

ASSEMBLY BILL NO. 380—ASSEMBLYMEN CONKLIN,
KIRKPATRICK, ATKINSON; OCEGUERA AND SMITH

MARCH 21, 2011

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing certain programs for renewable energy systems. (BDR 58-308)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to energy; revising the prospective expiration of the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; providing for the expiration of the Solar Energy Systems Incentive Program; revising provisions governing the Solar Program, the Wind Program and the Waterpower Program; revising provisions governing the amount of incentives which a utility must pay to participants in the Solar Program, the Wind Program and the Waterpower Program; revising provisions relating to net metering; requiring the Public Utilities Commission of Nevada to adopt regulations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that the Wind Energy Systems Demonstration Program
2 and the Waterpower Energy Systems Demonstration Program will expire on
3 June 30, 2011. (NRS 701B.400-701B.890; chapter 509, Statutes of Nevada 2007,
4 p. 2999) **Sections 49-51 and 54** of this bill revise the prospective expiration dates
5 of these programs and provide that the Wind Program, the Waterpower Program
6 and the Solar Energy Systems Incentive Program will expire on December 31,
7 2021.

8 **Section 13** of this bill provides that, for the period beginning July 1, 2010, and
9 ending December 31, 2012, a utility is not required to award an incentive under the
10 Solar Program if the payment of the incentive would cause the total amount of
11 incentives paid by all utilities for the installation of solar energy systems and
12 distributed generation systems would exceed \$140,000,000. **Section 26** of this bill
13 prohibits the Public Utilities Commission of Nevada from authorizing the payment



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14 of an incentive for the installation of a wind energy system under the Wind
15 Program if, for the same period, the amount of the incentive would cause the total
16 amount of incentives paid by all utilities for the installation of wind energy systems
17 and distributed generation systems to exceed \$30,000,000.

18 **Sections 1, 3-12, 14-25, 27-43 and 47** of this bill become effective on
19 January 1, 2013, and revise provisions governing the Solar Program, the Wind
20 Program and the Waterpower Program. **Section 5** provides limits on the total
21 amount of an incentive which may be awarded to a participant in the Wind
22 Program. **Section 5** additionally provides that a utility is not required to award an
23 incentive if such an award would cause the total amount of incentives awarded
24 pursuant to the Wind Program, the Solar Program and the Waterpower Program in
25 a program year by all utilities in this State to exceed one-half of 1 percent of the
26 total revenues received by all utilities in this State from retail customers during the
27 immediately preceding program year. **Section 9** imposes the same requirements for
28 the payment of incentives pursuant to the Solar Program. **Section 37** provides the
29 same cap for the award of incentives pursuant to the Waterpower Program.
30 **Sections 14 and 29** provide that to be eligible for an incentive under the Solar
31 Program or Wind Program, a renewable energy system must meet the requirements
32 for net metering. **Sections 11, 22 and 35** expand the Solar Program, Wind Program
33 and Waterpower Program to include Indian tribes and tribal organizations.

34 Existing law requires a utility to offer net metering until the cumulative
35 capacity of all net metering systems within the service area of the utility is equal to
36 1 percent of the utility's peak capacity. (NRS 704.773) **Section 45** of this bill
37 requires a utility to offer net metering until the cumulative capacity of all net
38 metering systems in this State is equal to 3 percent of the total peak capacity of all
39 utilities in this State.

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

1 **Section 1.** NRS 701.180 is hereby amended to read as follows:
2 701.180 The Director shall:

3 1. Acquire and analyze information relating to energy and to
4 the supply, demand and conservation of its sources, including,
5 without limitation:

6 (a) Information relating to the Solar Energy Systems Incentive
7 Program created pursuant to NRS 701B.240 and the Wind Energy
8 Systems ~~{Demonstration}~~ *Incentive* Program created pursuant to
9 701B.580, including, without limitation, information relating to:

10 (1) The development of distributed generation systems in this
11 State pursuant to participation in the Solar Energy Systems
12 Incentive Program;

13 (2) The use of carbon-based energy in residential and
14 commercial applications due to participation in the Programs; and

15 (3) The average cost of generation on a kilowatt-hour basis
16 for residential and commercial applications due to participation in
17 the Programs; and

18 (b) Information relating to any money distributed pursuant to
19 NRS 702.270.



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

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

6 (b) The amount of energy available to meet each level of
7 demand;

8 (c) The probable implications of the forecast on the demand and
9 supply of energy; and

10 (d) The sources of renewable energy and other alternative
11 sources of energy which are available and their possible effects.

12 3. Study means of reducing wasteful, inefficient, unnecessary
13 or uneconomical uses of energy and encourage the maximum
14 utilization of existing sources of energy in the State.

15 4. Solicit and serve as the point of contact for grants and other
16 money from the Federal Government, including, without limitation,
17 any grants and other money available pursuant to any program
18 administered by the United States Department of Energy, and other
19 sources to cooperate with the Commissioner and the Authority:

20 (a) To promote energy projects that enhance the economic
21 development of the State;

22 (b) To promote the use of renewable energy in this State;

23 (c) To promote the use of measures which conserve or reduce
24 the demand for energy or which result in more efficient use of
25 energy;

26 (d) To develop a comprehensive program for retrofitting public
27 buildings in this State with energy efficiency measures; and

28 (e) If the Commissioner determines that it is feasible and cost-
29 effective, to enter into contracts with researchers from the Nevada
30 System of Higher Education for the design of energy efficiency and
31 retrofit projects to carry out the comprehensive program for
32 retrofitting public buildings in this State developed pursuant to
33 paragraph (d).

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

42 6. If requested to make a determination pursuant to NRS
43 111.239 or 278.0208, make the determination within 30 days after
44 receiving the request. If the Director needs additional information to
45 make the determination, the Director may request the information



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1 from the person making the request for a determination. Within 15
2 days after receiving the additional information, the Director shall
3 make a determination on the request.

4 7. Carry out all other directives concerning energy that are
5 prescribed by the Governor.

6 **Sec. 2.** NRS 701.180 is hereby amended to read as follows:

7 701.180 The Director shall:

8 1. Acquire and analyze information relating to energy and to
9 the supply, demand and conservation of its sources, including,
10 without limitation ~~]:~~

11 ~~—(a) Information relating to the Solar Energy Systems Incentive~~
12 ~~Program created pursuant to NRS 701B.240 and the Wind Energy~~
13 ~~Systems Incentive Program created pursuant to 701B.580,~~
14 ~~including, without limitation, information relating to:~~

15 ~~—(1) The development of distributed generation systems in this~~
16 ~~State pursuant to participation in the Solar Energy Systems~~
17 ~~Incentive Program;~~

18 ~~—(2) The use of carbon based energy in residential and~~
19 ~~commercial applications due to participation in the Programs; and~~

20 ~~—(3) The average cost of generation on a kilowatt-hour basis~~
21 ~~for residential and commercial applications due to participation in~~
22 ~~the Programs; and~~

23 ~~—(b) Information], information~~ relating to any money distributed
24 pursuant to NRS 702.270.

25 2. Review and evaluate information which identifies trends and
26 permits forecasting of the energy available to the State. Such
27 forecasts must include estimates on:

28 (a) The level of demand for energy in the State for 5-, 10- and
29 20-year periods;

30 (b) The amount of energy available to meet each level of
31 demand;

32 (c) The probable implications of the forecast on the demand and
33 supply of energy; and

34 (d) The sources of renewable energy and other alternative
35 sources of energy which are available and their possible effects.

36 3. Study means of reducing wasteful, inefficient, unnecessary
37 or uneconomical uses of energy and encourage the maximum
38 utilization of existing sources of energy in the State.

39 4. Solicit and serve as the point of contact for grants and other
40 money from the Federal Government, including, without limitation,
41 any grants and other money available pursuant to any program
42 administered by the United States Department of Energy, and other
43 sources to cooperate with the Commissioner and the Authority:

44 (a) To promote energy projects that enhance the economic
45 development of the State;



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1 (b) To promote the use of renewable energy in this State;
2 (c) To promote the use of measures which conserve or reduce
3 the demand for energy or which result in more efficient use of
4 energy;

5 (d) To develop a comprehensive program for retrofitting public
6 buildings in this State with energy efficiency measures; and

7 (e) If the Commissioner determines that it is feasible and cost-
8 effective, to enter into contracts with researchers from the Nevada
9 System of Higher Education for the design of energy efficiency and
10 retrofit projects to carry out the comprehensive program for
11 retrofitting public buildings in this State developed pursuant to
12 paragraph (d).

13 5. Coordinate the activities and programs of the Office of
14 Energy with the activities and programs of the Authority, the
15 Consumer's Advocate and the Public Utilities Commission of
16 Nevada, and with other federal, state and local officers and agencies
17 that promote, fund, administer or operate activities and programs
18 related to the use of renewable energy and the use of measures
19 which conserve or reduce the demand for energy or which result in
20 more efficient use of energy.

21 6. If requested to make a determination pursuant to NRS
22 111.239 or 278.0208, make the determination within 30 days after
23 receiving the request. If the Director needs additional information to
24 make the determination, the Director may request the information
25 from the person making the request for a determination. Within 15
26 days after receiving the additional information, the Director shall
27 make a determination on the request.

28 7. Carry out all other directives concerning energy that are
29 prescribed by the Governor.

30 **Sec. 3.** Chapter 701B of NRS is hereby amended by adding
31 thereto the provisions set forth as sections 4, 5 and 6 of this act.

