

Amendment No. 305

Senate Amendment to Senate Bill No. 314	(BDR 58-60)
Proposed by: Senate Committee on Growth and Infrastructure	
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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.



SENATE BILL NO. 314—SENATOR LANGE

MARCH 20, 2023

JOINT SPONSOR: ASSEMBLYMAN CARTER

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to energy storage systems. (BDR 58-60)

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 a definition relating to certain renewable energy facilities**; revising provisions governing the establishment by the Public Utilities Commission of Nevada of biennial targets for the procurement of energy storage systems by certain electric utilities; requiring the Commission to reevaluate the existing biennial targets; eliminating an obsolete provision relating to the establishment of such targets; establishing requirements for the installation of electrochemical energy storage systems; **authorizing a person who provides a program of training on the installation of electrochemical energy storage systems to request that the Joint Interim Standing Committee on Growth and Infrastructure review the program**; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Public Utilities Commission of Nevada to: (1) determine, on or
2 before October 1, 2018, whether it is in the public interest to establish by regulation biennial
3 targets for the procurement of energy storage systems by certain electric utilities; and (2) if the
4 Commission determines that it is in the public interest to establish such targets, adopt
5 regulations establishing biennial targets for the procurement of energy storage systems by
6 certain electric utilities. (NRS 704.795, 704.796) Existing regulations, with certain exceptions,
7 establish progressively larger targets for the procurement of energy storage systems by certain
8 electric utilities, culminating in a requirement that certain electric utilities procure energy
9 storage systems capable of storing not less than 1,000 megawatts of electric power by
10 December 31, 2030. Existing regulations also require the Commission to review the existing
11 biennial energy storage targets when it reviews the resource plan submitted by an electric
12 utility and determine whether the targets should be altered. (Section 10 of LCB File No.
13 R106-19) **Section 1.5** of this bill requires that the Commission establish biennial targets
14 that deliver the greatest benefits to the customers of the electric utility in relation to the costs
15 of the procurement of energy storage systems. **Section 6** of this bill repeals the obsolete
16 provision that requires the Commission to determine whether to adopt regulations to establish
17 the biennial targets by October 1, 2018, given that those regulations have been adopted.

18 **Section 2** of this bill makes a conforming change relating to the repeal of this obsolete
19 provision.

20 **Section 3** of this bill prohibits a person from installing an electrochemical energy storage
21 system unless the person holds a valid license in the classification required to perform such
22 work and, except under certain limited circumstances, for installations occurring on
23 property other than a residential property after July 1, ~~2024~~ 2025, ensures that the
24 installation: (1) is performed by or under the direct supervision of a person who holds a
25 certificate demonstrating the successful completion of the Energy Storage and Microgrid
26 Training and Certification program; and (2) conforms to certain standards regarding the
27 installation of signage in connection with such systems. Section 3 authorizes a person who
28 provides a program of training on the installation of electrochemical energy storage
29 systems to request that the Joint Interim Standing Committee on Growth and
30 Infrastructure review the program. Section 3 requires the Committee to include in its
31 interim report a recommendation to authorize persons certified under such a program
32 to perform or supervise the installation of an electrochemical energy storage system
33 under certain circumstances if the Committee makes certain findings regarding the
34 program. Section 4 of this bill provides that a violation of the provisions of section 3 is
35 grounds for disciplinary action by the State Contractors' Board.

36 Section 1 of this bill revises the definition of "facility for the storage of energy from
37 renewable generation."

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

1 **Section 1.** NRS 701A.327 is hereby amended to read as follows:

2 701A.327 1. "Facility for the storage of energy from renewable generation"
3 means a facility that is constructed or installed for the ~~sole~~ purpose of storing
4 electric energy received from a facility for the generation of electricity from
5 renewable energy for release at a later time, including, without limitation, a facility
6 that is designed to use energy storage technology.

7 2. The term does not include a facility that is located on a residential property.

8 ~~Section 1.5.~~ **Sec. 1.5.** NRS 704.796 is hereby amended to read as follows:

9 704.796 ~~If, pursuant to NRS 704.795, the Commission determines that it is~~
10 ~~in the public interest to establish by regulation targets for the procurement of~~
11 ~~energy storage systems by an electric utility, the~~

12 1. The Commission shall adopt regulations:

13 ~~1.)~~ (a) Establishing biennial targets for the procurement of energy storage
14 systems by ~~the~~ an electric utility;

15 ~~2.)~~ (b) Setting forth the points of interconnection on the electric grid for the
16 implementation of energy storage systems;

17 ~~3.)~~ (c) Establishing that an energy storage system may be owned by the
18 electric utility or any other person;

19 ~~4.)~~ (d) Establishing requirements for the filing by the electric utility of annual
20 or biennial plans to meet biennial targets for the procurement and implementation
21 of energy storage systems;

22 ~~5.)~~ (e) Prescribing a procedure by which the Commission must, at least once
23 every 3 years, reevaluate the biennial targets for the procurement of energy storage
24 systems by the electric utility;

25 ~~6.)~~ (f) Establishing a procedure by which an electric utility may obtain a
26 waiver or deferral of the biennial targets for the procurement of energy storage
27 systems if the electric utility is not able to identify energy storage systems that
28 provide benefits to customers of the utility that exceed the costs of energy storage
29 systems; and

1 ~~(f)~~ (g) Requiring the electric utility to include such information as the
2 Commission may require in each plan submitted by the electric utility pursuant to
3 NRS 704.741.

