

LEGISLATIVE ACTIVITIES REPORT

July 15, 2009

Southwest Energy Efficiency Project

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2009 Legislative Activities

In the Southwest region, the state legislatures in Arizona, Colorado, Nevada New Mexico and Utah met during the first and second quarter of 2009. SWEEP actively engaged in each session to advance energy efficiency through sound and effective legislation. These efforts included researching and writing bill language, building coalitions, and testifying at committee hearings to advocate for the passage of energy efficiency legislation.

Support for energy efficiency in the Southwest continues to grow as SWEEP actively supported a total of seventeen energy efficiency bills that became law. Milestones for energy efficiency in each state include:

- strengthening energy savings performance contracting for schools and establishing efficiency standards for pool pumps and spas in Arizona;
- significant advances in transportation efficiency in Colorado;
- creation of a Renewable Energy and Energy Efficiency Authority, and passage of numerous other energy efficiency measures in Nevada;
- expanding incentives for sustainable building, and removing disincentives for public utility DSM programming in New Mexico; and
- a Joint Resolution which sets energy savings goals for electric and natural gas utilities in Utah.

Even though other bills were not adopted, SWEEP continues to work on advancing these measures in the next legislative sessions. Details on SWEEP's legislative efforts along with information on the outcome of energy efficiency bills in Arizona, Colorado, Nevada, New Mexico and Utah are described below.

ARIZONA

HB 2332	PASSED. The Governor signed into law on July 13, 2009.
HB 2335	Failed in the House on a 28-12-20 vote.
HB 2337	Died in Senate Rules Committee.

HOUSE BILL 2332: Schools; Energy Contracts

Sponsored by Tom Boone (R-District 4)

Bill Summary:

HB 2332 requires the state board of education to adopt rules for energy performance contracts and renewable energy power purchase contracts to purchase energy saving and renewable energy measures. It allows schools to establish an energy and water savings account that consists of a designated pool of capital investment monies to fund energy or water saving projects in school facilities. This bill will help schools save energy, water, and money.

The final bill includes the following measures:

- Schools energy savings performance contracting and renewable energy power purchasing, as improvements to the statutes to make performance contracting more effective and to allow renewable energy power service agreements;
- School energy and water savings accounting mechanism to enable energy performance contracting and to leverage federal stimulus and other funding (will turn \$20 M of stimulus money for schools into about \$50 M in AZ);
- Energy efficiency appliance standards for pool pumps and portable electric spas (we have now been able to pass 14 of the state EE appliance standards in the conservative state of AZ through the Republican dominated legislature); and
- Standard appraisal for tax assessment purposes (EE and RE measures will add no value to the property for tax assessment purposes).

There is a three-year repeal on the schools energy performance contracting provisions, and we had to add some annual reporting by the School Facilities Board to compare planned vs. actual savings, but if all goes well with the projects then there should be no problem to remove the repeal. The repeal does not apply to the energy and water savings accounting mechanism, the standard appraisal, or the energy efficiency appliance standards.

Working closely with key legislators, SWEEP was able to include the appliance standards and the standard valuation provisions (originally drafted in HB 2337) on the end of this bill.

Bill Activity:

Introduced in the House on January 20, HB 2332 passed the House Education Committee and the House Rules Committee. The bill was amended on the House floor and passed the House on a 57-0-3 vote. It passed Senate Committee on Education Accountability and Reform, and the Senate Rules Committee, and passed Senate in amended form on a vote of 22-5-3. The House concurred the Senate amendments, and passed the bill on a final 41-0-19 vote. The Governor approved the bill on July 13.

HOUSE BILL 2335: Improvement Districts; Renewable Energy

Sponsored by Representatives Lucy Mason (R-District 1), Tom Boone (R-District 4), Russell Jones (R-District 24)

Bill Summary:

This bill would have allowed cities and counties to use improvement districts (and the bonding that comes with the districts) to finance energy efficiency, renewable energy and water measures by loaning money to residents & businesses in the district and then have the money paid back through property taxes over 20 years.

Bill Activity:

Introduced in the House on January 26, HB 2335 passed the House Water & Energy Committee,

the House Government Committee and the House Rules Committee, and passed the House on a 41-11-8 vote. The bill passed the Senate Finance Committee and the Senate Rules Committee, and passed the Senate in amended form on a 19-9-2 vote. The House concurred the Senate amendments, but the bill failed to gain the necessary 2/3 majority and failed on a final 28-12-20 vote in the House.

