

Amendment No. 6

Senate Amendment to Senate Bill No. 114	(BDR 58-380)
Proposed by: Senate Committee on Energy, Infrastructure and Transportation	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date					
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

MSN/TMC



Date: 3/26/2009

S.B. No. 114—Makes various changes relating to systems for obtaining and using solar energy and other renewable energy resources.
(BDR 58-380)



SENATE BILL NO. 114—SENATOR SCHNEIDER

FEBRUARY 3, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Makes various changes relating to systems for obtaining and using solar energy and other renewable energy resources. (BDR 58-380)

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

~

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

AN ACT relating to energy; requiring the Director of the Office of Energy to make certain determinations relating to systems for obtaining solar ~~and wind~~ energy; prohibiting certain restrictions on the use of systems for obtaining solar ~~for wind~~ energy; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth a prohibition against covenants, restrictions or conditions
2 contained in deeds, contracts or other legal documents which prohibit or unreasonably restrict
3 an owner of property from using a system for obtaining solar or wind energy on his property.
4 (NRS 111.239, 278.0208) **Sections 2 and 3** of this bill include within the prohibition any such
5 covenant, restriction or condition which has the effect of prohibiting or unreasonably
6 restricting the property owner from using such a system. **Sections 2 and 3** also describe an
7 unreasonable restriction **on the use of a system for obtaining solar energy** as including: (1)
8 the placing of a restriction or requirement that decreases the efficiency or performance of a
9 system for obtaining solar ~~for wind~~ energy by more than 10 percent of the amount that was
10 originally specified for the system, as determined by the Director of the Office of Energy; and
11 (2) the prohibition of a system for obtaining solar energy that uses ~~water tanks or other~~
12 components painted with black solar glazing.

13 **Section 1** of this bill requires the Director, if requested to make a determination
14 concerning the efficiency or performance of a system for obtaining solar ~~for wind~~ energy
15 pursuant to **section 2 or 3**, to make the determination within 30 days after receiving the
16 request. If the Director needs additional information to make the determination, **section 1**
17 authorizes the Director to request that information from the person requesting the
18 determination and requires the Director to make the determination within 15 days after
19 receiving the additional information.

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:

1 1. Acquire and analyze information relating to energy and to the supply,
2 demand and conservation of its sources.

3 2. Utilize all available public and private means to provide information to the
4 public about problems relating to energy and to explain how conservation of energy
5 and its sources may be accomplished.

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

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

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

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

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

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

18 5. Encourage the development of:

19 (a) Any sources of renewable energy and any other energy projects which will
20 benefit the State; and

21 (b) Any measures which conserve or reduce the demand for energy or which
22 result in more efficient use of energy.

23 6. In conjunction with the Desert Research Institute, review policies relating
24 to the research and development of the State's geothermal resources and make
25 recommendations to the appropriate state and federal agencies for establishing
26 methods of developing the geothermal resources within the State.

27 7. Solicit and serve as the point of contact for grants and other money from
28 the Federal Government and other sources to promote:

29 (a) Energy projects that enhance the economic development of the State;

30 (b) The use of renewable energy; and

31 (c) The use of measures which conserve or reduce the demand for energy or
32 which result in more efficient use of energy.

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

39 9. *If requested to make a determination pursuant to NRS 111.239 or*
40 *278.0208, make the determination within 30 days after receiving the request. If*
41 *the Director needs additional information to make the determination, he may*
42 *request the information from the person making the request for a determination.*
43 *Within 15 days after receiving the additional information, the Director shall*
44 *make a determination on the request.*

45 10. Carry out all other directives concerning energy that are prescribed by the
46 Governor.

47 **Sec. 2.** NRS 111.239 is hereby amended to read as follows:

48 111.239 1. Any covenant, restriction or condition contained in a deed,
49 contract or other legal instrument which affects the transfer, sale or any other
50 interest in real property ~~that~~ *and which* prohibits or unreasonably restricts *or has*
51 *the effect of prohibiting or unreasonably restricting* the owner of the property
52 from using a system for obtaining solar or wind energy on his property is void and
53 unenforceable.

1 2. For the purposes of this section, ~~["unreasonably restricts the use of a~~
 2 ~~system for obtaining solar or wind energy" means]~~ *the following shall be deemed*
 3 *to be unreasonable restrictions:*

4 (a) The placing of a restriction or requirement on the use of a system for
 5 obtaining wind energy which significantly decreases the efficiency or
 6 performance of the system and which does not allow for the use of an alternative
 7 system at a substantially comparable cost and with substantially comparable
 8 efficiency and performance.

9 (b) The placing of a restriction or requirement on the use of [such] a system for
 10 obtaining solar [or wind] energy which [significantly] decreases the efficiency or
 11 performance of the system by more than 10 percent of the amount that was
 12 originally specified for the system, as determined by the Director of the Office of
 13 Energy, and which does not allow for the use of an alternative system at a
 14 substantially comparable cost and with substantially comparable efficiency and
 15 performance.

16 ~~[(b)]~~ (c) The prohibition of a system for obtaining solar energy that uses
 17 ~~[water tanks or other] components painted with black solar glazing.~~

18 **Sec. 3.** NRS 278.0208 is hereby amended to read as follows:

19 278.0208 1. A governing body shall not adopt an ordinance, regulation or
 20 plan or take any other action that prohibits or unreasonably restricts *or has the*
 21 *effect of prohibiting or unreasonably restricting* the owner of real property from
 22 using a system for obtaining solar or wind energy on his property.

23 2. Any covenant, restriction or condition contained in a deed, contract or
 24 other legal instrument which affects the transfer, sale or any other interest in real
 25 property ~~[that]~~ *and which* prohibits or unreasonably restricts *or has the effect of*
 26 *prohibiting or unreasonably restricting* the owner of the property from using a
 27 system for obtaining solar or wind energy on his property is void and
 28 unenforceable.

29 3. For the purposes of this section, ~~["unreasonably restricting the use of a~~
 30 ~~system for obtaining solar or wind energy" means]~~ *the following shall be deemed*
 31 *to be unreasonable restrictions:*

32 (a) The placing of a restriction or requirement on the use of a system for
 33 obtaining wind energy which significantly decreases the efficiency or
 34 performance of the system and which does not allow for the use of an alternative
 35 system at a substantially comparable cost and with substantially comparable
 36 efficiency and performance.

37 (b) The placing of a restriction or requirement on the use of [such] a system for
 38 obtaining solar [or wind] energy which [significantly] decreases the efficiency or
 39 performance of the system by more than 10 percent of the amount that was
 40 originally specified for the system, as determined by the Director of the Office of
 41 Energy, and which does not allow for the use of an alternative system at a
 42 substantially comparable cost and with substantially comparable efficiency and
 43 performance.

44 ~~[(b)]~~ (c) The prohibition of a system for obtaining solar energy that uses
 45 ~~[water tanks or other] components painted with black solar glazing.~~

46 **Sec. 4.** This bill becomes effective upon passage and approval.