

**ADOPTED REGULATION OF
THE DIRECTOR OF THE OFFICE OF ENERGY**

LCB File No. R126-13

Effective July 1, 2015

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

AUTHORITY: §§1-3, NRS 701.220.

A REGULATION relating to energy conservation; adopting by reference the *2012 International Energy Conservation Code*; and providing other matters properly relating thereto.

Legislative Counsel's Digest

Existing regulations provide that the Office of Energy has adopted by reference the *2009 International Energy Conservation Code*. (Sections 4 and 5 of LCB File No. R024-11 (NAC 701.185 and 701.187)) This regulation updates those existing provisions by providing that the Office of Energy adopts by reference the *2012 International Energy Conservation Code* effective July 1, 2015.

Section 1. Section 4 of LCB File No. R024-11 (NAC 701.185) is hereby amended to read as follows:

- Sec. 4. 1. The ~~2009~~ 2012 *International Energy Conservation Code* is hereby adopted by reference.
2. On or before July 1, 2015, and on or before July 1 of every third year thereafter, the Director will review the most recent version of the *International Energy Conservation Code*, including any amendments thereto, and will adopt by reference the most recent version of the *International Energy Conservation Code* and prescribe by regulation such amendments to the most recent version of the *International Energy Conservation Code* as

the Director deems necessary to support effective compliance with and enforcement of the *International Energy Conservation Code* in this State.

3. The Director will post on an Internet website maintained by the Office the notice of adoption of the most recent version of the *International Energy Conservation Code*, the date of adoption and any amendments to the *International Energy Conservation Code* adopted by the Director by regulation.

Sec. 2. Section 5 of LCB File No. R024-11 (NAC 701.187) is hereby amended to read as follows:

Sec. 5. The ~~2009~~ 2012 *International Energy Conservation Code* and any amendments thereto published by the International Code Council may be obtained from the International Code Council, 25442 Network Place, Chicago, Illinois 60673-1254, by telephone at (800) 786-4452 or at the Internet address <http://www.iccsafe.org>, for the price of ~~26.50~~ 31 for members and ~~35.50~~ 41 for nonmembers. The combined ~~2009~~ 2012 *International Energy Conservation Code* and *ANSI/ASHRAE/IESNA Standard* ~~90.1-2007 for Commercial~~ 90.1-2010: Energy Standard for Buildings Except Low-Rise Residential Buildings may be obtained from the International Code Council for the price of ~~123.00~~ 132 for members and ~~137.00~~ 147 for nonmembers. Supplemental materials to the ~~2009~~ 2012 *International Energy Conservation Code* may also be obtained from the International Code Council.

Sec. 3. This regulation becomes effective on July 1, 2015.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R126-13**

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative code (NAC) Chapter 701.

- 1 The proposed amended regulation is intended to implement the provisions of Nevada Revised Statute 701.220, which authorizes the Director of the Governor's Office of Energy to adopt the latest version of the International Energy Conservation Code pursuant to Chapters 233B and 701 of NRS.
- 2 Copies of the proposed regulation, the notice of workshop and notice of intent to act upon the regulation were sent by email or fax to persons who were known to have an interest in the subject of adopting the 2012 International Energy Conservation Codes as well as any person who had specifically requested such notice. These documents were also made available at the website of the Governor's Office of Energy (GOE), www.energy.nv.gov, the website of the Nevada Legislature at <http://leg.state.nv.us/App/NoticeIAI>, faxed or emailed to all county libraries in Nevada and posted at the following locations:

Governor's Office of Energy
755 N Roop St., Suite 202
Carson City, Nevada 89701

Grant Sawyer Building
555 E Washington Ave
Las Vegas, Nevada 89101

Nevada State Library and Archives
100 North Stewart Street
Carson City, Nevada 89701

Nevada State Capitol
101 N Carson Street
Carson City, Nevada 89701

Carson City Library
900 North Roop Street
Carson City, Nevada 89701

A workshop was held on December 17, 2013, and the minutes of that workshop are attached hereto. The hearing was held in Carson City, at the Office of Energy with teleconference to the Grant Sawyer Building in Las Vegas. The Governor's Office of Energy took oral comments at the workshop and asked for written comments to be submitted after the workshop if there was a desired language change. Comments were posted to the Governor's Office of Energy website once received. These comments were separate from those solicited prior to the public hearing.