32 **Sec. 4.** *The provisions of this section and NRS 701B.410 to*
33 *701B.650, inclusive, and section 5 of this act apply to the Wind*
34 *Energy Systems Incentive Program.*

35 **Sec. 5. 1.** *The Commission shall adopt regulations*
36 *establishing an incentive for participation in the Wind Program.*

37 **2.** *Each utility shall determine the number and the timing of*
38 *application cycles during a program year but must conduct at least*
39 *one application cycle for each category during each program year.*

40 **3.** *The total amount of an incentive awarded to an applicant*
41 *must not exceed the lesser of 50 percent of the total construction*
42 *costs set forth in the application submitted by the applicant or 50*
43 *percent of the weighted average cost of actual construction costs*
44 *for wind energy systems that received an incentive during the*
45 *immediately preceding program year. Each utility shall publish*



1 *the weighted average cost of actual construction costs for wind*
2 *energy systems that received an incentive for a program year not*
3 *later than January 31 of the following program year.*

4 *4. A utility is not required to award an incentive if such an*
5 *award would cause the total amount of incentives awarded in a*
6 *program year to participants in the Wind Program, the Solar*
7 *Energy Systems Incentive Program created by NRS 701B.240 and*
8 *the Waterpower Energy Systems Incentive Program created by*
9 *NRS 701B.820 to exceed one-half of 1 percent of the total*
10 *revenues received by all utilities in this State from retail customers*
11 *in this State during the immediately preceding program year. For*
12 *each program year, the Commission shall determine the capacity*
13 *each utility must allocate to each program.*

14 **Sec. 6.** *The provisions of this section and NRS 701B.710 to*
15 *701B.880, inclusive, apply to the Waterpower Energy Systems*
16 *Incentive Program.*

17 **Sec. 7.** NRS 701B.100 is hereby amended to read as follows:

18 701B.100 “Program year” means ~~[the period of July 1 to~~
19 ~~June 30 of the following]~~ *a calendar* year.

20 **Sec. 8.** NRS 701B.200 is hereby amended to read as follows:

21 701B.200 The Commission shall adopt regulations necessary
22 to carry out the provisions of NRS 701B.010 to 701B.290, inclusive,
23 including, without limitation, regulations that ~~[-~~

24 ~~—1.— Establish the type of incentives available to participants in~~
25 ~~the Solar Program and the level or amount of those incentives,~~
26 ~~except that the level or amount of an incentive available in a~~
27 ~~particular program year must not be based upon whether the~~
28 ~~incentive is for unused capacity reallocated from a past program~~
29 ~~year pursuant to paragraph (b) of subsection 2 of NRS 701B.260.~~
30 ~~The regulations must provide that the level or amount of the~~
31 ~~incentives must decline over time as the cost of solar energy systems~~
32 ~~and distributed generation systems decline.~~

33 ~~—2.— Establish]~~ *establish* the requirements for a utility’s annual
34 plan for carrying out and administering the Solar Program. A
35 utility’s annual plan must include, without limitation:

36 ~~[(a)]~~ *1.* A detailed plan for advertising the Solar Program;

37 ~~[(b)]~~ *2.* A detailed budget and schedule for carrying out and
38 administering the Solar Program;

39 ~~[(e)]~~ *3.* A detailed account of administrative processes and
40 forms that will be used to carry out and administer the Solar
41 Program, including, without limitation, a description of the
42 application process and copies of all applications and any other
43 forms that are necessary to apply for and participate in the Solar
44 Program;



1 ~~[(d)]~~ 4. A detailed account of the procedures that will be used
2 for inspection and verification of a participant's solar energy system
3 and compliance with the Solar Program;

4 ~~[(e)]~~ 5. A detailed account of training and educational
5 activities that will be used to carry out and administer the Solar
6 Program; and

7 ~~[(f)]~~ 6. Any other information required by the Commission.

8 ~~[(3). Authorize a utility to recover the reasonable costs incurred~~
9 ~~in carrying out and administering the installation of distributed~~
10 ~~generation systems pursuant to paragraph (b) of subsection 1 of~~
11 ~~NRS 701B.260.]~~

12 **Sec. 9.** NRS 701B.220 is hereby amended to read as follows:

13 701B.220 1. In adopting regulations for the Solar Program,
14 the Commission shall adopt regulations establishing an incentive for
15 participation in the Solar Program.

16 2. *Each utility shall determine the number and the timing of*
17 *application cycles during a program year but must conduct at least*
18 *one application cycle for each category during each program year.*

19 3. *The total amount of an incentive awarded to an applicant*
20 *must not exceed the lesser of 50 percent of the total construction*
21 *costs set forth in the application submitted by the applicant or 50*
22 *percent of the weighted average cost of actual construction costs*
23 *for solar energy systems that received an incentive during the*
24 *immediately preceding program year. Each utility shall publish*
25 *the weighted average cost of actual construction costs for solar*
26 *energy systems that received an incentive for a program year not*
27 *later than January 31 of the following program year.*

28 4. *A utility is not required to award an incentive if such an*
29 *award would cause the total amount of incentives awarded in a*
30 *program year to participants in the Solar Program, the Wind*
31 *Energy Systems Incentive Program created by NRS 701B.580 and*
32 *the Waterpower Energy Systems Incentive Program created by*
33 *NRS 701B.820 to exceed one-half of 1 percent of the total*
34 *revenues received by all utilities in this State from retail customers*
35 *in this State during the immediately preceding program year. For*
36 *each program year, the Commission shall determine the capacity*
37 *each utility must allocate to each program.*

38 **Sec. 10.** NRS 701B.230 is hereby amended to read as follows:

39 701B.230 1. Each year on or before the date established by
40 the Commission, a utility shall file with the Commission its annual
41 plan for carrying out and administering the Solar Program within its
42 service area for a program year. *A utility may file the plan as part*
43 *of a combined annual plan for carrying out and administering the*
44 *Solar Program, the Wind Energy Systems Incentive Program*
45 *created by NRS 701B.580 and the Waterpower Energy Systems*



1 ***Incentive Program created by NRS 701B.820 in its service area for***
2 ***the program year.***

3 2. The Commission shall:

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

7 (b) Approve each annual plan with such modifications and upon
8 such terms and conditions as the Commission finds necessary or
9 appropriate to facilitate the Solar Program.

10 3. A utility shall carry out and administer the Solar Program
11 within its service area in accordance with the utility's annual plan as
12 approved by the Commission.

13 4. A utility may recover its reasonable and prudent costs,
14 including, without limitation, customer incentives, that are
15 associated with carrying out and administering the Solar Program
16 within its service area by seeking recovery of those costs in an
17 appropriate proceeding before the Commission pursuant to
18 NRS 704.110.

19 **Sec. 11.** NRS 701B.240 is hereby amended to read as follows:

20 701B.240 1. The Solar Energy Systems Incentive Program is
21 hereby created.

22 2. The Solar Program ~~must have~~ ***is limited to three five***
23 ***categories of participants*** as follows:

24 (a) School property;

25 (b) Public and other property; ~~and~~

26 (c) Private residential property ;

27 ***(d) Property owned by an Indian tribe or tribal organization;***
28 and ~~small~~

29 ***(e) Small*** business property.

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

32 (a) Meet the qualifications established by the Commission
33 pursuant to NRS 701B.210;

34 (b) Submit an application to a utility and be selected by the
35 ~~Commission~~ ***utility*** for inclusion in the Solar Program pursuant to
36 NRS 701B.250 and 701B.255;

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

41 (d) If the person will be participating in the Solar Program in the
42 category of school property or public and other property, provide for
43 the public display of the solar energy system, including, without
44 limitation, providing for public demonstrations of the solar energy



1 system and for hands-on experience of the solar energy system by
2 the public.

3 **Sec. 12.** NRS 701B.255 is hereby amended to read as follows:

4 701B.255 1. After reviewing an application submitted
5 pursuant to NRS 701B.250 and ensuring that the applicant meets the
6 qualifications and requirements to be eligible to participate in the
7 Solar Program, a utility may, *in accordance with the provisions of*
8 *NRS 701B.220 and any regulations adopted pursuant thereto,*
9 select the applicant for participation in the Solar Program.

10 2. Not later than 30 days after the date on which the utility
11 selects an applicant, the utility shall provide written notice of the
12 selection to the applicant.

13 3. After the utility selects an applicant to participate in the
14 Solar Program, the utility may approve the solar energy system
15 proposed by the applicant. Upon the utility's approval of the solar
16 energy system:

17 (a) The utility shall provide to the applicant notice of the
18 approval and the amount of incentive for which the solar energy
19 system is eligible; and

20 (b) The applicant may install and energize the solar energy
21 system.

22 4. *An applicant for participation in the Solar Program in the*
23 *category of private residential property, property owned by an*
24 *Indian tribe or tribal organization or small business property must*
25 *complete the installation and energizing of the solar energy system*
26 *within 12 months after issuance of the notice required by*
27 *paragraph (a) of subsection 3, unless the utility grants the*
28 *applicant an extension of the time within which to complete the*
29 *installation and energizing of the solar energy system for a period*
30 *not to exceed an additional 6 months. If the applicant has not*
31 *completed the installation and energizing of his or her solar*
32 *energy system within the time provided in this subsection, the*
33 *notice of approval is void, and the applicant loses his or her right*
34 *to receive the incentive payment provided in the notice. The*
35 *applicant may submit a new application and may receive an*
36 *incentive payment pursuant to a new notice of approval issued by*
37 *the utility for a new application cycle if the solar energy system*
38 *has not been installed and energized before the date of issuance of*
39 *the new notice of approval. The incentive for which the applicant*
40 *is eligible is the lesser of the average incentive awarded to*
41 *participants in the applicant's category in the current program*
42 *year or the amount of the incentive which the applicant was*
43 *authorized to receive pursuant to the original notice of approval.*

44 5. *An applicant for participation in the Solar Program in the*
45 *category of school property or public and other property must*



1 *complete the installation and energizing of the solar energy system*
2 *within 18 months after issuance of the notice required by*
3 *paragraph (a) of subsection 3, unless the utility grants the*
4 *applicant an extension of the time within which to complete the*
5 *installation and energizing of the solar energy system for a period*
6 *not to exceed an additional 12 months. If the applicant has not*
7 *completed the installation and energizing of his or her solar*
8 *energy system within the time provided in this subsection, the*
9 *notice of approval is void, and the applicant loses his or her right*
10 *to receive the incentive payment provided in the notice. The*
11 *applicant may submit a new application and may receive an*
12 *incentive payment pursuant to a new notice of approval issued by*
13 *the utility for a new application cycle if the solar energy system*
14 *has not been installed and energized before the date of issuance of*
15 *the new notice of approval. The incentive for which the applicant*
16 *is eligible is the incentive in effect at the time the new notice of*
17 *approval is issued.*

18 6. Upon the completion of the installation and energizing of the
19 solar energy system, the participant must submit to the utility an
20 incentive claim form and any supporting information, including,
21 without limitation, a verification of the cost of the project and a
22 calculation of the expected system output.

