

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1134

Introduced by Kauth, 31.

Read first time January 20, 2026

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to public health and welfare; to amend
2 sections 81-1608, 81-1618, and 81-2104, Reissue Revised Statutes of
3 Nebraska, section 71-6403, Revised Statutes Cumulative Supplement,
4 2024, and sections 71-6406, 72-804, 72-805, 81-1609, and 81-1611,
5 Revised Statutes Supplement, 2025; to change provisions relating to
6 state building codes, electrical codes, and energy codes; to change
7 and provide limitations on local building and construction codes,
8 energy codes, and electrical codes as prescribed; to harmonize
9 provisions; and to repeal the original sections.

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

1 **Section 1.** Section 71-6403, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 71-6403 (1) There is hereby created the state building code. The
4 Legislature hereby adopts by reference:

5 (a) The International Building Code (IBC), 2018 edition, except
6 section 101.4.3 and chapter 29, published by the International Code
7 Council, except that (i) section 305.2.3 applies to a facility having
8 twelve or fewer children and (ii) section 310.4.1 applies to a care
9 facility for twelve or fewer persons;

10 (b) The International Residential Code (IRC), 2009 2018 edition,
11 except section R313 and chapters 25 through 33, published by the
12 International Code Council;

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

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

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

22 **Sec. 2.** Section 71-6406, Revised Statutes Supplement, 2025, is
23 amended to read:

24 71-6406 (1)(a) Any county, city, or village may enact, administer,
25 or enforce a local building or construction code if or as long as such
26 county, city, or village:

27 (i) Adopts the state building code; or

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

30 (b) If a county, city, or village does not adopt a code as
31 authorized under subdivision (a) of this subsection within two years

1 after an update to the state building code, the state building code shall
2 apply in the county, city, or village, except that such code shall not
3 apply to construction on a farm or for farm purposes.

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

6 (a) Adopts a special or differing building standard by amending,
7 modifying, or deleting any portion of the state building code in order to
8 reduce unnecessary costs of construction, increase safety, durability, or
9 efficiency, establish best building or construction practices within the
10 county, city, or village, or address special local conditions within the
11 county, city, or village;

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

14 (c) Adopts any of the following:

15 (i) Section 305 or 310 of the 2018 edition of the International
16 Building Code without the exceptions described in subdivision (1)(a) of
17 section 71-6403;

18 (ii) Section 101.4.3 or any portion of chapter 29 of the 2018
19 edition of the International Building Code;

20 (iii) Section R313 or any portion of chapters 25 through 33 of the
21 2009 2018 edition of the International Residential Code; or

22 (iv) Section 809 of the 2018 edition of the International Existing
23 Building Code;

24 (d) Adopts a plumbing code, an electrical code, a fire prevention
25 code, or any other standard code as authorized under section 14-419,
26 15-905, 18-132, or 23-172;

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

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

31 (3) A local building or construction code shall not be deemed to

1 conform generally with the state building code if it:

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

4 (b) Does not include minimum standards for radon resistant new
5 construction that meet the minimum standards adopted under section
6 76-3504.

7 (4) A county, city, or village shall notify the Department of Water,
8 Energy, and Environment if it amends or modifies its local building or
9 construction code in such a way as to delete any portion of (a) chapter
10 13 of the 2018 edition of the International Building Code or (b) chapter
11 11 of the 2009 2018 edition of the International Residential Code. The
12 notification shall be made within thirty days after the adoption of such
13 amendment or modification.

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

16 (6)(a) Subject to subdivision (b) of this subsection, a (6) A
17 county, city, or village which adopts or enforces a local building or
18 construction code under this section shall regularly update its code. For
19 purposes of this section, a code shall be deemed to be regularly updated
20 if the most recently enacted state building code or a code that conforms
21 generally with the state building code is adopted by the county, city, or
22 village within two years after an update to the state building code.

23 (b)(i) A county, city, or village that enacts, administers, or
24 enforces a local building or construction code, electrical code, or
25 energy code shall not adopt an update or change to such a code without
26 providing, in a method determined by the governing body of such county,
27 city, or village, independent third-party evidence verifying that the
28 update or change is necessary to protect the public from eminently
29 dangerous situations or otherwise required by state or federal law.

30 (ii) The independent third-party evidence shall be from a source (a)
31 that has no financial interest in the adoption or enforcement of the

1 proposed code update or change and (b) possesses expertise in public
2 safety or municipal codes.

3 (iii) Eminently dangerous situations means situations or safety
4 hazards that present an imminent and unreasonable risk of death or severe
5 personal injury.

6 (c) Until January 1, 2031, a county, city, or village shall not
7 adopt or enforce a local construction or building code that is more
8 stringent or a more updated version than the state building code adopted
9 pursuant to section 71-6403 or a local electrical code that is more
10 stringent or a more updated version than the National Electrical code
11 filed with the Secretary of State and adopted by the State Electrical
12 Board under subdivision (5) of section 81-2104.

