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ASSEMBLY BILL NO. 522—COMMITTEE ON COMMERCE AND LABOR

MARCH 23, 2009

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Referred to Committee on Commerce and Labor

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

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

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

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

**Legislative Counsel's Digest:**

1     **Sections 1-27, 29-56 and 63-66** of this bill create the Nevada Energy  
2 Commission effective July 1, 2010, and provide for the transfer of the powers and  
3 duties of the Office of Energy and the Task Force for Renewable Energy and  
4 Energy Conservation to the Commission. **Section 16** additionally requires the new  
5 Commission to: (1) develop a program to provide for energy conservation that  
6 provides rebates or incentives; and (2) create renewable energy zones and solicit  
7 and review proposals for renewable energy transmission projects.



\* A B 5 2 2 \*

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

11 **Section 28** of this bill authorizes the Commission on Economic Development  
12 to grant partial abatements of property taxes and local sales and use taxes, other  
13 than any taxes imposed for public education, to new facilities that generate  
14 electricity from renewable energy. These abatements will cease to be effective in 10  
15 years.

16 **Sections 57-61** of this bill transfer from the Housing Division of the  
17 Department of Business and Industry to the Nevada Energy Commission certain  
18 duties relating to the distribution of money for weatherization programs to eligible  
19 households.

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

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

25 **Section 85** of this bill imposes an excise tax on the generation of electricity  
26 from renewable energy at the rate of 0.39 mills for each kilowatt-hour of electricity  
27 generated. **Sections 73-98** of this bill provide for the administration, collection and  
28 enforcement of the tax by the Department of Taxation in a manner similar to other  
29 state taxes.

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

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

4 **Sec. 2.** *“Commission” means the Nevada Energy*  
5 *Commission.*

6 **Sec. 3.** *“Renewable energy transmission project”:*

7 *1. Means a project involving the transmission of electricity*  
8 *generated by renewable energy.*

9 *2. Does not include a project involving an electric generating*  
10 *facility or system that uses nuclear energy, in whole or in part, to*  
11 *generate electricity.*

12 **Sec. 4.** *1. There is hereby created the Nevada Energy*  
13 *Commission.*

14 *2. The Commission consists of three Commissioners who are*  
15 *appointed by the Governor for terms of 4 years and serve in the*  
16 *unclassified service of the State.*

17 *3. The Governor shall appoint as members of the*  
18 *Commission persons who have experience and demonstrated*  
19 *expertise in one or more of the following fields:*

20 *(a) Financing of energy projects;*

21 *(b) Energy generation or transmission projects;*

22 *(c) Professional engineering; and*



1 (d) *Renewable energy.*

2 4. *Not more than two of the Commissioners may:*

3 (a) *Be members of the same political party; or*

4 (b) *Have expertise in the same field.*

5 5. *A vacancy on the Commission must be appointed in the*  
6 *same manner as the original appointment.*

7 6. *Members of the Commission may be reappointed in the*  
8 *same manner as an original appointment.*

9 **Sec. 5. 1. All Commissioners must:**

10 (a) *Be independent of the industries regulated by the*  
11 *Commission;*

12 (b) *Possess demonstrated competence; and*

13 (c) *Not have a pecuniary interest in any energy company in*  
14 *this State or elsewhere.*

15 2. *Except as otherwise provided in NRS 284.143, the*  
16 *Commissioners shall give their entire time to the business of the*  
17 *Commission and shall not pursue any other business or vocation*  
18 *or hold any other office of profit.*

19 3. *No Commissioner may be a member of any political*  
20 *convention or a member of any committee of any political party.*

21 4. *Before entering upon the duties of his office, each*  
22 *Commissioner shall:*

23 (a) *Swear that all requirements to serve on the Commission*  
24 *have been met; and*

25 (b) *Subscribe to the constitutional oath of office.*

26 5. *The oath of office must be filed in the Office of the*  
27 *Secretary of State.*

28 **Sec. 6. The Chairman of the Commission:**

29 1. *Shall serve for a term of 2 years;*

30 2. *Is a position which rotates among the members of the*  
31 *Commission; and*

32 3. *Serves as the Executive Officer of the Commission.*

33 **Sec. 7. 1. A majority of the Commissioners has full power**  
34 *to act in all matters within the jurisdiction of the Commission.*

35 2. *Before the Commission may enter a final order on a*  
36 *matter, there must be at least two Commissioners who are able to*  
37 *act on the matter.*

38 3. *Except as otherwise provided in this chapter, all hearings*  
39 *and meetings conducted by the Commission must be open to the*  
40 *public.*

41 **Sec. 8. The Commission may sue and be sued in the name of**  
42 *the Nevada Energy Commission.*

43 **Sec. 9. 1. The Commission shall keep its principal office at**  
44 *Carson City, Nevada, in rooms provided by the Buildings and*



1 *Grounds Division of the Department of Administration and may*  
2 *maintain another office in Las Vegas, Nevada.*

3 2. *If an office is so maintained in Las Vegas, any document*  
4 *which is required to be filed with the Commission may be filed at*  
5 *its office in Las Vegas with the same effect as if it were filed at the*  
6 *office in Carson City.*

7 **Sec. 10. 1.** *The Commission shall appoint a Deputy*  
8 *Commissioner who shall serve in the unclassified service of the*  
9 *State.*

10 2. *The Commission shall appoint a Secretary who shall*  
11 *perform such administrative and other duties as are prescribed by*  
12 *the Commission. The Commission shall also appoint an Assistant*  
13 *Secretary.*

14 3. *The Commission may employ or contract with such*  
15 *persons as may be necessary to conduct the business of the*  
16 *Commission within limits of legislative appropriations and*  
17 *authorizations.*

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

22 2. *The per diem allowance and travel expenses of the*  
23 *members of the Commission and its staff must be paid at the rate*  
24 *established for state officers and employees generally.*

25 **Sec. 12.** *The Commission may do all things necessary and*  
26 *convenient to carry out the provisions of this chapter, including,*  
27 *without limitation, prescribing such forms and adopting such*  
28 *procedures as are necessary to carry out the provisions of this*  
29 *chapter.*

30 **Sec. 13.** NRS 701.020 is hereby amended to read as follows:

31 701.020 As used in this chapter, unless the context otherwise  
32 requires, the words and terms defined in NRS 701.030 to ~~701.090,~~  
33 **701.080**, inclusive, *and sections 2 and 3 of this act* have the  
34 meanings ascribed to them in those sections.

35 **Sec. 14.** NRS 701.160 is hereby amended to read as follows:

36 701.160 The ~~Director~~ **Commission** shall prepare a report  
37 concerning the status of energy in the State of Nevada and submit it  
38 to:

39 1. The Governor on or before January 30 of each year; and

40 2. The ~~Legislature~~ **Director of the Legislative Counsel**  
41 **Bureau** on or before January 30 of each ~~odd-numbered~~ year.

42 **Sec. 15.** NRS 701.170 is hereby amended to read as follows:

43 701.170 The ~~Director~~ **Commission** may:

44 1. Administer any gifts or grants which the ~~Office of Energy~~  
45 **Commission** is authorized to accept for the purposes of this chapter.



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

5 3. Enter into any cooperative agreement with any federal or  
6 state agency or political subdivision.

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

10 5. Assist developers of renewable energy generation projects  
11 *or renewable energy transmission projects* in preparing and making  
12 requests to obtain money for development through the issuance of  
13 industrial development revenue bonds pursuant to NRS 349.400 to  
14 349.670, inclusive.

15 6. Adopt any regulations that the ~~{Director}~~ *Commission*  
16 determines are necessary to carry out ~~{the}~~ *its* duties ~~{of the Office~~  
17 ~~{of Energy.}~~ pursuant to this chapter.

18 7. Within the limits of legislative appropriations and other  
19 money authorized for expenditure for such purposes, promote,  
20 participate in the operation of, and create or cause to be created, any  
21 nonprofit corporation, pursuant to chapter 82 of NRS, which ~~{the}~~  
22 *the Commission* determines is necessary or convenient for the  
23 exercise of the powers and duties of the ~~{Office of Energy.}~~  
24 *Commission*. The purposes, powers and operation of the corporation  
25 must be consistent with the purposes, powers and duties of the  
26 ~~{Office of Energy.}~~ *Commission*.

27 8. Within the limits of legislative appropriations and other  
28 money authorized for expenditure for such purposes, negotiate and  
29 execute agreements with public or private entities which are  
30 necessary to the exercise of the powers and duties of the ~~{Director or~~  
31 ~~{the Office of Energy.}~~ *Commission*.

32 **Sec. 16.** NRS 701.180 is hereby amended to read as follows:

33 701.180 The ~~{Director}~~ *Commission* shall:

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

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

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

43 (a) The level of demand for energy in the State for 5-, 10- and  
44 20-year periods;



- 1 (b) The amount of energy available to meet each level of  
2 demand;
- 3 (c) The probable implications of the forecast on the demand and  
4 supply of energy; and
- 5 (d) The sources of renewable energy and other alternative  
6 sources of energy which are available and their possible effects.
- 7 4. Study means of reducing wasteful, inefficient, unnecessary  
8 or uneconomical uses of energy and encourage the maximum  
9 utilization of existing sources of energy in the State.
- 10 5. Encourage the development of:
- 11 (a) Any sources of renewable energy and any other energy  
12 projects which will benefit the State; and
- 13 (b) Any measures which conserve or reduce the demand for  
14 energy or which result in more efficient use of energy.
- 15 6. In conjunction with the Desert Research Institute, review  
16 policies relating to the research and development of the State's  
17 geothermal resources and make recommendations to the appropriate  
18 state and federal agencies for establishing methods of developing  
19 the geothermal resources within the State.
- 20 7. Solicit and serve as the point of contact for grants and other  
21 money from the Federal Government and other sources to promote:
- 22 (a) Energy projects that enhance the economic development of  
23 the State;
- 24 (b) The use of renewable energy; and
- 25 (c) The use of measures which conserve or reduce the demand  
26 for energy or which result in more efficient use of energy.
- 27 8. Coordinate the activities and programs of the ~~Office of~~  
28 ~~Energy] Commission~~ with the activities and programs of ~~the Task~~  
29 ~~Force,] the Consumer's Advocate , [and] the Public Utilities~~  
30 Commission of Nevada and other federal, state and local officers  
31 and agencies that promote, fund, administer or operate activities and  
32 programs related to the use of renewable energy and the use of  
33 measures which conserve or reduce the demand for energy or which  
34 result in more efficient use of energy.
- 35 9. ~~[Carry out all other directives concerning energy that are~~  
36 ~~prescribed by the Governor.] Create renewable energy zones and~~  
37 ~~solicit and review proposals for renewable energy transmission~~  
38 ~~projects in those zones. If the Commission finds that no submitted~~  
39 ~~proposals are suitable for financing, the Commission may plan,~~  
40 ~~build and divest itself of a renewable energy transmission project.~~
- 41 10. *Coordinate with entities within and outside of this State to*  
42 *effectively transmit electricity generated from renewable energy.*
- 43 11. *Develop a program to provide for energy conservation in*  
44 *this State that provides rebates or incentives for such conservation.*



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

4 *13. Carry out programs of energy conservation,*  
5 *weatherization and energy efficiency for eligible households*  
6 *pursuant to NRS 702.270.*

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

8 701.190 1. The ~~Director~~ *Commission* shall prepare a  
9 comprehensive state energy plan which provides for the promotion  
10 of:

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

13 (b) The use of renewable energy; and

14 (c) The use of measures which conserve or reduce the demand  
15 for energy or which result in more efficient use of energy.