4 *2. The Commission shall establish biennial targets pursuant to subsection 1*
5 *that deliver the greatest benefits to the customers of the electric utility in relation*
6 *to the costs of the procurement of energy storage systems. In calculating the*
7 *benefits and costs of the procurement of energy storage systems, the Commission*
8 *shall consider all known and measurable benefits and costs, including, without*
9 *limitation:*

10 (a) *A reduction in the need for the additional generation of electricity by the*
11 *electric utility during periods of peak demand;*

12 (b) *A reduction in line losses of the electric utility;*

13 (c) *The benefits and costs related to ancillary services of the electric utility;*

14 (d) *Avoided costs to the electric utility for additional generation, transmission*
15 *and generation capacity;*

16 (e) *The benefits arising from a reduction of greenhouse gas emissions and*
17 *the emission of other air pollutants;*

18 (f) *The benefits and costs to the electric utility related to voltage support;*

19 (g) *The benefits of diversifying the types of resources used for the generation*
20 *of electricity;*

21 (h) *The administrative costs incurred by the electric utility;*

22 (i) *The cost to the electric utility of the integration of energy storage systems*
23 *into the transmission and distribution grid; and*

24 (j) *The cost of the energy storage systems.*

25 **Sec. 2.** NRS 704.797 is hereby amended to read as follows:

26 704.797 1. ~~If the Commission adopts regulations pursuant to NRS 704.796~~
27 ~~to establish biennial targets for the procurement of energy storage systems by an~~
28 ~~electric utility, to) To meet the targets set forth in [those] the regulations [the]~~
29 ~~adopted pursuant to NRS 704.796, an~~ electric utility may procure energy storage
30 systems that are either centralized or distributed and either owned by the utility or
31 by any other person, as prescribed by regulation of the Commission.

32 2. Electric energy storage systems procured by an electric utility to meet ~~[any]~~
33 ~~the~~ biennial targets for the procurement of energy storage systems established by
34 regulation pursuant to NRS 704.796 must:

35 (a) Reduce peak demand for electricity;

36 (b) Avoid or defer investment by the electric utility in assets for the generation,
37 transmission and distribution of electricity;

38 (c) Improve the reliability of the operation of the transmission or distribution
39 grid;

40 (d) Reduce the emission of greenhouse gases or other air pollutants; or

41 (e) Integrate renewable energy into the electric grid.

42 **Sec. 3.** Chapter 624 of NRS is hereby amended by adding thereto a new
43 section to read as follows:

44 *1. A person shall not install an electrochemical energy storage system in*
45 *this State unless he or she:*

46 (a) *Holds a valid license in the classification required to perform such work*
47 *issued pursuant to this chapter and the regulations of the Board;*

48 (b) *If the installation is for a property other than a residential property and is*
49 *performed on or after July 1, ~~2024,~~ 2025, ensures that the installation:*

50 (1) *Is performed by or under the direct supervision of a person who holds*
51 *a certificate demonstrating the successful completion of the Energy Storage and*
52 *Microgrid Training and Certification program (ESAMTAC); and*

1 (2) *Conforms to any standards regarding the installation of signage in*
2 *connection with such systems as contained in the Standard for the Installation of*
3 *Stationary Energy Storage Systems, NFPA 855, in the form most recently*
4 *published by the National Fire Protection Association.*

5 2. *The provisions of paragraph (b) of subsection 1 do not apply to work on*
6 *an electrochemical energy storage system which is performed under a warranty*
7 *by an employee of the manufacturer of the electrochemical energy storage*
8 *system.*

9 3. *A person who provides a program of training on the installation of*
10 *electrochemical energy storage systems other than the Energy Storage and*
11 *Microgrid Training and Certification program may request that the Joint Interim*
12 *Standing Committee on Growth and Infrastructure review the program of*
13 *training on the installation of electrochemical energy storage systems provided by*
14 *the person. The Joint Interim Standing Committee on Growth and Infrastructure*
15 *shall include in its report on the activities of the Committee prepared pursuant to*
16 *NRS 218E.330 a recommendation to amend this section to authorize the*
17 *installation of an electrochemical energy storage system pursuant to paragraph*
18 *(b) of subsection 1 by or under the direct supervision of a person who holds a*
19 *certificate demonstrating the successful completion of such a program if the*
20 *Committee finds that the program:*

21 (a) *Is available to all qualified applicants who wish to participate at a*
22 *reasonable price;*

23 (b) *Provides satisfactory training on the safe installation of the types of*
24 *electrochemical energy storage systems that are available on the market; and*

25 (c) *Complies with federal law.*

26 4. *As used in this section:*

27 (a) *“Electrochemical energy storage system” means a commercially available*
28 *technology that is capable of receiving electric energy and storing that energy by*
29 *electrochemical means in order to produce and deliver electricity at a later time.*

