



**OFFICE OF THE GOVERNOR
NEVADA STATE OFFICE OF ENERGY**

MINUTES

**OF PUBLIC WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENT OF
PERMANENT REGULATION**

LCB File Number R065-10

May 19, 2010
1:30-3:00 PM

Capitol Annex
101 North Carson Street
Carson City, NV 89701

And

Grant Sawyer Building
555 East Washington Avenue, Suite 5100
Las Vegas, NV 89101

Carson City Attendees:

Bjorn Selinder, Paid Lobbyist for Churchill, Elko, and Eureka Counties
Kristen Geddes, Deputy Attorney General
Jeff Fontaine, Paid Lobbyist for NV Association of Counties (NACO)
Dave Schwartz, Las Vegas Sun
Katherine Hammack, Ernst & Young
James Groth, Director, NSOE

Las Vegas Attendees:

Constance Brooks, Paid Lobbyist for Clark County

The proposed amendment was introduced and the following public comments were received:

Jeff Fontaine submitted written comment from NACO opposing the amendment. They feel the amendment is overly broad and question the authority to amend the regulation. The counties he represents are concerned about the fiscal impact. He wanted to make the point that county governments are already struggling and have stepped up to help with the state budget deficit, mentioned the Renewable Energy abatements in particular.

Constance Brooks Clark County is on record as opposing the change to the NAC. Clark County worked hard on AB 621 and emphasized the dire fiscal situation the county is currently facing.

Bjorn Selinder questions the wording "in the judgment of the Director" in the proposed amendment. He suggested that specific instances be included in which the Director could make a "judgment".

Kristen Geddes (DAG) reminded the participants that the NSOE is open to suggestions and invited them to provide NSOE with changes they may have.

Bjorn Selinder expressed concern that the proposed amendment was so broadly worded that some additional language should be considered.

Jeff Fontaine said that he was not prepared to address that specific issue.

Katherine Hammack (Ernst & Young) spoke in favor of the proposed amendment due to the change in the economy, which includes foreclosures and subsequent change of ownership which would prevent project owners from meeting existing deadlines.

Jim Groth (NSOE Director) spoke in favor of the economic development brought about by creating a favorable financial climate for new building projects. This would include jobs, goods, and services associated with new development, as well as the revenue being brought in to compensate for any temporary loss of property tax dollars.

NSOE offered to narrow the scope of the proposed amendment to just NAC 701A.220 (1) (a) and (b).

Jeff Fontaine stated that counties have to lay off employees and that Clark and Washoe counties have already had a portion of their own property tax dollars diverted to help with the state budget shortfall. The counties have already stepped up to help address renewable energy and the state's budget shortfall. He asked if this is such a great idea, then why isn't the state abating their own tax revenues.

Katherine Hammack said that more energy efficient buildings present less of a burden on existing infrastructure: water use, landfill, which benefits the local community.

Constance Brooks: For FY 2010, Clark County has contributed \$40,000 toward LEED abatements and is projecting close to 2 million dollars for FY 2011.

Bjorn Selinder read an email from Churchill County Manager Brad Goetsch into the record, opposing the proposed amendment.

The Hearing was announced for Friday, May 21st 2010 and the workshop was adjourned.



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MINUTES

OF PUBLIC HEARING TO SOLICIT COMMENTS ON PROPOSED AMENDMENT OF
PERMANENT REGULATION

LCB File Number R065-10

May 21, 2010
1:30-3:00 PM

Capitol Annex
101 North Carson Street
Carson City, NV 89701

And

Grant Sawyer Building
555 East Washington Avenue, Suite 5100
Las Vegas, NV 89101

Carson City Attendees:

Kristen Geddes, Deputy Attorney General
Wes Henderson, Paid Lobbyist for NV Association of Counties (NACO)
Robert Nellis, SEP Program Manager, NSOE
Lorayn Walser, Management Analyst II, NSOE

Las Vegas Attendees:

Sabra Smith, Paid Lobbyist for Clark County
Russell Rowe, The Capitol Company

The proposed revised amendment was presented and the following public comments were received:

Wes Henderson submitted written comments from NACO, opposed to any amendment granting the Director independent authority to waive any requirements of NAC 701A.010-701A.290

Sabra Smith: Clark County is opposed to amending the NAC regarding Green Building Tax abatements. She expressed concern that the public may not have seen the latest version

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of the proposed amendment in time to comment. Clark County cannot support giving an appointed official the authority to waive anything in the regulation.

Kristen Geddes pointed out that public comment has played a large part in the revisions and that the latest version of the proposed amendment shows a significant contraction of the discretion afforded to the Director. The proposed changes would not give the Director any discretionary authority which by law he does not already have.

Lorayn Walser said that written public comment would continue to be accepted until June 4, 2010.

The revised version of the proposed amendment would allow the Director the ability to grant an extension of up to 180 days – after the initial 120 day period had passed.

The hearing was adjourned.