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

18 (a) The assessment of the potential benefits of proposed energy  
19 projects on the economic development of the State.

20 (b) The education of persons and entities concerning renewable  
21 energy and measures which conserve or reduce the demand for  
22 energy or which result in more efficient use of energy.

23 (c) The creation of incentives for investment in and the use of  
24 renewable energy and measures which conserve or reduce the  
25 demand for energy or which result in more efficient use of energy.

26 (d) Grants and other money to establish programs and conduct  
27 activities which promote:

28 (1) Energy projects that enhance the economic development  
29 of the State;

30 (2) The use of renewable energy; and

31 (3) The use of measures which conserve or reduce the  
32 demand for energy or which result in more efficient use of energy.

33 (e) The development or incorporation by reference of model and  
34 uniform building and energy codes and standards which are written  
35 in language that is easy to understand and which include  
36 performance standards for conservation of energy and efficient use  
37 of energy.

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

40 (g) Any other matter that the ~~Task Force~~ *Commission*  
41 determines to be relevant to the issues of energy resources, energy  
42 use, energy conservation and energy efficiency.

43 **Sec. 18.** NRS 701.200 is hereby amended to read as follows:

44 701.200 1. The ~~Director~~ *Commission* may recommend to  
45 state agencies, local governments and appropriate private persons



1 and entities, standards for conservation of energy and its sources and  
2 for carrying out the comprehensive state energy plan.

3 2. In recommending such standards, the ~~{Director}~~  
4 *Commission* shall consider the usage of energy and its sources in  
5 the State and the methods available for conservation of those  
6 sources.

7 **Sec. 19.** NRS 701.210 is hereby amended to read as follows:

8 701.210 The ~~{Director}~~ *Commission* shall:

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

13 2. Carry out and administer any federal programs which  
14 authorize state participation in fuel allocation programs.

15 **Sec. 20.** NRS 701.215 is hereby amended to read as follows:

16 701.215 The ~~{Director}~~ *Commission* shall prepare a state  
17 energy reduction plan which requires state agencies, departments  
18 and other entities in the Executive Branch to reduce grid-based  
19 energy purchases for state-owned buildings by 20 percent by 2015.

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

21 701.220 1. The ~~{Director}~~ *Commission* shall adopt  
22 regulations for the conservation of energy in buildings, including  
23 manufactured homes. Such regulations must include the adoption of  
24 the most recent version of the International Energy Conservation  
25 Code, issued by the International Code Council, *and ASHRAE*  
26 *Standard 90.1-2007, Energy Standard for Buildings Except Low-*  
27 *Rise Residential Buildings, issued by the American Society of*  
28 *Heating, Refrigerating and Air-Conditioning Engineers, Inc.*, and  
29 any amendments to the Code or Standard that will not materially  
30 lessen the effective energy savings requirements of the Code or  
31 Standard and are deemed necessary to support effective compliance  
32 and enforcement of the Code ~~{}~~ *or Standard*, and must establish the  
33 minimum standards for:

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

35 (b) The equipment and systems for heating, ventilation and air-  
36 conditioning;

37 (c) Electrical equipment and systems;

38 (d) Insulation; and

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

40 ➔ The regulations must provide for the adoption of the most recent  
41 version of the International Energy Conservation Code ~~{}~~ *and the*  
42 *Standard*, and any amendments thereto, every third year.

43 2. The ~~{Director}~~ *Commission* may exempt a building from a  
44 standard if ~~{he}~~ *the Commission* determines that application of the



1 standard to the building would not accomplish the purpose of the  
2 regulations.

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

6 4. The standards adopted by the ~~[Director]~~ **Commission** are the  
7 minimum standards for the conservation of energy and energy  
8 efficiency ~~[which apply only to areas in which the governing body  
9 of the local government has not adopted standards for the  
10 conservation of energy and energy efficiency in buildings. Such  
11 governing bodies shall assist the Director in the enforcement of the  
12 regulations adopted pursuant to this section.]~~ **in buildings in this  
13 State. The governing body of a local government that is authorized  
14 by law to adopt and enforce a building code:**

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

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

20 (c) **Shall enforce the standards adopted.**

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

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

24 (b) Contractors;

25 (c) Public utilities;

26 (d) Local building officials; and

27 (e) The general public,

28 ↪ before adopting any regulations. The ~~[Director]~~ **Commission**  
29 must conduct at least three hearings in different locations in the  
30 State, after giving 30 days' notice of each hearing, before ~~[he]~~ **the  
31 Commission** may adopt any regulations pursuant to this section.

32 **Sec. 22.** NRS 701.230 is hereby amended to read as follows:

33 701.230 1. In a county whose population is 100,000 or more,  
34 a building whose construction began on or after October 1, 1983,  
35 must not contain a system using electric resistance for heating  
36 spaces unless:

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

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

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



1 2. This section does not prohibit the use of incandescent or  
2 fluorescent lighting.

3 **Sec. 23.** NRS 701.240 is hereby amended to read as follows:

4 701.240 1. The ~~{Director}~~ **Commission** shall develop a  
5 program to distribute money, within the limits of legislative  
6 appropriation, in the form of grants, incentives or rebates to persons  
7 to pay or defray, in whole or in part, the costs for those persons to  
8 acquire, install or improve net metering systems, if the ~~{Director}~~  
9 **Commission** determines that the distribution of money to a person  
10 for that purpose will encourage, promote or stimulate:

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

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

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

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

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

24 2. The ~~{Director}~~ **Commission** may adopt any regulations that  
25 are necessary to carry out the provisions of this section.

26 3. The ~~{Director}~~ **Commission** shall not distribute money to  
27 any person pursuant to this section unless:

28 (a) The person complies with any requirements that the  
29 ~~{Director}~~ **Commission** adopts by regulation; and

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

33 4. As used in this section, "person" includes, without  
34 limitation, any state or local governmental agency or entity.

35 **Sec. 24.** NRS 701.250 is hereby amended to read as follows:

36 701.250 1. The ~~{Director}~~ **Commission** shall adopt  
37 regulations establishing a program for evaluating the energy  
38 consumption of residential property in this State.

39 2. The regulations must include, without limitation:

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

42 (b) Provisions prescribing a form to be used pursuant to NRS  
43 113.115, including, without limitation, provisions that require a  
44 portion of the form to provide information on programs created



1 pursuant to NRS 702.275 and other programs of improving energy  
2 conservation and energy efficiency in residential property.

3 3. As used in this section:

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

8 (b) "Residential property" means any land in this State to which  
9 is affixed not less than one or more than four dwelling units.

10 **Sec. 25.** NRS 701.260 is hereby amended to read as follows:

11 701.260 1. Between January 1, 2012, and December 31,  
12 2015, inclusive, no general purpose light may be sold in this State  
13 unless it produces at least 25 lumens per watt of electricity  
14 consumed.

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

20 3. The ~~Director~~ **Commission** shall adopt regulations to carry  
21 out the provisions of this section. The regulations must, without  
22 limitation:

23 (a) Establish a minimum standard of energy efficiency for  
24 lumens per watt of electricity consumed that must be produced by  
25 general purpose lights sold in this State on and after January 1,  
26 2016. The minimum standard of energy efficiency established by  
27 the ~~Director~~ **Commission** must exceed 25 lumens per watt of  
28 electricity consumed.

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

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

39 **Sec. 26.** NRS 701.370 is hereby amended to read as follows:

40 701.370 1. The Trust Fund for Renewable Energy and  
41 Energy Conservation is hereby created in the State Treasury.

42 2. The ~~Task Force~~ **Commission** shall administer the Fund. As  
43 administrator of the Fund, the ~~Task Force~~ **Commission**:

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



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

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

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

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

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

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

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

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

18 6. All money that is deposited or paid into the Fund may only  
19 be expended pursuant to an allocation made by the ~~Task Force~~  
20 **Commission**. Money expended from the Fund must not be used to  
21 supplant existing methods of funding that are available to public  
22 agencies.

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

24 701.380 ~~{1.}~~ The ~~Task Force~~ **Commission** shall:

25 ~~{(a) Advise the Office of Energy in:~~

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

30 ~~— (2) The distribution of money to persons pursuant to NRS~~  
31 ~~701.240 to pay or defray, in whole or in part, the costs for those~~  
32 ~~persons to acquire, install or improve net metering systems.~~

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

40 ~~— (c) I.~~ Spend the money in the Trust Fund for Renewable  
41 Energy and Energy Conservation to:

42 ~~{(1)}~~ (a) Educate persons and entities concerning renewable  
43 energy and measures which conserve or reduce the demand for  
44 energy or which result in more efficient use of energy.



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

4 ~~[(3)]~~ (c) *Establish a program to offset consumer utility*  
5 *costs.*

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

10 ~~[(4)]~~ (e) Conduct feasibility studies, including, without  
11 limitation, any feasibility studies concerning the establishment or  
12 expansion of any grants, incentives, rebates or other programs to  
13 enable or assist persons to reduce the cost of purchasing on-site  
14 generation systems, net metering systems and distributed generation  
15 systems that use renewable energy.

