

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 329

Introduced by Cook, 13.

Read first time January 12, 2011

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to the State Energy Office; to amend sections
2 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611,
3 81-1614, 81-1615, 81-1616, 81-1618, and 81-1620, Reissue
4 Revised Statutes of Nebraska; to update references to the
5 International Energy Conservation Code; to change
6 provisions relating to the Nebraska Energy Code; and to
7 repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 72-804, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 72-804 (1) Any new state building shall meet or exceed
4 the requirements of the ~~2003~~-2009 International Energy Conservation
5 Code.

6 (2) Any new lighting, heating, cooling, ventilating, or
7 water heating equipment or controls in a state-owned building and any
8 new building envelope components installed in a state-owned building
9 shall meet or exceed the requirements of the ~~2003~~-2009 International
10 Energy Conservation Code.

11 (3) The State Building Administrator of the Department of
12 Administrative Services, in consultation with the State Energy
13 Office, may specify:

14 (a) A more recent edition of the International Energy
15 Conservation Code;

16 (b) Additional energy efficiency or renewable energy
17 requirements for buildings; and

18 (c) Waivers of specific requirements which are
19 demonstrated through life-cycle cost analysis to not be in the
20 state's best interest. The agency receiving the funding shall be
21 required to provide a life-cycle cost analysis to the State Building
22 Administrator.

23 Sec. 2. Section 72-805, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 72-805 The ~~2003~~-2009 International Energy Conservation

1 Code applies to all new buildings constructed in whole or in part
2 with state funds after ~~July 1, 2005.~~ the effective date of this act.
3 The State Energy Office shall review building plans and
4 specifications necessary to determine whether a building will meet
5 the requirements of this section. The State Energy Office shall
6 provide a copy of its review to the agency receiving funding. The
7 agency receiving the funding shall verify that the building as
8 constructed meets or exceeds the code. The verification shall be
9 provided to the State Energy Office. The State Energy Office shall,
10 in consultation with the State Building Administrator of the
11 Department of Administrative Services, adopt and promulgate rules and
12 regulations to carry out this section.

13 Sec. 3. Section 72-806, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 72-806 The enforcement provisions of Chapter 1 of the
16 ~~2003-2009~~ International Energy Conservation Code shall not apply to
17 buildings subject to section 72-804.

18 Sec. 4. Section 81-1608, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-1608 The Legislature finds that consumers have an
21 expectation that newly built houses or buildings they buy meet
22 uniform energy efficiency standards. Therefor, the Legislature finds
23 that there is a need to adopt the ~~2003-2009~~ International Energy
24 Conservation Code in order (1) to ensure that a minimum energy
25 efficiency standard is maintained throughout the state, (2) to

1 harmonize and clarify energy building code statutory references, (3)
2 to ensure compliance with the National Energy Policy Act of 1992, (4)
3 to increase energy savings for all Nebraska consumers, especially
4 low-income Nebraskans, (5) to reduce the cost of state programs that
5 provide assistance to low-income Nebraskans, (6) to reduce the amount
6 of money expended to import energy, (7) to reduce the growth of
7 energy consumption, (8) to lessen the need for new power plants, and
8 (9) to provide training for local code officials and residential and
9 commercial builders who implement the ~~2003-2009~~ International Energy
10 Conservation Code.

11 Sec. 5. Section 81-1609, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 81-1609 As used in sections 81-1608 to 81-1626, unless
14 the context otherwise requires:

15 (1) Office means the State Energy Office;

16 (2) Contractor means the person or entity responsible for
17 the overall construction of any building or the installation of any
18 component which affects the energy efficiency of the building;

19 (3) Architect or engineer means any person licensed as an
20 architect or professional engineer under the Engineers and Architects
21 Regulation Act;

22 (4) Building means any new structure, renovated building,
23 or addition which ~~provides facilities or shelter for public assembly,~~
24 ~~educational, business, mercantile, institutional, warehouse, or~~
25 ~~residential occupancies, as well as those portions of factory and~~

1 ~~industrial facilities which are used primarily for human occupancy,~~
2 ~~such as office space, is used or intended for supporting or~~
3 ~~sheltering any use or occupancy, but~~ not including any structure
4 which has a consumption of traditional energy sources for all
5 purposes not exceeding the energy equivalent of three and four-tenths
6 British Thermal Units per hour or one watt per square foot;

7 (5) Residential building means a building three stories
8 or less that is used primarily as one or more dwelling units;

9 (6) Renovation means alterations on an existing building
10 which will cost more than fifty percent of the replacement cost of
11 such building at the time work is commenced or which was not
12 previously heated or cooled, for which a heating or cooling system is
13 now proposed, except that the restoration of historical buildings
14 shall not be included;

15 (7) Addition means an extension or increase in the
16 height, conditioned floor area, or conditioned volume of a building
17 or structure;

18 (8) Floor area means the total area of the floor or
19 floors of a building, expressed in square feet, which is within the
20 exterior faces of the shell of the structure which is heated or
21 cooled;

22 (9) Nebraska Energy Code means the ~~2003—~~2009
23 International Energy Conservation Code;

24 (10) Traditional energy sources means electricity,
25 petroleum-based fuels, uranium, coal, and all nonrenewable forms of

1 energy; and

2 (11) Equivalent or equivalent code means standards that
3 meet or exceed the requirements of the Nebraska Energy Code.

4 Sec. 6. Section 81-1611, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 81-1611 The Legislature hereby adopts the ~~2003—~~2009
7 International Energy Conservation Code as the Nebraska Energy Code.
8 The State Energy Office may adopt regulations specifying alternative
9 standards for building systems, techniques, equipment designs, or
10 building materials that shall be deemed equivalent to the Nebraska
11 Energy Code. Regulations specifying alternative standards may be
12 deemed equivalent to the Nebraska Energy Code and may be approved for
13 general or limited use if the use of such alternative standards would
14 not result in energy consumption greater than would result from the
15 strict application of the Nebraska Energy Code.

