

ASSEMBLY BILL NO. 416—ASSEMBLYMEN BOBZIEN; ATKINSON,
CONKLIN, DONDERO LOOP AND KIRKPATRICK

MARCH 21, 2011

JOINT SPONSORS: SENATORS LESLIE,
HORSFORD AND SCHNEIDER

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing certain programs for
renewable energy. (BDR 58-849)

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; revising provisions governing the Solar Energy Systems Incentive Program; revising provisions governing the Wind Energy Systems Demonstration Program; revising provisions governing the Waterpower Energy Systems Demonstration Program; revising provisions governing the payment of incentives to participants in the Solar Program and the Wind Program; revising the prospective expiration of the Wind Program and the Waterpower Program; providing for the prospective expiration of the Solar Program; requiring the Public Utilities Commission of Nevada to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law establishes the Solar Energy Systems Incentive Program, the Wind
- 2 Energy Systems Demonstration Program and the Waterpower Energy Systems
- 3 Demonstration Program. (NRS 701B.010-701B.290, 701B.400-701B.650,
- 4 701B.700-701B.880) **Section 2.1** of this bill establishes the statewide capacity
- 5 goals for all energy systems which receive incentives pursuant to these programs
- 6 and authorizes a utility to file the annual plan required for each of these programs
- 7 as a single plan.



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8 **Section 4** of this bill revises provisions governing the incentives for
9 participation in the Solar Energy Systems Incentive Program, requires the Public
10 Utilities Commission of Nevada to review the incentives and authorizes the
11 Commission to adjust the incentives not less frequently than annually. **Section 4**
12 provides that the total amount of the incentive paid to a participant in the Solar
13 Program with a solar energy system with a nameplate capacity of not more than 30
14 kilowatts must be paid upon proof that the participant has installed and energized
15 the solar energy system, while the amount of the incentive paid to a participant with
16 a solar energy system with a nameplate capacity of more than 30 kilowatts and not
17 more than 500 kilowatts must be paid over time and be based on the performance of
18 the solar energy system and the amount of electricity generated by the solar energy
19 system. **Section 8.7** of this bill requires a participant in the Solar Program to
20 participate in net metering.

21 **Section 10** of this bill requires the Commission to adopt regulations relating to
22 the Wind Program and to establish a system of incentives for participation in the
23 Wind Program. **Section 10** further provides that the total amount of the incentive
24 paid to a participant in the Wind Program with a nameplate capacity of not more
25 than 500 kilowatts must be paid over time and based on the performance of and
26 amount of electricity generated by the wind energy system. **Section 10.5** of this bill
27 requires a participant in the Wind Program to participate in net metering.

28 **Section 10.7** of this bill requires the Commission to provide a system of
29 incentives for waterpower energy systems with a nameplate capacity of not more
30 than 500 kilowatts. **Section 18.5** of this bill requires a participant in the
31 Waterpower Program to participate in net metering.

32 Existing law deems a provider of electric service to have generated or acquired
33 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0
34 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic
35 system on certain retail customers. (NRS 704.4822) **Section 18.9** of this bill
36 provides the same calculation for solar photovoltaic systems installed on the
37 premises of the provider if certain conditions are met.

38 Existing law provides that the Wind Program and the Waterpower Program will
39 expire on June 30, 2011. (Chapter 509, Statutes of Nevada 2007, p. 2999) This bill
40 revises the prospective expiration date of these programs and provides that the
41 Wind Program, the Waterpower Program and the Solar Program will expire on
42 December 31, 2021.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 1.5.** NRS 701.180 is hereby amended to read as follows:

3 701.180 The Director shall:

4 1. Acquire and analyze information relating to energy and to
5 the supply, demand and conservation of its sources, including,
6 without limitation ~~†~~:

7 ~~—(a) Information relating to the Solar Energy Systems Incentive~~
8 ~~Program created pursuant to NRS 701B.240 including, without~~
9 ~~limitation, information relating to:~~

10 ~~—(1) The development of distributed generation systems in this~~
11 ~~State pursuant to participation in the Solar Energy Systems~~
12 ~~Incentive Program;~~



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

3 ~~— (3) The average cost of generation on a kilowatt-hour basis~~
4 ~~for residential and commercial applications due to participation in~~
5 ~~the Program; and~~

6 ~~— (b) Information], information~~ relating to any money distributed
7 pursuant to NRS 702.270.

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

11 (a) The level of demand for energy in the State for 5-, 10- and
12 20-year periods;

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

15 (c) The probable implications of the forecast on the demand and
16 supply of energy; and

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

19 3. Study means of reducing wasteful, inefficient, unnecessary
20 or uneconomical uses of energy and encourage the maximum
21 utilization of existing sources of energy in the State.

22 4. Solicit and serve as the point of contact for grants and other
23 money from the Federal Government, including, without limitation,
24 any grants and other money available pursuant to any program
25 administered by the United States Department of Energy, and other
26 sources to cooperate with the Commissioner and the Authority:

27 (a) To promote energy projects that enhance the economic
28 development of the State;

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

30 (c) To promote the use of measures which conserve or reduce
31 the demand for energy or which result in more efficient use of
32 energy;

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

35 (e) If the Commissioner determines that it is feasible and cost-
36 effective, to enter into contracts with researchers from the Nevada
37 System of Higher Education for the design of energy efficiency and
38 retrofit projects to carry out the comprehensive program for
39 retrofitting public buildings in this State developed pursuant to
40 paragraph (d).

41 5. Coordinate the activities and programs of the Office of
42 Energy with the activities and programs of the Authority, the
43 Consumer's Advocate and the Public Utilities Commission of
44 Nevada, and with other federal, state and local officers and agencies
45 that promote, fund, administer or operate activities and programs



1 related to the use of renewable energy and the use of measures
2 which conserve or reduce the demand for energy or which result in
3 more efficient use of energy.

