f) Enterprises whose products are substantially sold, used or distributed outside this state; and~~

~~(g) Renewable energy generation projects [...] or renewable energy transmission projects.]~~ **(Deleted by amendment.)**

**Sec. 71.** ~~[NRS 349.580 is hereby amended to read as follows:]~~

~~349.580 Except as otherwise provided in NRS 349.595 and 349.640, the Director shall not finance a project unless, before financing:~~

~~1. The Director finds that:~~

~~(a) The project to be financed has been approved for financing pursuant to the requirements of NRS 244A.669 to 244A.763, inclusive, or 268.512 to 268.568, inclusive; and~~

~~(b) There has been a request by a city or county to have the Director issue bonds to finance the project; or~~

~~2. The Director finds and both the Board and the governing body of the city or county where the project is to be located approve the findings of the Director that:~~

~~(a) The project consists of any land, building or other improvement and all real and personal properties necessary in connection therewith, excluding inventories, raw materials and working capital, whether or not in existence, which is suitable for new construction, improvement, preservation, restoration, rehabilitation or redevelopment;~~

~~(1) For manufacturing, industrial, warehousing, civic, cultural or other commercial enterprises, educational institutions, corporations for public benefit or organizations for research and development;~~

~~(2) For a health and care facility or a supplemental facility for a health and care facility;~~

~~(3) Of real or personal property appropriate for addition to a hotel, motel, apartment building, casino or office building to protect it or its occupants from fire;~~

~~(4) Of a historic structure; or~~

~~(5) For a renewable energy generation project [;] or a renewable energy transmission project;~~

~~(b) The project will provide a public benefit;~~

~~(c) The contemplated lessee, purchaser or other obligor has sufficient financial resources to place the project in operation and to continue its operation, meeting the obligations of the lease, purchase contract or financing agreement;~~

~~(d) There are sufficient safeguards to assure that all money provided by the Department will be expended solely for the purposes of the project;~~

~~(e) The project would be compatible with existing facilities in the area adjacent to the location of the project;~~

~~(f) The project:~~

~~(1) Is compatible with the plan of the State for economic diversification and development or for the marketing and development of tourism in this state; or~~

~~(2) Promotes the generation of electricity in this state;~~

~~(g) Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and~~

~~(h) There has been a request by a city, county, lessee, purchaser, other obligor or other enterprise to have the Director issue revenue bonds for industrial development to finance the project.] (Deleted by amendment.)~~

~~Sec. 72. [Title 22 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 72 to 98, inclusive, of this act.] (Deleted by amendment.)~~

~~Sec. 73. [As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 74 to 79, inclusive, of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

~~Sec. 74. ["Biomass" means any organic matter that is available on a renewable basis, including, without limitation:~~

~~1. Agricultural crops and agricultural wastes and residues;~~

~~2. Wood and wood wastes and residues;~~

~~3. Animal wastes;~~

~~4. Municipal wastes; and~~

~~5. Aquatic plants.] (Deleted by amendment.)~~

~~Sec. 75. ["Commission" means the Nevada Tax Commission.] (Deleted by amendment.)~~

~~Sec. 76. ["Facility for the generation of electricity from renewable energy" means a facility for the generation of electricity that:~~

~~1. Uses renewable energy as its primary source of energy; and~~

~~2. Has a generating capacity of at least 10 kilowatts;~~

~~except that the term does not include a facility which is located on residential property or a facility which is owned or operated by this State or a political subdivision of this State.] (Deleted by amendment.)~~

~~Sec. 77. ["Fuel cell" means a device or contrivance which, through the chemical process of combining ions of hydrogen and oxygen, produces electricity and water.] (Deleted by amendment.)~~

~~Sec. 78. ["Renewable energy" means:~~

~~1. Biomass;~~

- ~~2. Fuel cells;~~  
~~3. Solar energy;~~  
~~4. Waterpower; or~~  
~~5. Wind.~~

~~The term does not include coal, natural gas, oil, propane or any other fossil fuel, geothermal energy or nuclear energy. (Deleted by amendment.)~~

