

ASSEMBLY BILL NO. 239—ASSEMBLYWOMAN KIRKPATRICK

MARCH 12, 2013

Referred to Committee on Commerce and Labor

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

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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

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

**Legislative Counsel’s Digest:**

1 Existing law authorizes the Director of the Office of Energy to grant partial  
2 abatements of certain taxes to eligible applicants. (NRS 701A.110, 701A.115,  
3 701A.360, 701A.390) **Sections 1, 2 and 7** of this bill authorize the Director to  
4 charge and collect a fee from each applicant in an amount not to exceed the actual  
5 cost to the Director of processing the application. **Section 3** of this bill removes  
6 from the list of persons who are eligible for a partial abatement of certain taxes a  
7 person who operates a facility for the transmission of electricity generated from  
8 renewable energy or geothermal resources. **Section 4** of this bill revises the  
9 authority of a board of county commissioners relating to the approval of an  
10 application for a partial abatement of taxes submitted by a person who operates a  
11 facility for the generation of electricity from renewable energy. **Section 4**  
12 additionally revises provisions governing the wages and benefits that must be



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13 provided to employees working on the construction of such a facility. **Section 6** of  
14 this bill removes the requirement that a certain percentage of the property taxes  
15 collected from a person who is receiving a partial abatement of taxes which would  
16 otherwise be allocated and distributed to local governments be deposited in the  
17 Renewable Energy Fund.

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

20 **Sections 10-21** of this bill establish the Economic Development Electric Rate  
21 Rider Program, a 5-year program to encourage the location or relocation of new  
22 commercial and industrial businesses in this State by providing discounted rates for  
23 electricity to eligible participants. **Section 14** requires the Public Utilities  
24 Commission of Nevada, in consultation with the Office of Economic Development,  
25 to administer the Program. **Section 14** additionally requires the Commission to  
26 establish an amount of electric generating capacity, not to exceed 50 megawatts,  
27 that each electric utility in this State is required to set aside for allocation pursuant  
28 to the Program. **Section 15** authorizes a person who, in anticipation of the incentive  
29 provided pursuant to the Program, locates or intends to locate a new commercial or  
30 industrial business in this State to submit an application to the Office of Economic  
31 Development to participate in the Program. **Section 15** requires an applicant to  
32 obtain initial approval and a letter of eligibility from the Office. Once an applicant  
33 has obtained initial approval and a letter of eligibility from the Office, **section 16**  
34 requires the Commission to establish the discounted rates for electricity available to  
35 the applicant and to establish and approve the terms of the contract which the  
36 applicant must enter into with an electric utility. **Section 17** provides that an  
37 electric utility is required to recover the amount of the discount provided to a  
38 participant from the deferred energy account of the electric utility. **Section 21**  
39 requires the Commission to prepare and submit a report to the Legislature  
40 concerning the Program.

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

46 Existing law requires a person who wishes to obtain a permit for a utility  
47 facility to file certain applications with the Commission if a federal agency is  
48 required to conduct an environmental analysis of the proposed utility facility. (NRS  
49 704.870) **Sections 23 and 24** of this bill require such a person to file a notice with  
50 the Commission not later than the date on which the person files with the  
51 appropriate federal agency.

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



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

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

3     701A.110 1. Except as otherwise provided in this section, the  
4 Director, in consultation with the Office of Economic Development,  
5 shall grant a partial abatement from the portion of the taxes imposed  
6 pursuant to chapter 361 of NRS, other than any taxes imposed for  
7 public education, on a building or other structure that is determined  
8 to meet the equivalent of the silver level or higher by an  
9 independent contractor authorized to make that determination in  
10 accordance with the Green Building Rating System adopted by the  
11 Director pursuant to NRS 701A.100, if:

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

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

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

20     (b) The owner of the property:

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

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

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

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

38             (II) Department of Taxation;

39             (III) County assessor;

40             (IV) County treasurer;

41             (V) Office of Economic Development;

42             (VI) Board of county commissioners; and



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

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

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

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

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

26 4. The partial abatement:

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

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

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

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

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



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

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

10 (2) County assessor;

11 (3) County treasurer; and

12 (4) Office of Economic Development.

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

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

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

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

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

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

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

39 7. The Director shall:

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

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



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

8 9. As used in this section:

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

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

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

15 (1) Any ad valorem tax authorized or required by chapter  
16 387 of NRS;

17 (2) Any ad valorem tax authorized or required by chapter  
18 350 of NRS for the obligations of a school district, including,  
19 without limitation, any ad valorem tax necessary to carry out the  
20 provisions of subsection 5 of NRS 350.020; and

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

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

25 701A.115 1. Except as otherwise provided in this section, the  
26 Director of the Office of Energy shall grant a partial abatement from  
27 the portion of taxes imposed pursuant to chapter 361 of NRS, other  
28 than any taxes imposed for public education, on an existing building  
29 or other structure which is renovated for use by a manufacturer if:

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

35 (b) The applicant:

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

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

41 (3) The average hourly wage that will be paid by the  
42 manufacturer to its employees in this State is at least 100 percent of  
43 the average statewide hourly wage or the average countywide hourly  
44 wage, whichever is less, excluding management and administrative  
45 employees, as established by the Employment Security Division of



1 the Department of Employment, Training and Rehabilitation on  
2 July 1 of each fiscal year.