HOUSE BILL 2337:Energy Standards, Buildings, and Contracting

Sponsored by Representatives Lucy Mason (R-District 1), Ableser (D-17), Campbell CH (D-14), Deschene (D-2), Farley (D-28), Patterson (D-29), Chabin (D-2), Goodale (R-3), Lopes (D-27), Miranda B (D-16)

Bill Summary:

This bill would have made several changes and additions to statute relating to energy efficiency and renewable energy, including:

1. establishing voluntary goals and requires data collection for energy efficient construction;
2. streamlining energy performance contracting for school districts and state buildings;
3. enabling energy and water savings measures, and creates a transfer account for schools
4. establishing energy efficiency goals for public buildings and schools;
5. clarifying standard valuation of energy efficiency and renewable energy for property tax purposes;
6. establishing energy efficiency standards for pool pumps and electric spas.

Measures 2, 3, 5 and 6 above were ultimately included in HB 2332.

Bill Activity:

Introduced in the House on January 26, HB 2337 passed the House Water & Energy Committee, the House Rules Committee, and the full House in amended form on 33-23-4 vote. It was introduced in the Senate on June 29, and assigned to the Senate Rules Committee.

For additional information regarding these bills, visit the website of the Arizona State Legislature, at www.azleg.state.az.us.

COLORADO

HB 09-1166	Died in the House Committee on Business Affairs and Labor
HB 09-1323	Died on the House floor
HB 01-1331	PASSED – Governor signed into law on June 4, 2009
SB 09-039	PASSED – Governor signed into law on April 22, 2009
SB 09-108	PASSED – Governor signed into law on March 2, 2009

HOUSE BILL 09-1166: Pay-as-you-drive Structure for Determining Premium Rates for Automobile Insurance Policies

Sponsored by Representative Claire Levy (D-District 13)

Bill Summary:

This bill would have directed the commissioner of insurance to adopt rules establishing a pay-as-you-drive (PAYD) rate structure for determining premium rates for automobile insurance policies using the miles driven as a factor in determining rates. It would have authorized insurers to offer a PAYD rate structure as an option, and continued to allow insurers to consider other rating factors, including age, gender, location, vehicle type, and driving record, under a PAYD rate structure.

Bill Activity:

HB 09-1166 was introduced in the House on January 14, and assigned to the House Committee on Business Affairs & Labor, which recommended that the bill be postponed indefinitely.

HOUSE BILL 09-1323: Concerning Energy Efficiency Programs Implemented by Cooperative Electric Associations

Sponsored in the House by Levy, Fischer, Green, Hullinghorst, Kerr A., Labuda, McFadyen, Merrifield, Pace, Pommer, Primavera, Scanlan, and Solano.

Sponsored in the Senate by Veiga, Bacon, Heath, Romer, and Shaffer B.

Bill Summary:

This bill would have directed cooperative electric associations serving 100,000 or more customers to engage in conservation and energy efficiency programs, and to save an amount of electricity equal to 2% of 2008 sales by 2012, 5% of 2008 sales by 2015, and 10% of 2008 sales by 2020, which savings are a result of conservation and energy efficiency programs implemented starting in 2009. It required periodic reports from the utilities to the governor's energy office, and specified that the act does not extend the authority of the public utilities commission.

Bill Activity:

Introduced in the House on March 23, HB 1323 passed the House Energy and Transportation Committee and the House Appropriations Committee in amended form. The bill was sent to the full House of Representatives, but a vote was never taken.

HOUSE BILL 09-1331: Motor Vehicle Innovation Act

Sponsored by Rep. Sara Gagliardi (D-District 27) and Sen. Betty Boyd (D-District 21)

Bill Summary:

This bill makes changes to the existing tax credit for purchases of vehicles using alternative fuels, establishing that for 2010 and 2011 tax years, the tax credit shall be at specified percentages for costs incurred for the purchase of motor vehicles using alternative fuels, the purchase of idling reduction technologies, or the conversion of motor vehicles to allow for the

use of alternative fuels. The bill creates a new tax credit with the same guidelines for 2012 – 2015 tax years, including extending the tax credits to plug-in hybrid electric vehicles. The bill also makes changes to and extends the existing alternative fuels rebate.