23 ~~[5.]~~ 7. Upon receipt of the incentive claim form and
24 verification that the solar energy system is properly connected, the
25 utility shall issue an incentive payment to the participant.

26 ~~[6. The amount of the incentive for which an applicant is~~
27 ~~eligible must be determined on the date on which the applicant is~~
28 ~~selected for participation in the Solar Program, except that an~~
29 ~~applicant forfeits eligibility for that amount of incentive if the~~
30 ~~applicant withdraws from participation in the Solar Program or does~~
31 ~~not complete the installation of the solar energy system within 12~~
32 ~~months after the date on which the applicant is selected for~~
33 ~~participation in the Solar Program. An applicant who forfeits~~
34 ~~eligibility for the incentive for which the applicant was originally~~
35 ~~determined to be eligible may become eligible for an incentive only~~
36 ~~on the date on which the applicant completes the installation of the~~
37 ~~solar energy system, and the amount of the incentive for which such~~
38 ~~an applicant is eligible must be determined on the date on which the~~
39 ~~applicant completes the installation of the solar energy system.]~~

40 **Sec. 13.** NRS 701B.260 is hereby amended to read as follows:
41 701B.260 1. Except as otherwise provided in this section, the
42 Commission ~~[may approve, for:~~

43 ~~—(a) The program year beginning July 1, 2009,]:~~

44 (a) *May approve* solar energy systems ~~[:~~



1 ~~— (1) Totaling 2,000 kilowatts] totaling not more than 200~~
2 ~~megawatts of capacity for [school property;~~
3 ~~— (2) Totaling 760 kilowatts of capacity for public and other~~
4 ~~property; and~~
5 ~~— (3) Totaling 1,000 kilowatts of capacity for private~~
6 ~~residential property and small business property; and~~
7 ~~— (b) Each program year for the period beginning July 1, 2010,~~
8 ~~and ending on June 30, 2021, an additional 9 percent of the sum of~~
9 ~~the total allocated capacities of all the categories described in~~
10 ~~paragraph (a) which must be approved for distributed generation~~
11 ~~systems.~~
12 ~~— 2. If] the State;~~
13 ~~(b) Shall prescribe the capacity which is allocated to [any] each~~
14 ~~service area within the State for a program year;~~
15 ~~(c) Shall prescribe the capacity which is allocated to each~~
16 ~~category for a program year [is not fully subscribed by participants~~
17 ~~in that category, the Commission may, in any combination it deems~~
18 ~~appropriate:~~
19 ~~— (a) Reallocate any of the unused capacity in that category to any~~
20 ~~of the other categories; or~~
21 ~~— (b) Reallocate any of the unused capacity in that category to~~
22 ~~future program years within the same category.~~
23 ~~— 3. To promote the installation of solar energy systems on as~~
24 ~~many school properties as possible, the Commission may not~~
25 ~~approve for use in the Solar Program a solar energy system having a~~
26 ~~generating capacity of more than 50 kilowatts if the solar energy~~
27 ~~system is or will be installed on school property on or after July 1,~~
28 ~~2007, unless the Commission determines that approval of a solar~~
29 ~~energy system with a greater generating capacity is more practicable~~
30 ~~for a particular school property.~~
31 ~~— 4. The Commission shall not authorize the payment of an] ;~~
32 ~~and~~
33 ~~(d) Shall establish requirements for the capacity of solar~~
34 ~~energy systems which may be approved for each category,~~
35 ~~including, without limitation, the minimum and maximum~~
36 ~~generating capacity of a solar energy system installed on property~~
37 ~~other than residential property, which must be determined based~~
38 ~~on the nature of the business and property for which the solar~~
39 ~~energy system is installed.~~
40 ~~2. A utility is not required to award an incentive for the~~
41 ~~installation of a solar energy system or distributed generation system~~
42 ~~if [:~~
43 ~~— (a) For] , for the period beginning July 1, 2010, and ending~~
44 ~~[June 30, 2013.] December 31, 2012, inclusive, the payment of the~~
45 ~~incentive would cause the total amount of incentives paid by [a~~



1 ~~utility]~~ *all utilities* for the installation of solar energy systems and
2 distributed generation systems to exceed ~~[\$78,260,000; and~~

3 ~~—(b) For the period beginning July 1, 2010, and ending June 30,~~
4 ~~2021, the payment of the incentive would cause the total amount of~~
5 ~~incentives paid by a utility for the installation of solar energy~~
6 ~~systems and distributed generation systems to exceed~~
7 ~~\$255,270,000.] \$140,000,000.~~

8 **Sec. 14.** NRS 701B.280 is hereby amended to read as follows:

9 701B.280 ~~[(f)]~~ *To be eligible for an incentive through the*
10 *Solar Program*, a solar energy system ~~[used by a participant in the~~
11 ~~Solar Program meets] must meet~~ the requirements ~~[of NRS 704.766~~
12 ~~to 704.775, inclusive, the participant is entitled to participate]~~ *for*
13 *participation* in net metering pursuant to the provisions of NRS
14 704.766 to 704.775, inclusive.

15 **Sec. 15.** NRS 701B.350 is hereby amended to read as follows:

16 701B.350 1. The Renewable Energy School Pilot Program is
17 hereby created. The goal of the Program is to encourage the
18 development of and determine the feasibility for the integration of
19 renewable energy systems on school properties.

20 2. The Commission shall adopt regulations for the Program.
21 Such regulations shall include, but not be limited to:

22 (a) A time frame for implementation of the Program;

23 (b) The allowed renewable energy systems and combinations of
24 such renewable energy systems on school property;

25 (c) The amount of capacity that may be installed at each school
26 property that participates in the Program;

27 (d) A process by which a school district may apply for
28 participation in the Program;

29 (e) Requirements for participation by a school district;

30 (f) The type of transactions allowed between a renewable energy
31 system generator, a school district and a utility;

32 (g) Incentives which may be provided to a school district or
33 school property to encourage participation; and

34 (h) Such other parameters as determined by the Commission and
35 are consistent with the development of renewable energy systems at
36 school properties.

37 3. The Program shall be limited to 10 school properties. Not
38 more than 6 school properties from any one school district may
39 participate in the Program.

40 4. The Commission shall adopt the regulations necessary to
41 implement the Program not later than March 1, 2008.

42 5. The Commission shall prepare a report detailing the results
43 of the Program and shall submit the report to the Legislature by
44 December 1, 2008.

45 6. As used in this section:



1 (a) "Commission" means the Public Utilities Commission of
2 Nevada.

3 (b) "Owned, leased or occupied" includes, without limitation,
4 any real property, building or facilities which are owned, leased or
5 occupied under a deed, lease, contract, license, permit, grant, patent
6 or any other type of legal authorization.

7 (c) "Renewable energy system" has the meaning ascribed to it in
8 NRS 704.7815.

9 (d) "School district" has the meaning ascribed to it in
10 NRS 395.0075.

11 (e) "School property" means any real property, building or
12 facilities which are owned, leased or occupied by a public school as
13 defined in NRS 385.007.

14 (f) "Utility" ~~[has the meaning ascribed to it in NRS 701B.180.]~~
15 *means a public utility that supplies electricity in this State.*

16 **Sec. 16.** NRS 701B.410 is hereby amended to read as follows:

17 701B.410 As used in NRS ~~[701B.400]~~ *701B.410* to 701B.650,
18 inclusive, *and sections 4 and 5 of this act*, unless the context
19 otherwise requires, the words and terms defined in NRS 701B.420
20 to 701B.560, inclusive, have the meanings ascribed to them in those
21 sections.

22 **Sec. 17.** NRS 701B.430 is hereby amended to read as follows:

23 701B.430 "Applicant" means a person who is applying to
24 participate in the Wind ~~[Demonstration]~~ Program.

25 **Sec. 18.** NRS 701B.440 is hereby amended to read as follows:

26 701B.440 "Category" means one of the categories of
27 participation in the Wind ~~[Demonstration]~~ Program as set forth in
28 NRS 701B.580.

29 **Sec. 19.** NRS 701B.470 is hereby amended to read as follows:

30 701B.470 "Participant" means a person who has been selected
31 by a utility to participate in the Wind ~~[Demonstration]~~ Program.

32 **Sec. 20.** NRS 701B.490 is hereby amended to read as follows:

33 701B.490 "Program year" means ~~[the period of July 1 to~~
34 ~~June 30 of the following]~~ *a calendar* year.

35 **Sec. 21.** NRS 701B.550 is hereby amended to read as follows:

36 701B.550 "Wind ~~[Demonstration]~~ Program" or "Program"
37 means the Wind Energy Systems ~~[Demonstration]~~ *Incentive*
38 Program created by NRS 701B.580.

39 **Sec. 22.** NRS 701B.580 is hereby amended to read as follows:

40 701B.580 1. The Wind Energy Systems ~~[Demonstration]~~
41 *Incentive* Program is hereby created.

