

Amendment No. 991

Senate Amendment to Assembly Bill No. 239 First Reprint (BDR 58-224)

Proposed by: Senate Committee on Commerce, Labor and Energy

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

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 239 R1 (§§ 1, 2, 7).

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.

JMK/MKB



Date: 6/3/2013

A.B. No. 239—Makes various changes relating to energy. (BDR 58-224)



ASSEMBLY BILL NO. 239—ASSEMBLYWOMAN KIRKPATRICK

MARCH 12, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to energy. (BDR 58-224)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; authorizing the Director of the Office of Energy to charge and collect certain fees from applicants for certain energy-related tax incentives; revising provisions relating to eligibility for and approval of applicants for certain energy-related tax incentives; revising permissible uses of money in the Renewable Energy Fund; revising provisions relating to land use planning and the granting by local governments of permits for the construction of certain utility projects; establishing the Economic Development Electric Rate Rider Program; requiring the Public Utilities Commission of Nevada, in consultation with the Office of Economic Development, to administer the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Office of Energy to grant partial abatements of certain taxes to eligible applicants. (NRS 701A.110, 701A.115, 701A.360, 701A.390) **Sections 1, 2 and 7** of this bill authorize the Director to charge and collect a fee from each applicant in an amount not to exceed the actual cost to the Director of processing the application. **Section 3** of this bill removes from the list of persons who are eligible for a partial abatement of certain taxes a person who operates a facility for the transmission of electricity generated from renewable energy or geothermal resources. **Section 4** of this bill revises the authority of a board of county commissioners relating to the approval of an application for a partial abatement of taxes submitted by a person who operates a facility for the generation of electricity from renewable energy. **Section 4** additionally revises provisions governing the wages and benefits that must be provided to employees working on the construction of such a facility. **Section 6** of this bill removes the requirement that a certain percentage of the property taxes collected from a person who is receiving a partial abatement of taxes which would otherwise be allocated and distributed to local governments be deposited in the Renewable Energy Fund.

Section 7.5 of this bill revises the permissible uses by the Director of money in the Renewable Energy Fund.

Sections 10-21 of this bill establish the Economic Development Electric Rate Rider Program, a 5-year program to encourage the location or relocation of new commercial and industrial businesses in this State by providing discounted rates for electricity to eligible participants. **Section 14** requires the Public Utilities Commission of Nevada, in consultation with the Office of Economic Development, to administer the Program. **Section 14** additionally

requires the Commission to establish an amount of electric generating capacity, not to exceed 50 megawatts, that each electric utility in this State is required to set aside for allocation pursuant to the Program. **Section 15** authorizes a person who, in anticipation of the incentive provided pursuant to the Program, locates or intends to locate a new commercial or industrial business in this State to submit an application to the Office of Economic Development to participate in the Program. **Section 15** requires an applicant to obtain initial approval and a letter of eligibility from the Office. Once an applicant has obtained initial approval and a letter of eligibility from the Office, **section 16** requires the Commission to establish the discounted rates for electricity available to the applicant and to establish and approve the terms of the contract which the applicant must enter into with an electric utility. **Section 17** provides that an electric utility is required to recover the amount of the discount provided to a participant from the deferred energy account of the electric utility. **Section 21** requires the Commission to prepare and submit a report to the Legislature concerning the Program.

Section 21.5 of this bill provides that a public utility is not required to include a utility facility, the construction of which has been approved by the Commission, in the integrated resource plan of the utility if the facility is not intended to serve customers in this State and the cost of the facility will not be included in the rates charged by the utility.

Existing law requires a person who wishes to obtain a permit for a utility facility to file certain applications with the Commission if a federal agency is required to conduct an environmental analysis of the proposed utility facility. (NRS 704.870) **Sections 23 and 24** of this bill require such a person to file a notice with the Commission not later than the date on which the person files with the appropriate federal agency.

Sections 27.1-27.9 of this bill revise provisions relating to land use permits for the construction of certain utility projects. **Section 27.5** requires a planning commission or governing body that is required to prepare and adopt a master plan to include in the master plan an aboveground utility plan. **Section 27.7** requires each governing body of a local government to establish a process for the issuance of: (1) permits for the construction of aboveground utility projects; (2) special use permits for the construction of aboveground utility projects which are to be constructed outside of the corridors identified in the master plan; and (3) special use permits for the construction of renewable energy generation projects with a nameplate capacity of 10 megawatts or more. **Section 27.9** provides that an applicant for such a special use permit may appeal certain decisions of the planning commission or governing body concerning the application to the Public Utilities Commission of Nevada.

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

Section 1. NRS 701A.110 is hereby amended to read as follows:

701A.110 1. Except as otherwise provided in this section, the Director, in consultation with the Office of Economic Development, shall grant a partial abatement from the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on a building or other structure that is determined to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100, if:

(a) No funding is provided by any governmental entity in this State for the acquisition, design or construction of the building or other structure or for the acquisition of any land therefor. For the purposes of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(b) The owner of the property:

(1) Submits an application for the partial abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the partial abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

(I) Chief of the Budget Division of the Department of Administration;

(II) Department of Taxation;

(III) County assessor;

(IV) County treasurer;

(V) Office of Economic Development;

(VI) Board of county commissioners; and

(VII) City manager and city council, if any.

(c) The abatement is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. As soon as practicable after the Director receives the application and proof required by subsection 1, the Director, in consultation with the Office of Economic Development, shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(a) Department of Taxation;

(b) County assessor;

(c) County treasurer; and

(d) Office of Economic Development.

3. The Director may, with the assistance of the Chief of the Budget Division and the Department of Taxation, publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State and on each affected local government. If the Director publishes a fiscal note that estimates the fiscal impact of the partial abatement on local government, the Director shall forward a copy of the fiscal note to each affected local government. As soon as practicable after receiving a copy of a certificate of eligibility pursuant to subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.

4. The partial abatement:

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

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

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

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education,

1 that would otherwise be payable for the building or other structure, excluding the
2 associated land.

3 (b) Does not apply during any period in which the owner of the building or
4 other structure is receiving another abatement or exemption pursuant to this chapter
5 or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter
6 361 of NRS.

7 (c) Terminates upon any determination by the Director that the building or
8 other structure has ceased to meet the equivalent of the silver level or higher. The
9 Director shall provide notice and a reasonable opportunity to cure any
10 noncompliance issues before making a determination that the building or other
11 structure has ceased to meet that standard. The Director shall immediately provide
12 notice of each determination of termination to the:

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

15 (2) County assessor;

16 (3) County treasurer; and

17 (4) Office of Economic Development.

18 (d) Must not be for an existing building or structure that is renovated.

19 5. If a partial abatement terminates pursuant to paragraph (c) of subsection 4,
20 the owner of the property to which the partial abatement applied shall repay to the
21 county treasurer the amount of the exemption that was allowed pursuant to this
22 section before the date of that termination. The owner shall, in addition to the
23 amount of the exemption required to be paid pursuant to this subsection, pay
24 interest on the amount due at the rate most recently established pursuant to NRS
25 99.040 for each month, or portion thereof, from the last day of the month following
26 the period for which the payment would have been made had the partial abatement
27 not been approved until the date of payment of the tax.

28 6. The Director, in consultation with the Office of Economic Development,
29 shall adopt regulations:

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

32 (b) Prescribing such forms as will ensure that all information and other
33 documentation necessary to make an appropriate determination is filed with the
34 Director; and

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

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

40 7. The Director shall:

41 (a) Cooperate with the Office of Economic Development in carrying out the
42 provisions of this section; and

43 (b) Submit to the Office of Economic Development an annual report, at such a
44 time and containing such information as the Office may require, regarding the
45 partial abatements granted pursuant to this section.

46 8. *The Director may charge and collect a fee from each applicant who
47 submits an application for a partial abatement pursuant to this section. The
48 amount of the fee must not exceed the actual cost to the Director for processing
49 the application and evaluating the proof submitted by the applicant pursuant to
50 subsection 1 and making the determination concerning eligibility for the partial
51 abatement required by subsection 2.*

52 9. As used in this section:

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

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

(c) "Taxes imposed for public education" means:

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

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

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

Sec. 2. NRS 701A.115 is hereby amended to read as follows:

701A.115 1. Except as otherwise provided in this section, the Director of the Office of Energy shall grant a partial abatement from the portion of taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on an existing building or other structure which is renovated for use by a manufacturer if:

(a) The building or other structure is determined after the renovation to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100.