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

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

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

11 (d) The manufacturer:

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

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

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

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

29 (II) Department of Taxation;

30 (III) County assessor;

31 (IV) County treasurer;

32 (V) Office of Economic Development;

33 (VI) Board of county commissioners; and

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

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

40 (a) Department of Taxation;

41 (b) County assessor;

42 (c) County treasurer; and

43 (d) Office of Economic Development.

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



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

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

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

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

13 4. The partial abatement:

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

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

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

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

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

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

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

42 (2) County assessor;

43 (3) County treasurer; and

44 (4) Office of Economic Development.

45 5. The Director shall adopt regulations:





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

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

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

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

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

19 7. As used in this section:

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

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

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

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

30 (1) Any ad valorem tax authorized or required by chapter  
31 387 of NRS;

32 (2) Any ad valorem tax authorized or required by chapter  
33 350 of NRS for the obligations of a school district, including,  
34 without limitation, any ad valorem tax necessary to carry out the  
35 provisions of subsection 5 of NRS 350.020; and

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

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

41 701A.340 1. "Renewable energy" means:

42 (a) Biomass;

43 (b) Fuel cells;

44 (c) *Geothermal energy;*

45 (d) Solar energy;



- 1 ~~(d)~~ (e) Waterpower; or
- 2 ~~(e)~~ (f) Wind.

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

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

6 701A.360 1. A person who intends to locate a facility for the  
7 generation of process heat from solar renewable energy ~~[, or a~~  
8 wholesale facility for the generation of electricity from renewable  
9 energy ~~[, a facility for the generation of electricity from geothermal  
10 resources or a facility for the transmission of electricity produced  
11 from renewable energy or geothermal resources]~~ in this State may  
12 apply to the Director for a partial abatement of the local sales and  
13 use taxes, the taxes imposed pursuant to chapter 361 of NRS, or  
14 both local sales and use taxes and taxes imposed pursuant to chapter  
15 361 of NRS. *An applicant may submit a copy of the application to  
16 the board of county commissioners at any time after the applicant  
17 has submitted the application to the Director.*

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

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

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

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

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

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

40 701A.365 1. Except as otherwise provided in subsection 2,  
41 the Director, in consultation with the Office of Economic  
42 Development, shall approve an application for a partial abatement  
43 pursuant to NRS 701A.300 to 701A.390, inclusive, if the Director,  
44 in consultation with the Office of Economic Development, makes  
45 the following determinations:



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

3 (1) State that the facility will, after the date on which a  
4 certificate of eligibility for the abatement is issued pursuant to NRS  
5 701A.370, continue in operation in this State for a period specified  
6 by the Director, which must be at least 10 years, and will continue to  
7 meet the eligibility requirements for the abatement; and

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

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

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

18 (d) If the facility will be located in a county whose population is  
19 100,000 or more or a city whose population is 60,000 or more, the  
20 facility meets the following requirements:

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

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

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

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

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

44 (II) The cost of the benefits provided to the employees  
45 working on the construction of the facility will meet the minimum



1 requirements for benefits established by the Director by regulation  
2 pursuant to NRS 701A.390.

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

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

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

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

18 (4) ~~The~~ *Except as otherwise provided in subsection 6, the*  
19 average hourly wage of the employees working on the construction  
20 of the facility will be at least ~~50~~ 175 percent of the average  
21 statewide hourly wage, excluding management and administrative  
22 employees, as established by the Employment Security Division of  
23 the Department of Employment, Training and Rehabilitation on  
24 July 1 of each fiscal year and:

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

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

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

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

40 2. The Director shall not approve an application for a partial  
41 abatement of the taxes imposed pursuant to chapter 361 of NRS  
42 submitted pursuant to NRS 701A.360 by *a facility for the*  
43 *generation of process heat from solar renewable energy or a*  
44 *wholesale* facility for the generation of electricity from ~~geothermal~~  
45 ~~resources~~ *renewable energy* unless the application is approved *or*



1 *deemed approved* pursuant to this subsection. The board of county  
2 commissioners of a county must *provide notice to the Director that*  
3 *the board intends to consider an application and, if such notice is*  
4 *given, must* approve or deny the application not later than 30 days  
5 after the board receives a copy of the application. The board of  
6 county commissioners ~~{must}~~:

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

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

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

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

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

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

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

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

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

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



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

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

7 *6. The provisions of subparagraph (4) of paragraph (d) of*  
8 *subsection 1 and subparagraph (4) of paragraph (e) of subsection*  
9 *1 concerning the average hourly wage of the employees working*  
10 *on the construction of a facility do not apply to the wages of an*  
11 *apprentice as that term is defined in NRS 610.010.*

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

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

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

16 701A.385 Notwithstanding any statutory provision to the  
17 contrary, if the Director approves an application for a partial  
18 abatement pursuant to NRS 701A.300 to 701A.390, inclusive, of ~~f:~~

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

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

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

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

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

36 701A.390 The Director:

37 1. Shall adopt regulations:

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

42 (b) Prescribing such requirements for an application for a partial  
43 abatement pursuant to NRS 701A.300 to 701A.390, inclusive, as  
44 will ensure that all information and other documentation necessary  
45 for the Director, in consultation with the Office of Economic



1 Development, to make an appropriate determination is filed with the  
2 Director;

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

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

11 2. May adopt such other regulations as the Director determines  
12 to be necessary to carry out the provisions of NRS 701A.300 to  
13 701A.390, inclusive.

