

Transcript Prepared by Clerk of the Legislature Transcribers Office
Urban Affairs Committee February 13, 2018

SENATOR HANSEN: Perfect. All right, good afternoon, everyone. My name is State Senator Matt Hansen and I am the Vice Chair representing District 26 in northeast Lincoln. Senator Wayne is going to be here in a bit but I will start the hearing until he gets there. We'll begin-- we'll start off by having members of the committee do self-introductions starting all the way on my right with Senator Howard.

SENATOR HOWARD: I'm Senator Sarah Howard, I represent District 9 in midtown Omaha.

SENATOR RIEPE: I'm Merv Riepe. I represent District 12, which is Omaha, Millard, and Ralston.

TREVOR FITZGERALD: Trevor Fitzgerald, committee legal counsel.

SENATOR QUICK: Dan Quick, District 35 in Grand Island.

SENATOR CRAWFORD: Good afternoon. Sue Crawford, District 45, eastern Sarpy County.

PRECIOUS MCKESSON: Precious McKesson, committee clerk.

SENATOR HANSEN: Thank you. Also assisting the committee today is our committee page Claudia Granillo who is a political science major at UNO. This afternoon we will be hearing a series of bills and we'll be taking them up in the order listed outside the room. On each of the tables in the back of the room you will find blue testifier sheets. If you are planning to testify today, please fill out one and hand it to Precious when you come up. This will help us keep an accurate record of the hearing. Please note that if you want to-- wish to have your position listed on the committee statement for particular bill you must testify in that position during the hearing. If you do not wish to testify, but would like to record your position on a bill, please fill out the pink sheets in the back of the room. Also I would like to note the Legislature's new policy that all letters for the record must be received by the committee for by 5:00 p.m. the day prior to the hearing. Any handouts submitted by testifiers will also be included as part of the record as exhibits. We would ask that if you do have any handouts that you please bring ten copies and give them to the page. If you need additional copies the page can help you make more. Testimony for each bill will begin with the introducer's opening statement, after the opening statement we will hear from supporters of

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the bill, then from opposition, followed by anybody who wishes to speak in a neutral capacity. The introducer the bill will then be given the opportunity to make closing statements if they wish to do so. We ask that you begin your testimony by giving us your first and last name and spelling them both for the record. We'll be using a four-minute light system today. When you begin your testimony the light on the table will turn green, the yellow light is a one minute warning, and the red light comes on that will be the end of your time and we will ask you to wrap up your final thoughts. I would remind everyone, including Senators as well, to please turn off your cell phones or put them on vibrate. And with that we'll start the hearing. And we will begin today with LB709 by Senator Baker.

SENATOR BAKER: Thank you, Vice Chair Hansen and members of Urban Affairs Committee. This is the first time I've ever been in front of this committee. Looks like it will be the last time also. So I'm here to introduce LB709, and what you have in front of you is a white copy bill. This bill was brought to me by the Beatrice city administrator, and is meant to update the statutes as it relates to plumbing boards. The bill does the following: one, it eliminates the requirements for two separate plumbing boards and allows the city to have just one board; two, it lengthens a term of office for the plumbers on the board from three years to four years; three, it eliminates the requirement that a plumbing board be appointed in August of each year; four, it eliminates the requirement that plumbing board meets every two weeks and allows them to meet at least once a year and more often at the call of the chair; five, the fee for a plumbing license would now be set by the city council. Current state law sets the fee at \$1 for annual license. Six, it establishes the penalty as a misdemeanor, so the fine to be not more than \$500 and not less than \$50. Since the bill's introduction on January 3, a few more suggestions have been made to clean up obsolete language in the bill. Suggestions by the legal counsel of this committee inserts "plumbing" before the word "board" in each case and strikes out-- strikes "outside the corporate limits" and inserts "extraterritorial" as it relates to that jurisdiction. And there are also a few other changes by Bill Drafters to harmonize the language. Also a representative from the AFLCO, representing the plumbers union, raised a few points. In the green copy of LB709, Section 6, 18-1909, there was a one or two-year license renewal. The bill struck the one-year option. The union would like to see one-year option stay in and leave it up to the local plumbing board. So no changes were needed at 18-1909. A new Section 6 was inserted to allow for requirements for continuing education before

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the license can be renewed. This is something that Lincoln and Omaha already have in place. The new language is covered in 18-1908 in Section 6. Lastly, in Section 7, it is pointed out the old language has license fees remitted to the treasurer of the school district. Now these fees would go to the city or village treasurer. With that, I conclude my opening remarks and would answer any question, but advise you that people behind would be better equipped to answer those questions.

SENATOR HANSEN: Sure. Thank you, Senator Baker. Are there any questions? Seeing none, you're off the hook. All right, we will take a first proponent for LB709.

TOBIAS TEMPELMEYER: Hi, I'm Tobias Tempelmeyer, T-o-b-i-a-s, last name Tempelmeyer, T-e-m-p-e-l-m-e-y-e-r. I am the city administrator for Beatrice, Nebraska. And as Senator Baker stated in his introduction, I am the one who is responsible for this matter. I do appreciate everybody's time today, and I do realize that the plumbing board is probably not anything that any one of you when you were running for election thought you'd be dealing with or Trevor ever think he'd have to try to figure out how they work. But they're a real issue out there that the city faces. And it's one of those we're trying to make sure that we follow state statute and go through everything. And as we got to dealing with it we learned that if you read the current state codes they're very burdensome and very complex and confusing. And they're difficult to follow from one to the next. And so all we're trying to do here is clean those things up, make it a little easier to follow. I think Senator Baker did a great job outlining kind of what the key points are. You might ask why we want to separate two boards. Beatrice, Nebraska, can only have so many plumbers. And to have two separate boards and ask these guys to meet, and if you read through the current statute they have to be, you know, on one board or the other. You know, we just don't have enough plumbers to have two separate boards. And I think a lot of cities are in our same position, and so it makes sense just to have one board. You know, the next one about meeting every two weeks. There are times our city council doesn't meet for two weeks. Let alone does the plumbing board need to meet in Beatrice. Now there are other communities that that may work for them. That's wonderful and we want to be that option in there for them, but for Beatrice and many other towns our size that just doesn't work for us. There's not enough changing in the plumbing world that we need to meet every two weeks to have those conversations. And then outside of that, I think Trevor did a wonderful job cleaning up the

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rest of the language in there and just making it more modernized. And so with that, I would answer any questions you may have.

SENATOR HANSEN: Great, thank you. Are there questions? Senator Riepe.

SENATOR RIEPE: Chairman Hansen, thank you. My question is this, what was the driving force to go from the three years to the four?

TOBIAS TEMPELMEYER: Again, I think it's just most every other appointed position we have out there is four years. I think if you read through state statute everybody else serves about a four-year term, generally equal to that of the mayor. And so it made sense just to kind have lined them all up and have them be the same throughout the process.

SENATOR RIEPE: I assume you don't have term limits either.

TOBIAS TEMPELMEYER: No. We usually have the opposite problem, people want to get off. And we can't let them because we don't have anybody to fill the position.

SENATOR RIEPE: You have term entrapment.

TOBIAS TEMPELMEYER: That's right.

SENATOR RIEPE: Okay, thank you. Thank you, Mr. Chairman.

SENATOR HANSEN: Thank you, senator. Senator Crawford.

SENATOR CRAWFORD: Thank you, Vice Chair Hansen. And thank you for being here to talk about how this impacts your city of Beatrice. Could you talk a little bit about one of the changes in the bill, excuse me, one of the changes in the bill is changing the amount of fines for violation of plumbing board statutes. Could you talk just a little bit about what the most common penalties would be? What common infractions would it be that those fines would be assessed? Are those fines for plumbers or fines-- ?

TOBIAS TEMPELMEYER: I believe the way it's written it would be a criminal matter if you were out doing plumbing work without having a plumbing license. It would be a criminal matter, you'd get a complaint filed against you in your local county court. General fine is probably about \$50, court costs would be another \$49. I can tell you in the ten-plus years I've been in Beatrice we have never, ever cited anybody for plumbing without a license. So I mean it's very rarely to occur,

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at least in smaller communities. But that would be the type of penalty you have out there.

SENATOR CRAWFORD: All right. Thank You. Just a follow up question. So another question another provision is about how often the plumbing board meets. Is a plumbing board meeting necessary for any kind of permits?

TOBIAS TEMPELMEYER: No.

SENATOR CRAWFORD: Or is it just to change the rules for permits?

TOBIAS TEMPELMEYER: Our plumbing board just meets to discuss, I see you have the international building codes here in front of you. When we look to adopt certain changes to those provisions we'll bring the plumbing court in, ask them about those recommendations they would make. But no, we don't have them meet to review a certain plumbing permit that's issued. None of those type of things.

SENATOR CRAWFORD: It's just about the rules, so it's not in any way making it more difficult for citizens to get their permits that they need for the future. Thank you.

TOBIAS TEMPELMEYER: None at all.

SENATOR HANSEN: Thank you, senator. Seeing no other questions, thank you for coming down.

TOBIAS TEMPELMEYER: Thank you. All right, we'll take our next proponent to LB709.

CHRISTY ABRAHAM: Making a good impression on my last day. Hello Senator Hansen and members of the committee. My name is Christy Abraham, C-h-r-i-s-t-y A-b-r-a-h-a-m. I'm here representing the League of Nebraska Municipalities. And the first thing I want to do is thank Senator Baker and his staff for introducing this bill and for working with us on it. This bill was brought to the league legislative committees for the reasons that Mr. Tempelmeyer outlined for you. These statutes can be a bit antiquated and outdated and confusing and so it was brought to the league legislative committees to look at it and review it. Our board unanimously agreed to support this piece of legislation. I think the first thing that our committee singled in on was the issue of having the plumbing boards meet every two weeks. And I think what we determined is maybe that wasn't happening in all communities. And so that was changed to allow a bit more flexibility.

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You have to meet at least once a year, you can meet more often at the call of the chair. But you don't need to meet every two weeks. And as Senator Baker will tell you, it seems the more we dig into these statutes the more sort of clean-up things needed to be done. And so I did want to mention the league is very supportive of the white copy amendment that you have in front of you. There again, a bunch of technical changes made. One that's a little more substantive is that issue of reinstating the language that allows for licenses to be either one year or two years. That was something that was brought up to us as a concern and so that the white copy amendment reinstates that language. So again, thanks to Senator Baker and your staff, and I'm happy to answer any questions you might have.

SENATOR HANSEN: Thank you. Are there questions from the committee? Saying none, thanks for coming down.

CHRISTY ABRAHAM: Thanks so much.

SENATOR HANSEN: All right, we'll take any other proponents.

JAY DAVIS: Good afternoon, Senator Hansen, members. Pleasure to see you all again. My name is Jay, J-a-y, Davis, D-a-v-i-s, assistant planning director and superintendent of the permits and inspection division for the city of Omaha. We support the bill as it's now going through. We are a jurisdiction that does meet twice a week, mostly because of the number of licenses that we have. Our board also is responsible for enforcement of issues where tradesman aren't doing what they're supposed to do. Not taking out permits, doing improper work. And because of that, the board can take a person's license for not complying with the city ordinance or the state law. So as such we're pleased with the way it got changed. We are unfortunately going to have our twice-a-month meeting or every-two-week meetings, but that's because of our jurisdiction and our size. We appreciate the cleanup language on some other things like the fees. It's a little tough to explain to city council we can only charge a dollar by state law. So we appreciate that, very much so. And I'm here to answer any other questions. I'll make it short today.

SENATOR HANSEN: Great, thank you. Are there questions for Mr. Davis? Senator Crawford.

SENATOR CRAWFORD: Thank you. And thank you, Vice Chair Hansen. And thank you, Mr. Davis, for being here. Can you talk a little bit about

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what you'd expect to happen with your plumbing board in terms of assessing fees after this bill passes?

JAY DAVIS: Currently-- we're probably not going to change the fee much. How we do it now is we have we use the dollar of state law, but then the badge that they get has a fee attached to it. I don't like the way that's worded and I'm pretty certain our law department doesn't like it that way either. So what we'll go back and do now if it, if the law passes, is we'll reevaluate how we assess the fee, including both the state fee and the city fee at the same time. Again, a point to cover costs and not an overburden on the tradesmen.

SENATOR CRAWFORD: Thank you.

SENATOR HANSEN: Thank you, senator. Any other questions? Thank you, Mr. Davis.

JAY DAVIS: Thank you.

SENATOR HANSEN: All right, any other proponents for LB709? Seeing nobody moving, is there any opposition to LB709? Seeing none, does anybody wish to testify neutral on LB709? Seeing none, Senator Baker would you like to close? And while he's coming up, I will point out we have no letters for the record.

SENATOR BAKER: Well, I'm pleased to see there was no opposition. So that does make this a candidate for the consent agenda. So I would request that you move this thing out next time you exec and obviously vote yes. And we'll try to get on the consent calendar.

SENATOR HANSEN: Perfect.

SENATOR BAKER: Thank you.

SENATOR HANSEN: Any questions? Seeing none. All right, thank you, Senator Baker, for your one and only trip to Urban Affairs. All right, we will close the hearing that LB709 then. And I believe next up is LB767 from Senator Quick.