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

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

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

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

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

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

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

38 3. As used in this section, "distributed generation system"  
39 means a facility or system for the generation of electricity that is in  
40 close proximity to the place where the electricity is consumed.

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

43 1. *A person who intends to locate a facility for the generation*  
44 *of electricity from renewable energy in this State may apply to the*  
45 *Commission on Economic Development for a partial abatement of*



1 *one or more of the local sales and use taxes or taxes imposed*  
2 *pursuant to chapter 361 of NRS, other than any taxes imposed for*  
3 *public education.*

4 *2. Except as otherwise provided in subsection 3, the*  
5 *Commission on Economic Development shall approve an*  
6 *application for a partial abatement pursuant to this section if the*  
7 *Commission makes the following determinations:*

8 *(a) The facility is consistent with:*

9 *(1) The State Plan for Industrial Development and*  
10 *Diversification that is developed by the Commission pursuant to*  
11 *NRS 231.067; and*

12 *(2) Any guidelines adopted pursuant to the State Plan.*

13 *(b) The applicant has executed an agreement with the*  
14 *Commission which must:*

15 *(1) State that the facility will, after the date on which a*  
16 *certificate of eligibility for the abatement is issued pursuant to*  
17 *subsection 5, continue in operation in this State for a period*  
18 *specified by the Commission, which must be at least 5 years, and*  
19 *will continue to meet the eligibility requirements for the*  
20 *abatement; and*

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

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

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

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

35 *3. If a person submits an application to the Commission on*  
36 *Economic Development pursuant to subsection 1, the*  
37 *Commission:*

38 *(a) Shall not consider the application unless the Commission*  
39 *has requested a letter of acknowledgment of the request for the*  
40 *abatement from any affected county, city or town.*

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



1       4. *If the Commission on Economic Development approves an*  
2 *application for a partial abatement pursuant to this section of:*

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

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

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

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

16       (b) *Local sales and use taxes, the partial abatement must:*

17           (1) *Be for a duration of 2 years or, if the agreement*  
18 *required by paragraph (b) of subsection 2 requires that at least 30*  
19 *percent of the materials used in the construction of the facility*  
20 *must be purchased in this State, for a duration of 5 years;*

21           (2) *Be equal to 50 percent of the local sales and use taxes*  
22 *payable by the facility each year, other than any taxes imposed for*  
23 *public education; and*

24           (3) *Not apply during any period in which the facility is*  
25 *receiving another abatement or exemption from local sales and*  
26 *use taxes.*

27       5. *Upon approving an application for a partial abatement*  
28 *pursuant to this section, the Commission on Economic*  
29 *Development shall immediately forward a certificate of eligibility*  
30 *for the abatement to:*

31           (a) *The Department of Taxation;*

32           (b) *The Nevada Tax Commission;*

33           (c) *The Nevada Energy Commission; and*

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

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

40       7. *An applicant for an abatement who is aggrieved by a final*  
41 *decision of the Commission on Economic Development may*  
42 *petition for judicial review in the manner provided in chapter*  
43 *233B of NRS.*

44       8. *As used in this section:*



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

3 (1) Agricultural crops and agricultural wastes and  
4 residues;

5 (2) Wood and wood wastes and residues;

6 (3) Animal wastes;

7 (4) Municipal wastes; and

8 (5) Aquatic plants.

9 (b) "Facility for the generation of electricity from renewable  
10 energy" and "facility" mean a facility for the generation of  
11 electricity that:

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

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

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

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

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

27 (e) "Renewable energy" means:

28 (1) Biomass;

29 (2) Fuel cells;

30 (3) Solar energy;

31 (4) Waterpower; or

32 (5) Wind.

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

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

36 (1) Any ad valorem tax authorized or required by chapter  
37 387 of NRS;

38 (2) Any ad valorem tax authorized or required by chapter  
39 350 of NRS for the obligations of a school district, including,  
40 without limitation, any ad valorem tax necessary to carry out the  
41 provisions of subsection 5 of NRS 350.020;

42 (3) The taxes imposed by NRS 374.110, 374.190 and  
43 374A.010; and



1           (4) *Any other ad valorem tax or local sales and use taxes*  
2 *for which the proceeds thereof are dedicated to the public*  
3 *education of pupils in kindergarten through grade 12.*

4       **Sec. 29.** NRS 701A.100 is hereby amended to read as follows:

5       701A.100 1. The ~~{Director of the Office of Energy}~~ *Nevada*  
6 *Energy Commission* shall adopt a Green Building Rating System  
7 for the purposes of determining the eligibility of a building or other  
8 structure for a tax abatement pursuant to NRS 701A.110.

9       2. The Green Building Rating System must include standards  
10 and ratings equivalent to the standards and ratings provided pursuant  
11 to the Leadership in Energy and Environmental Design Green  
12 Building Rating System, except that the standards adopted by the  
13 ~~{Director}~~ *Nevada Energy Commission*:

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

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

19           (2) Standards for homes;

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

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

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

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

27           (3) At least 8 points of credit for energy conservation to meet  
28 the equivalent of the platinum level.

29       3. As used in this section, “home” means a building or other  
30 structure for which the principal use is as a residential dwelling for  
31 not more than four families.

32       **Sec. 30.** NRS 701A.110 is hereby amended to read as follows:

33       701A.110 1. Except as otherwise provided in this section, the  
34 ~~{Director}~~ *Nevada Energy Commission* shall grant a partial  
35 abatement from the portion of the taxes imposed pursuant to chapter  
36 361 of NRS, other than any taxes imposed for public education, on a  
37 building or other structure that is determined to meet the equivalent  
38 of the silver level or higher by an independent contractor authorized  
39 to make that determination in accordance with the Green Building  
40 Rating System adopted by the ~~{Director}~~ *Nevada Energy*  
41 *Commission* pursuant to NRS 701A.100, if:

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



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

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

5 (b) The owner of the property:

6 (1) Submits an application for the partial abatement to the  
7 ~~Director~~ *Nevada Energy Commission*. If such an application is  
8 submitted for a project that has not been completed on the date of  
9 that submission and there is a significant change in the scope of the  
10 project after that date, the application must be amended to include  
11 the change or changes.

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

22 2. As soon as practicable after the ~~Director~~ *Nevada Energy*  
23 *Commission* receives:

24 (a) The application required by subsection 1, the ~~Director~~  
25 *Nevada Energy Commission* shall forward a copy of that  
26 application to the:

27 (1) Chief of the Budget Division of the Department of  
28 Administration;

29 (2) Department of Taxation;

30 (3) County assessor;

31 (4) County treasurer; and

32 (5) Commission on Economic Development.

33 (b) The application and proof required by subsection 1, the  
34 ~~Director~~ *Nevada Energy Commission* shall determine whether the  
35 building or other structure is eligible for the abatement and, if so,  
36 forward a certificate of eligibility for the abatement to the:

37 (1) Department of Taxation;

38 (2) County assessor;

39 (3) County treasurer; and

40 (4) Commission on Economic Development.

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

42 (a) An application pursuant to paragraph (a) of subsection 2:

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



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

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

8 4. The partial abatement:

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

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

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

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

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

28 (c) Terminates upon any determination by the ~~Director~~ *Nevada*  
29 *Energy Commission* that the building or other structure has ceased  
30 to meet the equivalent of the silver level or higher. The ~~Director~~  
31 *Nevada Energy Commission* shall provide notice and a reasonable  
32 opportunity to cure any noncompliance issues before making a  
33 determination that the building or other structure has ceased to meet  
34 that standard. The ~~Director~~ *Nevada Energy Commission* shall  
35 immediately provide notice of each determination of termination to  
36 the:

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

39 (2) County assessor;

40 (3) County treasurer; and

41 (4) Commission on Economic Development.

42 5. The ~~Director~~ *Nevada Energy Commission* shall adopt  
43 regulations:

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



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

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

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

11 6. As used in this section:

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

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

17 ~~(e)~~ "Taxes imposed for public education" means:

18 (1) Any ad valorem tax authorized or required by chapter  
19 387 of NRS;

20 (2) Any ad valorem tax authorized or required by chapter  
21 350 of NRS for the obligations of a school district, including,  
22 without limitation, any ad valorem tax necessary to carry out the  
23 provisions of subsection 5 of NRS 350.020; and

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

27 **Sec. 31.** NRS 701B.080 is hereby amended to read as follows:

28 701B.080 "Participant" means a person who has been selected  
29 by the ~~Task Force~~ *Nevada Energy Commission* to participate in  
30 the Solar Program.

31 **Sec. 32.** NRS 701B.200 is hereby amended to read as follows:

32 701B.200 The *Public Utilities Commission of Nevada* shall  
33 adopt regulations necessary to carry out the provisions of NRS  
34 701B.010 to 701B.290, inclusive, including, without limitation,  
35 regulations that establish:

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

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

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

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

44 (c) A detailed account of administrative processes and forms  
45 that will be used to carry out and administer the Solar Program,



1 including, without limitation, a description of the application  
2 process and copies of all applications and any other forms that are  
3 necessary to apply for and participate in the Solar Program;

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

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

9 (f) Any other information required by the *Public Utilities*  
10 Commission ~~of~~ *Nevada*.

11 **Sec. 33.** NRS 701B.210 is hereby amended to read as follows:

12 701B.210 The *Public Utilities* Commission *of Nevada* shall  
13 adopt regulations that establish:

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

16 (a) School property;

17 (b) Public and other property; and

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

19 2. The form and content of the master application which a  
20 utility must submit to the ~~Task Force~~ *Nevada Energy Commission*  
21 pursuant to NRS 701B.250.

22 **Sec. 34.** NRS 701B.220 is hereby amended to read as follows:

23 701B.220 In adopting regulations for the Solar Program, the  
24 *Public Utilities* Commission *of Nevada* shall adopt regulations  
25 establishing an incentive for participation in the Solar Program.

26 **Sec. 35.** NRS 701B.230 is hereby amended to read as follows:

27 701B.230 1. Each year on or before the date established by  
28 the *Public Utilities* Commission ~~of~~ *Nevada*, a utility shall file  
29 with the *Public Utilities* Commission its annual plan for carrying  
30 out and administering the Solar Program within its service area for a  
31 program year.