Sec. 79. ~~["Taxpayer" means any person liable for the tax imposed by this chapter.] (Deleted by amendment.)~~

Sec. 80. ~~[The Department shall:~~

~~1. Administer and enforce the provisions of this chapter, and may adopt such regulations as it deems appropriate for those purposes;~~

~~2. Deposit all taxes, interest and penalties it receives pursuant to this chapter in the State Treasury for credit to the Trust Fund for Renewable Energy and Energy Conservation created by NRS 701.370.] (Deleted by amendment.)~~

Sec. 81. ~~[1. Each person responsible for maintaining the records of a taxpayer shall:~~

~~(a) Keep such records as may be necessary to determine the amount of the liability of the taxpayer pursuant to the provisions of this chapter;~~

~~(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and~~

~~(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.~~

~~2. The Department may by regulation specify the types of records which must be kept to determine the amount of the liability of a taxpayer pursuant to the provisions of this chapter.~~

~~3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.] (Deleted by amendment.)~~

Sec. 82. ~~[1. To verify the accuracy of any return filed or, if no return is filed by a taxpayer, to determine the amount required to be paid, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the tax imposed by this chapter.~~

~~2. Any person who may be liable for the tax imposed by this chapter and who keeps outside of this State any books, papers and records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he is absent from his regular place of employment to examine those documents.] (Deleted by amendment.)~~

Sec. 83. ~~[The Executive Director may request from any other governmental agency or officer such information as he deems necessary to carry out the provisions of this chapter. If the Executive Director obtains any confidential information pursuant to such a request, he shall maintain the confidentiality of that information in the same manner and to the same extent as provided by law for the agency or officer from whom the information was obtained.] (Deleted by amendment.)~~

Sec. 84. ~~[1. Except as otherwise provided in this section and NRS 229.0115 and 360.250, the records and files of the Department concerning the administration of this chapter are confidential and privileged. The Department, and any employee engaged in the administration of this chapter or charged with the custody of any such records or files, shall not disclose any information obtained from the Department's records or files or from any examination,~~

1 investigation or hearing authorized by the provisions of this chapter. Neither the  
2 Department nor any employee of the Department may be required to produce any  
3 of the records, files and information for the inspection of any person or for use in  
4 any action or proceeding.

5 ~~2. The records and files of the Department concerning the administration of~~  
6 ~~this chapter are not confidential and privileged in the following cases:~~

7 ~~(a) Testimony by a member or employee of the Department and production~~  
8 ~~of records, files and information on behalf of the Department or a taxpayer in~~  
9 ~~any action or proceeding pursuant to the provisions of this chapter if that~~  
10 ~~testimony or the records, files or information, or the facts shown thereby, are~~  
11 ~~directly involved in the action or proceeding.~~

12 ~~(b) Delivery to a taxpayer or his authorized representative of a copy of any~~  
13 ~~return or other document filed by the taxpayer pursuant to this chapter.~~

14 ~~(c) Publication of statistics so classified as to prevent the identification of a~~  
15 ~~particular person or document.~~

16 ~~(d) Exchanges of information with the Internal Revenue Service in~~  
17 ~~accordance with compacts made and provided for in such cases.~~

18 ~~(e) Disclosure in confidence to the Governor or his agent in the exercise of~~  
19 ~~the Governor's general supervisory powers, or to any person authorized to audit~~  
20 ~~the accounts of the Department in pursuance of an audit, or to the Attorney~~  
21 ~~General or other legal representative of the State in connection with an action or~~  
22 ~~proceeding pursuant to this chapter, or to any agency of this or any other state~~  
23 ~~charged with the administration or enforcement of laws relating to taxation.~~

24 ~~(f) Exchanges of information pursuant to subsection 3.~~

25 ~~3. The Commission may agree with any county fair and recreation board or~~  
26 ~~the governing body of any county, city or town for the continuing exchange of~~  
27 ~~information concerning taxpayers. (Deleted by amendment.)~~

