

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.

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

Legislative Counsel’s Digest:

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

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



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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.
5 2. Utilize all available public and private means to provide
6 information to the public about problems relating to energy and to
7 explain how conservation of energy and its sources may be
8 accomplished.
9 3. Review and evaluate information which identifies trends and
10 permits forecasting of the energy available to the State. Such
11 forecasts must include estimates on:
12 (a) The level of demand for energy in the State for 5-, 10- and
13 20-year periods;
14 (b) The amount of energy available to meet each level of
15 demand;
16 (c) The probable implications of the forecast on the demand and
17 supply of energy; and
18 (d) The sources of renewable energy and other alternative
19 sources of energy which are available and their possible effects.
20 4. Study means of reducing wasteful, inefficient, unnecessary
21 or uneconomical uses of energy and encourage the maximum
22 utilization of existing sources of energy in the State.
23 5. Encourage the development of:
24 (a) Any sources of renewable energy and any other energy
25 projects which will benefit the State; and
26 (b) Any measures which conserve or reduce the demand for
27 energy or which result in more efficient use of energy.
28 6. In conjunction with the Desert Research Institute, review
29 policies relating to the research and development of the State's
30 geothermal resources and make recommendations to the appropriate
31 state and federal agencies for establishing methods of developing
32 the geothermal resources within the State.
33 7. Solicit and serve as the point of contact for grants and other
34 money from the Federal Government and other sources to promote:
35 (a) Energy projects that enhance the economic development of
36 the State;
37 (b) The use of renewable energy; and
38 (c) The use of measures which conserve or reduce the demand
39 for energy or which result in more efficient use of energy.
40 8. Coordinate the activities and programs of the Office of
41 Energy with the activities and programs of the Task Force, the
42 Consumer's Advocate and the Public Utilities Commission of



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

6 9. *If requested to make a determination pursuant to NRS*
7 *111.239 or 278.0208, make the determination within 30 days after*
8 *receiving the request. If the Director needs additional information*
9 *to make the determination, he may request the information from*
10 *the person making the request for a determination. Within 15 days*
11 *after receiving the additional information, the Director shall make*
12 *a determination on the request.*

13 10. Carry out all other directives concerning energy that are
14 prescribed by the Governor.

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

16 111.239 1. Any covenant, restriction or condition contained
17 in a deed, contract or other legal instrument which affects the
18 transfer, sale or any other interest in real property ~~[that]~~ *and which*
19 *prohibits or unreasonably restricts or has the effect of prohibiting*
20 *or unreasonably restricting* the owner of the property from using a
21 system for obtaining solar or wind energy on his property is void
22 and unenforceable.

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

26 (a) *The placing of a restriction or requirement on the use of a*
27 *system for obtaining wind energy which significantly decreases the*
28 *efficiency or performance of the system and which does not allow*
29 *for the use of an alternative system at a substantially comparable*
30 *cost and with substantially comparable efficiency and*
31 *performance.*

32 (b) *The placing of a restriction or requirement on the use of*
33 ~~[such]~~ *a system for obtaining solar energy which* ~~[significantly]~~
34 *decreases the efficiency or performance of the system by more than*
35 *10 percent of the amount that was originally specified for the*
36 *system, as determined by the Director of the Office of Energy, and*
37 *which does not allow for the use of an alternative system at a*
38 *substantially comparable cost and with substantially comparable*
39 *efficiency and performance.*

40 (c) *The prohibition of a system for obtaining solar energy that*
41 *uses components painted with black solar glazing.*

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

43 278.0208 1. A governing body shall not adopt an ordinance,
44 regulation or plan or take any other action that prohibits or
45 unreasonably restricts *or has the effect of prohibiting or*



1 *unreasonably restricting* the owner of real property from using a
2 system for obtaining solar or wind energy on his property.

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

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

13 (a) *The placing of a restriction or requirement on the use of a*
14 *system for obtaining wind energy which significantly decreases the*
15 *efficiency or performance of the system and which does not allow*
16 *for the use of an alternative system at a substantially comparable*
17 *cost and with substantially comparable efficiency and*
18 *performance.*

19 (b) *The placing of a restriction or requirement on the use of*
20 ~~[such]~~ *a system for obtaining solar energy* which ~~[significantly]~~
21 decreases the efficiency or performance of the system *by more than*
22 *10 percent of the amount that was originally specified for the*
23 *system, as determined by the Director of the Office of Energy,* and
24 *which* does not allow for the use of an alternative system at a
25 *substantially* comparable cost and with *substantially* comparable
26 efficiency and performance.

27 (c) *The prohibition of a system for obtaining solar energy that*
28 *uses components painted with black solar glazing.*

29 **Sec. 4.** This act becomes effective upon passage and approval.