SENATOR QUICK: Thank you, Chairman Hansen and members of the Urban Affairs Committee. My name is Dan Quick, D-a-n Q-u-i-c-k, and I represent District 35 in Grand Island. I'm here to introduce LB767. LB767 provides for updating the State Building Code. Currently the International Building Code, the International Residential Code, and International Existing Building Code operate under the 2012 edition as

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published by the International Code Council. So LB767 would bring it up to the 2018 code. Now I have passed out an amendment, AM1755, which actually would move it back to the 2015 code, and it would strike all the-- strike any entries of 2018 and insert 2015. LB767 would retain 3 current exemptions contained in the State Building Code as well. First, LB767 would not adopt the Chapter 13 of the 2018 IBC and Chapter 11 of the 2018 IRC, which correspond to the 2018 International Energy Conservation Code or IECC. The current State Energy Code is the 2029 IECC. Second, LB767 also would not adopt the section R313 of the 2018 IRC, which requires that new and one and two-family dwellings and townhouses include a fire sprinkler system. Under the bill the State Building Code would continue to exclude the residential fire sprinkler mandate, but political subdivisions would retain the ability to opt-in to the fire sprinkler mandate. Finally, LB 67 would retain the change to occupancy classifications in 2018 IBC, which relate to in-home daycares and in-home care facilities. Under the bill the occupancy provisions would continue to apply to facilities for or having 12 or fewer occupants. Thank you for hearing the bill today, and I'll answer any questions if I can.

SENATOR HANSEN: Sure, thank you. Are there questions for Senator Quick? Senator Riepe.

SENATOR RIEPE: Thank you, Chairman Hansen. Senator, this may be one that you want to defer to someone who talks a little bit and the-- from the American Chemistry Council, it says: we oppose LB767 continued-- continuation of Nebraska's exclusion of the energy code in that update. And yet in the second edition it says the rest of the act is unchanged, including the 2009 International Energy Conservation Code as state. My reading on it, in one case it's saying we don't like the fact that they haven't updated and the other one says thank you for updating it. Am I confused? Apparently, I am.

SENATOR QUICK: Well, and I don't know if I can answer that question. And maybe they'll be here to testify.

SENATOR RIEPE: Okay.

SENATOR QUICK: Sorry, I can't answer that one.

SENATOR RIEPE: No, well I can't answer it either. So thank you.

SENATOR HANSEN: Thank you, Senator Riepe.

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SENATOR RIEPE: Thank you, Chairman.

SENATOR HANSEN: Senator Crawford.

SENATOR CRAWFORD: Thank you, Senator Hansen. And thank you, Senator Quick. I just want to make sure I understand what the-- what LB767 does in terms of the in-home daycares and in-home facilities. So--

SENATOR QUICK: Well, it won't change under the-- the way it was under 2012 will remain that same way.

SENATOR CRAWFORD: Okay. So it would retain the occupancy classifications from 2012, is that right?

SENATOR QUICK: Yeah. And I think that it's--

SENATOR CRAWFORD: I was just looking at the memo and maybe misreading it or misunderstanding it. It said something about retaining-- retain the change to occupancy classifications of the 2018 IBC. I just wanted to clarify that actually the change we're doing is the change in.

SENATOR QUICK: Okay, that's the last one, right? The-- for the in-home daycares, in-home care, in-home care facilities.

SENATOR CRAWFORD: Or could we refer to counsel?

TREVOR FITZGERALD: If I could, Senator Crawford. The issue with regards to the in-home daycares and in-home care facilities, it would-- the provision would remain the same. There's a change in the section of the code that is referenced in the bill because the section of the code actually moved within the code between the 2018 and 2018 additions. So the policy would remain the same, it's just the section of the code where that provision is referenced moved from one edition to the next.

SENATOR CRAWFORD: Okay. And so facilities that are taking care of 12 or fewer occupants will remain residential?

TREVOR FITZGERALD: Correct.

SENATOR CRAWFORD: Okay, thank you.

SENATOR HANSEN: Thank you, Senator Crawford. Any other questions? All right. Seeing none, thank you, Senator Quick. And we'll move to first proponents, and I will turn it back over to Chairman Wayne.

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SENATOR WAYNE: Go ahead. I just realized that I have to call a judge.

SENATOR HANSEN: I will take back from Senator Wayne, thank you.

SENATOR WAYNE: I saw the 444 number, and that's a judge in Omaha, so.

SENATOR HANSEN: Okay, never mind. We will take our first proponent anyways. Come on up. Welcome.

JAMES HARPER: Senator Hansen, Urban Affairs Committee, my name is James Harper, J-a-m-e-s H-a-r-p-e-r. I live at 4203 Springview Drive, Grand Island, Nebraska, and I am testifying in support or for the original bill. And should I continue at that point? Okay. I did submit a written report yesterday, and I hope you all have it. And it kind of outlines the reasons why I think the 2018 IRC, IBC, and IECC-- IEBC are the codes that the state should operate under. I've always been a believer in using something that's current and well vetted, and I codes certainly are. But I do want to go back and revisit the original Building Construction Act of 1987. And at that time, Senator Wesely prepared that bill. And in that bill we talked about adopting the most current edition of the building code every three years, and it was automatic at that time. Now I realize the automatic update created a problem because it was a legislative function that was being delegated and you can't do that. However, I think the intent of that Legislature was that we stay current because we were doing it every three years and it was their intent that we adopt the codes on a three-year cycle as soon as they become available. So we've kind of fallen away from that concept over the years for whatever reason, because we amended the statute I guess. So I wanted to bring that out that I think it is the intent of our Building Construction Act that we update every three years, if you go back to its origins. Second thing is adopting this-- this does not become effective for two years, so anybody who's operating under an older edition of a code can continue to do it for two more years from whenever this law would become effective. So it seems to me like it gives plenty of time to make the changes, call the code committees that in your city that needs to be convened, and study the next additions of the code. And obviously the Building Construction Act allows a lot of latitude in amending our codes in our cities. So with that, that's my testimony. And I would welcome any questions.

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SENATOR HANSEN: Great, thank you. Are there questions for Mr. Harper? Seeing none, thanks for coming down. All right, we'll take our next proponent for LB67-- LB767.

STEVE NORDHUES: Hello, senators. My name is Steve Nordhues, S-t-e-v-e, Nordhues. N-o-r-d-h-u-e-s. I'm the building official for the city of Norfolk and I'm here today representing the city of Norfolk and the Nebraska Code Officials Association in support of LB767. Senators, this is a bill you've been waiting for. LB767 is the easiest "yes" that you will review this entire legislative session. Quite honestly, there is not a logical or legitimate reason to oppose LB767. The 2018 International Residential Code and the 2018 International Building Code adoption is supported by the National Homebuilders Association, Nebraska Code Officials Association, International Code Council, American Institute of Architects, National Fire Protection Association, Underwriters Laboratories, State Farm Insurance, and numerous other organizations that recognize the value of safe and resilient construction methods. Currently, the state of Nebraska is using an obsolete code for which there is limited technical support in continuing education for contractors as well as code officials. While you may hear from-- while you may hear from some who are opposed to adopting the 2018 code cycle, I would suspect that they do not know what is in it. That is an easy concern to allay: 90 percent of what's in the 2018 international codes are also in the 2012. So there are no big changes here. There are several items that the committee should keep in mind. Once the state-- number one, once the state of Nebraska adopts the 2018 codes, each jurisdiction has two full years to adopt it locally and can amend it as they see fit. So this is not a case where some surprise code change can be sprung on unsuspecting contractors or code officials. And number two, the National Homebuilders Association is very adept and vocal about opposing new bad code amendments. If they were at all unhappy with the 2018 IRC, local Homebuilders Association and Code Officials would have learned about them a long time ago. In closing, I want to reemphasize that moving LB767 forward is the best solution for the construction industry across Nebraska. There's nothing sinister here, nothing to fear. This is merely the first step in getting the state of Nebraska current with today's building codes. This is something that could be done every three years. But realistically the adoption of every other code cycle is more practical and affordable for local jurisdictions due to budget constraints. The 2012 was our last adopted code. Let's

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take the responsible course of action adopt the 2018 IRC and the 2018 IBC in 2018. I will answer any questions.

SENATOR HANSEN: Thank you. Are there questions for Mr. Nordhues? Senator Crawford.

SENATOR CRAWFORD: Thank you. And thank you for being here, Mr. Nordhues, to answer questions. I wonder if you've looked at this carefully. You had mentioned that 90 percent is the same. Could you tell us what you've noticed in that other 10 percent?

STEVE NORDHUES: The one thing I believe that's coming out is like guardrail heights in multi-family is actually going to go down to 36 inches in the 2018, where that 2012 I believe it was still at 42 inches. I'm not-- we just adopted the 12 so I'm not as up-to-date as I should be on that. And one of the reasons for that as well is it's hard to get training on the 2012. We sponsor-- our association sponsors training quarterly for our code official members and ICC is reluctant to go back beyond two code cycles. So the 2012 is getting harder and harder to get training on. If we get up to the 2018 all that training will now be current and that's a big deal for us.

SENATOR CRAWFORD: Is that-- tell me a little bit about that training. Like who provides the training?

STEVE NORDHUES: ICC, International Code Council. We have them come in. We can also have vendors with specific products. A lot of times those folks are able to tell us how those products should be installed or applied and what we should be looking for better than even what, you know, educators from ICC can.

SENATOR CRAWFORD: Okay, thank you.

SENATOR HANSEN: Thank you, Senator Crawford. Any other questions? Seeing none, thanks for coming down.

STEVE NORDHUES: Thank You.

SENATOR HANSEN: All right, we'll take our next proponent.

MARK EVANS: Good afternoon, Senator Hansen, committee members. My name is Mark Evans, M-a-r-k E-v-a-n-s, I am the building inspector in Hastings, Nebraska. I am also the vice president of the Nebraska Code Officials Association and I am here to testify on their behalf. The Nebraska Code Officials Association is a state chapter of the ICC. The

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NCOA is a professional organization for local building inspectors and building officials. These are the people who work in your community to ensure the safety of the places where we live, work, and worship, and relax. The ICC is comprised of these members from all over the country. The ICC is the organization that promulgates the building IBC, IRC, and existing building code, among other codes in the international code family. These codes are developed using a consensus process that allows input into the codes by building product manufacturers, homebuilders, contractors, and other stakeholders in the building industry. While it is a consensus process, votes on the code itself are limited to the code officials employed by local jurisdictions, ensuring that the code is not biased towards a specific product or industry. The codes are updated on a three-year cycle. Regular updates to the building code are important to allow local building officials to recognize advances in technology and new building practices, as well as recognizing changes that relate to our ever-changing world. On February 9th of this year Congress passed and the president signed the-- pardon me, the Bipartisan Budget Act of 2018, which included federal cost share reform incentive, a provision that encourages states to adopt the local-- the latest building codes, incentivizes states to reinvest in the resiliency of their communities, and includes an additional disaster relief fund of nearly \$90 billion. This highlights the importance of disaster premitigation and adopting the latest model building codes. There are over 140 significant changes to the International Building Code and existing building code from the 2015 to the 2018 edition. A few examples of changes are locking arrangements that balance security and safety needs, and educational occupancies incorporating delayed egress locking systems, single number heads are now allowed for prescriptively frame load-bearing walls which help increase the energy efficiency of buildings, storm shelters are now mandated for existing educational occupancies when the additions increase the occupancy by 50 or more persons. And that's the high wind zone of 250 miles an hour, which about half of Nebraska is in. Some of the Residential Building Code changes are the elimination of the requirement for emergency egress windows when the house has a fire sprinkler system installed. And there were some pretty comprehensive changes in deck footing sizing methods as well as deck requirements overall. I would be happy to answer any of your questions regarding LB767 or the I codes. And I would just reiterate that the Nebraska Code Officials Association supports this bill and the update to the 2018 codes. Thank you.

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SENATOR HANSEN: Great, thank you. Are there questions? Senator Crawford.

SENATOR CRAWFORD: Thank you, Vice Chair Hansen. And thank you for being here to share this with us today. Would you have a table that you might be able to share with committee members that summarizes differences in the codes or something like that?

MARK EVANS: The International Code Council does publish a book called the Significant Changes to the IBC. They publish that for each of the codes. I do have a copy here of the IBC significant changes if you would like to review it. You know, some of the things that they consider significant maybe the average person wouldn't consider hugely significant, but they can impact design and construction of the building. And so when-- as Mr. Nordhues pointed out, when we do have training each year we try to at least hit that 2018 IBC and IRC and provide that education to designers, professionals, and building officials.

SENATOR CRAWFORD: So you've identified in storm shelter change that's not residential and then residential not requiring emergency egress windows if you have fire sprinklers and changes in deck-- deck construction.

MARK EVANS: Deck construction, footing sizing, the method to determine the proper sizing for some of those things, led your attachment to the house. They did quite a bit of work in the '15 and in the '18 on deck provisions just because they were seeing a lot of issues with decks, especially older decks failing for various reasons. And they tried to address those issues.

SENATOR CRAWFORD: Any other major category of changes? I know you can't get through the whole--.

MARK EVANS: Yeah, I mean that's challenging. I just picked a few things that I thought were relatable to the committee as far as things that we deal with on a daily basis where that impact is, you know, or close to us like our children.

SENATOR CRAWFORD: Thank you.

MARK EVANS: Okay.

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SENATOR HANSEN: Thank you. Any other questions? Seeing none, thanks for coming down.