28 Sec. 85. ~~[1. An excise tax is hereby imposed on the generation of~~  
29 ~~electricity by each facility that generates electricity from renewable energy in the~~  
30 ~~amount of 0.39 mills for each kilowatt-hour of electricity generated by the facility~~  
31 ~~during a calendar quarter.~~

32 ~~2. The operator of each facility that generates electricity from renewable~~  
33 ~~energy shall, on or before the last day of the month immediately following each~~  
34 ~~calendar quarter:~~

35 ~~(a) File with the Department a return on a form prescribed by the~~  
36 ~~Department; and~~

37 ~~(b) Remit to the Department any tax due pursuant to this section for that~~  
38 ~~calendar quarter. (Deleted by amendment.)~~

39 Sec. 86. ~~[Upon written application made before the date on which payment~~  
40 ~~must be made, the Department may for good cause extend by 30 days the time~~  
41 ~~within which a taxpayer is required to pay the tax imposed by this chapter. If the~~  
42 ~~tax is paid during the period of extension, no penalty or late charge may be~~  
43 ~~imposed for failure to pay at the time required, but the taxpayer shall pay interest~~  
44 ~~at the rate of 1 percent per month from the date on which the amount would have~~  
45 ~~been due without the extension until the date of payment, unless otherwise~~  
46 ~~provided in NRS 360.232 or 360.326. (Deleted by amendment.)~~

47 Sec. 87. ~~[If the Department determines that any tax, penalty or interest has~~  
48 ~~been paid more than once or has been erroneously or illegally collected or~~  
49 ~~computed, the Department shall set forth that fact in the records of the~~  
50 ~~Department and certify to the State Board of Examiners the amount collected in~~  
51 ~~excess of the amount legally due and the person from whom it was collected or by~~  
52 ~~whom it was paid. If approved by the State Board of Examiners, the excess~~  
53 ~~amount collected or paid must be credited on any amounts then due from the~~



~~person under this chapter, and the balance refunded to the person or his successors in interest.](Deleted by amendment.)~~

~~Sec. 88. [1. Except as otherwise provided in NRS 360.235 and 360.295,~~

~~(a) No refund may be allowed unless a claim for it is filed with the Department within 3 years after the last day of the month following the calendar quarter for which the overpayment was made;~~

~~(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.~~

~~2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.~~

~~3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the State on account of overpayment.~~

~~4. Within 30 days after rejecting any claim in whole or in part, the Department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.](Deleted by amendment.)~~

~~Sec. 89. [1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of any amount of the taxes imposed by this chapter at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.~~

~~2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.](Deleted by amendment.)~~

~~Sec. 90. [1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of this State to prevent or enjoin the collection under this chapter of the tax imposed by this chapter or any amount of tax, penalty or interest required to be collected.~~

~~2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed.](Deleted by amendment.)~~

~~Sec. 91. [1. Within 90 days after a final decision upon a claim filed pursuant to this chapter is rendered by the Commission, the claimant may bring an action against the Department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City, the county of this State where the claimant resides or maintains his principal place of business or a county in which any relevant proceedings were conducted by the Department, for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.~~

~~2. Failure to bring an action within the time specified constitutes a waiver of any demand against the State on account of alleged overpayments.](Deleted by amendment.)~~

~~Sec. 92. [1. If the Department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may consider the claim disallowed and file an appeal with the Commission within 30 days after the last day of the 6-month period. If the claimant is aggrieved by the decision of the Commission rendered on appeal, the claimant may, within 90 days after the decision is rendered, bring an action against the Department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.~~

~~2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited towards any tax due from the plaintiff.~~

~~3. The balance of the judgment must be refunded to the plaintiff. (Deleted by amendment.)~~

Sec. 93. ~~[In any judgment, interest must be allowed at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.] (Deleted by amendment.)~~

Sec. 94. ~~[A judgment may not be rendered in favor of the plaintiff in any action brought against the Department to recover any amount paid when the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.] (Deleted by amendment.)~~

Sec. 95. ~~[1. The Department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City or Clark County in the name of the State of Nevada.~~

