

Amendment No. 909

Assembly Amendment to Senate Bill No. 395 Second Reprint (BDR 58-1219)

Proposed by: Assembly Committee on Commerce and Labor

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

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/TMC



Date: 5/22/2009

S.B. No. 395—Makes various changes regarding renewable energy and energy efficiency and alters the composition of the Commission on Economic Development. (BDR 58-1219)



SENATE BILL NO. 395—COMMITTEE ON ENERGY,
INFRASTRUCTURE AND TRANSPORTATION

(ON BEHALF OF THE GOVERNOR)

MARCH 23, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Makes various changes regarding renewable energy and energy efficiency and alters the composition of the Commission on Economic Development. (BDR 58-1219)

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

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

AN ACT relating to governmental administration; revising provisions governing the issuance of certain permits by the Public Utilities Commission of Nevada pursuant to the Utility Environmental Protection Act; altering the composition of the Commission on Economic Development; requiring the Chief of the Purchasing Division of the Department of Administration to adopt regulations establishing standards for the procurement of certain appliances, equipment, lighting and other devices; requiring the State Public Works Board to adopt certain standards concerning the efficient use of water and energy; requiring licensed vehicle dealers to provide certain information concerning vehicle emissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill alters the definition of “utility facility,” as that term is used in the Utility Environmental Protection Act which provides for the issuance of permits for the construction of utility facilities, to require a nameplate capacity of not more than 70 megawatts rather than a generating capacity of not more than 35 megawatts.

Section 5 of this bill exempts certain ~~renewable energy~~ utility facilities from certain findings that are a condition precedent to permitting under the Utility Environmental Protection Act.

Sections 6 and 24 of this bill alter the composition of the Commission on Economic Development to require that at least two of the appointed members be from counties whose population is less than 100,000. (NRS 231.040)

Section 8 of this bill requires the Chief of the Purchasing Division of the Department of Administration to adopt regulations establishing standards favoring the procurement of appliances, equipment, lighting and other devices that bear the “Energy Star” label or meet other requirements prescribed by federal law unless to do so would not be cost-effective.

Section 10 of this bill requires the State Public Works Board to adopt standards and performance guidelines concerning the efficient use of water and energy.

Section 18 of this bill requires vehicle dealers in Nevada, beginning on January 1, 2010, to provide upon request a disclosure of the estimated carbon dioxide emissions of each new vehicle offered for sale, if such information is available.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 704.860 is hereby amended to read as follows:

704.860 “Utility facility” means:

1. Electric generating plants and their associated facilities, except:

(a) Electric generating plants and their associated facilities that are or will be located entirely within the boundaries of a county whose population is 100,000 or more; or

(b) Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity and which have or will have a ~~generating~~ nameplate capacity of not more than ~~35~~ 70 megawatts, including, without limitation, a net metering system, as defined in NRS 704.771.

➤ As used in this subsection, “associated facilities” includes, without limitation, any facilities for the storage, transmission or treatment of water, including, without limitation, facilities to supply water or for the treatment or disposal of wastewater, which support or service an electric generating plant.

2. Electric transmission lines and transmission substations that:

(a) Are designed to operate at 200 kilovolts or more;

(b) Are not required by local ordinance to be placed underground; and

(c) Are constructed outside any incorporated city.

3. Gas transmission lines, storage plants, compressor stations and their associated facilities when constructed outside:

(a) Any incorporated city; and

(b) Any county whose population is 100,000 or more.

4. Water storage, transmission and treatment facilities, other than facilities for the storage, transmission or treatment of water from mining operations.

5. Sewer transmission and treatment facilities.

Sec. 5. NRS 704.890 is hereby amended to read as follows:

704.890 1. Except as otherwise provided in subsection 3, the Commission may not grant a permit for the construction, operation and maintenance of a utility facility, either as proposed or as modified by the Commission, to a person unless it finds and determines:

(a) The nature of the probable effect on the environment;

(b) ~~[(The)] [Except with respect to a renewable energy.] If the utility facility [that is built in Nevada pursuant to NRS 704.820 to 704.900, inclusive, and] emits greenhouse gases~~ and does not use renewable energy as its primary source of energy to generate electricity, the extent to which the facility is needed to ensure reliable utility service to customers in this State;

(c) That the need for the facility balances any adverse effect on the environment;

(d) That the facility represents the minimum adverse effect on the environment, considering the state of available technology and the nature and economics of the various alternatives;

(e) That the location of the facility as proposed conforms to applicable state and local laws and regulations issued thereunder and the applicant has obtained, or is in the process of obtaining, all other permits, licenses and approvals required by federal, state and local statutes, regulations and ordinances; and

(f) That the facility will serve the public interest.