(b) The applicant:

(1) Is a manufacturer who intends to locate a new manufacturing business in this State;

(2) Employs at least 25 full-time employees at the new manufacturing business in this State during the entire period in which the applicant will receive the tax abatement; and

(3) The average hourly wage that will be paid by the manufacturer to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) No funding is provided by any governmental entity in this State for the acquisition, design, construction or renovation of the building or other structure or for the acquisition of any land therefore. For the purpose of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(d) The manufacturer:

(1) Submits an application for the abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

- (I) Chief of the Budget Division of the Department of Administration;
- (II) Department of Taxation;
- (III) County assessor;
- (IV) County treasurer;
- (V) Office of Economic Development;
- (VI) Board of county commissioners; and
- (VII) City manager and city council, if any.

2. As soon as practicable after the Director receives an application and proof required by subsection 1, the Director shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

- (a) Department of Taxation;
- (b) County assessor;
- (c) County treasurer; and
- (d) Office of Economic Development.

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

- (a) An application pursuant to subparagraph (3) of paragraph (d) of subsection 1:

(1) The Chief of the Budget Division shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State; and

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

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

4. The partial abatement:

(a) Must be for a duration not to exceed 1 year, and in an annual amount that equals, for a building or other structure that meets the equivalent of:

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

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

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

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

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

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

(2) County assessor;

(3) County treasurer; and

(4) Office of Economic Development.

5. The Director shall adopt regulations:

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

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

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

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

6. *The Director may charge and collect a fee from each applicant who submits an application for a partial abatement pursuant to this section. The amount of the fee must not exceed the actual cost to the Director for processing the application and evaluating the proof submitted by the applicant pursuant to subsection 1 and making the determination concerning eligibility for the partial abatement required by subsection 2.*

7. As used in this section:

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

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

(c) "Manufacturer" means a person engaged primarily in manufacturing or processing which changes raw or unfinished materials into another form or creates another product.

(d) "Taxes imposed for public education" means:

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

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

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

Sec. 2.5. NRS 701A.340 is hereby amended to read as follows:

701A.340 1. "Renewable energy" means:

(a) Biomass;

(b) Fuel cells;

(c) *Geothermal energy;*

(d) Solar energy;

~~[(d)]~~ *(e)* Waterpower; or

~~[(e)]~~ *(f)* Wind.

2. The term does not include coal, natural gas, oil, propane or any other fossil fuel ~~[(geothermal energy)]~~ or nuclear energy.

Sec. 3. NRS 701A.360 is hereby amended to read as follows:

701A.360 1. A person who intends to locate a facility for the generation of process heat from solar renewable energy ~~[(a)]~~ *or* a wholesale facility for the generation of electricity from renewable energy ~~[(a facility for the generation of electricity from geothermal resources or a facility for the transmission of electricity)]~~

~~produced from renewable energy or geothermal resources~~ in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS. *An applicant may submit a copy of the application to the board of county commissioners at any time after the applicant has submitted the application to the Director.*

2. A facility that is owned, operated, leased or otherwise controlled by a governmental entity is not eligible for an abatement pursuant to NRS 701A.300 to 701A.390, inclusive.

3. As soon as practicable after the Director receives an application for a partial abatement, the Director shall forward a copy of the application to:

- (a) The Chief of the Budget Division of the Department of Administration;
- (b) The Department of Taxation;
- (c) The board of county commissioners;
- (d) The county assessor;
- (e) The county treasurer; and
- (f) The Office of Economic Development.

4. With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the facility. A request for a presentation must be made within 30 days after receipt of the application.

5. The Director shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in subsection 3 have received a copy of the application.

Sec. 4. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. Except as otherwise provided in subsection 2, the Director, in consultation with the Office of Economic Development, shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, if the Director, in consultation with the Office of Economic Development, makes the following determinations:

(a) The applicant has executed an agreement with the Director which must:

(1) State that the facility will, after the date on which a certificate of eligibility for the abatement is issued pursuant to NRS 701A.370, continue in operation in this State for a period specified by the Director, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

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

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

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Director for good cause, at least ~~30~~ 50 percent who are residents of Nevada;

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

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

(4) ~~The~~ *Except as otherwise provided in subsection 6, the* average hourly wage of the employees working on the construction of the facility will be at least ~~150~~ *175* percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that *is provided by through a third-party administrator and* includes ~~an option for~~ health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

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

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

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

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

(4) ~~The~~ *Except as otherwise provided in subsection 6, the* average hourly wage of the employees working on the construction of the facility will be at least ~~150~~ *175* percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that *is provided by through a third-party administrator and* includes ~~an option for~~ health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Director by regulation pursuant to NRS 701A.390.

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

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

2. The Director shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS

701A.360 by *a facility for the generation of process heat from solar renewable energy or a wholesale facility* for the generation of electricity from ~~geothermal resources~~ *renewable energy* unless the application is approved ~~or deemed approved~~ pursuant to this subsection. The board of county commissioners of a county must *provide notice to the Director that the board intends to consider an application and, if such notice is given, must* approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners ~~must~~ :

(a) Shall, in considering an application pursuant to this subsection, make a recommendation to the Director regarding the application;

(b) May, in considering an application pursuant to this subsection, deny an application only if the board of county commissioners determines, based on relevant information, that:

(1) The projected cost of the services that the local government is required to provide to the facility will exceed the amount of tax revenue that the local government is projected to receive as a result of the abatement; or

(2) The projected financial benefits that will result to the county from the employment by the facility of the residents of this State and from capital investments by the facility in the county will not exceed the projected loss of tax revenue that will result from the abatement;

*(c) Must not condition the approval of the application on a requirement that the facility ~~for the generation of electricity from geothermal resources~~ agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility *;* and*

(d) May, without regard to whether the board has provided notice to the Director of its intent to consider the application, make a recommendation to the Director regarding the application.

↪ If the board of county commissioners does not approve or deny the application within 30 days after the board receives from the Director a copy of the application, the application shall be deemed ~~denied~~ approved.

3. Notwithstanding the provisions of subsection 1, the Director, in consultation with the Office of Economic Development, may, if the Director, in consultation with the Office, determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet the requirements set forth in paragraph (d) or (e) of subsection 1; or

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

4. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section.

5. The Director shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted pursuant to this section.

6. The provisions of subparagraph (4) of paragraph (d) of subsection 1 and subparagraph (4) of paragraph (e) of subsection 1 concerning the average hourly wage of the employees working on the construction of a facility do not apply to the wages of an apprentice as that term is defined in NRS 610.010.

7. As used in this section, "wage" or "wages" has the meaning ascribed to it in NRS 338.010.

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

2 **Sec. 6.** NRS 701A.385 is hereby amended to read as follows:

3 701A.385 Notwithstanding any statutory provision to the contrary, if the
4 Director approves an application for a partial abatement pursuant to NRS 701A.300
5 to 701A.390, inclusive, of ~~+~~:

6 ~~1. Property taxes imposed pursuant to chapter 361 of NRS, the amount of all~~
7 ~~the property taxes which are collected from the facility for the period of the~~
8 ~~abatement must be allocated and distributed in such a manner that:~~

9 ~~—(a) Forty five percent of that amount is deposited in the Renewable Energy~~
10 ~~Fund created by NRS 701A.450; and~~

11 ~~—(b) Fifty five percent of that amount is distributed to the local governmental~~
12 ~~entities that would otherwise be entitled to receive those taxes in proportion to the~~
13 ~~relative amount of those taxes those entities would otherwise be entitled to receive.~~

14 ~~2. Local~~ **local** sales and use taxes, the State Controller shall allocate, transfer
15 and remit an amount equal to all the sales and use taxes imposed in this State and
16 collected from the facility for the period of the abatement in the same manner as if
17 that amount consisted solely of the proceeds of taxes imposed by NRS 374.110 and
18 374.190.

19 **Sec. 7.** NRS 701A.390 is hereby amended to read as follows:

20 701A.390 The Director:

21 1. Shall adopt regulations:

22 (a) Prescribing the minimum level of benefits that a facility must provide to its
23 employees if the facility is going to use benefits paid to employees as a basis to
24 qualify for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive;

25 (b) Prescribing such requirements for an application for a partial abatement
26 pursuant to NRS 701A.300 to 701A.390, inclusive, as will ensure that all
27 information and other documentation necessary for the Director, in consultation
28 with the Office of Economic Development, to make an appropriate determination is
29 filed with the Director;

30 (c) Requiring each recipient of a partial abatement pursuant to NRS 701A.300
31 to 701A.390, inclusive, to file annually with the Director such information and
32 documentation as may be necessary for the Director to determine whether the
33 recipient is in compliance with any eligibility requirements for the abatement; and

34 (d) Regarding the capital investment that a facility must make to meet the
35 requirement set forth in paragraph (d) or (e) of subsection 1 of NRS 701A.365; and

36 2. May adopt such other regulations as the Director determines to be
37 necessary to carry out the provisions of NRS 701A.300 to 701A.390, inclusive.

