

Amendment No. 366

Senate Amendment to Senate Bill No. 123	(BDR 58-238)
Proposed by: Committee on Commerce and Labor	
Amendment Box:	
Resolves Conflicts with: N/A	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
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Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

“Section 1. NRS 702.160 is hereby amended to read as follows:

702.160 1. Except as otherwise provided in this section and NRS 702.150, each retail customer shall pay:

(a) A universal energy charge of ~~[3.30]~~ **2.475** mills on each therm of natural gas that the retail customer purchases from another person for consumption in this State; and

(b) A universal energy charge of ~~[0.39]~~ **0.2925** mills on each kilowatt-hour of electricity that the retail customer purchases from another person for consumption in this State.

2. The provisions of subsection 1 do not apply to:

(a) Any therm of natural gas used as a source of energy to generate electricity.

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Date: 4/18/2005

S.B. No. 123—Revises provisions governing energy assistance.



(b) Any kilowatt-hour of electricity used in industries utilizing electrolytic-manufacturing processes.

3. If a retail customer uses the distribution services of a public utility or municipal utility to acquire natural gas or electricity that is subject to the universal energy charge, the public utility or municipal utility providing the distribution services shall:

(a) Collect the universal energy charge from each such retail customer;

(b) Ensure that the universal energy charge is set forth as a separate item or entry on the bill of each such retail customer; and

(c) Not later than 30 days after the end of each calendar quarter, remit to the Commission the total amount of money collected by the public utility or municipal utility for the universal energy charge for the immediately preceding calendar quarter.

4. If a retail customer does not use the distribution services of a public utility or municipal utility to acquire natural gas or electricity that is subject to the universal energy charge, not later than 30 days after the end of each calendar quarter, the retail customer shall remit to the Commission the total amount of money owed by the retail customer for the universal energy charge for the immediately preceding calendar quarter.

5. If, during a calendar quarter, a single retail customer or multiple retail customers under common ownership and control pay, in the aggregate, a universal energy charge of more than \$25,000 for all consumption of natural gas and electricity during the calendar quarter, such retail customers are entitled to a refund, for that calendar quarter, of the amount of the universal energy charge that exceeds \$25,000. To receive a refund pursuant to this section, not later than 90 days after

the end of the calendar quarter for which the refund is requested, such retail customers must file with the Commission a request for a refund. If a request for a refund is filed with the Commission:

- (a) The Commission shall determine and certify the amount of the refund; and
- (b) The refund must be paid as other claims against the State are paid from money in the Fund.”.

Amend sec. 2, page 3, line 8, by deleting “Seventy-five” and inserting “[~~Seventy-five~~] **Fifty**”.

Amend sec. 2, page 3, line 13, by deleting “expenses.” and inserting:

“expenses ~~[]~~, ***and the total expenditure for administrative expenses by the Welfare Division and its contractors, its subcontractors and other entities engaged to carry out the duties of the Welfare Division pursuant to this chapter must not exceed 9 percent of the money distributed to the Welfare Division pursuant to this section.***”.

Amend sec. 2, page 3, line 26, by deleting “outreach.” and inserting:

“outreach ~~[]~~, ***except that no money may be spent pursuant to this paragraph to purchase advertising in the printed or electronic media.***”.

Amend sec. 2, page 3, line 32, by deleting “have” and inserting:

“~~[have]~~ :

- (a) ***Be domiciled in a mobile home as defined in NRS 461.140; and***
- (b) ***Have***”.

Amend sec. 2, page 4, by deleting lines 22 through 27 and inserting:

“out and enforce the provisions of this section and NRS 702.250.

~~[8.]~~ ***The regulations:***

- (a) ***May, without limitation, establish limitations on the amount of assistance a household may receive pursuant to this section and the manner in which payments of assistance may be made;***

(b) Must establish the priority for providing assistance to households based on criteria that include, without limitation, the urgency of need, status of health and age of members of the household; and

(c) Must establish a maximum amount of assistance that may be provided to any one household annually.

7. In carrying out the provisions of this section, the”.

Amend sec. 3, page 5, line 2, by deleting “Twenty-five” and inserting “[~~Twenty-five~~] *Fifty*”.

Amend sec. 3, page 5, line 7, by deleting “expenses.” and inserting:

“expenses [~~]~~, and the total expenditure for administrative expenses by the Housing Division and its contractors, its subcontractors and other entities engaged to carry out the duties of the Housing Division pursuant to this chapter must not exceed 9 percent of the money distributed to the Housing Division pursuant to this section.”.

