
SENATE BILL NO. 168—SENATORS BROOKS, SPEARMAN, ATKINSON,
PARKS; CANCELA, DENIS AND WOODHOUSE

FEBRUARY 18, 2019

JOINT SPONSORS: ASSEMBLYMEN MONROE-MORENO AND YEAGER

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to energy efficiency standards for buildings. (BDR 58-912)

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

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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 governing energy conservation and energy efficiency standards for residences with an on-site renewable energy system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Office of Energy to adopt regulations establishing minimum standards for the conservation of energy and energy efficiency in buildings in this State. (NRS 701.220) Existing law authorizes the Director to exempt a building from a standard for the conservation of energy and energy efficiency if the Director determines that the application of the standard would not accomplish the purpose of such regulations. (NRS 701.220) **Section 1** of this bill authorizes the Director to exempt a building from a standard for the conservation of energy and energy efficiency if the building is a residence that incorporates an on-site renewable energy system and the Director determines that the on-site renewable energy system provides a level of energy efficiency comparable to what would be accomplished through the enforcement of the standard and is less costly to implement than the standard. **Section 1** also prohibits the Director or the governing body of a local government from adopting a standard which imposes higher or more stringent requirements for energy efficiency on a building with an on-site renewable energy system than are imposed on a building that does not include an on-site renewable energy system.

Sections 2 and 3 of this bill make conforming changes.



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

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

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

(a) The construction of floors, walls, ceilings and roofs;

(b) The equipment and systems for heating, ventilation and air-conditioning;

(c) Electrical equipment and systems;

(d) Insulation; and

(e) Other factors which affect the use of energy in a building.

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

2. The Director may exempt a building from a standard if the :

(a) The Director determines that application of the standard to the building would not accomplish the purpose of the regulations ~~H~~ ; or

(b) The building is designed or intended for occupancy as a residence and incorporates an on-site renewable energy system and the Director determines that the on-site renewable energy system:

(1) Provides a level of energy efficiency comparable to what would be accomplished through the application of the standard; and

(2) Is less costly to implement than the cost to comply with the standard.

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

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



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

(b) Except as otherwise provided in ~~{subsection}~~ **subsections 5 H and 6**, may adopt higher or more stringent standards and must report any such higher or more stringent standards, along with supporting documents, to the Director; and

(c) Shall enforce the standards adopted.

5. The Director or the governing body of a local government shall not adopt a standard which mandates a requirement for air changes per hour that is outside the following ranges:

(a) Less than 4 1/2 or more than 7 air changes per hour for an attached residence or any residence for which fire sprinklers are installed; or

(b) Less than 4 or more than 7 air changes per hour for any residence other than a residence described in paragraph (a).

6. The Director or the governing body of a local government shall not adopt a standard which imposes higher or more stringent requirements for energy efficiency on a building that is designed or intended for occupancy as a residence and that incorporates an on-site renewable energy system than are imposed on a building that is designed or intended for occupancy as a residence and that does not incorporate an on-site renewable energy system.

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

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

~~{8.}~~ **9.** The Director shall solicit comments regarding the adoption of regulations pursuant to this section from:

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

➔ before adopting any regulations. The Director must conduct at least three hearings in different locations in the State, after giving 30



days' notice of each hearing, before the Director may adopt any regulations pursuant to this section.

~~19.1~~ 10. As used in this section ~~[-"design"]~~ :

(a) "Design professional" means a person who holds a professional license or certificate issued pursuant to chapter 623 or 625 of NRS.

(b) *"On-site renewable energy system" means a facility or energy system that uses renewable energy as its primary source of energy to generate electricity and is intended primarily to offset all or part of the requirements for electricity of a building located on the same parcel.*

Sec. 2. NRS 623.270 is hereby amended to read as follows:

623.270 1. Except as otherwise provided in subsection ~~6~~ 7 of NRS 701.220, the Board may place the holder of any certificate of registration issued pursuant to the provisions of this chapter on probation, publicly reprimand the holder of the certificate, impose a fine of not more than \$10,000 against him or her, suspend or revoke his or her license, impose the costs of investigation and prosecution upon him or her or take any combination of these disciplinary actions for any of the following acts:

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

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

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

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

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

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

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

(1) Architecture or residential design; or

(2) As a registered interior designer.

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

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



1 (2) Practice as a registered interior designer.

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

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

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

8 (b) Peer review.

9 (c) Required education or counseling.

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

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

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

16 5. As used in this section:

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

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

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

22 (2) Practice as a registered interior designer,

23 ➔ demonstrates a significant lack of ability, knowledge or fitness to
24 discharge a professional obligation.

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

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

28 (2) Practice as a registered interior designer.

29 **Sec. 3.** NRS 625.410 is hereby amended to read as follows:

30 625.410 Except as otherwise provided in subsection ~~6~~ 7 of
31 NRS 701.220, the Board may take disciplinary action against a
32 licensee, an applicant for licensure, an intern or an applicant for
33 certification as an intern for:

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

37 2. Any gross negligence, incompetency or misconduct in the
38 practice of professional engineering as a professional engineer or in
39 the practice of land surveying as a professional land surveyor.

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

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



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

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

8 7. Practicing after the license of the professional engineer or
9 professional land surveyor has expired or has been suspended or
10 revoked.

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

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

15 **Sec. 4.** This act becomes effective on July 1, 2019.