38 **3. May charge and collect a fee from each applicant who submits an**
39 **application for a partial abatement pursuant to NRS 701A.300 to 701A.390,**
40 **inclusive. The amount of the fee must not exceed the actual cost to the Director**
41 **for processing and approving the application.**

42 **Sec. 7.5.** NRS 701A.450 is hereby amended to read as follows:

43 701A.450 1. The Renewable Energy Fund is hereby created.

44 2. The Director of the Office of Energy appointed pursuant to NRS 701.150
45 shall administer the Fund.

46 3. The interest and income earned on the money in the Fund must be credited
47 to the Fund.

48 4. Not less than 75 percent of the money in the Fund must be used to offset
49 the cost of electricity to **or the use of electricity by** retail customers of a public
50 utility that is subject to the portfolio standard established by the Public Utilities
51 Commission of Nevada pursuant to NRS 704.7821.

52 5. The Director of the Office of Energy may establish other uses of the money
53 in the Fund by regulation.

1 Sec. 8. Chapter 704 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 9 to 21.5, inclusive, of this act.

3 Sec. 9. (Deleted by amendment.)

4 Sec. 10. *As used in sections 10 to 21, inclusive, of this act, unless the*
5 *context otherwise requires, the words and terms defined in sections 11, 12 and 13*
6 *of this act have the meanings ascribed to them in those sections.*

7 Sec. 11. *"Electric utility" has the meaning ascribed to it in NRS 704.187.*

8 Sec. 12. *"Participant" means an applicant who has received initial*
9 *approval and a letter of eligibility from the Office of Economic Development*
10 *pursuant to section 15 of this act and who enters into a contract approved by the*
11 *Commission pursuant to section 16 of this act.*

12 Sec. 13. *"Program" means the Economic Development Electric Rate Rider*
13 *Program established by section 14 of this act to carry out the provisions of*
14 *sections 10 to 21, inclusive, of this act.*

15 Sec. 14. 1. *The Economic Development Electric Rate Rider Program is*
16 *hereby established for the purpose of attracting new commercial and industrial*
17 *businesses to this State. The Commission, in consultation with the Office of*
18 *Economic Development, shall administer the Program.*

19 2. *Each electric utility in this State shall set aside an amount of capacity*
20 *determined by the Commission for allocation to new customers pursuant to the*
21 *Program, but the total amount of capacity that the Commission may require to be*
22 *set aside by all electric utilities in this State pursuant to this subsection must not*
23 *exceed 50 megawatts.*

24 Sec. 15. 1. *A person who, in anticipation of the incentive provided*
25 *pursuant to the Program, locates or intends to locate a new commercial or*
26 *industrial business in this State may apply to the Office of Economic*
27 *Development to participate in the Program.*

28 2. *An application to participate in the Program must be submitted on a form*
29 *approved by the Office of Economic Development and must include:*

30 (a) *The name, business address and telephone number of the applicant;*

31 (b) *The location or proposed location of the applicant's facility and a*
32 *detailed description of the facility;*

33 (c) *Proof satisfactory to the Office of Economic Development that the*
34 *applicant satisfies the criteria for eligibility set forth in subsection 3;*

35 (d) *An attestation, on a form approved by the Office of Economic*
36 *Development, that but for the incentive provided pursuant to the Program, the*
37 *applicant would not have located or intended to locate the business in this State;*
38 *and*

39 (e) *Any other information required by the Office of Economic Development.*

40 3. *To be eligible for participation in the Program, an applicant must*
41 *demonstrate that:*

42 (a) *The applicant is or intends to be a new commercial or industrial customer*
43 *of an electric utility in this State;*

44 (b) *The applicant is not, and has not been during the immediately preceding*
45 *12 months, a customer of any other electric utility in this State;*

46 (c) *The new load to be served by the electric utility is more than 300*
47 *kilowatts;*

48 (d) *The electric utility has determined that the applicant's use of the load is*
49 *not for a project, purpose or facility which carries an abnormal risk or is*
50 *seasonal, intermittent or temporary; and*

51 (e) *The applicant has applied for each economic incentive, including,*
52 *without limitation, any abatement or partial abatement of taxes, offered by the*
53 *State or any local government for which the applicant is eligible.*

1 4. Upon the receipt of a completed application, the Office of Economic
2 Development shall consider the application and make a determination of whether
3 the applicant satisfies the criteria for eligibility. If the Office of Economic
4 Development determines that the applicant satisfies the criteria for eligibility, the
5 Office of Economic Development may give initial approval to the applicant.

6 5. If the Office of Economic Development gives initial approval to an
7 applicant, the Office of Economic Development shall:

8 (a) Provide notice of the initial approval to the applicant;

9 (b) Issue to the applicant a letter of eligibility; and

10 (c) Forward a copy of the applicant's application and letter of eligibility to
11 the Commission.

12 Sec. 16. 1. Upon receipt of an application and letter of eligibility pursuant
13 to paragraph (c) of subsection 5 of section 15 of this act, the Commission shall:

14 (a) Review the application;

15 (b) Establish the rates which may be charged to the applicant by the electric
16 utility that will serve the load of the applicant; and

17 (c) In addition to the terms required by subsection 3, establish any additional
18 terms which must be included in the contract between the applicant and the
19 electric utility.

20 2. Before any applicant enters into a contract with an electric utility
21 pursuant to the Program, the applicant shall:

22 (a) Provide to the electric utility that will serve the load of the applicant
23 access to the applicant's facility or plans for the facility for the purpose of the
24 electric utility making recommendations concerning the energy efficiency of the
25 facility; and

26 (b) Provide proof satisfactory to the Commission that the new load under the
27 contract will have an annual load factor of 50 percent or more for each year of
28 the term of the contract.

29 3. An applicant may participate in the Program pursuant to a contract
30 which is entered into by the applicant and the electric utility that will serve the
31 load of the applicant and which is approved by the Commission. A contract
32 entered into pursuant to this section must include provisions setting forth:

33 (a) The term of the contract, which must be 5 years;

34 (b) The term of the discounts applicable under the Program, which must be 4
35 years;

36 (c) The rates to be paid for electricity by the participant;

37 (d) That the discount approved by the Commission does not apply to up-front
38 costs, the base tariff general rate, any otherwise applicable tariff or any taxes,
39 surcharges, amortization or program rate elements;

40 (e) The deposit requirements, which must be based on the rates applicable
41 under the second year of the contract;

42 (f) That the participant ceases to be eligible for any discounted rates for
43 electricity if the participant fails to satisfy any requirements set forth in the
44 contract or sections 10 to 21, inclusive, of this act or any regulations adopted
45 pursuant thereto; and

46 (g) Any additional requirements prescribed by the Commission.

47 4. An electric utility shall prepare a contract to be entered into by the
48 electric utility and a participant and submit the contract to the Commission for
49 approval. Upon approval of the contract by the Commission, the electric utility
50 and the applicant may enter into the contract and the applicant may participate in
51 the Program. The Commission shall forward a copy of the approved contract to
52 the Office of Economic Development.

1 **Sec. 17.** *Notwithstanding any other provision of this chapter, an electric*
2 *utility that enters into a contract with a participant pursuant to section 16 of this*
3 *act shall, in the manner provided pursuant to the regulations adopted by the*
4 *Commission pursuant to paragraph (c) of subsection 1 of section 20 of this act,*
5 *recover through a deferred energy accounting adjustment application an amount*
6 *equal to the discount provided to the participant pursuant to the contract.*

7 **Sec. 18.** *If the Commission determines that a participant in the Program*
8 *has failed to fulfill any requirement of the contract or carry out any duty imposed*
9 *pursuant to the Program, the Commission shall issue an order requiring the*
10 *participant to pay to the electric utility an amount equal to the rate which would*
11 *have been charged but for the participant's participation in the Program.*

12 **Sec. 19.** *The Office of Economic Development shall not accept an*
13 *application or give initial approval to any applicant for participation in the*
14 *Program, and the Commission shall not approve an applicant for participation in*
15 *the Program, after the earlier of December 31, 2017, or the date on which the*
16 *capacity set aside for allocation pursuant to the Program is fully allocated.*

17 **Sec. 20.** *The Commission, in consultation with the Office of Economic*
18 *Development:*

19 1. *Shall adopt regulations:*

20 (a) *Establishing the discounted electric rates that may be charged by an*
21 *electric utility pursuant to the Program, which must be established as a*
22 *percentage of the base tariff energy rate and for which:*

23 (1) *In the first year of a contract entered into pursuant to section 16 of*
24 *this act, the reduction in the rates as a result of the discount must not exceed 30*
25 *percent of the base tariff energy rate;*

26 (2) *In the second year of a contract entered into pursuant to section 16 of*
27 *this act, the reduction in the rates as a result of the discount must not exceed 20*
28 *percent of the base tariff energy rate;*

29 (3) *In the third year of a contract entered into pursuant to section 16 of*
30 *this act, the reduction in the rates as a result of the discount must not exceed 20*
31 *percent of the base tariff energy rate; and*