14 **3. *May charge and collect a fee from each applicant who***  
15 ***submits an application for a partial abatement pursuant to NRS***  
16 ***701A.300 to 701A.390, inclusive. The amount of the fee must not***  
17 ***exceed the actual cost to the Director for processing and***  
18 ***approving the application.***

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

21 701A.450 1. The Renewable Energy Fund is hereby created.

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

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

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

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

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

36 **Sec. 9.** (Deleted by amendment.)

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

41 **Sec. 11.** ***“Electric utility” has the meaning ascribed to it in***  
42 ***NRS 704.187.***

43 **Sec. 12.** ***“Participant” means an applicant who has received***  
44 ***initial approval and a letter of eligibility from the Office of***  
45 ***Economic Development pursuant to section 15 of this act and who***





1 enters into a contract approved by the Commission pursuant to  
2 section 16 of this act.

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

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

12 2. Each electric utility in this State shall set aside an amount  
13 of capacity determined by the Commission for allocation to new  
14 customers pursuant to the Program, but the total amount of  
15 capacity that the Commission may require to be set aside by all  
16 electric utilities in this State pursuant to this subsection must not  
17 exceed 50 megawatts.

18 **Sec. 15.** 1. A person who, in anticipation of the incentive  
19 provided pursuant to the Program, locates or intends to locate a  
20 new commercial or industrial business in this State may apply to  
21 the Office of Economic Development to participate in the  
22 Program.

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

26 (a) The name, business address and telephone number of the  
27 applicant;

28 (b) The location or proposed location of the applicant's facility  
29 and a detailed description of the facility;

30 (c) Proof satisfactory to the Office of Economic Development  
31 that the applicant satisfies the criteria for eligibility set forth in  
32 subsection 3;

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

37 (e) Any other information required by the Office of Economic  
38 Development.

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

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

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





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

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

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

10 4. *Upon the receipt of a completed application, the Office of*  
11 *Economic Development shall consider the application and make a*  
12 *determination of whether the applicant satisfies the criteria for*  
13 *eligibility. If the Office of Economic Development determines that*  
14 *the applicant satisfies the criteria for eligibility, the Office of*  
15 *Economic Development may give initial approval to the applicant.*

16 5. *If the Office of Economic Development gives initial*  
17 *approval to an applicant, the Office of Economic Development*  
18 *shall:*

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

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

21 (c) *Forward a copy of the applicant's application and letter of*  
22 *eligibility to the Commission.*

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

26 (a) *Review the application;*

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

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

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

34 (a) *Provide to the electric utility that will serve the load of the*  
35 *applicant access to the applicant's facility or plans for the facility*  
36 *for the purpose of the electric utility making recommendations*  
37 *concerning the energy efficiency of the facility; and*

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

41 3. *An applicant may participate in the Program pursuant to a*  
42 *contract which is entered into by the applicant and the electric*  
43 *utility that will serve the load of the applicant and which is*  
44 *approved by the Commission. A contract entered into pursuant to*  
45 *this section must include provisions setting forth:*



\* A B 2 3 9 R 1 \*

- 1 (a) *The term of the contract, which must be 5 years;*
- 2 (b) *The term of the discounts applicable under the Program,*
- 3 *which must be 4 years;*
- 4 (c) *The rates to be paid for electricity by the participant;*
- 5 (d) *That the discount approved by the Commission does not*
- 6 *apply to up-front costs, the base tariff general rate, any otherwise*
- 7 *applicable tariff or any taxes, surcharges, amortization or*
- 8 *program rate elements;*
- 9 (e) *The deposit requirements, which must be based on the rates*
- 10 *applicable under the second year of the contract;*
- 11 (f) *That the participant ceases to be eligible for any discounted*
- 12 *rates for electricity if the participant fails to satisfy any*
- 13 *requirements set forth in the contract or sections 10 to 21,*
- 14 *inclusive, of this act or any regulations adopted pursuant thereto;*
- 15 *and*
- 16 (g) *Any additional requirements prescribed by the*
- 17 *Commission.*

