

Introduced by

1 A BILL for an Act to amend and reenact sections 54-21.2-03 and 54-21.2-04 of the North
2 Dakota Century Code, relating to energy conservation standards in new building construction.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-21.2-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-21.2-03. Energy conservation standards.** The standards for energy conservation
7 in new building construction, for thermal design conditions and criteria for buildings, and for
8 adequate thermal resistance in regard to the design and selection of mechanical, electrical
9 service, and illumination systems and equipment which will enable the effective use of energy in
10 new buildings, must at least equal the International Energy Conservation Code based on the
11 2006 edition, as published by the International Code Council of American Building Officials
12 ~~Model Energy Code, 1989 Edition.~~ The department of commerce shall adopt rules to
13 implement, update, and amend the Model Energy Code state energy conservation standards.

14 **SECTION 2. AMENDMENT.** Section 54-21.2-04 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **54-21.2-04. Inspections.** All construction or work ~~for which a permit is required~~
17 ~~pursuant to section 11-33-18, subsection 6 of section 40-05-02, or other similar grant of~~
18 ~~authority is subject to inspection by the local building inspector. The governing body of a city,~~
19 ~~county, or township that elects to administer and enforce an energy conservation standard shall~~
20 ~~adopt and enforce the state energy conservation standards. The state energy conservation~~
21 ~~standards may be amended by cities, counties, and townships to conform to local needs. No~~
22 ~~construction may be covered without inspection approval, and there must be a final inspection~~
23 ~~on all buildings when completed and ready for occupancy. The building inspector may cause~~

- 1 ~~any structure to be reinspected~~ subject to this chapter must be inspected in accordance with
- 2 section 105 of the International Energy Conservation Code.

NOTE: Section 2 of the bill draft requires inspection in accordance with Section 105 of the International Energy Conservation Code. As a result of North Dakota Supreme Court cases construing unlawful delegation of legislative authority, a statutory reference to a provision adopted by any other entity (except for the federal Internal Revenue Code) adopts that provision as it is in effect on the date of enactment of the statute (in this case, August 1, 2009) and not any future revision of the referenced material.