

SENATE BILL NO. 329—SENATOR BROOKS

MARCH 18, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to the prevention of natural disasters. (BDR 58-1132)

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 the prevention of natural disasters; requiring an electric utility to submit a natural disaster protection plan to the Public Utilities Commission of Nevada; setting forth the requirements for such a plan; authorizing an electric utility to recover costs relating to the development and implementation of a natural disaster protection plan; prohibiting, with certain exceptions, a person who is not a qualified electrical worker from performing certain work on the electric infrastructure of an electric utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of electric utilities by the Public Utilities Commission of Nevada. (Chapter 704 of NRS) **Section 1.3** of this bill requires an electric utility to, on or before June 1 of every third year, submit a natural disaster protection plan to the Commission. **Section 1.3** generally requires a natural disaster protection plan to contain certain information, procedures and protocols relating to the efforts of the electric utility to prevent or respond to a fire or other natural disaster.

Existing law generally requires a public utility to submit an application and obtain the approval of the Public Utilities Commission of Nevada for a change in any schedule of rates or services. (NRS 704.110) **Section 1.3** provides that any expenditures made by an electric utility in developing and implementing a natural disaster protection plan are required to be recovered as a separate monthly rate charged to all customers of the electric utility.

Section 1.7 of this bill prohibits a person from performing work on the electric infrastructure of an electric utility unless that person is a qualified electrical worker or an apprentice electrical lineman under the direct supervision of a qualified electrical worker. **Section 1.7** authorizes the Commission to authorize persons who



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18 are not qualified electrical workers to perform certain tree trimming relating to line
19 clearance under the direction of a certified arborist.

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

1 **Section 1.** Chapter 704 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 1.3 and 1.7 of this act.

3 **Sec. 1.3.** *1. An electric utility shall, on or before June 1,*
4 *2020, and on or before June 1 of every third year thereafter, in the*
5 *manner specified by the Commission, submit a natural disaster*
6 *protection plan to the Commission.*

7 *2. A natural disaster protection plan submitted to the*
8 *Commission pursuant to subsection 1 must:*

9 *(a) Identify areas within the service territory of the electric*
10 *utility that are subject to a heightened threat of a fire or other*
11 *natural disaster.*

12 *(b) Propose an approach for the mitigation of potential fires or*
13 *other natural disasters that is cost effective, prudent and*
14 *reasonable.*

15 *(c) Describe the preventive measures and programs the electric*
16 *utility will implement to minimize the risk of its electric*
17 *infrastructure causing a fire.*

18 *(d) Describe the participation of the electric utility, including,*
19 *without limitation, any commitments made, in any community*
20 *wildfire protection plans, as defined in 16 U.S.C. § 6511,*
21 *established in this State.*

22 *(e) Propose protocols for de-energizing distribution lines and*
23 *disabling reclosers on those lines in the event of a fire or other*
24 *natural disaster. Such protocols must consider the associated*
25 *impact of such actions on public safety and mitigate any*
26 *adverse impact on public safety plans, including, without*
27 *limitation, impact on critical first responders and on health and*
28 *communication infrastructure.*

29 *(f) Describe the procedures the electric utility intends to use to*
30 *inspect the electric infrastructure of the electric utility.*

31 *(g) Describe the procedures the electric utility intends to use*
32 *for vegetation management.*

33 *(h) Describe the procedures the electric utility intends to use to*
34 *restore its distribution system in the event of a natural disaster.*

35 *(i) Demonstrate that the natural disaster protection plan is*
36 *consistent with the emergency response plan submitted by the*
37 *electric utility pursuant to NRS 239C.270.*



(j) Describe the ability of the electric utility to implement the natural disaster protection plan and identify additional funding needed for the implementation of the plan.

3. The procedures, protocols and measures set forth in a natural disaster protection plan submitted pursuant to subsection 1 must comply with all applicable requirements of the most recent version of the International Wildland-Urban Interface Code, published by the International Code Council or its successor organization, including, without limitation, the requirements relating to clearances set forth in Appendix A of the Code. Nothing in this subsection shall be construed to prohibit an electric utility from setting forth in a natural disaster response plan procedures, protocols and measures that are more restrictive than those set forth in the Code.

4. The Commission shall adopt regulations to provide for the method and schedule for preparing, submitting, reviewing and approving a plan submitted pursuant to subsection 1.

5. An electric utility whose natural disaster protection plan has been approved by the Commission in accordance with the regulations adopted by the Commission pursuant to subsection 4 shall provide a copy of the approved plan to the chief officer of each fire department and each state, city and county emergency manager within the service territory of the electric utility.

6. All prudent and reasonable expenditures made by an electric utility to develop and implement a plan submitted pursuant to subsection 1 must be recovered as a separate monthly rate charged to the customers of the electric utility. The electric utility shall designate the amount charged to each customer as a separate line item on the bill of the customer.

7. A rural electric cooperative established pursuant to chapter 81 of NRS may submit to the Commission a natural disaster protection plan containing the information set forth in subsection 2. The Commission shall review a plan submitted by a rural electric cooperative and provide advice and recommendations. The board of directors of a rural electric cooperative may allow the rural electric cooperative to recover expenditures made to develop and implement a natural disaster protection plan from the rates charged to the customers of the rural electric cooperative.

8. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.7571.

Sec. 1.7. 1. Except as otherwise provided in subsections 2 and 3, a person shall not perform work on the electric infrastructure of an electric utility, including, without limitation, the construction, installation, maintenance, repair or removal of



1 such infrastructure, unless the person is a qualified electrical
2 worker.

3 2. An apprentice electrical lineman may perform work on the
4 electric infrastructure of an electric utility, including, without
5 limitation, the construction, installation, maintenance, repair or
6 removal of such infrastructure, under the direct supervision of a
7 qualified electrical worker.

8 3. The Commission may authorize a person who is not an
9 employee of an electric utility to perform tree trimming related to
10 line clearance in an easement or right-of-way dedicated or
11 restricted for use by an electric utility. If a person who is not an
12 employee of an electric utility performs tree trimming related to
13 line clearance in such an easement or right-of-way, the tree
14 trimming must be performed under the direction of an arborist
15 certified by the International Society of Arboriculture.

16 4. As used in this section:

17 (a) "Apprentice electrical lineman" means a person employed
18 and individually registered in a bona fide electrical lineman
19 apprenticeship program with:

20 (1) The Office of Apprenticeship of the Employment and
21 Training Administration of the United States Department of Labor
22 or its successor agency; or

23 (2) The State Apprenticeship Council pursuant to chapter
24 610 of NRS.

25 (b) "Electric utility" has the meaning ascribed to it in
26 NRS 704.7571.

27 (c) "Qualified electrical worker" means:

28 (1) A person who has completed an electrical lineman
29 apprenticeship program lasting at least 4 years that was approved
30 by the Office of Apprenticeship of the Employment and Training
31 Administration of the United States Department of Labor or its
32 successor agency or the State Apprenticeship Council pursuant to
33 chapter 610 of NRS; or

34 (2) A person who has completed 10,000 hours or more as a
35 journeyman lineman and has performed at least 1,500 hours of
36 documented live-line work on electrical conductors at a voltage of
37 at least 4,160 kilovolts.

38 **Sec. 2.** This act becomes effective upon passage and approval.