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

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

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

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

42 4. A utility may recover its reasonable and prudent costs,  
43 including, without limitation, customer incentives, that are  
44 associated with carrying out and administering the Solar Program  
45 within its service area by seeking recovery of those costs in an



1 appropriate proceeding before the *Public Utilities* Commission of  
2 *Nevada* pursuant to NRS 704.110.

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

4 701B.240 1. The Solar Energy Systems Incentive Program is  
5 hereby created.

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

7 (a) School property;

8 (b) Public and other property; and

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

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

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

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

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

21 (d) If the person will be participating in the Solar Program in the  
22 category of school property or public and other property, provide for  
23 the public display of the solar energy system, including, without  
24 limitation, providing for public demonstrations of the solar energy  
25 system and for hands-on experience of the solar energy system by  
26 the public.

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

28 701B.250 1. If an applicant desires to participate in the Solar  
29 Program for a program year, the applicant must submit an  
30 application to a utility. If an applicant desires to participate in the  
31 category of school property or public and other property, the  
32 applicant may submit an application for multiple program years, not  
33 to exceed 5 years.

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

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

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

44 3. At any time after submitting an application to a utility, an  
45 applicant may install or energize his solar energy system if the solar



1 energy system meets all applicable building codes and all applicable  
2 requirements of the utility as approved by the *Public Utilities*  
3 Commission ~~of~~ *of Nevada*. An applicant who installs or energizes  
4 his solar energy system under such circumstances remains eligible  
5 to participate in the Solar Program, and the installation or energizing  
6 of the solar energy system does not alter the applicant's status on the  
7 list of participants or the prioritized waiting list pursuant to  
8 NRS 701B.260.

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

10 701B.260 1. Except as otherwise provided in this section, the  
11 *Public Utilities* Commission *of Nevada* may approve, for a program  
12 year, solar energy systems:

13 (a) Totaling 2,000 kilowatts of capacity for school property;

14 (b) Totaling 760 kilowatts of capacity for public and other  
15 property; and

16 (c) Totaling 1,000 kilowatts of capacity for private residential  
17 property and small business property.

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

22 (a) Allow a utility to submit additional applications to the ~~Task~~  
23 ~~Force~~ *Nevada Energy Commission* from applicants who want to  
24 participate in that category; or

25 (b) Reallocate any of the unused capacity in that category to any  
26 of the other categories,

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

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

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



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

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

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

13 6. After the ~~[Task-Foree]~~ *Nevada Energy Commission* selects  
14 an applicant to be on the list of participants, the utility which  
15 submitted the application to the ~~[Task-Foree]~~ *Nevada Energy*  
16 *Commission* on behalf of the applicant may approve the solar  
17 energy system proposed by the applicant. Except as otherwise  
18 provided in subsection 3 of NRS 701B.250, immediately upon the  
19 utility's approval of the solar energy system, the applicant may  
20 install and energize the solar energy system.

21 **Sec. 39.** NRS 701B.270 is hereby amended to read as follows:

22 701B.270 1. Except as otherwise provided in this section, if  
23 the *Public Utilities Commission of Nevada* determines that a  
24 participant has not complied with the requirements for participation  
25 in the Solar Program, the *Public Utilities Commission* shall, after  
26 notice and an opportunity for a hearing, withdraw the participant  
27 from the Solar Program.

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

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

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

41 3. A participant who is withdrawn from the Solar Program  
42 pursuant to subsection 2 forfeits any incentives.

43 **Sec. 40.** NRS 701B.290 is hereby amended to read as follows:

44 701B.290 1. After a participant installs a solar energy system  
45 included in the Solar Program, the *Public Utilities Commission of*



1 *Nevada* shall issue portfolio energy credits for use within the system  
2 of portfolio energy credits adopted by the *Public Utilities*  
3 Commission pursuant to NRS 704.7821.

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

8 3. All portfolio energy credits issued for a solar energy system  
9 installed pursuant to the Solar Program must be assigned to and  
10 become the property of the utility administering the Program.

11 **Sec. 41.** NRS 701B.470 is hereby amended to read as follows:

12 701B.470 "Participant" means a person who has been selected  
13 by the ~~{Task-Force}~~ *Nevada Energy Commission* pursuant to NRS  
14 701B.620 to participate in the Wind Demonstration Program.

15 **Sec. 42.** NRS 701B.580 is hereby amended to read as follows:

16 701B.580 1. The Wind Energy Systems Demonstration  
17 Program is hereby created.

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

- 19 (a) School property;  
20 (b) Other public property;  
21 (c) Private residential property and small business property; and  
22 (d) Agricultural property.

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

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

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

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

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

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

40 701B.590 The *Public Utilities* Commission *of Nevada* shall  
41 adopt regulations necessary to carry out the provisions of the Wind  
42 Energy Systems Demonstration Program Act, including, without  
43 limitation, regulations that establish:



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

- 4 (a) School property;
- 5 (b) Other public property;
- 6 (c) Private residential property and small business property; and
- 7 (d) Agricultural property.

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

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

- 13 (a) A detailed plan for advertising the Program;
- 14 (b) A detailed budget and schedule for carrying out and  
15 administering the Program;
- 16 (c) A detailed account of administrative processes and forms  
17 that will be used to carry out and administer the Program, including,  
18 without limitation, a description of the application process and  
19 copies of all applications and any other forms that are necessary to  
20 apply for and participate in the Program;
- 21 (d) A detailed account of the procedures that will be used for  
22 inspection and verification of a participant's wind energy system  
23 and compliance with the Program;
- 24 (e) A detailed account of training and educational activities that  
25 will be used to carry out and administer the Program; and
- 26 (f) Any other information required by the *Public Utilities*  
27 *Commission of Nevada*.

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

29 701B.600 1. Each utility shall carry out and administer the  
30 Wind Demonstration Program within its service area in accordance  
31 with its annual plan as approved by the *Public Utilities* Commission  
32 *of Nevada* pursuant to NRS 701B.610.

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

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

40 701B.610 1. On or before February 1, 2008, and on or before  
41 February 1 of each year thereafter, each utility shall file with the  
42 *Public Utilities* Commission *of Nevada* its annual plan for carrying  
43 out and administering the Wind Demonstration Program within its  
44 service area for the following program year.



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

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

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

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

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

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

21 (1) 500 kilowatts of capacity for school property;

22 (2) 500 kilowatts of capacity for other public property;

23 (3) 700 kilowatts of capacity for private residential property  
24 and small business property; and

25 (4) 700 kilowatts of capacity for agricultural property.

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

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

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

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

33 (4) An additional 350 kilowatts of capacity for agricultural  
34 property.

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

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

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

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

42 (4) An additional 350 kilowatts of capacity for agricultural  
43 property.



1       **Sec. 46.** NRS 701B.620 is hereby amended to read as follows:  
2       701B.620 1. Based on the applications submitted by each  
3 utility for a program year, the ~~Task-Force~~ *Nevada Energy*  
4 *Commission* shall:

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

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

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

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

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

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

25       4. At any time after submitting an application to participate in  
26 the Program to a utility, an applicant may energize his wind energy  
27 system if the wind energy system meets all applicable building  
28 codes and all applicable requirements of the utility as approved by  
29 the *Public Utilities Commission of Nevada*. An applicant who  
30 energizes his wind energy system under such circumstances remains  
31 eligible to participate in the Program, and the energizing of the wind  
32 energy system does not alter the applicant's status on the list of  
33 participants or the prioritized waiting list.

34       **Sec. 47.** NRS 701B.630 is hereby amended to read as follows:

35       701B.630 1. Except as otherwise provided in this section, if  
36 the ~~Task-Force~~ *Nevada Energy Commission* determines that a  
37 participant has not complied with the requirements for participation  
38 in the Wind Demonstration Program, the ~~Task-Force~~ *Nevada*  
39 *Energy Commission* shall, after notice and an opportunity for a  
40 hearing, withdraw the participant from the Program.

41       2. The ~~Task-Force~~ *Nevada Energy Commission* may, without  
42 notice or an opportunity for a hearing, withdraw from the Program:

43       (a) A participant in the category of private residential property  
44 and small business property or a participant in the category of  
45 agricultural property if the participant does not complete the



1 installation of a wind energy system within 12 months after the date  
2 the participant receives written notice of his selection to participate  
3 in the Program.

4 (b) A participant in the category of school property or a  
5 participant in the category of other public property if the participant  
6 does not complete the installation of a wind energy system within 30  
7 months after the date the participant receives written notice of his  
8 selection to participate in the Program.

9 3. A participant who is withdrawn from the Program pursuant  
10 to subsection 2 forfeits any incentives.

11 **Sec. 48.** NRS 701B.640 is hereby amended to read as follows:

12 701B.640 1. After a participant installs a wind energy system  
13 included in the Wind Demonstration Program, the *Public Utilities*  
14 Commission *of Nevada* shall issue portfolio energy credits for use  
15 within the system of portfolio energy credits adopted by the *Public*  
16 *Utilities* Commission pursuant to NRS 704.7821 equal to the actual  
17 or estimated kilowatt-hour production of the wind energy system.

18 2. All portfolio energy credits issued for a wind energy system  
19 installed pursuant to the Wind Demonstration Program must be  
20 assigned to and become the property of the utility administering the  
21 Program.

22 **Sec. 49.** NRS 701B.740 is hereby amended to read as follows:

23 701B.740 "Participant" means a person who has been selected  
24 by the *Public Utilities* Commission *of Nevada* to participate in the  
25 Waterpower Demonstration Program.

26 **Sec. 50.** NRS 701B.820 is hereby amended to read as follows:

27 701B.820 1. The Waterpower Energy Systems  
28 Demonstration Program is hereby created.

29 2. The Waterpower Demonstration Program is created for  
30 agricultural uses.

31 3. To be eligible to participate in the Waterpower  
32 Demonstration Program, a person must meet the qualifications  
33 established pursuant to subsection 4 and apply to and be selected by  
34 the ~~Task Force~~ *Nevada Energy Commission* for inclusion in the  
35 Waterpower Demonstration Program.

