

**Amendment No. 485**

Senate Amendment to Senate Bill No. 374	(BDR 58-800)
<b>Proposed by:</b> Senate Committee on Commerce, Labor and Energy	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JMM/MSN



Date: 4/14/2015

S.B. No. 374—Revises provisions relating to energy. (BDR 58-800)



## SENATE BILL NO. 374—SENATOR FARLEY

MARCH 17, 2015

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to energy ~~++~~ **conservation standards.**  
(BDR 58-800)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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

AN ACT relating to energy ~~++~~ **conservation standards;** revising provisions relating to certain energy conservation standards adopted by the Director of the Office of Energy and the governing body of a local government; providing that certain design professionals are not subject to disciplinary action for complying with certain ~~building and design codes;~~ **energy conservation standards;** providing that the adoption of certain energy conservation standards by the Director and the governing body of a local government shall not be deemed to prohibit the Director or governing body from approving and implementing certain energy efficiency programs; ~~requiring the Public Utilities Commission of Nevada to establish by regulation a program under which certain customers of an electric utility may apply for and receive a reduction in the costs to the customer for electric service;~~ and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Director of the Office of Energy and the governing body of a local government to adopt certain standards for the conservation of energy in buildings. (NRS 701.220) **Section 1** of this bill prohibits the Director and a governing body from adopting certain standards ~~relating to a reduction in~~ **mandating a deviation from certain requirements for** air changes per hour in an applicable climate zone of a building. **Sections 1, 3 and 4** of this bill provide that certain design professionals are not subject to disciplinary action by their respective licensing boards for complying with ~~certain building and design codes;~~ **the energy conservation standards** adopted by a governing body ~~++~~ **pursuant to section 1.** **Section 1** further provides that the adoption of certain energy conservation standards by the Director and a governing body shall not be deemed to prohibit the Director or governing body from approving and implementing certain energy efficiency programs related to new residential construction.

~~Existing law generally provides for the regulation of public utilities by the Public Utilities Commission of Nevada, including the approval of rates for electric service. (Chapter 704 of NRS) Section 2 of this bill requires the Commission to establish by regulation a program under which a person who is a customer of an electric utility and who resides with and has~~

17 ~~legal custody of a child who utilizes life sustaining equipment may apply to and receive from~~  
18 ~~the electric utility a reduction in the costs to the person for electric service.~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 701.220 is hereby amended to read as follows:

2 701.220 1. The Director shall adopt regulations for the conservation of  
3 energy in buildings, including manufactured homes. ~~{Such}~~ *Except as otherwise*  
4 *provided in subsection 5, such* regulations must include the adoption of the most  
5 recent version of the International Energy Conservation Code, issued by the  
6 International Code Council, and any amendments to the Code that will not  
7 materially lessen the effective energy savings requirements of the Code and are  
8 deemed necessary to support effective compliance and enforcement of the Code,  
9 and must establish the minimum standards for:

- 10 (a) The construction of floors, walls, ceilings and roofs;  
11 (b) The equipment and systems for heating, ventilation and air-conditioning;  
12 (c) Electrical equipment and systems;  
13 (d) Insulation; and  
14 (e) Other factors which affect the use of energy in a building.

15 ↪ The regulations must provide for the adoption of the most recent version of the  
16 International Energy Conservation Code, and any amendments thereto, every third  
17 year.

18 2. The Director may exempt a building from a standard if the Director  
19 determines that application of the standard to the building would not accomplish the  
20 purpose of the regulations.

21 3. The regulations must authorize allowances in design and construction for  
22 sources of renewable energy used to supply all or a part of the energy required in a  
23 building.

24 4. The standards adopted by the Director are the minimum standards for the  
25 conservation of energy and energy efficiency in buildings in this State. The  
26 governing body of a local government that is authorized by law to adopt and  
27 enforce a building code:

28 (a) Except as otherwise provided in paragraph (b), shall incorporate the  
29 standards adopted by the Director in its building code;

30 (b) ~~{May}~~ *Except as otherwise provided in subsection 5, may* adopt higher or  
31 more stringent standards and must report any such higher or more stringent  
32 standards, along with supporting documents, to the Director; and

33 (c) Shall enforce the standards adopted.