18 4. *An electric utility shall prepare a contract to be entered*

19 *into by the electric utility and a participant and submit the*

20 *contract to the Commission for approval. Upon approval of the*

21 *contract by the Commission, the electric utility and the applicant*

22 *may enter into the contract and the applicant may participate in*

23 *the Program. The Commission shall forward a copy of the*

24 *approved contract to the Office of Economic Development.*

25 **Sec. 17.** *Notwithstanding any other provision of this chapter,*

26 *an electric utility that enters into a contract with a participant*

27 *pursuant to section 16 of this act shall, in the manner provided*

28 *pursuant to the regulations adopted by the Commission pursuant*

29 *to paragraph (c) of subsection 1 of section 20 of this act, recover*

30 *through a deferred energy accounting adjustment application an*

31 *amount equal to the discount provided to the participant pursuant*

32 *to the contract.*

33 **Sec. 18.** *If the Commission determines that a participant in*

34 *the Program has failed to fulfill any requirement of the contract*

35 *or carry out any duty imposed pursuant to the Program, the*

36 *Commission shall issue an order requiring the participant to pay*

37 *to the electric utility an amount equal to the rate which would*

38 *have been charged but for the participant's participation in the*

39 *Program.*

40 **Sec. 19.** *The Office of Economic Development shall not*

41 *accept an application or give initial approval to any applicant for*

42 *participation in the Program, and the Commission shall not*

43 *approve an applicant for participation in the Program, after the*

44 *earlier of December 31, 2017, or the date on which the capacity set*

45 *aside for allocation pursuant to the Program is fully allocated.*



\* A B 2 3 9 R 1 \*

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

3       **1. Shall adopt regulations:**

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

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

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

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

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

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

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

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

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

32       **Sec. 21. The Commission shall, on or before December 31,**  
33 *2014, prepare a written report concerning the Program and submit*  
34 *the report to the Director of the Legislative Counsel Bureau for*  
35 *transmittal to the 78th Session of the Legislature. The report must*  
36 *include, without limitation, information concerning:*

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

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

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

42       **4. The remaining amount of electricity available for**  
43 *allocation pursuant to the Program.*

44       **Sec. 21.5. If the Commission approves an application**  
45 *submitted by a public utility pursuant to NRS 704.820 to 704.900,*



1 *inclusive, for a utility facility which is not intended to*  
2 *serve customers in this State and the cost of which will not be*  
3 *included in the rates of that public utility, the public utility is not*  
4 *required to include the utility facility in any plan filed pursuant to*  
5 *NRS 704.741.*

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

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

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

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

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

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

23 704.870 1. Except as otherwise provided in subsection 2, a  
24 person who wishes to obtain a permit for a utility facility must file  
25 with the Commission an application, in such form as the  
26 Commission prescribes, containing:

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

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

31 (c) A description of any reasonable alternate location or  
32 locations for the proposed facility, a description of the comparative  
33 merits or detriments of each location submitted, and a statement of  
34 the reasons why the primary proposed location is best suited for the  
35 facility.

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

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

41 (a) Not later than the date on which the person files with the  
42 appropriate federal agency an application for approval for the  
43 construction of the utility facility, file with the Commission and  
44 each other permitting entity ~~an application,~~ *a notice,* in such a



1 form as the Commission or other permitting entity prescribes ; ~~†~~  
2 ~~containing:~~

- 3 ~~—— (1) A general description of the proposed utility facility; and~~  
4 ~~—— (2) A summary of any studies which the applicant anticipates~~  
5 ~~will be made of the environmental impact of the facility;]~~ and

6 (b) Not later than 30 days after the issuance by the appropriate  
7 federal agency of ~~†~~ *either the* final environmental assessment or  
8 *final* environmental impact statement , *but not the record of*  
9 *decision or similar document*, relating to the construction of the  
10 utility facility:

11 (1) File with the Commission an ~~†~~ *amended* application that  
12 complies with the provisions of subsection 1; and

13 (2) File with each other permitting entity an ~~†~~ *amended*  
14 application for a permit, license or other approval for the  
15 construction of the utility facility.

16 3. A copy of each application ~~†~~ *amended application* filed  
17 with the Commission must be filed with the Administrator of the  
18 Division of Environmental Protection of the State Department of  
19 Conservation and Natural Resources.

20 4. Each application ~~†~~ *amended application* filed with the  
21 Commission must be accompanied by:

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

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

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

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

40 704.8905 1. Except as otherwise required to comply with  
41 federal law:

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

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



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

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

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

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

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

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

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

29 119.128 An exemption pursuant to this chapter is not an  
30 exemption from the provisions of NRS 278.010 to 278.630,  
31 inclusive ~~H~~, *and sections 27.1 to 27.9, inclusive, of this act.*

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

33 119.340 The provisions of this chapter are in addition to and  
34 not a substitute for NRS 278.010 to 278.630, inclusive ~~H~~, *and*  
35 *sections 27.1 to 27.9, inclusive, of this act.*

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

39 **Sec. 27.1.** *As used in sections 27.1 to 27.9, inclusive, of this*  
40 *act, unless the context otherwise requires, "aboveground utility"*  
41 *means an aboveground electric transmission line which is*  
42 *designed to operate at 200 kilovolts or more and which has been*  
43 *approved for construction after October 1, 1991, by the State or*  
44 *Federal Government or a governing body.*



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

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

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

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

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

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

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

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

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

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

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

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

44 1. **Shall establish a process for the issuance of a permit for**  
45 **the construction of an aboveground utility project which is located**





1 *in a corridor for the construction of aboveground utility projects*  
2 *identified in the master plan adopted by the planning commission*  
3 *or governing body.*

4 2. *Shall establish a process for the issuance of a special use*  
5 *permit for the construction of an aboveground utility project*  
6 *which is not located in a corridor for the construction of*  
7 *aboveground utility projects identified in the master plan adopted*  
8 *by the planning commission or governing body. The process*  
9 *adopted by the governing body must include, without limitation,*  
10 *provisions:*

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

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

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

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

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

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

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

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

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

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

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

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





1 (b) Disagrees with any conditions imposed by the special use  
2 permit issued by the planning commission or governing body,  
3 ↪ may, in the manner prescribed by the Public Utilities  
4 Commission of Nevada by regulation, petition the Public Utilities  
5 Commission of Nevada to review the decision of the planning  
6 commission or governing body.

