



755 North Roop Street, Suite 202
Carson City, NV 89701
Office: (775) 687-1850
Fax: (775) 687-1869

GOVERNOR'S OFFICE OF ENERGY

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R022-17

1. A clear and concise explanation of the need for the adopted regulation.

The proposed regulation amendments are intended to allow the utilization of revenues in the Account to further GOE performance measures and initiatives established by the Governor and/or the Legislature. It will also document justification of an application denial by the board of county commissioners and ensure it is based on the parameters established. The proposed regulation will provide clarity regarding the wage requirement for operational employees and allow sufficient time for annual compliance reports to be prepared and submitted.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, the notice of workshop and notice of intent to act upon the regulation were sent by email or fax to persons who were known to have an interest in the adoption of the proposed regulation as well as any person who had specifically requested such notice. These documents were also made available at the website of the Governor's Office of Energy (GOE), www.energy.nv.gov, the website of the Nevada Legislature at <http://leg.state.nv.us/app/Notice/A/>, faxed or emailed to all county libraries in Nevada and posted at the following locations:

Governor's Office of Energy
755 N. Roop Street, Suite 202
Carson City, NV

Carson City Library
900 N. Roop Street
Carson City, NV

State Library and Archives
100 N. Stewart Street
Carson City, NV

Nevada State Legislative Building
401 S. Carson Street
Carson City, NV

State of NV Dept. of Administration
209 E. Musser Street
Carson City, NV

Governor's Office of Energy
<http://energy.nv.gov>

A workshop was held on June 22, 2017. The Governor's Office of Energy took oral comments from the public and interested parties. Concerns were voiced by NACO regarding Section 2 stating it is the county's authority to make a determination on the denial based on the criteria. The statement by NACO was analyzed by various members present and comments were taken under consideration by the Governor's Office of Energy.

Thereafter, on September 25, 2017, the Director issued a Notice of Hearing and Notice of Intent to Act Upon a Regulation. The hearing was held in Carson City, at the Governor's Office of Energy with teleconference to the Grant Sawyer Building in Las Vegas, on October 25, 2017.

A copy of the minutes which provide comments made at each hearing are available for review at the Governor's Office of Energy, 755 N. Roop Street, Suite 202, Carson City, NV 89701. A recording of the workshop and hearing are also provided for review at the Governor's Office of Energy.

3. The number of persons who:

(a) Attended each hearing: *October 25, 2017 – 6 (Carson City - 5, Las Vegas - 1)*

(b) Testified at each hearing: *October 25, 2017 – 2 (Carson City)*

(c) Submitted written comments: *October 25, 2017 - 2*

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

Dagny Stapleton
NACO
304 S. Minnesota Street
Carson City, NV
(775)883-7863
dstapleton@nvnaco.org

Joshua Hicks
McDonald Carano
100 W. Liberty Street
Reno, NV
(775)788-2000
jhicks@mcdonaldcarano.com

5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

A Notice of Workshop, Notice of Hearing and Notice of Intent to Act Upon a Regulation, and copy of proposed regulation were sent to a list of interested parties as well as posted at the locations listed under number 2. All parties were invited to provide written comment. Josh Hicks with McDonald Carano and Roman Borisov with Lewis and Roca suggested a

change to Section 2 to keep in line with the intent and not require written approval since the current language states that an application is deemed approved if no denial is received within the prescribed number of days. Mr. Hicks and Mr. Wilson both expressed their support of the language amendment to Section 4 clarifying wage requirements.

A copy of the minutes which provide a summary of the comments made at each hearing are available for review at the Governor's Office of Energy, 755 N. Roop Street, Suite 202, Carson City, NV 89701. A recording of the workshop and hearing are also provided for review at the Governor's Office of Energy. You may request a copy of either by contacting Laura Wickham: lwickham@energy.nv.gov.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on October 25, 2017. There was a requested change made to Section 3 to further clarify that an application may be deemed approved without receipt of written notice. The regulation was adopted with this additional amendment.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

(a) Both adverse and beneficial effects on businesses and the public: *The amended regulations further clarify requirements which must be met by applicants to the program. GOE concluded that these amendments were intended to have only positive impacts upon contractors by encouraging and promoting facilities to construct and operate renewable energy power generation facilities in Nevada.*

GOE considered the ability for small businesses to identify the policies and procedures that GOE utilizes to manage the abatement program under its authority. The revision or addition of regulations might require additional time or expertise to review, however, GOE provides free, state-wide assistance to all companies who wish to understand this abatement program. Thus, GOE believes that the additional clarification in the proposed regulations will have no negative impact to small businesses.

(b) Both immediate and long-term effects on businesses and the public: *The amended regulations are intended to effectuate the Legislative intent and will not and are not intended to have any negative impact upon contractors.*

8. The estimated cost to the agency for enforcement of the proposed regulation:

There is no added cost to the agency for this amended regulation.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or

overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other State or governmental regulations with which this regulation overlaps or duplicates.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

There are no provisions that duplicate or are more stringent than federal standards.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

There is no fee associated with this regulation.

Angela Dykema, Director - October 25, 2017
Governor's Office of Energy