JERRY STILMOCK: Mr. Chair, Mr. Vice chair, my name is Jerry Stillmock-- members of the committee, my name is Jerry Stillmock, J-e-r-r-y S-t-i-l-m-o-c-k, testifying on behalf of my clients in the Nebraska State Volunteer Firefighters Association and Nebraska Fire Chiefs Association in support of LB767. It is support with a request for an amendment that the committee consider the full gamut of the International Residential Code, which would incorporate the section R313 for residential sprinklers. That particular section first made its appearance in 2009 in the IRC, the International Residential Code. At that point we stressed the importance of keeping that provision in. The 2012 code again kept the section R313 in and of course then legislation initially in 2009, and then when the 2009 was adopted. And then subsequently after 2012, when 2012 was adopted here at the Legislature, we made similar requests. That of course is to require townhouses for one and two dwelling-- one and two-family dwelling structures to be new structures to use residential sprinklers. Ladies and gentlemen, members, the construction materials of new homes has changed, the construction materials of furniture has changed. The fires burn much more quickly. And for the reasons that we've been before you before asking you to incorporate the full provisions, we ask you to so consider now. As you know, and as Senator Quick announced in its introduction, those items are optional according to the municipalities. At their bequest they would be able to incorporate those items. We're asking you to incorporate those things to save lives and reduce property damage in the full gamut of the International Residential Code. Senators, thank you.

SENATOR HANSEN: Thank you. Are there questions from the committee? Seeing none.

JERRY STILMOCK: Thank you, senators.

DAVE JOHNSON: Good afternoon, Chairman Wayne, Senator Hansen, rest of the committee. My name's Dave, D-a-v-e, Johnson, J-o-h-n-s-o-n. I'm president and owner of Studio 951 Architects, and I'm here today representing the American Institute of Architects Nebraska Chapter. We met last Friday as a government affairs committee and we voted to support the bill as it was written then, and we still support it as it is amended. Short and sweet.

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SENATOR HANSEN: Great, thank you. Questions from the committee? Seeing none, thanks for testifying.

DAVE JOHNSON: Thank you.

SENATOR HANSEN: All right, any further proponents on LB767?

JERRY STANDERFORD: Good afternoon, Chairman Wayne, members of the committee. My name is Jerry Standerford, J-e-r-r-y S-t-a-n-d-e-r-f-o-r-d. I'm a homebuilder from Omaha, Nebraska, manage Sherwood Homes Lane Building Corporation. I'm also here today on behalf of the Metropolitan Omaha Builders Association in support of this bill with the amendment back to the 2015 codes. We feel it's important that we don't jump ahead to the '18. The code cycle is very tough on builders to pick, to review every three years, although we do review every three years and all code officials and others may have education and have the ICC to rely on and trust and to do all that training. This affects every builder, every contractor from Omaha to Scottsbluff to Chapman, Nebraska. Many of them don't have the ability to review, and I would remind you that the IRC and the IBC, when they-- when those first came out in the year 2000 the directive to adopt them was then, and still remains the same, that they're be to be amended at the local level. And although this-- none of this, of this bill, takes away the fact that they can be and should be adopted at the local level. It's very time consuming and it creates a real hardship, especially on the builders who don't have the ability to sit down and go through that without direction, without really close direction. I can say that the 2015, Omaha is going to go to the 2015. Our associations have spent hours and hours reviewing them. We have to take into account too how does that affect the cost of our new construction, how do we continue to provide affordable housing for our buyers? Which it just becomes tougher and tougher every year. So to jump right to the fresh 2018 for us we feel would create a hardship not only for us but for across the state. And I'm happy to answer any questions you might have.

SENATOR HANSEN: Thank you. Are there questions from the committee?

JERRY STANDERFORD: Thanks for your time.

SENATOR HANSEN: Thank you. Next proponent.

RICHARD HAUFFE: Good afternoon. And I appreciate the opportunity to come and speak to you today. My name is Richard, R-i-c-h-a-r-d,

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Hauffe, H-a-u-f-f-e. I work in government affairs, government relations with the International Code Council. I'm a resident of Sioux Falls, South Dakota, and the states that I work in are Nebraska, Iowa, the Dakotas, and Minnesota. I want to just pick up on what Mr. Harper had said earlier about the code development process being done every three years. When I started with ICC back in 2011, and I did not come out of the code world, but trying to understand the arguments of that three-year cycle. And at that time the Great Recession had hit and so that had sort of stopped a lot of that progress as the economy was trying to pick up and create a lot of examination for states and local jurisdictions on this issue. But the best answer I've been able to get from some of those whose hair is a little bit grayer than mine is that that's a-- that's a practice that began in the '70s. Why? Because changes in technology, changes in building materials, new disasters creating the need for change had occurred. And so it had been the wisdom of-- the prevailing wisdom in the United States, and with the three legacy organizations that became the ICC, to do these code changes every three years. We are now in the 21st century. I don't think that product development and new techniques being driven by disasters have really lessened. So we continue to be an organization that produces the codes every three years. We encourage people to adopt codes every three years. That particular feeling is growing on a national level more and more, and I believe it was Mr. Nordhues had started listing the organizations that are part of Build Strong. One is the Coalition for Current Safety Codes. No one's ANCR, and forgive me of what I-- it reflects resiliency in codes. But FEMA has been pushing this because they have to pay for it, disasters. You know, the industry has been pushing for this. You know, there's a lot of people driving the need to get back into the three-year cycle. We've recovered from the recession, but I think more importantly too, and I think the choice being made here today, is do we go with the '18 or the '15. And as Mr. Nordhues had said earlier that 90 percent of the major books there are essentially the same-- yellow light. That, you know, the difference that I've been told, again I'm not a code expert, between '15 and '18 is pretty minor. I think you're going to be looking back on this if you adopt the '15 and bypass the '18 at this point, wondering why you didn't do that, make that jump. Right now, ICC is involved in the development of the 2021 codes. The technology, if you take a snapshot, and the needs that are driven today are going to be in that code. That code is going to be printed in the summer of 2020 for distribution in '21. So in the '18s you're just, you know, run the clock backwards. And you're seeing when snapshots of the needs and the technology were present. And so, you know, if you're going to

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go with the '15s, you just drive that back another three years. I think you have an opportunity to just go ahead and make the leap to the '18s. I think that you'll appreciate that. Thank you very much. If you have any questions, I'd be glad to answer them or defer them. That list by the way, Trevor, I will get to you of the organizations that Steve didn't have enough time to list for distribution.

SENATOR HANSEN: Perfect, thank you. Are there questions from the committee? Seeing none, thanks for coming down.

RICHARD HAUFFE: Thank you kindly for your time.

SENATOR HANSEN: All right. All right, any other proponents for LB767? Seeing none, are there any opponents to LB767?

LENORA ISOM: Good afternoon, senators. First of all, I want to thank you for your service to the great state of Nebraska. I truly appreciate everything that you do. My name is Lenora, L-e-n-o-r-a, Isom, I-s-o-m. I am a building official for a second-class city in the state of Nebraska. I do want to also clarify I am a member of the State Board of Engineers and Architects, however, I am not here today speaking on their behalf. I am speaking solely as representative of myself. I have been listening to the testimony, and I want to talk today about how this affects not first-class cities, not primary cities, not metropolitan cities, which is mostly, you know, who we think about when we talk about building codes. Second-class cities and villages are about 75 percent of our municipalities in the state, especially when you include counties who also have a building code enforcement aspect. Senator Crawford in 2015 passed LB540, which brought us from '09 up to '12. So we got to '12 and '15. When that happened, I called one of your staffers that said well, why is Omaha at '06 if they should have been at '09? Well, there was a legal thing and they had to stay at '06. So there's always reasons why things lag behind. Now I am in a municipality that was-- I've been in this role for three years, this municipality was at the 2003 code. So they were very behind. So I have been working once 2012 passed, I had those three-- those two years to bring us up to '12. And so I've just accomplished that in 2017. So now we talk about a three-year cycle and we're going to go not from '12, you know, originally to '18 or is it '15. So that's a pretty big jump for these smaller municipalities, that when you look at them they don't have a building official. They don't-- they haven't adopted a code. And I know right now they don't have to. But if LB1025 passes and they do, this is going to impact them very greatly. So I want you to think about the financial impact,

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the fiscal note, per se, that this would have for these communities in a time when tax revenues are low and we're already trying to do a lot with a little. So I would just encourage you to think about that and the other 75 percent of the state, that we are trying to grow to this idea of grow Nebraska and not putting, you know, additional hardships on these smaller communities. If LB1025 creates a committee, why not wait a year? Why not wait a year on this? We talked about do we really want to go to '15, and then in a couple of years we're going to run out of support on that one. Why not wait a year, see what happens, bring this us up again next year and go to 2018 next year? You would be one year behind rather than right now we are six years behind. I believe it's a step in the right direction and it gives that committee, if formed, to help you guys figure out that-- to help this committee figure out is this a good idea and which parts that you shouldn't keep. We don't want to pass it so that we can read it. We know that that's not always the best idea. So let's let this committee take a stab at it if that's what happens. They talked about the ICC training, and again, that's great for first-class cities, for metropolitan cities. I don't have many ICC folks, you know, banging down my door in my community of 2,500 people, and I'm sure they're not going to our counties with 800 people or less. So basically I just would encourage you to hold this in committee. And I know it would have to be reintroduced again next year, it can't be a carry-over next year with the long session. But I oppose this today and probably would have a different story in a year. Thank you.

SENATOR HANSEN: All right, thank you.

LENORA ISOM: Any questions?

SENATOR HANSEN: Senator Riepe for a question.

SENATOR RIEPE: Thank you, Chairman Hansen. My question on this is you talked about smaller municipalities, is it primarily the cost of doing it or the complexity, the difficulty of doing it?

LENORA ISOM: Most of these communities don't have a building official, they don't know-- they don't know what the code is.

SENATOR RIEPE: So do they not currently have codes?

LENORA ISOM: They may not. And right now under state law they don't have to. And that's a different conversation that that we'll have next. But the-- if I'm an architect doing the work in that community

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and they don't have a code, I'm already following the state code. So, you know, that takes them out of the puzzle at this point. But I'm just looking at all of these changes kind of collectively and how they're going to impact these small communities. So yeah, there's a cost to buy the books, there's a cost to my time to read the books, there's a cost to educate my counsel on them, there's a cost to educate my planning board on them, there's a cost to make sure that my permit forms say the right thing. I have to update the Web site. If we have any city ordinances we have to go through the process of updating those as well. So, you know, and that all takes manpower. And I'm very fortunate that I get to do this in my community, but I also wear three other hats for them. That's how they can afford to do this. So if you're going to, you know, a community of-- a village of 400 people, they may have a city clerk who is there one day a week. They may have a council who approves a permit and they meet once a month. So I just want you to think about all the levels of, you know, and this is 75 percent of the state that isn't really looking at it the way they look at it in Omaha and Norfolk and other places.

SENATOR RIEPE: What makes it more doable next year than this year?

LENORA ISOM: I would say that the idea with next year, if the committee is formed this year with LB1025, that committee has representation from these smaller class cities. And I don't know if, you know, the state code group has equal representation from those small groups. I'm going to guess that they probably don't because there aren't building officials in those communities. But that committee would include representation from these smaller cities, so they would have a chance to kind of help proactively make these decisions.

SENATOR RIEPE: Okay, thank you. I'm interested in our next witness, if you will, who is coming from a small municipality as well, I think it's Omaha.

[Laughter.]

SENATOR HANSEN: All right. Thank you, Senator Riepe. Senator Crawford.

SENATOR CRAWFORD: Thank you. Thank you, and thank you for being here today. Lenora, I just-- I just want to clarify, I think what you're saying is it's the having to go through the change again is your main

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concern for next year. Do you have any views on the difference between whether it's the '15 or '18?

LENORA ISOM: I think that that if we're going to get into this three-year cycle it's better to go ahead and take the time to figure out, you know, if we know now that '18 just came out. You know, when you went to '12 it was great because it had been out for a while. We knew it, we'd read it, and we know that things-- they are not reinventing the wheel, these codes. There's only 10 percent difference, and it sounded like some of the differences are making things less restrictive which, if we're worried about health, safety, welfare, we have to be up to date for that. Well, we're actually reducing that. So my concern is if we're going to-- if the goal here is to get into a three-year cycle, I think it's better to do that when we're not also finance-- looking at a financial downturn. And these smaller jurisdictions are already trying to do everything they can with the little tax revenue that they're generating. I don't think this is a good time to have to do that. And hopefully things continue to pick up and it'll be more feasible. And get it, you know, get the word out that this is coming again, so get ready for this. Because I won't make all my brochures this year if I know I have to make them again next year.

SENATOR CRAWFORD: Thank you.

SENATOR HANSEN: Thank you. Seeing no other questions, thanks for coming down. All right, we'll take our next opponent.

SENATOR WAYNE: And let me just state for the record, so this is not Judiciary, but in juvenile law when a minor is picked up you have 24 hours to do a detention hearing. And because I represent that minor and they were picked up this morning that's why the judge called me and told me there will be a 2:30 hearing, which he allowed me to do telephone a conference. So I will be exiting, and Trevor, legal counsel, may have to open on my bill, which is extraordinary. I do not believe that legal counsel should open up on my personal bill, but this is an ordinary-- extraordinary situation where I am their attorney and I do have to represent to make sure there's not a detention hearing or there is a detention hearing, but to go do that. So I will be stepping out when my phone buzzes, and it's a 402-444 number, which is a judge. So if anybody that's on the records that's what's going on if in case I can't open. So thank you.

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SENATOR HANSEN: Thank you, Senator Wayne.