7 2. A petition submitted to the Public Utilities Commission of  
8 Nevada pursuant to this section must include:

9 (a) The name, mailing address and telephone number of the  
10 petitioner;

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

13 (c) A statement of the decision of the planning commission or  
14 governing body from which review is sought;

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

16 (e) A statement of the legal basis for the resolution sought by  
17 the petitioner;

18 (f) A copy of the application and all supporting documents  
19 submitted by the petitioner to the planning commission or  
20 governing body;

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

23 (h) Any other information required by the Public Utilities  
24 Commission of Nevada.

25 3. In any proceeding before the Public Utilities Commission  
26 of Nevada concerning a petition submitted pursuant to this  
27 section, the parties:

28 (a) Must include:

29 (1) The petitioner;

30 (2) The planning commission or governing body whose  
31 decision is the subject of the petition; and

32 (3) The Regulatory Operations Staff of the Public Utilities  
33 Commission of Nevada; and

34 (b) May include:

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

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

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



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

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

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

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

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

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

17 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*  
18 *sections 27.1 to 27.9, inclusive, of this act*, unless the context  
19 otherwise requires, the words and terms defined in NRS 278.0105 to  
20 278.0195, inclusive, have the meanings ascribed to them in those  
21 sections.

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

23 278.016 "Local ordinance" means an ordinance enacted by the  
24 governing body of any city or county, pursuant to the powers  
25 granted in NRS 278.010 to 278.630, inclusive **H**, *and sections 27.1*  
26 *to 27.9, inclusive, of this act.*

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

29 278.02327 1. Any application submitted to a governing body  
30 or its designee that concerns any matter relating to land use planning  
31 pursuant to NRS 278.010 to 278.630, inclusive, *and sections 27.1 to*  
32 *27.9, inclusive, of this act*, or any ordinance, resolution or  
33 regulation adopted pursuant thereto, may not be accepted by the  
34 governing body or its designee if the application is incomplete.

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

38 (a) Review the application for completeness;

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

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

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



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

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

6 278.0233 1. Any person who has any right, title or interest in  
7 real property, and who has filed with the appropriate state or local  
8 agency an application for a permit which is required by statute or an  
9 ordinance, resolution or regulation adopted pursuant to NRS  
10 278.010 to 278.630, inclusive, **and sections 27.1 to 27.9, inclusive,**  
11 **of this act** before that person may improve, convey or otherwise put  
12 that property to use, may bring an action against the agency to  
13 recover actual damages caused by:

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

20 (1) Is arbitrary or capricious; or

21 (2) Is unlawful or exceeds lawful authority.

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

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

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

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

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

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

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

40 (e) Where the applicant agrees in writing or orally on the record  
41 during a hearing to the requirements, limitations or conditions  
42 imposed by the action, decision or order, unless the applicant  
43 expressly states in writing or orally on the record during the hearing  
44 that a requirement, limitation or condition is agreed to under protest



1 and specifies which paragraph of subsection 1 provides cause for the  
2 protest.

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

5 (g) Unless all administrative remedies have been exhausted.

6 (h) Against any individual member of the agency.

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

8 278.0235 No action or proceeding may be commenced for the  
9 purpose of seeking judicial relief or review from or with respect to  
10 any final action, decision or order of any governing body,  
11 commission or board authorized by NRS 278.010 to 278.630,  
12 inclusive, *and sections 27.1 to 27.9, inclusive, of this act* unless the  
13 action or proceeding is commenced within 25 days after the date of  
14 filing of notice of the final action, decision or order with the clerk or  
15 secretary of the governing body, commission or board.

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

17 278.024 1. In the region of this State for which there has  
18 been created by NRS 278.780 to 278.828, inclusive, a regional  
19 planning agency, the powers conferred by NRS 278.010 to 278.630,  
20 inclusive, *and sections 27.1 to 27.9, inclusive, of this act* upon any  
21 other authority are subordinate to the powers of such regional  
22 planning agency, and may be exercised only to the extent that their  
23 exercise does not conflict with any ordinance or plan adopted by  
24 such regional planning agency. The powers conferred by NRS  
25 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive,*  
26 *of this act* shall be exercised whenever appropriate in furtherance of  
27 a plan adopted by the regional planning agency.

28 2. Upon the adoption by a regional planning agency created by  
29 NRS 278.780 to 278.828, inclusive, of any regional plan, any plan  
30 adopted pursuant to NRS 278.010 to 278.630, inclusive, *and*  
31 *sections 27.1 to 27.9, inclusive, of this act* shall cease to be  
32 effective as to the territory embraced in such regional plan. Each  
33 planning commission and governing body whose previously  
34 adopted plan is so affected shall, within 90 days after the effective  
35 date of the regional plan, initiate any necessary procedure to revise  
36 its plan and any related zoning ordinances which affect adjacent  
37 territory.

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

39 278.025 1. In any region of this State for which there has  
40 been created by interstate compact a regional planning agency, the  
41 powers conferred by NRS 278.010 to 278.630, inclusive, *and*  
42 *sections 27.1 to 27.9, inclusive, of this act* are subordinate to the  
43 powers of such regional planning agency, and may be exercised  
44 only to the extent that their exercise does not conflict with any  
45 ordinance or plan adopted by such regional planning agency. The



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1 powers conferred by NRS 278.010 to 278.630, inclusive, *and*  
2 *sections 27.1 to 27.9, inclusive, of this act* shall be exercised  
3 whenever appropriate in furtherance of a plan adopted by the  
4 regional planning agency.