36 4. The *Public Utilities* Commission *of Nevada* shall adopt  
37 regulations providing for the qualifications an applicant must meet  
38 to qualify to participate in the Waterpower Demonstration Program.

39 **Sec. 51.** NRS 701B.830 is hereby amended to read as follows:

40 701B.830 The ~~Task Force~~ *Nevada Energy Commission* is  
41 responsible for the administration and delivery of the Waterpower  
42 Demonstration Program as approved by the *Public Utilities*  
43 Commission ~~of~~ *of Nevada*.



1       **Sec. 52.** NRS 701B.840 is hereby amended to read as follows:  
2       701B.840 The *Public Utilities Commission of Nevada* shall  
3 adopt regulations that establish:

4       1. The level, amount and type of incentives available for  
5 participants in the Waterpower Demonstration Program.

6       2. The requirements for an annual plan for the administration  
7 and delivery of the Waterpower Demonstration Program. The  
8 requirements for an annual plan must include, without limitation:

- 9       (a) An advertising plan;  
10       (b) A detailed budget;  
11       (c) A schedule;  
12       (d) Administrative processes, including, without limitation, a  
13 copy of the application and process for accepting applications;  
14       (e) An inspection and verification process;  
15       (f) Proposed training and educational activities; and  
16       (g) Any other information required by the *Public Utilities*  
17 *Commission of Nevada*.

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

19       701B.850 1. On or before February 21, 2008, and on or  
20 before February 1 of each subsequent year, each utility shall file  
21 with the *Public Utilities Commission of Nevada* for approval an  
22 annual plan for the administration and delivery of the Waterpower  
23 Demonstration Program for the program year beginning July 1,  
24 2008, and each subsequent year thereafter.

25       2. On or before July 1, 2008, and on or before each July 1 of  
26 each subsequent year, the *Public Utilities Commission of Nevada*  
27 shall review the annual plan for compliance with the requirements  
28 set forth by regulation of the *Public Utilities Commission*.

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

36       4. The ~~Task Force~~ *Nevada Energy Commission* may  
37 approve, from among the applications recommended by each utility,  
38 waterpower energy systems totaling:

- 39       (a) For the program year beginning July 1, 2008, 200 kilowatts  
40 of capacity;  
41       (b) For the program year beginning July 1, 2009, an additional  
42 100 kilowatts of capacity; and  
43       (c) For the program year beginning July 1, 2010, an additional  
44 100 kilowatts of capacity.



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

2     701B.860 Each utility may recover its reasonable and prudent  
3 costs, including, without limitation, customer incentives, that are  
4 associated with carrying out and administering the Waterpower  
5 Demonstration Program within its service area by seeking recovery  
6 of those costs in an appropriate proceeding before the *Public*  
7 *Utilities* Commission *of Nevada* pursuant to NRS 704.110.

8     **Sec. 55.** NRS 701B.870 is hereby amended to read as follows:

9     701B.870 1. After a participant installs a waterpower energy  
10 system included in the Waterpower Demonstration Program, the  
11 *Public Utilities* Commission *of Nevada* shall issue portfolio energy  
12 credits for use within the system of portfolio energy credits adopted  
13 by the *Public Utilities* Commission pursuant to NRS 704.7821 equal  
14 to the actual or estimated kilowatt-hour production of the  
15 waterpower energy system of the participant.

16     2. All portfolio energy credits issued for a waterpower energy  
17 system installed pursuant to the Waterpower Demonstration  
18 Program are assigned to and become the property of the utility  
19 administering the Program.

20     **Sec. 56.** NRS 701B.890 is hereby amended to read as follows:

21     701B.890 If the *Public Utilities* Commission *of Nevada*  
22 determines that a participant did not comply with the requirements  
23 for participation in the Waterpower Demonstration Program, the  
24 *Public Utilities* Commission shall, after notice and an opportunity  
25 for a hearing, withdraw the participant from the Waterpower  
26 Demonstration Program. Notice or a hearing is not required for  
27 dropping an applicant from the Program who fails to meet any  
28 completion time frames specified for the Program.

29     **Sec. 57.** NRS 702.150 is hereby amended to read as follows:

30     702.150 1. The provisions of NRS 702.160 do not apply to  
31 any therm of natural gas or any kilowatt-hour of electricity that a  
32 retail customer purchases from:

33     (a) A rural electric cooperative established pursuant to chapter  
34 81 of NRS.

35     (b) A general improvement district established pursuant to  
36 chapter 318 of NRS.

37     (c) A cooperative association, nonprofit corporation, nonprofit  
38 association or provider of service which is declared to be a public  
39 utility pursuant to NRS 704.673 and which provides service only to  
40 its members.

41     2. If a retail customer is exempted from paying the universal  
42 energy charge pursuant to subsection 1, the retail customer may not  
43 receive money or other assistance from:



1 (a) The Division of Welfare and Supportive Services pursuant to  
2 NRS 702.260 for any utility service for which the retail customer is  
3 exempted from paying the universal energy charge; ~~for~~

4 (b) The ~~[Housing—Division]~~ *Nevada Energy Commission*  
5 pursuant to NRS 702.270 ~~[ ]~~; or

6 *(c) The Housing Division pursuant to NRS 702.275.*

7 **Sec. 58.** NRS 702.260 is hereby amended to read as follows:

8 702.260 1. Seventy-five percent of the money in the Fund  
9 must be distributed to the Division of Welfare and Supportive  
10 Services for programs to assist eligible households in paying for  
11 natural gas and electricity. The Division may use not more than 5  
12 percent of the money distributed to it pursuant to this section for its  
13 administrative expenses.

14 2. Except as otherwise provided in NRS 702.150, after  
15 deduction for its administrative expenses, the Division may use the  
16 money distributed to it pursuant to this section only to:

17 (a) Assist eligible households in paying for natural gas and  
18 electricity.

19 (b) Carry out activities related to consumer outreach.

20 (c) Pay for program design.

21 (d) Pay for the annual evaluations conducted pursuant to  
22 NRS 702.280.

23 3. Except as otherwise provided in subsection 4, to be eligible  
24 to receive assistance from the Division pursuant to this section, a  
25 household must have a household income that is not more than 150  
26 percent of the federally designated level signifying poverty, as  
27 determined by the Division.

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

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

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

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



1 the median percentage of household income spent on natural gas  
2 and electricity statewide.

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

5 (1) The income of the household;

6 (2) The size of the household;

7 (3) The type of energy that the household uses; and

8 (4) Any other factor which, in the determination of the  
9 Division, may make the household particularly vulnerable to  
10 increases in the cost of natural gas or electricity.

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

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

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

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

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

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

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

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

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

32 702.270 1. Twenty-five percent of the money in the Fund  
33 must be distributed to the ~~[Housing Division]~~ *Nevada Energy*  
34 *Commission* for programs of energy conservation, weatherization  
35 and energy efficiency for eligible households. The ~~[Housing~~  
36 ~~Division]~~ *Nevada Energy Commission* may use not more than 6  
37 percent of the money distributed to it pursuant to this section for its  
38 administrative expenses.

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

43 (a) Provide an eligible household with services of basic home  
44 energy conservation and home energy efficiency or to assist an



1 eligible household to acquire such services, including, without  
2 limitation, services of load management.

3 (b) Pay for appropriate improvements associated with energy  
4 conservation, weatherization and energy efficiency.

5 (c) Carry out activities related to consumer outreach.

6 (d) Pay for program design.

7 (e) Pay for the annual evaluations conducted pursuant to  
8 NRS 702.280.

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

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

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

20 (b) A component or system of the unit of housing in which the  
21 household dwells.

22 ➔ Such emergency assistance may be rendered upon the good faith  
23 belief that the household is otherwise eligible to receive assistance  
24 pursuant to this section.

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

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

30 (a) Solicit advice from the Division of Welfare and Supportive  
31 Services *and the Housing Division* and from other knowledgeable  
32 persons;

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

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

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

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



- 1 (f) Develop a process for making changes to such programs; and
- 2 (g) Engage in annual planning and evaluation processes with the
- 3 Division of Welfare and Supportive Services *and the Housing*
- 4 *Division* as required by NRS 702.280.

5 **Sec. 60.** NRS 702.275 is hereby amended to read as follows:

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

15 2. Except as otherwise provided in NRS 702.150, after  
16 deduction for its administrative expenses, the Housing Division may  
17 use the money distributed pursuant to this section only to provide a  
18 qualified purchaser of residential property which has received a  
19 deficient evaluation on the energy consumption of the residential  
20 property pursuant to the program established in NRS 701.250 with a  
21 grant to pay for improvements designed to increase the energy  
22 conservation and energy efficiency of the residential property or to  
23 assist an eligible household in acquiring such improvements.

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

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

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

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

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

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

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

44 (c) Coordinate with other federal, state and local agencies that  
45 provide energy assistance or conservation services to low-income



1 persons and, to the extent allowed by federal law and to the extent  
2 practicable, use the same simplified application forms as those other  
3 agencies;

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

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

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

10 (g) Engage in annual planning and evaluation processes with the  
11 Division of Welfare and Supportive Services *and the Nevada*  
12 *Energy Commission* as required by NRS 702.280.

13 **Sec. 61.** NRS 702.280 is hereby amended to read as follows:

14 702.280 1. The Division of Welfare and Supportive Services  
15 *, the Nevada Energy Commission* and the Housing Division jointly  
16 shall establish an annual plan to coordinate their activities and  
17 programs pursuant to this chapter. In preparing the annual plan, the  
18 ~~[Divisions]~~ *Division of Welfare and Supportive Services, the*  
19 *Nevada Energy Commission and the Housing Division* shall solicit  
20 advice from knowledgeable persons. The annual plan must include,  
21 without limitation, a description of:

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

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

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

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

33 (e) The efforts that will be taken to address issues identified  
34 during the most recently completed annual evaluation conducted  
35 pursuant to subsection 2.

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

38 (a) Conduct an annual evaluation of the programs that ~~[each]~~ *the*  
39 *Division of Welfare and Supportive Services, the Nevada Energy*  
40 *Commission and the Housing Division* carries out pursuant to NRS  
41 702.260, 702.270 and 702.275;

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



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

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

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

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

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

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

16 (e) Any changes planned for each program.