JAY DAVIS: Good afternoon again, senators. My name is Jay, J-a-y, Davis, D-a-v-i-s. I'm assistant planning director and basically building official for the city of Omaha. I was a proponent of going to this with 2015 as a code change until my counterpart in Hastings brought something to my attention. I had not read the IRC yet, and I'm probably glad I didn't, but I'm going to point out something that caught my ears very quickly. We have chosen in the state to remove the provisions for fire sprinklers and single-family residential properties. I don't necessarily have a problem with that. As I testified before that in western parts of Nebraska where water is scarce and that may have to take care of the cattle and not the structure, I understand that. But when you reduce the size of an egress window or remove the requirement for an egress window in a bedroom because of a fire sprinkler system, I have a fundamental problem with that. Number one, fire sprinklers do not save lives. I think the Fire Marshal would even agree with me. They do not save lives, they save property. By the time that fire sprinkler goes off there's a good chance that if you're in that room, the smoke is already killed you without any chance to get out of there. And I will tell you that the \$75 that the contractor can save on that money on that window by not going to an egress window, for every one they have to put in the house, that's money in their pocket. That cannot happen. And while I'm going to make my friends at ICC a little bit uncomfortable back here, I can tell you that I started working in the codes in 1976. And since that time our codes have continued to either stay relatively level on safety levels, or since the 2000 code, have started to go down. Fire sprinklers have become the reliance for everything in the building code. Your one-hour requirements we used to have for safety and corridors to get out is now reduced to 20 minutes if you provide a fire sprinkler system. So in my opinion, our codes have gone backwards. Yes, Omaha hasn't caught up yet. And because of that-- I drug my feet for a number of reasons. One is it's cumbersome; but number two, 2015 finally made sense and took care of some issues we've been concerned about without the fire sprinkler system to make it easy for the contractors to build a home that's affordable. Same is true in the IBC. But to adopt a code that actually says in that code you're going to remove a life safety feature for a life safety feature that's not even allowed in the state of Nebraska, even if we put it back in would probably not be used properly, that's wrong. And that is a disservice to the people which you represent and certainly a disservice to the people that I represent. You can talk about cost

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because it is costly, especially in small jurisdictions, to make this change. You can also talk about the fact that in some parts of the state we don't have any coverage for code enforcement. That is correct. And as I've said before, western Nebraska they do what they want and that's okay because nobody's there. But what if somebody dies and then nobody's there thing. That's a problem. And you've heard me testify before, I don't like seeing things when they don't go well and people die. It's happened too many times in my watch in the city of Omaha. It's enough to make me want to retire, which, by the way, yes, I am going to retire. June 30th is the official date on the record. But the reality is going backwards or adopting a code to adopt a code makes no sense. This needs to be thought through a whole lot more. So with that, I'll end my soapbox and answer any questions that you might have.

SENATOR HANSEN: Thank you, Mr. Davis. Are there questions? Seeing none, thank you for coming down.

JAY DAVIS: Thank you.

SENATOR HANSEN: All right, any other opponents to LB767? Seeing none, is there anybody who wishes to testify neutral on LB767? Seeing none, Senator Quick, would you like to close? And while Senator Quick is coming up I will read into the record we have letters of support from the Nebraska State Homebuilders Association, a letter of support from Jim Harper, a letter of opposition from the American Chemistry Council, and a letter in neutral from the Midwest Energy Efficiency Alliance.

SENATOR QUICK: All right, thank you. And I guess we'll see what happens when we discuss it in committee. I do agree-- I will say on the fire sprinklers, I mean, I-- but we did have a loss of life in Grand Island in an apartment building because of something like that. So I think that's something we can discuss and when we're in our committee and we'll talk about those things. So we'll go from there and see what happens.

SENATOR HANSEN: Sure, thank you. Question?

SENATOR WAYNE: I do have one question. You have an E clause on here, is that just drafting or is that something you actually intended? Sometimes Bill Drafters get a little aggressive.

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SENATOR QUICK: Yeah, and I didn't even look at that so.

SENATOR WAYNE: Okay. That's something we could talk about later. I mean, I just wanted to see if there was a special reason for that.

SENATOR QUICK: Okay.

SENATOR WAYNE: All right, thank you.

SENATOR HANSEN: All right. Thank you, Senator Quick. We will close the hearing on LB767 and start.

SENATOR WAYNE: I got six minutes according to the judge. Let's see how fast I can go.

SENATOR HANSEN: All right, we will start the hearing for LB1025.

SENATOR WAYNE: Thank you, Senator Vice Chairman Hansen and the Urban Affairs Committee. The luxury of practicing in juvenile law. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which comprises North Omaha and northeast Douglas County. LB1025 would make two changes to the Building Construction Act, which governs state and local building codes in Nebraska. First, LB1025 would make the State Building Code a default code. As we already heard today, there are many smaller municipalities and counties who do not have a building code at all. The reason this came about was actually we started receiving phone calls from individuals who were having a hard time with their insurance company after the recent hail storm last year. Insurance companies wanted their roofs to be up to code, and since some counties did not have a default code they were in fights with their insurance adjusters on how they could actually replace their roofs, because there was no default code for them to go to. So they couldn't actually restore their roof to a code because there was no code adopted at that local level. So we begin-- I began my inquiry into this issue and started to find out the legislative history. So currently under state statute the building code only applies to state-owned buildings and buildings in political subdivisions which adopt the State Building Code. Because most smaller municipalities and many counties do not currently adopt local building codes of any kind, large portions of the state literally have no applicable code. Under LB1025, the state code would be applicable in any county, city, or village which does not adopt a local building code. This provision is similar to our current plumbing code statutes which provide for a default code in places where the local plumbing

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code was not adopted. Second, and there have been a lot of talk about this, and internally I talked with staff about maybe splitting this up into two bills. But because we know this is a short session, and this may or may not get a committee priority, we thought it was good to have a conversation today about what a building code advisory committee would look like. Currently, at least 30 states have a form of a building advisory committee that deals with building code issues. The basic concept is the advisory committee is to act similar to the 407 process for the scope of practices issues within health and human services, as Chairman Riepe knows. Details of this advisory committee would be 13 members of the committee housed in the Board of Engineers and Architects. I have talked to Black Hill Energy and other energy groups who-- and some of these smaller facility or smaller municipalities, when it comes to energy and building, that maybe they should have a seat at the board. And I'm open to that kind of feedback on the committee. In addition to the 13 voting members, 5 non-voting members, generally the heads of state agencies that deal with potentially issues that could overlap with State Building Code. Members would be appointed by the Governor with the approval of the Legislature-- Governor with the approval of the Legislature. Upon the publication of a new edition of any component of the State Building Code, the advisory committee would be tasked with reviewing that new addition and making recommendations to the Legislature on whether to adopt in whole or in part new language. In the event that the Legislature wants the committee to examine a different code or different parts of the code, the chairman of the Urban Affairs can request the committee to review the code as well. The bill lays out the criteria for the advisory committee to consider when developing its recommendation to the Legislature, including general building safety, construction costs, and number of political subdivisions that have adopted newer building codes, the time elapsed since the most recent update of the building code, and to the extent which other states have adopted new building codes as part of their state codes. Under LB1025, the advisory committee would not review any codes, electrical code, energy code, or fire code, except to the extent that it interacts with the components of the State Building Code or other codes submitted for review by the chairperson of Urban Affairs. I expect a number of people behind me to testify on this bill. I'd be happy to answer any questions. And just so you guys know, building code, I actually I am a licensed general contractor. I have taken the updates and the CLEs from 2012 to 2018. This is something that I'm very familiar with. And the fact that when I started getting calls about insurance companies and codes it concerns me because any time

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you deal with an insurance adjuster they say, oh, what's your building code? And some of these people could not answer that question. And I'm getting lucky because my phone is buzzing, and that is the judge. So Trevor, please take over.

SENATOR HANSEN: Okay. Thank you, Senator Wayne. Were there any questions that we could possibly--? Note for the record. Okay. All right, guess we'll move to a proponents for LB1025. Take our first proponent.

DAVE JOHNSON: Senator Hansen, committee members, my name is Dave Johnson, D-a-v-e J-o-h-n-s-o-n. I'm president and owner of Studio 951 Architects, and I'm also here today representing the American Institute of Architects Nebraska Chapter. At our meeting last Friday, AIA Nebraska voted to support this bill. After hearing Senator Wayne's description, we would be in support of adopting the first part of the bill in terms of the state areas that don't necessarily have a code to adopt the code as the base code. On the second half of the bill with the committee, we are in support of the committee. We do feel that the makeup of the committee should be altered a bit. I personally have sat on the both the IRC and the IBC building code task force for the city of Lincoln through three code cycles now, and I believe we're going to be starting up another one here soon. I think a 13-person committee is probably a bit cumbersome for this. Having been on a committee like this for over 12 years, I believe there should be more representation from the architectural committee instead of-- community instead of one. We should mirror the Home Builders in having one from each of the three congressional districts. The non-voting members, I think we have some non-voting members on our task force as well, and I think some of their insight is valuable from time to time. So we are in support of the bill but we would like to see a change to the makeup of the committee.

SENATOR HANSEN: Great, thank you. Any questions? Senator Riepe.

SENATOR RIEPE: Thank you, sir. Senator-- or Chairman Hansen. My question is on the ex officio. Are they voting or non-voting with voice though? They do have a voice?

DAVE JOHNSON: That's my reading of the bill, that they would have a voice in the discussions but they would not have a vote.

SENATOR RIEPE: Okay, thank you.

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SENATOR HANSEN: Thank you, Senator Riepe. Senator Crawford.

SENATOR CRAWFORD: Thank you, Senator Hansen. And thank you for being here, Mr. Johnson. Did I understand your first comment you're concerned that it has too many members, 13 is too large. But you're also wanting more architects on the committee?

[Laughter].

DAVE JOHNSON: You're exactly right. My opinion is that, and this is now my opinion not necessarily the AIA Nebraska's. The architects, the engineers, and the building contractors, along with the code officials, are the ones that deal with the building code on a day-to-day basis and are the ones tasked with health, safety, and welfare of the general public. I think the committee should mostly be made up of those people.

SENATOR CRAWFORD: What of those three again? What are the three, again, that you are-- the three?

DAVE JOHNSON: Architects, engineers, building contractors, and code officials.

SENATOR CRAWFORD: Thank you.

SENATOR RIEPE: Great. Thank you, Senator Crawford. Senator Riepe. Thank you, Senator-- or Chairman Hansen. Quick question, excluding the ex officio, how many-- what's your model's size of board for this?

DAVE JOHNSON: 7 to 9.

SENATOR RIEPE: I agree. Okay, good answer. Thank you.

SENATOR HANSEN: Okay. Senator Crawford.

SENATOR CRAWFORD: Thank you. Thank you, Chairman Hansen, Vice Chair Hansen. And one other question on the first part of the bill. Why is the default code important to you and to your profession?

DAVE JOHNSON: We don't work a lot in very, very rural areas where, you know, we're headquartered here in Lincoln, we do most of our work in Lincoln and Omaha, you know, Grand Island, Kearney, Hastings that have code officials. But I do have colleagues that work in areas where there really aren't any code officials. You're basically-- really the only code official you work with is probably the state electrical

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inspector. And I do think that Senator Wayne has a good point that there are people out there that don't really have a building code, and I think that there should just be an overlying building code for any areas that have not-- that don't have some sort of municipality or a village or a town or county that has then adopted one.

SENATOR CRAWFORD: So are there any professional responsibilities to build to an existing code? I mean, having this default code, does it impact the requirements or would an architect already be working to meet the requirements of a state code? I'm trying to figure out how it impacts your profession and how it impacts what happens in our communities.

DAVE JOHNSON: I'm not sure it impacts the profession of architecture that much because, and I'm going to just go out on a limb here a little bit. And hopefully my executive director doesn't chastise me for this after I'm done. But from my discussions with some of our counterparts, mostly in the western part of the state, architects out there, that when there isn't-- when they're working in a rural area or, you know, out on a 5,000 square foot ranch in the Sandhills or something like that, they're always going to default back to at this point probably the 2012 code in their design of structures. I mean, we are mandated by our licenses to protect the health, safety, and welfare of the public. So I would think that most of my colleagues that I would interact with would design to meet that.

SENATOR CRAWFORD: Thank you.

SENATOR HANSEN: All right, thank you, Senator Crawford. Thank you, Mr. Johnson.

DAVE JOHNSON: Thank you.

SENATOR HANSEN: All right, we'll take our next proponent for LB1025.

STEVE NORDHUES: Hello again, senators. My name is Steve Nordhues, S-t-e-v-e N-o-r-d-h-u-e-s. So I'm totally unprepared for this one because I just heard about it yesterday. And as I was listening into the conversation here I think I could be for it, neutral, or against it, depending on, you know, what comes out of this. So I figure I might as well get this over with. You know, I've long felt that something like this was needed in the state of Nebraska because we do have a lot of areas that, you know, it's kind of the Wild West, anything goes out there. I've had an individual call himself

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contractor, come into my office, and want to register as a general contractor. He was from a small community in the central part of the state. And he wondered what our rules were. And I said, well, you know, we start with the footings. And his next question was, well, what are footings? And that's scary when you have someone that thinks that they're a general contractor come in and ask you what footings are. So we do need something in this state. I'm not afraid of the number 13. I worked in 2006 with the informal rulemaking committee on the Architects and Engineers Act. And we started with 27 on that and we came to resolution, and I believe a good resolution on that, for the Engineering and Architects Act. Currently working on the radon committee. And I believe we started with 14 or 15 on that committee, and that's been going very well. And so I'm not afraid of the number 13. The city of Norfolk, we do inspections for communities around us. We do it for the village of Winside, we do it for the village of Meadow Grove, city of Madison, city of-- we used to it for Wayne. We do eight communities around us, anywhere from village status up to, you know, the smaller communities. So I think there's partnerships to be had there, but everybody's got to be open to that. And so overall I think I'm in favor of this. I just-- and I would even like to be a part of that in some way once it gets going, because I think our experience in helping smaller communities adopt codes. They adopt it exactly what we do so that when we go over there to do inspections I don't have to look for something else. We adopt the code with amendments to it, we forward it to them, they adopt it as written, and then we can do the inspections for them. So I think this can all work pretty well. But I want to see the details of it too. And that's all I have. I'd be open for questions. Thank you.