42 2. The Program must have ~~[four]~~ *six* categories as follows:

- 43 (a) School property;
44 (b) Other public property;
45 (c) Private residential property ~~[and small]~~ ;



- 1 (d) *Small business property;*
- 2 (e) *Property owned by an Indian tribe or tribal organization;*
- 3 and

4 ~~[(d)]~~ (f) *Agricultural property.*

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

6 (a) Meet the qualifications established by the Commission

7 pursuant to NRS 701B.590;

8 (b) *Submit an application for participation in the Program to a*

9 *utility;*

10 (c) When installing the wind energy system, use an installer who

11 has been issued a classification C-2 license with the appropriate

12 subclassification by the State Contractors' Board pursuant to the

13 regulations adopted by the Board; and

14 ~~[(e)]~~ (d) If the person will be participating in the Program in the

15 category of school property or other public property, provide for the

16 public display of the wind energy system, including, without

17 limitation, providing for public demonstrations of the wind energy

18 system and for hands-on experience of the wind energy system by

19 the public.

20 **Sec. 23.** NRS 701B.590 is hereby amended to read as follows:

21 701B.590 The Commission shall adopt regulations necessary

22 to carry out the provisions of ~~[the Wind Energy Systems~~

23 ~~Demonstration Program Act.]~~ *NRS 701B.410 to 701B.650,*

24 *inclusive, and sections 4 and 5 of this act,* including, without

25 limitation, regulations that establish:

26 1. ~~The [capacity goals for the Program, which must be~~

27 ~~designed to meet the goal of the Legislature of the installation of not~~

28 ~~less than 5 megawatts of wind energy systems in this State by 2012~~

29 ~~and the goals for each category of the Program.~~

30 ~~—2.— A system of incentives that are based on rebates that decline~~

31 ~~as the capacity goals for the Program and the goals for each~~

32 ~~category of the Program are met. The rebates must be based on~~

33 ~~predicted energy savings.~~

34 ~~—3.— The procedure for claiming incentives, including, without~~

35 ~~limitation, the form and content of the incentive claim form.]~~

36 *qualifications and requirements an applicant must meet to be*

37 *eligible to participate in the Wind Program in each particular*

38 *category of:*

39 (a) *School property;*

40 (b) *Other public property;*

41 (c) *Private residential property;*

42 (d) *Small business property;*

43 (e) *Property owned by an Indian tribe or tribal organization;*

44 and

45 (f) *Agricultural property.*



1 2. *The requirements for a utility's annual plan for carrying*
2 *out and administering the Wind Program. A utility's annual plan*
3 *must include, without limitation:*

4 (a) *A detailed plan for advertising the Program;*

5 (b) *A detailed budget and schedule for carrying out and*
6 *administering the Program;*

7 (c) *A detailed account of the administrative processes and*
8 *forms that are necessary to apply for and participate in the*
9 *Program;*

10 (d) *A detailed account of the procedures that will be used for*
11 *inspection of a participant's wind energy system and verification*
12 *of a participant's compliance with the Program;*

13 (e) *A detailed account of training and educational activities*
14 *that will be used to carry out and administer the Program; and*

15 (f) *Any other information required by the Commission.*

16 **Sec. 24.** NRS 701B.600 is hereby amended to read as follows:

17 701B.600 1. Each utility shall carry out and administer the
18 Wind ~~[Demonstration]~~ Program within its service area in
19 accordance with its annual plan as approved by the Commission
20 pursuant to NRS 701B.610.

21 2. A utility may recover its reasonable and prudent costs,
22 including, without limitation, customer incentives, that are
23 associated with carrying out and administering the Program within
24 its service area by seeking recovery of those costs in an appropriate
25 proceeding before the Commission pursuant to NRS 704.110.

26 **Sec. 25.** NRS 701B.610 is hereby amended to read as follows:

27 701B.610 1. ~~[On or before February 1, 2008, and on or~~
28 ~~before February 1 of each year thereafter.]~~ *Each year on or before a*
29 *date established by the Commission, each utility shall file with the*
30 *Commission its annual plan for carrying out and administering*
31 *the Wind ~~[Demonstration]~~ Program within its service area for the*
32 *following program year. A utility may file the plan as part of a*
33 *combined annual plan for carrying out and administering the*
34 *Wind Program, the Solar Energy Systems Incentive Program*
35 *created by NRS 701B.240 and the Waterpower Energy Systems*
36 *Incentive Program created by NRS 701B.820 in its service area for*
37 *the following program year.*

38 2. ~~[On or before July 1, 2008, and on or before July 1 of each~~
39 ~~year thereafter.]~~ *Within 150 days after a utility files its annual plan*
40 *for administering the Wind Program, the Commission shall:*

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

43 (b) Approve the annual plan with such modifications and upon
44 such terms and conditions as the Commission finds necessary or
45 appropriate to facilitate the Program.



1 **Sec. 26.** NRS 701B.615 is hereby amended to read as follows:
2 701B.615 1. An applicant who wishes to participate in the
3 Wind ~~[Demonstration]~~ Program must submit an application to a
4 utility.

5 2. After reviewing an application submitted pursuant to
6 subsection 1 and ensuring that the applicant meets the qualifications
7 and requirements to be eligible to participate in the Program, a
8 utility may select the applicant for participation in the Program.

9 3. Not later than 30 days after the date on which the utility
10 selects an applicant, the utility shall provide written notice of the
11 selection to the applicant.

12 4. After the utility selects an applicant to participate in the
13 Program, the utility may approve the wind energy system proposed
14 by the applicant. Upon the utility's approval of the wind energy
15 system:

16 (a) The utility shall provide to the applicant notice of the
17 approval and the amount of incentive for which the wind energy
18 system is eligible; and

19 (b) The applicant may install and energize the wind energy
20 system.

21 5. Upon the completion of the installation and energizing of the
22 wind energy system, the participant must submit to the utility an
23 incentive claim form and any supporting information, including,
24 without limitation, a verification of the cost of the project and a
25 calculation of the expected system output.

26 6. Upon receipt of the incentive claim form and verification
27 that the wind energy system is properly connected, the utility shall
28 issue an incentive payment to the participant.

29 7. The amount of the incentive for which an applicant is
30 eligible must be determined on the date on which the applicant is
31 selected for participation in the Wind ~~[Demonstration]~~ Program,
32 except that an applicant forfeits eligibility for that amount of
33 incentive if the applicant withdraws from participation in the
34 Program or does not complete the installation of the wind energy
35 system within 12 months after the date on which the applicant is
36 selected for participation in the Program. An applicant who forfeits
37 eligibility for the incentive for which the applicant was originally
38 determined to be eligible may become eligible for an incentive only
39 on the date on which the applicant completes the installation of the
40 wind energy system, and the amount of the incentive for which such
41 an applicant is eligible must be determined on the date on which the
42 applicant completes the installation of the wind energy system.

43 8. *The Commission shall not authorize the payment of an*
44 *incentive for the installation of a wind energy system if, for the*
45 *period beginning July 1, 2010, and ending December 31, 2012,*



1 *inclusive, the payment of the incentive would cause the total*
2 *amount of incentives paid by all utilities for the installation of*
3 *wind energy systems and distributed generation systems to exceed*
4 *\$30,000,000.*

5 **Sec. 27.** NRS 701B.615 is hereby amended to read as follows:

6 701B.615 1. An applicant who wishes to participate in the
7 Wind Program must submit an application to a utility.

8 2. After reviewing an application submitted pursuant to
9 subsection 1 and ensuring that the applicant meets the qualifications
10 and requirements to be eligible to participate in the Program, a
11 utility may select the applicant for participation in the Program.

12 3. Not later than 30 days after the date on which the utility
13 selects an applicant, the utility shall provide written notice of the
14 selection to the applicant.

15 4. After the utility selects an applicant to participate in the
16 Program, the utility may approve the wind energy system proposed
17 by the applicant. Upon the utility's approval of the wind energy
18 system:

19 (a) The utility shall provide to the applicant notice of the
20 approval and the amount of incentive for which the wind energy
21 system is eligible; and

22 (b) The applicant may install and energize the wind energy
23 system.

24 5. *An applicant for participation in the Wind Program must*
25 *complete the installation and energizing of the wind energy system*
26 *within 12 months after issuance of the notice required by*
27 *paragraph (a) of subsection 4, unless the utility grants the*
28 *applicant an extension of the time within which to complete the*
29 *installation and energizing of the wind energy system for a period*
30 *not to exceed an additional 6 months. If the applicant has not*
31 *completed the installation and energizing of his or her wind*
32 *energy system within the time provided in this subsection, the*
33 *notice of approval is void, and the applicant loses his or her right*
34 *to receive the incentive payment provided in the notice. The*
35 *applicant may submit a new application and may receive an*
36 *incentive payment pursuant to a new notice of approval issued by*
37 *the utility for a new application cycle if the wind energy system*
38 *has not been installed and energized before the date of issuance of*
39 *the new notice of approval. The incentive for which the applicant*
40 *is eligible is the lesser of the average incentive awarded to*
41 *participants in the applicant's category in the current program*
42 *year or the amount of the incentive which the applicant was*
43 *authorized to receive pursuant to the original notice of approval.*

44 6. Upon the completion of the installation and energizing of the
45 wind energy system, the participant must submit to the utility an



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1 incentive claim form and any supporting information, including,
2 without limitation, a verification of the cost of the project and a
3 calculation of the expected system output.

4 ~~[6.]~~ 7. Upon receipt of the incentive claim form and
5 verification that the wind energy system is properly connected, the
6 utility shall issue an incentive payment to the participant.