4 6. If requested to make a determination pursuant to NRS
5 111.239 or 278.0208, make the determination within 30 days after
6 receiving the request. If the Director needs additional information to
7 make the determination, the Director may request the information
8 from the person making the request for a determination. Within 15
9 days after receiving the additional information, the Director shall
10 make a determination on the request.

11 7. Carry out all other directives concerning energy that are
12 prescribed by the Governor.

13 **Sec. 2.** (Deleted by amendment.)

14 **Sec. 2.1.** Chapter 701B of NRS is hereby amended by adding
15 thereto a new section to read as follows:

16 *1. For purposes of carrying out the Solar Energy Systems*
17 *Incentive Program created by NRS 701B.240, the Wind Energy*
18 *Systems Demonstration Program created by NRS 701B.580 and*
19 *the Waterpower Energy Systems Demonstration Program created*
20 *by NRS 701B.820, the Public Utilities Commission of Nevada may*
21 *approve solar energy systems, wind energy systems and*
22 *waterpower energy systems totaling not more than 150 megawatts*
23 *of capacity for all systems in this State for the period beginning on*
24 *July 1, 2009, and ending on December 31, 2021. The Commission*
25 *shall by regulation prescribe the capacity goals for each program.*

26 *2. The Public Utilities Commission of Nevada shall not*
27 *authorize the payment of an incentive pursuant to:*

28 *(a) The Solar Energy Systems Incentive Program if the*
29 *payment of the incentive would cause the total amount of*
30 *incentives paid by all utilities in this State for the installation of*
31 *solar energy systems and distributed generation systems to exceed*
32 *\$255,000,000 for the period beginning on July 1, 2009, and ending*
33 *on December 31, 2021.*

34 *(b) The Wind Energy Systems Demonstration Program and the*
35 *Waterpower Energy Systems Demonstration Program if the*
36 *payment of the incentive would cause the total amount of*
37 *incentives paid by all utilities in this State for the installation of*
38 *wind energy systems and waterpower energy systems to exceed*
39 *\$60,000,000 for the period beginning on July 1, 2009, and ending*
40 *on December 31, 2021. The Commission shall by regulation*
41 *determine the total amount of incentives for each program.*

42 *3. A utility may file one combined annual plan which meets*
43 *the requirements set forth in NRS 701B.230, 701B.610 and*
44 *701B.850. The Public Utilities Commission of Nevada shall review*
45 *and approve any plans submitted pursuant to this subsection in*



1 *accordance with the requirements of NRS 701B.230, 701B.610*
2 *and 701B.850.*

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

4 (a) *“Distributed generation system” has the meaning ascribed*
5 *to it in NRS 701B.055.*

6 (b) *“Utility” means a public utility that supplies electricity in*
7 *this State.*

8 **Sec. 2.3.** NRS 701B.040 is hereby amended to read as follows:
9 701B.040 “Category” means one of the categories of
10 participation in the Solar Program as set forth in ~~[NRS 701B.240.]~~
11 *regulations adopted by the Commission.*

12 **Sec. 2.5.** NRS 701B.200 is hereby amended to read as follows:
13 701B.200 The Commission shall adopt regulations necessary
14 to carry out the provisions of NRS 701B.010 to 701B.290, inclusive,
15 including, without limitation, regulations that:

16 1. Establish the type of incentives available to participants in
17 the Solar Program and the level or amount of those incentives,
18 ~~[except that the level or amount of an incentive available in a~~
19 ~~particular program year must not be based upon whether the~~
20 ~~incentive is for unused capacity reallocated from a past program~~
21 ~~year pursuant to paragraph (b) of subsection 2 of NRS 701B.260.~~
22 ~~The regulations must provide that the level or amount of the~~
23 ~~incentives must decline over time as the cost of solar energy systems~~
24 ~~and distributed generation systems decline.] and prescribe the~~
25 *period, which may be the same period covered for a utility’s*
26 *annual plan for carrying out and administering the Solar*
27 *Program, for a utility to account for those incentives.*

28 2. Establish the requirements for a utility’s annual plan for
29 carrying out and administering the Solar Program. A utility’s annual
30 plan must include, without limitation:

31 (a) A detailed plan for advertising the Solar Program;

32 (b) A detailed budget and schedule for carrying out and
33 administering the Solar Program;

34 (c) A detailed account of administrative processes and forms
35 that will be used to carry out and administer the Solar Program,
36 including, without limitation, a description of the application
37 process and copies of all applications and any other forms that are
38 necessary to apply for and participate in the Solar Program;

39 (d) A detailed account of the procedures that will be used for
40 inspection and verification of a participant’s solar energy system
41 and compliance with the Solar Program;

42 (e) A detailed account of training and educational activities that
43 will be used to carry out and administer the Solar Program; and

44 (f) Any other information required by the Commission.



1 3. Authorize a utility to recover the reasonable costs incurred in
2 carrying out and administering the installation of distributed
3 generation systems . ~~[pursuant to paragraph (b) of subsection 1 of~~
4 ~~NRS 701B.260.]~~

5 **Sec. 3.** NRS 701B.210 is hereby amended to read as follows:

6 701B.210 The Commission shall adopt regulations that
7 establish:

8 1. The qualifications and requirements an applicant must meet
9 to be eligible to participate in ~~each applicable category of:~~

10 ~~—(a) School property;~~

11 ~~—(b) Public and other property; and~~

12 ~~—(c) Private residential property and small business property; and]~~
13 *the Solar Program.*

14 2. The form and content of the master application.