Amend sec. 3, page 5, line 14, by deleting “*subsection I*” and inserting “*this section*”.

Amend sec. 3, page 5, line 24, by deleting “outreach.” and inserting:

“outreach [~~]~~, except that no money may be spent pursuant to this paragraph to purchase advertising in the printed or electronic media.”.

Amend sec. 3, page 5, by deleting line 28 and inserting:

“3. The Housing Division may not use any money distributed to it pursuant to this section to purchase household appliances that use electricity or natural gas.

4. Except as otherwise provided in subsection [~~4.~~] 5, to be eligible”.

Amend sec. 3, page 5, line 30, by deleting “have” and inserting:

“[~~have~~] :

(a) Not be domiciled in a mobile home as defined in NRS 461.140; and

(b) Have”.

Amend sec. 3, page 5, line 33, by deleting “4.” and inserting “[~~4.~~ 5.”.

Amend sec. 3, page 5, line 43, by deleting “5.” and inserting “[~~5.~~ 6.”.

Amend sec. 3, page 6, line 1, by deleting “6.” and inserting:

“~~6.] The regulations must establish:~~

(a) The priority for providing weatherization assistance to households based on criteria that include, without limitation, the urgency of need, status of health and age of members of the household;

(b) A maximum amount of weatherization assistance that may be provided to any one household annually;

(c) A maximum amount of weatherization assistance that may be provided to any one multifamily facility annually based on criteria that include, without limitation, the number of rental units in the facility and the payments of weatherization assistance that would otherwise be made to the households in the facility; and

(d) The priority for providing weatherization assistance to any one household based on the efficiency of the specific type of weatherization provided.

7.”.

Amend the title of the bill to read as follows:

“AN ACT relating to energy assistance; reducing the amount of the universal energy charge;

revising the provisions governing the distribution of money collected pursuant to the

universal energy charge; authorizing the transfer of certain money between the Welfare

Division of the Department of Human Resources and the Housing Division of the Department of Business and Industry under certain circumstances; requiring the Welfare Division and the Housing Division to adopt certain regulations; and providing other matters properly relating thereto.”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law requires retail customers to pay a universal energy charge on certain purchases of energy from public utilities. (NRS 702.160) Existing law prescribes the distribution and use of the proceeds from the universal energy charge. The Public Utilities Commission of Nevada is authorized to retain 3 percent of the proceeds of the universal energy charge to pay for administrative costs, and the remainder must be deposited in the State Treasury for credit to the Fund for Energy Assistance and Conservation. (NRS 702.170, 702.250)

This bill reduces the amount of the universal energy charge, and reduces the percentage of the proceeds of the universal energy charge that may be retained by the Public Utilities Commission of Nevada to 2 percent.

Under existing law, the Welfare Division of the Department of Human Resources receives 75 percent of the money in the Fund for Energy Assistance and Conservation, and the Housing Division of the Department of Business and Industry receives the remaining 25 percent of the money in the Fund. Existing law allows the Welfare Division to retain 3 percent and the Housing Division to retain 6 percent of their respective shares of the money from the Fund to pay for administrative costs. (NRS 702.270, 702.280)

This bill revises the distribution of money to the Welfare Division and the Housing Division so that each receives 50 percent of the money in the Fund. This bill increases the amount the Welfare Division may retain for payment of administrative costs from 3 to 7 percent of the money it receives

from the Fund. This bill also authorizes the Welfare Division and the Housing Division to transfer between Divisions any money remaining from the distribution they receive that is available after providing for administrative and program costs.

Existing law requires the Welfare Division to determine the amount of financial assistance from the Fund to provide to a household. The Welfare Division may base the determination on such factors as household income, household size, type of energy used or other factors. Existing law directs the Welfare Division to adopt regulations to carry out such provisions. (NRS 702.260)

This bill requires the Welfare Division to adopt regulations that establish limitations on the amount of assistance a household may receive, the priority for providing assistance and the manner in which the payment of assistance may be made.

Existing law requires the Housing Division to provide assistance to eligible households for energy conservation, weatherization and energy efficiency. Existing law directs the Housing Division to adopt regulations to carry out such provisions. (NRS 702.270)

This bill prohibits the Housing Division from using money distributed to it from the Fund to purchase household appliances that use electricity or natural gas, and requires the Housing Division to adopt regulations that establish limitations on the amount of weatherization assistance a household or multifamily facility may receive and the priority for providing such assistance.