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

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

17 278.02788 1. If a city has a sphere of influence that is  
18 designated in the comprehensive regional plan, the city shall adopt a  
19 master plan concerning the territory within the sphere of influence.  
20 The master plan and any ordinance required by the master plan must  
21 be consistent with the comprehensive regional plan. After adoption  
22 and certification of a master plan concerning the territory within the  
23 sphere of influence and after adopting the ordinances required by  
24 the master plan, if any, the city may exercise any power conferred  
25 pursuant to NRS 278.010 to 278.630, inclusive, *and sections 27.1 to*  
26 *27.9, inclusive, of this act* within its sphere of influence.

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

32 3. Before certification of the master plan for the sphere of  
33 influence pursuant to NRS 278.028, any action taken by the county  
34 pursuant to NRS 278.010 to 278.630, inclusive, *and sections 27.1 to*  
35 *27.9, inclusive, of this act* within the sphere of influence of a city  
36 must be consistent with the comprehensive regional plan.

37 4. A person, county or city that is represented on the governing  
38 board and is aggrieved by a final determination of the county or,  
39 after the certification of the master plan for a sphere of influence, is  
40 aggrieved by a final determination of the city, concerning zoning, a  
41 subdivision map, a parcel map or the use of land within the sphere  
42 of influence may appeal the decision to the regional planning  
43 commission within 30 days after the determination. A person,  
44 county or city that is aggrieved by the determination of the regional  
45 planning commission may appeal the decision to the governing



1 board within 30 days after the determination. A person, county or  
2 city that is aggrieved by the determination of the governing board  
3 may seek judicial review of the decision within 25 days after the  
4 determination.

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

6 278.130 1. If the governing body of a city or county  
7 collaborates in the creation of a regional planning commission and  
8 does not create a separate city or county planning commission, the  
9 regional planning commission shall perform for the city or county  
10 all the duties and functions delegated to a city or county planning  
11 commission by the terms of NRS 278.010 to 278.630, inclusive ~~H~~,  
12 *and sections 27.1 to 27.9, inclusive, of this act.*

13 2. If a regional planning commission has duties and functions  
14 pursuant to NRS 278.010 to 278.630, inclusive, *and sections 27.1 to*  
15 *27.9, inclusive, of this act* which parallel the duties and functions of  
16 a city or county planning commission, the city or county planning  
17 commission has the responsibility for making decisions pertaining  
18 to planning which have a local effect, and the regional planning  
19 commission has the responsibility for making decisions pertaining  
20 to planning which have a regional or intergovernmental effect.

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

22 278.140 1. The formation of regional planning districts is  
23 authorized and a regional planning commission may be created, in  
24 accordance with the provisions of NRS 278.010 to 278.630,  
25 inclusive, *and sections 27.1 to 27.9, inclusive, of this act*, in lieu of  
26 separate city or county planning commissions as may be required or  
27 authorized by NRS 278.010 to 278.630, inclusive ~~H~~, *and sections*  
28 *27.1 to 27.9, inclusive, of this act.*

29 2. Regional planning districts shall consist of a portion of a  
30 political subdivision, two or more contiguous political subdivisions  
31 or contiguous portions of two or more political subdivisions.

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

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

42 5. Reports required by NRS 278.010 to 278.630, inclusive, *and*  
43 *sections 27.1 to 27.9, inclusive, of this act* to be made to a  
44 governing body of a city or a county shall be made to the governing  
45 body of each city or county within the region, and the procedure set



1 forth in NRS 278.010 to 278.630, inclusive, *and sections 27.1 to*  
2 *27.9, inclusive, of this act* for action with respect to maps or  
3 subdivisions shall not be followed by the regional planning  
4 commission for subdivisions which lie within any territory in which  
5 there exists a functioning county or city planning commission.

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

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

8 278.150 1. The planning commission shall prepare and adopt  
9 a comprehensive, long-term general plan for the physical  
10 development of the city, county or region which in the  
11 commission's judgment bears relation to the planning thereof.

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

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

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

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

30 278.160 1. Except as otherwise provided in subsection 4 of  
31 NRS 278.150 and subsection 3 of NRS 278.170, the master plan,  
32 with the accompanying charts, drawings, diagrams, schedules and  
33 reports, may include such of the following subject matter or portions  
34 thereof as are appropriate to the city, county or region, and as may  
35 be made the basis for the physical development thereof:

36 (a) Community design. Standards and principles governing the  
37 subdivision of land and suggestive patterns for community design  
38 and development.

39 (b) Conservation plan. For the conservation, development and  
40 utilization of natural resources, including, without limitation, water  
41 and its hydraulic force, underground water, water supply, solar or  
42 wind energy, forests, soils, rivers and other waters, harbors,  
43 fisheries, wildlife, minerals and other natural resources. The plan  
44 must also cover the reclamation of land and waters, flood control,  
45 prevention and control of the pollution of streams and other waters,





1 regulation of the use of land in stream channels and other areas  
2 required for the accomplishment of the conservation plan,  
3 prevention, control and correction of the erosion of soils through  
4 proper clearing, grading and landscaping, beaches and shores, and  
5 protection of watersheds. The plan must also indicate the maximum  
6 tolerable level of air pollution.

