

SENATE BILL NO. 313—SENATOR SCHNEIDER

MARCH 21, 2011

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises certain provisions relating to energy.
(BDR 58-236)FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to energy; requiring the Nevada Energy Commissioner to prescribe minimum standards of energy efficiency for certain electrical devices; authorizing the Commissioner to charge and collect a fee from manufacturers of certain electrical devices for the costs of any tests to confirm that such electrical devices comply with the minimum standards of energy efficiency prescribed by the Commissioner; authorizing the Commissioner to impose administrative fines; requiring the Public Utilities Commission of Nevada, in evaluating a 3-year plan submitted by an electric utility, to consider certain measures and sources of electricity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Nevada Energy Commissioner to prepare a
2 comprehensive state energy plan which includes the promotion of the use of
3 measures which conserve or reduce the demand for energy or which result in more
4 efficient use of energy. (NRS 701.190) Existing law also requires the
5 Commissioner to adopt regulations for the conservation of energy in buildings and
6 to adopt regulations establishing a minimum standard of energy efficiency for
7 general purposes lights. (NRS 701.220, 701.260) **Section 1** of this bill requires the
8 Commissioner to adopt regulations prescribing a minimum standard of energy
9 efficiency for portable light fixtures and televisions and authorizes the
10 Commissioner to prescribe a minimum standard of energy efficiency for any other
11 electrical devices. In addition, **section 1** requires the Commissioner to adopt
12 regulations establishing the procedures by which a manufacturer of an electrical
13 device is required to: (1) demonstrate that the electrical device complies with the
14 minimum standard of energy efficiency; (2) identify that the device complies with



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15 the minimum standard of energy efficiency; and (3) make available to the
16 Commissioner samples of the device for the purpose of conducting tests to confirm
17 that the device complies with the minimum standard of energy efficiency. **Section 1**
18 authorizes the Commissioner to charge and collect a fee from the manufacturer of
19 an electrical device for the cost of conducting tests to confirm that the device
20 complies with the minimum standard of energy efficiency. **Section 1** also
21 authorizes the Commissioner to impose an administrative fine on any manufacturer
22 of an electrical device who does not comply with **section 1** or the regulations
23 adopted pursuant thereto. Finally, **section 1** requires the Commissioner to make
24 available to the public information concerning the minimum standards of energy
25 efficiency prescribed by the Commissioner. **Section 5** of this bill requires the
26 Commissioner to adopt the regulations prescribing the minimum standards of
27 energy efficiency on or before October 1, 2012.

28 Existing law authorizes the Public Utilities Commission of Nevada to give
29 preference to certain energy efficiency measures and sources of energy in
30 evaluating the adequacy of a 3-year plan submitted by an electric utility. (NRS
31 704.746) **Section 3** of this bill requires the Commission, in evaluating such a plan,
32 to consider all reasonable energy efficiency measures, purchasing decisions and
33 sources of energy identified in the plan which provide the greatest economic and
34 environmental benefits to the State and which provide levels of service that are
35 adequate and reliable.

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 a new section to read as follows:

3 *1. Except as otherwise provided in subsection 7, the*
4 *Commissioner:*

5 *(a) Shall adopt regulations prescribing a minimum standard of*
6 *energy efficiency for:*

7 *(1) Portable light fixtures; and*

8 *(2) Televisions.*

9 *(b) May adopt regulations prescribing a minimum standard of*
10 *energy efficiency for any electrical device other than the electrical*
11 *devices set forth in paragraph (a).*

12 *2. In adopting regulations pursuant to subsection 1, the*
13 *Commissioner shall prescribe the minimum standard of energy*
14 *efficiency for an electrical device based upon a determination that*
15 *the standard of energy efficiency will serve to promote energy*
16 *conservation in this State and will be cost-effective for consumers*
17 *who purchase and use such electrical devices.*

18 *3. A regulation adopted pursuant to subsection 1 which*
19 *establishes or amends a minimum standard of energy efficiency*
20 *for an electrical device must not become effective until 1 year after*
21 *the date on which the regulation is adopted.*

22 *4. The Commissioner shall adopt regulations establishing the*
23 *procedures by which a manufacturer of an electrical device for*



1 *which the Commissioner has prescribed a minimum standard of*
2 *energy efficiency pursuant to subsection 1 shall:*

3 *(a) Demonstrate that the electrical device complies with the*
4 *minimum standard of energy efficiency prescribed by the*
5 *Commissioner;*

6 *(b) Identify conspicuously on the electrical device and on any*
7 *packaging for the electrical device that the device complies with*
8 *the minimum standard of energy efficiency prescribed by the*
9 *Commissioner; and*

10 *(c) Make available to the Commissioner samples of the*
11 *electrical device for the purpose of conducting tests to confirm that*
12 *the device complies with the minimum standard of energy*
13 *efficiency prescribed by the Commissioner.*

