

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1227

Introduced by Andersen, 49; Clouse, 37; Kauth, 31; Lonowski, 33;
Sorrentino, 39.

Read first time January 21, 2026

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to energy; to amend sections 81-1618 and
- 2 81-2125, Reissue Revised Statutes of Nebraska, and section 71-6406,
- 3 Revised Statutes Supplement, 2025; to change requirements for a
- 4 county, city, or village to adopt local energy codes or to adopt or
- 5 enforce local electrical codes; to define a term; to harmonize
- 6 provisions; and to repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 71-6406, Revised Statutes Supplement, 2025, is
2 amended to read:

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

6 (i) Adopts the state building code; or

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

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

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

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

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

24 (c) Adopts any of the following:

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

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

30 (iii) Section R313 or any portion of chapters 25 through 33 of the
31 2018 edition of the International Residential Code; or

1 (iv) Section 809 of the 2018 edition of the International Existing
2 Building Code;

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

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

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

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

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

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

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

24 (5) A county, city, or village shall not adopt or enforce a local
25 electrical code that provides standards that are different than those
26 prescribed by the State Electrical Board pursuant to the State Electrical
27 Act, except that a county, city, or village may provide for the
28 inspection of electrical installations by a certified electrical
29 inspector.

30 (6) (5) A county, city, or village shall not adopt or enforce a
31 local building or construction code other than as provided by this

1 section.

2 ~~(7)~~ ~~(6)~~ A county, city, or village which adopts or enforces a local
3 building or construction code under this section shall regularly update
4 its code. For purposes of this section, a code shall be deemed to be
5 regularly updated if the most recently enacted state building code or a
6 code that conforms generally with the state building code is adopted by
7 the county, city, or village within two years after an update to the
8 state building code.

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

21 ~~(9)~~ ~~(8)~~ A county, city, or village which adopts one or more standard
22 codes as part of its local building or construction code under this
23 section shall keep at least one copy of each adopted code, or portion
24 thereof, for use and examination by the public in the office of the clerk
25 of the county, city, or village prior to the adoption of the code and as
26 long as such code is in effect.

27 ~~(10)~~ ~~(9)~~ Notwithstanding the provisions of the Building Construction
28 Act, a public building of any political subdivision shall be built in
29 accordance with the applicable local building or construction code. Fees,
30 if any, for services which monitor a builder's application of codes shall
31 be negotiable between the political subdivisions involved, but such fees

1 shall not exceed the actual expenses incurred by the county, city, or
2 village doing the monitoring.

3 **Sec. 2.** Section 81-1618, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-1618 (1) Any county, city, or village may adopt and enforce a
6 local energy code. Prior to adopting any new local energy codes a county,
7 city, or village shall determine whether the new local energy code is
8 cost efficient. A county, city, or village shall not adopt a new local
9 energy code such county, city, or village determines is not cost-
10 efficient. Such local energy code shall be deemed equivalent to the
11 Nebraska Energy Code if it does not result in energy consumption greater
12 than would result from the strict application of the Nebraska Energy Code
13 and is reasonably consistent with the intent of sections 81-1608 to
14 81-1626. Any building or portion thereof subject to the jurisdiction of
15 and inspected by such county, city, or village shall be deemed to comply
16 with sections 81-1608 to 81-1626 if it meets the standards of such local
17 energy code. Such county, city, or village may by ordinance or resolution
18 prescribe a schedule of fees sufficient to pay the costs incurred
19 pursuant to sections 81-1608 to 81-1626.

20 (2) Any county, city, or village which adopts and enforces a local
21 energy code may waive a specific requirement of the Nebraska Energy Code
22 when meeting such requirement is not economically justified. The local
23 code authority shall submit to the department its analysis for
24 determining that a specific requirement is not justified. The department
25 shall review such analysis and transmit its findings and conclusions to
26 the local code authority within a reasonable time. The local code
27 authority shall submit to the department its explanation as to how the
28 original code or any revised code addresses the issues raised by the
29 department. After a local code authority has submitted such explanation,
30 the authority may proceed to enforce its local energy code.

31 (3) For purposes of this section, cost efficient means that the

1 expected increase in costs to implement the local energy code for new
2 buildings is less than the expected energy cost savings in such buildings
3 over five years. Expected costs shall be based on the energy impact
4 studies published by the Department of Water, Energy, and Environment.

5 **Sec. 3.** Section 81-2125, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 81-2125 (1) State inspection shall not apply within the jurisdiction
8 of any county, city, or village which provides by resolution or ordinance
9 standards of electrical wiring and its installation ~~that are not less~~
10 ~~than those prescribed by the board or by the State Electrical Act and~~
11 which further provides by resolution or ordinance for the inspection of
12 electrical installations within the limits of such subdivision by a
13 certified electrical inspector. No person other than the holder of an
14 electrical inspector's certificate of qualification shall be appointed to
15 act as electrical inspector and to enforce the act as electrical
16 inspector and to enforce the act or any applicable resolution or
17 ordinance within his or her jurisdiction. A copy of the certificate of
18 each electrical inspector shall be provided to the board by the political
19 subdivision issuing the certificate.

20 (2) State inspection shall not apply to routine maintenance.

21 **Sec. 4.** Original sections 81-1618 and 81-2125, Reissue Revised
22 Statutes of Nebraska, and section 71-6406, Revised Statutes Supplement,
23 2025, are repealed.