32 (4) *In the fourth year of a contract entered into pursuant to section 16 of*
33 *this act, the reduction in the rates as a result of the discount must not exceed 10*
34 *percent of the base tariff energy rate;*

35 (b) *Prescribing the form and content of the contract entered into pursuant to*
36 *section 16 of this act;*

37 (c) *Prescribing the procedure by which an electric utility is authorized to*
38 *recover through a deferred energy accounting adjustment application the amount*
39 *of the discount provided to a participant in the Program; and*

40 (d) *Prescribing any additional information which must be submitted by an*
41 *applicant for participation in the Program.*

42 2. *May adopt any other regulations it determines are necessary to carry out*
43 *the provisions of sections 10 to 21, inclusive, of this act.*

44 **Sec. 21.** *The Commission shall, on or before December 31, 2014, prepare a*
45 *written report concerning the Program and submit the report to the Director of*
46 *the Legislative Counsel Bureau for transmittal to the 78th Session of the*
47 *Legislature. The report must include, without limitation, information concerning:*

48 1. *The number of participants in the Program;*

49 2. *The amount of electricity allocated pursuant to the Program;*

50 3. *The total amount of the discounts provided pursuant to the Program; and*

51 4. *The remaining amount of electricity available for allocation pursuant to*
52 *the Program.*

1 **Sec. 21.5.** *If the Commission approves an application submitted by a public*
2 *utility pursuant to NRS 704.820 to 704.900, inclusive, for a utility facility which is*
3 *not intended to serve customers in this State and the cost of which will not be*
4 *included in the rates of that public utility, the public utility is not required to*
5 *include the utility facility in any plan filed pursuant to NRS 704.741.*

6 **Sec. 22.** NRS 704.848 is hereby amended to read as follows:

7 704.848 1. "Other permitting entity" means any state or local entity:

8 (a) That is responsible for the enforcement of environmental laws and whose
9 approval is required for the construction of a utility facility, including, without
10 limitation, the State Environmental Commission, the State Department of
11 Conservation and Natural Resources and a local air pollution control board; or

12 (b) Whose approval is required for granting any variance, special use permit,
13 conditional use permit or other special exception under NRS 278.010 to 278.319,
14 inclusive, *and sections 27.1 to 27.9, inclusive, of this act*, or 278.640 to 278.675,
15 inclusive, or any regulation or ordinance adopted pursuant thereto, that is required
16 for the construction of a utility facility.

17 2. The term does not include the Commission or the State Engineer.

18 **Sec. 23.** NRS 704.870 is hereby amended to read as follows:

19 704.870 1. Except as otherwise provided in subsection 2, a person who
20 wishes to obtain a permit for a utility facility must file with the Commission an
21 application, in such form as the Commission prescribes, containing:

22 (a) A description of the location and of the utility facility to be built thereon;

23 (b) A summary of any studies which have been made of the environmental
24 impact of the facility; and

25 (c) A description of any reasonable alternate location or locations for the
26 proposed facility, a description of the comparative merits or detriments of each
27 location submitted, and a statement of the reasons why the primary proposed
28 location is best suited for the facility.

29 ➤ A copy or copies of the studies referred to in paragraph (b) must be filed with the
30 Commission and be available for public inspection.

31 2. If a person wishes to obtain a permit for a utility facility and a federal
32 agency is required to conduct an environmental analysis of the proposed utility
33 facility, the person must:

34 (a) Not later than the date on which the person files with the appropriate
35 federal agency an application for approval for the construction of the utility facility,
36 file with the Commission and each other permitting entity ~~{an application;}~~ *a*
37 *notice*, in such a form as the Commission or other permitting entity prescribes ; ~~;~~
38 ~~containing:~~

39 ~~— (1) A general description of the proposed utility facility; and~~

40 ~~— (2) A summary of any studies which the applicant anticipates will be made~~
41 ~~*of the environmental impact of the facility;}* and~~

42 (b) Not later than 30 days after the issuance by the appropriate federal agency
43 of ~~{a}~~ *either the* final environmental assessment or *final* environmental impact
44 statement , *but not the record of decision or similar document*, relating to the
45 construction of the utility facility:

46 (1) File with the Commission an ~~{amended}~~ application that complies with
47 the provisions of subsection 1; and

48 (2) File with each other permitting entity an ~~{amended}~~ application for a
49 permit, license or other approval for the construction of the utility facility.

50 3. A copy of each application ~~{and amended application}~~ filed with the
51 Commission must be filed with the Administrator of the Division of Environmental
52 Protection of the State Department of Conservation and Natural Resources.

4. Each application ~~and amended application~~ filed with the Commission must be accompanied by:

(a) Proof of service of a copy of the application ~~for amended application~~ on the clerk of each local government in the area in which any portion of the facility is to be located, both as primarily and as alternatively proposed; and

(b) Proof that public notice thereof was given to persons residing in the municipalities entitled to receive notice pursuant to paragraph (a) by the publication of a summary of the application ~~for amended application~~ in newspapers published and distributed in the area in which the utility facility is proposed to be located.

5. Not later than 5 business days after the Commission receives an application ~~for amended application~~ pursuant to this section, the Commission shall issue a notice concerning the ~~application or amended~~ application. Any person who wishes to become a party to a permit proceeding pursuant to NRS 704.885 must file with the Commission the appropriate document required by NRS 704.885 within the time frame set forth in the notice issued by the Commission pursuant to this subsection.

Sec. 24. NRS 704.8905 is hereby amended to read as follows:

704.8905 1. Except as otherwise required to comply with federal law:

(a) Not later than 150 days after a person has filed an application regarding a utility facility pursuant to subsection 1 of NRS 704.870:

(1) The Commission shall grant or deny approval of that application; and

(2) Each other permitting entity shall, if an application for a permit, license or other approval for the construction of the utility facility was filed with the other permitting entity on or before the date on which the applicant filed the application pursuant to subsection 1 of NRS 704.870, grant or deny the application filed with the other permitting entity.

(b) Not later than 120 days after a person has filed an ~~amended~~ application regarding a utility facility pursuant to subsection 2 of NRS 704.870:

(1) The Commission shall grant or deny approval of the ~~amended~~ application; and

(2) Each other permitting entity shall, if an application for a permit, license or other approval for the construction of the utility facility was filed with the other permitting entity on or before the date on which the applicant filed with the appropriate federal agency an application for approval for the construction of the utility facility, grant or deny the ~~amended~~ application filed with the other permitting entity.

2. The Commission or other permitting entity shall make its determination upon the record and may grant or deny the application as filed, or grant the application upon such terms, conditions or modifications of the construction, operation or maintenance of the utility facility as the Commission or other permitting entity deems appropriate.

3. The Commission shall serve a copy of its order and any opinion issued with it upon each party to the proceeding before the Commission.

Sec. 25. NRS 119.128 is hereby amended to read as follows:

119.128 An exemption pursuant to this chapter is not an exemption from the provisions of NRS 278.010 to 278.630, inclusive ~~†~~, and sections 27.1 to 27.9, *inclusive, of this act.*

Sec. 26. NRS 119.340 is hereby amended to read as follows:

119.340 The provisions of this chapter are in addition to and not a substitute for NRS 278.010 to 278.630, inclusive ~~†~~, and sections 27.1 to 27.9, *inclusive, of this act.*

1 **Sec. 27.** Chapter 278 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 27.1 to 27.9, inclusive, of this act.

3 **Sec. 27.1.** *As used in sections 27.1 to 27.9, inclusive, of this act, unless the*
4 *context otherwise requires, “aboveground utility” means an aboveground electric*
5 *transmission line which is designed to operate at 200 kilovolts or more and which*
6 *has been approved for construction after October 1, 1991, by the State or Federal*
7 *Government or a governing body.*

8 **Sec. 27.5.** *1. A planning commission or governing body that is required to*
9 *prepare and adopt a master plan pursuant to the provisions of this chapter shall*
10 *develop and include in that plan an aboveground utility plan as described in*
11 *subsection 2. The aboveground utility plan must:*

12 *(a) In a county whose population is 700,000 or more, conform with the*
13 *comprehensive regional policy plan developed pursuant to NRS 278.02528; and*

14 *(b) In a county whose population is 100,000 or more but less than 700,000,*
15 *conform with the comprehensive regional plan developed pursuant to NRS*
16 *278.0272.*

17 *2. An aboveground utility plan developed by a planning commission or*
18 *governing body pursuant to this section must:*

19 *(a) Provide a process for the designation of corridors for the construction of*
20 *aboveground utility projects;*

21 *(b) Be consistent with any transmission plan prepared by the Office of*
22 *Energy;*

23 *(c) To ensure the continuity of transmission corridors, be consistent with the*
24 *aboveground utility plan of each adjacent jurisdiction; and*