14 *5. The Commissioner may:*

15 *(a) Charge and collect a fee from the manufacturer of an*
16 *electrical device for the cost of any test conducted by the*
17 *Commissioner in accordance with the regulations adopted*
18 *pursuant to paragraph (c) of subsection 4; and*

19 *(b) Impose an administrative fine on any manufacturer of an*
20 *electrical device who does not comply with the provisions of this*
21 *section or any regulation adopted pursuant thereto.*

22 *6. The Commissioner shall make available to the public, free*
23 *of charge, information concerning the minimum standards of*
24 *energy efficiency for electrical devices prescribed by the*
25 *Commissioner pursuant to this section and shall publish the*
26 *information on the Internet website of the Commissioner.*

27 *7. The regulations adopted pursuant to this section do not*
28 *apply to:*

29 *(a) New electrical devices manufactured in this State and sold*
30 *outside of this State;*

31 *(b) New electrical devices manufactured outside of this State*
32 *and sold at wholesale in this State for final retail sale and use*
33 *outside of this State; or*

34 *(c) New electrical devices designed expressly for installation*
35 *and use in a recreational vehicle as that term is defined in*
36 *NRS 482.101.*

37 *8. As used in this section, "portable light fixture" means a*
38 *movable electric light fixture that uses a plug-in power cord.*

39 **Sec. 2.** (Deleted by amendment.)

40 **Sec. 3.** NRS 704.746 is hereby amended to read as follows:

41 704.746 1. After a utility has filed its plan pursuant to NRS
42 704.741, the Commission shall convene a public hearing on the
43 adequacy of the plan.

44 2. The Commission shall determine the parties to the public
45 hearing on the adequacy of the plan. A person or governmental



1 entity may petition the Commission for leave to intervene as a party.
2 The Commission must grant a petition to intervene as a party in the
3 hearing if the person or entity has relevant material evidence to
4 provide concerning the adequacy of the plan. The Commission may
5 limit participation of an intervener in the hearing to avoid
6 duplication and may prohibit continued participation in the hearing
7 by an intervener if the Commission determines that continued
8 participation will unduly broaden the issues, will not provide
9 additional relevant material evidence or is not necessary to further
10 the public interest.

11 3. In addition to any party to the hearing, any interested person
12 may make comments to the Commission regarding the contents and
13 adequacy of the plan.

14 4. After the hearing, the Commission shall determine whether:

15 (a) The forecast requirements of the utility are based on
16 substantially accurate data and an adequate method of forecasting.

17 (b) The plan identifies and takes into account any present and
18 projected reductions in the demand for energy that may result from
19 measures to improve energy efficiency in the industrial,
20 commercial, residential and energy producing sectors of the area
21 being served.

22 (c) The plan adequately demonstrates the economic,
23 environmental and other benefits to this State and to the customers
24 of the utility, associated with the following possible measures and
25 sources of supply:

26 (1) Improvements in energy efficiency;

27 (2) Pooling of power;

28 (3) Purchases of power from neighboring states or countries;

29 (4) Facilities that operate on solar or geothermal energy or
30 wind;

31 (5) Facilities that operate on the principle of cogeneration or
32 hydrogeneration;

33 (6) Other generation facilities; and

34 (7) Other transmission facilities.

35 5. The Commission ~~[may]~~ **shall** ~~[give preference to the]~~
36 **consider all practicable** measures and sources of supply set forth in
37 paragraph (c) of subsection 4 that:

38 (a) Provide the greatest economic and environmental benefits to
39 the State;

40 (b) Are consistent with the provisions of this section; and

41 (c) Provide levels of service that are adequate and reliable.

42 6. The Commission shall:

43 (a) Adopt regulations which determine the level of preference to
44 be given to ~~[those]~~ **any** measures ~~[and]~~ **or** sources of supply ~~;~~
45 **considered by the Commission pursuant to subsection 5;** and



1 (b) Consider the value to the public of using water efficiently
2 when ~~[it is]~~ determining ~~[those preferences.]~~ *the preference to be*
3 *given to any measures or sources of supply considered by the*
4 *Commission pursuant to subsection 5.*

5 7. The Commission shall:

6 (a) Consider the level of financial commitment from developers
7 of renewable energy projects in each renewable energy zone, as
8 designated pursuant to subsection 2 of NRS 704.741; and

9 (b) Adopt regulations establishing a process for considering
10 such commitments , including, without limitation, contracts for the
11 sale of energy, leases of land and mineral rights, cash deposits and
12 letters of credit.

13 **Sec. 4.** (Deleted by amendment.)

14 **Sec. 5.** The Nevada Energy Commissioner shall adopt the
15 regulations required by section 1 of this act on or before October 1,
16 2012.

17 **Sec. 6.** 1. This section and sections 1 and 5 of this act
18 becomes effective upon passage and approval for the purpose of
19 adopting regulations and on January 1, 2012, for all other purposes.

20 2. Sections 2, 3 and 4 of this act become effective on
21 January 1, 2012.

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