SWEEP worked to strengthen the tax credits for plug-in hybrid electric vehicles.

Bill Activity:

Introduced in the House on March 31, HB09-1331 passed the House Committee on Transportation & Energy, the House Appropriations Committee, and the Committee of the Whole in amended form with a vote of 61-4-0. It passed the Senate Committee on State, Veterans & Military Affairs, the Senate Committee on Appropriations and the Senate Committee of the Whole in amended form with a vote of 28-7-0. The House approved the Senate amendments, and the Governor approved the bill on June 4.

SENATE BILL 09-039: Tiered Rates Conservation Incentive for Rural Utilities

Sponsored by Senator Gail Schwarz (D-District 5) and Representative Kristine Curry (D-District 61)

Bill Summary:

SB 09-039 authorizes cooperative electric associations to approve revenue-neutral, reasonable rates, charges, services, classifications, and facilities that establish a graduated rate for increased energy consumption by residential customers, giving due consideration to the impact of such rate on low-income customers. It allows associations to utilize a community energy fund for energy efficiency, energy conservation, weatherization, and renewable energy purposes.

Bill Activity:

Introduced in the Senate on January 7, SB 09-039 passed the Senate Committee on Local Government & Energy and the Senate Committee of the Whole in amended form with a 25-9-1 vote. It passed the House Committee on Transportation & Energy and the House Committee of the Whole on a 48-16-1 vote, and was approved by the governor on April 22.

SENATE BILL 09-108: FASTER Transportation Bill

Sponsored by Senator Dan Gibbs (D-District 16) and Representative Joe Rice (D-District 38)

Bill Summary:

The FASTER transportation bill provides funding for transportation infrastructure investment including repairing unsafe bridges and roadways. Conservationists supported the legislation for providing dedicated funding for transit and other energy-efficient transportation options.

SWEEP worked with the Colorado Environmental Coalition, Environment Colorado and other groups to win support for three programs aimed at reducing greenhouse gas emissions from the transportation sector:

- dedicated transit funding

- a pilot program to investigate fees based on VMT and CO₂ emissions as the primary revenue source for the state transportation system
- authority to establish user fees on existing major highways.

The final bill dedicated \$15 million annually to fund transit and bike/pedestrian safety programs. This is the first time Colorado has ever created a dedicated funding source for statewide transit programs. The bill also authorizes a newly created tolling authority to impose user fees on major corridors with the agreement of affected local governments. The pilot program to investigate statewide fees based on VMT and CO₂ emissions was dropped by the Senate.

Bill Activity:

Introduced in the Senate on January 23, SB09-108 passed the Senate Transportation Committee, the Senate Finance Committee, and the full Senate in amended form with a vote of 19-16-0. It passed the House Committee on Transportation and Energy, the House Appropriations Committee, and the Committee of the Whole in amended form with a 65-0-0 vote. The Senate approved the House amendments, and the Governor approved the bill on March 2.

For additional information regarding these bills, visit the website of the Colorado General Assembly, at www.leg.state.co.us.

NEVADA

Bill	Final Action
AB 163	PASSED. The Governor signed into law on May 6, 2009.
AB 522	PASSED. The Governor signed the bill into law on May 30, 2009.
SB 9	PASSED. The Governor signed the bill into law on May 26, 2009.
SB 73	PASSED. The Governor signed the bill into law on May 28, 2009.
SB 115	Died in House Committee on Energy, Infrastructure and Transportation.
SB 152	PASSED. Became law without the Governor’s signature on June 5, 2009.
SB 165	PASSED. The Governor signed the bill into law on May 28, 2009.
SB 216	PASSED. The Governor signed the bill into law on May 12, 2009.
SB 242	Died in conference committee.
SB 358	PASSED. The Governor signed the bill into law on May 28, 2009.
SB 395	PASSED. The Governor signed the bill into law on June 8, 2009.

