

LEGISLATIVE BILL 329

Approved by the Governor April 14, 2011

Introduced by Cook, 13; Mello, 5.

FOR AN ACT relating to the State Energy Office; to amend sections 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, 81-1614, 81-1615, 81-1616, and 81-1620, Reissue Revised Statutes of Nebraska; to update references to the International Energy Conservation Code; to change provisions relating to the Nebraska Energy Code; and to repeal the original sections.

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

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

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

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

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

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

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

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

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

72-805 The ~~2003~~ 2009 International Energy Conservation Code applies to all new buildings constructed in whole or in part with state funds after ~~July 1, 2005,~~ the effective date of this act. The State Energy Office shall review building plans and specifications necessary to determine whether a building will meet the requirements of this section. The State Energy Office shall provide a copy of its review to the agency receiving funding. The agency receiving the funding shall verify that the building as constructed meets or exceeds the code. The verification shall be provided to the State Energy Office. The State Energy Office shall, in consultation with the State Building Administrator of the Department of Administrative Services, adopt and promulgate rules and regulations to carry out this section.

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

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

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

81-1608 The Legislature finds that consumers have an expectation that newly built houses or buildings they buy meet uniform energy efficiency standards. Therefore, the Legislature finds that there is a need to adopt the ~~2003~~ 2009 International Energy Conservation Code in order (1) to ensure that a minimum energy efficiency standard is maintained throughout the state, (2) to harmonize and clarify energy building code statutory references, (3) to ensure compliance with the National Energy Policy Act of 1992, (4) to increase energy savings for all Nebraska consumers, especially low-income Nebraskans, (5) to reduce the cost of state programs that provide assistance to low-income Nebraskans, (6) to reduce the amount of money expended to import energy, (7) to reduce the growth of energy consumption, (8) to lessen the need for new power plants, and (9) to provide training for local code officials and residential and commercial builders who implement the ~~2003~~ 2009 International Energy Conservation Code.

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

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

(1) Office means the State Energy Office;

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

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

(4) Building means any new structure, renovated building, or addition which provides facilities or shelter for public assembly, educational, business, mercantile, institutional, warehouse, or residential occupancies, as well as those portions of factory and industrial facilities which are used primarily for human occupancy, such as office space, is used or intended for supporting or sheltering any use or occupancy, but not including any structure which has a consumption of traditional energy sources for all purposes not exceeding the energy equivalent of three and four-tenths British Thermal Units per hour or one watt per square foot;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Any building ~~(a) listed on the National Register of Historic Places, (b) determined to be eligible for the National Register of Historic Places by the State Historic Preservation Officer, or (c) designated as an individual landmark or heritage preservation site by a municipality or located within a designated landmark or heritage preservation district.~~ (a) that is listed on the state or National Register of Historic Places, (b) that is designated as a historic property under local or state designation law or survey, (c) that is certified as a contributing resource with a National Register-listed or locally designated historic district, or (d) with an opinion or certification that the property is eligible to be listed on

the state or National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

Sec. 9. Section 81-1616, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

Sec. 10. Section 81-1620, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 11. Original sections 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611, 81-1614, 81-1615, 81-1616, and 81-1620, Reissue Revised Statutes of Nebraska, are repealed.