15 *3. The timeframe for accepting applications, including a*
16 *period in which a utility must accept additional applications if a*
17 *previously approved applicant fails to install and energize a solar*
18 *energy system within the time allowed by NRS 701B.255.*

19 **Sec. 4.** NRS 701B.220 is hereby amended to read as follows:

20 701B.220 *1.* In adopting regulations for the Solar Program,
21 the Commission shall adopt regulations establishing an incentive for
22 participation in the Solar Program. *The regulations must:*

23 *(a) Provide that the total amount of the incentive paid to a*
24 *participant for a solar energy system with a nameplate capacity of*
25 *not more than 30 kilowatts must be paid upon proof that the*
26 *participant has installed and energized the solar energy system;*

27 *(b) Provide that the amount of the incentive paid to a*
28 *participant for a solar energy system with a nameplate capacity of*
29 *more than 30 kilowatts but not more than 500 kilowatts must be*
30 *paid over time and be based on the performance of the solar*
31 *energy system and the amount of electricity generated by the solar*
32 *energy system;*

33 *(c) Provide for a contract to be entered into between a*
34 *participant and a utility, which must include, without limitation,*
35 *provisions specifying:*

36 *(1) The amount of the incentive the participant will receive*
37 *from the utility;*

38 *(2) For a participant with a solar energy system with a*
39 *nameplate capacity of more than 30 kilowatts but not more than*
40 *500 kilowatts, the period in which the participant will receive an*
41 *incentive from the utility, which must not exceed 5 years and*
42 *must not require a utility to make an incentive payment after*
43 *December 31, 2021; and*

44 *(3) For a participant with a solar energy system with a*
45 *nameplate capacity of more than 30 kilowatts but not more than*



1 500 kilowatts, that the payments of an incentive to the participant
2 must be quarterly;

3 (d) Establish reporting requirements for each utility that
4 participates in the Solar Program, which must include, without
5 limitation, periodic reports of the average cost of the systems, the
6 cost to the utility of carrying out the Solar Program and the effect
7 of the Solar Program on the rates paid by the customers of the
8 utility; and

9 (e) Provide for a decline over time in the amount of the
10 incentives for participation in the Solar Program as the cost of
11 installing solar energy systems decreases.

12 2. The Commission shall review the incentives for
13 participation in the Solar Program and may adjust the amount of
14 the incentives not less frequently than annually.

15 **Sec. 5.** NRS 701B.240 is hereby amended to read as follows:

16 701B.240 1. The Solar Energy Systems Incentive Program is
17 hereby created.

18 2. The ~~[Solar Program must have three]~~ Commission shall
19 establish categories ~~[as follows:~~

20 ~~—(a) School property;~~

21 ~~—(b) Public and other property; and~~

22 ~~—(c) Private residential property and small business property.]~~ for
23 participation in the Solar Program, which must, at a minimum,
24 distinguish between participants with a solar energy system with:

25 (a) A nameplate capacity of not more than 30 kilowatts; and

26 (b) A nameplate capacity of more than 30 kilowatts but not
27 more than 500 kilowatts.

28 3. To be eligible to participate in the Solar Program, a person
29 must:

30 (a) Meet the qualifications established by the Commission
31 pursuant to NRS 701B.210;

32 (b) Submit an application to a utility and be selected by the
33 ~~[Commission]~~ utility for inclusion in the Solar Program pursuant to
34 NRS 701B.250 and 701B.255; and

35 (c) When installing the solar energy system, use an installer who
36 has been issued a classification C-2 license with the appropriate
37 subclassification by the State Contractors' Board pursuant to the
38 regulations adopted by the Board. ~~]; and~~

39 ~~—(d) If the person will be participating in the Solar Program in the~~
40 ~~category of school property or public and other property, provide for~~
41 ~~the public display of the solar energy system, including, without~~
42 ~~limitation, providing for public demonstrations of the solar energy~~
43 ~~system and for hands-on experience of the solar energy system by~~
44 ~~the public.]~~

45 **Sec. 6.** (Deleted by amendment.)



1 **Sec. 7.** (Deleted by amendment.)

2 **Sec. 8.** (Deleted by amendment.)

3 **Sec. 8.3.** NRS 701B.255 is hereby amended to read as follows:

4 701B.255 1. After reviewing an application submitted
5 pursuant to NRS 701B.250 and ensuring that the applicant meets the
6 qualifications and requirements to be eligible to participate in the
7 Solar Program, a utility may select the applicant for participation in
8 the Solar Program.

9 2. Not later than 30 days after the date on which the utility
10 selects an applicant, the utility shall provide written notice of the
11 selection to the applicant.

12 3. After the utility selects an applicant to participate in the
13 Solar Program, the utility may approve the solar energy system
14 proposed by the applicant. Upon the utility's approval of the solar
15 energy system:

16 (a) The utility shall provide to the applicant notice of the
17 approval and the amount of incentive for which the solar energy
18 system is eligible; and

19 (b) The applicant may install and energize the solar energy
20 system.

21 4. Upon the completion of the installation and energizing of the
22 solar energy system, the participant must submit to the utility an
23 incentive claim form and any supporting information, including,
24 without limitation, a verification of the cost of the project and a
25 calculation of the expected system output.

26 5. Upon receipt of the incentive claim form and verification
27 that the solar energy system is properly connected, the utility shall
28 issue an incentive payment to the participant.

29 6. The amount of the incentive for which an applicant is
30 eligible must be determined on the date on which the applicant is
31 selected for participation in the Solar Program, except that an
32 applicant forfeits eligibility for that amount of incentive if the
33 applicant withdraws from participation in the Solar Program or does
34 not complete the installation of the solar energy system within 12
35 months after the date on which the applicant is selected for
36 participation in the Solar Program. ~~[An applicant who forfeits
37 eligibility for the incentive for which the applicant was originally
38 determined to be eligible may become eligible for an incentive only
39 on the date on which the applicant completes the installation of the
40 solar energy system, and the amount of the incentive for which such
41 an applicant is eligible must be determined on the date on which the
42 applicant completes the installation of the solar energy system.]~~

43 **Sec. 8.7.** NRS 701B.280 is hereby amended to read as follows:

44 701B.280 ~~[[~~ *To be eligible for an incentive through the*
45 *Solar Program*, a solar energy system ~~used by a participant in the~~



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1 ~~Solar Program meets]~~ *must meet* the requirements ~~[of NRS 704.766~~
2 ~~to 704.775, inclusive, the participant is entitled to participate]~~ *for*
3 *participation* in net metering pursuant to the provisions of NRS
4 704.766 to 704.775, inclusive.