ASSEMBLY BILL 163: Requires the Department of Transportation to adopt regulations to allow certified low-emission and energy-efficient vehicles to be operated in a lane on certain highways designated for the preferential use or exclusive use of high-occupancy vehicles

Sponsored by Assemblymen Ohrenschall (D-District 12), Atkinson (D-17), Christensen (R-13), Manendo (D-18), Aizley (D-41), Bobzien (D-24), Carpenter (R-33), Claborn (D-19), Cobb (R-26), Dondero Loop (D-5), Hambrick (R-2), Hogan (D-10), Kihuen (D-11), Kirkpatrick (D-1), Koivisto (D-14), Leslie (D-27), Mastroluca (D-29), Mortenson (D-42), Munford (D-6), Ocegüera (D-16), Pierce (D-3), Segerblom (D-9), Smith (D-30); and Senators Parks (D-7), Townsend (R-4), Breeden (D-8), Care (D-7), Copening (D-6), Nolan (R-9), Washington (R-2), Wiener (D-3)

Bill Summary:

This legislation requires the Department of Transportation to adopt regulations to allow certified low emission and energy-efficient vehicles to be operated in a lane on a highway under its jurisdiction designated for the preferential use or exclusive use of high-occupancy vehicles.

Bill Activity:

Introduced in the Assembly on February 12, AB 163 passed the Assembly Transportation Committee and the full Assembly in amended form on a 41-1-0 vote. It passed the Senate Committee on Energy, Infrastructure and Transportation, and the full Senate on a 20-0-1 vote. The Governor approved the bill on May 6.

ASSEMBLY BILL 522: Provides funds and tax abatements for energy efficiency and renewable energy

Sponsored by the Committee on Commerce and Labor

Bill Summary:

This is the jointly crafted funding bill for energy efficiency and renewable energy, including:

- establishing the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans and the Account for Set-Aside Programs. The Director of the Office of Energy administers the Fund. The Fund and the Account for Set-Aside Programs may be used only for the purposes set forth in the American Recovery and Reinvestment Act and to make loans at a rate of not more than 3 percent to renewable energy systems for the construction of renewable energy projects.
- authorizing the Nevada Energy Commissioner appointed pursuant to section 1.21 of Senate Bill No. 358 of this session to grant partial abatements of property taxes and local sales and use taxes to certain facilities for the generation of process heat from solar renewable energy, wholesale facilities for the generation of electricity from renewable energy, facilities for the generation of electricity from geothermal resources and facilities for the transmission of electricity produced from renewable energy.
- modifying the funding mechanism for the Nevada Energy Conservation and Renewable Energy Authority specified in Senate Bill No. 358 of this session.

Bill Activity:

Introduced in the Assembly on March 23, AB 522 passed the Assembly Committee on Commerce and Labor, the Assembly Committee on Ways and Means, and the full Assembly on a 39-1-2 vote. It passed the Senate Committee on Energy, Infrastructure and Transportation, and the full Senate in amended form on a 20-1-0 vote. The Governor approved the bill on May 30.

SENATE BILL 9: Extends the maximum period that a hybrid electric vehicle may be used as a taxicab

Sponsored by Maggie Carlton (D-District 2)

Bill Summary:

This bill provides a practical incentive for the commercial use of an EE vehicle by extending by two years the maximum period that a hybrid electric vehicle may be used as a taxicab.

Bill Activity:

Introduced in the Senate on February 2, SB 9 passed the Senate Committee on Energy, Infrastructure and Transportation, and the full Senate on a 21-0-0 vote. It passed the Assembly Committee on Transportation and the full Assembly on a 42-0-0 vote. The Governor approved the bill on May 26.

SENATE BILL 73 – Revises Provisions Governing Energy Conservation and Efficiency Standards

Sponsored by the Committee on Energy, Infrastructure and Transportation

Bill Summary:

This bill ensures that all areas of the state are meeting a building code standard for energy conservation at least as stringent as that adopted by the state Director of the Office of Energy. It also corrects what has become a flaw in the long-standing electric resistance prohibition by allowing the use of radiant floors and heat pumps, which have an electrical resistance component built in and are increasingly seen to be an efficient choice for heating and cooling a home.

Bill Activity:

Introduced in the Senate on February 2, SB 73 passed the Senate Committee on Energy, Infrastructure and Transportation and the full Senate in amended form on a 21-0-0 vote. It passed the Assembly Committee on Commerce and Labor, and the full Assembly on a 41-0-1 vote, and was approved by the Governor on May 28.

SENATE BILL 115: Requires certain governmental entities to work cooperatively to establish the Henderson to North Las Vegas Fixed Guideway Corridor

Sponsored by Michael Schneider (D-District 11)

Bill Summary:

This legislation would have facilitated construction of a light rail system in Southern Nevada by requiring certain governmental entities to work cooperatively to establish the Henderson to North Las Vegas Fixed Guideway Corridor.

