

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 55

Introduced by Mello, 5.

Read first time January 06, 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, and
3 81-1614, Reissue Revised Statutes of Nebraska; to update
4 references to the International Energy Conservation Code;
5 to harmonize provisions; and to repeal the original
6 sections.

7 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, but not including any structure which has a
3 consumption of traditional energy sources for all purposes not
4 exceeding the energy equivalent of one watt per square foot;

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

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

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

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

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

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

25 (11) Equivalent or equivalent code means standards that

1 meet or exceed the requirements of the Nebraska Energy Code.

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

4 81-1611 The Legislature hereby adopts the ~~2003—~~2009
5 International Energy Conservation Code as the Nebraska Energy Code.
6 The State Energy Office may adopt regulations specifying alternative
7 standards for building systems, techniques, equipment designs, or
8 building materials that shall be deemed equivalent to the Nebraska
9 Energy Code. Regulations specifying alternative standards may be
10 deemed equivalent to the Nebraska Energy Code and may be approved for
11 general or limited use if the use of such alternative standards would
12 not result in energy consumption greater than would result from the
13 strict application of the Nebraska Energy Code.

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

16 81-1614 The Nebraska Energy Code shall apply to all new
17 buildings, or renovations of or additions to any existing buildings,
18 on which construction is initiated on or after ~~July 1, 2005.~~ the
19 effective date of this act.

20 Sec. 8. Original sections 72-804, 72-805, 72-806,
21 81-1608, 81-1609, 81-1611, and 81-1614, Reissue Revised Statutes of
22 Nebraska, are repealed.