

## Amendment No. 435

Assembly Amendment to Assembly Bill No. 380

(BDR 58-308)

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<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 underlining* is newly added transitory language.

MSN/SLP



Date: 4/22/2011

A.B. No. 380—Revises provisions governing certain programs for renewable energy systems. (BDR 58-308)



ASSEMBLY BILL NO. 380—ASSEMBLYMEN CONKLIN,  
KIRKPATRICK, ATKINSON; OCEGUERA AND SMITH

MARCH 21, 2011

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing certain programs for renewable energy systems. (BDR 58-308)

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 energy; revising the prospective expiration of the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; providing for the expiration of the Solar Energy Systems Incentive Program; revising provisions governing the Solar Program, the Wind Program and the Waterpower Program; ~~[providing that incentives awarded to participants in the Solar Program and Wind Program on or after January 1, 2013, must be awarded through a reverse auction mechanism established by the Public Utilities Commission of Nevada by regulation;]~~ revising provisions governing the amount of incentives which a utility must pay to participants in the Solar Program, the Wind Program and the Waterpower Program; ~~[repealing the requirement that the installation of certain solar energy systems and wind energy systems be deemed a public work under certain circumstances;]~~ **revising provisions relating to net metering;** requiring the **Public Utilities Commission of Nevada** to adopt regulations; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program will expire on June 30, 2011. (NRS 701B.400-701B.890; chapter 509, Statutes of Nevada 2007, p. 2999) **Sections 49-51 and 54** of this bill revise the prospective expiration dates of these programs and provide that the Wind Program, the Waterpower Program and the Solar Energy Systems Incentive Program will expire on December 31, 2021.

**Section 13** of this bill provides that, for the period beginning July 1, 2010, and ending December 31, 2012, a utility is not required to award an incentive under the Solar Program if the payment of the incentive would cause the total amount of incentives paid by all utilities for the installation of solar energy systems and distributed generation systems would exceed \$140,000,000. **Section 26** of this bill prohibits the Public Utilities Commission of Nevada from authorizing the payment of an incentive for the installation of a wind energy system under the Wind Program if, for the same period, the amount of the incentive would cause the

total amount of incentives paid by all utilities for the installation of wind energy systems and distributed generation systems to exceed \$30,000,000.

~~[Section 52 of this bill repeals the requirement that the installation of certain solar energy systems and wind energy systems be deemed public works for certain purposes.]~~

**Sections 1, 3-12, 14-25, 27-43 and 47** of this bill become effective on January 1, 2013, and revise provisions governing the Solar Program, the Wind Program and the Waterpower Program. ~~[Section 5 provides that incentives for participation in the Wind Program must be awarded pursuant to a reverse auction mechanism established by the Commission by regulation.]~~ **Section 5** ~~[also]~~ provides limits on the total amount of an incentive which may be awarded to a participant in the Wind Program. **Section 5** additionally provides that a utility is not required to award an incentive if such an award would cause the total amount of incentives awarded pursuant to the Wind Program, the Solar Program and the Waterpower Program in a program year by all utilities in this State to exceed one-half of 1 percent of the total revenues received by all utilities in this State from retail customers during the immediately preceding program year. **Section 9** imposes the same requirements for the payment of incentives pursuant to the Solar Program. **Section 37** provides the same cap for the award of incentives pursuant to the Waterpower Program. **Sections 14 and 29** provide that to be eligible for an incentive under the Solar Program or Wind Program, a renewable energy system must meet the requirements for net metering. **Sections 11, 22 and 35 expand the Solar Program, Wind Program and Waterpower Program to include Indian tribes and tribal organizations.**

Existing law requires a utility to offer net metering until the cumulative capacity of all net metering systems within the service area of the utility is equal to 1 percent of the utility's peak capacity. (NRS 704.773) **Section 45** of this bill requires a utility to offer net metering until the cumulative capacity of all net metering systems in this State is equal to ~~1~~ **3** percent of the total peak capacity of all utilities in this State.

~~[The portfolio standard requires a provider of electric service to generate, acquire or save a certain amount of energy from portfolio energy systems or energy efficiency measures. Not more than 25 percent of the electricity a provider generates, acquires or saves to comply with the portfolio standard may be based on energy efficiency measures. (NRS 704.7821) Section 46 of this bill provides that any surplus portfolio energy credits derived from energy efficiency measures in 1 year may be applied to reduce a deficiency in portfolio energy credits in future years under certain circumstances.]~~

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

**Section 1.** NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 and the Wind Energy Systems ~~[Demonstration]~~ **Incentive** Program created pursuant to 701B.580, including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the Programs; and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the Programs; and

(b) Information relating to any money distributed pursuant to NRS 702.270.

2. 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.

3. 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.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

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

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

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

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

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

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with 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.

6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.

7. Carry out all other directives concerning energy that are prescribed by the Governor.

**Sec. 2.** NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation ~~;~~

~~—(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 and the Wind Energy Systems Incentive Program created pursuant to 701B.580, including, without limitation, information relating to:~~

~~—(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;~~

~~—(2) The use of carbon-based energy in residential and commercial applications due to participation in the Programs; and~~

~~—(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the Programs; and~~

~~—(b) Information~~, **information** relating to any money distributed pursuant to NRS 702.270.

2. 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.

3. 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.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

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

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

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

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

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

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with 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.

6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.

7. Carry out all other directives concerning energy that are prescribed by the Governor.

**Sec. 3.** Chapter 701B of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.

**Sec. 4.** *The provisions of this section and NRS 701B.410 to 701B.650, inclusive, and section 5 of this act apply to the Wind Energy Systems Incentive Program.*

**Sec. 5. 1.** ~~The incentives awarded by a utility to applicants for participation in the Wind Program must be awarded through a reverse auction mechanism established by the Commission by regulation. The regulations establishing the reverse auction mechanism must include, without limitation, requirements that~~

~~(a) The opening of bids by the utility be done in a public setting; and~~

~~(b) The Regulatory Operations Staff of the Commission and a representative of the Bureau of Consumer Protection in the Office of the Attorney General attend the bid opening and attest to the results. Commission shall adopt regulations establishing an incentive for participation in the Wind Program.~~

2. Each utility shall determine the number and the timing of application cycles during a program year but must conduct at least one application cycle for each category during each program year. ~~[A utility shall award incentives during an application cycle to applicants in reverse order of requested incentive amounts.]~~

3. The total amount of an incentive awarded to an applicant must not exceed the lesser of 50 percent of the total construction costs set forth in the application submitted by the applicant or 50 percent of the weighted average cost of actual construction costs for wind energy systems that received an incentive during the immediately preceding program year. Each utility shall publish the weighted average cost of actual construction costs for wind energy systems that received an incentive for a program year not later than January 31 of the following program year.