Bill Activity:

SB115 was introduced in the Senate on February 3, and referred to the House Committee on Energy, Infrastructure and Transportation. Pursuant to Joint Standing Rule No. 14.3.1, no further action was allowed.

SENATE BILL 152: Enacts the Green Jobs Initiative

Sponsored by Senators Stephen Horsford (D-District 4), Steorsford, Scheider (D-4), Carlton (D-2), Breeden (D-5), Wiener (D-3), Copening (D-6), Woodhouse (D-5); and Assemblymen Buckley (D-8), Ocegüera (D-16), Conklin (D-37), Kirkpatrick (D-1), Bobzien (D-24), Leslie (D-27)

Bill Summary:

This bill provides for the use of the incentives contained in the recently signed federal American Recovery and Reinvestment Act of 2009 to provide job training, the promotion of energy efficiency and the promotion of the use of renewable energy in Nevada and provides specific requirements for activities funded by these incentives.

Bill Activity:

Introduced in the Senate on February 19, SB152 passed the Senate Committee on Energy, Infrastructure and Transportation, and the full Senate in amended form with a 20-0-1 vote. It passed the Assembly Committee on Commerce and Labor, the Assembly Committee on Ways and Means, and the full Assembly in amended form on a 31-10-1 vote. The Senate approved the Assembly amendments, and the bill became law without the Governor's signature on June 5.

SENATE BILL 165: Utility accounting for future regulation of carbon emissions

Sponsored by Senator Michael Schneider (D-District 11)

Bill Summary:

One of SWEEP's legislative initiatives, SB165 requires the Public Utility Commission of Nevada to amend its regulations to require that electric utility company resource plans account for future costs of carbon emissions as accurately as possible.

Bill Activity:

Introduced in the Senate on March 2, SB165 passed the Senate Committee on Energy, Infrastructure and Transportation, and the full Senate in amended form on a 21-0-0 vote. It passed the Assembly Committee on Commerce and Labor and the full Assembly on a 28-13-1 vote, and was approved by the Governor on May 28.

SENATE BILL 216: Revises provisions regarding the addition of shutters to units in common-interest communities

Sponsored by Michael Schneider (D-District 11)

Bill Summary:

This bill provides that an association may not unreasonably restrict, prohibit or withhold approval for a unit's owner to add shutters to improve the security of the unit or to reduce the costs of energy for the unit.

Bill Activity:

Introduced in the Senate on March 13, SB 216 passed Senate Committee on Judiciary and the

full Senate in amended form on a 16-5-0 vote. It passed the Assembly Committee on Judiciary and the full Assembly on a 39-2-1 vote, and approved by the Governor on May 12.

SENATE BILL 242: Enacts provisions relating to energy efficiency, renewable energy and building construction

Sponsored by Michael Schneider (D-District 11)

Bill Summary:

SWEEP's primary interest in this omnibus energy bill was Section 1, which would have established state appliance standards for swimming pools & spas, plug-in lamps, and TVs. Other provisions of SB 242 included: requiring large contractors to offer upgrade options for renewable energy and energy efficiency; requiring large contractors assisting buyers in obtaining financing to offer, or work with lenders that offer, energy efficient mortgages; requiring the Real Estate Division of the Department of Business and Industry to make information about energy efficiency in residential property available for distribution by licensees; revising continuing education requirements relating to energy efficiency for real estate brokers, real estate broker salesmen, mortgage brokers and certified or licensed real estate appraisers; and other measures.

Bill Activity:

Introduced in the Senate on March 13, SB 242 passed the Senate Committee on Energy, Infrastructure and Transportation, the Senate Committee on Finance, and the full Senate in amended form on a 21-0-0 vote. It passed the Assembly Committee on Commerce and Labor, and the full Assembly on a 41-0-1 vote. Assembly Amendment 978 was not concurred in by the Senate, and not receded from by the Assembly. A conference committee was appointed by both houses, but the issue was not resolved before the end of the legislative session.

