

**MINUTES**  
**of the NRS 701.220 Regulation Hearing of the**  
**NEVADA STATE OFFICE OF ENERGY (NSOE)**

**October 18, 2011**

The Nevada State Office of Energy (NSOE) held a public hearing on October 18, 2011 beginning at 8:30 a.m. at the following locations:

Legislative Counsel Bureau, 401 N. Carson Street, Room 4100, Carson City, Nevada 89701, and via videoconference at Grant Sawyer Building, 555 East Washington Avenue, Suite 4401, Las Vegas, Nevada 89101.

The hearing was also available by telephone conference call.

**1. Call to order**

The hearing was called to order at 8:41 a.m. by Stacey Crowley, director of the Nevada State Office of Energy.

Present in Carson City with Director Crowley were Cassandra Joseph, deputy attorney general and Emily Nunez, NSOE management analyst. Stephanie Brooks, NSOE deputy director, was present in Las Vegas.

Also present in Carson City: Richard Bartholet, UNR-BEP

Present via telephone conference: Ken Baker, Kenergy

Members of the public were asked to sign in.

**2. Director's Opening Statement**

Director Crowley started the meeting by announcing that the hearing was being conducted in Carson City, Nevada and pursuant to NRS 701.225(5) to afford all interested parties a reasonable opportunity to comment upon proposed regulation R024-11 regarding the adoption of the 2009 version of the International Energy Conservation Code (IECC).

Director Crowley provided an explanation of the process, including the goal to adopt the 2009 IECC with an effective date of July 1, 2012, and to achieve 90 percent compliance by 2017. She stated that code books have been provided for public review at county libraries throughout Nevada; a public workshop was conducted on May 26, 2011 to solicit comment on the proposed regulation; a hearing was conducted on October 7, 2011 in Las Vegas; and the NSOE has offered and will continue to offer additional training sessions related to the 2009 IECC throughout the next four months. She encouraged code officials and building industry professionals to attend the free trainings while they are still available.

Director Crowley then stated that pursuant to NRS 701.220 subsection 5, the director must conduct at least three hearings in different locations in the state, after giving 30 days notice, before adopting any regulations pursuant to this section. She stated this is the director's second hearing and she intends to finalize the regulations by December 2011 with the proposed effective date of July 1, 2012. She then described the handouts provided at the hearing as follows:

- Hearing notice
- LCB file number R024-11
- NRS 701.220
- Instructions for submitting written comments
- A list of libraries where 2009 IECC code books and training DVDs can be found
- A copy of all written comments received as of the May 26, 2011 workshop

### **3. Statement by the Deputy Attorney General representing the NSOE**

Cassandra Joseph, deputy attorney general, representing the NSOE, stated that NRS Chapter 701.220(1) states that the director must adopt the most recent version of the International Energy Conservation Code. The NSOE provided 30-day written notice in advance of this hearing to inform the public of the general topics to be discussed, namely, adoption of the 2009 International Code. The next hearing is scheduled on Thursday, November 10, 2011 in Elko, Nevada, and will be available via telephone conference. Copies of the hearing notice can be found on the sign-in tables at both locations and are also available on the energy website at [www.energy.nv.gov](http://www.energy.nv.gov). After each hearing, the minutes of the hearing will be posted within 30 days to allow members of the public to review them. Ms. Joseph then stated that after each hearing, the director will be editing the draft regulations as appropriate. After the third hearing, currently scheduled for November 10, 2011, the director will then submit the final draft to the Legislative Counsel Bureau for final adoption.

As for the hearing today, Ms. Joseph stated that written comments may also be submitted in addition to or in lieu of speaking. She also clarified that the director will accept written comments regarding the proposed regulation through November 9, 2011, which is before the last scheduled hearing.

### **4. Public Comments and Discussions**

Director Crowley again stated that the hearing is being held in Carson City, Nevada to propose the adoption, amendment or repeal of regulations pertaining to Chapter 701 of the Nevada Administrative Code (NAC) and relating to the adoption of regulations for the conservation of energy in buildings, including manufactured homes, namely adoption of the 2009 International Energy Conservation Code, pursuant to Nevada Revised Statute (NRS) 701.220.

Director Crowley then opened for public comments and asked if anyone in Las Vegas or Carson City wanted to speak on the proposed regulations. Jeff Fontaine with the Nevada Association of Counties provided comment stating that he would talk primarily about the concerns of some of the rural counties. Mr. Fontaine thanked the Director for efforts which were very helpful in reaching out particularly to rural counties to try and address concerns.

Mr. Fontaine added that some very rural counties have very limited resources and expertise within their building departments, and in some cases it's one individual who does building inspections, planning and other functions. Mr. Fontaine stated that he recognizes that this is a statutory requirement and it's pretty much a mandate and that the Director is trying to work around that to the extent possible, however, he believes it's still going to be problematic for some of the rural counties. He then stated that he would like to talk about the following issues:

- Director Crowley's letter that was sent out to local jurisdictions offering both technical assistance as well as help with purchasing equipment. Mr. Fontaine stated that he appreciates the training that has been extended and believes it will be very helpful. However, he requested help for these jurisdictions in terms of equipment because some rural areas are not quite prepared to respond in terms of what their needs might be. They are also waiting to see how this regulatory process might play out.
- The second issue he addressed was how a second party or third party certification might work, and to make sure that he understand the correct terminology in terms of second party and third party. Mr. Fontaine said he would like some clarification on how both certification processes work and to address liability issues. He also expressed concern that if the statute allows for builder/owner self-certification that they have complied with the standard, who will enforce it and the liability in the event that the building doesn't meet the standard.

Again, Mr. Fontaine stated his appreciation for Director Crowley reaching out to the counties and trying to help them comply with a rather difficult requirement - one that is worthwhile, but nonetheless is going to take some time for the rural counties to be able to meet.

Director Crowley thanked Mr. Fontaine for his comments.

Director Crowley asked if there was anyone else that wanted to comment. There was no response. After waiting a few minutes, Director Crowley called for a 15 minute recess to allow time for additional people to appear in person or to call in to the teleconference.

**5. Adjournment**

Director Crowley reconvened the hearing. Again she asked if there was anyone in Las Vegas, Carson City or on the telephone who would like to provide comment on the proposed regulation. There was no response and the hearing was adjourned at 9:06 a.m.