34 5. *The Director or the governing body of a local government shall not adopt*  
35 *a standard ~~{requiring a reduction in}~~ which mandates a deviation from the*  
36 *requirements for air changes per hour in an applicable climate zone ~~{that exceeds~~*  
37 *by more than 20 percent any requirement for a reduction in air changes per hour*  
38 *as prescribed in R402.4.1 to R402.4.4, inclusive, of the 2009 as prescribed by the*  
39 *most recent version of the International Energy Conservation Code ~~{}~~ adopted by*  
40 *the Director pursuant to subsection 1 that is:*

41 *(a) Less than 4 1/2 but not more than 7 air changes per hour for an attached*  
42 *residence or any residence for which fire sprinklers are installed; or*

43 *(b) Less than 4 but not more than 7 air changes per hour for any residence*  
44 *other than a residence described in paragraph (a).*

1       6. *A design professional who complies with the standards adopted by the*  
 2 ~~*Director pursuant to this section or the building and design codes adopted by*~~  
 3 ~~*the governing body of a local government pursuant to this section is not subject*~~  
 4 ~~*to disciplinary action by the State Board of Architecture, Interior Design and*~~  
 5 ~~*Residential Design pursuant to paragraph (f) of subsection 1 of NRS 623.270 or*~~  
 6 ~~*the State Board of Professional Engineers and Land Surveyors pursuant to NRS*~~  
 7 ~~*625.410.*~~

8       7. *Nothing in this section shall be deemed to prohibit the Director or the*  
 9 *governing body of a local government from approving and implementing a*  
 10 *program for the purpose of increasing energy efficiency in new residential*  
 11 *construction through the use of sample inspections.*

12       8. The Director shall solicit comments regarding the adoption of regulations  
 13 pursuant to this section from:

- 14       (a) Persons in the business of constructing and selling homes;
- 15       (b) Contractors;
- 16       (c) Public utilities;
- 17       (d) Local building officials; and
- 18       (e) The general public,

19       ↪ before adopting any regulations. The Director must conduct at least three  
 20 hearings in different locations in the State, after giving 30 days' notice of each  
 21 hearing, before the Director may adopt any regulations pursuant to this section.

22       9. *As used in this section, "design professional" means a person who holds*  
 23 *a professional license or certificate issued pursuant to chapter 623 or 625 of*  
 24 *NRS.*

25       Sec. 2. ~~*Chapter 704 of NRS is hereby amended by adding thereto a new*~~  
 26 ~~*section to read as follows:*~~

27       ~~*1. The Commission shall establish by regulation a program under which a*~~  
 28 ~~*person who is a customer of an electric utility and who resides with and has legal*~~  
 29 ~~*custody of a child who utilizes life sustaining equipment may apply for and*~~  
 30 ~~*receive from the electric utility a reduction in the cost to the person for electric*~~  
 31 ~~*service in an amount not to exceed 10 percent of the base rate applicable to*~~  
 32 ~~*residential customers of the electric utility.*~~

33       ~~*2. As used in this section:*~~

- 34       ~~*(a) "Child" means a person who is under 18 years of age.*~~
- 35       ~~*(b) "Life sustaining equipment" means equipment which utilizes mechanical*~~  
 36 ~~*or artificial means to sustain, restore or supplant a vital function, or mechanical*~~  
 37 ~~*equipment that is relied upon for mobility both within and outside of buildings.*~~  
 38 ~~*The term includes, without limitation, respirators, iron lungs, hemodialysis*~~  
 39 ~~*machines, suction machines, electric nerve stimulators, pressure pads and*~~  
 40 ~~*pumps, aerosol tents, electrostatic and ultrasonic nebulizers, compressors,*~~  
 41 ~~*intermittent positive pressure breathing machines and motorized wheelchairs.*~~  
 42 ~~*(Deleted by amendment.)*~~

43       Sec. 3. NRS 623.270 is hereby amended to read as follows:

44       623.270 1. ~~*[He]*~~ *Except as otherwise provided in subsection 6 of NRS*  
 45 *701.220, the Board may place the holder of any certificate of registration issued*  
 46 *pursuant to the provisions of this chapter on probation, publicly reprimand the*  
 47 *holder of the certificate, impose a fine of not more than \$10,000 against him or her,*  
 48 *suspend or revoke his or her license, impose the costs of investigation and*  
 49 *prosecution upon him or her or take any combination of these disciplinary actions*  
 50 *for any of the following acts:*

- 51       (a) The certificate was obtained by fraud or concealment of a material fact.
- 52       (b) The holder of the certificate has been found guilty by the Board or found
- 53       guilty or guilty but mentally ill by a court of justice of any fraud, deceit or

1 concealment of a material fact in his or her professional practice, or has been  
 2 convicted by a court of justice of a crime involving moral turpitude.