SENATE BILL 358: Creates the Renewable Energy and Energy Efficiency Authority and addresses several other aspects of energy efficiency and renewable energy

Sponsored by the Committee on Energy, Infrastructure and Transportation

Bill Summary:

This is the jointly crafted omnibus energy efficiency and renewable energy bill, including,

- creating a new Renewable Energy and Energy Efficiency Authority and specifying broad responsibilities for the Authority
- creating the position of the Nevada Energy Commissioner to head the new Authority
- creating the State and Local Government Panel on Renewable and Efficient Energy, to advise the Commissioner and the Authority on retrofit projects at public buildings and schools
- creating the New Energy Industry Task Force to advise the Commissioner and the Authority on promoting the development of renewable energy and energy efficiency projects in Nevada
- providing for an unused portion of the existing authority to tax energy sales to be used to fund the new Authority (later revised in AB 522)

- requiring the new Commissioner and the existing Director of the Governor's Office of Energy to apply for and accept any money available pursuant to the American Recovery and Reinvestment Act of 2009.
- revising provisions related to the administration of and the capacity and incentives in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program, and otherwise requiring the Commission to adopt regulations to carry out renewable energy programs.
- shifting unused weatherization funds from the Welfare Division to the Housing Division
- requiring the Public Utilities Commission to distribute information about the safe disposal and recycling of electronic waste, electrical systems, compact fluorescent light bulbs and other waste in accordance with a comprehensive state energy plan established by the new Nevada Energy Commissioner
- requiring the Public Utilities Commission to adopt a form of 'decoupling' in which an electric utility may "recover an amount based on the measurable and verifiable effects" of the implementation of its DSM programs
- authorizing an electric utility to implement a reduced rate for low income residential customers
- authorizing local governments to establish energy efficiency and/or renewable energy districts
- requiring the same energy efficiency standards in buildings leased by the state as in buildings owned by the state

Bill Activity:

Introduced in the Senate on March 23, SB 358 passed the Senate Committee on Energy, Infrastructure, and Transportation, the Senate Committee on Finance, and the full Senate in amended form on a 20-1-0 vote. It passed Assembly Committee on Commerce and Labor and the full Assembly on a vote of 40-1-1. The Governor approved the bill on May 28.

SENATE BILL 395: Makes various changes regarding renewable energy and energy efficiency and alters the composition of the Commission on Economic Development

Sponsored by the Governor

Bill Summary:

The energy efficiency measures in the Governor's bill include establishing procurement standards favoring energy efficient appliances, lighting, equipment and other devices; and establishing standards for energy and water use in state buildings. This was the second of SWEET's legislative initiatives that was enacted into law. In addition, the bill revises the requirements for environmental approval of certain electricity generation facilities, alters the composition of the Commission on Economic Development, and requires that each new vehicle offered for sale is accompanied by a disclosure of the vehicle's estimated carbon dioxide emissions.

Bill Activity:

Introduced in the Senate on March 23, SB 395 passed the Senate Committee on Energy, Infrastructure, and Transportation, the Senate Committee on Finance, and the full Senate in

amended form on a 21-0-0 vote. It passed Assembly Committee on Commerce and Labor, the Assembly Committee on Energy, Infrastructure & Transportation, and the full Assembly in amended form on a vote of 29-13-0. The Senate approved the Assembly amendments, and the Governor approved the bill on June 8.

For additional information regarding these bills, visit the website of the Nevada State Legislature, at www.leg.state.nv.us/75th2009/Reports/history_request.cfm.

NEW MEXICO

HB 89	Died on Senate floor
HB 622	PASSED – Governor signed the bill into law on April 9, 2009
HB 732	Died in Senate Finance Committee
SB 235	Died in Senate Finance Committee
SB 291	PASSED – Governor signed into law on April 1, 2009
SB 319	Died in the Senate Conservation Committee
SB 348	Died in House Taxation and Revenue Committee
SB 421	Died in Senate Public Affairs Committee
SB 477	PASSED – Governor signed into law on April 6, 2009

HOUSE BILL 89: Hybrid Vehicle Excise Tax Exemption

Sponsored by Representative Jim R. Trujillo (D-District 45)

Bill Summary:

This bill would have extended the current motor vehicle excise tax exemption for hybrid vehicles to 2014.

Bill Activity:

Introduced in the House on January 21, HB 89 passed the House Business and Industry Committee, the House Business and Industry Committee, the House Taxation and Revenue Committee, and the full House in amended form with a 43-20-0 vote. It passed the Senate Finance Committee, but died on the Senate floor, action postponed indefinitely.