4. A utility is not required to award an incentive if such an award would cause the total amount of incentives awarded in a program year to participants in the Wind Program, the Solar Energy Systems Incentive Program created by NRS 701B.240 and the Waterpower Energy Systems Incentive Program created by NRS 701B.820 to exceed one-half of 1 percent of the total revenues received by all utilities in this State from retail customers in this State during the immediately preceding program year. For each program year, the Commission shall determine the capacity each utility must allocate to each program.

~~[5. As used in this section, "reverse auction mechanism" means a process for the awarding of incentives in which bids for incentives from the Wind Program are solicited by a utility in the form of the proposed total incentive amount for a wind energy system expressed in dollars per watt of capacity.]~~

Sec. 6. The provisions of this section and NRS 701B.710 to 701B.880, inclusive, apply to the Waterpower Energy Systems Incentive Program.

Sec. 7. NRS 701B.100 is hereby amended to read as follows:

701B.100 "Program year" means ~~[the period of July 1 to June 30 of the following]~~ a calendar year.

Sec. 8. NRS 701B.200 is hereby amended to read as follows:

701B.200 The Commission shall adopt regulations necessary to carry out the provisions of NRS 701B.010 to 701B.290, inclusive, including, without limitation, regulations that ~~[-]~~

~~1. Establish the type of incentives available to participants in the Solar Program and the level or amount of those incentives, except that the level or amount of an incentive available in a particular program year must not be based upon whether the incentive is for unused capacity reallocated from a past program year pursuant to paragraph (b) of subsection 2 of NRS 701B.260. The regulations must provide that the level or amount of the incentives must decline over time as the cost of solar energy systems and distributed generation systems decline.~~

~~2. Establish~~ establish 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)]~~ 1. A detailed plan for advertising the Solar Program;

~~[(b)]~~ 2. A detailed budget and schedule for carrying out and administering the Solar Program;

~~[(c)]~~ 3. 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)~~ 4. 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)~~ 5. A detailed account of training and educational activities that will be used to carry out and administer the Solar Program; and

~~(f)~~ 6. Any other information required by the Commission.

~~[3. Authorize a utility to recover the reasonable costs incurred in carrying out and administering the installation of distributed generation systems pursuant to paragraph (b) of subsection 1 of NRS 701B.260.]~~

Sec. 9. NRS 701B.220 is hereby amended to read as follows:

701B.220 1. In adopting regulations for the Solar Program,

~~{ 1. The incentives awarded by a utility to applicants for participation in the Solar Program must be awarded through a reverse auction mechanism established by } the Commission shall adopt regulations establishing an incentive for participation in the Solar Program. ~~by regulation. The regulations establishing the reverse auction mechanism must include, without limitation, requirements that:~~~~

~~— (a) The opening of bids by the utility be done in a public setting; and~~

~~— (b) The Regulatory Operations Staff of the Commission and a representative of the Bureau of Consumer Protection in the Office of the Attorney General attend the bid opening and attest to the results. }~~

2. Each utility shall determine the number and the timing of application cycles during a program year but must conduct at least one application cycle for each category during each program year. ~~{ A utility shall award incentives during an application cycle to applicants in reverse order of requested incentive amounts, except that not less than 25 percent of the total amount of incentives awarded during a program year must be awarded to private residential property and small business property applicants. }~~

3. The total amount of an incentive awarded to an applicant must not exceed the lesser of 50 percent of the total construction costs set forth in the application submitted by the applicant or 50 percent of the weighted average cost of actual construction costs for solar energy systems that received an incentive during the immediately preceding program year. Each utility shall publish the weighted average cost of actual construction costs for solar energy systems that received an incentive for a program year not later than January 31 of the following program year.

4. A utility is not required to award an incentive if such an award would cause the total amount of incentives awarded in a program year to participants in the Solar Program, the Wind Energy Systems Incentive Program created by NRS 701B.580 and the Waterpower Energy Systems Incentive Program created by NRS 701B.820 to exceed one-half of 1 percent of the total revenues received by all utilities in this State from retail customers in this State during the immediately preceding program year. For each program year, the Commission shall determine the capacity each utility must allocate to each program.

~~{ 5. As used in this section, "reverse auction mechanism" means a process for the awarding of incentives in which bids for incentives from the Solar Program are solicited by a utility in the form of the proposed total incentive amount for a solar energy system expressed in dollars per watt of capacity. }~~

Sec. 10. NRS 701B.230 is hereby amended to read as follows:

701B.230 1. Each year on or before the date established by the Commission, a utility shall file with the Commission its annual plan for carrying

1 out and administering the Solar Program within its service area for a program year.  
2 *A utility may file the plan as part of a combined annual plan for carrying out and*  
3 *administering the Solar Program, the Wind Energy Systems Incentive Program*  
4 *created by NRS 701B.580 and the Waterpower Energy Systems Incentive*  
5 *Program created by NRS 701B.820 in its service area for the program year.*

6 2. The Commission shall:

7 (a) Review each annual plan filed by a utility for compliance with the  
8 requirements established by regulation of the Commission; and

9 (b) Approve each annual plan with such modifications and upon such terms  
10 and conditions as the Commission finds necessary or appropriate to facilitate the  
11 Solar Program.

12 3. A utility shall carry out and administer the Solar Program within its service  
13 area in accordance with the utility's annual plan as approved by the Commission.

14 4. A utility may recover its reasonable and prudent costs, including, without  
15 limitation, customer incentives, ~~and administrative costs,~~ that are associated with  
16 carrying out and administering the Solar Program within its service area by seeking  
17 recovery of those costs in an appropriate proceeding before the Commission  
18 pursuant to NRS 704.110.

19 **Sec. 11.** NRS 701B.240 is hereby amended to read as follows:

20 701B.240 1. The Solar Energy Systems Incentive Program is hereby  
21 created.

22 2. The Solar Program ~~must have~~ *is limited to three five* categories of  
23 *participants* as follows:

24 (a) School property;

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

26 (c) Private residential property;

27 *(d) Property owned by an Indian tribe or tribal organization;* and ~~small~~

28 *(e) Small* business property.