5 **Sec. 8.9.** NRS 701B.440 is hereby amended to read as follows:
6 701B.440 “Category” means one of the categories of
7 participation in the Wind Demonstration Program as ~~[set forth in~~
8 ~~NRS 701B.580.]~~ *established in regulation by the Commission.*

9 **Sec. 9.** NRS 701B.580 is hereby amended to read as follows:
10 701B.580 1. The Wind Energy Systems Demonstration
11 Program is hereby created.

12 2. The ~~[Program must have four]~~ *Commission shall establish*
13 categories ~~[as follows:~~

14 ~~—(a) School property;~~

15 ~~—(b) Other public property;~~

16 ~~—(c) Private residential property and small business property; and~~

17 ~~—(d) Agricultural property.]~~ *for participation in the program.*

18 3. To be eligible to participate in the Program, a person must:

19 (a) Meet the qualifications established by the Commission
20 pursuant to NRS 701B.590;

21 (b) When installing the wind energy system, use an installer
22 who has been issued a classification C-2 license with the appropriate
23 subclassification by the State Contractors’ Board pursuant to the
24 regulations adopted by the Board; and

25 (c) If the person will be participating in the Program in the
26 category of school property or other public property, provide for the
27 public display of the wind energy system, including, without
28 limitation, providing for public demonstrations of the wind energy
29 system and for hands-on experience of the wind energy system by
30 the public.

31 **Sec. 10.** NRS 701B.590 is hereby amended to read as follows:

32 701B.590 The Commission shall adopt regulations necessary
33 to carry out the provisions of the Wind Energy Systems
34 Demonstration Program Act, including, without limitation,
35 regulations that establish:

36 1. The capacity goals for the Program, which must be designed
37 to meet the goal of the Legislature ~~[of the installation of not less~~
38 ~~than 5 megawatts of wind energy systems in this State by 2012 and~~
39 ~~the goals for each category of the Program.]~~ *as prescribed in section*
40 *2.1 of this act.*

41 2. A system of incentives that are based on rebates that decline
42 as the ~~[capacity goals for the Program and the goals for each~~
43 ~~category of the Program are met. The rebates must be based on~~
44 ~~predicted energy savings.~~



1 ~~—3.1~~ *cost of installing wind energy systems declines. The system*
2 *must provide:*

3 (a) *Incentives for wind energy systems with a nameplate*
4 *capacity of not more than 500 kilowatts;*

5 (b) *That the amount of the incentive for a participant must be*
6 *paid over time and be based on the performance of the wind*
7 *energy system and the amount of electricity generated by the wind*
8 *energy system; and*

9 (c) *For a contract to be entered into between a participant and*
10 *a utility, which must include, without limitation, provisions*
11 *specifying:*

12 (1) *The amount of the incentive the participant will receive*
13 *from the utility;*

14 (2) *The period in which the participant will receive an*
15 *incentive from the utility, which must not exceed 5 years and that*
16 *the utility is not required to make an incentive payment after*
17 *December 31, 2021; and*

18 (3) *That the payments of an incentive to the participant*
19 *must be made quarterly.*

20 3. *Reporting requirements for each utility that participates in*
21 *the Program, which must include, without limitation, periodic*
22 *reports of the average cost of the systems, the cost to the utility of*
23 *carrying out the Program and the effect of the Program on the*
24 *rates paid by the customers of the utility.*

25 4. *The procedure for claiming incentives, including, without*
26 *limitation, the form and content of the incentive claim form.*

27 5. *The timeframe for accepting applications, including a*
28 *period in which a utility must accept additional applications if a*
29 *previously approved applicant fails to install and energize a wind*
30 *energy system within the time allowed by NRS 701B.615.*

31 **Sec. 10.1.** *NRS 701B.615 is hereby amended to read as*
32 *follows:*

33 701B.615 1. *An applicant who wishes to participate in the*
34 *Wind Demonstration Program must submit an application to a*
35 *utility.*

36 2. *After reviewing an application submitted pursuant to*
37 *subsection 1 and ensuring that the applicant meets the qualifications*
38 *and requirements to be eligible to participate in the Program, a*
39 *utility may select the applicant for participation in the Program.*

40 3. *Not later than 30 days after the date on which the utility*
41 *selects an applicant, the utility shall provide written notice of the*
42 *selection to the applicant.*

43 4. *After the utility selects an applicant to participate in the*
44 *Program, the utility may approve the wind energy system proposed*



1 by the applicant. Upon the utility's approval of the wind energy
2 system:

3 (a) The utility shall provide to the applicant notice of the
4 approval and the amount of incentive for which the wind energy
5 system is eligible; and

6 (b) The applicant may install and energize the wind energy
7 system.

8 5. Upon the completion of the installation and energizing of the
9 wind energy system, the participant must submit to the utility an
10 incentive claim form and any supporting information, including,
11 without limitation, a verification of the cost of the project and a
12 calculation of the expected system output.

13 6. Upon receipt of the incentive claim form and verification
14 that the wind energy system is properly connected, the utility shall
15 issue an incentive payment to the participant.

16 7. The amount of the incentive for which an applicant is
17 eligible must be determined on the date on which the applicant is
18 selected for participation in the Wind Demonstration Program,
19 except that an applicant forfeits eligibility for that amount of
20 incentive if the applicant withdraws from participation in the
21 Program or does not complete the installation of the wind energy
22 system within 12 months after the date on which the applicant is
23 selected for participation in the Program. ~~[An applicant who forfeits
24 eligibility for the incentive for which the applicant was originally
25 determined to be eligible may become eligible for an incentive only
26 on the date on which the applicant completes the installation of the
27 wind energy system, and the amount of the incentive for which such
28 an applicant is eligible must be determined on the date on which the
29 applicant completes the installation of the wind energy system.]~~

30 **Sec. 10.5.** NRS 701B.650 is hereby amended to read as
31 follows:

32 701B.650 ~~[[~~ *To be eligible for an incentive through the*
33 *Wind Program*, a wind energy system ~~[used by a participant in the~~
34 ~~Wind Demonstration Program meets]~~ *must meet* the requirements
35 ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to~~
36 ~~participate]~~ *for participation* in net metering pursuant to the
37 provisions of NRS 704.766 to 704.775, inclusive.

