

## THE ENERGY CHOICE INITIATIVE

Explanation: Language in *bolded italics* is to be added to the constitution by this amendment.

### The People of the State of Nevada do enact as follows:

**Section 1:** Article 1 of the Nevada Constitution is hereby amended by adding thereto a new section to read as follows:

**1. Declaration of Policy:**

*The People of the State of Nevada declare that it is the policy of this State that electricity markets be open and competitive so that all electricity customers are afforded meaningful choices among different providers, and that economic and regulatory burdens be minimized in order to promote competition and choices in the electric energy market. This Act shall be liberally construed to achieve this purpose.*

**2. Rights of Electric Energy Purchasers:**

*Effective upon the dates set forth in subsection 3, every person, business, association of persons or businesses, state agency, political subdivision of the State of Nevada, or any other entity in Nevada has the right to choose the provider of its electric utility service, including but not limited to, selecting providers from a competitive retail electric market, or by producing electricity for themselves or in association with others, and shall not be forced to purchase energy from one provider. Nothing herein shall be construed as limiting such persons' or entities' rights to sell, trade or otherwise dispose of electricity.*

**3. Implementation**

*(a) Not later than July 1, 2023, the Legislature shall provide by law for provisions consistent with this Act to establish an open, competitive retail electric energy market, to ensure that protections are established that entitle customers to safe, reliable, and competitively priced electricity, including, but not limited to, provisions that reduce costs to customers, protect against service disconnections and unfair practices, and prohibit the grant of monopolies and exclusive franchises for the generation of electricity. The Legislature need not provide for the deregulation of transmission or distribution of electricity in order to establish a competitive market consistent with this Act.*

*(b) Upon enactment of any law by the Legislature pursuant to this Act before July 1, 2023, and not later than that date, any laws, regulations, regulatory orders or other provisions which conflict with this Act will be void. However, the Legislature may enact legislation consistent with this act that provides for an open electric energy market in part or in whole before July 1, 2023.*

*(c) Nothing herein shall be construed to invalidate Nevada's public policies on renewable energy, energy efficiency and environmental protection or limit the Legislature's ability to impose such policies on participants in a competitive electricity market.*

**4. Severability:**

*Should any part of this Act be declared invalid, or the application thereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the remaining provisions or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. This subsection shall be construed broadly to preserve and effectuate the declared purpose of this Act.*

RECEIVED

FEB 03 2016

SECRETARY OF STATE  
ELECTIONS DIVISION

**DESCRIPTION OF EFFECT**

Subject to limited exceptions, Nevada law authorizes a single utility to provide electric service to customers in each electric service territory in the state. The utility is owned by investors and provides service to Nevadans under a legal monopoly. As such, most electricity customers are required to purchase their electricity from a single provider, and the customers cannot purchase electricity from any other entity.

This petition prohibits a legalized monopoly for electric utility generation and gives Nevada electric utility customers the right to choose their service provider from an open retail market based upon price, reliability, and other important factors. This includes the right for these persons, businesses, associations, and other entities, whether on their own or in conjunction with others, to produce their own electricity from renewable energy sources or other sources, and to sell that electricity on the open market.

This petition directs the Legislature to enact laws providing for the establishment of an open, competitive electricity market by not later than July 1, 2023. It also directs the Legislature to set standards for safety, reliability, use of renewable resources, and protections for customers, but does not set or secure any certain price or rate structure.

County of \_\_\_\_\_  
 Petition District: \_\_\_\_\_

**(Only registered voters of this county may sign below)**

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**AFFIDAVIT OF CIRCULATOR**

(To be signed by circulator in the presence of a notary public)

STATE OF NEVADA )  
 )  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, (print name), being first duly sworn under penalty of perjury, depose and say: (1) that I reside at \_\_\_\_\_ (print street, city and state); (2) that I am 18 years of age or older; (3) that I personally circulated this document; (4) that all signatures were affixed in my presence; (5) that the number of signatures affixed thereon is \_\_\_\_\_; and (6) that each person who signed had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

\_\_\_\_\_  
Signature of Circulator

Subscribed and sworn to or affirmed before me this  
\_\_\_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public