

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 800

Introduced by Urban Affairs Committee: McKinney, 11, Chairperson;
Cavanaugh, J., 9; Quick, 35; Rountree, 3.

Read first time January 07, 2026

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to buildings; to amend sections 81-1608 and
- 2 81-1614, Reissue Revised Statutes of Nebraska, sections 71-6403 and
- 3 72-806, Revised Statutes Cumulative Supplement, 2024, and sections
- 4 71-6406, 72-804, 72-805, 81-1609, and 81-1611, Revised Statutes
- 5 Supplement, 2025; to adopt updates to building and energy codes; and
- 6 to repeal the original sections.
- 7 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), chapter 13 of the 2024
6 edition, and all but such chapter of the 2018 edition, except section
7 101.4.3 and chapter 29, published by the International Code Council,
8 except that (i) section 305.2.3 applies to a facility having twelve or
9 fewer children and (ii) section 310.4.1 applies to a care facility for
10 twelve or fewer persons;

11 (b) The International Residential Code (IRC), chapter 11 of the 2024
12 edition, and all but such chapter of the 2018 edition, except section
13 R313 and chapters 25 through 33, published by the International Code
14 Council;

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

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

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

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

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

29 (i) Adopts the state building code; or

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

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

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

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

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

16 (c) Adopts any of the following:

17 (i) Chapter 13 of the 2024 edition of the International Building
18 Code;

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

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

24 (iv) Chapter 11 of the 2024 edition of the International Residential
25 Code;

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

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

30 (d) Adopts a plumbing code, an electrical code, a fire prevention
31 code, or any other standard code as authorized under section 14-419,

1 15-905, 18-132, or 23-172;

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

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

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

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

10 (b) Does not include minimum standards for radon resistant new
11 construction that meet the minimum standards adopted under section
12 76-3504.

13 (4) A county, city, or village shall notify the Department of Water,
14 Energy, and Environment if it amends or modifies its local building or
15 construction code in such a way as to delete any portion of (a) chapter
16 13 of the 2024 ~~2018~~ edition of the International Building Code or (b)
17 chapter 11 of the 2024 ~~2018~~ edition of the International Residential
18 Code. The notification shall be made within thirty days after the
19 adoption of such amendment or modification.

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

22 (6) A county, city, or village which adopts or enforces a local
23 building or construction code under this section shall regularly update
24 its code. For purposes of this section, a code shall be deemed to be
25 regularly updated if the most recently enacted state building code or a
26 code that conforms generally with the state building code is adopted by
27 the county, city, or village within two years after an update to the
28 state building code.

29 (7) A county, city, or village may adopt amendments for the proper
30 administration and enforcement of its local building or construction code
31 including organization of enforcement, qualifications of staff members,

1 examination of plans, inspections, appeals, permits, and fees. Any
2 amendment adopted pursuant to this section shall be published separately
3 from the local building or construction code. Any local building or
4 construction code adopted under subdivision (1)(a) of this section or the
5 state building code if applicable under subdivision (1)(b) of this
6 section shall be the legally applicable code regardless of whether the
7 county, city, or village has provided for the administration or
8 enforcement of its local building or construction code under this
9 subsection.

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

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

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

25 72-804 (1) Any new state building shall meet or exceed the
26 requirements of the 2024 ~~2018~~ International Energy Conservation Code
27 published by the International Code Council.

28 (2) Any new lighting, heating, cooling, ventilating, or water
29 heating equipment or controls in a state-owned building and any new
30 building envelope components installed in a state-owned building shall
31 meet or exceed the requirements of the 2024 ~~2018~~ International Energy

1 Conservation Code.

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

5 (a) A more recent edition of the International Energy Conservation
6 Code;

7 (b) Additional energy efficiency or renewable energy requirements
8 for buildings; and

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

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

15 72-805 Except as provided in section 58-712 for certain projects
16 funded by the Affordable Housing Trust Fund, the 2024 ~~2018~~ International
17 Energy Conservation Code, published by the International Code Council,
18 applies to all new buildings constructed in whole or in part with state
19 funds after the effective date of this act ~~July 1, 2020~~. The Department
20 of Water, Energy, and Environment shall review building plans and
21 specifications necessary to determine whether a building will meet the
22 requirements of this section, except that the department shall not be
23 required to review building plans and specifications upon evidence that
24 the building plans and specifications have previously been reviewed by a
25 county, city, or village enforcing a local building or construction code
26 adopted pursuant to section 71-6406 if such local building or
27 construction code includes the requirements of the 2024 ~~2018~~
28 International Energy Conservation Code. The department shall provide a
29 copy of any review to the agency receiving funding. The agency receiving
30 the funding shall verify that the building as constructed meets or
31 exceeds the code. The verification shall be provided to the department.