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

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

31 *2. The regulations adopted pursuant to subsection 1 must*  
32 *ensure that the methods and programs consider the recovery of*  
33 *costs, stabilization of revenue and any reduction of risk for the*  
34 *electric utility.*

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

36 113.115 1. Except as otherwise provided in subsection 3, the  
37 seller shall have the energy consumption of the residential property  
38 evaluated pursuant to the program established in NRS 701.250.

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



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

3 (a) By foreclosure pursuant to chapter 107 of NRS.

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

6 (c) By a person who takes temporary possession or control of or  
7 title to the property solely to facilitate the sale of the property on  
8 behalf of a person who relocates to another county, state or country  
9 before title to the property is transferred to a purchaser.

10 (d) If the seller and purchaser agree to waive the requirements of  
11 subsection 1.

12 4. If an evaluation of a residential property was completed not  
13 more than 5 years before the seller and purchaser entered into the  
14 agreement to purchase the residential property, the seller may serve  
15 the purchaser with that evaluation.

16 **Sec. 64.** NRS 332.430 is hereby amended to read as follows:

17 332.430 A qualified service company shall provide to the  
18 ~~{Office of Energy within the Office of the Governor}~~ *Nevada*  
19 *Energy Commission* information concerning each performance  
20 contract which the qualified service company enters into pursuant to  
21 NRS 332.300 to 332.440, inclusive, including, without limitation,  
22 the name of the project, the local government for which the project  
23 is being carried out and the expected operating cost savings. The  
24 ~~{Office of Energy}~~ *Nevada Energy Commission* may report any  
25 energy savings realized as a result of such performance contracts to  
26 the United States Department of Energy pursuant to 42 U.S.C. §  
27 13385.

28 **Sec. 65.** NRS 333A.080 is hereby amended to read as follows:

29 333A.080 1. The State Public Works Board shall determine  
30 those companies that satisfy the requirements of qualified service  
31 companies for the purposes of this chapter. In making such a  
32 determination, the State Public Works Board shall enlist the  
33 assistance of the staffs of the ~~{Office of Energy within the Office of~~  
34 ~~the Governor}~~ *Nevada Energy Commission*, the Buildings and  
35 Grounds Division of the Department of Administration and the  
36 Purchasing Division of the Department of Administration. The State  
37 Public Works Board shall prepare and issue a request for  
38 qualifications to not less than three potential qualified service  
39 companies.

40 2. In sending out a request for qualifications, the State Public  
41 Works Board:

42 (a) Shall attempt to identify at least one potential qualified  
43 service company located within this State; and



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

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

9 (a) Design;

10 (b) Engineering;

11 (c) Installation;

12 (d) Maintenance and repairs associated with performance  
13 contracts;

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

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

19 (g) Data collection and reporting of savings;

20 (h) Overall project experience and qualifications;

21 (i) Management capability;

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

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

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

27 ➔ In determining whether a company satisfies the requirements of a  
28 qualified service company, the State Public Works Board shall also  
29 consider whether the company holds the appropriate licenses  
30 required for the design, engineering and construction which would  
31 be completed pursuant to a performance contract.

32 4. The State Public Works Board shall compile a list of those  
33 companies that it determines satisfy the requirements of qualified  
34 service companies.

35 **Sec. 66.** NRS 333A.140 is hereby amended to read as follows:

36 333A.140 A qualified service company shall provide to the  
37 ~~{Office of Energy within the Office of the Governor}~~ *Nevada*  
38 *Energy Commission* information concerning each performance  
39 contract which the qualified service company enters into pursuant to  
40 this chapter, including, without limitation, the name of the project,  
41 the using agency for which the project is being carried out and the  
42 expected operating cost savings. The ~~{Office of Energy}~~ *Nevada*  
43 *Energy Commission* may report any energy savings realized as a  
44 result of such performance contracts to the United States  
45 Department of Energy pursuant to 42 U.S.C. § 13385.



1       **Sec. 67.** Chapter 349 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       *“Renewable energy transmission project”:*

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

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

9       **Sec. 68.** NRS 349.400 is hereby amended to read as follows:

10       349.400 As used in NRS 349.400 to 349.670, inclusive, *and*  
11 *section 67 of this act*, unless the context otherwise requires, the  
12 words and terms defined in NRS 349.405 to 349.540, inclusive, *and*  
13 *section 67 of this act* have the meanings ascribed to them in those  
14 sections.

15       **Sec. 69.** NRS 349.510 is hereby amended to read as follows:

16       349.510 “Project” means:

17       1. Any land, building or other improvement and all real and  
18 personal properties necessary in connection therewith, excluding  
19 inventories, raw materials and working capital, whether or not in  
20 existence, suitable for new construction, improvement, rehabilitation  
21 or redevelopment for:

22       (a) Industrial uses, including assembling, fabricating,  
23 manufacturing, processing or warehousing;

24       (b) Research and development relating to commerce or industry,  
25 including professional, administrative and scientific offices and  
26 laboratories;


27       (c) Commercial enterprises;

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

33       (e) An educational institution operated by a nonprofit  
34 organization not otherwise directly funded by the State which is  
35 accredited by a nationally recognized educational accrediting  
36 association;

37       (f) Health and care facilities and supplemental facilities for  
38 health and care;

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

40       (h) A renewable energy generation project  *or renewable*  
41 *energy transmission project.*

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



1 3. The preservation of a historic structure or its restoration for  
2 its original or another use, if the plan has been approved by the  
3 Office of Historic Preservation of the Department of Cultural  
4 Affairs.

5 **Sec. 70.** NRS 349.565 is hereby amended to read as follows:

6 349.565 1. The Director may not, under NRS 349.400 to  
7 349.670, inclusive:

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

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

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

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

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

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

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

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

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

36 (g) Renewable energy generation projects **[H]** *or renewable*  
37 *energy transmission projects.*

38 **Sec. 71.** NRS 349.580 is hereby amended to read as follows:

39 349.580 Except as otherwise provided in NRS 349.595 and  
40 349.640, the Director shall not finance a project unless, before  
41 financing:

42 1. The Director finds that:

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



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

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


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

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

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

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

21 (4) Of a historic structure; or

22 (5) For a renewable energy generation project  *or a*  
23 *renewable energy transmission project;*

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

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

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

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

34 (f) The project:

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

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

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

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



1       **Sec. 72.** Title 32 of NRS is hereby amended by adding thereto  
2 a new chapter to consist of the provisions set forth as sections 73 to  
3 98, inclusive, of this act.

4       **Sec. 73.** *As used in this chapter, unless the context otherwise*  
5 *requires, the words and terms defined in sections 74 to 79,*  
6 *inclusive, of this act have the meanings ascribed to them in those*  
7 *sections.*

8       **Sec. 74.** *“Biomass” means any organic matter that is*  
9 *available on a renewable basis, including, without limitation:*

- 10       1. *Agricultural crops and agricultural wastes and residues;*
- 11       2. *Wood and wood wastes and residues;*
- 12       3. *Animal wastes;*
- 13       4. *Municipal wastes; and*
- 14       5. *Aquatic plants.*

15       **Sec. 75.** *“Commission” means the Nevada Tax Commission.*

16       **Sec. 76.** *“Facility for the generation of electricity from*  
17 *renewable energy” means a facility for the generation of*  
18 *electricity that:*

19       1. *Uses renewable energy as its primary source of energy;*  
20 *and*

21       2. *Has a generating capacity of at least 10 kilowatts,*  
22 *↳ except that the term does not include a facility which is located*  
23 *on residential property or a facility which is owned or operated by*  
24 *this State or a political subdivision of this State.*

25       **Sec. 77.** *“Fuel cell” means a device or contrivance which,*  
26 *through the chemical process of combining ions of hydrogen and*  
27 *oxygen, produces electricity and water.*

28       **Sec. 78.** *“Renewable energy” means:*

- 29       1. *Biomass;*
- 30       2. *Fuel cells;*
- 31       3. *Solar energy;*
- 32       4. *Waterpower; or*
- 33       5. *Wind.*

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

36       **Sec. 79.** *“Taxpayer” means any person liable for the tax*  
37 *imposed by this chapter.*

38       **Sec. 80.** *The Department shall:*

39       1. *Administer and enforce the provisions of this chapter, and*  
40 *may adopt such regulations as it deems appropriate for those*  
41 *purposes.*

42       2. *Deposit all taxes, interest and penalties it receives pursuant*  
43 *to this chapter in the State Treasury for credit to the Trust Fund*  
44 *for Renewable Energy and Energy Conservation created by*  
45 *NRS 701.370.*



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

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

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

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

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

15     **3.** *Any person who violates the provisions of subsection 1 is*  
16 *guilty of a misdemeanor.*

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

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

31     **Sec. 83.** *The Executive Director may request from any other*  
32 *governmental agency or officer such information as he deems*  
33 *necessary to carry out the provisions of this chapter. If the*  
34 *Executive Director obtains any confidential information pursuant*  
35 *to such a request, he shall maintain the confidentiality of that*  
36 *information in the same manner and to the same extent as*  
37 *provided by law for the agency or officer from whom the*  
38 *information was obtained.*

39     **Sec. 84. 1.** *Except as otherwise provided in this section and*  
40 *NRS 239.0115 and 360.250, the records and files of the*  
41 *Department concerning the administration of this chapter are*  
42 *confidential and privileged. The Department, and any employee*  
43 *engaged in the administration of this chapter or charged with the*  
44 *custody of any such records or files, shall not disclose any*  
45 *information obtained from the Department's records or files or*



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

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

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

15 *(b) Delivery to a taxpayer or his authorized representative of a*  
16 *copy of any return or other document filed by the taxpayer*  
17 *pursuant to this chapter.*

18 *(c) Publication of statistics so classified as to prevent the*  
19 *identification of a particular person or document.*

20 *(d) Exchanges of information with the Internal Revenue*  
21 *Service in accordance with compacts made and provided for in*  
22 *such cases.*

23 *(e) Disclosure in confidence to the Governor or his agent in*  
24 *the exercise of the Governor's general supervisory powers, or to*  
25 *any person authorized to audit the accounts of the Department in*  
26 *pursuance of an audit, or to the Attorney General or other legal*  
27 *representative of the State in connection with an action or*  
28 *proceeding pursuant to this chapter, or to any agency of this or*  
29 *any other state charged with the administration or enforcement of*  
30 *laws relating to taxation.*