7 ~~[7.]~~ 8. The amount of the incentive for which an applicant is
8 eligible must be determined on the date on which the applicant is
9 selected for participation in the Wind Program . ~~[, except that an
10 applicant forfeits eligibility for that amount of incentive if the
11 applicant withdraws from participation in the Program or does not
12 complete the installation of the wind energy system within 12
13 months after the date on which the applicant is selected for
14 participation in the Program. An applicant who forfeits eligibility
15 for the incentive for which the applicant was originally determined
16 to be eligible may become eligible for an incentive only on the date
17 on which the applicant completes the installation of the wind energy
18 system, and the amount of the incentive for which such an applicant
19 is eligible must be determined on the date on which the applicant
20 completes the installation of the wind energy system.~~

21 ~~—8. The Commission shall not authorize the payment of an
22 incentive for the installation of a wind energy system if, for the
23 period beginning July 1, 2010, and ending December 31, 2012,
24 inclusive, the payment of the incentive would cause the total amount
25 of incentives paid by all utilities for the installation of wind energy
26 systems and distributed generation systems to exceed \$30,000,000.]~~

27 **Sec. 27.5.** NRS 701B.625 is hereby amended to read as
28 follows:

29 701B.625 1. The installation of a wind energy system on
30 property owned or occupied by a public body pursuant to NRS
31 ~~[701B.400]~~ **701B.410** to 701B.650, inclusive, **and sections 4 and 5**
32 **of this act** shall be deemed to be a public work for the purposes of
33 chapters 338 and 341 of NRS, regardless of whether the installation
34 of the wind energy system is financed in whole or in part by public
35 money.

36 2. The amount of any incentive issued by a utility relating to
37 the installation of a wind energy system on property owned or
38 occupied by a public body may not be used to reduce the cost of the
39 project to an amount which would exempt the project from the
40 requirements of NRS 338.020 to 338.090, inclusive.

41 3. As used in this section, “public body” means the State or a
42 county, city, town, school district or any public agency of this State
43 or its political subdivisions.



1 **Sec. 28.** NRS 701B.640 is hereby amended to read as follows:
2 701B.640 1. After a participant installs a wind energy system
3 included in the Wind ~~[Demonstration]~~ Program, the Commission
4 shall issue portfolio energy credits for use within the system of
5 portfolio energy credits adopted by the Commission pursuant to
6 NRS 704.7821 and 704.78213 equal to the actual or estimated
7 kilowatt-hour production of the wind energy system.

8 2. All portfolio energy credits issued for a wind energy system
9 installed pursuant to the Wind ~~[Demonstration]~~ Program must be
10 assigned to and become the property of the utility administering the
11 Program.

12 **Sec. 29.** NRS 701B.650 is hereby amended to read as follows:
13 701B.650 ~~[[~~ *To be eligible for an incentive through the*
14 *Wind Program*, a wind energy system ~~[used by a participant in the~~
15 ~~Wind Program meets]~~ *must meet* the requirements ~~[of NRS 704.766~~
16 ~~to 704.775, inclusive, the participant is entitled to participate]~~ *for*
17 *participation* in net metering pursuant to the provisions of NRS
18 704.766 to 704.775, inclusive.

19 **Sec. 30.** NRS 701B.710 is hereby amended to read as follows:
20 701B.710 As used in NRS ~~[701B.700]~~ *701B.710* to 701B.880,
21 inclusive, *and section 6 of this act*, unless the context otherwise
22 requires, the words and terms defined in NRS 701B.720 to
23 701B.810, inclusive, have the meanings ascribed to them in those
24 sections.

25 **Sec. 31.** NRS 701B.720 is hereby amended to read as follows:
26 701B.720 “Applicant” means a person who is applying to
27 participate in the Waterpower ~~[Demonstration]~~ Program.

28 **Sec. 32.** NRS 701B.740 is hereby amended to read as follows:
29 701B.740 “Participant” means a person who has been selected
30 by a utility to participate in the Waterpower ~~[Demonstration]~~
31 Program.

32 **Sec. 33.** NRS 701B.760 is hereby amended to read as follows:
33 701B.760 “Program year” means ~~[the period of July 1 to~~
34 ~~June 30 of the following]~~ *a calendar* year.

35 **Sec. 34.** NRS 701B.810 is hereby amended to read as follows:
36 701B.810 “Waterpower ~~[Demonstration]~~ Program” or
37 “Program” means the Waterpower Energy Systems ~~[Demonstration]~~
38 *Incentive* Program created by NRS 701B.820.

39 **Sec. 35.** NRS 701B.820 is hereby amended to read as follows:
40 701B.820 1. The Waterpower Energy Systems
41 ~~[Demonstration]~~ *Incentive* Program is hereby created.

42 2. The Waterpower ~~[Demonstration]~~ Program is created for
43 ~~[agricultural]~~ :

44 (a) *Indian tribes and tribal organizations that are customers of*
45 *a utility; and*



1 (b) *Agricultural* uses.

2 3. To be eligible to participate in the Waterpower
3 ~~{Demonstration}~~ Program, a person must meet the qualifications
4 established pursuant to subsection 4, apply to a utility and be
5 selected by the utility for inclusion in the Waterpower
6 ~~{Demonstration}~~ Program.

7 4. The Commission shall adopt regulations providing for the
8 qualifications an applicant must meet to qualify to participate in the
9 Waterpower ~~{Demonstration}~~ Program.

10 **Sec. 36.** NRS 701B.830 is hereby amended to read as follows:

11 701B.830 Each utility is responsible for the administration and
12 delivery of the Waterpower ~~{Demonstration}~~ Program as approved
13 by the Commission.

14 **Sec. 37.** NRS 701B.840 is hereby amended to read as follows:

15 701B.840 The Commission shall adopt regulations that
16 establish:

17 1. The capacity goals for the *Waterpower* Program, which
18 must be designed to meet the goal of the Legislature of the
19 installation of not less than 500 kilowatts of waterpower energy
20 systems in this State by ~~{2012}~~ *2016* and the goals for each category
21 of the Program.

22 2. A system of incentives that are based on rebates that decline
23 as the capacity goals for the *Waterpower* Program and the goals for
24 each category of the Program are met. The rebates must be based on
25 predicted energy savings. *A utility is not required to award an*
26 *incentive if such an award would cause the total amount of*
27 *incentives awarded in a program year to participants in the*
28 *Waterpower Program, the Solar Energy Systems Incentive*
29 *Program created by NRS 701B.240 and the Wind Energy Systems*
30 *Incentive Program created by NRS 701B.580 to exceed one-half of*
31 *1 percent of the total revenues received by all utilities in this State*
32 *from retail customers in this State during the immediately*
33 *preceding program year. For each program year, the Commission*
34 *shall determine the capacity each utility must allocate to each*
35 *program.*

36 3. The procedure for claiming incentives, including, without
37 limitation, the form and content of the incentive claim form.

38 **Sec. 38.** NRS 701B.850 is hereby amended to read as follows:

39 701B.850 1. ~~{On or before February 21, 2008, and on or~~
40 ~~before February 1 of each subsequent year.}~~ *Each year on or before*
41 *a date established by the Commission,* each utility shall file with
42 the Commission ~~{for approval an}~~ *its* annual plan for ~~{the~~
43 ~~administration and delivery of}~~ *carrying out and administering* the
44 Waterpower ~~{Demonstration}~~ Program *in its service area* for the
45 *following* program year . ~~{beginning July 1, 2008, and each~~



1 ~~subsequent year thereafter.~~ *A utility may file the plan as part of a*
2 *combined annual plan for carrying out and administering the*
3 *Waterpower Program, the Solar Energy Systems Incentive*
4 *Program created by NRS 701B.240 and the Wind Energy Systems*
5 *Incentive Program created by NRS 701B.580 in its service area for*
6 *the following program year.*

7 2. ~~{On or before July 1, 2008, and on or before each July 1 of~~
8 ~~each subsequent year.}~~ *Within 150 days after a utility files its*
9 *annual plan for administering the Waterpower Program, the*
10 Commission shall ~~{review}~~:

11 (a) *Review* the annual plan for compliance with the requirements
12 ~~{set forth}~~ *established* by regulation ~~{of the Commission.}~~; *and*

13 (b) *Approve the annual plan with such modifications and upon*
14 *such terms and conditions as the Commission finds necessary or*
15 *appropriate to facilitate the Program.*

16 **Sec. 39.** NRS 701B.860 is hereby amended to read as follows:

17 701B.860 Each utility may recover its reasonable and prudent
18 costs, including, without limitation, customer incentives, that are
19 associated with carrying out and administering the Waterpower
20 ~~{Demonstration}~~ Program within its service area by seeking
21 recovery of those costs in an appropriate proceeding before the
22 Commission pursuant to NRS 704.110.

23 **Sec. 40.** NRS 701B.865 is hereby amended to read as follows:

24 701B.865 1. An applicant who wishes to participate in the
25 Waterpower ~~{Demonstration}~~ Program must submit an application
26 to a utility.

27 2. After reviewing an application submitted pursuant to
28 subsection 1 and ensuring that the applicant meets the qualifications
29 and requirements to be eligible to participate in the Program, a
30 utility may select the applicant for participation in the Program.

31 3. Not later than 30 days after the date on which the utility
32 selects an applicant, the utility shall provide written notice of the
33 selection to the applicant.

34 4. After the utility selects an applicant to participate in the
35 Program, the utility may approve the waterpower energy system
36 proposed by the applicant. Upon the utility's approval of the
37 waterpower energy system:

38 (a) The utility shall provide to the applicant notice of the
39 approval and the amount of incentive for which the waterpower
40 energy system is eligible; and

41 (b) The applicant may construct the waterpower energy system.

42 5. Upon the completion of the construction of a waterpower
43 energy system, the participant must submit to the utility an incentive
44 claim form and any supporting information, including, without



1 limitation, a verification of the cost of the project and a calculation
2 of the expected system output.