1 The Director of Water, Energy, and Environment may, in consultation with
2 the State Building Administrator of the Department of Administrative
3 Services, adopt and promulgate rules and regulations to carry out this
4 section.

5 **Sec. 5.** Section 72-806, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 72-806 The enforcement provisions of Chapter 1 of the 2024 ~~2018~~
8 International Energy Conservation Code, published by the International
9 Code Council, shall not apply to buildings subject to section 72-804.

10 **Sec. 6.** Section 81-1608, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 81-1608 The Legislature finds that consumers have an expectation
13 that newly built houses or buildings they buy meet uniform energy
14 efficiency standards. Therefor, the Legislature finds that there is a
15 need to adopt the 2024 ~~2018~~ International Energy Conservation Code,
16 published by the International Code Council, in order (1) to ensure that
17 a minimum energy efficiency standard is maintained throughout the state,
18 (2) to harmonize and clarify energy building code statutory references,
19 (3) to ensure compliance with the federal Energy Policy Act of 1992, (4)
20 to increase energy savings for all Nebraska consumers, especially low-
21 income Nebraskans, (5) to reduce the cost of state programs that provide
22 assistance to low-income Nebraskans, (6) to reduce the amount of money
23 expended to import energy, (7) to reduce the growth of energy
24 consumption, (8) to lessen the need for new power plants, and (9) to
25 provide training for local code officials and residential and commercial
26 builders who implement the 2024 ~~2018~~ International Energy Conservation
27 Code.

28 **Sec. 7.** Section 81-1609, Revised Statutes Supplement, 2025, is
29 amended to read:

30 81-1609 As used in sections 81-1608 to 81-1626, unless the context
31 otherwise requires:

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

3 (2) Contractor means the person or entity responsible for the
4 overall construction of any building or the installation of any component
5 which affects the energy efficiency of the building;

6 (3) Architect or engineer means any person licensed as an architect
7 or professional engineer under the Engineers and Architects Regulation
8 Act;

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

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

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

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

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

27 (9) Nebraska Energy Code means the 2024 ~~2018~~ International Energy
28 Conservation Code published by the International Code Council;

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

31 (11) Equivalent or equivalent code means standards that meet or

1 exceed the requirements of the Nebraska Energy Code.

2 **Sec. 8.** Section 81-1611, Revised Statutes Supplement, 2025, is
3 amended to read:

4 81-1611 The Legislature hereby adopts the 2024 ~~2018~~ International
5 Energy Conservation Code published by the International Code Council as
6 the Nebraska Energy Code. The Director of Water, Energy, and Environment
7 may adopt regulations specifying alternative standards for building
8 systems, techniques, equipment designs, or building materials that shall
9 be deemed equivalent to the Nebraska Energy Code. Regulations specifying
10 alternative standards may be deemed equivalent to the Nebraska Energy
11 Code and may be approved for general or limited use if the use of such
12 alternative standards would not result in energy consumption greater than
13 would result from the strict application of the Nebraska Energy Code.

14 **Sec. 9.** Section 81-1614, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 81-1614 The Nebraska Energy Code shall apply to all new buildings,
17 or renovations of or additions to any existing buildings, on which
18 construction is initiated on or after the effective date of this act ~~July~~
19 ~~1, 2020~~.

20 **Sec. 10.** Original sections 81-1608 and 81-1614, Reissue Revised
21 Statutes of Nebraska, sections 71-6403 and 72-806, Revised Statutes
22 Cumulative Supplement, 2024, and sections 71-6406, 72-804, 72-805,
23 81-1609, and 81-1611, Revised Statutes Supplement, 2025, are repealed.