31 *(f) Exchanges of information pursuant to subsection 3.*

32 *3. The Commission may agree with any county fair and*  
33 *recreation board or the governing body of any county, city or town*  
34 *for the continuing exchange of information concerning taxpayers.*

35 **Sec. 85. 1.** *An excise tax is hereby imposed on the*  
36 *generation of electricity by each facility that generates electricity*  
37 *from renewable energy in the amount of 0.39 mills for each*  
38 *kilowatt-hour of electricity generated by the facility during a*  
39 *calendar quarter.*

40 *2. The operator of each facility that generates electricity from*  
41 *renewable energy shall, on or before the last day of the month*  
42 *immediately following each calendar quarter:*

43 *(a) File with the Department a return on a form prescribed by*  
44 *the Department; and*



1 (b) *Remit to the Department any tax due pursuant to this*  
2 *section for that calendar quarter.*

3 **Sec. 86.** *Upon written application made before the date on*  
4 *which payment must be made, the Department may for good cause*  
5 *extend by 30 days the time within which a taxpayer is required to*  
6 *pay the tax imposed by this chapter. If the tax is paid during the*  
7 *period of extension, no penalty or late charge may be imposed for*  
8 *failure to pay at the time required, but the taxpayer shall pay*  
9 *interest at the rate of 1 percent per month from the date on which*  
10 *the amount would have been due without the extension until the*  
11 *date of payment, unless otherwise provided in NRS 360.232 or*  
12 *360.320.*

13 **Sec. 87.** *If the Department determines that any tax, penalty*  
14 *or interest has been paid more than once or has been erroneously*  
15 *or illegally collected or computed, the Department shall set forth*  
16 *that fact in the records of the Department and certify to the State*  
17 *Board of Examiners the amount collected in excess of the amount*  
18 *legally due and the person from whom it was collected or by whom*  
19 *it was paid. If approved by the State Board of Examiners, the*  
20 *excess amount collected or paid must be credited on any amounts*  
21 *then due from the person under this chapter, and the balance*  
22 *refunded to the person or his successors in interest.*

23 **Sec. 88.** *1. Except as otherwise provided in NRS 360.235*  
24 *and 360.395:*

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

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

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

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

37 *4. Within 30 days after rejecting any claim in whole or in*  
38 *part, the Department shall serve notice of its action on the*  
39 *claimant in the manner prescribed for service of notice of a*  
40 *deficiency determination.*

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



1       2. *If the Department determines that any overpayment has*  
2 *been made intentionally or by reason of carelessness, the*  
3 *Department shall not allow any interest on the overpayment.*

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

10       2. *No suit or proceeding may be maintained in any court for*  
11 *the recovery of any amount alleged to have been erroneously or*  
12 *illegally determined or collected unless a claim for refund or credit*  
13 *has been filed.*

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

24       2. *Failure to bring an action within the time specified*  
25 *constitutes a waiver of any demand against the State on account of*  
26 *alleged overpayments.*

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

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

40       3. *The balance of the judgment must be refunded to the*  
41 *plaintiff.*

42       **Sec. 93.** *In any judgment, interest must be allowed at the rate*  
43 *of 6 percent per annum upon the amount found to have been*  
44 *illegally collected from the date of payment of the amount to the*  
45 *date of allowance of credit on account of the judgment, or to a*



1 *date preceding the date of the refund warrant by not more than 30*  
2 *days. The date must be determined by the Department.*

3 **Sec. 94.** *A judgment may not be rendered in favor of the*  
4 *plaintiff in any action brought against the Department to recover*  
5 *any amount paid when the action is brought by or in the name of*  
6 *an assignee of the person paying the amount or by any person*  
7 *other than the person who paid the amount.*

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

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

16 *3. The Attorney General shall prosecute the action, and the*  
17 *provisions of NRS, the Nevada Rules of Civil Procedure and the*  
18 *Nevada Rules of Appellate Procedure relating to service of*  
19 *summons, pleadings, proofs, trials and appeals are applicable to*  
20 *the proceedings.*

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

26 *2. If an amount not exceeding \$25 has been illegally*  
27 *determined, either by the Department or by the person filing the*  
28 *return, the Department, without certifying this fact to the State*  
29 *Board of Examiners, shall authorize the cancellation of the*  
30 *amount upon the records of the Department.*

31 **Sec. 97.** *1. A person shall not:*

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

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

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

44 *2. Any person who violates the provisions of subsection 1 is*  
45 *guilty of a gross misdemeanor.*



1     **Sec. 98.** *The remedies of the State provided for in this*  
2 *chapter are cumulative, and no action taken by the Department or*  
3 *the Attorney General constitutes an election by the State to pursue*  
4 *any remedy to the exclusion of any other remedy for which*  
5 *provision is made in this chapter.*

6     **Sec. 99.** NRS 360.2937 is hereby amended to read as follows:

7     360.2937 1. Except as otherwise provided in this section,  
8 NRS 360.320 or any other specific statute, and notwithstanding the  
9 provisions of NRS 360.2935, interest must be paid upon an  
10 overpayment of any tax provided for in chapter 362, 363A, 363B,  
11 369, 370, 372, 374, 377 or 377A ~~of~~ *of NRS or sections 73 to 98,*  
12 *inclusive, of this act,* any fee provided for in NRS 444A.090 or  
13 482.313, or any assessment provided for in NRS 585.497, at the rate  
14 of 0.5 percent per month from the last day of the calendar month  
15 following the period for which the overpayment was made.

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

19     3. The interest must be paid:

20     (a) In the case of a refund, to the last day of the calendar month  
21 following the date upon which the person making the overpayment,  
22 if he has not already filed a claim, is notified by the Department that  
23 a claim may be filed or the date upon which the claim is certified to  
24 the State Board of Examiners, whichever is earlier.

25     (b) In the case of a credit, to the same date as that to which  
26 interest is computed on the tax or the amount against which the  
27 credit is applied.

28     **Sec. 100.** NRS 360.297 is hereby amended to read as follows:

29     360.297 1. A responsible person who fails to collect or pay to  
30 the Department any tax or fee imposed by this chapter, chapter  
31 363A, 363B, 368A, 369, 370, 372 or 374 of NRS, *or sections 73 to*  
32 *98, inclusive, of this act,* NRS 444A.090 or 482.313, or chapter  
33 680B of NRS, or who attempts to evade the payment of any such tax  
34 or fee, is jointly and severally liable with any other person who is  
35 required to pay such a tax or fee for the tax or fee owed plus interest  
36 and all applicable penalties. The responsible person shall pay the tax  
37 or fee upon notice from the Department that it is due.

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

39     (a) An officer or employee of a corporation; and

40     (b) A member or employee of a partnership or limited-liability  
41 company,

42     ↳ whose job or duty it is to collect, account for or pay to the  
43 Department any tax or fee imposed by this chapter, chapter 363A,  
44 363B, 368A, 369, 370, 372 or 374 of NRS, *or sections 73 to 98,*



1 *inclusive, of this act*, NRS 444A.090 or 482.313, or chapter 680B of  
2 NRS.

3 **Sec. 101.** NRS 360.300 is hereby amended to read as follows:

4 360.300 1. If a person fails to file a return or the Department  
5 is not satisfied with the return or returns of any tax, contribution or  
6 premium or amount of tax, contribution or premium required to be  
7 paid to the State by any person, in accordance with the applicable  
8 provisions of this chapter, chapter 360B, 362, 363A, 363B, 369,  
9 370, 372, 372A, 374, 377, 377A or 444A of NRS, *or sections 73 to*  
10 *98, inclusive, of this act*, NRS 482.313, or chapter 585 or 680B of  
11 NRS as administered or audited by the Department, it may compute  
12 and determine the amount required to be paid upon the basis of:

13 (a) The facts contained in the return;

14 (b) Any information within its possession or that may come into  
15 its possession; or

16 (c) Reasonable estimates of the amount.

17 2. One or more deficiency determinations may be made with  
18 respect to the amount due for one or for more than one period.

19 3. In making its determination of the amount required to be  
20 paid, the Department shall impose interest on the amount of tax  
21 determined to be due, calculated at the rate and in the manner set  
22 forth in NRS 360.417, unless a different rate of interest is  
23 specifically provided by statute.

24 4. The Department shall impose a penalty of 10 percent in  
25 addition to the amount of a determination that is made in the case of  
26 the failure of a person to file a return with the Department.

27 5. When a business is discontinued, a determination may be  
28 made at any time thereafter within the time prescribed in NRS  
29 360.355 as to liability arising out of that business, irrespective of  
30 whether the determination is issued before the due date of the  
31 liability.

32 **Sec. 102.** NRS 360.417 is hereby amended to read as follows:

33 360.417 Except as otherwise provided in NRS 360.232 and  
34 360.320, and unless a different penalty or rate of interest is  
35 specifically provided by statute, any person who fails to pay any tax  
36 provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377,  
37 377A, 444A or 585 of NRS, *or sections 73 to 98, inclusive, of this*  
38 *act*, or any fee provided for in NRS 482.313, and any person or  
39 governmental entity that fails to pay any fee provided for in NRS  
40 360.787, to the State or a county within the time required, shall pay  
41 a penalty of not more than 10 percent of the amount of the tax or fee  
42 which is owed, as determined by the Department, in addition to the  
43 tax or fee, plus interest at the rate of 1 percent per month, or fraction  
44 of a month, from the last day of the month following the period for  
45 which the amount or any portion of the amount should have been



1 reported until the date of payment. The amount of any penalty  
2 imposed must be based on a graduated schedule adopted by the  
3 Nevada Tax Commission which takes into consideration the length  
4 of time the tax or fee remained unpaid.

5 **Sec. 103.** NRS 360.419 is hereby amended to read as follows:

6 360.419 1. If the Executive Director or a designated hearing  
7 officer finds that the failure of a person to make a timely return or  
8 payment of a tax imposed pursuant to NRS 361.320 , ~~for~~ chapter  
9 361A, 362, 363A, 363B, 369, 370, 372, 372A, 374, 375A, 375B,  
10 376A, 377 or 377A of NRS, *or sections 73 to 98, inclusive, of this*  
11 *act* is the result of circumstances beyond his control and occurred  
12 despite the exercise of ordinary care and without intent, the  
13 Department may relieve him of all or part of any interest or penalty,  
14 or both.