13 (7) A county, city, or village may adopt amendments for the proper
14 administration and enforcement of its local building or construction code
15 including organization of enforcement, qualifications of staff members,
16 examination of plans, inspections, appeals, permits, and fees. Any
17 amendment adopted pursuant to this section shall be published separately
18 from the local building or construction code. Any local building or
19 construction code adopted under subdivision (1)(a) of this section or the
20 state building code if applicable under subdivision (1)(b) of this
21 section shall be the legally applicable code regardless of whether the
22 county, city, or village has provided for the administration or
23 enforcement of its local building or construction code under this
24 subsection.

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

31 (9) Notwithstanding the provisions of the Building Construction Act,

1 a public building of any political subdivision shall be built in
2 accordance with the applicable local building or construction code. Fees,
3 if any, for services which monitor a builder's application of codes shall
4 be negotiable between the political subdivisions involved, but such fees
5 shall not exceed the actual expenses incurred by the county, city, or
6 village doing the monitoring.

7 **Sec. 3.** Section 72-804, Revised Statutes Supplement, 2025, is
8 amended to read:

9 72-804 (1) Any new state building shall meet or exceed the
10 requirements of the 2009 2018 International Energy Conservation Code
11 published by the International Code Council.

12 (2) Any new lighting, heating, cooling, ventilating, or water
13 heating equipment or controls in a state-owned building and any new
14 building envelope components installed in a state-owned building shall
15 meet or exceed the requirements of the 2009 2018 International Energy
16 Conservation Code.

17 (3) The State Building Administrator of the Department of
18 Administrative Services, in consultation with the Department of Water,
19 Energy, and Environment, may specify:

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

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

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

28 **Sec. 4.** Section 72-805, Revised Statutes Supplement, 2025, is
29 amended to read:

30 72-805 Except as provided in section 58-712 for certain projects
31 funded by the Affordable Housing Trust Fund, the 2009 2018 International

1 Energy Conservation Code, published by the International Code Council,
2 applies to all new buildings constructed in whole or in part with state
3 funds after July 1, 2020. The Department of Water, Energy, and
4 Environment shall review building plans and specifications necessary to
5 determine whether a building will meet the requirements of this section,
6 except that the department shall not be required to review building plans
7 and specifications upon evidence that the building plans and
8 specifications have previously been reviewed by a county, city, or
9 village enforcing a local building or construction code adopted pursuant
10 to section 71-6406 if such local building or construction code includes
11 the requirements of the 2009 2018 International Energy Conservation Code.
12 The department shall provide a copy of any review to the agency receiving
13 funding. The agency receiving the funding shall verify that the building
14 as constructed meets or exceeds the code. The verification shall be
15 provided to the department. The Director of Water, Energy, and
16 Environment may, in consultation with the State Building Administrator of
17 the Department of Administrative Services, adopt and promulgate rules and
18 regulations to carry out this section.

19 **Sec. 5.** Section 81-1608, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 81-1608 The Legislature finds that consumers have an expectation
22 that newly built houses or buildings they buy meet uniform energy
23 efficiency standards. Therefor, the Legislature finds that there is a
24 need to adopt the 2009 2018 International Energy Conservation Code,
25 published by the International Code Council, in order (1) to ensure that
26 a minimum energy efficiency standard is maintained throughout the state,
27 (2) to harmonize and clarify energy building code statutory references,
28 (3) to ensure compliance with the federal Energy Policy Act of 1992, (4)
29 to increase energy savings for all Nebraska consumers, especially low-
30 income Nebraskans, (5) to reduce the cost of state programs that provide
31 assistance to low-income Nebraskans, (6) to reduce the amount of money

1 expended to import energy, (7) to reduce the growth of energy
2 consumption, (8) to lessen the need for new power plants, and (9) to
3 provide training for local code officials and residential and commercial
4 builders who implement the 2018 International Energy Conservation Code.

5 **Sec. 6.** Section 81-1609, Revised Statutes Supplement, 2025, is
6 amended to read:

7 81-1609 As used in sections 81-1608 to 81-1626, unless the context
8 otherwise requires:

9 (1) Department means the Department of Water, Energy, and
10 Environment;

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

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

17 (4) Building means any new structure, renovated building, or
18 addition which is used or intended for supporting or sheltering any use
19 or occupancy, but not including any structure which has a consumption of
20 traditional energy sources for all purposes not exceeding the energy
21 equivalent of three and four-tenths British Thermal Units per hour or one
22 watt per square foot;

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

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

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

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

4 (9) Nebraska Energy Code means the 2009 2018 International Energy
5 Conservation Code published by the International Code Council;

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

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

10 **Sec. 7.** Section 81-1611, Revised Statutes Supplement, 2025, is
11 amended to read:

12 81-1611 The Legislature hereby adopts the 2009 2018 International
13 Energy Conservation Code published by the International Code Council as
14 the Nebraska Energy Code. The Director of Water, Energy, and Environment
15 may adopt regulations specifying alternative standards for building
16 systems, techniques, equipment designs, or building materials that shall
17 be deemed equivalent to the Nebraska Energy Code. Regulations specifying
18 alternative standards may be deemed equivalent to the Nebraska Energy
19 Code and may be approved for general or limited use if the use of such
20 alternative standards would not result in energy consumption greater than
21 would result from the strict application of the Nebraska Energy Code.

