

From: Trevor Fitzgerald <tfitzgerald@leg.ne.gov>  
Date: Tue, Aug 27, 2019 at 3:27 PM  
Subject: Effective Dates of Building Code Changes  
To: Barbie Byrd <barbieb07@gmail.com>  
CC: Justin Wayne <jwayne@leg.ne.gov>

Barbie,

The purpose of this e-mail is to summarize the recent discussion we had regarding the effective dates of the various building code bills that passed the Legislature this past session. As you know, four separate bills amending the Building Construction Act passed this session. Those bills were:

- LB 348 (Quick), which updated the state building code to the 2018 editions of the International Building Code (IBC), International Residential Code (IRC), and International Existing Building Code (IEBC);
- LB 405 (Hunt), which updated the state energy code to the 2018 edition of the International Energy Conservation Code (IECC);
- LB 96 (Wayne), which made the state building code the "default" code for jurisdictions that do not adopt a local building code within two years of an update to the state building code; and
- LB 130 (DeBoer), which adopted minimum standards for radon resistant new construction and incorporated those standards as part of the state building code

Generally, any bill that passes the Legislature and is signed into law by the Governor takes effect 90 days following the end of the Legislative session. Three of the above bills (LB 348, LB 96, and LB 130) did not have a specified effective date in the bill, so those bills go into effect on September 1, 2019.

In contrast, LB 405 contained a specific effective date of July 1, 2020. So both the changes to the state energy code statutes and the corresponding changes to the state building code statutes will not go into effect until next year.

Because all four of the building code bills that passed this year amended some of the same sections of statute (most notably sections 71-6403 and 71-6406), the Legislature's website showing the new statutory language actually displays the version of the statute that will go into effect on July 1, 2020 - not the version that goes into effect on September 1, 2019. As a result, while it may appear that LB 405 goes into effect on September 1 with the other three bills, the notations at the bottom of each statutory section explain that the provisions of LB 405 do not go into effect until 2020.

If any of your members have any questions regarding this issue, or if I can be of further assistance, please feel free to contact me.

Thanks!

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