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

30 (a) Meet the qualifications established by the Commission pursuant to NRS  
31 701B.210;

32 (b) Submit an application to a utility and be selected by the ~~Commission~~  
33 *utility* for inclusion in the Solar Program pursuant to NRS 701B.250 and 701B.255;

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

37 (d) If the person will be participating in the Solar Program in the category of  
38 school property or public and other property, provide for the public display of the  
39 solar energy system, including, without limitation, providing for public  
40 demonstrations of the solar energy system and for hands-on experience of the solar  
41 energy system by the public.

42 **Sec. 12.** NRS 701B.255 is hereby amended to read as follows:

43 701B.255 1. After reviewing an application submitted pursuant to NRS  
44 701B.250 and ensuring that the applicant meets the qualifications and requirements  
45 to be eligible to participate in the Solar Program, a utility may, *in accordance with*  
46 *the provisions of NRS 701B.220 and any regulations adopted pursuant thereto,*  
47 select the applicant for participation in the Solar Program.

48 2. Not later than 30 days after the date on which the utility selects an  
49 applicant, the utility shall provide written notice of the selection to the applicant.

50 3. After the utility selects an applicant to participate in the Solar Program, the  
51 utility may approve the solar energy system proposed by the applicant. Upon the  
52 utility's approval of the solar energy system:



(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the solar energy system is eligible; and

(b) The applicant may install and energize the solar energy system.

4. *An applicant for participation in the Solar Program in the category of private residential property ~~and~~, property owned by an Indian tribe or tribal organization or small business property must complete the installation and energizing of the solar energy system within 12 months after issuance of the notice required by paragraph (a) of subsection 3, unless the utility grants the applicant an extension of the time within which to complete the installation and energizing of the solar energy system for a period not to exceed an additional ~~12~~ 6 months. If the applicant has not completed the installation and energizing of his or her solar energy system within the time provided in this subsection, the notice of approval is void, and the applicant loses his or her right to receive the incentive payment provided in the notice. The applicant may submit a new application and may receive an incentive payment pursuant to a new notice of approval issued by the utility for a new application cycle if the solar energy system has not been installed and energized before the date of issuance of the new notice of approval. The incentive for which the applicant is eligible is the lesser of the average incentive awarded to participants in the applicant's category in the current program year or the amount of the incentive which the applicant was authorized to receive pursuant to the original notice of approval.*

5. *An applicant for participation in the Solar Program in the category of school property or public and other property must complete the installation and energizing of the solar energy system within 18 months after issuance of the notice required by paragraph (a) of subsection 3, unless the utility grants the applicant an extension of the time within which to complete the installation and energizing of the solar energy system for a period not to exceed an additional 12 months. If the applicant has not completed the installation and energizing of his or her solar energy system within the time provided in this subsection, the notice of approval is void, and the applicant loses his or her right to receive the incentive payment provided in the notice. The applicant may submit a new application and may receive an incentive payment pursuant to a new notice of approval issued by the utility for a new application cycle if the solar energy system has not been installed and energized before the date of issuance of the new notice of approval. The incentive for which the applicant is eligible is the incentive in effect at the time the new notice of approval is issued.*

6. Upon the completion of the installation and energizing of the solar energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

~~[5-]~~ 7. Upon receipt of the incentive claim form and verification that the solar energy system is properly connected, the utility shall issue an incentive payment to the participant.

~~[6.- The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Solar Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Solar Program or does not complete the installation of the solar energy system within 12 months after the date on which the applicant is selected for participation in the Solar Program. An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the solar energy system, and the amount of the incentive for which such an applicant is eligible must~~

be determined on the date on which the applicant completes the installation of the solar energy system.]

**Sec. 13.** NRS 701B.260 is hereby amended to read as follows:

701B.260 1. Except as otherwise provided in this section, the Commission may approve, for:

~~— (a) The program year beginning July 1, 2009,];~~

(a) May approve solar energy systems [:

(1) Totalling 2,000 kilowatts] *totaling not more than 200 megawatts of capacity for [school property;*

(2) Totalling 760 kilowatts of capacity for public and other property; and

(3) Totalling 1,000 kilowatts of capacity for private residential property and small business property; and

(b) Each program year for the period beginning July 1, 2010, and ending on June 30, 2021, an additional 9 percent of the sum of the total allocated capacities of all the categories described in paragraph (a) which must be approved for distributed generation systems:

~~— 2. If [the State;~~

(b) Shall prescribe the capacity which is allocated to [any] each service area within the State for a program year;

(c) Shall prescribe the capacity which is allocated to each category for a program year [is not fully subscribed by participants in that category, the Commission may, in any combination it deems appropriate:

~~— (a) Reallocate any of the unused capacity in that category to any of the other categories; or~~

~~— (b) Reallocate any of the unused capacity in that category to future program years within the same category.~~

~~— 3. To promote the installation of solar energy systems on as many school properties as possible, the Commission 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 Commission determines that approval of a solar energy system with a greater generating capacity is more practicable for a particular school property.~~

~~— 4. The Commission shall not authorize the payment of an]; and~~

(d) Shall establish requirements for the capacity of solar energy systems which may be approved for each category, including, without limitation, the minimum and maximum generating capacity of a solar energy system installed on property other than residential property, which must be determined based on the nature of the business and property for which the solar energy system is installed.

2. A utility is not required to award an incentive for the installation of a solar energy system or distributed generation system if [:

~~— (a) For], for the period beginning July 1, 2010, and ending [June 30, 2013,] December 31, 2012, inclusive, the payment of the incentive would cause the total amount of incentives paid by [a utility] all utilities for the installation of solar energy systems and distributed generation systems to exceed [\$78,260,000; and~~

~~— (b) For the period beginning July 1, 2010, and ending June 30, 2021, the payment of the incentive would cause the total amount of incentives paid by a utility for the installation of solar energy systems and distributed generation systems to exceed \$255,270,000.] \$140,000,000.~~

**Sec. 14.** NRS 701B.280 is hereby amended to read as follows:

701B.280 ~~[[ To be eligible for an incentive through the Solar Program, a solar energy system [used by a participant in the Solar Program meets] must meet~~

the requirements ~~of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate~~ *for participation* in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

**Sec. 15.** NRS 701B.350 is hereby amended to read as follows:

701B.350 1. The Renewable Energy School Pilot Program is hereby created. The goal of the Program is to encourage the development of and determine the feasibility for the integration of renewable energy systems on school properties.

