

ASSEMBLY BILL NO. 339—ASSEMBLYMEN CHRISTENSEN, HARDY, SETTELMAYER; AIZLEY, BOBZIEN, CLABORN, COBB, GANSERT, GOEDHART, GOICOECHEA, GUSTAVSON, HAMBRICK, HOGAN, KIRKPATRICK, MORTENSON, MUNFORD, SEGERBLOM AND STEWART

MARCH 13, 2009

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JOINT SPONSORS: SENATORS PARKS; AND CEGAVSKE

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Referred to Committee on Commerce and Labor

SUMMARY—Authorizes the sale of electricity by an owner of property on which electricity is generated using renewable energy. (BDR 58-520)

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.

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AN ACT relating to energy; authorizing an owner of property on which electricity is generated using renewable energy to sell the electricity to a person who leases or rents the property; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1     **Section 1** of this bill authorizes an owner of property to sell electricity  
2 generated on the property using renewable energy to a person who leases or rents  
3 all or a part of the property. The electricity must be sold at a rate not to exceed the  
4 highest rate charged by any public utility that could provide electricity to the  
5 property. **Section 2** of this bill revises the definition of “public utility” and “utility”  
6 to exclude such owners of property who sell electricity.

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

1       **Section 1.** Chapter 701B of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       **1. An owner of property who:**

4       **(a) Generates electricity on the property using renewable**  
5 **energy; and**

6       **(b) Leases or rents all or a part of the property to another**  
7 **person,**

8       **↳ may sell the electricity to the other person at a rate not to**  
9 **exceed the highest rate for electricity charged by any utility which**  
10 **could provide electricity to the property.**

11       **2. The Public Utilities Commission of Nevada may adopt**  
12 **regulations necessary to carry out the provisions of this section.**

13       **3. As used in this section:**

14       **(a) “Renewable energy” has the meaning ascribed to it in**  
15 **NRS 704.7811.**

16       **(b) “Utility” has the meaning ascribed to it in NRS 701B.180.**

17       **Sec. 2.** NRS 704.021 is hereby amended to read as follows:  
18 704.021 “Public utility” or “utility” does not include:

19       1. Persons engaged in the production and sale of natural gas,  
20 other than sales to the public, or engaged in the transmission of  
21 natural gas other than as a common carrier transmission or  
22 distribution line or system.

23       2. Persons engaged in the business of furnishing, for  
24 compensation, water or services for the disposal of sewage, or both,  
25 to persons within this State if:

26       (a) They serve 25 persons or less; and

27       (b) Their gross sales for water or services for the disposal of  
28 sewage, or both, amounted to \$25,000 or less during the  
29 immediately preceding 12 months.

30       3. Persons not otherwise engaged in the business of furnishing,  
31 producing or selling water or services for the disposal of sewage, or  
32 both, but who sell or furnish water or services for the disposal of  
33 sewage, or both, as an accommodation in an area where water or  
34 services for the disposal of sewage, or both, are not available from a  
35 public utility, cooperative corporations and associations or political  
36 subdivisions engaged in the business of furnishing water or services  
37 for the disposal of sewage, or both, for compensation, to persons  
38 within the political subdivision.

39       4. Persons who are engaged in the production and sale of  
40 energy, including electricity, to public utilities, cities, counties or  
41 other entities which are reselling the energy to the public.



1 5. Persons who are subject to the provisions of NRS 590.465 to  
2 590.645, inclusive.

3 6. Persons who are engaged in the sale or use of special fuel as  
4 defined in NRS 366.060.

5 7. Persons who provide water from water storage, transmission  
6 and treatment facilities if those facilities are for the storage,  
7 transmission or treatment of water from mining operations.

8 8. Persons who are video service providers, as defined in NRS  
9 711.151, except for those operations of the video service provider  
10 which consist of providing a telecommunication service to the  
11 public, in which case the video service provider is a public utility  
12 only with regard to those operations of the video service provider  
13 which consist of providing a telecommunication service to the  
14 public.

15 *9. Owners of property to the extent they sell electricity*  
16 *pursuant to section 1 of this act.*

17 **Sec. 3.** This act becomes effective on July 1, 2009.