25 *(d) Be consistent with any resource management plan prepared by the*
26 *Bureau of Land Management applicable to the jurisdiction of the planning*
27 *commission or governing body, including, without limitation, by ensuring that*
28 *the aboveground utility plan developed by the planning commission or governing*
29 *body provides for connectivity between any noncontiguous transmission corridors*
30 *identified in the plan prepared by the Bureau of Land Management.*

31 *3. In developing an aboveground utility plan, a planning commission or*
32 *governing body shall:*

33 *(a) Cooperate with the Bureau of Land Management, the Office of Energy*
34 *and the planning commission or governing body of each adjacent jurisdiction to*
35 *ensure that the aboveground utility plan adopted by the planning commission or*
36 *governing body is consistent with any resource management plan prepared by the*
37 *Bureau of Land Management, any transmission plan adopted by the Office of*
38 *Energy and the aboveground utility plan developed by the planning commission*
39 *or governing body of each adjacent jurisdiction; and*

40 *(b) Submit a copy of the aboveground utility plan, including all maps and*
41 *exhibits adopted as part of the plan, to the Public Utilities Commission of Nevada*
42 *and the Office of Energy.*

43 **Sec. 27.7.** *Each governing body:*

44 *1. Shall establish a process for the issuance of a permit for the construction*
45 *of an aboveground utility project which is located in a corridor for the*
46 *construction of aboveground utility projects identified in the master plan adopted*
47 *by the planning commission or governing body.*

48 *2. Shall establish a process for the issuance of a special use permit for the*
49 *construction of an aboveground utility project which is not located in a corridor*
50 *for the construction of aboveground utility projects identified in the master plan*
51 *adopted by the planning commission or governing body. The process adopted by*
52 *the governing body must include, without limitation, provisions:*

1 (a) *Requiring the planning commission or the governing body to review each*
2 *completed application at a public hearing;*

3 (b) *Requiring the applicant to provide proof satisfactory to the planning*
4 *commission or the governing body that the construction of the aboveground*
5 *utility project does not conflict with any existing or planned infrastructure or*
6 *other utility projects; and*

7 (c) *Authorizing the planning commission or the governing body to issue or*
8 *deny the issuance of a special use permit for the construction of an aboveground*
9 *utility project based on the proximity of the proposed site of the aboveground*
10 *utility project to any school, hospital or urban residential area with a dwelling*
11 *density greater than 2 units per gross acre.*

12 3. *Shall establish a process for the issuance of a special use permit for the*
13 *construction of a renewable energy generation project with a nameplate capacity*
14 *of 10 megawatts or more which must include, without limitation, provisions:*

15 (a) *Establishing the required contents of an application;*

16 (b) *Establishing the criteria by which the planning commission or the*
17 *governing body will evaluate an application; and*

18 (c) *Requiring the planning commission or the governing body to review each*
19 *completed application at a public hearing not later than 65 days after receiving*
20 *the complete application.*

21 4. *May establish an expedited process for the issuance of a permit or special*
22 *use permit described in subsections 1, 2 and 3 if the governing body determines*
23 *that:*

24 (a) *The project will be located in an isolated or rural area; and*

25 (b) *There is minimal risk of disturbance to residents as a result of the*
26 *construction of the project.*

27 Sec. 27.9. 1. *An applicant for the issuance of a special use permit for the*
28 *construction of any utility project or for the construction of a renewable energy*
29 *generation project with a nameplate capacity of 10 megawatts or more who:*

30 (a) *Believes that the decision of the planning commission or governing body*
31 *to approve or deny the applicant's application was not timely; or*

32 (b) *Disagrees with any conditions imposed by the special use permit issued by*
33 *the planning commission or governing body,*

34 ↪ *may, in the manner prescribed by the Public Utilities Commission of Nevada*
35 *by regulation, petition the Public Utilities Commission of Nevada to review the*
36 *decision of the planning commission or governing body.*

37 2. *A petition submitted to the Public Utilities Commission of Nevada*
38 *pursuant to this section must include:*

39 (a) *The name, mailing address and telephone number of the petitioner;*

40 (b) *The name of the planning commission or governing body to whom the*
41 *petitioner applied for a special use permit;*

42 (c) *A statement of the decision of the planning commission or governing*
43 *body from which review is sought;*

44 (d) *A statement of the resolution sought by the petitioner;*

45 (e) *A statement of the legal basis for the resolution sought by the petitioner;*

46 (f) *A copy of the application and all supporting documents submitted by the*
47 *petitioner to the planning commission or governing body;*

48 (g) *A copy of each document issued by the planning commission or*
49 *governing body relating to the application; and*

50 (h) *Any other information required by the Public Utilities Commission of*
51 *Nevada.*

52 3. *In any proceeding before the Public Utilities Commission of Nevada*
53 *concerning a petition submitted pursuant to this section, the parties:*

(a) *Must include:*

- (1) *The petitioner;*
- (2) *The planning commission or governing body whose decision is the subject of the petition; and*
- (3) *The Regulatory Operations Staff of the Public Utilities Commission of Nevada; and*

(b) *May include:*

- (1) *The Bureau of Consumer Protection in the Office of the Attorney General, upon the filing by the Bureau of Consumer Protection of a notice to intervene; and*

(2) *Any other person or entity that participated in any proceeding before the planning commission or governing body relating to the application for the issuance of a special use permit, if the person or entity petitions the Public Utilities Commission of Nevada for, and is granted, leave to intervene.*

4. *Not later than 150 days after receiving a petition to review the decision of a planning commission or governing body, the Public Utilities Commission of Nevada shall issue an order:*

(a) *Approving the decision of the planning commission or governing body;*

(b) *Directing the planning commission or governing body to issue a special use permit with such terms and conditions as the Public Utilities Commission of Nevada determines are reasonable; or*

(c) *Directing the planning commission or governing body to modify the terms and conditions of a special use permit in the manner prescribed by the Public Utilities Commission of Nevada.*

5. *An order issued by the Public Utilities Commission of Nevada pursuant to this section is final for the purposes of judicial review.*

6. *The Public Utilities Commission of Nevada shall adopt such regulations as it determines necessary to carry out the provisions of this section.*

Sec. 28. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 29. NRS 278.016 is hereby amended to read as follows:

278.016 "Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act.*

Sec. 30. NRS 278.02327 is hereby amended to read as follows:

278.02327 1. Any application submitted to a governing body or its designee that concerns any matter relating to land use planning pursuant to NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act*, or any ordinance, resolution or regulation adopted pursuant thereto, may not be accepted by the governing body or its designee if the application is incomplete.

2. The governing body or its designee shall, within 3 working days after receiving an application of the type described in subsection 1:

(a) Review the application for completeness;

(b) Accept the application if the governing body or its designee finds that the application is complete or return the application if the governing body or its designee finds that the application is incomplete; and

(c) If the governing body or its designee returns the application:

(1) Provide to the applicant a description of the additional information required; and

(2) If requested by the applicant, provide to the applicant a copy of the relevant provision of the ordinance, resolution or regulation which specifically requires the additional information or an explanation of why the additional information is necessary.

Sec. 31. NRS 278.0233 is hereby amended to read as follows:

278.0233 1. Any person who has any right, title or interest in real property, and who has filed with the appropriate state or local agency an application for a permit which is required by statute or an ordinance, resolution or regulation adopted pursuant to NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act* before that person may improve, convey or otherwise put that property to use, may bring an action against the agency to recover actual damages caused by:

(a) Any final action, decision or order of the agency which imposes requirements, limitations or conditions upon the use of the property in excess of those authorized by ordinances, resolutions or regulations adopted pursuant to NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act* in effect on the date the application was filed, and which:

(1) Is arbitrary or capricious; or

(2) Is unlawful or exceeds lawful authority.

(b) Any final action, decision or order of the agency imposing a tax, fee or other monetary charge that is not expressly authorized by statute or that is in excess of the amount expressly authorized by statute.

(c) The failure of the agency to act on that application within the time for that action as limited by statute, ordinance or regulation.

2. An action must not be brought under subsection 1:

(a) Where the agency did not know, or reasonably could not have known, that its action, decision or order was unlawful or in excess of its authority.

(b) Based on the invalidation of an ordinance, resolution or regulation in effect on the date the application for the permit was filed.

(c) Where a lawful action, decision or order of the agency is taken or made to prevent a condition which would constitute a threat to the health, safety, morals or general welfare of the community.

(d) Where the applicant agrees in writing to extensions of time concerning his or her application.

(e) Where the applicant agrees in writing or orally on the record during a hearing to the requirements, limitations or conditions imposed by the action, decision or order, unless the applicant expressly states in writing or orally on the record during the hearing that a requirement, limitation or condition is agreed to under protest and specifies which paragraph of subsection 1 provides cause for the protest.

(f) For unintentional procedural or ministerial errors of the agency.

(g) Unless all administrative remedies have been exhausted.