3 6. Upon receipt of the incentive claim form and verification
4 that the waterpower energy system is properly connected, the utility
5 shall issue an incentive payment to the participant.

6 7. The amount of the incentive for which an applicant is
7 eligible must be determined on the date on which the applicant is
8 selected for participation in the Waterpower ~~{Demonstration}~~
9 Program, except that an applicant forfeits eligibility for that amount
10 of incentive if the applicant withdraws from participation in the
11 Program or does not complete the construction of the waterpower
12 energy system within 12 months after the date on which the
13 applicant is selected for participation in the Program. An applicant
14 who forfeits eligibility for the incentive for which the applicant was
15 originally determined to be eligible may become eligible for an
16 incentive only on the date on which the applicant completes the
17 construction of the waterpower energy system, and the amount of
18 the incentive for which such an applicant is eligible must be
19 determined on the date on which the applicant completes the
20 construction of the waterpower energy system.

21 **Sec. 41.** NRS 701B.870 is hereby amended to read as follows:

22 701B.870 1. After a participant installs a waterpower energy
23 system included in the Waterpower ~~{Demonstration}~~ Program, the
24 Commission shall issue portfolio energy credits for use within the
25 system of portfolio energy credits adopted by the Commission
26 pursuant to NRS 704.7821 and 704.78213 equal to the actual or
27 estimated kilowatt-hour production of the waterpower energy
28 system of the participant.

29 2. All portfolio energy credits issued for a waterpower energy
30 system installed pursuant to the Waterpower ~~{Demonstration}~~
31 Program are assigned to and become the property of the utility
32 administering the Program.

33 **Sec. 42.** NRS 701B.880 is hereby amended to read as follows:

34 701B.880 If the waterpower energy system used by a
35 participant in the Waterpower ~~{Demonstration}~~ Program meets the
36 requirements of NRS 704.766 to 704.775, inclusive, the participant
37 is entitled to participate in net metering pursuant to the provisions of
38 NRS 704.766 to 704.775, inclusive.

39 **Sec. 43.** NRS 701B.924 is hereby amended to read as follows:

40 701B.924 1. The State Public Works Board shall, within 90
41 days after June 9, 2009, determine the specific projects to
42 weatherize and retrofit public buildings, facilities and structures,
43 including, without limitation, traffic-control systems, and to
44 otherwise use sources of renewable energy to serve those buildings,
45 facilities and structures pursuant to the provisions of this section and



1 NRS 701B.921. The projects must be prioritized and selected on the
2 basis of the following criteria:

- 3 (a) The length of time necessary to commence the project.
- 4 (b) The number of workers estimated to be employed on the
5 project.
- 6 (c) The effectiveness of the project in reducing energy
7 consumption.
- 8 (d) The estimated cost of the project.
- 9 (e) Whether the project is able to be powered by or to otherwise
10 use sources of renewable energy.
- 11 (f) Whether the project has qualified for participation in one or
12 more of the following programs:

13 (1) The Solar Energy Systems Incentive Program created by
14 NRS 701B.240;

15 (2) The Renewable Energy School Pilot Program created by
16 NRS 701B.350;

17 (3) The Wind Energy Systems ~~[Demonstration]~~ *Incentive*
18 Program created by NRS 701B.580;

19 (4) The Waterpower Energy Systems ~~[Demonstration]~~
20 *Incentive* Program created by NRS 701B.820; or

21 (5) An energy efficiency or energy conservation program
22 offered by a public utility, as defined in NRS 704.020, pursuant to a
23 plan approved by the Public Utilities Commission of Nevada
24 pursuant to NRS 704.741.

25 2. The board of trustees of each school district shall, within 90
26 days after June 9, 2009, determine the specific projects to
27 weatherize and retrofit public buildings, facilities and structures,
28 including, without limitation, traffic-control systems, and to
29 otherwise use sources of renewable energy to serve those buildings,
30 facilities and structures pursuant to the provisions of this section and
31 NRS 701B.921. The projects must be prioritized and selected on the
32 basis of the following criteria:

- 33 (a) The length of time necessary to commence the project.
- 34 (b) The number of workers estimated to be employed on the
35 project.
- 36 (c) The effectiveness of the project in reducing energy
37 consumption.
- 38 (d) The estimated cost of the project.
- 39 (e) Whether the project is able to be powered by or to otherwise
40 use sources of renewable energy.
- 41 (f) Whether the project has qualified for participation in one or
42 more of the following programs:

43 (1) The Solar Energy Systems Incentive Program created by
44 NRS 701B.240;



1 (2) The Renewable Energy School Pilot Program created by
2 NRS 701B.350;

3 (3) The Wind Energy Systems ~~[Demonstration]~~ *Incentive*
4 Program created by NRS 701B.580;

5 (4) The Waterpower Energy Systems ~~[Demonstration]~~
6 *Incentive* Program created by NRS 701B.820; or

7 (5) An energy efficiency or energy conservation program
8 offered by a public utility, as defined in NRS 704.020, pursuant to a
9 plan approved by the Public Utilities Commission of Nevada
10 pursuant to NRS 704.741.

11 3. The Board of Regents of the University of Nevada shall,
12 within 90 days after June 9, 2009, determine the specific projects to
13 weatherize and retrofit public buildings, facilities and structures,
14 including, without limitation, traffic-control systems, and to
15 otherwise use sources of renewable energy to serve those buildings,
16 facilities and structures pursuant to the provisions of this section and
17 NRS 701B.921. The projects must be prioritized and selected on the
18 basis of the following criteria:

19 (a) The length of time necessary to commence the project.

20 (b) The number of workers estimated to be employed on the
21 project.

22 (c) The effectiveness of the project in reducing energy
23 consumption.

24 (d) The estimated cost of the project.

25 (e) Whether the project is able to be powered by or to otherwise
26 use sources of renewable energy.

27 (f) Whether the project has qualified for participation in one or
28 more of the following programs:

29 (1) The Solar Energy Systems Incentive Program created by
30 NRS 701B.240;

31 (2) The Renewable Energy School Pilot Program created by
32 NRS 701B.350;

33 (3) The Wind Energy Systems ~~[Demonstration]~~ *Incentive*
34 Program created by NRS 701B.580;

35 (4) The Waterpower Energy Systems ~~[Demonstration]~~
36 *Incentive* Program created by NRS 701B.820; or

37 (5) An energy efficiency or energy conservation program
38 offered by a public utility, as defined in NRS 704.020, pursuant to a
39 plan approved by the Public Utilities Commission of Nevada
40 pursuant to NRS 704.741.

41 4. As soon as practicable after an entity described in
42 subsections 1, 2 and 3 selects a project, the entity shall proceed to
43 enter into a contract with one or more contractors to perform the
44 work on the project. The request for proposals and all contracts for
45 each project must include, without limitation:



1 (a) Provisions stipulating that all employees of the contractors
2 and subcontractors who work on the project must be paid prevailing
3 wages pursuant to the requirements of chapter 338 of NRS;

4 (b) Provisions requiring that each contractor and subcontractor
5 employed on each such project:

6 (1) Employ a number of persons trained as described in
7 paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or
8 greater than 50 percent of the total workforce the contractor or
9 subcontractor employs on the project; or

10 (2) If the Director of the Department determines in writing,
11 pursuant to a request submitted by the contractor or subcontractor,
12 that the contractor or subcontractor cannot reasonably comply with
13 the provisions of subparagraph (1) because there are not available a
14 sufficient number of such trained persons, employ a number of
15 persons trained as described in paragraph (b) of subsection 3 of NRS
16 701B.921 or trained through any apprenticeship program that is
17 registered and approved by the State Apprenticeship Council
18 pursuant to chapter 610 of NRS that is equal to or greater than 50
19 percent of the total workforce the contractor or subcontractor
20 employs on the project;

21 (c) A component pursuant to which persons trained as described
22 in paragraph (b) of subsection 3 of NRS 701B.921 must be
23 classified and paid prevailing wages depending upon the
24 classification of the skill in which they are trained; and

25 (d) A component that requires each contractor or subcontractor
26 to offer to employees working on the project, and to their
27 dependents, health care in the same manner as a policy of insurance
28 pursuant to chapters 689A and 689B of NRS or the Employee
29 Retirement Income Security Act of 1974.

30 5. The State Public Works Board, each of the school districts
31 and the Board of Regents of the University of Nevada shall each
32 provide a report to the Interim Finance Committee which describes
33 the projects selected pursuant to this section and a report of the dates
34 on which those projects are scheduled to be completed.

35 **Sec. 44.** NRS 701B.924 is hereby amended to read as follows:

36 701B.924 1. The State Public Works Board shall, within 90
37 days after June 9, 2009, determine the specific projects to
38 weatherize and retrofit public buildings, facilities and structures,
39 including, without limitation, traffic-control systems, and to
40 otherwise use sources of renewable energy to serve those buildings,
41 facilities and structures pursuant to the provisions of this section and
42 NRS 701B.921. The projects must be prioritized and selected on the
43 basis of the following criteria:

44 (a) The length of time necessary to commence the project.



1 (b) The number of workers estimated to be employed on the
2 project.

3 (c) The effectiveness of the project in reducing energy
4 consumption.

5 (d) The estimated cost of the project.

6 (e) Whether the project is able to be powered by or to otherwise
7 use sources of renewable energy.