38 **Sec. 10.7.** NRS 701B.840 is hereby amended to read as
39 follows:

40 701B.840 The Commission shall adopt regulations that
41 establish:

42 1. The capacity goals for the Program, which must be designed
43 to ~~[meet]~~ :

44 (a) *Meet* the goal of the Legislature ~~[of the installation of not~~
45 ~~less than 500 kilowatts of waterpower energy systems in this State~~



1 ~~by 2012 and the goals for each category of the Program.] as~~
2 ~~prescribed in section 2.1 of this act; and~~

3 (b) Provide a system of incentives for waterpower energy
4 systems with a nameplate capacity of not more than 500 kilowatts.

5 2. A system of incentives that are based on rebates that decline
6 as the capacity goals for the Program . ~~[and the goals for each~~
7 ~~category of the Program are met.]~~ The rebates must be based on
8 predicted energy savings.

9 3. The procedure for claiming incentives, including, without
10 limitation, the form and content of the incentive claim form.

11 4. *The timeframe for accepting applications, including a*
12 *period in which a utility must accept additional applications if*
13 *a previously approved applicant fails to install and energize a*
14 *waterpower energy system within the time allowed by*
15 *NRS 701B.865.*

16 **Sec. 10.9.** NRS 701B.850 is hereby amended to read as
17 follows:

18 701B.850 1. ~~[On or before February 21, 2008, and on or~~
19 ~~before February 1 of each subsequent year,] Each year on or before~~
20 ~~a date established by the Commission,~~ each utility shall file with
21 the Commission ~~[for approval an] its~~ annual plan for ~~[the~~
22 ~~administration and delivery of] carrying out and administering~~
23 the Waterpower Demonstration Program *in its service area* for the
24 ~~[program year beginning July 1, 2008, and each subsequent year~~
25 ~~thereafter.] immediately following 12-month period prescribed by~~
26 ~~the Commission.~~

27 2. ~~[On or before July 1, 2008, and on or before each July 1 of~~
28 ~~each subsequent year, the] The Commission shall [review] :~~

29 (a) *Review* the annual plan for compliance with the requirements
30 ~~[set forth] established~~ by regulation of the Commission ~~[.] ; and~~

31 (b) *Approve the annual plan with such modifications and upon*
32 *such terms and conditions as the Commission finds necessary or*
33 *appropriate to facilitate the Program.*

34 **Sec. 11.** (Deleted by amendment.)

35 **Sec. 12.** (Deleted by amendment.)

36 **Sec. 13.** (Deleted by amendment.)

37 **Sec. 14.** (Deleted by amendment.)

38 **Sec. 15.** (Deleted by amendment.)

39 **Sec. 16.** (Deleted by amendment.)

40 **Sec. 17.** (Deleted by amendment.)

41 **Sec. 18.** (Deleted by amendment.)



1 **Sec. 18.1.** NRS 701B.865 is hereby amended to read as
2 follows:

3 701B.865 1. An applicant who wishes to participate in the
4 Waterpower Demonstration Program must submit an application to
5 a utility.

6 2. After reviewing an application submitted pursuant to
7 subsection 1 and ensuring that the applicant meets the qualifications
8 and requirements to be eligible to participate in the Program, a
9 utility may select the applicant for participation in the Program.

10 3. Not later than 30 days after the date on which the utility
11 selects an applicant, the utility shall provide written notice of the
12 selection to the applicant.

13 4. After the utility selects an applicant to participate in the
14 Program, the utility may approve the waterpower energy system
15 proposed by the applicant. Upon the utility's approval of the
16 waterpower energy system:

17 (a) The utility shall provide to the applicant notice of the
18 approval and the amount of incentive for which the waterpower
19 energy system is eligible; and

20 (b) The applicant may construct the waterpower energy system.

21 5. Upon the completion of the construction of a waterpower
22 energy system, the participant must submit to the utility an incentive
23 claim form and any supporting information, including, without
24 limitation, a verification of the cost of the project and a calculation
25 of the expected system output.

26 6. Upon receipt of the incentive claim form and verification
27 that the waterpower energy system is properly connected, the utility
28 shall issue an incentive payment to the participant.

29 7. The amount of the incentive for which an applicant is
30 eligible must be determined on the date on which the applicant is
31 selected for participation in the Waterpower Demonstration
32 Program, except that an applicant forfeits eligibility for that amount
33 of incentive if the applicant withdraws from participation in the
34 Program or does not complete the construction of the waterpower
35 energy system within 12 months after the date on which the
36 applicant is selected for participation in the Program. ~~[An applicant
37 who forfeits eligibility for the incentive for which the applicant was
38 originally determined to be eligible may become eligible for an
39 incentive only on the date on which the applicant completes the
40 construction of the waterpower energy system, and the amount of
41 the incentive for which such an applicant is eligible must be
42 determined on the date on which the applicant completes the
43 construction of the waterpower energy system.]~~



1 **Sec. 18.5.** NRS 701B.880 is hereby amended to read as
2 follows:

3 701B.880 ~~[(1)]~~ *To be eligible for an incentive through the*
4 *Waterpower Demonstration Program*, the waterpower energy
5 system ~~[used by a participant in the Waterpower Demonstration~~
6 ~~Program meets]~~ *must meet* the requirements ~~[of NRS 704.766 to~~
7 ~~704.775, inclusive, the participant is entitled to participate]~~ *for*
8 *participation* in net metering pursuant to the provisions of NRS
9 704.766 to 704.775, inclusive.