7 (c) Economic plan. Showing recommended schedules for the  
8 allocation and expenditure of public money in order to provide for  
9 the economical and timely execution of the various components of  
10 the plan.

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

12 (1) Must include, without limitation:

13 (I) A plan to inventory historic neighborhoods.

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

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

19 (e) Historical properties preservation plan. An inventory of  
20 significant historical, archaeological, paleontological and  
21 architectural properties as defined by a city, county or region, and a  
22 statement of methods to encourage the preservation of those  
23 properties.

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

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

30 (2) An inventory of existing affordable housing in the  
31 community, including, without limitation, housing that is available  
32 to rent or own, housing that is subsidized either directly or indirectly  
33 by this State, an agency or political subdivision of this State, or the  
34 Federal Government or an agency of the Federal Government, and  
35 housing that is accessible to persons with disabilities.

36 (3) An analysis of projected growth and the demographic  
37 characteristics of the community.

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

40 (5) An analysis of any impediments to the development of  
41 affordable housing and the development of policies to mitigate those  
42 impediments.

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



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

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

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

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

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

16 (1) Must address, if applicable:

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

39 278.190 1. The commission shall endeavor to promote public  
40 interest in and understanding of the master plan and of official plans  
41 and regulations relating thereto. As a means of furthering the  
42 purpose of a master plan, the commission shall annually make  
43 recommendations to the governing body for the implementation of  
44 the plan.



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

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

9 4. In general, the commission shall have such power as may be  
10 necessary to enable it to fulfill its functions and carry out the  
11 provisions of NRS 278.010 to 278.630, inclusive ~~H~~ , and sections  
12 *27.1 to 27.9, inclusive, of this act.*

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

14 278.200 The master plan shall be a map, together with such  
15 charts, drawings, diagrams, schedules, reports, ordinances, or other  
16 printed or published material, or any one or a combination of any of  
17 the foregoing as may be considered essential to the purposes of NRS  
18 278.010 to 278.630, inclusive ~~H~~ , and sections *27.1 to 27.9,*  
19 *inclusive, of this act.*

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

21 278.250 1. For the purposes of NRS 278.010 to 278.630,  
22 inclusive, *and sections 27.1 to 27.9, inclusive, of this act,* the  
23 governing body may divide the city, county or region into zoning  
24 districts of such number, shape and area as are best suited to carry  
25 out the purposes of NRS 278.010 to 278.630, inclusive ~~H~~ , and  
26 *sections 27.1 to 27.9, inclusive, of this act.* Within the zoning  
27 district, it may regulate and restrict the erection, construction,  
28 reconstruction, alteration, repair or use of buildings, structures or  
29 land.

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

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

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

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

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

42 (e) To provide for recreational needs.

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



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

3 (h) To develop a timely, orderly and efficient arrangement of  
4 transportation and public facilities and services, including public  
5 access and sidewalks for pedestrians, and facilities and services for  
6 bicycles.

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

9 (j) To take into account the immediate and long-range financial  
10 impact of the application of particular land to particular kinds of  
11 development, and the relative suitability of the land for  
12 development.

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

14 (l) To ensure the development of an adequate supply of housing  
15 for the community, including the development of affordable  
16 housing.

17 (m) To ensure the protection of existing neighborhoods and  
18 communities, including the protection of rural preservation  
19 neighborhoods and, in counties whose population is 700,000 or  
20 more, the protection of historic neighborhoods.

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

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

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

31 4. In exercising the powers granted in this section, the  
32 governing body may use any controls relating to land use or  
33 principles of zoning that the governing body determines to be  
34 appropriate, including, without limitation, density bonuses,  
35 inclusionary zoning and minimum density zoning.

36 5. As used in this section:

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

44 (b) "Inclusionary zoning" means a type of zoning pursuant to  
45 which a governing body requires or provides incentives to a



1 developer who builds residential dwellings to build a certain  
2 percentage of those dwellings as affordable housing.

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

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

7 278.300 1. The board of adjustment shall have the following  
8 powers:

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

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

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

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

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

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

40 278.320 1. "Subdivision" means any land, vacant or  
41 improved, which is divided or proposed to be divided into five or  
42 more lots, parcels, sites, units or plots, for the purpose of any  
43 transfer or development, or any proposed transfer or development,  
44 unless exempted by one of the following provisions:



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

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

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

9 (1) Any division of land which is ordered by any court in this  
10 State or created by operation of law;

11 (2) A lien, mortgage, deed of trust or any other security  
12 instrument;

13 (3) A security or unit of interest in any investment trust  
14 regulated under the laws of this State or any other interest in an  
15 investment entity;

16 (4) Cemetery lots; or

17 (5) An interest in oil, gas, minerals or building materials,  
18 which are now or hereafter severed from the surface ownership of  
19 real property.

