
ASSEMBLY BILL NO. 307—ASSEMBLYMEN BOBZIEN, CARLTON;
ATKINSON, KIRKPATRICK, SEGERBLOM AND SMITH

MARCH 17, 2011

JOINT SPONSORS: SENATORS LESLIE, HORSFORD AND RHOADS

Referred to Committee on Commerce and Labor

SUMMARY—Requires the monitoring of the effects of certain energy development projects on wildlife. (BDR 45-872)

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 governmental administration; prohibiting a person from commencing the construction of an energy development project without first filing a notice with the Office of Energy within the Office of the Governor; creating the Energy Planning and Mitigation Fund; requiring the Office of Energy to coordinate with the Department of Wildlife to use money from the Fund for certain wildlife monitoring activities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Department of Wildlife and requires the Department to
2 administer the wildlife laws of this State. (NRS 501.331) Existing law also creates
3 the Office of Energy within the Office of the Governor to analyze, review and study
4 the use of energy and availability of energy in this State, as well as to coordinate
5 activities with other agencies to administer programs related to the use of
6 renewable energy and to conserve or reduce the demand for energy. (NRS 701.150,
7 701.180) This bill requires the Department of Wildlife and the Office of Energy to
8 cooperate in monitoring the effects of certain energy development projects on
9 wildlife and its habitat.
10 **Section 5** of this bill defines an “energy development project” as any project
11 for the generation and development of energy, whether on public or private land.
12 **Section 6** of this bill exempts from the provisions of this bill projects and systems:
13 (1) which have a capacity of not more than 400 kilowatts; (2) which are attached to



14 school property or private residential property; or (3) which do not require the
15 disturbance of any soil from the provisions of this bill.

16 **Section 7** of this bill requires any person who wishes to commence
17 construction of an energy development project to file notice with the Office of
18 Energy at the same time that the person files for any construction or other permits
19 required by state or federal law. The notice required by **section 7** must include a
20 description of the location and of the project itself and an estimate of the energy
21 output of the project. **Section 7** further requires a person to pay both a filing fee of
22 not more than \$500 and a second fee based upon the acreage of the energy
23 development project and the area of land to be disturbed by the energy development
24 project. The Office of Energy is required to establish the second fee in consultation
25 with the Department of Wildlife, and those fees are to be deposited in the Energy
26 Planning and Mitigation Fund created by **section 9** of this bill. **Section 9** requires
27 the money in the Fund to be administered by the Director of the Office of Energy
28 and used by the Department of Wildlife for conducting surveys of wildlife, for
29 mapping locations of wildlife and its habitat and for mitigation projects for the
30 habitat of wildlife impacted by energy development projects.

31 **Section 8** of this bill requires the Office of Energy to compile and maintain
32 information on all energy development projects for which notice is filed pursuant to
33 **section 7** and to prepare and submit a report detailing such projects to the
34 Legislative Commission in even-numbered years and, in odd-numbered years, to
35 the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

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

1 **Section 1.** NRS 501.331 is hereby amended to read as follows:
2 501.331 The Department of Wildlife is hereby created. The
3 Department:

4 1. Shall administer the wildlife laws of this State , ~~and~~
5 chapter 488 of NRS ~~and sections 7 and 9 of this act.~~

6 2. Shall, on or before the fifth calendar day of each regular
7 session of the Legislature, submit to the Legislature a financial
8 report for each of the immediately preceding 2 fiscal years setting
9 forth the activity and status of the Wildlife Obligated Reserve
10 Account in the State General Fund, each subaccount within that
11 Account and any other account or subaccount administered by the
12 Department for which the use of the money in the account or
13 subaccount is restricted. The report must include, without limitation:

14 (a) A description of each project for which money is expended
15 from each of those accounts and subaccounts and a description of
16 each recipient of that money; and

17 (b) The total amount of money expended from each of those
18 accounts and subaccounts for each fiscal year, including, without
19 limitation, the amount of any matching contributions received for
20 those accounts and subaccounts for each fiscal year.



1 **Sec. 2.** NRS 501.337 is hereby amended to read as follows:
2 501.337 The Director shall:

3 1. Carry out the policies and regulations of the Commission.

4 2. Direct and supervise all administrative and operational
5 activities of the Department, and all programs administered by the
6 Department as provided by law. Except as otherwise provided in
7 NRS 284.143, the Director shall devote his or her entire time to the
8 duties of the office and shall not follow any other gainful
9 employment or occupation.

10 3. Within such limitations as may be provided by law, organize
11 the Department and, from time to time with the consent of the
12 Commission, may alter the organization. The Director shall reassign
13 responsibilities and duties as he or she may deem appropriate.

14 4. Appoint or remove such technical, clerical and operational
15 staff as the execution of his or her duties and the operation of the
16 Department may require, and all those employees are responsible to
17 the Director for the proper carrying out of the duties and
18 responsibilities of their respective positions. The Director shall
19 designate a number of employees as game wardens and provide for
20 their training.