8 (f) Whether the project has qualified for participation in ~~one or~~
9 ~~more of the following programs:~~

10 ~~—— (1) The Solar Energy Systems Incentive Program created by~~
11 ~~NRS 701B.240;~~

12 ~~—— (2) :~~

13 (1) The Renewable Energy School Pilot Program created by
14 NRS 701B.350;

15 ~~—— (3) The Wind Energy Systems Incentive Program created by~~
16 ~~NRS 701B.580;~~

17 ~~—— (4) The Waterpower Energy Systems Incentive Program~~
18 ~~created by NRS 701B.820; or~~

19 ~~—— (5) } or~~

20 (2) An energy efficiency or energy conservation program
21 offered by a public utility, as defined in NRS 704.020, pursuant to a
22 plan approved by the Public Utilities Commission of Nevada
23 pursuant to NRS 704.741.

24 2. The board of trustees of each school district shall, within 90
25 days after June 9, 2009, determine the specific projects to
26 weatherize and retrofit public buildings, facilities and structures,
27 including, without limitation, traffic-control systems, and to
28 otherwise use sources of renewable energy to serve those buildings,
29 facilities and structures pursuant to the provisions of this section and
30 NRS 701B.921. The projects must be prioritized and selected on the
31 basis of the following criteria:

32 (a) The length of time necessary to commence the project.

33 (b) The number of workers estimated to be employed on the
34 project.

35 (c) The effectiveness of the project in reducing energy
36 consumption.

37 (d) The estimated cost of the project.

38 (e) Whether the project is able to be powered by or to otherwise
39 use sources of renewable energy.

40 (f) Whether the project has qualified for participation in ~~one or~~
41 ~~more of the following programs:~~

42 ~~—— (1) The Solar Energy Systems Incentive Program created by~~
43 ~~NRS 701B.240;~~

44 ~~—— (2) :~~



1 (1) The Renewable Energy School Pilot Program created by
2 NRS 701B.350;

3 ~~[(3) The Wind Energy Systems Incentive Program created by~~
4 ~~NRS 701B.580;~~

5 ~~— (4) The Waterpower Energy Systems Incentive Program~~
6 ~~created by NRS 701B.820; or~~

7 ~~— (5)] or~~

8 (2) An energy efficiency or energy conservation program
9 offered by a public utility, as defined in NRS 704.020, pursuant to a
10 plan approved by the Public Utilities Commission of Nevada
11 pursuant to NRS 704.741.

12 3. The Board of Regents of the University of Nevada shall,
13 within 90 days after June 9, 2009, determine the specific projects to
14 weatherize and retrofit public buildings, facilities and structures,
15 including, without limitation, traffic-control systems, and to
16 otherwise use sources of renewable energy to serve those buildings,
17 facilities and structures pursuant to the provisions of this section and
18 NRS 701B.921. The projects must be prioritized and selected on the
19 basis of the following criteria:

20 (a) The length of time necessary to commence the project.

21 (b) The number of workers estimated to be employed on the
22 project.

23 (c) The effectiveness of the project in reducing energy
24 consumption.

25 (d) The estimated cost of the project.

26 (e) Whether the project is able to be powered by or to otherwise
27 use sources of renewable energy.

28 (f) Whether the project has qualified for participation in ~~one or~~
29 ~~more of the following programs:~~

30 ~~— (1) The Solar Energy Systems Incentive Program created by~~
31 ~~NRS 701B.240;~~

32 ~~— (2)] :~~

33 (1) The Renewable Energy School Pilot Program created by
34 NRS 701B.350;

35 ~~[(3) The Wind Energy Systems Incentive Program created by~~
36 ~~NRS 701B.580;~~

37 ~~— (4) The Waterpower Energy Systems Incentive Program~~
38 ~~created by NRS 701B.820; or~~

39 ~~— (5)] or~~

40 (2) An energy efficiency or energy conservation program
41 offered by a public utility, as defined in NRS 704.020, pursuant to a
42 plan approved by the Public Utilities Commission of Nevada
43 pursuant to NRS 704.741.

44 4. As soon as practicable after an entity described in
45 subsections 1, 2 and 3 selects a project, the entity shall proceed to



1 enter into a contract with one or more contractors to perform the
2 work on the project. The request for proposals and all contracts for
3 each project must include, without limitation:

4 (a) Provisions stipulating that all employees of the contractors
5 and subcontractors who work on the project must be paid prevailing
6 wages pursuant to the requirements of chapter 338 of NRS;

7 (b) Provisions requiring that each contractor and subcontractor
8 employed on each such project:

9 (1) Employ a number of persons trained as described in
10 paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or
11 greater than 50 percent of the total workforce the contractor or
12 subcontractor employs on the project; or

13 (2) If the Director of the Department determines in writing,
14 pursuant to a request submitted by the contractor or subcontractor,
15 that the contractor or subcontractor cannot reasonably comply with
16 the provisions of subparagraph (1) because there are not available a
17 sufficient number of such trained persons, employ a number of
18 persons trained as described in paragraph (b) of subsection 3 of NRS
19 701B.921 or trained through any apprenticeship program that is
20 registered and approved by the State Apprenticeship Council
21 pursuant to chapter 610 of NRS that is equal to or greater than 50
22 percent of the total workforce the contractor or subcontractor
23 employs on the project;

24 (c) A component pursuant to which persons trained as described
25 in paragraph (b) of subsection 3 of NRS 701B.921 must be
26 classified and paid prevailing wages depending upon the
27 classification of the skill in which they are trained; and

28 (d) A component that requires each contractor or subcontractor
29 to offer to employees working on the project, and to their
30 dependents, health care in the same manner as a policy of insurance
31 pursuant to chapters 689A and 689B of NRS or the Employee
32 Retirement Income Security Act of 1974.

33 5. The State Public Works Board, each of the school districts
34 and the Board of Regents of the University of Nevada shall each
35 provide a report to the Interim Finance Committee which describes
36 the projects selected pursuant to this section and a report of the dates
37 on which those projects are scheduled to be completed.

38 **Sec. 45.** NRS 704.773 is hereby amended to read as follows:

39 704.773 1. A utility shall offer net metering, as set forth in
40 NRS 704.775, to the customer-generators operating within its
41 service area until the cumulative capacity of all such net metering
42 systems *in this State* is equal to ~~{} 3~~ 3 percent of the ~~{utility's}~~ total
43 peak capacity ~~{} of all utilities in this State.~~



1 2. If the net metering system of a customer-generator who
2 accepts the offer of a utility for net metering has a capacity of not
3 more than 100 kilowatts, the utility:

4 (a) Shall offer to make available to the customer-generator an
5 energy meter that is capable of registering the flow of electricity in
6 two directions.

7 (b) May, at its own expense and with the written consent of the
8 customer-generator, install one or more additional meters to monitor
9 the flow of electricity in each direction.

10 (c) Shall not charge a customer-generator any fee or charge that
11 would increase the customer-generator's minimum monthly charge
12 to an amount greater than that of other customers of the utility in the
13 same rate class as the customer-generator.

14 3. If the net metering system of a customer-generator who
15 accepts the offer of a utility for net metering has a capacity of more
16 than 100 kilowatts, the utility:

17 (a) May require the customer-generator to install at its own cost:

18 (1) An energy meter that is capable of measuring generation
19 output and customer load; and

20 (2) Any upgrades to the system of the utility that are required
21 to make the net metering system compatible with the system of the
22 utility.

23 (b) Except as otherwise provided in paragraph (c), may charge
24 the customer-generator any applicable fee or charge charged to other
25 customers of the utility in the same rate class as the customer-
26 generator, including, without limitation, customer, demand and
27 facility charges.

28 (c) Shall not charge the customer-generator any standby charge.

29 ➔ At the time of installation or upgrade of any portion of a net
30 metering system, the utility must allow a customer-generator
31 governed by this subsection to pay the entire cost of the installation
32 or upgrade of the portion of the net metering system.

33 4. The Commission shall adopt regulations prescribing the
34 form and substance for a net metering tariff and a standard net
35 metering contract. The regulations must include, without limitation:

36 (a) The particular provisions, limitations and responsibilities of
37 a customer-generator which must be included in a net metering tariff
38 with regard to:

39 (1) Metering equipment;

40 (2) Net energy metering and billing; and

41 (3) Interconnection,

42 ➔ based on the allowable size of the net metering system.

43 (b) The particular provisions, limitations and responsibilities of
44 a customer-generator and the utility which must be included in a
45 standard net metering contract.



1 (c) A timeline for processing applications and contracts for net
2 metering applicants.

3 (d) Any other provisions the Commission finds necessary to
4 carry out the provisions of NRS 704.766 to 704.775, inclusive.

5 **Sec. 46.** (Deleted by amendment.)

6 **Sec. 47.** NRS 338.1908 is hereby amended to read as follows:

7 338.1908 1. The governing body of each local government
8 shall, by July 28, 2009, develop a plan to retrofit public buildings,
9 facilities and structures, including, without limitation, traffic-control
10 systems, and to otherwise use sources of renewable energy to serve
11 those buildings, facilities and structures. Such a plan must:

12 (a) Be developed with input from one or more energy retrofit
13 coordinators designated pursuant to NRS 338.1907, if any.

14 (b) Include a list of specific projects. The projects must be
15 prioritized and selected on the basis of the following criteria:

16 (1) The length of time necessary to commence the project.

17 (2) The number of workers estimated to be employed on the
18 project.

19 (3) The effectiveness of the project in reducing energy
20 consumption.

21 (4) The estimated cost of the project.

22 (5) Whether the project is able to be powered by or otherwise
23 use sources of renewable energy.

24 (6) Whether the project has qualified for participation in one
25 or more of the following programs:

26 (I) The Solar Energy Systems Incentive Program created
27 by NRS 701B.240;

28 (II) The Renewable Energy School Pilot Program created
29 by NRS 701B.350;

30 (III) The Wind Energy Systems ~~Demonstration~~
31 *Incentive* Program created by NRS 701B.580; or

32 (IV) The Waterpower Energy Systems ~~Demonstration~~
33 *Incentive* Program created by NRS 701B.820.