2. If the Commission determines that the location of all or a part of the proposed facility should be modified, it may condition its permit upon such a modification. If the applicant has not obtained all the other permits, licenses and approvals required by federal, state and local statutes, regulations and ordinances as of the date on which the Commission decides to issue a permit, the Commission shall condition its permit upon the applicant obtaining those permits and approvals.

3. The requirements set forth in paragraph (f) of subsection 1 do not apply to any application for a permit which is filed by a state government or political subdivision thereof.

4. As used in this section, "renewable energy" has the meaning ascribed to it in NRS 704.7811.

Sec. 6. NRS 231.040 is hereby amended to read as follows:

231.040 1. The Commission on Economic Development is composed of the Lieutenant Governor, who is its Chairman, and six members who are appointed by the Governor.

2. The Governor shall appoint as members of the Commission persons who *are residents of Nevada and who* have proven experience in economic development which was acquired by them while engaged in finance, manufacturing, mining, agriculture, the field of transportation, or in general business other than tourism or gaming.

3. The Governor shall appoint ~~four~~ *to the Commission:*

(a) ~~At least one member who is a resident of~~ *to*

~~—(a)~~ Clark County.

(b) *At least one member who is a resident of* Washoe County.

(c) ~~[A county]~~ *At least two members who are residents of counties* whose population is ~~[50,000 or less]~~ *less than 100,000.*

Sec. 7. (Deleted by amendment.)

Sec. 8. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Chief shall adopt regulations which set forth standards to be used by using agencies when purchasing new appliances, equipment, lighting and other devices that use electricity, natural gas, propane or oil. Except as otherwise provided in subsection 2, the standards must require that such new appliances, equipment, lighting and other devices have received the Energy Star label pursuant to the program established pursuant to 42 U.S.C. § 6294a, or its successor, or meet the requirements established pursuant to 48 C.F.R. § 23.203.*

2. *The standards described in subsection 1 do not apply insofar as:*

(a) *No items in a given class of appliances, equipment, lighting or other devices have been evaluated to determine whether they are eligible to receive the Energy Star label or have been designated by the Federal Government to meet the requirements established pursuant to 48 C.F.R. § 23.203; or*

(b) *The purchase of new appliances, equipment, lighting or other devices that have received the Energy Star label would not be cost-effective in an individual instance, comparing the cost of the item to the cost of the amount of energy that will be saved over the useful life of the item.*

Sec. 9. NRS 333.340 is hereby amended to read as follows:

333.340 1. Every contract or order for goods must be awarded to the lowest responsible bidder. To determine the lowest responsible bidder, the Chief:

(a) Shall consider, if applicable ~~[-the]~~ :

(1) *The imposition of the inverse preference described in NRS 333.336.*

(2) *The required standards adopted pursuant to section 8 of this act.*

(b) May consider:

(1) The location of the using agency to be supplied.

(2) The qualities of the articles to be supplied.

(3) The total cost of ownership of the articles to be supplied.

(4) Except as otherwise provided in subparagraph (5), the conformity of the articles to be supplied with the specifications.

(5) If the articles are an alternative to the articles listed in the original request for bids, whether the advertisement for bids included a statement that bids for an alternative article will be considered if:

(I) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(II) The purchase of the alternative article results in a lower price; and

(III) The Chief deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(6) The purposes for which the articles to be supplied are required.

(7) The dates of delivery of the articles to be supplied.

2. If a contract or an order is not awarded to the lowest bidder, the Chief shall provide the lowest bidder with a written statement which sets forth the specific reasons that the contract or order was not awarded to him.

3. As used in this section, "total cost of ownership" includes, but is not limited to:

(a) The history of maintenance or repair of the articles;

(b) The cost of routine maintenance and repair of the articles;

(c) Any warranties provided in connection with the articles;

(d) The cost of replacement parts for the articles; and

(e) The value of the articles as used articles when given in trade on a subsequent purchase.

