

AMENDMENTS TO LB205

Introduced by McDonnell, 5.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 71-6403, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 71-6403 (1) There is hereby created the state building code. The
6 Legislature hereby adopts by reference:

7 (a) The International Building Code (IBC), chapter 13 of the 2021
8 edition, and all but such chapter of the 2018 edition, except section
9 101.4.3 and chapter 29, published by the International Code Council,
10 except that (i) section 305.2.3 applies to a facility having twelve or
11 fewer children and (ii) section 310.4.1 applies to a care facility for
12 twelve or fewer persons;

13 (b) The International Residential Code (IRC), chapter 11 of the 2021
14 edition, and all but such chapter of the 2018 edition, except section
15 R313 and chapters 25 through 33, published by the International Code
16 Council;

17 (c) The International Existing Building Code, 2018 edition, except
18 section 809, published by the International Code Council; and

19 (d) The Uniform Plumbing Code, 2018 edition, designated by the
20 American National Standards Institute as an American National Standard.

21 (2) The codes adopted by reference in subsection (1) of this section
22 and the minimum standards for radon resistant new construction adopted
23 under section 76-3504 shall constitute the state building code except as
24 amended pursuant to the Building Construction Act or as otherwise
25 authorized by state law.

26 Sec. 2. Section 71-6406, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

1 71-6406 (1)(a) Any county, city, or village may enact, administer,
2 or enforce a local building or construction code if or as long as such
3 county, city, or village:

4 (i) Adopts the state building code; or

5 (ii) Adopts a building or construction code that conforms generally
6 with the state building code.

7 (b) If a county, city, or village does not adopt a code as
8 authorized under subdivision (a) of this subsection within two years
9 after an update to the state building code, the state building code shall
10 apply in the county, city, or village, except that such code shall not
11 apply to construction on a farm or for farm purposes.

12 (2) A local building or construction code shall be deemed to conform
13 generally with the state building code if it:

14 (a) Adopts a special or differing building standard by amending,
15 modifying, or deleting any portion of the state building code in order to
16 reduce unnecessary costs of construction, increase safety, durability, or
17 efficiency, establish best building or construction practices within the
18 county, city, or village, or address special local conditions within the
19 county, city, or village;

20 (b) Adopts any supplement, new edition, appendix, or component or
21 combination of components of the state building code;

22 (c) Adopts any of the following:

23 (i) Chapter 13 of the 2021 edition of the International Building
24 Code;

25 (ii) ~~(i)~~ Section 305 or 310 of the 2018 edition of the International
26 Building Code without the exceptions described in subdivision (1)(a) of
27 section 71-6403;

28 (iii) ~~(ii)~~ Section 101.4.3 or any portion of chapter 29 of the 2018
29 edition of the International Building Code;

30 (iv) Chapter 11 of the 2021 edition of the International Residential
31 Code;

1 (v) ~~(iii)~~ Section R313 or any portion of chapters 25 through 33 of
2 the 2018 edition of the International Residential Code; or

3 (vi) ~~(iv)~~ Section 809 of the 2018 edition of the International
4 Existing Building Code;

5 (d) Adopts a plumbing code, an electrical code, a fire prevention
6 code, or any other standard code as authorized under section 14-419,
7 15-905, 18-132, or 23-172;

8 (e) Adopts a local energy code as authorized under section 81-1618;
9 or

10 (f) Adopts minimum standards for radon resistant new construction
11 which meet the minimum standards adopted under section 76-3504.

12 (3) A local building or construction code shall not be deemed to
13 conform generally with the state building code if it:

14 (a) Includes a prior edition of any component or combination of
15 components of the state building code; or

16 (b) Does not include minimum standards for radon resistant new
17 construction that meet the minimum standards adopted under section
18 76-3504.

19 (4) A county, city, or village shall notify the Department of
20 Environment and Energy if it amends or modifies its local building or
21 construction code in such a way as to delete any portion of (a) chapter
22 13 of the 2021 ~~2018~~ edition of the International Building Code or (b)
23 chapter 11 of the 2021 ~~2018~~ edition of the International Residential
24 Code. The notification shall be made within thirty days after the
25 adoption of such amendment or modification.

26 (5) A county, city, or village shall not adopt or enforce a local
27 building or construction code other than as provided by this section.

28 (6) A county, city, or village which adopts or enforces a local
29 building or construction code under this section shall regularly update
30 its code. For purposes of this section, a code shall be deemed to be
31 regularly updated if the most recently enacted state building code or a

1 code that conforms generally with the state building code is adopted by
2 the county, city, or village within two years after an update to the
3 state building code.