SENATOR HANSEN: Are there questions from the committee? Seeing none, thanks for coming down.

STEVE NORDHUES: Thank you.

SENATOR HANSEN: All right, any other proponents for LB1025?

RICHARD HAUFFE: Good afternoon again.

SENATOR HANSEN: Welcome.

RICHARD HAUFFE: Richard, R-i-c-h-a-r-d, Hauffe, H-a-u-f-f-e, with the International Code Council. I'm so happy to see this bill here. Although, like Mr. Nordhues, you know, there's things. But I'm really happy. I was-- when I started with ICC, Senator McGill was in that

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seat, Laurie Holman drafted a bill that had I think it is 23 participants on that committee. And so 13 is pretty good. But, you know, there are states that use 7, I think North Dakota uses 7, and they do an extensive hearing process. So everybody has an opportunity to provide their input and they hash out the details. What I have heard in recent years here in Nebraska is there is really a need for leadership when it comes to code development and code updating. Principally it has been, and I gather this on hearsay that they wait for the two largest cities to update their codes. But if one of them gets stuck then everybody standing around them is sort of in the same position. So what else would you do to provide that leadership? And I think this committee idea is a very good one. I think-- or I hope, and I gather from Senator Wayne, that there will be a very healthy discussion about what is the best formula of the type of people that you want sitting around that table. I will say on behalf of ICC and its 64,000 members that the governmental consensus process that we develop the codes relies primarily upon those city employees who act to enforce the codes in the local law. That is the lion's share of the people that have the final decision on our codes. So I think their input is incredibly important here and should not be marginalized, because again, these are city employees. They don't have a personal financial stake involved. So and they know what works, they know what doesn't work. I think Mr. Nordhues would be a good person to consider for that because he has been involved in these kinds of discussions in the past. And then there's others too. Just give you an idea real quick, like I said, North Dakota has a seven-member committee. It's run through the commerce department, community service I think is the sub-agency. In Iowa it's run through the state fire marshal's office. They have a state commissioner of building codes, and then he appoints committees who go and hash out the details and haggle. In Minnesota they divide the codes there into subcommittees, they call them technical advisory groups. And right now they're working on updating from '12 to '18. Iowa is strongly considering going to '18 from '15. If not there, they got an energy code that's down to '12. There's a very strong movement to put it up to '18, at least the energy code. South Dakota is going to wind up passing the bill to go to '18. I know I'm drifting into that other issue. But there they use the legislature to just here, do it, you know? And, you know, you can talk to the lobbyists about whether or not it's a good idea. But I think you'll find that the committee method used in Minnesota and Iowa and North Dakota are very applicable, and these are states that have same problems you do. The other half of this bill is what do you do to enforce it in areas that, you know, where there's nothing but villages

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or farms or even reservations? So and there were hearings on that too when Senator McGill was here, and that is a huge, huge issue. I like the idea of having this committee review those things. I do think it's worth biting into. But I think your first step is getting this committee going and these other issues following in line. And that's the end of my statement. If anybody has any questions.

SENATOR HANSEN: Thank you. Are there questions for Mr. Hauffe? Seeing none, thanks for coming down.

RICHARD HAUFFE: Thank you.

SENATOR HANSEN: Any other proponents on LB1025? Seeing none, any opponents to LB1025? Welcome.

LENORA ISOM: My name's Lenora Isom, L-e-n-o-r-a, Isom, I-s-o-m. Again, I want to state I'm-- there we go. I'm on green now. I want to state that I am a member of the State Board of Engineers and Architects, I am not speaking on their behalf today, I'm speaking on my own behalf as a building official for a second-class city. I'm here to speak in opposition to this proposed bill, specifically the portions-- well, first of all the portions which, for example, lines 19 and 20 on page 2, lines 29 through 31 on page 2. We're taking out the option, and again, it's great to say yes, it's going to be there, the code's going to be there. But we have to remember they're enacting, they're administering, and they're enforcing. And again, I am fortunate, or my community is fortunate, that they have this position for building official. But I also wear the hat of zoning administrator and economic development official and floodplain administrator. And that keeps me pretty busy doing all the on-site inspections, all the permit processing. Most of these communities don't have that. They may again have a board that meets monthly, or it might be the village board, it might be the planning commission that meets monthly to first of all issue the permit. Because if you're going to enforce a code in any municipality you have to issue permits, you have to make the people that are doing the buildings aware that there is a code to follow, which means you have to issue building permits. So there is a cost to that that is going to be absorbed again by small municipalities that have limited funds due to, you know, we have a financial crisis going on right now in terms of tax revenue. The other question is enforcement. So I issue you your building permit, but I don't do inspections. You know, this is-- it seems like an unfunded mandate that's not enforceable, which to me is a bad piece of legislation. And an unnecessary piece of legislation. As an architect, I agree with the

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comments that if there is no code written on their Web site I'm going to follow the state code. I'm going to follow what has been proven and adopted to have the specifications that are going to protect the people that are going to be in that building that I'm designing. And if I have a problem with my insurance company I'm going to take that to my city, I'm not going to take that to my state. I'm going to say to my city, you guys need to adopt a building code so that I can get my roof replaced. That's a city issue, it's not a state issue. We have to be careful of state and city functions. The other thing that I oppose in this specifically is page six, lines 11 and 12, that this committee would be general-- that it would be an NBA cash fund department. That cash fund comes from architects and engineers paying their dues and their licensing fees, and I feel that that is inequitable that they would be the ones paying for this which affects everyone in the state. I also do not think that the committee membership with only one committee person coming from 1st, 2nd, or village is equitable, and that again, that 75 percent of the state. I think you should have one for each of those incorporation class should be equally represented on the committee. That's all I have. Are there any questions?

SENATOR HANSEN: Great, thank you. Are there questions from the committee? Seeing none, thanks for coming down.

LENORA ISOM: Thank you.

SENATOR HANSEN: All right, we'll take our next opponent. Are there any more opponents?

JERRY STANDERFORD: Hello again, Co-Chairman Hansen and members of the committee. My name is Jerry Standerford, J-e-r-r-y, S-t-a-n-d-e-r-f-o-r-d. I'm a homebuilder in Omaha, I manage Sherwood Homes and Lane Building Corporation. We've been in business and Omaha for over 50 years and I've managed those companies for over 30 years. I've also been involved in the code approval, the code acceptance, the code review committee ever since Omaha adopted the 2000 IRC. Prior to the 2000 IRC, the codebooks that we went by in Omaha looked something like this. This covered both one and two-family dwellings, it covered commercial construction. Today, the codes, the two books that I brought before you here are just for the IRC. It's for the adoption that we've gone through of the adoption of the 2015 IRC. It's code and commentary, it's not a-- you're right, it's not a codebook, it's a code and commentary that we always have to use when we adopt that. So this is just for the IRC. The codebook actually only is about this

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size, okay? That's for the IRC, there's another set. They are \$250 a set, by the way, and so as a contractor it's up to me to know what's in these codebooks. I would think that if I were a contractor in a smaller city it would also be up to me, if there were state code that I was to go by, that I was to provide a product by, and this is what I would have to be knowledgeable about, is the code that I work on. In Omaha it's a little bit different, and I did hear a gentleman speak about how the two bigger cities dictate the code and then everybody else follows along. There might be a reason for that, it might be because in Omaha we do have licensed contractors, as a Senator Wayne told us he's a licensed contractor. The license is solely based-- the test for the license is solely based on the code. It doesn't matter how much you can lift or how many wheelbarrows you can push in a day's time, it's only on the code. So everybody in Omaha who is a licensed contractor is now very knowledgeable about the code. It takes a lot of work to adopt a new code. It's very complicated, one thing affects another. As you can see, not only is it expensive for the code officials, it's expensive for the contractors, it's expensive for the builders. And this is only to get up to speed on the code, has nothing to do with how we have to change or design, what we have to do to make our products work. I can tell you there have been times when we had with the adoption of a code where the stair geometry changed. Granted it changed for the better, but we threw away half of our blueprints because no longer would our stairways fit in the in the plans that we had. And we just couldn't-- we just couldn't change them. That all takes a lot of time, it takes a lot of money. And I am not in favor of a state code that we cannot-- one, we cannot enforce. There's no way to enforce this code out there and there is no provision for-- there's no provision for education. With the bill, with the contractors license of course you have to have continuing education. And a lot of that is required to be over the code, comes from the city of Omaha. I would think that we have a long way to go before we can jump out and tell everybody across the state in Nebraska that we have a State Building Code that we have to go by. And that's really all I brought to you.

SENATOR HANSEN: Great, thank you. Question from Senator Riepe.

SENATOR RIEPE: Chairman Hansen, thank you. Thank you. Jerry, good to see you again. My question would be, is to enforce those codes within your own construction business how many full-time employees do you have to be knowledgeable to be able to comply with those.

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JERRY STANDERFORD: We don't have full-time code compliance people in our business. And I don't know-- and I think I know just about every builder in Omaha and many in Lincoln. I don't know there's anybody who has a full-time code compliance officer. It's different in the commercial world I understand. I don't know, I only build houses. That's all I've ever done. But I'm the guy who has to be knowledgeable and impart this knowledge to my superintendents, to my subcontractors, and moving on. So when there's a change, it's a big deal for us.

SENATOR RIEPE: I thought maybe you were like a football team where you had a compliance officer or something, but not.

JERRY STANDERFORD: Yeah, we'd have to raise the price for a house a bit.

SENATOR HANSEN: All right, thank you, Senator Riepe. Any other questions? Seeing none.

JERRY STANDERFORD: Thanks for your time.

SENATOR HANSEN: All right, we'll take our next opponent to LB1025. Seeing nobody moving, we will move to neutral testimony on LB1025.

LYNN REX: Senator Hansen, members of the committee, my name is Lynn Rex, L-y-n-n R-e-x. We appreciate the opportunity to appear today to talk about the important issues raised in this bill. First of all, there are certain parts of it we strongly support. And I think we are going to offer to you some suggestions about how we think that this bill might be directed in a way that can be valuable all across the state of Nebraska. First, having a committee explore the issues is extremely important. And the composition of it, I think you've had some good ideas today. We would certainly like to have as a non-voting member a member of the League of Nebraska Municipalities. It would not be me, that's the good news. We do have a knowledgeable individual in our staff that would I think be very good to serve on such a committee. But I think the mission should be to first explore should there be a default code first and foremost because the other issues that come to mind have already been raised and that is the enforcement element of it. What type of expectation do you create if you are living in a city of the second class or a village and now you have a contractor, you're building a home, and it's under the State Building Code but there is no one there to enforce it? We have 529 cities and villages in the state of Nebraska, 117 are cities of the second class population, roughly 800 to 5,000. Thirty cities of the first class,

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5,000 up, like the Bellevues and the Grand Islands. And then we've got 380 villages, roughly a population of 100 to 800. They don't have the funds to basically enforce this type of a code. And then that raises the other issue, is what about liability? So if I'm a homeowner and I am now, or I'm building a home in a village in the state of Nebraska or a city of the second class in particular, then what kind-- what is my expectation that someone's going to look at that and know whether or not it is meeting state code? And I'm just wondering if perhaps one of the missions of this committee and a very important mission might be to look at could there be some type of a state regional system put in place so that there could be some type of enforcement. Because to me, probably the only thing worse than not having the code is not having anyone to enforce it or creating an expectation that your home is being built to code. And as Senator Crawford, I can remember some of the hearings that we've had in prior years, where some individuals came forward. I can remember two specific women who came forward and testified about how they were living outside of the corporate limits of a municipality and they were told by their contractor this is being built to code. So everyone had great comfort, the family, that this is being built to code. Then they find out that, well, no, it's not-- I believe it actually was that it was going to be built to code to the city that was nearest to their location. But the reality is they were not subject to that code. And so basically they weren't subject to anything. But the homeowners thought, oh my gosh, here we are. And so they had tremendous expenses. So I really-- we think as an organization it's very important to have this type of committee, and I commend Senator Wayne for bringing this kind of a bill forward to look at this major issue. Because the issue of a default code, I understand the concept, I understand the applicability. But then the liability issues, how does that work? What about enforcement? And is it possible that somehow the state of Nebraska could put in play some type of a regional system whereby you would have folks that could go out and do these types of inspections? For example, I know the code inspector that came here, the building official, an expert from the city of Norfolk, Nebraska. Norfolk is very collaborative with all their surrounding communities. Most, I would say almost always, our municipalities are very collaborative with surrounding communities. Of the 529 municipalities across the state of Nebraska, we have a number of them there are no surrounding municipalities. They are located in an area where it literally isn't possible to say we're going to have somebody come 250 miles to do something and review that code. So I think that may be an important consideration as well. In addition, and I know some of you have already heard this before, but of the five

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hundred twenty-nine municipalities in the state of Nebraska, 270 of them are already at their maximum levy limit of 45 cents plus five. Of those 270, well over half of them are already at a position where they can't even raise the 2.5 percent over the prior year of restricted funds. So, as you know, you've got two different lids that go on. You've got the levy limit and then you have a lid on restricted funds. So the 270 are already at the maximum levy limit of 45 plus 5 half of those can't even raise the 2.5 percent from one year to the next. So what I'm suggesting to you is they don't have the resources and they don't have the ability to even raise the revenue if they did to basically go out they-- even if they wanted to, they're at a maximum levy limit. They can't go out and raise the money to have this type of an enforcement. So in any event, we really commend the senator for coming forward with the idea of this kind of a committee to look at these important issues. But instead of starting with the proposition that there automatically should be a default system, I think that should be a major issue for consideration. Should there be one? If there is, how do we move forward with that so that there is also enforcement on the back end and that there's issues relating to liability? With that, I'm happy to respond to any questions that you might have.