22 **Sec. 8.** Section 81-1618, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 81-1618 (1) Any county, city, or village may adopt and enforce a
25 local energy code. Such local energy code shall be deemed equivalent to
26 the Nebraska Energy Code if it does not result in energy consumption
27 greater than would result from the strict application of the Nebraska
28 Energy Code and is reasonably consistent with the intent of sections
29 81-1608 to 81-1626. Any building or portion thereof subject to the
30 jurisdiction of and inspected by such county, city, or village shall be
31 deemed to comply with sections 81-1608 to 81-1626 if it meets the

1 standards of such local energy code. Such county, city, or village may by
2 ordinance or resolution prescribe a schedule of fees sufficient to pay
3 the costs incurred pursuant to sections 81-1608 to 81-1626.

4 (2) Any county, city, or village which adopts and enforces a local
5 energy code may waive a specific requirement of the Nebraska Energy Code
6 when meeting such requirement is not economically justified. The local
7 code authority shall submit to the department its analysis for
8 determining that a specific requirement is not justified. The department
9 shall review such analysis and transmit its findings and conclusions to
10 the local code authority within a reasonable time. The local code
11 authority shall submit to the department its explanation as to how the
12 original code or any revised code addresses the issues raised by the
13 department. After a local code authority has submitted such explanation,
14 the authority may proceed to enforce its local energy code.

15 (3) Notwithstanding subsection (1) and (2) of this section and until
16 January 1, 2031, a county, city, or village shall not adopt or enforce a
17 local energy code that is more stringent or a more updated version than
18 the Nebraska Energy Code adopted pursuant to section 81-1611.

19 **Sec. 9.** Section 81-2104, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 81-2104 The board shall have power to:

22 (1) Elect its own officers;
23 (2) Engage and fix the compensation of such officers, inspectors,
24 and employees as may be required in the performance of its duties;
25 (3) Pay such other expenses as may be necessary in the performance
26 of its duties;

27 (4) Provide upon request such additional voluntary inspections and
28 reviews as it deems appropriate;

29 (5) Adopt, promulgate, and revise rules and regulations necessary to
30 enable it to carry into effect the State Electrical Act. In adopting and
31 promulgating such rules and regulations, the board shall be governed by

1 the minimum standards set forth in the National Electrical Code issued
2 and adopted by the National Fire Protection Association beginning in the
3 2008 2023 edition of the National Electrical Code, Publication Number
4 70-2008 70-2023, except that the minimum standards set forth in the 2017
5 edition of the National Electrical Code shall apply for sections
6 210.8(A), 210.8(A)(3), 210.8(A)(5), 230.67(A), and 230.85. The Each
7 edition of the National Electrical Code mentioned in this subdivision
8 shall be filed in the offices of the Secretary of State and the board
9 during the time the edition is in use under this subdivision and shall be
10 a public record. The board shall adopt and promulgate rules and
11 regulations establishing wiring standards that protect public safety and
12 health and property and that apply to all electrical wiring which is
13 installed subject to the State Electrical Act;

14 (6) Revoke, suspend, or refuse to renew any license or registration
15 granted pursuant to the State Electrical Act when the licensee or
16 registrant (a) violates any provision of the National Electrical Code as
17 adopted pursuant to subdivision (5) of this section, the act, or any rule
18 or regulation adopted and promulgated pursuant to the act, (b) fails or
19 refuses to pay any examination, registration, or license renewal fee
20 required by law, (c) is an electrical contractor or master electrician
21 and fails or refuses to provide and keep in force a public liability
22 insurance policy as required by the board, or (d) violates any political
23 subdivision's approved inspection ordinances;

24 (7) Order disconnection of power to any electrical installation that
25 is proximately dangerous to health and property;

26 (8) Order removal of electrical wiring and apparatus from premises
27 when such wiring and apparatus is proximately dangerous to health and
28 property;

29 (9) Investigate, for the purpose of identifying dangerous electrical
30 wiring or violations of the National Electrical Code as adopted pursuant
31 to subdivision (5) of this section, any death by electrocution that

1 occurs within the State of Nebraska;

2 (10) Refuse to renew any license granted pursuant to the act when
3 the licensee fails to submit evidence of completing the continuing
4 education requirements under section 81-2117.01;

5 (11) Provide for the amount and collection of fees for inspection
6 and other services;

7 (12) Adopt a seal, and the executive secretary shall have the care
8 and custody thereof; and

9 (13) Enforce the provisions of the National Electrical Code as
10 adopted pursuant to subdivision (5) of this section.

11 **Sec. 10.** Original sections 81-1608, 81-1618, and 81-2104, Reissue
12 Revised Statutes of Nebraska, section 71-6403, Revised Statutes
13 Cumulative Supplement, 2024, and sections 71-6406, 72-804, 72-805,
14 81-1609, and 81-1611, Revised Statutes Supplement, 2025, are repealed.