10 **Sec. 18.7.** NRS 701B.924 is hereby amended to read as
11 follows:

12 701B.924 1. The State Public Works Board shall, within 90
13 days after June 9, 2009, determine the specific projects to
14 weatherize and retrofit public buildings, facilities and structures,
15 including, without limitation, traffic-control systems, and to
16 otherwise use sources of renewable energy to serve those buildings,
17 facilities and structures pursuant to the provisions of this section and
18 NRS 701B.921. The projects must be prioritized and selected on the
19 basis of the following criteria:

20 (a) The length of time necessary to commence the project.

21 (b) The number of workers estimated to be employed on the
22 project.

23 (c) The effectiveness of the project in reducing energy
24 consumption.

25 (d) The estimated cost of the project.

26 (e) Whether the project is able to be powered by or to otherwise
27 use sources of renewable energy.

28 (f) Whether the project has qualified for participation in ~~one or~~
29 ~~more of the following programs:~~

30 ~~— (1) The Solar Energy Systems Incentive Program created by~~
31 ~~NRS 701B.240;~~

32 ~~— (2) :~~

33 (1) The Renewable Energy School Pilot Program created by
34 NRS 701B.350; or

35 ~~[(3)]~~ (2) An energy efficiency or energy conservation
36 program offered by a public utility, as defined in NRS 704.020,
37 pursuant to a plan approved by the Public Utilities Commission of
38 Nevada pursuant to NRS 704.741.

39 2. The board of trustees of each school district shall, within 90
40 days after June 9, 2009, determine the specific projects to
41 weatherize and retrofit public buildings, facilities and structures,
42 including, without limitation, traffic-control systems, and to
43 otherwise use sources of renewable energy to serve those buildings,
44 facilities and structures pursuant to the provisions of this section and



1 NRS 701B.921. The projects must be prioritized and selected on the
2 basis of the following criteria:

- 3 (a) The length of time necessary to commence the project.
- 4 (b) The number of workers estimated to be employed on the
5 project.
- 6 (c) The effectiveness of the project in reducing energy
7 consumption.
- 8 (d) The estimated cost of the project.
- 9 (e) Whether the project is able to be powered by or to otherwise
10 use sources of renewable energy.

11 (f) Whether the project has qualified for participation in ~~one or~~
12 ~~more of the following programs:~~

13 ~~— (1) The Solar Energy Systems Incentive Program created by~~
14 ~~NRS 701B.240;~~

15 ~~— (2) :~~

16 (1) The Renewable Energy School Pilot Program created by
17 NRS 701B.350; or

18 ~~(3)~~ (2) An energy efficiency or energy conservation
19 program offered by a public utility, as defined in NRS 704.020,
20 pursuant to a plan approved by the Public Utilities Commission of
21 Nevada pursuant to NRS 704.741.

22 3. The Board of Regents of the University of Nevada shall,
23 within 90 days after June 9, 2009, determine the specific projects to
24 weatherize and retrofit public buildings, facilities and structures,
25 including, without limitation, traffic-control systems, and to
26 otherwise use sources of renewable energy to serve those buildings,
27 facilities and structures pursuant to the provisions of this section and
28 NRS 701B.921. The projects must be prioritized and selected on the
29 basis of the following criteria:

- 30 (a) The length of time necessary to commence the project.
- 31 (b) The number of workers estimated to be employed on the
32 project.
- 33 (c) The effectiveness of the project in reducing energy
34 consumption.
- 35 (d) The estimated cost of the project.
- 36 (e) Whether the project is able to be powered by or to otherwise
37 use sources of renewable energy.

38 (f) Whether the project has qualified for participation in ~~one or~~
39 ~~more of the following programs:~~

40 ~~— (1) The Solar Energy Systems Incentive Program created by~~
41 ~~NRS 701B.240;~~

42 ~~— (2) :~~

43 (1) The Renewable Energy School Pilot Program created by
44 NRS 701B.350; or



1 ~~(3)~~ (2) An energy efficiency or energy conservation
2 program offered by a public utility, as defined in NRS 704.020,
3 pursuant to a plan approved by the Public Utilities Commission of
4 Nevada pursuant to NRS 704.741.

5 4. As soon as practicable after an entity described in
6 subsections 1, 2 and 3 selects a project, the entity shall proceed to
7 enter into a contract with one or more contractors to perform the
8 work on the project. The request for proposals and all contracts for
9 each project must include, without limitation:

10 (a) Provisions stipulating that all employees of the contractors
11 and subcontractors who work on the project must be paid prevailing
12 wages pursuant to the requirements of chapter 338 of NRS;

13 (b) Provisions requiring that each contractor and subcontractor
14 employed on each such project:

15 (1) Employ a number of persons trained as described in
16 paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or
17 greater than 50 percent of the total workforce the contractor or
18 subcontractor employs on the project; or

19 (2) If the Director of the Department determines in writing,
20 pursuant to a request submitted by the contractor or subcontractor,
21 that the contractor or subcontractor cannot reasonably comply with
22 the provisions of subparagraph (1) because there are not available a
23 sufficient number of such trained persons, employ a number of
24 persons trained as described in paragraph (b) of subsection 3 of NRS
25 701B.921 or trained through any apprenticeship program that is
26 registered and approved by the State Apprenticeship Council
27 pursuant to chapter 610 of NRS that is equal to or greater than 50
28 percent of the total workforce the contractor or subcontractor
29 employs on the project;

30 (c) A component pursuant to which persons trained as described
31 in paragraph (b) of subsection 3 of NRS 701B.921 must be
32 classified and paid prevailing wages depending upon the
33 classification of the skill in which they are trained; and

34 (d) A component that requires each contractor or subcontractor
35 to offer to employees working on the project, and to their
36 dependents, health care in the same manner as a policy of insurance
37 pursuant to chapters 689A and 689B of NRS or the Employee
38 Retirement Income Security Act of 1974.