On December 2, 2013, the Director issued a Notice for a Public Workshop For the Adoption of Permanent Regulations of the Governor's Office of Energy. The hearing was held in Reno, at the Builders Association of Northern Nevada on January 9, 2014.

On December 10, 2013, the Director issued a Notice of Hearing and Notice of Intent to Act Upon A Regulation. The hearing was held in Las Vegas at the Clark County Building Department on January 15, 2014.

On February 20, 2014, the Director issued a Notice of Hearing and Notice of Intent to Act Upon A Permanent Regulation. The hearing was held in Elko, at the Elko City Hall Chambers on March 27, 2014.

A copy of the minutes which provide comments made at each hearing can be found under the Laws, Regulations and Rulemaking at the link provided above. A recording of the workshop and hearings is also provided for review at the Governor's Office of Energy.

- 3 The number of persons who:
 - a. **Attended each hearing:** December 17, 2013 -17 (11 in Carson City; 6 in Las Vegas); January 9, 2014 -12 (all in Reno); January 15, 2014-14 (all in Las Vegas); March 27, 2014-J. (2 in Elko; 1 by phone)
 - b. **Testified at each hearing:** December 17, 2013 -.2. (6 in Carson City; 3 in Las Vegas); January 9, 2014 -1; (all in Reno); January 15, 2014-1 (all in Las Vegas); March 27, 2014-Q (2 in Elko; 1 by phone)
 - c. **Submitted to the agency written comments:** 6
- 4 The contact information for the persons who testified at each hearing and/or submitted comments to the Governor's Office of Energy are:

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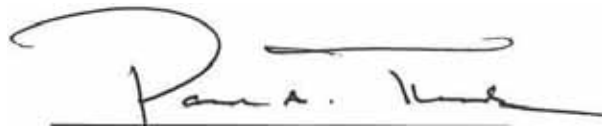
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Written comments submitted by:

- Responsible Energy Codes Alliance -Eric Lacey, Chairman
- U.S. Department of Energy -Pacific Northwest National Laboratory -MJ Scott, JM Niemeyer
- Southwest Energy Efficiency Project -Kim Meyers, Tom Polikalas
- Johns Manville Company -Jared Kerney
- Newport Ventures -Mike Moore
- Polyisocyanurate Insulation Manufacturer's Association -Jared O. Blum, President

- 5 The Legislature has previously conducted hearings and deliberations regarding the adoption of the International Energy Conservation Codes and was approved by previous legislation. Affected businesses were invited to attend via the methods of notice listed above. The affected businesses, or their representatives, testified at the hearings and workshops.
- 6 If the regulation was adopted without changing any part of the proposed regulation, a summary of reasons for adopting the regulation without change: The Governor's Office of Energy is mandated to implement the provisions of Nevada Revised Statute 701.220, which authorizes the Director of the Governor's Office of Energy to adopt the latest version of the International Energy Conservation Code pursuant to Chapters 233B and 701 of NRS. GOE received comments specific to the technical aspects of the 2012 IECC and relies on the local jurisdictions to either accept or reject these proposed changes as the GOE has no enforcement authority to implement any modifications.
- 7 The estimated economic effect of the adopted regulation on the businesses which it is to regulation and on the public:

- (a) Both adverse and beneficial effects on businesses and the public: The Legislature concluded that NRS.701.220 would and was intended to have only positive impacts upon small business by encouraging and promoting small businesses to build to the most recent energy efficient codes in Nevada.
- (b) Both immediate and long-term effects on businesses and the public: The proposed regulations are intended to effectuate the Legislative intent and will not and are intended not to have any negative impact upon small businesses. The proposed regulations are and will have positive effects on small businesses that will be subject to the proposed regulations.
- 8 The changes proposed by the Governor's Office of Energy should not incur any new costs for the enforcement of the proposed regulation.
- 9 The proposed regulation does not overlap or duplicate any existing state or federal regulation.
- 10 The proposed regulation does not include provisions that are more stringent than a federal regulation that regulates the same activity.
- 11 The regulation establishes the amount of increased fees for the purchase of copies of the 2012 IECC that are determined by the International Energy Conservation Code organization. The Governor's Office of Energy is merely referencing these prices and is not increasing the amount of any fees and will not be generating additional revenue resulting from the increased prices charged by the ICC organization.
- 12 The Director has determined that the proposed regulation is not likely to impose a direct or significant economic burden on a small business.



Paul A. Thomsen, Director
Governor's Office of Energy

May 2, 2014