~~2. The action must be tried in Carson City or Clark County unless the court, with the consent of the Attorney General, orders a change of place of trial.~~

~~3. The Attorney General shall prosecute the action, and the provisions of NRS, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.] (Deleted by amendment.)~~

Sec. 96. ~~[1. If any amount in excess of \$25 has been illegally determined, either by the Department or by the person filing the return, the Department shall certify this fact to the State Board of Examiners, and the latter shall authorize the cancellation of the amount upon the records of the Department.~~

~~2. If an amount not exceeding \$25 has been illegally determined, either by the Department or by the person filing the return, the Department, without certifying this fact to the State Board of Examiners, shall authorize the cancellation of the amount upon the records of the Department.] (Deleted by amendment.)~~

Sec. 97. ~~[1. A person shall not:~~

~~(a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration with intent to defraud the State or to evade payment of the tax or any part of the tax imposed by this chapter.~~

~~(b) Make, cause to be made or permit to be made any false entry in books, records or accounts with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter.~~

~~(c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts with intent to defraud the State or to evade the payment of the tax or any part of the tax imposed by this chapter.~~

~~2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.] (Deleted by amendment.)~~

Sec. 98. ~~[The remedies of the State provided for in this chapter are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.] (Deleted by amendment.)~~

Sec. 99. ~~[NRS 360.2937 is hereby amended to read as follows:~~

~~360.2937 1. Except as otherwise provided in this section, NRS 360.220 or any other specific statute, and notwithstanding the provisions of NRS 360.2935,~~

1 interest must be paid upon an overpayment of any tax provided for in chapter 362,  
2 363A, 363B, 369, 370, 372, 374, 377 or 377A [,] of NRS or sections 73 to 98,  
3 ~~inclusive, of this act~~, any fee provided for in NRS 444A.090 or 482.313, or any  
4 assessment provided for in NRS 585.497, at the rate of 0.5 percent per month from  
5 the last day of the calendar month following the period for which the overpayment  
6 was made.

7 ~~2. No refund or credit may be made of any interest imposed on the person~~  
8 ~~making the overpayment with respect to the amount being refunded or credited.~~

9 ~~3. The interest must be paid:~~

10 ~~— (a) In the case of a refund, to the last day of the calendar month following the~~  
11 ~~date upon which the person making the overpayment, if he has not already filed a~~  
12 ~~claim, is notified by the Department that a claim may be filed or the date upon~~  
13 ~~which the claim is certified to the State Board of Examiners, whichever is earlier.~~

14 ~~— (b) In the case of a credit, to the same date as that to which interest is computed~~  
15 ~~on the tax or the amount against which the credit is applied.] (Deleted by~~  
16 ~~amendment.)~~

17 ~~Sec. 100. [NRS 360.297 is hereby amended to read as follows:~~

18 ~~— 360.297 1. A responsible person who fails to collect or pay to the~~  
19 ~~Department any tax or fee imposed by this chapter, chapter 363A, 363B, 368A,~~  
20 ~~369, 370, 372 or 374 of NRS, or sections 73 to 98, inclusive, of this act, NRS~~  
21 ~~444A.090 or 482.313, or chapter 680B of NRS, or who attempts to evade the~~  
22 ~~payment of any such tax or fee, is jointly and severally liable with any other person~~  
23 ~~who is required to pay such a tax or fee for the tax or fee owed plus interest and all~~  
24 ~~applicable penalties. The responsible person shall pay the tax or fee upon notice~~  
25 ~~from the Department that it is due.~~

26 ~~2. As used in this section, "responsible person" includes:~~

27 ~~— (a) An officer or employee of a corporation; and~~

28 ~~— (b) A member or employee of a partnership or limited liability company,~~

29 ~~— whose job or duty it is to collect, account for or pay to the Department any tax or~~  
30 ~~fee imposed by this chapter, chapter 363A, 363B, 368A, 369, 370, 372 or 374 of~~  
31 ~~NRS, or sections 73 to 98, inclusive, of this act, NRS 444A.090 or 482.313, or~~  
32 ~~chapter 680B of NRS.] (Deleted by amendment.)~~