SENATOR HANSEN: Thank you. Are there questions?

LYNN REX: Thanks for your time this afternoon.

SENATOR HANSEN: Thanks for coming down. Next neutral.

JON WILBECK: Senator Hansen, members of the committee, thank you. My name is John Wilbeck, J-o-n W-i-l-b-e-c-k. I am the executive director of the Nebraska Board of Engineers and Architects, and I'm testifying the board's neutral position on this bill. My first point regards funding of the Building Code Advisory Committee. The engineers and architects board receives no state general funds. The board is funded only through license fees that architects, professional engineers, and organizations pay to the board to become licensed and to maintain their license. This bill places the burden of funding the committee solely on licensed architects and professional engineers. Focusing on only two professions to fund this committee is not equitable. A State Building Code is a statewide issue, and the board believes that the other professions and stakeholders participating in the committee should contribute equally to the committee's funding. As written, the financial burden placed on the board seems to be a bit unfair. Second point, the Nebraska Engineers and Architects Regulation Act, which the

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board enforces, requires that architects and professional engineers to be involved in the design and construction of projects that first constitute the practice of engineering or architecture, and two, that are also subject to the act. The board's regulations provide that in practicing their professions architects and professional engineers shall take into account all applicable federal, state, and municipal laws and regulations. We would note that in local jurisdictions which currently do not have a building code in place our licensees will usually design projects in accordance with the State Building Code, as was alluded to in some earlier testimony, if it applies to the type of project being designed, in order to protect the health, safety, and welfare of the project's occupants and users. It is also the board's understanding that this committee being funded and administered by state engineering and architecture regulatory board is unique among the 93 other state engineering and architecture boards in the United States. The number 93 might raise an eyebrow. The reality is that most other states regulate the practices of engineering and architecture through separate engineering and architecture boards. I would note it works very well in Nebraska having them both together on one board. Finally, one last comment directed towards funding. The board would support additional provisions specifying committee meetings to be held in Lincoln as a means to limit and manage expenses and all that entails, such as being able to know mileage, overnight travel, meal costs. It's easier to manage those types of cost. That concludes the board's testimony, and I'd be happy to answer questions.

SENATOR HANSEN: Great. Is there questions from the committee? Seeing none, thanks for coming down. Welcome.

JILL BECKER: Good afternoon, Senator Hansen and members of the committee. My name is Jill Becker, spelled J-i-l-l B-e-c-k-e-r, and I appear before you as a registered lobbyist on behalf of Black Hills Energy. And I'm here to provide some neutral testimony on LB1025, today specifically on Section 4, which creates the Building Code Advisory Committee. One of our experience-- or in our experience, as many of you know, we basically serve from border to border in this state. And particularly in small communities that don't have dedicated personnel to carry out building codes tasks sometimes we kind of become that de facto inspector or professional in those vocations when it comes to fuel piping systems. We're the gas experts and so we're kind of treated that way because sometimes the smaller municipalities just don't have somebody dealing with that on a regular basis. We have sometimes encountered issues with the improper installation of certain

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materials and so then we would want to work with those entities to remedy that situation. Plus, we would be able to help increase pipeline safety. And so our request is that if the committee does take a look at this, we would like to have a seat on that advisory committee because we think there would be some benefit there. What you may know, there is a listing of a lot of the codes in the legislative bill. Primarily we are governed by federal standards and so a lot of our federal codes are not really addressed in state statute, and so we're not looking to change any of that. But just for the committee's information, that's typically where we find our guidance is on the federal level. And with that, I would be happy to answer any questions that the committee may have.

SENATOR HANSEN: Great, thank you. Are there any questions for Ms. Becker? Seeing none, thank you.

JILL BECKER: Thank you so much.

SENATOR HANSEN: All right, anybody else in the neutral capacity? Welcome.

JAMES HARPER: Senator Hansen, Urban Affairs members, my name is James Harper, J-a-m-e-s H-a-r-p-e-r. I live at 4203 Springview Drive, Grand Island, Nebraska, and I'm representing myself. I am a retired code official, by the way. I failed to mention that in my earlier testimony. I'm going to kind of jump ahead and assume we have a board. I'm not sure that-- or an advisory committee. I'm not sure that that's a good or a bad idea. But if we get to that point, I think we should explore exercising our voting rights in the model code development process. Right now we are wasting those votes, and we have a right to be participating in the development of these codes from their inception and review all of the various code proposals that are out there. Now, it's an awful lot of work, but actually that's how you get by into these codes. Because at the point we're talking about adopting codes they've been so well discussed and vetted that all the issues have pretty much been gone through from a technical standpoint. So I think it would be advantageous if we got involved in that process from the get go, and it would help us with our buy-in on the model codes. And that goes for NFPA as well. They've got a consensus process just like ICC does. And I think we should not be wasting our votes. Other states vote on these matters, we elect not to. And I could see a board of this nature or a committee-- is it a board or a committee? I forget, doing that. So with that, committee size I think 5 to 7 is probably a good-sized committee. That's just me. And as far as being

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able to adopt codes, I'm not clear if a senator could go ahead and advance a code without a recommendation of a committee like this. As I read the bill, it seems like they could. But I think I would want that to be understood or maybe part of a bill like this. For some reason, advisory committee just couldn't agree on something it seems like we still need to be able to move ahead. So it would be kind of a relief felt in that regard. And that's my testimony. Thank you.

SENATOR HANSEN: Great, thank you. Any question from the committee? Seeing none, thank you for your testimony. Anyone else in neutral on 1025? Seeing none, Senator Wayne, would you like to close? While Senator Wayne is coming up I will read into the record we have a letter of opposition from the American Chemistry Council and a neutral letter from the Midwest Energy Efficiency Alliance.

SENATOR WAYNE: So first I want to thank District Court Judge Kahler for allowing me to do a telephonic hearing in juvenile court. I am grateful for that and so are the families that I represent. Second, as it comes to some of the issues, that the calls we received are from county issues. And many of the county boards just are dealing with the same issue when it comes to the enforcement of a code. If they were to adopt a code, how could a county enforce it. And we're all struggling with the same issue. Unfortunately, I asked Jay after retiring from the city of Omaha if he would drive around for free and enforce codes. And he told me no. So we struggled internally in my office of how to deal with the enforcement provisions, because there is a cost and there will be a fiscal note if we were to increase an agency to help with voted-- enforcement of codes. This is a conversation starter. It's a short session and this is not going to be a priority bill. But I will tell you that a default code will be one of my priorities before I leave this Legislature. I think we have to make sure that the small farmer-- even in General Affairs right now we're dealing with chicken farms. There are many reasons why we have to have default code for safety reasons. I think it's important that we come to a consensus on a on a default code. But more importantly, I didn't want to create a mechanism where we continually as state senators adopt codes without having a committee of experts to advise us on those codes. So that's why the bill is together. We knew there were going to be ruffles about who's on the committee, how the committee should perform. And that's where this summer, preferably through an LR, we all sit down and talk through these issues. But I will continue to push for the next three years, two years, for a default code and some type of experts to advise this committee on how we should move through the code. I could

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say I'm a licensed general contractor in Omaha. Senator Quick can say he's IBEW and he knows the electrician code, but that's one of few. And if we're not here and there's a new code out there, there isn't the experts in the Legislature to always know that. So that's why it's important that we figure out a committee of experts to help advise us on what are the best safety issues. And one other testifier testified earlier, Jay did earlier, from city of Omaha, and I agree with him that many of the changes to 2018 code are less restrictive and some of them are safety concerns that I have around fire and safety. But that's just the nature of how the codes were adopted and where we are. But those are the kind of conversations that a group of experts can talk about and then can come to this body and present and say here what are, here's where our concerns are, here's the things that you could and maybe shouldn't adopt. And so I look forward for this conversation to happen. But I also know that just talking about doing a study in the summer sometimes doesn't bring out all the people who need to be heard, but introducing a bill sure does. So that's why I introduced a bill. So with that, I'll close.

SENATOR HANSEN: Thank you, Senator Wayne. Are there questions for the senator? Seeing none, great, we'll close the hearing on LB1025. And we will move on to open the hearing and LB720, which is also by Senator Wayne.

SENATOR WAYNE: Thank you. Today is code day in Urban Affairs. My name is Justin Wayne, I represent District 13, which is north Omaha and northeast Douglas County. And I sure know how to clear out a room. LB720 makes a simple change to the building codes statutes and requires that state agencies comply with local building codes to the extent that such codes meet or exceed the standards of the State Building Code. Currently, state agencies are only required to comply with the State Building Code, which we heard a lot about, even in cases where the political subdivisions have adopted a stricter code. One example is UNO in Omaha, the other example is UNL in Lincoln are prime examples of where there are different codes, especially UNO in Omaha, versus the state code. This first issue came to my attention when discussing with local officials in Omaha who regularly get calls from state-owned buildings within the city who are unable to address their concerns because they lack jurisdiction over state-owned buildings. Three main reasons to require the following local building codes. First, local political subdivision-- divisions generally employ inspectors to ensure compliance with codes. In the case of state buildings, only inspections in many cases are done by the agency

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itself, so there would be no third party to check to see if the building is safe-- for safety. While we trust our state agencies to comply with the codes, without someone else checking the buildings it could be like the fox is guarding the henhouse. Second, the current statute potentially gives an unfair advantage to state buildings over other buildings being built by political subdivisions as well as private sectors. When a county school district and other political subdivisions build a new building, for example in Omaha, they have to follow Omaha's stricter rules, whereas the state does not. If a state building-- if the State Building Code is not as strict as the local code the state may potentially get an advantage on the cost of construction, which will likely result in the building that is being built what some would be deemed as not safe as other buildings for example in the city of Omaha. Third, not requiring state buildings to meet local codes goes against the principle of local control. State law allows political subdivisions to adopt their own local codes so that the state code-- or the local code should apply regardless of who owns the building. I expect a number of people behind me to testify on this issue, but I'll be happy to answer any questions.

SENATOR HANSEN: Great. Thank you, Senator Wayne. Are there questions from the committee? Seeing none, oh, Senator Crawford.

SENATOR CRAWFORD: Thank you, Vice Chair Hansen. And thank you, Chairman Wayne. Is there any enforcement of state code on state building that you know? Is there a state mechanism that state buildings follow for a code enforcement?

SENATOR WAYNE: Yes, the agency themselves can oftentimes inspect their own buildings. But particularly I'm thinking about the city of Omaha. If there is, and there was a fire at UNO, people would call whether they are still residents or their parents called saying what happened. There's no enforcement mechanism. And in fact, it's a different set of codes or a different set of rules. So when you think about fire, life, and safety, if Omaha believes that a stricter code is necessary and their local political subdivision, the city council, and everybody approves a stricter code, I would imagine that unless you're grandfathered in, as you would be with everybody else, any new building should follow the same restrictions. So there is enforcement mechanisms for state, but the question is are they meeting the local codes? And the answer is no.

SENATOR CRAWFORD: Okay, thank you.

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SENATOR HANSEN: Thank you, Senator Crawford. Any other questions? Seeing none, thank you, Senator Wayne. And we will move to proponents for LB720.

LYNN REX: Senator Hansen, members of the committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska Municipalities. We want to thank Senator Wayne for introducing this important measure. The concern of our legislative committees, our internal legislative committees, comprised of first-class cities, Omaha, and Lincoln; and another one comprised of second-class cities and villages reviewed this, and then of course our-- the executive board of 15 elected members by a membership also reviewed it. And the concern was already expressed by Senator Wayne, which is that there are reasons why several of our cities have differed in the more restrictive parts of their codes than the State Building Code itself. And they had a lot of analysis that went into that, whether it's Lincoln, Omaha, Kearney, or other municipalities, and feel very strongly that the state buildings in those municipalities should also meet those same codes for the life safety and also just the uniformity, if you will. And with that, I'm happy to answer any questions. I think that the catalyst for this originally was, as Senator Wayne indicated, an incident of the University of Nebraska in Omaha. And as other municipalities discussed it there was concerns about what if this were Chadron, what if it was Kearney, what if it was Peru? So with that, I'm happy to answer any questions that you might have.

SENATOR HANSEN: Thank you. Are there questions for Ms. Rex? Seeing none, thank you.

LYNN REX: Okay. Thanks to Senator Wayne. Thank you.

SENATOR HANSEN: All right, we'll move to our next proponent for LB720.