(h) Against any individual member of the agency.

Sec. 32. NRS 278.0235 is hereby amended to read as follows:

278.0235 No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act* unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

1 **Sec. 33.** NRS 278.024 is hereby amended to read as follows:

2 278.024 1. In the region of this State for which there has been created by
3 NRS 278.780 to 278.828, inclusive, a regional planning agency, the powers
4 conferred by NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9,*
5 *inclusive, of this act* upon any other authority are subordinate to the powers of such
6 regional planning agency, and may be exercised only to the extent that their
7 exercise does not conflict with any ordinance or plan adopted by such regional
8 planning agency. The powers conferred by NRS 278.010 to 278.630, inclusive, *and*
9 *sections 27.1 to 27.9, inclusive, of this act* shall be exercised whenever appropriate
10 in furtherance of a plan adopted by the regional planning agency.

11 2. Upon the adoption by a regional planning agency created by NRS 278.780
12 to 278.828, inclusive, of any regional plan, any plan adopted pursuant to NRS
13 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act* shall
14 cease to be effective as to the territory embraced in such regional plan. Each
15 planning commission and governing body whose previously adopted plan is so
16 affected shall, within 90 days after the effective date of the regional plan, initiate
17 any necessary procedure to revise its plan and any related zoning ordinances which
18 affect adjacent territory.

19 **Sec. 34.** NRS 278.025 is hereby amended to read as follows:

20 278.025 1. In any region of this State for which there has been created by
21 interstate compact a regional planning agency, the powers conferred by NRS
22 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act* are
23 subordinate to the powers of such regional planning agency, and may be exercised
24 only to the extent that their exercise does not conflict with any ordinance or plan
25 adopted by such regional planning agency. The powers conferred by NRS 278.010
26 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act* shall be
27 exercised whenever appropriate in furtherance of a plan adopted by the regional
28 planning agency.

29 2. Upon the adoption by a regional planning agency created by interstate
30 compact of any regional plan or interim plan, any plan adopted pursuant to NRS
31 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act* shall
32 cease to be effective as to the territory embraced in such regional or interim plan.
33 Each planning commission and governing body whose previously adopted plan is
34 so affected shall, within 90 days after the effective date of the regional or interim
35 plan, initiate any necessary procedure to revise its plan and any related zoning
36 ordinances which affect adjacent territory.

37 **Sec. 35.** NRS 278.02788 is hereby amended to read as follows:

38 278.02788 1. If a city has a sphere of influence that is designated in the
39 comprehensive regional plan, the city shall adopt a master plan concerning the
40 territory within the sphere of influence. The master plan and any ordinance required
41 by the master plan must be consistent with the comprehensive regional plan. After
42 adoption and certification of a master plan concerning the territory within the
43 sphere of influence and after adopting the ordinances required by the master plan, if
44 any, the city may exercise any power conferred pursuant to NRS 278.010 to
45 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act* within its sphere
46 of influence.

47 2. If the comprehensive regional plan designates that all or part of the sphere
48 of influence of a city is a joint planning area, the master plan and any ordinance
49 adopted by the city pursuant to subsection 1 must be consistent with the master plan
50 that is adopted for the joint planning area.

51 3. Before certification of the master plan for the sphere of influence pursuant
52 to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to
53 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act* within the

1 sphere of influence of a city must be consistent with the comprehensive regional
2 plan.

3 4. A person, county or city that is represented on the governing board and is
4 aggrieved by a final determination of the county or, after the certification of the
5 master plan for a sphere of influence, is aggrieved by a final determination of the
6 city, concerning zoning, a subdivision map, a parcel map or the use of land within
7 the sphere of influence may appeal the decision to the regional planning
8 commission within 30 days after the determination. A person, county or city that is
9 aggrieved by the determination of the regional planning commission may appeal
10 the decision to the governing board within 30 days after the determination. A
11 person, county or city that is aggrieved by the determination of the governing board
12 may seek judicial review of the decision within 25 days after the determination.

13 **Sec. 36.** NRS 278.130 is hereby amended to read as follows:

14 278.130 1. If the governing body of a city or county collaborates in the
15 creation of a regional planning commission and does not create a separate city or
16 county planning commission, the regional planning commission shall perform for
17 the city or county all the duties and functions delegated to a city or county planning
18 commission by the terms of NRS 278.010 to 278.630, inclusive **H**, *and sections*
19 *27.1 to 27.9, inclusive, of this act.*

20 2. If a regional planning commission has duties and functions pursuant to
21 NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act*
22 which parallel the duties and functions of a city or county planning commission, the
23 city or county planning commission has the responsibility for making decisions
24 pertaining to planning which have a local effect, and the regional planning
25 commission has the responsibility for making decisions pertaining to planning
26 which have a regional or intergovernmental effect.

27 **Sec. 37.** NRS 278.140 is hereby amended to read as follows:

28 278.140 1. The formation of regional planning districts is authorized and a
29 regional planning commission may be created, in accordance with the provisions of
30 NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act*,
31 in lieu of separate city or county planning commissions as may be required or
32 authorized by NRS 278.010 to 278.630, inclusive **H**, *and sections 27.1 to 27.9,*
33 *inclusive, of this act.*

34 2. Regional planning districts shall consist of a portion of a political
35 subdivision, two or more contiguous political subdivisions or contiguous portions
36 of two or more political subdivisions.

37 3. All territory embraced within a regional planning district shall be
38 contiguous, except where the regional district is composed of two or more
39 municipalities such territories need not be contiguous.

40 4. In a regional planning district, a regional planning commission shall
41 function in all respects in accordance with the provisions of NRS 278.010 to
42 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act*, except that the
43 plans of the regional planning commission shall coordinate the plans of any city or
44 county planning commission within the region.

45 5. Reports required by NRS 278.010 to 278.630, inclusive, *and sections 27.1*
46 *to 27.9, inclusive, of this act* to be made to a governing body of a city or a county
47 shall be made to the governing body of each city or county within the region, and
48 the procedure set forth in NRS 278.010 to 278.630, inclusive, *and sections 27.1 to*
49 *27.9, inclusive, of this act* for action with respect to maps or subdivisions shall not
50 be followed by the regional planning commission for subdivisions which lie within
51 any territory in which there exists a functioning county or city planning
52 commission.

53 **Sec. 38.** (Deleted by amendment.)

1 **Sec. 39.** NRS 278.150 is hereby amended to read as follows:

2 278.150 1. The planning commission shall prepare and adopt a
3 comprehensive, long-term general plan for the physical development of the city,
4 county or region which in the commission's judgment bears relation to the planning
5 thereof.

6 2. The plan must be known as the master plan, and must be so prepared that
7 all or portions thereof, except as otherwise provided in subsections 3 and 4, may be
8 adopted by the governing body, as provided in NRS 278.010 to 278.630, inclusive,
9 *and sections 27.1 to 27.9, inclusive, of this act* as a basis for the development of
10 the city, county or region for such reasonable period of time next ensuing after the
11 adoption thereof as may practically be covered thereby.

12 3. In counties whose population is 100,000 or more but less than 700,000, if
13 the governing body of the city or county adopts only a portion of the master plan, it
14 shall include in that portion a conservation plan, a housing plan and a population
15 plan as provided in NRS 278.160.

16 4. In counties whose population is 700,000 or more, the governing body of
17 the city or county shall adopt a master plan for all of the city or county that must
18 address each of the subjects set forth in subsection 1 of NRS 278.160.

19 **Sec. 40.** NRS 278.160 is hereby amended to read as follows:

20 278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150
21 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts,
22 drawings, diagrams, schedules and reports, may include such of the following
23 subject matter or portions thereof as are appropriate to the city, county or region,
24 and as may be made the basis for the physical development thereof:

25 (a) Community design. Standards and principles governing the subdivision of
26 land and suggestive patterns for community design and development.

27 (b) Conservation plan. For the conservation, development and utilization of
28 natural resources, including, without limitation, water and its hydraulic force,
29 underground water, water supply, solar or wind energy, forests, soils, rivers and
30 other waters, harbors, fisheries, wildlife, minerals and other natural resources. The
31 plan must also cover the reclamation of land and waters, flood control, prevention
32 and control of the pollution of streams and other waters, regulation of the use of
33 land in stream channels and other areas required for the accomplishment of the
34 conservation plan, prevention, control and correction of the erosion of soils through
35 proper clearing, grading and landscaping, beaches and shores, and protection of
36 watersheds. The plan must also indicate the maximum tolerable level of air
37 pollution.

38 (c) Economic plan. Showing recommended schedules for the allocation and
39 expenditure of public money in order to provide for the economical and timely
40 execution of the various components of the plan.

41 (d) Historic neighborhood preservation plan. The plan:

42 (1) Must include, without limitation:

43 (I) A plan to inventory historic neighborhoods.

