

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 590**

FINAL READING

Introduced by Crawford, 45.

Read first time January 18, 2017

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to the Building Construction Act; to amend
- 2 sections 71-6403, 71-6405, and 71-6406, Revised Statutes Cumulative
- 3 Supplement, 2016; to change provisions relating to the state
- 4 building code; to harmonize provisions; to repeal the original
- 5 sections; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-6403, Revised Statutes Cumulative Supplement,  
2 2016, 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 2009  
6 edition, and all but such chapter of the 2012 edition, published by the  
7 International Code Council, except that (i) section 305.2.3 applies to a  
8 facility having twelve or fewer children and (ii) section 310.5.1 applies  
9 to a care facility for twelve or fewer persons;

10 (b) The International Residential Code (IRC), chapter 11 of the 2009  
11 edition, and all but such chapter of the 2012 edition except section  
12 R313, published by the International Code Council; and

13 (c) The International Existing Building Code, 2012 edition,  
14 published by the International Code Council.

15 (2) The codes adopted by reference in subsection (1) of this section  
16 shall constitute the state building code except as amended pursuant to  
17 the Building Construction Act or as otherwise authorized by state law.

18 Sec. 2. Section 71-6405, Revised Statutes Cumulative Supplement,  
19 2016, is amended to read:

20 71-6405 (1) All state agencies, including all state constitutional  
21 offices, state administrative departments, and state boards and  
22 commissions, the University of Nebraska, and the Nebraska state colleges,  
23 shall comply with the state building code.

24 (2) No state agency may adopt, promulgate, or enforce any rule or  
25 regulation in conflict with the state building code unless otherwise  
26 specifically authorized by statute to (a) adopt, promulgate, or enforce  
27 any rule or regulation in conflict with the state building code or (b)  
28 adopt or enforce a building or construction code other than the state  
29 building code.

30 (3) Nothing in the Building Construction Act shall authorize any  
31 state agency to apply such act to manufactured homes or recreational

1 vehicles regulated by the Uniform Standard Code for Manufactured Homes  
2 and Recreational Vehicles or to modular housing units regulated by the  
3 Nebraska Uniform Standards for Modular Housing Units Act.

4 Sec. 3. Section 71-6406, Revised Statutes Cumulative Supplement,  
5 2016, is amended to read:

6 71-6406 (1) Any county, city, or village may enact, administer, or  
7 enforce a local building or construction code if or as long as such  
8 county, city, or village:

9 (a) Adopts the state building code; or

10 (b) Adopts a building or construction code that conforms generally  
11 with the state building code.

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

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

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

22 (c) Adopts section 305 of the 2012 edition of the International  
23 Building Code without the exceptions described in subdivision (1)(a) of  
24 section 71-6403, chapter 13 of the 2012 edition of the International  
25 Building Code, chapter 11 of the 2012 edition of the International  
26 Residential Code, or section R313 of the 2012 edition of the  
27 International Residential Code;

28 (d) Adopts a plumbing code, an electrical code, a fire prevention  
29 code, or any other standard code as authorized under section 14-419,  
30 15-905, 18-132, or 23-172; or

31 (e) Adopts a lighting and thermal efficiency ordinance, resolution,

1 code, or standard as authorized under section 81-1618.

2 (3) A local building or construction code which includes a prior  
3 edition of any component or combination of components of the state  
4 building code shall not be deemed to conform generally with the state  
5 building code.

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

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

15 (6) A county, city, or village may adopt amendments for the proper  
16 administration and enforcement of its local building or construction code  
17 including organization of enforcement, qualifications of staff members,  
18 examination of plans, inspections, appeals, permits, and fees. Any  
19 amendment adopted pursuant to this section shall be published separately  
20 from the local building or construction code.

21 (7) 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 (8) Notwithstanding the provisions of the Building Construction Act,  
28 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. 4. Original sections 71-6403, 71-6405, and 71-6406, Revised  
4 Statutes Cumulative Supplement, 2016, are repealed.

5       Sec. 5. Since an emergency exists, this act takes effect when  
6 passed and approved according to law.