

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

LCB File No. R025-06

April 20, 2006

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

AUTHORITY: §§1-6, NRS 701.170 and 701.217; §§7 and 8, 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 is sought has a building or other structure that meets or exceeds the certification requirements for the abatement; 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 8, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 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 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 designated:*

1. “LEED-EB” which is the LEED Green Building Rating System for Existing Buildings, Upgrades, Operations and Maintenance; and

2. “LEED-NC” which is the LEED Green Building Rating System for New Construction & Major Renovations.

Sec. 6. 1. Pursuant to paragraph (b) of subsection 1 of NRS 701.217, the Director hereby adopts by reference the LEED Green Building Rating System, as it existed on the effective date of this regulation.

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 LEED Green Building Rating System is amended, the amendments 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 amendments are published, unless the Director determines that the amendments are not appropriate for use in this State. If the Director determines that the amendments are 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 amended version of the LEED Green Building Rating System is not appropriate for use in this State, 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.

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, NW, Suite 508, Washington, D.C. 20036, or on the Internet at <http://www.usgbc.org/>.*

Sec. 7. 1. *A person who wishes to apply to the Commission on Economic Development pursuant to NRS 361.0775 and section 7 of the Proposed Regulation of the Commission on Economic Development, LCB File No. 220-05, for a partial abatement from the tax imposed on real property by chapter 361 of NRS may apply to the Director for a letter of verification which states that the real property for which the abatement is sought has a building or other structure that meets or exceeds the certification requirements for the abatement as set forth in section 9 of the Proposed Regulation of the Commission on Economic Development, LCB File No. 220-05, and which sets forth the number of LEED points earned.*

2. The application must include:

- (a) The name, address and telephone number of the applicant;*
- (b) The name and address of the owner of the real property, if the applicant 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 of the applicable LEED Green Building Rating System at which the applicant 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 building project has been registered with the U. S. Green Building Council;

(k) The name and contact information of the LEED accredited professional who will be certifying the building or other structure;

(l) An evaluation from the LEED accredited professional that includes:

(1) A statement that he has reviewed the plans 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 applicant; and

(b) Forward a copy of the application 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. 8. 1. *Upon the determination of the LEED accredited professional concerning the certification of the building or other structure, the applicant 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 verification of the certification and 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 abatement is sought has a building or other structure that meets or exceeds the certification requirements for the abatement as set forth in section 9 of the Proposed Regulation of the Commission on Economic Development, LCB File No. 220-05, and which sets forth the number of LEED points earned. The Director will forward a copy of the letter to:

- (a) The applicant;*
- (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.*