15 2. A person seeking this relief must file with the Department a  
16 statement under oath setting forth the facts upon which he bases his  
17 claim.

18 3. The Department shall disclose, upon the request of any  
19 person:

20 (a) The name of the person to whom relief was granted; and

21 (b) The amount of the relief.

22 4. The Executive Director or a designated hearing officer shall  
23 act upon the request of a taxpayer seeking relief pursuant to NRS  
24 361.4835 which is deferred by a county treasurer or county assessor.

25 **Sec. 104.** NRS 360.510 is hereby amended to read as follows:

26 360.510 1. If any person is delinquent in the payment of any  
27 tax or fee administered by the Department or if a determination has  
28 been made against him which remains unpaid, the Department may:

29 (a) Not later than 3 years after the payment became delinquent  
30 or the determination became final; or

31 (b) Not later than 6 years after the last recording of an abstract  
32 of judgment or of a certificate constituting a lien for tax owed,

33 ↪ give a notice of the delinquency and a demand to transmit  
34 personally or by registered or certified mail to any person,  
35 including, without limitation, any officer or department of this State  
36 or any political subdivision or agency of this State, who has in his  
37 possession or under his control any credits or other personal  
38 property belonging to the delinquent, or owing any debts to the  
39 delinquent or person against whom a determination has been made  
40 which remains unpaid, or owing any debts to the delinquent or that  
41 person. In the case of any state officer, department or agency, the  
42 notice must be given to the officer, department or agency before  
43 the Department presents the claim of the delinquent taxpayer to the  
44 State Controller.



1 2. A state officer, department or agency which receives such a  
2 notice may satisfy any debt owed to it by that person before it  
3 honors the notice of the Department.

4 3. After receiving the demand to transmit, the person notified  
5 by the demand may not transfer or otherwise dispose of the credits,  
6 other personal property, or debts in his possession or under his  
7 control at the time he received the notice until the Department  
8 consents to a transfer or other disposition.

9 4. Every person notified by a demand to transmit shall, within  
10 10 days after receipt of the demand to transmit, inform the  
11 Department of and transmit to the Department all such credits, other  
12 personal property or debts in his possession, under his control or  
13 owing by him within the time and in the manner requested by the  
14 Department. Except as otherwise provided in subsection 5, no  
15 further notice is required to be served to that person.

16 5. If the property of the delinquent taxpayer consists of a series  
17 of payments owed to him, the person who owes or controls the  
18 payments shall transmit the payments to the Department until  
19 otherwise notified by the Department. If the debt of the delinquent  
20 taxpayer is not paid within 1 year after the Department issued the  
21 original demand to transmit, the Department shall issue another  
22 demand to transmit to the person responsible for making the  
23 payments informing him to continue to transmit payments to  
24 the Department or that his duty to transmit the payments to the  
25 Department has ceased.

26 6. If the notice of the delinquency seeks to prevent the transfer  
27 or other disposition of a deposit in a bank or credit union or other  
28 credits or personal property in the possession or under the control of  
29 a bank, credit union or other depository institution, the notice must  
30 be delivered or mailed to any branch or office of the bank, credit  
31 union or other depository institution at which the deposit is carried  
32 or at which the credits or personal property is held.

33 7. If any person notified by the notice of the delinquency  
34 makes any transfer or other disposition of the property or debts  
35 required to be withheld or transmitted, to the extent of the value of  
36 the property or the amount of the debts thus transferred or paid, he is  
37 liable to the State for any indebtedness due pursuant to this chapter,  
38 or chapter 360B, 362, 363A, 363B, 369, 370, 372, 372A, 374, 377,  
39 377A or 444A of NRS, *or sections 73 to 98, inclusive, of this act,*  
40 NRS 482.313, or chapter 585 or 680B of NRS from the person with  
41 respect to whose obligation the notice was given if solely by reason  
42 of the transfer or other disposition the State is unable to recover the  
43 indebtedness of the person with respect to whose obligation the  
44 notice was given.



1       **Sec. 105.** NRS 701.050, 701.090, 701.150, 701.350, 701.360,  
2 701B.050, 701B.170, 701B.450, 701B.530, 701B.730 and 701B.770  
3 are hereby repealed.

4       **Sec. 106.** 1. Any regulations adopted by the Office of  
5 Energy within the Office of the Governor to carry out its duties  
6 become the regulations of the Nevada Energy Commission on  
7 July 1, 2010, and remain in effect until amended or repealed by the  
8 Nevada Energy Commission.

9       2. The Office of Energy and the Task Force for Renewable  
10 Energy and Energy Conservation shall:

11       (a) Continue to fulfill their duties until June 30, 2010; and

12       (b) Report monthly to the Interim Finance Committee on the  
13 status of their operations from the effective date of this act until  
14 June 30, 2010.

15       3. The Office of Energy within the Office of the Governor and  
16 the Task Force for Renewable Energy and Energy Conservation  
17 shall cooperate with the Nevada Energy Commission to ensure that  
18 the provisions of this act are carried out in an orderly manner,  
19 including, without limitation, the transfer or exchange of books and  
20 records to the Nevada Energy Commission.

21       4. The Governor shall appoint the members of the Nevada  
22 Energy Commission on or before July 1, 2010, with:

23       (a) One Commissioner having an initial term of 2 years, and  
24 serving the initial term of Chairman of the Commission; and

25       (b) Two Commissioners having initial terms of 4 years.

26       5. The Legislative Counsel shall, in preparing the:

27       (a) Reprint and supplement to the Nevada Revised Statutes with  
28 respect to any section which is not amended by this act or is adopted  
29 or amended by another act, appropriately change any reference to an  
30 officer or agency whose responsibilities have been transferred  
31 pursuant to the provisions of this act to refer to the appropriate  
32 officer or agency. If any internal reference is made to a section  
33 repealed by this act, the Legislative Counsel shall delete the  
34 reference and replace it by reference to the superseding section, if  
35 any.

36       (b) Supplements to the Nevada Administrative Code,  
37 appropriately change any reference to an officer or agency whose  
38 responsibilities have been transferred pursuant to the provisions of  
39 this act to refer to the appropriate officer or agency.

40       6. Any references in a bill or resolution passed by the 75th  
41 Session of the Nevada Legislature to an officer, agency or other  
42 entity whose name is changed or whose responsibilities have been  
43 transferred pursuant to the provisions of this act to another officer,  
44 agency or other entity shall be deemed to refer to the officer, agency  
45 or other entity to which the responsibility is transferred.



1 7. As used in this section, "Nevada Energy Commission"  
2 means the Nevada Energy Commission created by section 4 of this  
3 act.

4 **Sec. 107.** The Legislature hereby finds that each exemption  
5 provided by this act from any ad valorem tax on property or excise  
6 tax on the sale, storage, use or consumption of tangible personal  
7 property sold at retail:

8 1. Will achieve a bona fide social or economic purpose and that  
9 the benefits of the exemption are expected to exceed any adverse  
10 effect of the exemption on the provision of services to the public by  
11 the State or a local government that would otherwise receive  
12 revenue from the tax from which the exemption would be granted;  
13 and

14 2. Will not impair adversely the ability of the State or a local  
15 government to pay, when due, all interest and principal on any  
16 outstanding bonds or any other obligations for which revenue from  
17 the tax from which the exemption would be granted was pledged.

18 **Sec. 108.** Notwithstanding the provisions of section 28 of this  
19 act, a person is not entitled to any partial abatement of taxes  
20 pursuant to that section after June 30, 2019.

21 **Sec. 109.** 1. The tax imposed by section 85 of this act does  
22 not apply to any electricity generated before January 1, 2010.

23 2. Notwithstanding any provision of sections 73 to 98,  
24 inclusive, of this act to the contrary:

25 (a) The return and remittance required by subsection 2 of section  
26 85 of this act for the calendar quarter beginning on January 1, 2010,  
27 are due on or after July 1, 2010, and on or before July 31, 2010.

28 (b) The Department of Taxation shall not enforce the provisions  
29 of subsection 2 of section 85 of this act before July 1, 2010.

30 **Sec. 110.** 1. This section and sections 107, 108 and 109 of  
31 this act become effective upon passage and approval.

32 2. Section 28 of this act becomes effective on July 1, 2009, and  
33 expires by limitation on June 30, 2019.

34 3. Sections 72 to 104, inclusive, of this act become effective:

35 (a) Upon passage and approval for the purpose of adopting  
36 regulations and performing any other preparatory administrative  
37 tasks that are necessary to carry out the provisions of this act; and

38 (b) On January 1, 2010, for all other purposes.

39 4. Sections 1 to 27, inclusive, 29 to 62, inclusive, 64 to 71,  
40 inclusive, 105 and 106 of this act become effective:

41 (a) Upon passage and approval for the purpose of adopting  
42 regulations and performing any other preparatory administrative  
43 tasks that are necessary to carry out the provisions of this act; and

44 (b) On July 1, 2010, for all other purposes.

45 5. Section 63 of this act becomes effective on January 1, 2011.



1 6. Sections 41 to 56, inclusive, of this act expire by limitation  
2 on June 30, 2011.

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**LEADLINES OF REPEALED SECTIONS**

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**701.050** “Director” defined.

**701.090** “Task Force” defined.

**701.150** Creation; appointment of Director; employment of personnel by Director; classification of Director and personnel; conflict of interest prohibited.

**701.350** Creation; appointment of members; qualifications for members; terms of members; vacancies; requirements and restrictions concerning members who are public officers or employees.

**701.360** Selection and terms of Chairman and Vice Chairman; vacancies; quorum; meetings; members serve without compensation; per diem and travel expenses; Consumer’s Advocate to provide support and assistance.

**701B.050** “Commission” defined.

**701B.170** “Task Force” defined.

**701B.450** “Commission” defined. [Effective through June 30, 2011.]

**701B.530** “Task Force” defined. [Effective through June 30, 2011.]

**701B.730** “Commission” defined. [Effective through June 30, 2011.]

**701B.770** “Task Force” defined. [Effective through June 30, 2011.]