44 (II) A statement of goals and methods to encourage the preservation of
45 historic neighborhoods.

46 (2) May include, without limitation, the creation of a commission to
47 monitor and promote the preservation of historic neighborhoods.

48 (e) Historical properties preservation plan. An inventory of significant
49 historical, archaeological, paleontological and architectural properties as defined by
50 a city, county or region, and a statement of methods to encourage the preservation
51 of those properties.

52 (f) Housing plan. The housing plan must include, without limitation:

1 (1) An inventory of housing conditions, needs and plans and procedures for
2 improving housing standards and for providing adequate housing to individuals and
3 families in the community, regardless of income level.

4 (2) An inventory of existing affordable housing in the community,
5 including, without limitation, housing that is available to rent or own, housing that
6 is subsidized either directly or indirectly by this State, an agency or political
7 subdivision of this State, or the Federal Government or an agency of the Federal
8 Government, and housing that is accessible to persons with disabilities.

9 (3) An analysis of projected growth and the demographic characteristics of
10 the community.

11 (4) A determination of the present and prospective need for affordable
12 housing in the community.

13 (5) An analysis of any impediments to the development of affordable
14 housing and the development of policies to mitigate those impediments.

15 (6) An analysis of the characteristics of the land that is suitable for
16 residential development. The analysis must include, without limitation:

17 (I) A determination of whether the existing infrastructure is sufficient
18 to sustain the current needs and projected growth of the community; and

19 (II) An inventory of available parcels that are suitable for residential
20 development and any zoning, environmental and other land-use planning
21 restrictions that affect such parcels.

22 (7) An analysis of the needs and appropriate methods for the construction
23 of affordable housing or the conversion or rehabilitation of existing housing to
24 affordable housing.

25 (8) A plan for maintaining and developing affordable housing to meet the
26 housing needs of the community for a period of at least 5 years.

27 (g) Land use plan. An inventory and classification of types of natural land and
28 of existing land cover and uses, and comprehensive plans for the most desirable
29 utilization of land. The land use plan:

30 (1) Must address, if applicable:

31 (I) Mixed-use development, transit-oriented development, master-
32 planned communities and gaming enterprise districts; and

33 (II) The coordination and compatibility of land uses with any military
34 installation in the city, county or region, taking into account the location, purpose
35 and stated mission of the military installation.

36 (2) May include a provision concerning the acquisition and use of land that
37 is under federal management within the city, county or region, including, without
38 limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

39 (h) Population plan. An estimate of the total population which the natural
40 resources of the city, county or region will support on a continuing basis without
41 unreasonable impairment.

42 (i) Public buildings. Showing locations and arrangement of civic centers and
43 all other public buildings, including the architecture thereof and the landscape
44 treatment of the grounds thereof.

45 (j) Public services and facilities. Showing general plans for sewage, drainage
46 and utilities, and rights-of-way, easements and facilities therefor, including, without
47 limitation, any utility projects required to be reported pursuant to NRS 278.145.

48 (k) Recreation plan. Showing a comprehensive system of recreation areas,
49 including, without limitation, natural reservations, parks, parkways, trails, reserved
50 riverbank strips, beaches, playgrounds and other recreation areas, including, when
51 practicable, the locations and proposed development thereof.

(l) Rural neighborhoods preservation plan. In any county whose population is 700,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(m) Safety plan. In any county whose population is 700,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(n) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(o) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(p) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(q) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(r) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(s) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

(t) Aboveground utility plan. Showing corridors designated for the construction of aboveground utilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act* prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 41. NRS 278.190 is hereby amended to read as follows:

278.190 1. The commission shall endeavor to promote public interest in and understanding of the master plan and of official plans and regulations relating thereto. As a means of furthering the purpose of a master plan, the commission shall annually make recommendations to the governing body for the implementation of the plan.

2. It also shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and with citizens generally with relation to the carrying out of such plans.

3. The commission, and its members, officers and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.

4. In general, the commission shall have such power as may be necessary to enable it to fulfill its functions and carry out the provisions of NRS 278.010 to 278.630, inclusive *H, and sections 27.1 to 27.9, inclusive, of this act.*

1 **Sec. 42.** NRS 278.200 is hereby amended to read as follows:

2 278.200 The master plan shall be a map, together with such charts, drawings,
3 diagrams, schedules, reports, ordinances, or other printed or published material, or
4 any one or a combination of any of the foregoing as may be considered essential to
5 the purposes of NRS 278.010 to 278.630, inclusive **H**, *and sections 27.1 to 27.9,*
6 *inclusive, of this act.*

7 **Sec. 43.** NRS 278.250 is hereby amended to read as follows:

8 278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, *and*
9 *sections 27.1 to 27.9, inclusive, of this act*, the governing body may divide the city,
10 county or region into zoning districts of such number, shape and area as are best
11 suited to carry out the purposes of NRS 278.010 to 278.630, inclusive **H**, *and*
12 *sections 27.1 to 27.9, inclusive, of this act.* Within the zoning district, it may
13 regulate and restrict the erection, construction, reconstruction, alteration, repair or
14 use of buildings, structures or land.

15 2. The zoning regulations must be adopted in accordance with the master plan
16 for land use and be designed:

17 (a) To preserve the quality of air and water resources.

18 (b) To promote the conservation of open space and the protection of other
19 natural and scenic resources from unreasonable impairment.

20 (c) To consider existing views and access to solar resources by studying the
21 height of new buildings which will cast shadows on surrounding residential and
22 commercial developments.

23 (d) To reduce the consumption of energy by encouraging the use of products
24 and materials which maximize energy efficiency in the construction of buildings.

25 (e) To provide for recreational needs.

26 (f) To protect life and property in areas subject to floods, landslides and other
27 natural disasters.

28 (g) To conform to the adopted population plan, if required by NRS 278.170.

29 (h) To develop a timely, orderly and efficient arrangement of transportation
30 and public facilities and services, including public access and sidewalks for
31 pedestrians, and facilities and services for bicycles.

32 (i) To ensure that the development on land is commensurate with the character
33 and the physical limitations of the land.

34 (j) To take into account the immediate and long-range financial impact of the
35 application of particular land to particular kinds of development, and the relative
36 suitability of the land for development.

37 (k) To promote health and the general welfare.

38 (l) To ensure the development of an adequate supply of housing for the
39 community, including the development of affordable housing.

40 (m) To ensure the protection of existing neighborhoods and communities,
41 including the protection of rural preservation neighborhoods and, in counties whose
42 population is 700,000 or more, the protection of historic neighborhoods.

43 (n) To promote systems which use solar or wind energy.

44 (o) To foster the coordination and compatibility of land uses with any military
45 installation in the city, county or region, taking into account the location, purpose
46 and stated mission of the military installation.

47 3. The zoning regulations must be adopted with reasonable consideration,
48 among other things, to the character of the area and its peculiar suitability for
49 particular uses, and with a view to conserving the value of buildings and
50 encouraging the most appropriate use of land throughout the city, county or region.

51 4. In exercising the powers granted in this section, the governing body may
52 use any controls relating to land use or principles of zoning that the governing body

determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing.

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing.

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 44. NRS 278.300 is hereby amended to read as follows:

278.300 1. The board of adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures.

(b) To hear and decide, in accordance with the provisions of any such regulation, requests for variances, or for interpretation of any map, or for decisions upon other special questions upon which the board is authorized by any such regulation to pass.

(c) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation enacted under NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act* would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

(d) To hear and decide requests for special use permits or other special exceptions, in such cases and under such conditions as the regulations may prescribe.

2. The majority vote of the board of adjustment is necessary to reverse any order, requirement, decision or determination of any administrative official or agency, or to decide in favor of the appellant.

Sec. 45. NRS 278.320 is hereby amended to read as follows:

278.320 1. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer or development, or any proposed transfer or development, unless exempted by one of the following provisions:

(a) The term "subdivision" does not apply to any division of land which is subject to the provisions of NRS 278.471 to 278.4725, inclusive.

(b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.

(c) Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the term “subdivision” does not apply to:

- (1) Any division of land which is ordered by any court in this State or created by operation of law;
- (2) A lien, mortgage, deed of trust or any other security instrument;
- (3) A security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity;
- (4) Cemetery lots; or
- (5) An interest in oil, gas, minerals or building materials, which are now or hereafter severed from the surface ownership of real property.

2. A common-interest community consisting of five or more units shall be deemed to be a subdivision of land within the meaning of this section, but need only comply with NRS 278.326 to 278.460, inclusive, and 278.473 to 278.490, inclusive.

3. The board of county commissioners of any county may exempt any parcel or parcels of land from the provisions of NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act*, if:

(a) The land is owned by a railroad company or by a nonprofit corporation organized and existing pursuant to the provisions of chapter 81 or 82 of NRS which is an immediate successor in title to a railroad company, and the land was in the past used in connection with any railroad operation; and

(b) Other persons now permanently reside on the land.

