

201 S. Roop Street, Suite 101 Carson City, NV 89701-4790

May 19, 2010

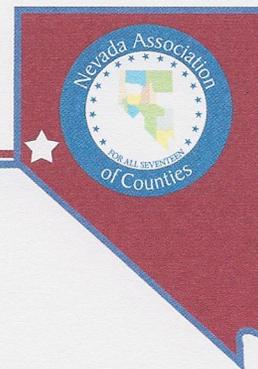
James Groth
Director
Nevada State Office of Energy
755 North Roop Street
Carson City, NV 89701

Dear Director Groth:

The Nevada Association of Counties (NACO) appreciates the opportunity to provide comment on the Nevada State Office of Energy's proposed amendment of NAC 701A.290.

NACO is opposed to the proposed amendment that would give the Director independent authority to waive one or more of the requirements of NAC 701A.010 to 701A.290, inclusive applicable to an applicant for a partial tax abatement for Green Buildings. This proposed amendment is overly broad, and in our opinion, exceeds the statutory authority granted to the Director in Assembly Bill 621 from the 2007 session of the Nevada Legislature. The Director does not have the authority to waive statutory requirements that are contained in NAC 701A.101 to 701A.290.

The proposed amendment would undo the adopted regulation that Counties helped develop and upon which they now rely to help manage the significant and direct fiscal impact of AB 621. As you know, the partial tax abatements for Green Buildings are for local property taxes. This is in addition to the partial abatement of local sales and property taxes for renewable energy projects. Under the proposed amendment, the Director could waive requirements that would further impact County revenues. Moreover, we are not aware of any hardship that the existing regulations are having on applicants seeking a partial tax abatement for Green Buildings.



201 S. Roop Street, Suite 101 Carson City, NV 89701-4790

May 20, 2010

James Groth
Director, Nevada State Office of Energy
755 North Roop Street
Carson City, NV 89701

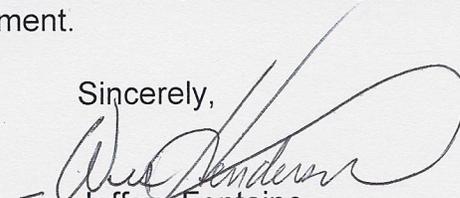
Dear Director Groth:

We understand that at the public hearing scheduled for May 21, 2010 the Nevada State Office of Energy will consider and take action on a third revision of a proposed amendment to NAC 701A.290. We further understand that this newly proposed amendment would grant the Director of the Office of the Nevada State Office of Energy independent authority to waive the requirements of 701A.220.1 (a) and (b). These provisions establish a 120 day time frame for persons seeking a partial tax abatement for Green Buildings to submit their applications to the Office of Energy after receiving local government approval of the construction project, or registering the project with the U.S. Green Building Council. For the record, the second revision of the proposed amendment was first made available to the public at your May 19, 2010 workshop, and we have yet to see the proposed language that will be considered for adoption today.

NACO is opposed to any amendment that would give the Director independent authority to waive one or more of the requirements of NAC 701A.010 to 701A.290. While not as broad as the original proposed amendment, the revised proposed amendment would still undo the regulation that Counties helped develop and upon which they now rely to help manage the significant and direct fiscal impact of AB 621. The revised proposed amendment could still have a significant negative fiscal impact to Counties.

NACO recognizes that the current economic downturn has affected the Green Building industry. However, as discussed at your May 19, 2010 workshop, Nevada's Counties are also struggling to balance their budgets because of declining sales and property tax revenues. Based on your remarks at the workshop, it appears that you believe the flexibility you seek to grant waivers to a regulation that would "produce an unjust result" to applicants seeking tax abatements outweighs the needs of County governments. Counties cannot afford any further reductions in property tax revenues which are possible if the proposed amendment is adopted. We urge your consideration in not adopting the proposed amendment.

Sincerely,


For: Jeffrey Fontaine
Executive Director

Cc: NACO Board of Directors

From: Bjorn Selinder [mailto:bjorn@selinder.net]
Sent: Thursday, May 20, 2010 11:17 PM
To: Lorayn Walser
Cc: Brad Goetsch; Jeff Fontaine
Subject: Copy of Email Read into Record - Hearing on 5/19/2010

Ms. Walser.

Per your request, I am forwarding a copy of the email provided to me by the Churchill County Manager Brad Goetsch from which I read an excerpt at the meeting held 5/19/2010 regarding amending a portion of NAC 701A.

"BJ,

I do not plan to attend. My position (the same one Norm and I shared with the Public Lands Committee) is that Churchill and NACO should oppose abatements until the State develops a comprehensive/sustainable tax strategy which includes sharing \$ from rents and royalties and sharing the burden of any abatements, vice the current corrupt method of taking from counties. Under current conditions local natural resources are given away; local environment, services and roads are impacted; and local school and county jobs/positions are cut or gapped in order to pay renewable companies incentives which they do not require and which enable them to hire and pay their workforce for 10-15 years with the \$ taken from unemployed school and county employees. You can put that in the record. Brad"

I also wish to express our concern regarding the the decision to proceed with the proposed adoption hearing on Friday May 21 after we were told that the hearing would be rescheduled for a later date and that a final draft would be made available for our review prior to that date. We continue to express our opposition along with the Nevada Association of Counties and the representative from Clark County. It should be noted that out of a total of four persons testifying, three were in opposition to the proposed amendment.

Local government has lost enough in the way of abatements, re-appropriation of shared resources and property and sales taxes. To be potentially placed in further jeopardy of losing additional revenues as a result of a discretionary decision by the Director of the State Office of Energy seems to be overreaching the intent of AB 621 adopted by the 2007 Legislature.

Bjorn Selinder

Public Policy Innovations, LLC
2220 Trails End
Fallon, Nevada 89406

(775) 423-2673
(775) 427-4365 (cell)