21 5. Submit technical and other reports to the Commission as
22 may be necessary or as may be requested, which will enable the
23 Commission to establish policy and regulations.

24 6. Prepare, in consultation with the Commission, the biennial
25 budget of the Department consistent with the provisions of this title ,
26 ~~and~~ chapter 488 of NRS *and sections 7 and 9 of this act* and
27 submit it to the Commission for its review and recommendation
28 before the budget is submitted to the Chief of the Budget Division
29 of the Department of Administration pursuant to NRS 353.210.

30 7. Administer real property assigned to the Department.

31 8. Maintain full control, by proper methods and inventories, of
32 all personal property of the State acquired and held for the purposes
33 contemplated by this title and by chapter 488 of NRS.

34 9. Act as nonvoting Secretary to the Commission.

35 **Sec. 3.** NRS 501.356 is hereby amended to read as follows:
36 501.356 1. Money received by the Department from:

37 (a) The sale of licenses;

38 (b) Fees pursuant to the provisions of NRS 488.075 and
39 488.1795;

40 (c) Remittances from the State Treasurer pursuant to the
41 provisions of NRS 365.535;

42 (d) Appropriations made by the Legislature; and

43 (e) All other sources, except money derived from the forfeiture
44 of any property described in NRS 501.3857 or money deposited in
45 the Wildlife Heritage Trust Account pursuant to NRS 501.3575 or in



1 the Trout Management Account pursuant to NRS 502.327 **[] or**
2 ***money received from the Director of the Office of Energy from the***
3 ***Energy Planning and Mitigation Fund created by section 9 of this***
4 ***act,***

5 **↳** must be deposited with the State Treasurer for credit to the
6 Wildlife Account in the State General Fund.

7 2. The interest and income earned on the money in the Wildlife
8 Account, after deducting any applicable charges, must be credited to
9 the Account.

10 3. Except as otherwise provided in subsection 4, the
11 Department may use money in the Wildlife Account only to carry
12 out the provisions of this title and chapter 488 of NRS and as
13 provided in NRS 365.535, and the money must not be diverted to
14 any other use.

15 4. Except as otherwise provided in NRS 502.250 and 504.155,
16 all fees for the sale or issuance of stamps, tags, permits and licenses
17 that are required to be deposited in the Wildlife Account pursuant to
18 the provisions of this title and any matching money received by the
19 Department from any source must be accounted for separately and
20 must be used:

21 (a) Only for the management of wildlife; and

22 (b) If the fee is for the sale or issuance of a license, permit or tag
23 other than a tag specified in subsection 5 or 6 of NRS 502.250,
24 under the guidance of the Commission pursuant to subsection 2 of
25 NRS 501.181.

26 **Sec. 4.** Chapter 701 of NRS is hereby amended by adding
27 thereto the provisions set forth as sections 5 to 9, inclusive, of this
28 act.

29 **Sec. 5.** ***“Energy development project” means a project for the***
30 ***generation and development of energy located on public or private***
31 ***land. The term includes, without limitation:***

32 1. ***A utility facility, as defined in NRS 704.860, constructed on***
33 ***private land; and***

34 2. ***Electric generating plants and their associated facilities***
35 ***which use or will use renewable energy, as defined in NRS***
36 ***704.7811, as their primary source of energy to generate electricity***
37 ***and which have or will have a nameplate capacity of not more***
38 ***than 70 megawatts, including, without limitation, a net metering***
39 ***system, as defined in NRS 704.771, constructed on private land.***

40 **Sec. 6.** ***The provisions of sections 7, 8 and 9 of this act do not***
41 ***apply to:***

42 1. ***A facility or energy system with a capacity of not more***
43 ***than 400 kilowatts;***

44 2. ***A net metering system attached to school property or***
45 ***private residential property; or***



1 3. A project or energy system the construction of which does
2 not require the disturbance of any soil, including, without
3 limitation, projects or systems constructed on an existing structure
4 or atop existing pavement.

5 **Sec. 7.** 1. Except as otherwise provided in section 6 of this
6 act, a person shall not commence construction of an energy
7 development project without first filing a notice of the energy
8 development project with the Office of Energy.

9 2. The notice required by subsection 1 must be:

10 (a) Provided to the Office of Energy in such form as the Office
11 prescribes and contain:

12 (1) A description of the location and the energy
13 development project to be built thereon; and

14 (2) The estimated energy output for the energy development
15 project;

16 (b) Filed with the Office concurrently with any application for
17 permits for construction of the energy development project filed
18 with:

19 (1) The Federal Government, pursuant to any federal law
20 or regulation;

21 (2) The Public Utilities Commission of Nevada, pursuant to
22 NRS 704.820 to 704.900, inclusive; or

23 (3) Any other state or local governmental entity; and

24 (c) Accompanied by a filing fee of not more than \$500, as
25 specified in regulations adopted by the Office.

26 3. In addition to the fee required by subsection 2, the Office
27 of Energy shall, in consultation with the Department of Wildlife,
28 establish and collect a fee for each energy development project
29 pursuant to a schedule of fees set forth in regulations adopted by
30 the Office based on the acreage of the energy development project,
31 including, without limitation, any roads used for access to the
32 energy development project and the area of land disturbed by the
33 energy development project.