2. The Commission shall adopt regulations for the Program. Such regulations shall include, but not be limited to:

- (a) A time frame for implementation of the Program;
- (b) The allowed renewable energy systems and combinations of such renewable energy systems on school property;
- (c) The amount of capacity that may be installed at each school property that participates in the Program;
- (d) A process by which a school district may apply for participation in the Program;
- (e) Requirements for participation by a school district;
- (f) The type of transactions allowed between a renewable energy system generator, a school district and a utility;
- (g) Incentives which may be provided to a school district or school property to encourage participation; and
- (h) Such other parameters as determined by the Commission and are consistent with the development of renewable energy systems at school properties.

3. The Program shall be limited to 10 school properties. Not more than 6 school properties from any one school district may participate in the Program.

4. The Commission shall adopt the regulations necessary to implement the Program not later than March 1, 2008.

5. The Commission shall prepare a report detailing the results of the Program and shall submit the report to the Legislature by December 1, 2008.

6. As used in this section:

- (a) "Commission" means the Public Utilities Commission of Nevada.
- (b) "Owned, leased or occupied" includes, without limitation, any real property, building or facilities which are owned, leased or occupied under a deed, lease, contract, license, permit, grant, patent or any other type of legal authorization.
- (c) "Renewable energy system" has the meaning ascribed to it in NRS 704.7815.
- (d) "School district" has the meaning ascribed to it in NRS 395.0075.
- (e) "School property" means any real property, building or facilities which are owned, leased or occupied by a public school as defined in NRS 385.007.

(f) "Utility" ~~has the meaning ascribed to it in NRS 701B.180.~~ *means a public utility that supplies electricity in this State.*

**Sec. 16.** NRS 701B.410 is hereby amended to read as follows:

701B.410 As used in NRS ~~{701B.400}~~ *701B.410* to 701B.650, inclusive, *and sections 4 and 5 of this act*, unless the context otherwise requires, the words and terms defined in NRS 701B.420 to 701B.560, inclusive, have the meanings ascribed to them in those sections.

**Sec. 17.** NRS 701B.430 is hereby amended to read as follows:

701B.430 "Applicant" means a person who is applying to participate in the Wind ~~{Demonstration}~~ Program.

**Sec. 18.** NRS 701B.440 is hereby amended to read as follows:

701B.440 "Category" means one of the categories of participation in the Wind ~~{Demonstration}~~ Program as set forth in NRS 701B.580.

1       **Sec. 19.** NRS 701B.470 is hereby amended to read as follows:  
2       701B.470 “Participant” means a person who has been selected by a utility to  
3       participate in the Wind ~~{Demonstration}~~ Program.

4       **Sec. 20.** NRS 701B.490 is hereby amended to read as follows:  
5       701B.490 “Program year” means ~~{the period of July 1 to June 30 of the~~  
6       ~~following}~~ a calendar year.

7       **Sec. 21.** NRS 701B.550 is hereby amended to read as follows:  
8       701B.550 “Wind ~~{Demonstration}~~ Program” or “Program” means the Wind  
9       Energy Systems ~~{Demonstration}~~ Incentive Program created by NRS 701B.580.

10       **Sec. 22.** NRS 701B.580 is hereby amended to read as follows:  
11       701B.580 1. The Wind Energy Systems ~~{Demonstration}~~ Incentive Program  
12       is hereby created.

13       2. The Program must have ~~{four}~~ six categories as follows:

- 14       (a) School property;  
15       (b) Other public property;  
16       (c) Private residential property ~~{and small}~~;  
17       (d) Small business property;  
18       (e) Property owned by an Indian tribe or tribal organization; and  
19       ~~{(d)}~~ (f) Agricultural property.

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

21       (a) Meet the qualifications established by the Commission pursuant to NRS  
22       701B.590;

23       (b) *Submit an application for participation in the Program to a utility;*

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

27       ~~{(e)}~~ (d) If the person will be participating in the Program in the category of  
28       school property or other public property, provide for the public display of the wind  
29       energy system, including, without limitation, providing for public demonstrations  
30       of the wind energy system and for hands-on experience of the wind energy system  
31       by the public.

32       **Sec. 23.** NRS 701B.590 is hereby amended to read as follows:

33       701B.590 The Commission shall adopt regulations necessary to carry out the  
34       provisions of ~~{the Wind Energy Systems Demonstration Program Act,}~~ *NRS*  
35       *701B.410 to 701B.650, inclusive, and sections 4 and 5 of this act,* including,  
36       without limitation, regulations that establish:

37       1. The ~~{capacity goals for the Program, which must be designed to meet the~~  
38       ~~goal of the Legislature of the installation of not less than 5 megawatts of wind~~  
39       ~~energy systems in this State by 2012 and the goals for each category of the~~  
40       ~~Program.~~

41       ~~—2. A system of incentives that are based on rebates that decline as the capacity~~  
42       ~~goals for the Program and the goals for each category of the Program are met. The~~  
43       ~~rebates must be based on predicted energy savings.~~

44       ~~—3. The procedure for claiming incentives, including, without limitation, the~~  
45       ~~form and content of the incentive claim form.}~~ *qualifications and requirements an*  
46       *applicant must meet to be eligible to participate in the Wind Program in each*  
47       *particular category of:*

- 48       (a) *School property;*  
49       (b) *Other public property;*  
50       (c) *Private residential property* ~~{and small}~~;  
51       (d) Small business property;  
52       (e) Property owned by an Indian tribe or tribal organization; and  
53       ~~{(d)}~~ (f) Agricultural property.

2. *The requirements for a utility's annual plan for carrying out and administering the Wind 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 the administrative processes and 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 of a participant's wind energy system and verification of a participant's 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 Commission.*

**Sec. 24.** 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 Commission pursuant to NRS 701B.610.

2. A utility may recover its reasonable and prudent costs, including, without limitation, customer incentives, ~~{and administrative costs,}~~ 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 Commission pursuant to NRS 704.110.

**Sec. 25.** 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 year on or before a date established by the Commission,* each utility shall file with the Commission its annual plan for carrying out and administering the Wind ~~{Demonstration}~~ Program within its service area for the following program year. *A utility may file the plan as part of a combined annual plan for carrying out and administering the Wind Program, the Solar Energy Systems Incentive Program created by NRS 701B.240 and the Waterpower Energy Systems Incentive Program created by NRS 701B.820 in 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,}~~ *Within 150 days after a utility files its annual plan for administering the Wind Program,* the Commission 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 Commission finds necessary or appropriate to facilitate the Program.