JAY DAVIS: Good afternoon again, everyone. My name is Jay, J-a-y, Davis, D-a-v-i-s, assistant planning director for the city of Omaha. Yes, I can explain the catalyst for this question. While I don't want to create any more work for myself or my department, the incident at UNO involved a dormitory that had a fire. We started getting calls in our office almost immediately after the fire from concerned parents. I had two options, I could tell them all that we had no control over it or I could take a little different approach and contact the university and advise them what was going on. We actually got called to go inspect as well, not from the university, but from the Fire Marshal,

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to assist them in their investigation. I was informed later that day by the chancellor of facilities at UNO that I wasn't welcome on their campus. At that time, the conversation went from okay, I haven't told the media or the parents what went on at your campus, but I'll be happy to tell them we have no enforcement authority out there and whatever happened is up to you to figure out how to tell them. Well, I was invited back onto the campus ironically. We worked through the problem, we actually discovered what the issue was. It's an issue not uncommon to us, we had it happen in our own buildings. We're working on ordinances right now to fix that problem with people violating firewalls in the attic and then the fire just in this case, once it started it went down there through like a chimney in a furnace. So the bottom line is that while we don't necessarily want to create any more work for ourselves, the fact that it's a no-fee permit through the city of Omaha, we're pretty cheap inspectors to come on your site and be another set of eyes for you. Again, the analogy of the fox watching the chicken coop. You can hide a lot of things if you're not paying attention or nobody else is paying attention. And the problem is what happens if something goes wrong? And I know I got on my soapbox earlier, I apologize for that, that was a little uncharacteristic for me. But the reality is life safety is what I'm in the business for. I'm not in it for political reasons, I'm not in it to gain any money. Because certainly it's a thankless job and that's okay, somebody's got to do it. But the bottom line is that I'm here to protect the people that I work for and I serve. So we would welcome the opportunity to do that. I realize that if somebody is here from the University of Nebraska, they're probably going to discredit what I'm saying to you, because obviously they're the experts in their own areas. The reality is building codes are not that well-taught in college. I can tell you that for a fact. So that being said, I'll be happy to answer any questions for you.

SENATOR HANSEN: Great. Are there questions for Mr. Davis? Seeing none, thanks for coming down.

DAVE JOHNSON: Chairman Wayne, Senator Hansen, the rest of the committee, Dave Johnson D-a-v-e J-o-h-n--s-o-n, president of Studio 951 Architects here in Lincoln, and here on behalf of the American Institute of Architects Nebraska Chapter. We met last Friday and we are in support of this bill. I would like to offer one little caveat that-- and I don't know if I'm allowed to ask a question. I'll throw the question out and if somebody wants to answer it, they can. Unclear to me in the bill is this mandating the local jurisdictions, such as

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the city of Lincoln, to then, which I'm taking from Jay's testimony that it does require the city of Lincoln or Omaha or Kearney or whoever to take on the role of permitting and inspecting these structures? If that is the case then I think there needs to be a provision added to the bill to provide funding for that, because I can speak for Lincoln, more educated than Omaha, but I know Lincoln is at its capacity in terms of the amount of work they're trying to get done with their available staff both in plan review, zoning inspection, and in building inspections. And I think if we require additional state buildings to be inspected by the local city officials we need to find some sort of mechanism for them to do that.

SENATOR HANSEN: All right, thank you. Let's see if there's questions from the committee. Senator Crawford.

SENATOR CRAWFORD: So there are not current inspection fees that would cover that funding requirement?

DAVE JOHNSON: There are current inspection fees, but there aren't the resources, the human resources at this point, to take on those additional plan review duties and inspection duties.

SENATOR CRAWFORD: Thank you.

SENATOR HANSEN: Thank you, senator. Senator Riepe.

SENATOR RIEPE: Thank you, senator. And so in essence it becomes an unfunded mandate?

DAVE JOHNSON: Yes.

SENATOR RIEPE: Okay, thank you.

SENATOR HANSEN: Thank you, Senator Riepe. Seeing no more questions, thanks for coming down.

DAVE JOHNSON: Thank you.

SENATOR HANSEN: All right, we'll take any more proponents on LB720. Seeing none, anybody who wishes to testify in opposition to LB720.

DOUG HANSON: Good afternoon. Good afternoon, Senator Hansen and Chairman Wayne and other members of the committee. My name is Doug Hanson, that's D-o-u-g H-a-n-s-o-n. I'm the task force for building renewal administrator for the Department of Administrative Services,

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state of Nebraska. I'm here today to testify in opposition to LB720. LB720 would require all state agencies, boards, and commissions, including state colleges and the university to comply with local building and construction codes when the local code meets or exceeds the standards of the State Building Code. Passage of LB720 would have a tremendous impact on the state, resulting in higher and higher construction costs. There would be additional cost and time required at the design level to apply the local building and construction codes. Construction costs would be increase to cover costs associated with permit fees, inspections, and other regulatory expenses imposed by the local governments. Construction costs could also increase due to local code requirements such as requiring them to have a brick facade, specific landscaping, or other requirements. Local government permit fees are typically assessed on a base fee amount plus factor-- a factored dollar value of the construction project. In addition to building permit fees, each construction project would require plan reviews and building code inspections by local code officials. Local building code officials typically inspect foundations, framing, plumbing, HVAC, electrical decks, fencing, and sidewalks, as well as conduct final inspections of these areas prior to occupancy. Fees for each type of inspection are assessed by the local government, which would add to the cost of construction. These plan reviews and inspections will be duplicative of efforts that the state already uses for state buildings and projects. Building permit and inspection fees imposed by local governments vary widely throughout the state. Some municipalities impose very high building permit and inspection fees while some do not impose any at all. Since there are approximately 530 municipalities and 93 counties, determining an accurate cost for LB720 would be difficult, if not impossible. For some guidance, RS means building construction cost data from 2017 estimates a range of half a percent to 2 percent for permit fees. Local government permit and inspection fees could range from 2 to 4 percent for state of Nebraska construction projects. The fee would depend on the size and complexity of the project. The task force for building renewal estimates that imposing local government building permit and inspection fees could add an average of 3 percent to each project or \$361,000 for FY '18-19 and \$372,750 for FY '19-20. The office of the Capital Commission does not routinely administer projects which would be affected by this potential change in legislation. However, the Capital Commission is currently in the process of administering the largest renovation project in the capital's history. Using the estimated cost of the HVAC work of \$90 million for this building, the bill would result in an estimated increase in fees of \$2.7 million. As this is a multi-year

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project the impact would be spread out over the life of the project. The project would also incur additional design costs over the life to address potential life safety code issues. The cost can't be determined at-- or local codes, rather, can't be determined at this time without knowing what code changes would be implemented. State Building Division is currently engaged in six significant projects using State Building Division revolving funds in the estimated cost of \$2.42 million. State Building Division estimates and imposing local government building permit and inspection fees could add an average of 3 percent to each project or \$67,260 each fiscal year. Another issue would be the delays due to permit reviews, scheduling inspections, and negotiating with local inspection officials over local code interpretations and application, which will lead to construction slowdowns, change orders, and added cost. Coordinating permits and inspections would disrupt the arrival, work, and departure of various contractors from bricklayers, carpenters, to electricians, plumbers, painters, and carpet layers which are all carefully choreographed in the construction schedule. When one artisan is delayed, the whole project is delayed and the next project is on hold. For the unavailability of a local inspector it adds delays: weeks, days, weeks, or months and extra cost to project. Under current and successful Nebraska State Building Code-- under the current and successful Nebraska State Building Code these additional and unneeded costs, delays, and bureaucracy are currently avoided. And I would be happy to answer any questions. Thank you for your time.

SENATOR HANSEN: Thank you. Senator Riepe for a question.

SENATOR RIEPE: Chairman Hansen, thank you. Is it your position that the existing codes are excessive?

DOUG HANSON: Existing State Building Codes are not excessive in my opinion.

SENATOR RIEPE: So are you saying that everything should function off of state codes so that we have consistency and uniformity?

DOUG HANSON: Currently the State Building Code is what local codes are required to comply with or they can have higher restrictions than the State Building Code.

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SENATOR RIEPE: But is that your position those higher standards are in excess, which means it's an added cost and should be-- have one code, that we should have the state code, end of story?

DOUG HANSON: You would have to look at that individual municipality and see what that additional code requirement could be for example. They might ask for something that would not be consistent, that would be above and beyond what the State Building Code would ask for. For example, a facade, brick facade on a building, which would not necessarily be a State Building Code requirement. But yet that would add cost to the project. So it would depend on the nature of that, of that local code official and that local ordinance.

SENATOR RIEPE: Is there consistency between categories of cities, like first-class city they have to share the same codes?

DOUG HANSON: That's a question that I-- yeah, that's a question that I couldn't answer. I believe that you've heard today that there are again 270 cities of the second class. They all could have a deep, a different local building code.

SENATOR RIEPE: Okay, thank you.

DOUG HANSON: Okay. Other questions? Yes?

SENATOR CRAWFORD: Thank you for being here today.

SENATOR HANSEN: No, go ahead, senator.

SENATOR CRAWFORD: Thank You, Vice Chair Hansen. And thank you for being here today to testify. Mr. Hanson, I wonder if you would just tell us a little bit about what the inspection process is like for the state.

DOUG HANSON: Okay, I'll do what I can.

SENATOR CRAWFORD: And their-- what credentials or oversight there is on the state inspections.

DOUG HANSON: Okay. All state architects, and I think we heard from Dave Johnson earlier today mention that typically build to the state-- or designed to the State Building Code. Pursuant to state law 81-1108.43, any project over a certain dollar threshold is required to be designed by an architect, a licensed architect or engineer in the state of Nebraska. When those projects then are put out for design

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they meet the State Building Code, or they should meet the State Building Code. The state of Nebraska many times relies on those state architects and those state engineers during the inspection process as part of their contract administration services to follow up, do periodic inspections to ensure that the contractor has complied with the State Building Code, with the plans and specifications.

SENATOR CRAWFORD: Okay. Part of the architecture-- architect's contract in construction to inspect for state code.

DOUG HANSON: Typically, yes. You can-- some agencies may-- I don't know, I can speak for the DAS, and yes, most of those projects under a certain dollar threshold typically have in them construction administration services, which include site visits, building reviews in order to make payment to that contractor that that designing architects wants to ensure that that money is due to the contractor based on performance with plans and specifications.

SENATOR CRAWFORD: Thank you.

SENATOR HANSEN: Thank you, Senator Crawford. So just to answer a question for you from me, so like are there any jurisdictions-- you keep using the brick facade as a requirement. Is there any jurisdiction that's adopted that is part of their local building code? Can you list a specific example that?

DOUG HANSON: I can is from my hometown or my current residence. They have an overlay district, and when you come into the city of Hickman that overlay district is requires brick facade, it requires HVAC equipment to be hidden, it requires certain landscaping, it requires certain things because it is in that area. So that's one example. Other cities would have different, I would think if you're trying to do a state building in the Haymarket district there might be something different for that as well. I don't know for sure, but would suspect that.

SENATOR HANSEN: Thank you. All right, thank you. Any other questions from the committee? All right, seeing none, thank you.

DOUG HANSON: Okay, thank you.

SENATOR HANSEN: All right, are there any other opponents to LB720? Seeing none, is there anybody who wishes to testify neutral?

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REBECCA KOLLER: Good afternoon, senators. My name is Rebecca Koller, R-e-b-e-c-c-a K-o-l-l-e-r, I am the director of facilities for the University of Nebraska, and I am here to speak in a neutral position regarding LB720. The university has grave concerns with complying with local and state building codes as opposed to a single state code. First, we are a statewide institution and hire architects, engineers, and contractors based on qualifications not location. Adding an additional code which they may not be familiar with will at minimum add time to a project and in the worst case could require tearing out and rework. Design firms would incur more costs by having to research several different code sets and the university would need to hire an employee to keep up with updated amendments adopted by Omaha, Lincoln, Scottsbluff, Kearney, North Platte, and other cities. Second, there is a question on what needs or exceeds the standards of the State Building Code, page 2 line 24. In the case of waste piping, Omaha stipulates a welded joint, Lincoln allows a no-hub connection, and the state code calls for a screw connection. Which one do we use? They all serve the same purpose. Third, who determines which code to use? Currently, the university's projects are reviewed by our internal building code officials and the state Fire Marshal's Office. Does the legislation require our projects to also be reviewed by local building and fire official codes? Who would issue the permits and perform the inspections? And if they disagree, who has jurisdiction? Finally, there is the question of cost. Municipalities' fees include permit and plan review fees: mechanical, plumbing, electrical, fire alarm, fire suppression, energy, and inspection and other fees. The method of calculating the fees varies from municipality to municipality. The university uses a simple graduated percentage and all inspection is covered under that single fee. UNL averaged \$75 million of construction over the last three years. Permit fees for the city of Lincoln would have been \$425,000 per year. Actual costs at UNL were \$150,000 per year. The university averaged \$150 million of construction at the entire university over fiscal years '15 to '17. If we assume the same costs for all campuses, the increased cost would have been over half a million dollars per year. The university complies with the current adopted 2012 International Building Code. In addition, we are fully supportive of LB767 and using the most current code. The IBC is developed by experts not subject to local designers, unions, or contractors. The way we administer the International Building Code as our own authority involves no amendments. It is efficient, streamlined, and simple to understand and follow by all Nebraska firms. In the end, the question is who's being served by the proposed legislation? We ask that you allow us to continue

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administering a single code that provides excellent facilities for the citizens of Nebraska. And with that, happy to answer any questions.