3 (c) The holder of the certificate has been found guilty by the Board of  
 4 incompetency, negligence or gross negligence in:

5 (1) The practice of architecture or residential design; or

6 (2) His or her practice as a registered interior designer.

7 (d) The holder of a certificate has affixed his or her signature or seal to plans,  
 8 drawings, specifications or other instruments of service which have not been  
 9 prepared by the holder of the certificate or in his or her office, or under his or her  
 10 responsible control, or has permitted the use of his or her name to assist any person  
 11 who is not a registered architect, registered interior designer or residential designer  
 12 to evade any provision of this chapter.

13 (e) The holder of a certificate has aided or abetted any unauthorized person to  
 14 practice:

15 (1) Architecture or residential design; or

16 (2) As a registered interior designer.

17 (f) The holder of the certificate has violated any law, regulation or code of  
 18 ethics pertaining to:

19 (1) The practice of architecture or residential design; or

20 (2) Practice as a registered interior designer.

21 (g) The holder of a certificate has failed to comply with an order issued by the  
 22 Board or has failed to cooperate with an investigation conducted by the Board.

23 2. The conditions for probation imposed pursuant to the provisions of  
 24 subsection 1 may include, but are not limited to:

25 (a) Restriction on the scope of professional practice.

26 (b) Peer review.

27 (c) Required education or counseling.

28 (d) Payment of restitution to each person who suffered harm or loss.

29 3. An order that imposes discipline and the findings of fact and conclusions of  
 30 law supporting that order are public records.

31 4. The Board shall not privately reprimand the holder of any certificate of  
 32 registration issued pursuant to this chapter.

33 5. As used in this section:

34 (a) "Gross negligence" means conduct which demonstrates a reckless disregard  
 35 of the consequences affecting the life or property of another person.

36 (b) "Incompetency" means conduct which, in:

37 (1) The practice of architecture or residential design; or

38 (2) Practice as a registered interior designer,

39 ↪ demonstrates a significant lack of ability, knowledge or fitness to discharge a  
 40 professional obligation.

41 (c) "Negligence" means a deviation from the normal standard of professional  
 42 care exercised generally by other members in:

43 (1) The profession of architecture or residential design; or

44 (2) Practice as a registered interior designer.

45 **Sec. 4.** NRS 625.410 is hereby amended to read as follows:

46 625.410 ~~The~~ **Except as otherwise provided in subsection 6 of NRS**  
 47 **701.220, the** Board may take disciplinary action against a licensee, an applicant for  
 48 licensure, an intern or an applicant for certification as an intern for:

49 1. The practice of any fraud or deceit in obtaining or attempting to obtain or  
 50 renew a license or cheating on any examination required by this chapter.

51 2. Any gross negligence, incompetency or misconduct in the practice of  
 52 professional engineering as a professional engineer or in the practice of land  
 53 surveying as a professional land surveyor.

1 3. Aiding or abetting any person in the violation of any provision of this  
2 chapter or regulation adopted by the Board.

3 4. Conviction of or entry of a plea of nolo contendere to any crime an  
4 essential element of which is dishonesty or which is directly related to the practice  
5 of engineering or land surveying.

6 5. A violation of any provision of this chapter or regulation adopted by the  
7 Board.

8 6. Discipline by another state or territory, the District of Columbia, a foreign  
9 country, the Federal Government or any other governmental agency, if at least one  
10 of the grounds for discipline is the same or substantially equivalent to any ground  
11 contained in this chapter.

12 7. Practicing after the license of the professional engineer or professional land  
13 surveyor has expired or has been suspended or revoked.

14 8. Failing to comply with an order issued by the Board.

15 9. Failing to provide requested information within 30 days after receipt of a  
16 request by the Board or its investigators concerning a complaint made to the Board.

17 **Sec. 5.** This act becomes effective ~~1~~.

18 ~~1. Upon passage and approval for the purpose of adopting regulations and~~  
19 ~~performing any other preparatory administrative tasks that are necessary to carry~~  
20 ~~out the provisions of this act, and~~

21 ~~2. On on July 1, 2015, 1, for all other purposes.]~~