

LEGISLATIVE BILL 2

Approved by the Governor February 9, 1981

Introduced by Lamb, 43; F. Lewis, 45

AN ACT to amend sections 81-1612, 81-1614, 81-1617, and 81-1618, Revised Statutes Supplement, 1980, relating to the State Energy Office; to correct internal references; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-1612, Revised Statutes Supplement, 1980, be amended to read as follows:

81-1612. On or before January 1, 1981, the State Energy Office, subject to approval of the board, shall adopt and promulgate rules and regulations for implementation and administration of ~~this--act~~ sections 81-1603 to 81-1626. Such rules and regulations shall include, but not be limited to, procedures to be used: (1) By the office to insure compliance with ~~this--act~~ sections 81-1608 to 81-1626; (2) by prime contractors to certify compliance with standards adopted pursuant to ~~this--act~~ sections 81-1603 to 81-1626; (3) to appeal a determination of noncompliance with the standards; and (4) to request an equivalency determination. Rules, regulations, or amendments thereto shall be adopted pursuant to Chapter 84, article 9, subject to approval by the board.

Sec. 2. That section 81-1614, Revised Statutes Supplement, 1980, be amended to read as follows:

81-1614. The Nebraska Building Energy Conservation Standard or equivalent standard adopted by the office under sections 81-1603 to 81-1626 ~~this--act~~ shall apply to:

(1) New residential buildings on which construction is initiated on or after April 1, 1981, except that the Director of the State Energy Office may extend such date of application to a date not later than October 1, 1981, if the director determines that such extension is necessary to assist persons in being able to comply with the standards; and

(2) All other new buildings, or renovations of or additions to any existing buildings, on which construction is initiated on or after January 1, 1982, except that the director may extend such date of

application to a date not later than July 1, 1982, if the director determines that such extension is necessary to assist persons in being able to comply with the standards.

Sec. 3. That section 81-1617, Revised Statutes Supplement, 1980, be amended to read as follows:

81-1617. The State Energy Office and any local code authority may conduct inspections and investigations necessary to enforce the Nebraska Building Energy Conservation Standard or equivalent standard adopted by the office and may, at reasonable hours, enter into any building and upon any premises within its jurisdiction for the purpose of examination to determine compliance with ~~this act sections 81-1608 to 81-1626~~. Inspections shall be conducted only after permission has been granted by the owner or occupant or after a warrant has been issued pursuant to sections 29-830 to 29-835.

Sec. 4. That section 81-1618, Revised Statutes Supplement, 1980, be amended to read as follows:

81-1618. Any county, city, or village may adopt and enforce a lighting and thermal efficiency ordinance, resolution, or standard. Such ordinance, resolution, or standard shall be approved by the office prior to enforcement. The office shall approve the ordinance, resolution, or standard if it finds that it (1) would not result in energy consumption greater than would result from the strict application of the Nebraska Building Energy Conservation Standard, (2) is reasonably consistent with the intent of ~~this act sections 81-1608 to 81-1626~~, (3) provides for the inspection of buildings, and (4) provides enforcement procedures comparable to those provided in sections 81-1608 to 81-1626. Such approval may be revoked by the office for cause upon thirty days' notice after a hearing. Any building or portion thereof subject to the jurisdiction of, and inspected by such county, city, or village shall be deemed to comply with sections 81-1608 to 81-1626 if it meets the standards of such ordinance, resolution, or standards. Such county, city, or village may by ordinance or resolution prescribe a schedule of fees sufficient to pay the costs incurred pursuant to sections 81-1608 to 81-1626. Such fees shall not exceed twenty-five dollars for residential buildings nor one cent per gross square foot for any other building.

Sec. 5. That original sections 81-1612, 81-1614, 81-1617, and 81-1618, Revised Statutes Supplement, 1980, are repealed.