33 ~~Sec. 101. [NRS 360.300 is hereby amended to read as follows:~~

34 ~~— 360.300 1. If a person fails to file a return or the Department is not satisfied~~  
35 ~~with the return or returns of any tax, contribution or premium or amount of tax,~~  
36 ~~contribution or premium required to be paid to the State by any person, in~~  
37 ~~accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A,~~  
38 ~~363B, 369, 370, 372, 372A, 374, 377, 377A or 444A of NRS, or sections 73 to 98,~~  
39 ~~inclusive, of this act, NRS 482.313, or chapter 585 or 680B of NRS as~~  
40 ~~administered or audited by the Department, it may compute and determine the~~  
41 ~~amount required to be paid upon the basis of:~~

42 ~~— (a) The facts contained in the return;~~

43 ~~— (b) Any information within its possession or that may come into its possession;~~  
44 ~~or~~

45 ~~— (c) Reasonable estimates of the amount.~~

46 ~~2. One or more deficiency determinations may be made with respect to the~~  
47 ~~amount due for one or for more than one period.~~

48 ~~3. In making its determination of the amount required to be paid, the~~  
49 ~~Department shall impose interest on the amount of tax determined to be due,~~  
50 ~~calculated at the rate and in the manner set forth in NRS 360.417, unless a different~~  
51 ~~rate of interest is specifically provided by statute.~~

~~4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.~~

~~5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.255 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.] (Deleted by amendment.)~~

**Sec. 102.** ~~[NRS 360.417 is hereby amended to read as follows:~~

~~360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 444A or 585 of NRS, or sections 73 to 98, inclusive, of this act, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 1 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.] (Deleted by amendment.)~~

**Sec. 103.** ~~[NRS 360.419 is hereby amended to read as follows:~~

~~360.419 1. If the Executive Director or a designated hearing officer finds that the failure of a person to make a timely return or payment of a tax imposed pursuant to NRS 361.320, [or] chapter 361A, 362, 363A, 363B, 369, 370, 372, 372A, 374, 375A, 375B, 376A, 377 or 377A of NRS, or sections 73 to 98, inclusive, of this act is the result of circumstances beyond his control and occurred despite the exercise of ordinary care and without intent, the Department may relieve him of all or part of any interest or penalty, or both.~~

~~2. A person seeking this relief must file with the Department a statement under oath setting forth the facts upon which he bases his claim.~~

~~3. The Department shall disclose, upon the request of any person:~~

~~(a) The name of the person to whom relief was granted; and~~

~~(b) The amount of the relief.~~

~~4. The Executive Director or a designated hearing officer shall act upon the request of a taxpayer seeking relief pursuant to NRS 361.4835 which is deferred by a county treasurer or county assessor.] (Deleted by amendment.)~~

**Sec. 104.** ~~[NRS 360.510 is hereby amended to read as follows:~~

~~360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against him which remains unpaid, the Department may:~~

~~(a) Not later than 3 years after the payment became delinquent or the determination became final; or~~

~~(b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,~~

~~— give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his possession or under his control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency,~~

1 the notice must be given to the officer, department or agency before the Department  
2 presents the claim of the delinquent taxpayer to the State Controller.

3 ~~2. A state officer, department or agency which receives such a notice may~~  
4 ~~satisfy any debt owed to it by that person before it honors the notice of the~~  
5 ~~Department.~~

6 ~~3. After receiving the demand to transmit, the person notified by the demand~~  
7 ~~may not transfer or otherwise dispose of the credits, other personal property, or~~  
8 ~~debts in his possession or under his control at the time he received the notice until~~  
9 ~~the Department consents to a transfer or other disposition.~~

10 ~~4. Every person notified by a demand to transmit shall, within 10 days after~~  
11 ~~receipt of the demand to transmit, inform the Department of and transmit to the~~  
12 ~~Department all such credits, other personal property or debts in his possession,~~  
13 ~~under his control or owing by him within the time and in the manner requested by~~  
14 ~~the Department. Except as otherwise provided in subsection 5, no further notice is~~  
15 ~~required to be served to that person.~~

