

**REVISED PROPOSED REGULATION OF THE
DIRECTOR OF THE OFFICE OF ENERGY**

LCB File No. R025-06

June 6, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1-9, NRS 701.170 and 701.217; §§10 and 11, NRS 701.170.

A REGULATION relating to energy; adopting certain portions of the Leadership in Energy and Environmental Design Green Building Rating System for use in this State with regard to nonpublic buildings or structures for the purposes of determining eligibility for certain tax abatements or tax exemptions; providing a procedure for the issuance by the Director of the Office of Energy of a letter of verification that the real property for which such an abatement or exemption is sought has a building or other structure that meets or exceeds the certification requirements for the abatement or exemption; and providing other matters properly relating thereto.

Section 1. Chapter 701 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“LEED” means Leadership in Energy and Environmental Design.*

Sec. 4. *“LEED accredited professional” means a person who holds a LEED Accredited Professional Certificate issued by the U. S. Green Building Council.*

Sec. 5. *“LEED-EB” means the LEED Green Building Rating System for Existing Buildings, Upgrades, Operations and Maintenance.*

Sec. 6. “*LEED Green Building Rating System*” means those portions of the *Leadership in Energy and Environmental Design Green Building Rating System* developed by the U. S. Green Building Council that are adopted by the Director by reference pursuant to section 8 of this regulation.

Sec. 7. “*LEED-NC*” means the *LEED Green Building Rating System for New Construction & Major Renovations*.

Sec. 8. 1. Pursuant to paragraph (b) of subsection 1 of NRS 701.217, the Director hereby adopts by reference the following portions of the *LEED Green Building Rating System*:

- (a) Version 2 of LEED-EB; and
- (b) Versions 2.1 and 2.2 of LEED-NC.

2. The *LEED Green Building Rating System* is adopted for use in this State with regard to buildings or structures that are not public buildings or structures for the purposes of determining eligibility for tax abatements or tax exemptions that are authorized by law to use such a *Green Building Rating System*.

3. If the U. S. Green Building Council adopts an updated version of the *LEED Green Building Rating System*, the updated version shall be deemed to have been determined by the Director to be appropriate for use in this State, effective 10 days after the date on which the updated version is published, unless the Director determines that the updated version is not appropriate for use in this State. If the Director determines that the updated version is not appropriate for use in this State, the Director will post a notice of disapproval at the largest public library in each county, the State Library and Archives, the Grant Sawyer Office

Building located at 555 East Washington Avenue, Las Vegas, Nevada, and the Office of Energy.

4. If the Director determines that an updated version of the LEED Green Building Rating System is not appropriate for use in this State:

(a) The Director will adopt an alternative Green Building Rating System and certification process; and

(b) The version of the LEED Green Building Rating System that was most recently adopted by the Director by regulation or deemed appropriate for use in this State pursuant to this section will continue in effect until the alternative rating system and certification process adopted by the Director become effective.

5. A copy of the LEED Green Building Rating System may be obtained at no cost from the U. S. Green Building Council, 1015 18th Street, N.W., Suite 508, Washington, D.C. 20036, or on the Internet at <http://www.usgbc.org>.

Sec. 9. *The Director will review, evaluate and consider new LEED designations and updates and other Green Building Rating Systems at least once each year.*

Sec. 10. 1. *A person who, with respect to a construction project involving a building or other structure, wishes to apply to the Commission on Economic Development pursuant to NRS 361.0775 and any regulations adopted thereto for a partial abatement from the tax imposed on real property by chapter 361 of NRS, or wishes to seek authorization from the Department of Taxation for a partial sales tax exemption on products or materials used in the construction project in accordance with the former provisions of NRS 374.307, as amended by section 7 of chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 71, must*

register the project with the Office of Energy before construction is begun unless the Director provides written approval for a later registration.

2. To register a project with the Office of Energy, the registrant must provide:

- (a) The name, address and telephone number of the registrant;*
- (b) The name and address of the owner of the affected real property, if the registrant is not the owner;*
- (c) The address of the real property;*
- (d) Any project title associated with the development or modification of the real property;*
- (e) The applicable LEED Green Building Rating System and version on which the certification of the building or other structure will be based;*
- (f) The level and number of points of the applicable LEED Green Building Rating System at which the registrant expects the building or other structure to be certified;*
- (g) The expected date of occupancy of the building or other structure;*
- (h) The gross square footage of the building or other structure;*
- (i) The proposed use of the building or other structure;*
- (j) Proof that the project has been registered with the U. S. Green Building Council;*
- (k) If applicable, the name and contact information of the LEED accredited professional assigned to the design team for the project;*
- (l) If the registrant is seeking authorization from the Department of Taxation for a partial sales tax exemption on products or materials used in the construction project in accordance with the former provisions of NRS 374.307, as amended by section 7 of chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 71, an evaluation from a LEED accredited professional that includes:*

(1) A statement that he has reviewed the plans, design documentation and specifications for the project; and

(2) His opinion as to the probability that the building or other structure will be certified at the silver level or higher of the applicable LEED Green Building Rating System; and

(m) Any other information requested by the Director.

3. Upon the receipt of all information required by this section, the Director will:

(a) Notify the registrant in writing acknowledging that the registration is complete; and

(b) Forward a copy of the registration and the written notification provided to the registrant to:

(1) The Executive Director of the Department of Taxation;

(2) The Executive Director of the Commission on Economic Development; and

(3) The treasurer of the county in which the real property is located.

Sec. 11. 1. Upon receipt of certification from the U.S. Green Building Council, the registrant shall notify the Director whether the building or other structure has been certified at the silver level or higher of the applicable LEED Green Building Rating System and, if so, provide a copy of the certification from the U.S. Green Building Council, including the number of LEED points earned.

2. Upon receipt of verification that the building or other structure has been certified at the silver level or higher of the applicable LEED Green Building Rating System, the Director will issue a letter of verification which states that the real property for which the real property tax abatement or sales tax exemption is sought has a building or other structure that meets or exceeds the certification requirements for the abatement as set forth in NRS 361.0775 and any regulations adopted pursuant thereto, or for the exemption in accordance with the former

provisions of NRS 374.307, as amended by section 7 of chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 71, and which sets forth the number of LEED points earned.

The Director will forward a copy of the letter to:

- (a) The registrant;*
- (b) The Executive Director of the Department of Taxation;*
- (c) The Executive Director of the Commission on Economic Development; and*
- (d) The treasurer of the county in which the real property is located.*