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

24 3. The board of county commissioners of any county may  
25 exempt any parcel or parcels of land from the provisions of NRS  
26 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive,*  
27 *of this act*, if:

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

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

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

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



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

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

6 (d) Qualifies for agricultural use assessment under NRS  
7 361A.100 to 361A.160, inclusive, and any regulations adopted  
8 pursuant thereto; and

9 (e) Is accessible:

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

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

12 or

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

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

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

22 (b) New commercial buildings or residential dwelling units are  
23 proposed to be constructed on the parcel after the date on which the  
24 division, exchange or transfer took place. The provisions of this  
25 paragraph do not prohibit the expansion, repair, reconstruction,  
26 renovation or replacement of preexisting buildings or dwelling units  
27 that are:

28 (1) Dilapidated;

29 (2) Dangerous;

30 (3) At risk of being declared a public nuisance;

31 (4) Damaged or destroyed by fire, flood, earthquake or any  
32 natural or man-made disaster; or

33 (5) Otherwise in need of expansion, repair, reconstruction,  
34 renovation or replacement.

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

36 278.325 1. If a subdivision is proposed on land which is  
37 zoned for industrial or commercial development, neither the  
38 tentative nor the final map need show any division of the land into  
39 lots or parcels, but the streets and any other required improvements  
40 are subject to the requirements of NRS 278.010 to 278.630,  
41 inclusive **H**, and sections 27.1 to 27.9, inclusive, of this act.

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



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

9 4. The provisions of subsection 3 do not apply to a boundary or  
10 line that is created entirely within an existing industrial or  
11 commercial building. A certificate prepared by a professional  
12 engineer or registered architect certifying compliance with the  
13 applicable law of this State in effect at the time of the preparation of  
14 the certificate and with the building code in effect at the time the  
15 building was constructed must be attached to any document which  
16 proposes to subdivide such a building.

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

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

22 278.326 1. Local subdivision ordinances shall be enacted by  
23 the governing body of every incorporated city and every county,  
24 prescribing regulations which, in addition to the provisions of NRS  
25 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive,*  
26 *of this act* govern matters of improvements, mapping, accuracy,  
27 engineering and related subjects, but shall not be in conflict with  
28 NRS 278.010 to 278.630, inclusive **H**, *and sections 27.1 to 27.9,*  
29 *inclusive, of this act.*

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

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

33 278.327 Approval of any map pursuant to the provisions of  
34 NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9,*  
35 *inclusive, of this act* does not in itself prohibit the further division  
36 of the lots, parcels, sites, units or plots described, but any such  
37 further division shall conform to the applicable provisions of those  
38 sections.

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

40 278.590 1. It is unlawful for any person to contract to sell, to  
41 sell or to transfer any subdivision or any part thereof, or land  
42 divided pursuant to a parcel map or map of division into large  
43 parcels, unless:

44 (a) The required map thereof, in full compliance with the  
45 appropriate provisions of NRS 278.010 to 278.630, inclusive, *and*





1 *sections 27.1 to 27.9, inclusive, of this act*, and any local ordinance,  
2 has been recorded in the office of the recorder of each county in  
3 which the subdivision or land divided is located; or

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

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

10 3. This section does not bar any legal, equitable or summary  
11 remedy to which any aggrieved municipality or other political  
12 subdivision, or any person, may otherwise be entitled, and any such  
13 municipality or other political subdivision or person may file suit in  
14 the district court of the county in which any property attempted to  
15 be divided or sold in violation of any provision of NRS 278.010 to  
16 278.630, inclusive, *and sections 27.1 to 27.9, inclusive, of this act*  
17 is located to restrain or enjoin any attempted or proposed division or  
18 transfer in violation of those sections.

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

20 278.630 1. When there is no final map, parcel map or map of  
21 division into large parcels as required by the provisions of NRS  
22 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9, inclusive,*  
23 *of this act*, then the county assessor shall:

24 (a) Determine any apparent discrepancies with respect to the  
25 provisions of NRS 278.010 to 278.630, inclusive **H**, *and sections*  
26 *27.1 to 27.9, inclusive, of this act*;

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

31 (c) Not place on the tax roll or maps of the county assessor any  
32 land for which the county assessor has determined that a  
33 discrepancy exists with respect to the provisions of NRS 278.010 to  
34 278.630, inclusive **H**, *and sections 27.1 to 27.9, inclusive, of this*  
35 *act*.

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

41 3. If the report shows evidence of violation of the provisions of  
42 NRS 278.010 to 278.630, inclusive, *and sections 27.1 to 27.9,*  
43 *inclusive, of this act*, with respect to the division of lands or upon  
44 the filing of a verified complaint by any municipality or other  
45 political subdivision or person, firm or corporation with respect to



1 violation of the provisions of those sections, the district attorney of  
2 each county in this State shall prosecute all such violations in  
3 respective counties in which the violations occur.

4 **Sec. 50.5.** Each planning commission, as defined in NRS  
5 278.013, and governing body, as defined in NRS 278.015, shall  
6 adopt the aboveground utility plan required by section 27.5 of this  
7 act on or before December 31, 2014.

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

11 **Sec. 52.** Notwithstanding any other provision of law to the  
12 contrary, any application for a partial abatement of the local sales  
13 and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or  
14 both local sales and use taxes and taxes imposed pursuant to chapter  
15 361 of NRS submitted by an applicant pursuant to NRS 701A.360  
16 on or after the effective date of this section is subject to the  
17 provisions of NRS 701A.360, 701A.365, 701A.370, 701A.385 and  
18 701A.390 as amended by sections 3 to 7, inclusive, of this act, and  
19 the Director of the Office of Energy shall not, before July 1, 2013,  
20 approve any such application submitted on or after the effective date  
21 of this section but before July 1, 2013.

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

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

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

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

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