16 ~~5. If the property of the delinquent taxpayer consists of a series of payments~~  
17 ~~owed to him, the person who owes or controls the payments shall transmit the~~  
18 ~~payments to the Department until otherwise notified by the Department. If the debt~~  
19 ~~of the delinquent taxpayer is not paid within 1 year after the Department issued the~~  
20 ~~original demand to transmit, the Department shall issue another demand to transmit~~  
21 ~~to the person responsible for making the payments informing him to continue to~~  
22 ~~transmit payments to the Department or that his duty to transmit the payments to~~  
23 ~~the Department has ceased.~~

24 ~~6. If the notice of the delinquency seeks to prevent the transfer or other~~  
25 ~~disposition of a deposit in a bank or credit union or other credits or personal~~  
26 ~~property in the possession or under the control of a bank, credit union or other~~  
27 ~~depository institution, the notice must be delivered or mailed to any branch or~~  
28 ~~office of the bank, credit union or other depository institution at which the deposit~~  
29 ~~is carried or at which the credits or personal property is held.~~

30 ~~7. If any person notified by the notice of the delinquency makes any transfer~~  
31 ~~or other disposition of the property or debts required to be withheld or transmitted,~~  
32 ~~to the extent of the value of the property or the amount of the debts thus transferred~~  
33 ~~or paid, he is liable to the State for any indebtedness due pursuant to this chapter, or~~  
34 ~~chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377, 377A or 444A of~~  
35 ~~NRS, or sections 73 to 98, inclusive, of this act, NRS 482.313, or chapter 585 or~~  
36 ~~680B of NRS from the person with respect to whose obligation the notice was~~  
37 ~~given if solely by reason of the transfer or other disposition the State is unable to~~  
38 ~~recover the indebtedness of the person with respect to whose obligation the notice~~  
39 ~~was given.] (Deleted by amendment.)~~

40 **Sec. 105.** ~~[NRS 701.050, 701.090, 701.150, 701.350, 701.360, 701B.050,~~  
41 ~~701B.170, 701B.450, 701B.530, 701B.730 and 701B.770 are hereby repealed.]~~  
42 ~~(Deleted by amendment.)~~

43 **Sec. 106.** ~~1. Any regulations adopted by the Office of Energy within the~~  
44 ~~Office of the Governor to carry out its duties become the regulations of the Nevada~~  
45 ~~Energy Commission on July 1, 2010, and remain in effect until amended or~~  
46 ~~repealed by the Nevada Energy Commission.~~

47 ~~2. The Office of Energy and the Task Force for Renewable Energy and~~  
48 ~~Energy Conservation shall:~~

49 ~~(a) Continue to fulfill their duties until June 30, 2010; and~~

50 ~~(b) Report monthly to the Interim Finance Committee on the status of their~~  
51 ~~operations from the effective date of this act until June 30, 2010.~~

52 ~~3. The Office of Energy within the Office of the Governor and the Task Force~~  
53 ~~for Renewable Energy and Energy Conservation shall cooperate with the Nevada~~

~~Energy Commission to ensure that the provisions of this act are carried out in an orderly manner, including, without limitation, the transfer or exchange of books and records to the Nevada Energy Commission.~~

~~4. The Governor shall appoint the members of the Nevada Energy Commission on or before July 1, 2010, with:~~

~~(a) One Commissioner having an initial term of 2 years, and serving the initial term of Chairman of the Commission; and~~

~~(b) Two Commissioners having initial terms of 4 years.~~

~~5. The Legislative Counsel shall, in preparing the~~

~~(a) Reprint and supplement to the Nevada Revised Statutes with respect to any section which is not amended by this act or is adopted or amended by another act, appropriately change any reference to an officer or agency whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency. If any internal reference is made to a section repealed by this act, the Legislative Counsel shall delete the reference and replace it by reference to the superseding section, if any.~~

~~(b) Supplements to the Nevada Administrative Code, appropriately change any reference to an officer or agency whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency.~~