**Sec. 26.** NRS 701B.615 is hereby amended to read as follows:

701B.615 1. An applicant who wishes to participate in the Wind ~~{Demonstration}~~ Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the wind energy system proposed by the applicant. Upon the utility's approval of the wind energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the wind energy system is eligible; and

(b) The applicant may install and energize the wind energy system.

5. Upon the completion of the installation and energizing of the wind energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the wind energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Wind ~~{Demonstration}~~ Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the installation of the wind energy system within 12 months after the date on which the applicant is selected for participation in the Program. An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the wind energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the wind energy system.

*8. The Commission shall not authorize the payment of an incentive for the installation of a wind energy system if, for the period beginning July 1, 2010, and ending December 31, 2012, inclusive, the payment of the incentive would cause the total amount of incentives paid by all utilities for the installation of wind energy systems and distributed generation systems to exceed \$30,000,000.*

**Sec. 27.** NRS 701B.615 is hereby amended to read as follows:

701B.615 1. An applicant who wishes to participate in the Wind Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the wind energy system proposed by the applicant. Upon the utility's approval of the wind energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the wind energy system is eligible; and

(b) The applicant may install and energize the wind energy system.

*5. An applicant for participation in the Wind Program must complete the installation and energizing of the wind energy system within 12 months after issuance of the notice required by paragraph (a) of subsection 4 ~~4~~, unless the utility grants the applicant an extension of the time within which to complete the installation and energizing of the wind energy system for a period not to exceed an additional 6 months. If the applicant has not completed the installation and energizing of his or her wind energy system within the time provided in this subsection, the notice of approval is void, and the applicant loses his or her right to receive the incentive payment provided in the notice. The applicant may submit a new application and may receive an incentive payment pursuant to a new notice of approval issued by the utility for a new application cycle if the wind energy*

1 *system has not been installed and energized before the date of issuance of the*  
2 *new notice of approval. The incentive for which the applicant is eligible is the*  
3 *lesser of the average incentive awarded to participants in the applicant's category*  
4 *in the current program year or the amount of the incentive which the applicant*  
5 *was authorized to receive pursuant to the original notice of approval.*

6 6. Upon the completion of the installation and energizing of the wind energy  
7 system, the participant must submit to the utility an incentive claim form and any  
8 supporting information, including, without limitation, a verification of the cost of  
9 the project and a calculation of the expected system output.

10 ~~6.7~~ 7. Upon receipt of the incentive claim form and verification that the wind  
11 energy system is properly connected, the utility shall issue an incentive payment to  
12 the participant.

13 ~~7.8~~ 8. The amount of the incentive for which an applicant is eligible must be  
14 determined on the date on which the applicant is selected for participation in the  
15 Wind Program . ~~[except that an applicant forfeits eligibility for that amount of~~  
16 ~~incentive if the applicant withdraws from participation in the Program or does not~~  
17 ~~complete the installation of the wind energy system within 12 months after the date~~  
18 ~~on which the applicant is selected for participation in the Program. An applicant~~  
19 ~~who forfeits eligibility for the incentive for which the applicant was originally~~  
20 ~~determined to be eligible may become eligible for an incentive only on the date on~~  
21 ~~which the applicant completes the installation of the wind energy system, and the~~  
22 ~~amount of the incentive for which such an applicant is eligible must be determined~~  
23 ~~on the date on which the applicant completes the installation of the wind energy~~  
24 ~~system.~~

25 ~~8. The Commission shall not authorize the payment of an incentive for the~~  
26 ~~installation of a wind energy system if, for the period beginning July 1, 2010, and~~  
27 ~~ending December 31, 2012, inclusive, the payment of the incentive would cause the~~  
28 ~~total amount of incentives paid by all utilities for the installation of wind energy~~  
29 ~~systems and distributed generation systems to exceed \$30,000,000.]~~

30 **Sec. 27.5. NRS 701B.625 is hereby amended to read as follows:**

31 701B.625 1. The installation of a wind energy system on property owned or  
32 occupied by a public body pursuant to NRS ~~701B.400~~ **701B.410** to 701B.650,  
33 inclusive, and sections 4 and 5 of this act shall be deemed to be a public work for  
34 the purposes of chapters 338 and 341 of NRS, regardless of whether the installation  
35 of the wind energy system is financed in whole or in part by public money.

36 2. The amount of any incentive issued by a utility relating to the installation  
37 of a wind energy system on property owned or occupied by a public body may not  
38 be used to reduce the cost of the project to an amount which would exempt the  
39 project from the requirements of NRS 338.020 to 338.090, inclusive.

40 3. As used in this section, "public body" means the State or a county, city,  
41 town, school district or any public agency of this State or its political subdivisions.

42 **Sec. 28. NRS 701B.640 is hereby amended to read as follows:**

43 701B.640 1. After a participant installs a wind energy system included in  
44 the Wind ~~[Demonstration]~~ Program, the Commission shall issue portfolio energy  
45 credits for use within the system of portfolio energy credits adopted by the  
46 Commission pursuant to NRS 704.7821 and 704.78213 equal to the actual or  
47 estimated kilowatt-hour production of the wind energy system.

48 2. All portfolio energy credits issued for a wind energy system installed  
49 pursuant to the Wind ~~[Demonstration]~~ Program must be assigned to and become the  
50 property of the utility administering the Program.

51 **Sec. 29. NRS 701B.650 is hereby amended to read as follows:**

52 701B.650 ~~HH~~ **To be eligible for an incentive through the Wind Program, a**  
53 **wind energy system ~~[used by a participant in the Wind Program meets] must meet~~**



the requirements ~~of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate~~ *for participation* in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

**Sec. 30.** NRS 701B.710 is hereby amended to read as follows:

701B.710 As used in NRS ~~{701B.700}~~ *701B.710* to 701B.880, inclusive, *and section 6 of this act*, unless the context otherwise requires, the words and terms defined in NRS 701B.720 to 701B.810, inclusive, have the meanings ascribed to them in those sections.

**Sec. 31.** NRS 701B.720 is hereby amended to read as follows:

701B.720 “Applicant” means a person who is applying to participate in the Waterpower ~~{Demonstration}~~ Program.

**Sec. 32.** NRS 701B.740 is hereby amended to read as follows:

701B.740 “Participant” means a person who has been selected by a utility to participate in the Waterpower ~~{Demonstration}~~ Program.

**Sec. 33.** NRS 701B.760 is hereby amended to read as follows:

701B.760 “Program year” means ~~{the period of July 1 to June 30 of the following}~~ *a calendar* year.