Sec. 10. Chapter 341 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of the design and construction of buildings or other projects of this State, the Board shall adopt by regulation:

(a) Standards for the efficient use of water.

(b) Standards for the efficient use of energy, including, without limitation, the use of sources of renewable energy.

(c) Performance guidelines for new, remodeled and renovated buildings.

(d) Performance guidelines for retrofit projects, including, without limitation, guidelines for:

(1) Energy consumption.

(2) The use of potable water.

(3) The use of water for purposes relating to landscaping.

(4) The disposal of solid waste.

2. The standards and performance guidelines adopted in accordance with subsection 1 must include a mechanism for their evaluation and revision to ensure that such standards and guidelines:

(a) Are cost-effective over the life of the applicable project.

(b) Produce certain threshold levels of cost savings.

3. *In adopting the standards and performance guidelines pursuant to subsection 1, the Board may consider, without limitation:*

(a) *The Leadership in Energy and Environmental Design Green Building Rating System established by the U.S. Green Building Council or its successor;*

(b) *The Green Globes assessment and rating system developed by the Green Building Initiative or its successor;*

(c) *The standards established by the United States Environmental Protection Agency pursuant to the Energy Star Program;*

(d) *The standards established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers or its successor;*

(e) *The criteria established pursuant to the Federal Energy Management Program established by the United States Department of Energy; and*

(f) *The criteria established by the International Energy Conservation Code.*

4. *The regulations adopted pursuant to this section must include provisions for their enforcement.*

5. *As used in this section, "renewable energy" has the meaning ascribed to it in NRS 701A.220.*

Sec. 11. NRS 341.119 is hereby amended to read as follows:

341.119 1. Upon the request of the head of a state agency, the Board may delegate to that agency any of the authority granted the Board pursuant to NRS 341.141 to 341.148, inclusive ~~(H)~~, *and section 10 of this act.*

2. This section does not limit any of the authority of the Legislature when the Legislature is in regular or special session or the Interim Finance Committee when the Legislature is not in regular or special session to consult with the Board concerning a construction project or to approve the advance planning of a project.

Sec. 12. NRS 341.153 is hereby amended to read as follows:

341.153 1. The Legislature hereby finds as facts:

(a) That the construction of public buildings is a specialized field requiring for its successful accomplishment a high degree of skill and experience not ordinarily acquired by public officers and employees whose primary duty lies in some other field.

(b) That this construction involves the expenditure of large amounts of public money which, whatever their particular constitutional, statutory or governmental source, involve a public trust.

(c) That the application by state agencies of conflicting standards of performance results in wasteful delays and increased costs in the performance of public works.

2. The Legislature therefore declares it to be the policy of this State that all construction of buildings upon property of the State or held in trust for any division of the State Government be supervised by, and final authority for its completion and acceptance vested in, the Board as provided in NRS 341.141 to 341.148, inclusive ~~(H)~~, *and section 10 of this act.*

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

Every vehicle dealer licensed in this State shall, upon request, provide to any person a written statement setting forth the estimated amount of carbon dioxide that is emitted by each new vehicle that the vehicle dealer offers for sale, unless the information concerning the emissions for that vehicle is unavailable.

1 **Sec. 19.** NRS 482.36414 is hereby amended to read as follows:
2 482.36414 A person who assumes operation of a franchise pursuant to NRS
3 482.36396 to 482.36414, inclusive, must be licensed as a dealer pursuant to the
4 provisions of NRS 482.318 to 482.363, inclusive ~~H~~, *and section 18 of this act.*

5 **Sec. 20.** (Deleted by amendment.)

6 **Sec. 21.** (Deleted by amendment.)

7 **Sec. 22.** (Deleted by amendment.)

8 **Sec. 22.5.** (Deleted by amendment.)

9 **Sec. 23.** (Deleted by amendment.)

10 **Sec. 24.** As soon as practicable after July 1, 2009, the Governor shall appoint
11 to the Commission on Economic Development any new members required to be
12 appointed to the Commission pursuant to NRS 231.040, as amended by section 6 of
13 this act.

14 **Sec. 25.** 1. This section and sections 1 to 17, inclusive, and 20 to 24,
15 inclusive, of this act become effective on July 1, 2009.

16 2. Sections 18 and 19 of this act become effective on January 1, 2010.