~~6. Any references in a bill or resolution passed by the 75th Session of the Nevada Legislature to an officer, agency or other entity whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity shall be deemed to refer to the officer, agency or other entity to which the responsibility is transferred.~~

~~7. As used in this section, "Nevada Energy Commission" means the Nevada Energy Commission created by section 4 of this act.] (Deleted by amendment.)~~

**Sec. 107.** The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

**Sec. 108.** Notwithstanding the provisions of section 28 of this act, a person is not entitled to any partial abatement of taxes pursuant to that section after June 30, ~~{2019}~~ **2049.**

**Sec. 109.** ~~{1. The tax imposed by section 85 of this act does not apply to any electricity generated before January 1, 2010.~~

~~2. Notwithstanding any provision of sections 73 to 98, inclusive, of this act to the contrary:~~

~~(a) The return and remittance required by subsection 2 of section 85 of this act for the calendar quarter beginning on January 1, 2010, are due on or after July 1, 2010, and on or before July 31, 2010.~~

~~(b) The Department of Taxation shall not enforce the provisions of subsection 2 of section 85 of this act before July 1, 2010.] (Deleted by amendment.)~~

**Sec. 110.** 1. This section and sections **1 to 1.8, inclusive, 27.5, 28, 28.5, 107, 108 and 109** of this act become effective ~~upon passage and approval.~~

~~2. Section] on July 1, 2009.~~

1 ~~2. Sections 1.85, 1.9 and 1.95 of this act become effective on July 1, 2009,~~  
2 ~~if and only if no other bill passed during the 2009 Legislative Session becomes~~  
3 ~~effective that provides for the appointment, powers and duties of the Nevada~~  
4 ~~Energy Commissioner.~~

5 ~~3. Sections 28 and 28.5 of this act becomes effective on July 1, 2009, and~~  
6 ~~expires] expire by limitation on June 30, [2019,~~

7 ~~3. Sections 72 to 104, inclusive, of this act become effective:~~

8 ~~(a) Upon passage and approval for the purpose of adopting regulations and~~  
9 ~~performing any other preparatory administrative tasks that are necessary to carry~~  
10 ~~out the provisions of this act; and~~

11 ~~(b) On January 1, 2010, for all other purposes;~~

12 ~~4. Sections 1 to 27, inclusive, 29 to 62, inclusive, 64 to 71, inclusive, 105 and~~  
13 ~~106 of this act become effective;~~

14 ~~(a) Upon passage and approval for the purpose of adopting regulations and~~  
15 ~~performing any other preparatory administrative tasks that are necessary to carry~~  
16 ~~out the provisions of this act; and~~

17 ~~(b) On July 1, 2010, for all other purposes;~~

18 ~~5. Section 63 of this act becomes effective on January 1, 2011.~~

19 ~~6. Sections 41 to 56, inclusive, of this act expire by limitation on June 30,~~  
20 ~~2011.] 2049.~~

---

---

~~[LEADLINES OF REPEALED SECTIONS]~~

---

---

~~[701.050 "Director" defined.~~

~~701.090 "Task Force" defined.~~

~~701.150 Creation; appointment of Director; employment of personnel by~~  
~~Director; classification of Director and personnel; conflict of interest prohibited.~~

~~701.350 Creation; appointment of members; qualifications for members;~~  
~~terms of members; vacancies; requirements and restrictions concerning members~~  
~~who are public officers or employees.~~

~~701.360 Selection and terms of Chairman and Vice Chairman; vacancies;~~  
~~quorum; meetings; members serve without compensation; per diem and travel~~  
~~expenses; Consumer's Advocate to provide support and assistance.~~

~~701B.050 "Commission" defined.~~

~~701B.170 "Task Force" defined.~~

~~701B.450 "Commission" defined. Effective through June 30, 2011.~~

~~701B.530 "Task Force" defined. Effective through June 30, 2011.~~

~~701B.730 "Commission" defined. Effective through June 30, 2011.~~

~~701B.770 "Task Force" defined. Effective through June 30, 2011.]~~