**Sec. 34.** NRS 701B.810 is hereby amended to read as follows:

701B.810 “Waterpower ~~{Demonstration}~~ Program” or “Program” means the Waterpower Energy Systems ~~{Demonstration}~~ *Incentive* Program created by NRS 701B.820.

**Sec. 35.** NRS 701B.820 is hereby amended to read as follows:

701B.820 1. The Waterpower Energy Systems ~~{Demonstration}~~ *Incentive* Program is hereby created.

2. The Waterpower ~~{Demonstration}~~ Program is created for ~~{agricultural}~~ *;*

*(a) Indian tribes and tribal organizations that are customers of a utility; and*  
*(b) Agricultural* uses.

3. To be eligible to participate in the Waterpower ~~{Demonstration}~~ Program, a person must meet the qualifications established pursuant to subsection 4, apply to a utility and be selected by the utility for inclusion in the Waterpower ~~{Demonstration}~~ Program.

4. The Commission shall adopt regulations providing for the qualifications an applicant must meet to qualify to participate in the Waterpower ~~{Demonstration}~~ Program.

**Sec. 36.** NRS 701B.830 is hereby amended to read as follows:

701B.830 Each utility is responsible for the administration and delivery of the Waterpower ~~{Demonstration}~~ Program as approved by the Commission.

**Sec. 37.** NRS 701B.840 is hereby amended to read as follows:

701B.840 The Commission shall adopt regulations that establish:

1. The capacity goals for the *Waterpower* Program, which must be designed to meet the goal of the Legislature of the installation of not less than 500 kilowatts of waterpower energy systems in this State by ~~{2012}~~ *2016* and the goals for each category of the Program.

2. A system of incentives that are based on rebates that decline as the capacity goals for the *Waterpower* Program and the goals for each category of the Program are met. The rebates must be based on predicted energy savings. *A utility is not required to award an incentive if such an award would cause the total amount of incentives awarded in a program year to participants in the Waterpower Program, the Solar Energy Systems Incentive Program created by NRS 701B.240 and the Wind Energy Systems Incentive Program created by NRS 701B.580 to exceed one-half of 1 percent of the total revenues received by all utilities in this State from retail customers in this State during the immediately preceding*



1 *program year. For each program year, the Commission shall determine the*  
2 *capacity each utility must allocate to each program.*

3 3. The procedure for claiming incentives, including, without limitation, the  
4 form and content of the incentive claim form.

5 **Sec. 38.** NRS 701B.850 is hereby amended to read as follows:

6 701B.850 1. ~~{On or before February 21, 2008, and on or before February 1~~  
7 ~~of each subsequent year.}~~ *Each year on or before a date established by the*  
8 *Commission, each utility shall file with the Commission {for approval an} its*  
9 *annual plan for {the administration and delivery of} carrying out and administering*  
10 *the Waterpower {Demonstration} Program in its service area for the following*  
11 *program year . {beginning July 1, 2008, and each subsequent year thereafter.}* *A*  
12 *utility may file the plan as part of a combined annual plan for carrying out and*  
13 *administering the Waterpower Program, the Solar Energy Systems Incentive*  
14 *Program created by NRS 701B.240 and the Wind Energy Systems Incentive*  
15 *Program created by NRS 701B.580 in its service area for the following program*  
16 *year.*

17 2. ~~{On or before July 1, 2008, and on or before each July 1 of each subsequent~~  
18 ~~year.}~~ *Within 150 days after a utility files its annual plan for administering the*  
19 *Waterpower Program, the Commission shall {review} :*

20 (a) *Review the annual plan for compliance with the requirements {set forth}*  
21 *established by regulation {of the Commission.} ; and*

22 (b) *Approve the annual plan with such modifications and upon such terms*  
23 *and conditions as the Commission finds necessary or appropriate to facilitate the*  
24 *Program.*

25 **Sec. 39.** NRS 701B.860 is hereby amended to read as follows:

26 701B.860 Each utility may recover its reasonable and prudent costs,  
27 including, without limitation, customer incentives, ~~{and administrative costs.}~~ that  
28 are associated with carrying out and administering the Waterpower  
29 ~~{Demonstration}~~ Program within its service area by seeking recovery of those costs  
30 in an appropriate proceeding before the Commission pursuant to NRS 704.110.

31 **Sec. 40.** NRS 701B.865 is hereby amended to read as follows:

32 701B.865 1. An applicant who wishes to participate in the Waterpower  
33 ~~{Demonstration}~~ Program must submit an application to a utility.

34 2. After reviewing an application submitted pursuant to subsection 1 and  
35 ensuring that the applicant meets the qualifications and requirements to be eligible  
36 to participate in the Program, a utility may select the applicant for participation in  
37 the Program.

38 3. Not later than 30 days after the date on which the utility selects an  
39 applicant, the utility shall provide written notice of the selection to the applicant.

40 4. After the utility selects an applicant to participate in the Program, the utility  
41 may approve the waterpower energy system proposed by the applicant. Upon the  
42 utility's approval of the waterpower energy system:

43 (a) The utility shall provide to the applicant notice of the approval and the  
44 amount of incentive for which the waterpower energy system is eligible; and

45 (b) The applicant may construct the waterpower energy system.

46 5. Upon the completion of the construction of a waterpower energy system,  
47 the participant must submit to the utility an incentive claim form and any  
48 supporting information, including, without limitation, a verification of the cost of  
49 the project and a calculation of the expected system output.

50 6. Upon receipt of the incentive claim form and verification that the  
51 waterpower energy system is properly connected, the utility shall issue an incentive  
52 payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Waterpower ~~{Demonstration}~~ Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the construction of the waterpower energy system within 12 months after the date on which the applicant is selected for participation in the Program. An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the construction of the waterpower energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the construction of the waterpower energy system.

**Sec. 41.** NRS 701B.870 is hereby amended to read as follows:

701B.870 1. After a participant installs a waterpower energy system included in the Waterpower ~~{Demonstration}~~ Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213 equal to the actual or estimated kilowatt-hour production of the waterpower energy system of the participant.

2. All portfolio energy credits issued for a waterpower energy system installed pursuant to the Waterpower ~~{Demonstration}~~ Program are assigned to and become the property of the utility administering the Program.