39 5. The State Public Works Board, each of the school districts
40 and the Board of Regents of the University of Nevada shall each
41 provide a report to the Interim Finance Committee which describes
42 the projects selected pursuant to this section and a report of the dates
43 on which those projects are scheduled to be completed.



1 **Sec. 18.9.** NRS 704.7822 is hereby amended to read as
2 follows:

3 704.7822 For the purpose of complying with a portfolio
4 standard established pursuant to NRS 704.7821 or 704.78213, a
5 provider shall be deemed to have generated or acquired 2.4 kilowatt-
6 hours of electricity from a renewable energy system for each 1.0
7 kilowatt-hour of actual electricity generated or acquired from a solar
8 photovoltaic system, if:

9 1. The system is installed on the premises of a retail customer
10 ~~and~~ *or provider*; and

11 2. On an annual basis, at least 50 percent of the electricity
12 generated by the system is utilized by the retail customer *or*
13 *provider* on that premises.

14 **Sec. 19.** NRS 338.1908 is hereby amended to read as follows:

15 338.1908 1. The governing body of each local government
16 shall, by July 28, 2009, develop a plan to retrofit public buildings,
17 facilities and structures, including, without limitation, traffic-control
18 systems, and to otherwise use sources of renewable energy to serve
19 those buildings, facilities and structures. Such a plan must:

20 (a) Be developed with input from one or more energy retrofit
21 coordinators designated pursuant to NRS 338.1907, if any.

22 (b) Include a list of specific projects. The projects must be
23 prioritized and selected on the basis of the following criteria:

24 (1) The length of time necessary to commence the project.

25 (2) The number of workers estimated to be employed on the
26 project.

27 (3) The effectiveness of the project in reducing energy
28 consumption.

29 (4) The estimated cost of the project.

30 (5) Whether the project is able to be powered by or otherwise
31 use sources of renewable energy.

32 (6) Whether the project has qualified for participation in ~~one~~
33 ~~or more of the following programs:~~

34 ~~—(I) The Solar Energy Systems Incentive Program created~~
35 ~~by NRS 701B.240;~~

36 ~~—(II) The~~ *the* Renewable Energy School Pilot Program
37 created by NRS 701B.350. ~~;~~

38 ~~—(III) The Wind Energy Systems Demonstration Program~~
39 ~~created by NRS 701B.580; or~~

40 ~~—(IV) The Waterpower Energy Systems Demonstration~~
41 ~~Program created by NRS 701B.820.]~~

42 (c) Include a list of potential funding sources for use in
43 implementing the projects, including, without limitation, money
44 available through the Energy Efficiency and Conservation Block
45 Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts,



1 donations or other sources of money from public and private
2 sources.

3 2. The governing body of each local government shall transmit
4 the plan developed pursuant to subsection 1 to the Nevada Energy
5 Commissioner and to any other entity designated for that purpose by
6 the Legislature.

7 3. As used in this section:

8 (a) "Local government" means each city or county that meets
9 the definition of "eligible unit of local government" as set forth in
10 42 U.S.C. § 17151 and each unit of local government, as defined in
11 subsection 11 of NRS 338.010, that does not meet the definition of
12 "eligible entity" as set forth in 42 U.S.C. § 17151.

13 (b) "Renewable energy" means a source of energy that occurs
14 naturally or is regenerated naturally, including, without limitation:

- 15 (1) Biomass;
- 16 (2) Fuel cells;
- 17 (3) Geothermal energy;
- 18 (4) Solar energy;
- 19 (5) Waterpower; and
- 20 (6) Wind.

21 ➔ The term does not include coal, natural gas, oil, propane or any
22 other fossil fuel, or nuclear energy.

23 (c) "Retrofit" means to alter, improve, modify, remodel or
24 renovate a building, facility or structure to make that building,
25 facility or structure more energy-efficient.

26 **Sec. 20.** Section 113 of chapter 509, Statutes of Nevada 2007,
27 at page 2999, is hereby amended to read as follows:

28 Sec. 113. 1. This act becomes effective:

29 (a) Upon passage and approval for the purposes of
30 adopting regulations and taking such other actions as are
31 necessary to carry out the provisions of this act; and

32 (b) For all other purposes besides those described in
33 paragraph (a):

34 (1) For this section and sections 1, 30, 32, 36 to 46,
35 inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of
36 this act, upon passage and approval.

37 (2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3,
38 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

39 (3) For sections 62 to 106, inclusive, of this act, on
40 October 1, 2007.

41 (4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of
42 this act, on January 1, 2009.

43 (5) For section 48 of this act, on January 1, 2010.

44 (6) For section 50 of this act, on January 1, 2011.



1 2. *Sections 69, 72 to 75, inclusive, and section 94 of*
2 *this act expire by limitation on December 31, 2012.*

3 3. Sections 62 to ~~106,~~ 68, inclusive, 70, 71, 77 to 82,
4 *inclusive, 85 to 94, inclusive, and 95 to 105, inclusive,*
5 *of this act expire by limitation on ~~June 30, 2011.~~*
6 *December 31, 2021.*

7 **Sec. 21.** Section 13 of chapter 246, Statutes of Nevada 2009,
8 at page 1002, is hereby amended to read as follows:

9 Sec. 13. 1. This act becomes effective on July 1, 2009.

10 2. Sections 2 and 3 of this act expire by limitation on
11 ~~June 30, 2011.~~ *December 31, 2021.*

12 **Sec. 22.** Section 21 of chapter 321, Statutes of Nevada 2009,
13 at page 1410, is hereby amended to read as follows:

14 Sec. 21. 1. This section and sections 1 to 1.51,
15 inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive,
16 of this act become effective upon passage and approval.