4. Except as otherwise provided in subsection 5, this chapter, including, without limitation, any requirements relating to the adjustment of boundary lines or the filing of a parcel map or record of survey, does not apply to the division, exchange or transfer of land for agricultural purposes if each parcel resulting from such a division, exchange or transfer:

(a) Is 10 acres or more in size, unless local zoning laws require a larger minimum parcel size, in which case each parcel resulting from the division, exchange or transfer must comply with the parcel size required by those local zoning laws;

(b) Has a zoning classification that is consistent with the designation in the master plan, if any, regarding land use for the parcel;

(c) Can be described by reference to the standard subdivisions used in the United States Public Land Survey System;

(d) Qualifies for agricultural use assessment under NRS 361A.100 to 361A.160, inclusive, and any regulations adopted pursuant thereto; and

(e) Is accessible:

(1) By way of an existing street, road or highway;

(2) Through other adjacent lands owned by the same person; or

(3) By way of an easement for agricultural purposes that was granted in connection with the division, exchange or transfer.

5. The exemption from the provisions of this chapter, which exemption is set forth in subsection 4, does not apply with respect to any parcel resulting from the division, exchange or transfer of agricultural lands if:

(a) Such resulting parcel ceases to qualify for agricultural use assessment under NRS 361A.100 to 361A.160, inclusive, and any regulations adopted pursuant thereto; or

(b) New commercial buildings or residential dwelling units are proposed to be constructed on the parcel after the date on which the division, exchange or transfer took place. The provisions of this paragraph do not prohibit the expansion, repair,

1 reconstruction, renovation or replacement of preexisting buildings or dwelling units
2 that are:

- 3 (1) Dilapidated;
- 4 (2) Dangerous;
- 5 (3) At risk of being declared a public nuisance;
- 6 (4) Damaged or destroyed by fire, flood, earthquake or any natural or man-
7 made disaster; or
- 8 (5) Otherwise in need of expansion, repair, reconstruction, renovation or
9 replacement.

10 **Sec. 46.** NRS 278.325 is hereby amended to read as follows:

11 278.325 1. If a subdivision is proposed on land which is zoned for industrial
12 or commercial development, neither the tentative nor the final map need show any
13 division of the land into lots or parcels, but the streets and any other required
14 improvements are subject to the requirements of NRS 278.010 to 278.630, inclusive
15 **H, and sections 27.1 to 27.9, inclusive, of this act.**

16 2. No parcel of land may be sold for residential use from a subdivision whose
17 final map does not show a division of the land into lots.

18 3. Except as otherwise provided in subsection 4, a boundary or line must not
19 be created by a conveyance of a parcel from an industrial or commercial
20 subdivision unless a professional land surveyor has surveyed the boundary or line
21 and set the monuments. The surveyor shall file a record of the survey pursuant to
22 the requirements set forth in NRS 625.340. Any conveyance of such a parcel must
23 contain a legal description of the parcel that is independent of the record of survey.

24 4. The provisions of subsection 3 do not apply to a boundary or line that is
25 created entirely within an existing industrial or commercial building. A certificate
26 prepared by a professional engineer or registered architect certifying compliance
27 with the applicable law of this State in effect at the time of the preparation of the
28 certificate and with the building code in effect at the time the building was
29 constructed must be attached to any document which proposes to subdivide such a
30 building.

31 5. A certificate prepared pursuant to subsection 4 for a building located in a
32 county whose population is 700,000 or more must be reviewed, approved and
33 signed by the building official having jurisdiction over the area within which the
34 building is situated.

35 **Sec. 47.** NRS 278.326 is hereby amended to read as follows:

36 278.326 1. Local subdivision ordinances shall be enacted by the governing
37 body of every incorporated city and every county, prescribing regulations which, in
38 addition to the provisions of NRS 278.010 to 278.630, inclusive, **and sections 27.1**
39 **to 27.9, inclusive, of this act** govern matters of improvements, mapping, accuracy,
40 engineering and related subjects, but shall not be in conflict with NRS 278.010 to
41 278.630, inclusive **H, and sections 27.1 to 27.9, inclusive, of this act.**

42 2. The subdivider shall comply with the provisions of the appropriate local
43 ordinance before the final map is approved.

44 **Sec. 48.** NRS 278.327 is hereby amended to read as follows:

45 278.327 Approval of any map pursuant to the provisions of NRS 278.010 to
46 278.630, inclusive, **and sections 27.1 to 27.9, inclusive, of this act** does not in itself
47 prohibit the further division of the lots, parcels, sites, units or plots described, but
48 any such further division shall conform to the applicable provisions of those
49 sections.

50 **Sec. 49.** NRS 278.590 is hereby amended to read as follows:

51 278.590 1. It is unlawful for any person to contract to sell, to sell or to
52 transfer any subdivision or any part thereof, or land divided pursuant to a parcel
53 map or map of division into large parcels, unless:

(a) The required map thereof, in full compliance with the appropriate provisions of NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act*, and any local ordinance, has been recorded in the office of the recorder of each county in which the subdivision or land divided is located; or

(b) The person is contractually obligated to record the required map before title is transferred or possession is delivered, whichever is earlier, as provided in paragraph (a).

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and is liable for a civil penalty of not more than \$300 for each lot or parcel sold or transferred.

3. This section does not bar any legal, equitable or summary remedy to which any aggrieved municipality or other political subdivision, or any person, may otherwise be entitled, and any such municipality or other political subdivision or person may file suit in the district court of the county in which any property attempted to be divided or sold in violation of any provision of NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act* is located to restrain or enjoin any attempted or proposed division or transfer in violation of those sections.

Sec. 50. NRS 278.630 is hereby amended to read as follows:

278.630 1. When there is no final map, parcel map or map of division into large parcels as required by the provisions of NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act*, then the county assessor shall:

(a) Determine any apparent discrepancies with respect to the provisions of NRS 278.010 to 278.630, inclusive ~~H~~, *and sections 27.1 to 27.9, inclusive, of this act*;

(b) Report his or her determinations to the governing body of the county or city in which such apparent violation occurs in writing, including, without limitation, by noting such determinations in the appropriate parcel record of the county assessor; and

(c) Not place on the tax roll or maps of the county assessor any land for which the county assessor has determined that a discrepancy exists with respect to the provisions of NRS 278.010 to 278.630, inclusive ~~H~~, *and sections 27.1 to 27.9, inclusive, of this act*.

2. Upon receipt of the report, the governing body shall cause an investigation to be made by the district attorney's office when such lands are within an unincorporated area, or by the city attorney when such lands are within a city, the county recorder and any planning commission having jurisdiction over the lands in question.

3. If the report shows evidence of violation of the provisions of NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act*, with respect to the division of lands or upon the filing of a verified complaint by any municipality or other political subdivision or person, firm or corporation with respect to violation of the provisions of those sections, the district attorney of each county in this State shall prosecute all such violations in respective counties in which the violations occur.

Sec. 50.5. Each planning commission, as defined in NRS 278.013, and governing body, as defined in NRS 278.015, shall adopt the aboveground utility plan required by section 27.5 of this act on or before December 31, 2014.

Sec. 51. The Public Utilities Commission of Nevada shall adopt the regulations required by sections 20 and 27.9 of this act on or before December 31, 2013.

Sec. 52. Notwithstanding any other provision of law to the contrary, any application for a partial abatement of the local sales and use taxes, the taxes

1 imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes
2 imposed pursuant to chapter 361 of NRS submitted by an applicant pursuant to
3 NRS 701A.360 on or after the effective date of this section is subject to the
4 provisions of NRS 701A.360, 701A.365, 701A.370, 701A.385 and 701A.390 as
5 amended by sections 3 to 7, inclusive, of this act, and the Director of the Office of
6 Energy shall not, before July 1, 2013, approve any such application submitted on or
7 after the effective date of this section but before July 1, 2013.

8 **Sec. 52.5.** The provisions of sections 27.1 to 27.9, inclusive, of this act and
9 the amendatory provisions of sections 28 to 50, inclusive, of this act do not apply to
10 an application for the issuance of a special use permit for the construction of a
11 utility project, as that term is defined in NRS 278.0195, or for the construction of a
12 renewable energy generation project, as that term is defined in NRS 278.01735,
13 with a nameplate capacity of 10 megawatts or more which is submitted by an
14 applicant to a planning commission or the governing body of a local government
15 before July 1, 2013.

16 **Sec. 53.** 1. This section and section 52 of this act become effective upon
17 passage and approval.

18 2. Sections 1 to 51, inclusive, and 52.5 of this act become effective on July 1,
19 2013.

20 3. Sections 10 to 21, inclusive, of this act expire by limitation on June 30,
21 2018.

22 4. Sections 2.5 to 7, inclusive, of this act expire by limitation on June 30,
23 2049.