HOUSE BILL 622: Green Jobs Bonding Act

Sponsored by Speaker of the House Ben Lujan

Bill Summary:

Closely resembling the Federal Green Jobs Act, this amended legislation sets up a state fund for green jobs training programs throughout the state. The fund was not appropriated revenue at this time, but instead sets up a fund for potential federal green job funding. The legislation includes a State Research Program in which labor market research will be conducted to link research and development in renewable energy and energy efficiency technology with the development of standards and curricula for current and future jobs.

Bill Activity:

Introduced in the House on February 5, HB 622 passed the House Business and Industry Committee and the House Taxation and Revenue Committee in amended form. The House Appropriations and Finance Committee passed a substitute bill, which passed the House with a 65-0 vote. It passed the Senate with a 40-0 vote, and the Governor approved the bill on April 9.

HOUSE BILL 732: Low Income Energy Utility Fund Distributions

Sponsored by Speaker of the House Ben Lujan

Bill Summary:

This bill would have provided funding for home energy assistance and efficiency to help low-income families in New Mexico manage rising energy costs. Funded by one-third of natural gas processors' tax, this relief fund would have provided sustainable funding for the New Mexico Human Services Department's Low-Income Energy Assistance Program (LIHEAP), the New Mexico Mortgage Finance Authority's low-income weatherization program and to the New Mexico Energy, Minerals and Resources Department's low-income energy efficiency programs.

Bill Activity:

Introduced in the House on February 11, HB 732 passed the House Consumer and Public Affairs Committee, the House Appropriations and Finance Committee, and the full House in amended form on a 47-19 vote. The bill died in the Senate Finance Committee, action postponed indefinitely.

SENATE BILL 235: Resource & Energy-Efficient Public Buildings

Sponsored by Senator Pete Campos (D-District 8)

Bill Summary:

This bill would have required new or renovated public buildings financed in part by Severance Tax Bonding Act to meet green building standards.

Bill Activity:

Introduced in the Senate on January 26, SB 235 passed the Senate Conservation Committee, but died in the Senate Finance Committee.

SENATE BILL 291: Sustainable Building Tax Credit Provisions

Sponsored by Senator Dede Feldman (D-District 13)

Bill Summary:

This legislation expands current Sustainable Building Tax Credits to multifamily dwelling, manufactured housing and nonprofit entities.

Bill Activity:

Introduced in the Senate on January 27, SB 291 was referred to the Senate Corporations and Transportation Committee, which passed a committee substitute. The substitute bill passed the Senate Finance Committee and the full Senate in amended form on a 33-0 vote. It passed the House on a 61-4 vote, and was approved by the Governor on April 1.

SENATE BILL 319: Utility Rate Design Energy Use and Sources

Sponsored by Stephen Fischmann (D-District 37)

Bill Summary:

This bill would have implemented utility block rate design to encourage maximum energy efficiency use and renewable energy resources.

Bill Activity:

SB319 was introduced in the Senate on January 28 and assigned to the Senate Conservation Committee, which voted Do Not Pass.

SB 348: Public Facility Energy Efficiency Contracts

Sponsored by Senator Steve Fischmann (D-District 37)

Bill Summary:

This bill would have extended the maximum term for contracts under the Public Facility Energy Efficiency and Water Conservation Act to 25 years.

Bill Activity:

Introduced in the Senate on January 29, SB 348 was assigned to the Senate Conservation Committee, which passed a substitute. The substitute bill passed the Senate Corporations and Transportation Committee and the full Senate in amended form on a 39-0 vote. It passed the House Business and Industry Committee, but died in the House Taxation and Revenue Committee, action postponed indefinitely.

SENATE BILL 421: Mile-Based Car Insurance Rating Plans

Sponsored by Senator Gerald P Ortiz y Pino (D-District 12)

Bill Activity:

SB 421 was introduced in the Senate on February 2, and referred to the Senate Public Affairs Committee, where it died quietly, action postponed indefinitely.

Bill Summary:

This bill would have authorized insurance companies to offer mile-based rating plans.

SENATE BILL 477: Public Utility Future Test Periods

Sponsored by William H. Payne (R-District 20)

Bill Summary:

This legislation removes disincentives to public utility DSM programming by providing for future test periods, and consideration of future test periods and construction work in progress in determining rates.

