

SENATE BILL NO. 374—SENATOR FARLEY

MARCH 17, 2015

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions relating to energy. (BDR 58-800)

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

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

AN ACT relating to energy; 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; 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:

- 1 Existing law requires the Director of the Office of Energy and the governing
- 2 body of a local government to adopt certain standards for the conservation of
- 3 energy in buildings. (NRS 701.220) **Section 1** of this bill prohibits the Director and
- 4 a governing body from adopting certain standards relating to a reduction in air
- 5 changes per hour in an applicable climate zone of a building. **Sections 1, 3 and 4** of
- 6 this bill provide that certain design professionals are not subject to disciplinary
- 7 action by their respective licensing boards for complying with certain building and
- 8 design codes adopted by a governing body. **Section 1** further provides that the
- 9 adoption of certain energy conservation standards by the Director and a governing
- 10 body shall not be deemed to prohibit the Director or governing body from



11 approving and implementing certain energy efficiency programs related to new
12 residential construction.

13 Existing law generally provides for the regulation of public utilities by the
14 Public Utilities Commission of Nevada, including the approval of rates for electric
15 service. (Chapter 704 of NRS) **Section 2** of this bill requires the Commission to
16 establish by regulation a program under which a person who is a customer of an
17 electric utility and who resides with and has legal custody of a child who utilizes
18 life-sustaining equipment may apply to and receive from the electric utility a
19 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
3 conservation of energy in buildings, including manufactured homes.
4 ~~[Such]~~ *Except as otherwise provided in subsection 5, such*
5 regulations must include the adoption of the most recent version of the
6 International Energy Conservation Code, issued by the
7 International Code Council, and any amendments to the Code that
8 will not materially lessen the effective energy savings requirements
9 of the Code and are deemed necessary to support effective
10 compliance and enforcement of the Code, and must establish the
11 minimum standards for:

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

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

21 2. The Director may exempt a building from a standard if the
22 Director determines that application of the standard to the building
23 would not accomplish the purpose of the regulations.

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

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

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



1 (b) ~~May~~ *Except as otherwise provided in subsection 5, may*
2 adopt higher or more stringent standards and must report any such
3 higher or more stringent standards, along with supporting
4 documents, to the Director; and

5 (c) Shall enforce the standards adopted.

6 5. *The Director or the governing body of a local government*
7 *shall not adopt a standard requiring a reduction in air changes*
8 *per hour in an applicable climate zone that exceeds by more than*
9 *20 percent any requirement for a reduction in air changes per*
10 *hour as prescribed in R402.4.1 to R402.4.4, inclusive, of the 2009*
11 *International Energy Conservation Code.*

12 6. *A design professional who complies with the standards*
13 *adopted by the Director pursuant to this section or the building*
14 *and design codes adopted by the governing body of a local*
15 *government is not subject to disciplinary action by the State Board*
16 *of Architecture, Interior Design and Residential Design pursuant*
17 *to paragraph (f) of subsection 1 of NRS 623.270 or the State*
18 *Board of Professional Engineers and Land Surveyors pursuant to*
19 *NRS 625.410.*

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

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

- 27 (a) Persons in the business of constructing and selling homes;
- 28 (b) Contractors;
- 29 (c) Public utilities;
- 30 (d) Local building officials; and
- 31 (e) The general public,

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

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

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

41 1. *The Commission shall establish by regulation a program*
42 *under which a person who is a customer of an electric utility and*
43 *who resides with and has legal custody of a child who utilizes life-*
44 *sustaining equipment may apply for and receive from the electric*
45 *utility a reduction in the cost to the person for electric service in*



1 *an amount not to exceed 10 percent of the base rate applicable to*
2 *residential customers of the electric utility.*

3 2. *As used in this section:*

4 (a) *“Child” means a person who is under 18 years of age.*

5 (b) *“Life-sustaining equipment” means equipment which*
6 *utilizes mechanical or artificial means to sustain, restore or*
7 *supplant a vital function, or mechanical equipment that is relied*
8 *upon for mobility both within and outside of buildings. The term*
9 *includes, without limitation, respirators, iron lungs, hemodialysis*
10 *machines, suction machines, electric nerve stimulators, pressure*
11 *pads and pumps, aerosol tents, electrostatic and ultrasonic*
12 *nebulizers, compressors, intermittent positive pressure breathing*
13 *machines and motorized wheelchairs.*

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

15 623.270 1. ~~The~~ *Except as otherwise provided in subsection*
16 *6 of NRS 701.220, the* Board may place the holder of any certificate
17 of registration issued pursuant to the provisions of this chapter on
18 probation, publicly reprimand the holder of the certificate, impose a
19 fine of not more than \$10,000 against him or her, suspend or revoke
20 his or her license, impose the costs of investigation and prosecution
21 upon him or her or take any combination of these disciplinary
22 actions for any of the following acts:

23 (a) The certificate was obtained by fraud or concealment of a
24 material fact.

25 (b) The holder of the certificate has been found guilty by the
26 Board or found guilty or guilty but mentally ill by a court of justice
27 of any fraud, deceit or concealment of a material fact in his or her
28 professional practice, or has been convicted by a court of justice of a
29 crime involving moral turpitude.

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

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

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

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

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

43 (1) Architecture or residential design; or

44 (2) As a registered interior designer.



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

- 3 (1) The practice of architecture or residential design; or
- 4 (2) Practice as a registered interior designer.

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

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

- 10 (a) Restriction on the scope of professional practice.
- 11 (b) Peer review.
- 12 (c) Required education or counseling.
- 13 (d) Payment of restitution to each person who suffered harm or
14 loss.

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

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

19 5. As used in this section:

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

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

- 24 (1) The practice of architecture or residential design; or
- 25 (2) Practice as a registered interior designer,

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

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

- 30 (1) The profession of architecture or residential design; or
- 31 (2) Practice as a registered interior designer.

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

33 625.410 ~~[The]~~ *Except as otherwise provided in subsection 6 of*
34 *NRS 701.220, the* Board may take disciplinary action against a
35 licensee, an applicant for licensure, an intern or an applicant for
36 certification as an intern for:

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

40 2. Any gross negligence, incompetency or misconduct in the
41 practice of professional engineering as a professional engineer or in
42 the practice of land surveying as a professional land surveyor.

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



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

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

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

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

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

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

18 **Sec. 5.** This act becomes effective:

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

22 2. On July 1, 2015, for all other purposes.