30 (b) *“Residential property” means:*

31 (1) *Improved real estate that consists of not more than four residential*
32 *units; or*

33 (2) *A single-family residential unit, including, without limitation, a*
34 *condominium, townhouse or home within a subdivision, if the unit is sold, leased*
35 *or otherwise conveyed unit by unit, regardless of whether the unit is part of a*
36 *larger building or parcel that consists of more than four units.*

37 **Sec. 4.** NRS 624.3016 is hereby amended to read as follows:

38 624.3016 The following acts or omissions, among others, constitute cause for
39 disciplinary action under NRS 624.300:

40 1. Any fraudulent or deceitful act committed in the capacity of a contractor,
41 including, without limitation, misrepresentation or the omission of a material fact.

42 2. A conviction of a violation of NRS 624.730, or a conviction in this State or
43 any other jurisdiction of a felony relating to the practice of a contractor or a crime
44 involving moral turpitude.

45 3. Knowingly making a false statement in or relating to the recording of a
46 notice of lien pursuant to the provisions of NRS 108.226.

47 4. Failure to give a notice required by NRS 108.227, 108.245, 108.246 or
48 624.520.

49 5. Failure to comply with NRS 624.920, 624.930, 624.935 or 624.940 or any
50 regulations of the Board governing contracts for work concerning residential pools
51 and spas.

1 6. Failure to comply with NRS 624.860 to 624.875, inclusive, or any
2 regulations of the Board governing contracts for work concerning residential
3 photovoltaic systems used to produce electricity.

4 7. Failure to comply with NRS 624.600.

5 8. Misrepresentation or the omission of a material fact, or the commission of
6 any other fraudulent or deceitful act, to obtain a license.

7 9. Failure to pay an assessment required pursuant to NRS 624.470.

8 10. Failure to file a certified payroll report that is required for a contract for a
9 public work.

10 11. Knowingly submitting false information in an application for qualification
11 or a certified payroll report that is required for a contract for a public work.

12 12. Failure to notify the Board of a conviction or entry of a plea of guilty,
13 guilty but mentally ill or nolo contendere pursuant to NRS 624.266.

14 13. Failure to provide a builder's warranty as required by NRS 624.602 or to
15 respond reasonably to a claim made under a builder's warranty.

16 **14. Failure to comply with section 3 of this act.**

17 **Sec. 5.** NRS 624.800 is hereby amended to read as follows:

18 624.800 For any violation of the provisions of NRS 624.005 to 624.750,
19 inclusive, **and section 3 of this act** that is punishable as a misdemeanor, an
20 indictment must be found, or an information or complaint filed, within 2 years after
21 the commission of the offense.

22 **Sec. 6.** NRS 704.795 is hereby repealed.

23 **Sec. 7.** 1. This section and ~~section~~ **section 1 and 6** of this act become
24 effective upon passage and approval.

25 2. Sections 3, 4 and 5 of this act become effective:

26 (a) Upon passage and approval for the purpose of adopting any regulations and
27 performing any other preparatory administrative tasks that are necessary to carry
28 out the provisions of this act; and

29 (b) On October 1, 2023, for all other purposes.

30 3. Sections ~~4~~ **1.5** and 2 of this act become effective on July 1, 2024.

31 **4. Section 1 of this act expires by limitation on June 30, 2049.**

TEXT OF REPEALED SECTION

704.795 Commission required to determine whether targets for the procurement of energy storage systems by electric utility is in public interest; required factors to consider; calculation of benefits and costs.

1. On or before October 1, 2018, the Commission shall determine whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by an electric utility.

2. In making the determination required by subsection 1, the Commission shall consider:

(a) Whether the procurement of energy storage systems by an electric utility will achieve the following purposes:

(1) The integration of renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid of the electric utility.

(2) The improvement of the reliability of the systems for the transmission and distribution of electricity.

(3) The increased use of renewable energy resources to generate electricity.

(4) The reduction of the need for the additional generation of electricity during periods of peak demand.

(5) The avoidance or deferral of investment by the electric utility in generation, transmission and distribution of electricity.

(6) The replacement of ancillary services provided by facilities using fossil fuels with ancillary services provided by the use of energy storage systems.

(7) The reduction of greenhouse gas emissions.

(b) The interconnection of energy storage systems at each point of the electric grid, including, without limitation, in the transmission and distribution of electricity and at the site of the customer.

3. For the purposes of subsection 1, the Commission shall determine that the establishment of targets for the procurement of energy storage systems by an electric utility is in the public interest if the benefits to customers of the electric utility exceed the costs of the procurement of energy storage systems. In calculating the benefits and costs of the procurement of energy storage systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:

(a) A reduction in the need for the additional generation of electricity during periods of peak demand;

(b) A reduction in line losses;

(c) The benefits and costs related to ancillary services;

(d) Avoided costs for additional generation, transmission and generation capacity;

(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;

(f) The benefits and costs related to voltage support;

(g) The benefits of diversifying the types of resources used for the generation of electricity;

(h) The administrative costs incurred by the electric utility;

(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and

(j) The cost of energy storage systems.