**Sec. 42.** NRS 701B.880 is hereby amended to read as follows:

701B.880 If the waterpower energy system used by a participant in the Waterpower ~~{Demonstration}~~ Program meets the requirements of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

**Sec. 43.** NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems ~~{Demonstration}~~ *Incentive* Program created by NRS 701B.580;

(4) The Waterpower Energy Systems ~~{Demonstration}~~ *Incentive* Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

- (a) The length of time necessary to commence the project.
- (b) The number of workers estimated to be employed on the project.
- (c) The effectiveness of the project in reducing energy consumption.
- (d) The estimated cost of the project.
- (e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

- (1) The Solar Energy Systems Incentive Program created by NRS 701B.240;
- (2) The Renewable Energy School Pilot Program created by NRS 701B.350;
- (3) The Wind Energy Systems ~~{Demonstration}~~ Incentive Program created by NRS 701B.580;
- (4) The Waterpower Energy Systems ~~{Demonstration}~~ Incentive Program created by NRS 701B.820; or
- (5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

- (a) The length of time necessary to commence the project.
- (b) The number of workers estimated to be employed on the project.
- (c) The effectiveness of the project in reducing energy consumption.
- (d) The estimated cost of the project.
- (e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

- (1) The Solar Energy Systems Incentive Program created by NRS 701B.240;
- (2) The Renewable Energy School Pilot Program created by NRS 701B.350;
- (3) The Wind Energy Systems ~~{Demonstration}~~ Incentive Program created by NRS 701B.580;
- (4) The Waterpower Energy Systems ~~{Demonstration}~~ Incentive Program created by NRS 701B.820; or
- (5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more

contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

**Sec. 44.** NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2) :~~

~~(I) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~(3) The Wind Energy Systems Incentive Program created by NRS 701B.580;~~

~~(4) The Waterpower Energy Systems Incentive Program created by NRS 701B.820; or~~

~~(5)} or~~

(2) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)} :~~

(1) The Renewable Energy School Pilot Program created by NRS 701B.350;

~~{(3) The Wind Energy Systems Incentive Program created by NRS 701B.580;~~

~~(4) The Waterpower Energy Systems Incentive Program created by NRS 701B.820; or~~

~~(5)} or~~

(2) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)} :~~

(1) The Renewable Energy School Pilot Program created by NRS 701B.350;

~~{(3) The Wind Energy Systems Incentive Program created by NRS 701B.580;~~

~~(4) The Waterpower Energy Systems Incentive Program created by NRS 701B.820; or~~

~~(5)} or~~

(2) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

**Sec. 45.** NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all such net metering systems *in this State* is equal to ~~HH~~ 3 percent of the ~~{utility's}~~ *total* peak capacity ~~{ } of all utilities in this State.~~

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 100 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

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

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

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 100 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (c), may charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

➤ At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by this subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.

4. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➤ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive.

**Sec. 46.** ~~NRS 704.7828 is hereby amended to read as follows:~~

~~704.7828 1. The Commission shall adopt regulations to carry out and enforce the provisions of NRS 704.7801 to 704.7828, inclusive. The regulations adopted by the Commission may include any enforcement mechanisms which are necessary and reasonable to ensure that each provider of electric service complies with its portfolio standard. Such enforcement mechanisms may include, without limitation, the imposition of administrative fines.~~

~~2. If a provider exceeds the portfolio standard for any calendar year, the Commission shall authorize the provider to carry forward to subsequent calendar years for the purpose of complying with the portfolio standard for those subsequent calendar years any excess kilowatt hours of electricity that the provider generates, acquires or saves from portfolio energy systems or efficiency measures. Any surplus portfolio energy credits derived from energy efficiency measures may be applied to reduce a deficiency in portfolio energy credits caused by the inability of a developer of a renewable energy system that has contracted to sell renewable energy to the provider to construct and energize its renewable energy system within the time or in the amount agreed to by the developer and the provider.~~



~~3. If a provider does not comply with its portfolio standard for any calendar year and the Commission has not exempted the provider from the requirements of its portfolio standard pursuant to NRS 704.7821 or 704.78212, the Commission:~~

~~(a) Shall require the provider to carry forward to subsequent calendar years the amount of the deficiency in kilowatt-hours of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; and~~

~~(b) May impose an administrative fine against the provider or take other administrative action against the provider, or do both.~~

~~4. The Commission may impose an administrative fine against a provider based upon:~~

~~(a) Each kilowatt-hour of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; or~~

~~(b) Any other reasonable formula adopted by the Commission.~~

~~5. In the aggregate, the administrative fines imposed against a provider for all violations of its portfolio standard for a single calendar year must not exceed the amount which is necessary and reasonable to ensure that the provider complies with its portfolio standard, as determined by the Commission.~~

~~6. If the Commission imposes an administrative fine against a utility provider:~~

~~(a) The administrative fine is not a cost of service of the utility provider;~~

~~(b) The utility provider shall not include any portion of the administrative fine in any application for a rate adjustment or rate increase; and~~

~~(c) The Commission shall not allow the utility provider to recover any portion of the administrative fine from its retail customers.~~

~~7. All administrative fines imposed and collected pursuant to this section must be deposited in the State General Fund.] (Deleted by amendment.)~~

**Sec. 47.** NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems ~~[Demonstration]~~ *Incentive* Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems ~~[Demonstration]~~ *Incentive* Program created by NRS 701B.820.



(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

- (1) Biomass;
- (2) Fuel cells;
- (3) Geothermal energy;
- (4) Solar energy;
- (5) Waterpower; and
- (6) Wind.

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

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

**Sec. 48.** NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

- (1) The length of time necessary to commence the project.
- (2) The number of workers estimated to be employed on the project.
- (3) The effectiveness of the project in reducing energy consumption.
- (4) The estimated cost of the project.
- (5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in ~~one or more of the following programs:~~

~~(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(II) The Renewable Energy School Pilot Program created by NRS 701B.350.;~~

~~(III) The Wind Energy Systems Incentive Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems Incentive Program created by NRS 701B.820.;~~

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

- (1) Biomass;
- (2) Fuel cells;
- (3) Geothermal energy;
- (4) Solar energy;
- (5) Waterpower; and
- (6) Wind.

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

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

**Sec. 49.** Section 113 of chapter 509, Statutes of Nevada 2007, at page 2999, is hereby amended to read as follows:

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 1, 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of this act, on January 1, 2009.

(5) For section 48 of this act, on January 1, 2010.

(6) For section 50 of this act, on January 1, 2011.