16 Sec. 7. Section 81-1614, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 81-1614 The Nebraska Energy Code shall apply to all new
19 buildings, or renovations of or additions to any existing buildings,
20 on which construction is initiated on or after ~~July 1, 2005.~~ the
21 effective date of this act.

22 Sec. 8. Section 81-1615, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-1615 The following shall be exempt from sections
25 81-1608 to 81-1626:

1 (1) Any building which has a peak design rate of energy
2 usage for all purposes of less than one watt, or three and four-
3 tenths British Thermal Units per hour, per square foot of floor area;

4 (2) Any building which is neither heated nor cooled;

5 (3) Any building or portion thereof which is owned by the
6 United States of America;

7 (4) Any manufactured home as defined by section 71-4603;

8 (5) Any modular housing unit as defined by subdivision
9 (1) of section 71-1557; and

10 (6) Any building ~~(a) listed on the National Register of~~
11 ~~Historic Places, (b) determined to be eligible for the National~~
12 ~~Register of Historic Places by the State Historic Preservation~~
13 ~~Officer, or (c) designated as an individual landmark or heritage~~
14 ~~preservation site by a municipality or located within a designated~~
15 ~~landmark or heritage preservation district. or structure (a) that is~~
16 ~~listed in the state or National Register of Historic Places, (b) that~~
17 ~~is designated as a historic property under local or state designation~~
18 ~~law or survey, (c) that is certified as a contributing resource with~~
19 ~~a National Register-listed or locally designated historic district,~~
20 ~~or (d) with an opinion or certification that the property is eligible~~
21 ~~to be listed on the state or National Register of Historic Places~~
22 ~~either individually or as a contributing building to a historic~~
23 ~~district by the State Historic Preservation Officer or the Keeper of~~
24 ~~the National Register of Historic Places.~~

25 Sec. 9. Section 81-1616, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 81-1616 For purposes of insuring compliance with section
3 81-1614:

4 (1) The office, or its authorized agent, may conduct such
5 inspections and investigations as are necessary to make a
6 determination pursuant to section 81-1625 and may issue an order
7 containing and resulting from the findings of such inspections and
8 investigations; and

9 (2) A building owner may submit a written request that
10 the office undertake a determination pursuant to subdivision (1) of
11 this section. Such request shall include a list of reasons why the
12 building owner believes such a determination is necessary.

13 A building owner aggrieved by the office's determination,
14 or refusal to make such determination, may appeal such determination
15 or refusal as provided in the Administrative Procedure Act.

16 The office may charge an amount sufficient to recover the
17 costs of providing such determinations.

18 ~~Buildings located in a county, city, or village which has~~
19 ~~adopted the Nebraska Energy Code or equivalent code pursuant to~~
20 ~~section 81-1618, and constructed after the adoption of such code,~~
21 ~~shall be exempt from the provisions of this section.~~

22 Sec. 10. Section 81-1618, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-1618 Any county, city, or village may adopt and
25 enforce a lighting and thermal efficiency ordinance, resolution,

1 code, or standard. Such ordinance, resolution, code, or standard
2 shall be deemed equivalent to the Nebraska Energy Code if it does not
3 result in energy consumption greater than would result from the
4 strict application of the Nebraska Energy Code and is reasonably
5 consistent with the intent of sections 81-1608 to 81-1626. Any
6 building or portion thereof subject to the jurisdiction of and
7 inspected by such county, city, or village shall be deemed to comply
8 with sections 81-1608 to 81-1626 if it meets the standards of such
9 ordinance, resolution, code, or standards. Such county, city, or
10 village may by ordinance or resolution prescribe a schedule of fees
11 sufficient to pay the costs incurred pursuant to sections 81-1608 to
12 81-1626.

13 Any county, city, or village which adopts and enforces a
14 lighting and thermal efficiency ordinance, resolution, code, or
15 standard may waive a specific requirement of the Nebraska Energy Code
16 when meeting such requirement is not economically justified. The
17 local code authority shall submit to the State Energy Office its
18 analysis for determining that a specific requirement is not
19 justified. The State Energy Office shall review such analysis and
20 transmit its findings and conclusions to the local code authority
21 within a reasonable time. The local code authority shall submit to
22 the State Energy Office its explanation as to how the original code
23 or any revised code addresses the issues raised by the State Energy
24 Office. ~~After a~~ Following written approval by the State Energy Office
25 of the explanation submitted by the local code authority, ~~has~~

1 ~~submitted such explanation,~~ the authority may proceed to enforce its
2 ordinance, resolution, code, or standard.

3 Sec. 11. Section 81-1620, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-1620 The State Energy Office shall establish a
6 ~~continuing training~~ program to provide initial technical assistance
7 to local code officials and residential and commercial builders upon
8 adoption and implementation of a new Nebraska Energy Code. The
9 program shall include the training of local code officials in
10 building technology and local enforcement procedure related to
11 implementation of the Nebraska Energy Code and the development of
12 training programs suitable for presentation by local governments,
13 educational institutions, and other public or private entities.
14 Subsequent requests for training shall be fulfilled at a fee that
15 pays for the State Energy Office's costs for such training.

16 Sec. 12. Original sections 72-804, 72-805, 72-806,
17 81-1608, 81-1609, 81-1611, 81-1614, 81-1615, 81-1616, 81-1618, and
18 81-1620, Reissue Revised Statutes of Nebraska, are repealed.