34 (c) Include a list of potential funding sources for use in
35 implementing the projects, including, without limitation, money
36 available through the Energy Efficiency and Conservation Block
37 Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts,
38 donations or other sources of money from public and private
39 sources.

40 2. The governing body of each local government shall transmit
41 the plan developed pursuant to subsection 1 to the Nevada Energy
42 Commissioner and to any other entity designated for that purpose by
43 the Legislature.

44 3. As used in this section:



1 (a) "Local government" means each city or county that meets
2 the definition of "eligible unit of local government" as set forth in
3 42 U.S.C. § 17151 and each unit of local government, as defined in
4 subsection 11 of NRS 338.010, that does not meet the definition of
5 "eligible entity" as set forth in 42 U.S.C. § 17151.

6 (b) "Renewable energy" means a source of energy that occurs
7 naturally or is regenerated naturally, including, without limitation:

- 8 (1) Biomass;
- 9 (2) Fuel cells;
- 10 (3) Geothermal energy;
- 11 (4) Solar energy;
- 12 (5) Waterpower; and
- 13 (6) Wind.

14 ↪ The term does not include coal, natural gas, oil, propane or any
15 other fossil fuel, or nuclear energy.

16 (c) "Retrofit" means to alter, improve, modify, remodel or
17 renovate a building, facility or structure to make that building,
18 facility or structure more energy-efficient.

19 **Sec. 48.** NRS 338.1908 is hereby amended to read as follows:

20 338.1908 1. The governing body of each local government
21 shall, by July 28, 2009, develop a plan to retrofit public buildings,
22 facilities and structures, including, without limitation, traffic-control
23 systems, and to otherwise use sources of renewable energy to serve
24 those buildings, facilities and structures. Such a plan must:

25 (a) Be developed with input from one or more energy retrofit
26 coordinators designated pursuant to NRS 338.1907, if any.

27 (b) Include a list of specific projects. The projects must be
28 prioritized and selected on the basis of the following criteria:

- 29 (1) The length of time necessary to commence the project.
- 30 (2) The number of workers estimated to be employed on the
31 project.
- 32 (3) The effectiveness of the project in reducing energy
33 consumption.
- 34 (4) The estimated cost of the project.
- 35 (5) Whether the project is able to be powered by or otherwise
36 use sources of renewable energy.
- 37 (6) Whether the project has qualified for participation in ~~one~~

38 ~~or more of the following programs:~~

39 ~~(I) The Solar Energy Systems Incentive Program created~~
40 ~~by NRS 701B.240;~~

41 ~~(II) The~~ *the* Renewable Energy School Pilot Program
42 created by NRS 701B.350. ~~;~~

43 ~~(III) The Wind Energy Systems Incentive Program~~
44 ~~created by NRS 701B.580; or~~



~~(IV) The Waterpower Energy Systems Incentive Program
created by NRS 701B.820.]~~

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

- (1) Biomass;
- (2) Fuel cells;
- (3) Geothermal energy;
- (4) Solar energy;
- (5) Waterpower; and
- (6) Wind.

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

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 49. Section 113 of chapter 509, Statutes of Nevada 2007, at page 2999, is hereby amended to read as follows:

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 1, 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.



1 (3) For sections 62 to 106, inclusive, of this act, on
2 October 1, 2007.

3 (4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of
4 this act, on January 1, 2009.

5 (5) For section 48 of this act, on January 1, 2010.

6 (6) For section 50 of this act, on January 1, 2011.

7 2. Sections ~~[62 to 106,]~~ *63 to 75, inclusive, 77 to 82,*
8 *inclusive, 85, 86, 88 to 94, inclusive, and 95 to 105,*
9 *inclusive, of this act expire by limitation on ~~[June 30, 2011.]~~*
10 *December 31, 2021.*

11 **Sec. 50.** Section 13 of chapter 246, Statutes of Nevada 2009,
12 at page 1002, is hereby amended to read as follows:

13 Sec. 13. 1. This act becomes effective on July 1, 2009.

14 2. Sections 2 and 3 of this act expire by limitation on
15 ~~[June 30, 2011.]~~ *December 31, 2021.*

16 **Sec. 51.** Section 21 of chapter 321, Statutes of Nevada 2009,
17 at page 1410, is hereby amended to read as follows:

18 Sec. 21. 1. This section and sections 1 to 1.51,
19 inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive,
20 of this act become effective upon passage and approval.

21 2. Sections 1.51, 1.85, 1.87, 1.92, ~~[1.93,]~~ *1.95, 4.3 to 7,*
22 *inclusive, 7.3 to 9, inclusive, and 19.4 of this act expire by*
23 *limitation on ~~[June 30, 2011.]~~*

24 ~~—3. Sections 1.53 and 19.8 of this act become effective on~~
25 ~~July 1, 2011.]~~ *December 31, 2021.*

26 **Sec. 52.** 1. NRS 701B.010, 701B.020, 701B.030, 701B.040,
27 701B.050, 701B.055, 701B.060, 701B.070, 701B.080, 701B.090,
28 701B.100, 701B.110, 701B.120, 701B.130, 701B.140, 701B.150,
29 701B.160, 701B.170, 701B.180, 701B.200, 701B.210, 701B.220,
30 701B.230, 701B.240, 701B.250, 701B.255, 701B.265, 701B.280
31 and 701B.290 are hereby repealed.

32 2. NRS 701B.260 is hereby repealed.

33 3. NRS 701B.400, 701B.615 and 701B.700 are hereby
34 repealed.

35 4. Sections 1.53 and 19.8 of chapter 321, Statutes of Nevada
36 2009, at pages 1372 and 1408, respectively, are hereby repealed.

37 **Sec. 53.** The Public Utilities Commission of Nevada shall
38 adopt the regulations necessary to carry out the provisions of
39 sections 1, 3 to 12, inclusive, 14 to 25, inclusive, 27 to 43, inclusive,
40 and 47 of this act on or before July 1, 2012.

41 **Sec. 54.** 1. This section, sections 49, 50 and 51 and
42 subsection 4 of section 52 of this act become effective upon passage
43 and approval.

44 2. Sections 13, 26, 45, and 46 of this act become effective on
45 July 1, 2011.



- 1 3. Sections 1, 3 to 12, inclusive, 14 to 25, inclusive, 27 to 43,
2 inclusive, 47, subsection 3 of section 52 and section 53 of this act
3 become effective upon passage and approval for the purpose of
4 adopting regulations and on January 1, 2013, for all other purposes.
5 4. Subsection 2 of section 52 of this act becomes effective on
6 December 31, 2012.
7 5. Sections 3 to 6, inclusive, 15 to 25, inclusive, 27 to 43,
8 inclusive, and 47 of this act expire by limitation on December 31,
9 2021.
10 6. Sections 2, 44, 48 and subsection 1 of section 52 of this act
11 become effective on January 1, 2022.

**LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA**

- 701B.010 Applicability.**
701B.020 Definitions.
701B.030 “Applicant” defined.
701B.040 “Category” defined.
701B.050 “Commission” defined.
701B.055 “Distributed generation system” defined.
701B.060 “Institution of higher education” defined.
701B.070 “Owned, leased or occupied” defined.
701B.080 “Participant” defined.
701B.090 “Person” defined.
701B.100 “Program year” defined.
701B.110 “Public and other property” defined.
701B.120 “Public entity” defined.
701B.130 “School property” defined.
701B.140 “Small business” defined.
701B.150 “Solar energy system” defined.
701B.160 “Solar Program” defined.
701B.170 “Task Force” defined.
701B.180 “Utility” defined.
701B.200 Regulations: Establishment of incentives and requirements for utility’s annual plan; exceptions; recovery of costs by utility.
701B.210 Regulations: Establishment of qualifications and requirements for participation; form and content of utility’s master application.
701B.220 Regulations: Establishment of incentives for participation.



701B.230 Duty of utility to file annual plan; review and approval of annual plan by Commission; recovery of costs by utility.

701B.240 Creation of Solar Program; categories of participation; eligibility requirements.

701B.250 Application to participate; review of application by utility.

701B.255 Procedure for selection and notification of participants; authorization to install and energize solar energy system; submission of incentive claim form; determination of amount of incentive; withdrawal of participant; forfeiture of incentive.

701B.260 Capacity allocated to each category; reallocation of capacity; limitations on incentives.

701B.265 Installation of solar energy system deemed public work under certain circumstances.

701B.280 Participation in net metering.

701B.290 Issuance of portfolio energy credits.

701B.400 Short title.

701B.615 Procedure for selection and notification of participants; authorization to install and energize wind energy system; submission of incentive claim form; determination of amount of incentive; withdrawal of participant; forfeiture of incentive.

701B.700 Short title.

Section 1.53 of chapter 321, Statutes of Nevada 2009, at pages 1372-73.

Sec. 1.53. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 ~~and the Wind Energy Systems Demonstration Program created pursuant to 701B.580,~~ including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the ~~Programs;~~ **Program;** and



(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the ~~[Programs;]~~ **Program;** and

(b) Information relating to any money distributed pursuant to NRS 702.270.

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

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

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities



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Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. Carry out all other directives concerning energy that are prescribed by the Governor.

Section 19.8 of chapter 321, Statutes of Nevada 2009, at pages 1408-09.

Sec. 19.8. Section 19.4 of this act is hereby amended to read as follows:

Sec. 19.4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each local government shall, within 60 days after the effective date of this section, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240; *or*

(II) The Renewable Energy School Pilot Program created by NRS 701B.350. ~~†~~

~~(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~



~~(IV) The Waterpower Energy Systems
Demonstration Program created by NRS 701B.820.]~~

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

- (1) Biomass;
- (2) Fuel cells;
- (3) Geothermal energy;
- (4) Solar energy;
- (5) Waterpower; and
- (6) Wind.

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

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.