34 **Sec. 8.** The Office of Energy shall:

35 1. Compile and maintain detailed information concerning
36 each energy development project for which notice is filed pursuant
37 to section 7 of this act. The information must include, without
38 limitation:

39 (a) The location of the energy development project;

40 (b) A description of the energy development project; and

41 (c) The estimated energy output of the energy development
42 project.

43 2. Prepare a report containing the information compiled
44 pursuant to subsection 1.



1 3. On or before January 1 of each even-numbered year,
2 submit the report required pursuant to subsection 2 to the
3 Legislative Commission. On or before January 1 of each odd-
4 numbered year, the Office of Energy shall submit the report
5 required pursuant to subsection 2 to the Director of the Legislative
6 Counsel Bureau for transmittal to the Legislature.

7 **Sec. 9.** 1. The Energy Planning and Mitigation Fund is
8 hereby created in the State Treasury as a special revenue fund.

9 2. All money collected by the Office of Energy pursuant to
10 subsection 3 of section 7 of this act must be deposited in the State
11 Treasury for credit to the Fund. The Director may apply for and
12 accept any gift, donation, bequest, grant or other source of money
13 for use by the Fund. Any money so received must be deposited in
14 the State Treasury for credit to the Fund.

15 3. The Fund is a continuing fund without reversion. The
16 money in the Fund must be invested as the money in other state
17 funds is invested. The interest and income earned on the money in
18 the Fund, after deducting any applicable charges, must be credited
19 to the Fund. Claims against the Fund must be paid as other claims
20 against the State are paid.

21 4. The Director shall administer the Fund. The money in the
22 Fund must be provided to the Department of Wildlife and used:

23 (a) To conduct surveys of wildlife;

24 (b) To map locations of wildlife and wildlife habitat in this
25 State;

26 (c) To pay for mitigation projects for the habitat of wildlife
27 impacted by energy development projects; and

28 (d) To provide staff to assist the Director in carrying out the
29 provisions of paragraphs (a), (b) and (c).

30 5. The Director shall adopt regulations to carry out the
31 provisions of this section. The regulations must include, without
32 limitation:

33 (a) The criteria for projects for which the Department of
34 Wildlife may use money from the Fund; and

35 (b) Procedures to distribute money from the Fund.

36 **Sec. 10.** NRS 701.020 is hereby amended to read as follows:

37 701.020 As used in this chapter, unless the context otherwise
38 requires, the words and terms defined in NRS 701.025 to 701.090,
39 inclusive, *and section 5 of this act* have the meanings ascribed to
40 them in those sections.

41 **Sec. 11.** NRS 701.180 is hereby amended to read as follows:

42 701.180 The Director shall:

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



1 (a) Information relating to the Solar Energy Systems Incentive
2 Program created pursuant to NRS 701B.240 including, without
3 limitation, information relating to:

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

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

9 (3) The average cost of generation on a kilowatt-hour basis
10 for residential and commercial applications due to participation in
11 the Program; and

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

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

17 (a) The level of demand for energy in the State for 5-, 10- and
18 20-year periods;

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

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

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

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

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

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

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

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

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

41 (e) If the Commissioner determines that it is feasible and cost-
42 effective, to enter into contracts with researchers from the Nevada
43 System of Higher Education for the design of energy efficiency and
44 retrofit projects to carry out the comprehensive program for



1 retrofitting public buildings in this State developed pursuant to
2 paragraph (d).

3 5. Coordinate the activities and programs of the Office of
4 Energy with the activities and programs of the Authority, the
5 Consumer's Advocate and the Public Utilities Commission of
6 Nevada, and with other federal, state and local officers and agencies
7 that promote, fund, administer or operate activities and programs
8 related to the use of renewable energy and the use of measures
9 which conserve or reduce the demand for energy or which result in
10 more efficient use of energy.

11 6. If requested to make a determination pursuant to NRS
12 111.239 or 278.0208, make the determination within 30 days after
13 receiving the request. If the Director needs additional information to
14 make the determination, the Director may request the information
15 from the person making the request for a determination. Within 15
16 days after receiving the additional information, the Director shall
17 make a determination on the request.

18 7. *Adopt any regulations necessary to carry out the provisions*
19 *of sections 6 to 9, inclusive, of this act and shall coordinate with*
20 *the Department of Wildlife to carry out those provisions.*

21 8. Carry out all other directives concerning energy that are
22 prescribed by the Governor.

23 **Sec. 12.** The Office of Energy shall, before October 1, 2011,
24 adopt any regulations which are required by or necessary to carry
25 out the provisions of this act.

26 **Sec. 13.** This act becomes effective:

27 1. Upon passage and approval for the purposes of adopting
28 regulations and performing any other preparatory administrative
29 tasks that are necessary to carry out the provisions of this act; and

30 2. On October 1, 2011, for all other purposes.