2. Sections ~~[62 to 106,]~~ *63 to 75, inclusive, 77 to 82, inclusive, 85, 86, 88 to 94, inclusive, and 95 to 105, inclusive,* of this act expire by limitation on ~~[June 30, 2011.]~~ *December 31, 2021.*

**Sec. 50.** Section 13 of chapter 246, Statutes of Nevada 2009, at page 1002, is hereby amended to read as follows:

Sec. 13. 1. This act becomes effective on July 1, 2009.

2. Sections 2 and 3 of this act expire by limitation on ~~[June 30, 2011.]~~ *December 31, 2021.*

**Sec. 51.** Section 21 of chapter 321, Statutes of Nevada 2009, at page 1410, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 1.51, inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive, of this act become effective upon passage and approval.

2. Sections 1.51, 1.85, 1.87, ~~1.92, 1.93,~~ 1.95, 4.3 ~~to 7, inclusive, 7.3 to 9, inclusive,~~ and 19.4 of this act expire by limitation on ~~June 30, 2011,~~

~~3. Sections 1.53 and 19.8 of this act become effective on July 1, 2011.~~ **December 31, 2021.**

**Sec. 52.** 1. NRS 701B.010, 701B.020, 701B.030, 701B.040, 701B.050, 701B.055, 701B.060, 701B.070, 701B.080, 701B.090, 701B.100, 701B.110, 701B.120, 701B.130, 701B.140, 701B.150, 701B.160, 701B.170, 701B.180, 701B.200, 701B.210, 701B.220, 701B.230, 701B.240, 701B.250, 701B.255, **701B.265,** 701B.280 and 701B.290 are hereby repealed.

~~2. NRS 701B.265 and 701B.625 are hereby repealed.~~  
~~3.~~ NRS 701B.260 is hereby repealed.

~~4.~~ **3.** NRS 701B.400, 701B.615 and 701B.700 are hereby repealed.

~~5.~~ **4.** Sections 1.53 and 19.8 of chapter 321, Statutes of Nevada 2009, at pages 1372 and 1408, respectively, are hereby repealed.

**Sec. 53.** The Public Utilities Commission of Nevada shall adopt the regulations necessary to carry out the provisions of sections 1, 3 to 12, inclusive, 14 to 25, inclusive, 27 to 43, inclusive, and 47 of this act on or before July 1, 2012.

**Sec. 54.** 1. This section, sections 49, 50 and 51 and subsection ~~5.~~ **4** of section 52 of this act become effective upon passage and approval.

2. Sections 13, 26, 45, ~~and 46~~ **and** ~~subsection 2 of section 52~~ of this act become effective on July 1, 2011.

3. Sections 1, 3 to 12, inclusive, 14 to 25, inclusive, 27 to 43, inclusive, 47, subsection ~~4.~~ **3** of section 52 and section 53 of this act become effective upon passage and approval for the purpose of adopting regulations and on January 1, 2013, for all other purposes.

4. Subsection ~~4.~~ **2** of section 52 of this act becomes effective on December 31, 2012.

5. Sections 3 to 6, inclusive, 15 to 25, inclusive, 27 to 43, inclusive, and 47 of this act expire by limitation on December 31, 2021.

6. Sections 2, 44, 48 and subsection 1 of section 52 of this act become effective on January 1, 2022.

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#### LEADLINES OF REPEALED SECTIONS OF NRS AND TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

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<b>701B.010</b>	<b>Applicability.</b>
<b>701B.020</b>	<b>Definitions.</b>
<b>701B.030</b>	<b>“Applicant” defined.</b>
<b>701B.040</b>	<b>“Category” defined.</b>
<b>701B.050</b>	<b>“Commission” defined.</b>
<b>701B.055</b>	<b>“Distributed generation system” defined.</b>
<b>701B.060</b>	<b>“Institution of higher education” defined.</b>
<b>701B.070</b>	<b>“Owned, leased or occupied” defined.</b>
<b>701B.080</b>	<b>“Participant” defined.</b>
<b>701B.090</b>	<b>“Person” defined.</b>

- 701B.100 “Program year” defined.
- 701B.110 “Public and other property” defined.
- 701B.120 “Public entity” defined.
- 701B.130 “School property” defined.
- 701B.140 “Small business” defined.
- 701B.150 “Solar energy system” defined.
- 701B.160 “Solar Program” defined.
- 701B.170 “Task Force” defined.
- 701B.180 “Utility” defined.
- 701B.200 Regulations: Establishment of incentives and requirements for utility’s annual plan; exceptions; recovery of costs by utility.
- 701B.210 Regulations: Establishment of qualifications and requirements for participation; form and content of utility’s master application.
- 701B.220 Regulations: Establishment of incentives for participation.
- 701B.230 Duty of utility to file annual plan; review and approval of annual plan by Commission; recovery of costs by utility.
- 701B.240 Creation of Solar Program; categories of participation; eligibility requirements.
- 701B.250 Application to participate; review of application by utility.
- 701B.255 Procedure for selection and notification of participants; authorization to install and energize solar energy system; submission of incentive claim form; determination of amount of incentive; withdrawal of participant; forfeiture of incentive.
- 701B.260 Capacity allocated to each category; reallocation of capacity; limitations on incentives.
- 701B.265 Installation of solar energy system deemed public work under certain circumstances.
- 701B.280 Participation in net metering.
- 701B.290 Issuance of portfolio energy credits.
- 701B.400 Short title.
- 701B.615 Procedure for selection and notification of participants; authorization to install and energize wind energy system; submission of incentive claim form; determination of amount of incentive; withdrawal of participant; forfeiture of incentive.
- ~~701B.625 Installation of wind energy system deemed public work under certain circumstances.~~
- 701B.700 Short title.

**Section 1.53 of chapter 321, Statutes of Nevada 2009, at pages 1372-73.**

Sec. 1.53. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 ~~and the Wind Energy Systems Demonstration Program created pursuant to 701B.580;~~ including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the ~~Programs;~~ **Program;** and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the ~~Programs;~~ **Program;** and

(b) Information relating to any money distributed pursuant to NRS 702.270.

2. 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.

3. 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.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

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

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

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

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

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

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with 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.

6. Carry out all other directives concerning energy that are prescribed by the Governor.

**Section 19.8 of chapter 321, Statutes of Nevada 2009, at pages 1408-09.**

Sec. 19.8. Section 19.4 of this act is hereby amended to read as follows:

Sec. 19.4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each local government shall, within 60 days after the effective date of this section, develop a plan to retrofit public buildings, facilities and structures, including, without limitation,

traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240; *or*

(II) The Renewable Energy School Pilot Program created by NRS 701B.350. ~~†~~

~~(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.]~~

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

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

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.