SENATOR HANSEN: Thank you. Senator Riepe.

SENATOR RIEPE: Senator Hansen, thank you, Chairman. Ms. Koller, I appreciate your testimony, but I'm going to have to put you down as the category of opposed, just from your remarks, and not a neutral capacity.

REBECCA KOLLER: Well, all right.

SENATOR RIEPE: Okay. And I respect your position, it's just that I think you were pretty clear about this is not something you want to see.

REBECCA KOLLER: I think the university, as I stated, has great concerns.

SENATOR RIEPE: Well put, thank you. Thanks for being here.

DOUG HANSON: Thank you, Senator Riepe. Any other questions? All right, seeing none, thank you.

REBECCA KOLLER: Thank you.

SENATOR HANSEN: Any other neutral testifiers? Seeing none, I invite Senator Wayne up to close. While he comes up I will read into the record we have a letter of support from the Associated General Contractors Nebraska Building Chapter and a letter of support from the city of Lincoln.

SENATOR WAYNE: So first, to the permitting for the city of Lincoln, currently statues for political subdivisions require that inspection fees to other political subdivisions shall not exceed the actual cost incurred. We can amend that to include state agencies so there is a mechanism to fund their concerns. Second, so those on the floor know that juvenile law, education, and economics are kind of my-- very important topics to me. The more I sit through building code hearings the more this has moved up in the priority list because what I heard from state agencies today was we're building, but we're not building up to code. And the fact of the matter is when I look at Omaha, Nebraska, at UNO sitting in the middle of our city, any new construction that occurs there should meet the city of Omaha's code. If nothing else for safety, life reasons. The fiscal note on this is

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interesting because there's a lot of assumptions in the fiscal note because this only applies to new construction or renovations that you would deem even in the city of Omaha or anywhere else that you would deem that you would have to get-- or basically you'd have to meet the new code and you could be grandfathered in. So we're only talking about going forward. With the budget cuts and them laying off baseball teams at UNK, etcetera, etcetera, I find it ironic that they're going to build this much in the next couple of years if they're having so many problems with academic cuts. And so I'm just-- let's take Baxter Arena. Let's look at Senator Riepe's district where Ralston Arena is. Ralston Arena had to comply with local code that was technically probably, according to the state, more expensive, but Baxter didn't have to do that. That's not fair to those individuals, that's not fair to your city. That's not fair to anybody else who competes. The universities, state agencies for no other reason for the health, life, and safety, which is what building codes are designed for, should meet those things. I'm a little confused about the Hickman scenario because it sounds more to me like zoning and design versus building code, and I have to do more research on that. But when I look at Omaha, when I look at Lincoln, if there was a major fire or a major collapse or destruction, we're talking about the heart of the cities. At a minimum, any new construction at the heart of the cities should meet the city code. We've elected city councils, we've elected board of directors, we've elected county commissioners to approve these things. This is what their community needs. And it isn't fair that Ralston Arena, which is publicly financed, and Baxter, which is publicly financed, have two different code requirements. Nor is it fair to the public that both times that people walk in there there's a different set of codes and a different set of health and safety issues. They should be the same when they walk into Baxter and they walk into Ralston, they have the same comfort knowing that it met the same code when it was built. That's fair, that's across geography, and that's what we should be looking at. So again, this year, I don't know where it's going with this interesting fiscal note but this is going to be one of those bills that I'm going to keep pushing every year, because it just it doesn't make sense for me from a city's perspective who when I hear on the floor "local control, local control" except for this. But we shouldn't make exceptions when it comes to fire, life, and safety. And I close with that, thank you.

SENATOR HANSEN: Thank you. Any Questions for Senator Wayne? Senator Quick.

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SENATOR QUICK: Thank you, Chairman Hansen. I just want to go on record that I support what you just said and, you know, coming from my background. Safety in the workplace is most important, and I think safety for our students who live in the dormitories or residents who live in their homes and the people who rent either apartments and some of the low-income housing. We need to protect those people make sure they are kept safe too. So thank you.

SENATOR WAYNE: Thank you.

SENATOR HANSEN: Thank you, Senator Quick and Senator Wayne. With that, we will close the hearing on LB720 and move on LB889, which is also by Senator Wayne.

SENATOR WAYNE: Welcome back to Urban Affairs state code building day. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent the Legislative District number 13, which is north Omaha and northeast Douglas County. LB889 is the first of two bills stemming from LR81 interim study this fall, which examined the adoption and enforcement of state fire codes. Unlike other fire codes, building codes, energy codes, electrical codes, and plumbing codes under the jurisdiction of Urban Affairs, as the state fire code is not adopted by statute, it is adopted through the rules and regulations process by the State Fire Marshal. The current code conforms generally to the 2000 edition of the life safety code, which is promulgated by the National Fire Protection Association. The LCS-- LSC is often referred to as the NFPA 101 or Pamphlet 101. The Urban Affairs Committee received a number of inquiries and complaints over the last few years about the fact that the fire code has not been updated in so long. LB889 would bring the adoption process for state fire codes in line with the adoption process for other codes specifying in addition fire code that the state code shall generally conform to-- under the bill the state fire code would require to conform to generally the 2012 editions of the NFPA pamphlet number one, often referred to as the fire code, and number 101, often referred to as the life safety code. The State Fire Marshal actually began the process of updating its rules and regulations to conform to the 2012 edition of the life safety code last year. But those regulations are on hold due to an executive order this summer which temporarily suspended all agency rulemaking. In addition, LB889 would repeal the outdated high-rise building code-- high-rise building fire code. Passed in 1981, the high-rise building code was required to adopt-- the high-rise fire building fire code was to be adopted and promulgated rules through rules and regulations

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office by the-- I mean by the State Fire Marshal. Statue actually requires the high-rise building code to conform generally to the 1979 uniform building code, which is no longer in publication. I was born in 1979, just so we're clear. Because NFPA 1 and NFPA 101 now include provisions equivalent to the high-rise building code, this section is now obsolete. Representatives from the Fire Marshal's may be here to testify, but I would be happy to answer any questions.

SENATOR HANSEN: Thank you, Senator Wayne. Are there questions from the committee? Seeing none, we'll move on to proponents. Thank you. Welcome.

REGINA SHIELDS: I apologize, first and foremost, I am in the middle of a cold. And so it's not going to go that well. Chairman Wayne and members of the Urban Affairs Committee, for the record my name is Regina Shields, R-e-g-i-n-a S-h-i-e-l-d-s, and I am the legal counsel and legislative liaison for the State Fire Marshal agency. I appear before you testify in favor of LB889 and I want to thank Senator Wayne for the communications and meetings he held with the agency regarding this bill. LB889 would remove regulation language from the Nebraska Revised Statute 81-502, which is the statute establishing the State Fire Marshal, and move this exact language into Nebraska Revised Statute 81-502.04, which is entitled Rules and regulations; enforcement; procedure. The moved language does not change the areas of responsibility or duties of the agency, but it does require that the agency adopt the 2012 year edition of the National Fire Protection-- excuse me, National Fire Prevention Association codes. The addition of the statutorily stated year edition of The NFPA codes mirrors the process used to adopt the state codes, such as the electrical code. The adoption of the 2012 year code must occur by July 1, 2019. As stated, the agency has already started the updating process to the 2012 year edition in order to meet federal requirements for some programs. LB889 would also repeal Nebraska Revised Statute 81-541.01, which required the agency to establish rules and regulations regarding the high-rise code by 1982. As stated, this statute is outdated and unnecessary as high-rise requirements are now included within the NFPA codes the agency has adopted and will continue to be included when the agency updates the 2012 year edition of the NFPA codes. Thank you for your time and consideration of these matters. I'll be happy to answer any questions.

SENATOR HANSEN: Thank you. Are there questions? Senator Crawford.

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SENATOR CRAWFORD: Thank you, Vice Chair Hansen. And thank you for being here today. I just have one question about your interpretation of "but not when doing so would impose an unduly severe or costly burden without substantially contributing to the safety of persons or property." What would be the process by which you would determine that?

REGINA SHIELDS: Generally, the position of the agency has always been that that provision deals specifically when the code itself is being adopted. If someone comes to the agency when we start the rulemaking process and explain a specific provision that they have a problem with, an example would be in the past we've had some issues with historical buildings, things that could be required in the fire code and how the historical section would work. We work with the division that brought that to us, we talk about some other issues. We may need to make an amendment to the code itself to allow for those kind of issues in Nebraska, or if there's a Nebraska-specific amendment. It is occasionally brought to the agency at the time when we're trying to enforce the code itself after it's already been adopted. We do make allowances for issues of excess costs. We enter into what's called a plan of correction, which allows those costs to be spread out over additional years. We say this section must be done in six months, this section must be done in a year, this section must be done in two years, three years, and up sometimes even up to five years depending on the total cost of the project. There has been some debate about whether or not that can only be applied at the time the regulation is being adopted versus the actual application of the code. But the agency works very hard to make sure that excessive costs are not overburdensome. There are times when the code requirement for safety is going to require certain things, but we try very hard to work with everybody to make it as applicable as possible.

SENATOR CRAWFORD: So from your perspective the intent would be to consider that that language applies both in the development of the code and then it is also a fact that can be considered an implementation of the code?

Yes. We-- well, to be technically correct, we would state that it is at the time of the adoption of the code. But when anybody brings us a concern regarding cost that we'll work very closely with them, and we always consider that as when we're trying to issue out the orders and put in the plan of correction. That we've never had a case where it

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has actually gone to say a district court for official interpretation of that but.

SENATOR CRAWFORD: Thank you.

SENATOR HANSEN: Thank you, Senator Crawford. Any other questions? Seeing none, thanks for coming down. All right, are there any more proponents on LB889. Seeing none, are there any opponents for LB889. Seeing no opponents, are there anybody who wishes to testify neutral?

DAVE JOHNSON: Chairman Wayne, Senator Hansen, committee, Dave Johnson, D-a-v-e J-o-h-n-s-o-n. I'm president and owner of Studio 951 Architects here in Lincoln. I'm here representing the American Institute of Architects Nebraska Chapter. At our meeting on Friday reviewing these bills, our committee elected to take a stance of neutrality on this bill. While we are in support of the updating the life safety code in line with our other bills that we've supported here today, we don't have other than supporting the update of the code we're neutral on the rest of the bill.

SENATOR HANSEN: All right, thank you. Any questions from the committee? Seeing none, thank you.

DAVE JOHNSON: Thank you.

SENATOR HANSEN: Any other neutral testifiers? Seeing none, Senator Wayne, we'll invite you up. Senator Wayne waives closing. And I will read into the record that we also had a letter of support from the Nebraska Health Care Association. And with that, we will close the hearing on LB889 and move to LB890, which is also by Senator Wayne.

SENATOR WAYNE: Thank you. This will be the conclusion of the code day in Urban Affairs. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District number 13, which is north Omaha and northeast Douglas County. LB890 is the second of two bills stemming from the LR81 interim study this fall, which examined the adoption and enforcement of state code. While the enforcement of the state code is prompt-- is prominently provided by the State Fire Marshal's Office, I'm talking about the fire code, the fire code can be enforced by local governments if informant authority is delegated to local fire prevention personnel. Currently, eight cities and the University of Nebraska at Lincoln have been delegated by the Fire Marshal's to provide code enforcement, fire code enforcement. Depending on whether the fire code is being enforced by the state or by local governments

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the fee structure is different. If enforcement is provided by the Fire Marshal, inspection fees are paid to the Fire Marshal according to the fee structure set by statute. If enforcement is provided by the municipality, inspection fees are paid to by the municipality-- to the municipality according to the fee structure set by the local ordinance. Based off of testimony of the interim study, the current fee structure in statute for the state related to the fire code enforcement was last updated in 2004, but most of the fee levels were set back in the 1990s. LB890 would require the Fire Marshal to examine the current fee structure. The examination would look at the cost to conduct inspections and determine what percentage of the actual cost of the fee is currently covers. If the fee-- if the percentage of the actual costs covered is less than 70 percent, the agency would be required to determine the fee structure necessary to fund at least 75 percent of the cost. The examination would also compare state fees being charged by local political subdivisions enforcing the fire code. The report for the fee examination would be required to be submitted to Urban Affairs no later than December 15th, 2018. And this is what happens to state agencies when they come to my office and then we start talking. I introduce bills that they necessarily don't support or will be here testifying. But if I see an issue, I think we should as a body should help at least talk about it and help provide whatever assistance we can. So I don't believe there will be any testifiers behind me because they did not ask for this. But when I look at dates from 1990s and I look at-- I sell fireworks for a nonprofit. I look at the state charges a fee for them to drive all the way out to the middle of nowhere one time to maybe look at something. And Omaha comes out three or four times and charges a little bit higher fee, a significantly higher fee. I think we need to at least as a body talk about that. So that's what it's about. I will answer any questions.

SENATOR HANSEN: Thank you, Senator Wayne. Questions from the committee? Seeing none, thank you. All right, we will move to proponents for LB890. Are there any proponents? You can wave your arms. Nope, all right. We'll move to opponents for LB890. Same, all right. Anybody who wishes to testify in a neutral capacity for LB890? All right, Senator Wayne, you're welcome to close.

SENATOR WAYNE: I kind of had a feeling about that, so I will waive closing.

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SENATOR HANSEN: Thank you, Senator Wayne. That ends our hearings for today. We have no letters for the record. And that will end the hearing on LB890 and our hearings for the year. Thank you, everyone.