4 (7) A county, city, or village may adopt amendments for the proper
5 administration and enforcement of its local building or construction code
6 including organization of enforcement, qualifications of staff members,
7 examination of plans, inspections, appeals, permits, and fees. Any
8 amendment adopted pursuant to this section shall be published separately
9 from the local building or construction code. Any local building or
10 construction code adopted under subdivision (1)(a) of this section or the
11 state building code if applicable under subdivision (1)(b) of this
12 section shall be the legally applicable code regardless of whether the
13 county, city, or village has provided for the administration or
14 enforcement of its local building or construction code under this
15 subsection.

16 (8) A county, city, or village which adopts one or more standard
17 codes as part of its local building or construction code under this
18 section shall keep at least one copy of each adopted code, or portion
19 thereof, for use and examination by the public in the office of the clerk
20 of the county, city, or village prior to the adoption of the code and as
21 long as such code is in effect.

22 (9) Notwithstanding the provisions of the Building Construction Act,
23 a public building of any political subdivision shall be built in
24 accordance with the applicable local building or construction code. Fees,
25 if any, for services which monitor a builder's application of codes shall
26 be negotiable between the political subdivisions involved, but such fees
27 shall not exceed the actual expenses incurred by the county, city, or
28 village doing the monitoring.

29 Sec. 3. Section 72-804, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 72-804 (1) Any new state building shall meet or exceed the

1 requirements of the 2021 ~~2018~~ International Energy Conservation Code
2 published by the International Code Council.

3 (2) Any new lighting, heating, cooling, ventilating, or water
4 heating equipment or controls in a state-owned building and any new
5 building envelope components installed in a state-owned building shall
6 meet or exceed the requirements of the 2021 ~~2018~~ International Energy
7 Conservation Code.

8 (3) The State Building Administrator of the Department of
9 Administrative Services, in consultation with the Department of
10 Environment and Energy, may specify:

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

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

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

19 Sec. 4. Section 72-805, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:

21 72-805 The 2021 ~~2018~~ International Energy Conservation Code,
22 published by the International Code Council, applies to all new buildings
23 constructed in whole or in part with state funds after the effective date
24 of this act ~~July 1, 2020~~. The Department of Environment and Energy shall
25 review building plans and specifications necessary to determine whether a
26 building will meet the requirements of this section. The department shall
27 provide a copy of its review to the agency receiving funding. The agency
28 receiving the funding shall verify that the building as constructed meets
29 or exceeds the code. The verification shall be provided to the
30 department. The Director of Environment and Energy may, in consultation
31 with the State Building Administrator of the Department of Administrative

1 Services, adopt and promulgate rules and regulations to carry out this
2 section.

3 Sec. 5. Section 72-806, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 72-806 The enforcement provisions of Chapter 1 of the 2021 ~~2018~~
6 International Energy Conservation Code, published by the International
7 Code Council, shall not apply to buildings subject to section 72-804.

8 Sec. 6. Section 81-1608, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 81-1608 The Legislature finds that consumers have an expectation
11 that newly built houses or buildings they buy meet uniform energy
12 efficiency standards. Therefor, the Legislature finds that there is a
13 need to adopt the 2021 ~~2018~~ International Energy Conservation Code,
14 published by the International Code Council, in order (1) to ensure that
15 a minimum energy efficiency standard is maintained throughout the state,
16 (2) to harmonize and clarify energy building code statutory references,
17 (3) to ensure compliance with the federal Energy Policy Act of 1992, (4)
18 to increase energy savings for all Nebraska consumers, especially low-
19 income Nebraskans, (5) to reduce the cost of state programs that provide
20 assistance to low-income Nebraskans, (6) to reduce the amount of money
21 expended to import energy, (7) to reduce the growth of energy
22 consumption, (8) to lessen the need for new power plants, and (9) to
23 provide training for local code officials and residential and commercial
24 builders who implement the 2021 ~~2018~~ International Energy Conservation
25 Code.

26 Sec. 7. Section 81-1611, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 81-1611 The Legislature hereby adopts the 2021 ~~2018~~ International
29 Energy Conservation Code published by the International Code Council as
30 the Nebraska Energy Code. The Director of Environment and Energy may
31 adopt regulations specifying alternative standards for building systems,

1 techniques, equipment designs, or building materials that shall be deemed
2 equivalent to the Nebraska Energy Code. Regulations specifying
3 alternative standards may be deemed equivalent to the Nebraska Energy
4 Code and may be approved for general or limited use if the use of such
5 alternative standards would not result in energy consumption greater than
6 would result from the strict application of the Nebraska Energy Code.

7 Sec. 8. Section 81-1614, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 81-1614 The Nebraska Energy Code shall apply to all new buildings,
10 or renovations of or additions to any existing buildings, on which
11 construction is initiated on or after the effective date of this act July
12 1, 2020.

13 Sec. 9. Original sections 71-6403, 71-6406, 72-804, 72-805, 72-806,
14 81-1608, 81-1611, and 81-1614, Revised Statutes Cumulative Supplement,
15 2022, are repealed.