

Exhibit A: Proposed Amendments to LCB File No. R024-11

Page 2, Sec. 5:

Replace in its entirety with:

Sec. 5. The 2009 International Energy Conservation Code and any amendments thereto published by the International Code Council may be obtained from the International Code Council, 25442 Network Pl., Chicago, Illinois 60673-1254, by telephone at 1 (800) 786-4452, or at the internet address <http://www.iccsafe.org>. As of the printing date of these regulations, the current price for the 2009 International Energy Conservation Code is \$26.50 for members and \$35.50 for nonmembers. Supplemental materials on the 2009 International Energy Conservation Code are also available by the International Council Code. The current price for the combined 2009 International Energy Conservation Code and ANSI/ASHRAE/IESNA Standard 90.1-2007 for Commercial Buildings is \$123.00 for members and \$137.00 for nonmembers.

Page 4, Sec. 8.

Subsection 1 of Section 8, in the third sentence, remove the word *Director* and replace with *governing body of a local government*

Page 5, Subsection 2 of Section 8, add the following before the colon:

. . . comply with the local governing body's petition process, but if no such process exist, then must comply with the process set forth in subsections 2 through 4 inclusive:

Page 5, Subsection 3 of Section 8, replace in its entirety with:

The governing body of a local government shall consider each petition submitted pursuant to this section and will, within 30 days after the date on which a petition is filed with the governing body of a local government, issue an order granting or denying the petition or setting a date for a hearing on the petition.

Page 5, Subsection 4 of Section 8, replace the word *Director* with *governing body of a local government* in each instance it is used in this section.

Page 5, Add new subsections 5 through 8 as follows:

5. A petitioner whose petition submitted pursuant to subsection 1 is denied by the governing body of a local government may submit a petition to the Director requesting the Director to overturn the denial

6. A petition submitted to the Director pursuant to subsection 5 must:

(a) Be in writing;

- (b) State the specific provision or provisions of the International Energy Conservation Code or NAC 701.010, 701.030 and 701.110 and sections 2 to 11, inclusive, of this regulation from which the exemption is sought;*
- (c) Include an explanation of why the application of the provision or provisions to the applicant's building would not accomplish the purpose of the provision or provisions.*
- (d) Include the name of the governing body of the local government which denied the petition submitted pursuant to subsection 1;*
- (e) Include the date of the denial of the petition; and*
- (f) Include a copy of the decision or order issued by the governing body of the local government denying the petition.*

7. The Director will consider each petition submitted pursuant to subsection 6 and will, within 30 days after the date on which a petition is filed with the Director, issue an order granting or denying the petition or setting a date for hearing on the petition.

8. If the Director issues an order setting a date for a hearing on the petition submitted pursuant to this section, the Director will issue an order granting or denying the petition within 120 days after the date of the hearing.

Page 6, Subsection 2 of Section 9 should be removed.

Page 6, Subsection 3 of Section 9 should become subsection 2. Change the word **director to **local governing body** and add the following before the colon after the word must:**

... comply with the local governing body's petition process, but if no such process exist, then must comply with subsections 2 through 4 inclusive:

Remove subsections (d), (e), and (f).

Page 6, Subsection 4 of Section 9, becomes subsection 3, and replace in its entirety with:

The governing body of a local government shall consider each petition submitted pursuant to this section and will, within 30 days after the date on which a petition is filed with the governing body of a local government, issue an order granting or denying the petition or setting a date for a hearing on the petition.

Page 6, Subsection 5 of Section 9, becomes subsection 4, and replace the word **Director with **governing body of a local government** in each instance it is used in this section**

Add new subsections 5 through 8 as follows:

5. A petitioner whose petition submitted pursuant to subsection 1 is denied by the governing body of a local government may submit a petition to the Director requesting the Director to overturn the denial

6. *A petition submitted to the Director pursuant to subsection 5 must:*
- (a) Be in writing;*
 - (b) State the specific provisions of the International Energy Conservation Code from which allowance is sought;*
 - (c) Include a detailed description of the renewable energy system which the petitioner seeks to install;*
 - (d) Include the name of the governing body of the local government which denied the petition submitted pursuant to subsection 1;*
 - (e) Include the date of the denial of the petition; and*
 - (f) Include a copy of the decision or order issued by the governing body of the local government denying the petition.*

7. *The Director will consider each petition submitted pursuant to subsection 6 and will, within 30 days after the date on which a petition is filed with the Director, issue an order granting or denying the petition or setting a date for hearing on the petition.*

8. *If the Director issues an order setting a date for a hearing on the petition submitted pursuant to this section, the Director will issue an order granting or denying the petition within 120 days after the date of the hearing.*

Page 7, Subsection 1 of Section 11:

Add “*set*” in the first sentence and add last sentence as follows:

1. *A building that is subject to the standards set forth in the International Energy Conservation Code and the requirements of NAC 701.010, 701.030 and 701.110 and sections 2 to 11, inclusive, of this regulation must be certified as complying with those standards and requirements by one of the following methods as subscribed by the governing body of a local government:*

Replace subsections (a), (b), and (c) with the following information:

- (a) First Party: A first-party evaluation would involve self-reporting of data and self-certification of any results associated with compliance. In this case, the entities designing and constructing the building would submit a statement of compliance on a form provided by the Director. The First Party method should only be used if the building cannot be certified by a Second Party or Third Party evaluation.*
- (b) Second Party: A second-party evaluation would be performed by the entity responsible for validating compliance, such as state or local government, through direct oversight of those designing and constructing buildings.*
- (c) Third Party: A third-party evaluation would be performed through a third party that acts on behalf of the state or local government. In this case, the building owner or developer can*

retain a certified or licensed third-party entity to act on behalf of the state or local government to conduct a review of the design and construction for purposes of ensuring compliance.

Page 7, Subsection 2 of Section 11 amend first sentence as follows:

2. *The person responsible for the construction of a building shall **provide a copy of certified document to the governing body of the local government and** maintain the original copy of any document or record which establishes that the building complies with the standards set forth in the International Energy Conservation Code and the requirements of NAC 701.010, 701.030 and 701.110 and sections 2 to 11, inclusive, of this regulation for a period of not less than 3 years after the date on which the certification was made.*