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GOVERNOR'S OFFICE OF ENERGY

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R153-17

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

1. A clear and concise explanation of the need for the adopted regulation.

This regulation is necessary to update the regulations to comply with NRS 701.220(1) which directs the Governor's Office of Energy to adopt the most recently published version of the International Energy Conservation Code every three years. This will allow for the automatic adoption of the most recently published version mitigating administrative burdens to comply with statute.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

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 adoption of the proposed regulation 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/Notice/A/>, the Nevada State official website at <https://notice.nv.gov>, faxed or emailed to all county libraries in Nevada and posted at the following locations:

Governor's Office of Energy
755 N. Roop Street, Suite 202
Carson City, NV

Carson City Library
900 N. Roop Street
Carson City, NV

State Library and Archives
100 N. Stewart Street
Carson City, NV

Nevada State Legislative Building
401 S. Carson Street
Carson City, NV

State of NV Dept. of Administration
209 E. Musser Street
Carson City, NV

Grant Sawyer Building
555 E. Washington Ave
Las Vegas, NV

A workshop was held on December 13, 2017. The Governor's Office of Energy took oral comments from the public and interested parties. Concerns were raised by Mike Moore of

Newport Ventures regarding the adoption of the IRC at the local level and he would like the Office of Energy to adopt the IRC along with the IECC. Mark Meranda with the City of Sparks responded to Mr. Moores' concerns letting him know that the Northern Nevada Code Committee was aware of the concerns he brought up and have been addressed at that level. Amanda Hauss, with the Southern Nevada Home Builders Association (SNBHA) said that her organization supports the office in adopting the most current code automatically because it provides more structure across the state. However, SNBHA is asking to add one more step into the proposed regulation. Under section one (1), it states that the Director has to find the most recent code suitable before adoption and the SNBHA would like for a review to be conducted in addition to determine whether amendments are required to comply with the State law. They feel this will result in a statewide code that is more compatible. All comments were taken under consideration by the Governor's Office of Energy.

Thereafter, on April 10, 2018, the Director issued a Notice of Hearing and Notice of Intent to Act Upon a Regulation. The hearings were held in three locations pursuant to NRS 701.220(8), on May 10, 2018 at The Builders Association of Northern Nevada 5484 Reno Corporate Drive, Reno NV; on May 17, 2018 at The Southern Nevada Home Builders Association 4175 S. Riley Street, Ste 100, Las Vegas, NV; on May 23, 2018 at the Elko City Hall City Council Chambers 1753 College Ave., Elko, NV. The Governor's Office of Energy took oral comments from the public and interested parties. Andrew Samuelson provided comment at the Reno hearing regarding the adoption of a rating system within the most recent version of the LEED Green Building Standard which has nothing to do with the IECC. Melanie Larreau provided comment at the Elko hearing regarding the adoption of the entire family of I codes by both the GOE and the State Fire Marshall.

A copy of the minutes which provide comments made at each hearing are available for review at the Governor's Office of Energy, 755 N. Roop Street, Suite 202, Carson City, NV 89701. A recording of the workshop and hearing are also provided for review at the Governor's Office of Energy.

3. **The number of persons who:**
 - (a) **Attended each hearing:** May 10, 2018 – 7; May 17, 2018 – 3; May 23, 2018 - 4
 - (b) **Testified at each hearing:** May 10, 2018 – 1; May 17, 2018 – 0; May 23, 2018 - 2
 - (c) **Submitted written comments:** December 13, 2017 – 4; May 10, 2018 - 1
4. **A list of name and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**
5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

See section 2 above.

A copy of the written comments and the minutes which provide a summary of the oral comments made at each workshop and hearing are available for review at the Governor's Office of Energy, 755 N. Roop Street, Suite 202, Carson City, NV 89701. A recording of the workshop and hearing are also provided for review at the Governor's Office of Energy. You may request a copy of either by contacting Robin Isaacs risaacs@energy.nv.gov.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on May 23, 2018. There was a requested change made to Section 2 to remove the reference to the cost for the materials that can be obtained from the ICC, so it refers to as available so that we do not have to revisit this every year going forward. The regulation was adopted with this additional amendment.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

(a) Both adverse and beneficial effects on businesses and the public: The GOE reviewed the 2018 IECC provisions, the responses received by the stakeholders, as well as other code comparison documents available on the web. Of the over 250 solicitations, 35 responses were received. The respondents generally stated that the changes would have positive impacts upon small businesses because the 2018 IECC standards improve upon standards established in the 2012 IECC standards. Small businesses will benefit from increased energy efficiency in their buildings through reduction in overall energy usage after implementing the new standards for new construction or retrofit applications. Based on the GOE's review of the 2018 IECC provisions, the summary of responses from the stakeholders, along with other code comparison documents available on the web, the Director determines that the proposed regulation changes are not likely to impose a direct or significant economic burden on small businesses. Adoption of the most recent IECC will allow for the encouragement of the construction of energy efficient buildings as well as the installation of energy efficient upgrades in existing buildings in the State of Nevada.

(b) Both immediate and long-term effects on businesses and the public: The amended regulations are intended to effectuate the legislative intent and will not and are not intended to have any negative impact upon contractors.

8. The estimated cost to the agency for enforcement of the proposed regulation:

There is no added cost to the agency for this amended regulation.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other State or governmental regulations with which this regulation overlaps or duplicates.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are no provisions that duplicate or are more stringent than federal standards.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

There is no fee associated with this regulation.

Angela Dykema, Director – May 25, 2018
Governor's Office of Energy