Bill Activity:

Introduced in the Senate on February 4, SB 477 passed the Senate Conservation Committee, the Senate Corporations and Transportation Committee, and the full Senate with a 33-0 vote. It passed the House Business and Industry Committee and the House with a 65-0 vote, and was approved by the Governor on April 6.

For additional information regarding these bills, visit the website of the New Mexico State Legislature, at legis.state.nm.us/lcs/.

UTAH

HJR 9	PASSED. Delivered to Lt. Governor on March 19.
HB 394	Died in House Rules Committee. (SWEEP opposed)
SB 211	Passed. Governor signed the bill into law on March 25, 2009. (SWEEP opposed)

HOUSE JOINT RESOLUTION 9: Joint Resolution on Cost-effective Energy Efficiency and Utility Demand-Side Management

Sponsored by Representative Roger E. Barrus (R-District 18) and Senator Patricia W. Jones (D-District 4)

Bill Summary:

This resolution recognizes the multifaceted benefits of utility energy efficiency. It sets energy savings goals of at least 1 percent per year for Utah's electric corporations and at least 0.5 percent per year for Utah's natural gas utility corporations. This resolution also encourages the Utah Public Service Commission to remove financial disincentives to utility efficiency programs.

Bill Activity:

Introduced in the House on January 27, HJR 9 was first assigned to the House, Natural Resources, Agriculture and Environment Committee. It was then lifted and referred to House Public Utilities and Technology Committee, which passed a substitute bill. HJR 9 Substitute passed the House with a 74-0-1 vote, and passed the Senate with 26-0-3 vote.

HOUSE BILL 394: Uniform Building Code Commission Amendments

Sponsored by Representative Carl Wimmer (R-District 52)

Bill Summary:

This bill would have significantly imbalanced the membership of the Uniform Building Code Commission by changing the membership of the Uniform Building Code Commission (UBCC). The bill would have replaced one fire official, one member of the general public, and one member from the Division of Facilities Construction and Management with three general contractors. This bill was initiated and supported primarily by the Utah Home Builders Association.

SWEEP and Utah Clean Energy opposed this bill because of the following concerns:

- This bill would have eliminated one fire official, one member of the general public, and one member from the Division of Facilities Construction and Management (a state building division) from the UBCC and sought to replace these positions with three general contractors, increasing the number of contractors on the UBCC from three to six.
- While general contractors play a vital role in the building industry, a commission of this type, which deals with a diverse array of building and construction issues, should reflect the diverse composition of the building industry and not be “stacked” in favor of one group.
- Any change(s) to the UBCC should maintain diversity among building contractors, building inspectors, engineers, architects, and others. The Commission should retain a fire official position, and a representative of the state building division, along with the general public.

Bill Activity:

HB 394 was introduced in the House on February 17. The House Business and Labor Committee sent it back to the House Rules Committee, which moved it to the House File for Defeated Bills.

SENATE BILL 211: Building Code Amendments

Sponsored by Senator Curtis Bramble (R-District 16) and Representative Todd Kiser (R-District 41)

Bill Summary:

Among other significant changes to Utah building code law, this legislation eliminates the long-standing authority of Utah's Uniform Building Code Commission to authorize and adopt building codes and gives this authority to the Utah Legislature. This bill was initiated and supported primarily by the Utah Home Builders Association.

SWEEP and Utah Clean Energy opposed this bill because of the following concerns:

- The Building Code Commission will be required to make recommendations to a Legislative Committee when a building code change is in order.
- These changes could slow or prevent the adoption of updated energy conservation codes that are designed to significantly save energy and money for Utah residents and business owners.
- This is bad public policy. This Commission was set up with the express purpose of convening groups of experts (i.e. contractors, engineers, architects, building inspectors) to review, authorize and adopt building codes, fire codes, energy conservation codes, and other codes to protect the health and safety for the public interest. This authority should remain in place.
- These changes unduly burden the staff- and resource-limited Legislature with responsibilities that should be handled by Commissions and Boards with the expertise to efficiently make these decisions.

Bill Activity:

Introduced in the Senate on February 18, SB 211 passed the Senate Rules Committee, the Senate Business and Labor Committee, and the full Senate in amended form on a 27-0-2 vote. It passed the House on a 46-23-6 vote. SWEEP, Utah Clean Energy and other parties urged the Governor to veto the bill, but it was approved on March 25.

For additional information regarding these bills, visit the website of the Utah State Legislature, at www.leg.state.ut.us.