17 2. Sections 1.51, 1.85, 1.87, 1.92, 1.93, 1.95, 4.3 to 9,
18 inclusive, and 19.4 of this act expire by limitation on
19 ~~June 30, 2011.~~

20 ~~—3. Sections 1.53 and 19.8 of this act become effective on~~
21 ~~July 1, 2011.~~ *December 31, 2021.*

22 **Sec. 23.** (Deleted by amendment.)

23 **Sec. 23.3.** 1. NRS 701B.010, 701B.020, 701B.030,
24 701B.040, 701B.050, 701B.055, 701B.070, 701B.080, 701B.090,
25 701B.150, 701B.160, 701B.170, 701B.180, 701B.200, 701B.210,
26 701B.220, 701B.230, 701B.240, 701B.250, 701B.255, 701B.265,
27 701B.280 and 701B.290 are hereby repealed.

28 2. NRS 701B.060, 701B.100, 701B.110, 701B.120, 701B.130,
29 701B.140, 701B.260 and sections 1.53 and 19.8 of chapter 321,
30 Statutes of Nevada 2009, at pages 1372 and 1408, respectively, are
31 hereby repealed.

32 **Sec. 23.5.** The Public Utilities Commission of Nevada shall
33 adopt regulations to carry out the amendatory provisions of this act
34 on or before July 1, 2012. The regulations must:

35 1. Provide for the transition to the performance-based incentive
36 required by NRS 701B.220, as amended by section 4 of this act,
37 NRS 701B.590, as amended by section 10 of this act and NRS
38 701B.840, as amended by section 10.7 of this act, for the applicable
39 participants in the Solar Energy Systems Incentive Program, the
40 Wind Energy Systems Demonstration Program and the Waterpower
41 Energy Systems Demonstration Program.

42 2. Require that the capacity allocated for a participant in the
43 Solar Energy Systems Incentive Program, the Wind Energy Systems
44 Demonstration Program or the Waterpower Energy Systems
45 Demonstration Program who fails to install and energize the energy



1 system within 12 months after the date on which the applicant is
2 selected for participation in the respective program must be made
3 available to applicants who apply for participation in the Solar
4 Energy Systems Incentive Program, the Wind Energy Systems
5 Demonstration Program or the Waterpower Energy Systems
6 Demonstration Program on or after January 1, 2013.

7 **Sec. 24.** (Deleted by amendment.)

8 **Sec. 25.** 1. This section and sections 8.3, 10.1, 18.1, 20 to
9 23, inclusive, and 23.5 of this act become effective upon passage
10 and approval.

11 2. Sections 1, 2 to 8, inclusive, 8.7 to 10, inclusive, 10.5 to 18,
12 inclusive, 18.5, 18.9 and 24 of this act become effective upon
13 passage and approval for the purpose of adopting regulations, and
14 on January 1, 2013, for all other purposes.

15 3. Subsection 2 of section 23.3 of this act becomes effective on
16 January 1, 2013.

17 4. Section 1.5, 18.7, 19 and subsection 1 of section 23.3 of this
18 act become effective on January 1, 2022.

**LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA**

- 701B.010 Applicability.**
- 701B.020 Definitions.**
- 701B.030 “Applicant” defined.**
- 701B.040 “Category” defined.**
- 701B.050 “Commission” defined.**
- 701B.055 “Distributed generation system” defined.**
- 701B.060 “Institution of higher education” defined.**
- 701B.070 “Owned, leased or occupied” defined.**
- 701B.080 “Participant” defined.**
- 701B.090 “Person” defined.**
- 701B.100 “Program year” means the period of July 1 to
June 30 of the following year.**
- 701B.110 “Public and other property” defined.**
- 701B.120 “Public entity” defined.**
- 701B.130 “School property” defined.**
- 701B.140 “Small business” defined.**
- 701B.150 “Solar energy system” defined.**
- 701B.160 “Solar Program” defined.**
- 701B.170 “Task Force” defined.**
- 701B.180 “Utility” defined.**



701B.200 Regulations: Establishment of incentives and requirements for utility's annual plan; exceptions; recovery of costs by utility.

701B.210 Regulations: Establishment of qualifications and requirements for participation; form and content of utility's master application.

701B.220 Regulations: Establishment of incentives for participation.

701B.230 Duty of utility to file annual plan; review and approval of annual plan by Commission; recovery of costs by utility.

701B.240 Creation of Solar Program; categories of participation; eligibility requirements.

701B.250 Application to participate; review of application by utility.

701B.255 Procedure for selection and notification of participants; authorization to install and energize solar energy system; submission of incentive claim form; determination of amount of incentive; withdrawal of participant; forfeiture of incentive.

701B.260 Capacity allocated to each category; reallocation of capacity; limitations on incentives.

701B.265 Installation of solar energy system deemed public work under certain circumstances.

701B.280 Participation in net metering.

701B.290 Issuance of portfolio energy credits.

Section 1.53 of chapter 321, Statutes of Nevada 2009, at page 1372:

Sec. 1.53. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

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

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 ~~and the Wind Energy Systems Demonstration Program created pursuant to 701B.580,~~ including, without limitation, information relating to:

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



(2) The use of carbon-based energy in residential and commercial applications due to participation in the ~~[Programs;]~~ **Program;** and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the ~~[Programs;]~~ **Program;** and

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

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

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

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

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

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

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

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

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

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

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

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

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).



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

6. Carry out all other directives concerning energy that are prescribed by the Governor.

Section 19.8 of chapter 321, Statutes of Nevada 2009, at page 1408:

Sec. 19.8. Section 19.4 of this act is hereby amended to read as follows:

Sec. 19.4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each local government shall, within 60 days after the effective date of this section, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240; *or*



(II) The Renewable Energy School Pilot Program created by NRS 701B.350. ~~†~~

~~(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.]~~

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

- (1) Biomass;
- (2) Fuel cells;
- (3) Geothermal energy;
- (4) Solar energy;
- (5) Waterpower; and
- (6) Wind.

↪ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

