

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1116

Introduced by Morfeld, 46.

Read first time January 22, 2020

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to buildings; to amend sections 71-6403 and
- 2 71-6406, Revised Statutes Supplement, 2019; to adopt the New School
- 3 Construction and Water Access Act; to provide a duty for the Revisor
- 4 of Statutes; to harmonize provisions; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 5 of this act shall be known and may be
2 cited as the New School Construction and Water Access Act.

3 Sec. 2. The Legislature finds that:

4 (1) According to the most recent National Health and Nutrition
5 Survey from the Centers for Disease Control and Prevention of the United
6 States Department of Health and Human Services, Nebraska children between
7 two and four years of age have the fifth highest obesity rate in the
8 nation, and high school students in this state have the eighteenth
9 highest rate. The trend continues into adulthood with the Nebraska adult
10 obesity rate ranking fifteenth highest among all states;

11 (2) To address the obesity epidemic among school-aged children,
12 early intervention and mitigation of behaviors which contribute to
13 obesity are needed;

14 (3) Improving access to water during the school day can promote
15 healthy choices and help students form healthy behaviors;

16 (4) The current state building code and default plumbing code
17 provide minimal and sometimes conflicting requirements to ensure access
18 to potable water for school children, despite the imperative of water for
19 healthy human function and its use as an asset for curbing obesity. The
20 2018 International Building Code, adopted under section 71-6403 as a
21 component of the state building code, provides that buildings designed
22 for educational occupancy shall have one drinking fountain per one
23 hundred occupants, while the 2009 Uniform Plumbing Code, adopted as the
24 default plumbing code under sections 18-132, 18-1915, and 23-172,
25 provides that buildings designed for educational occupancy shall have one
26 drinking fountain per one hundred fifty occupants;

27 (5) When access to potable water is limited, children increase
28 reliance on high-calorie, sugary drinks, which directly contribute to
29 childhood obesity; and

30 (6) Nebraska can help develop healthy behaviors that will reverse
31 the childhood obesity epidemic by ensuring each child has access to clean

1 water throughout the school day.

2 Sec. 3. For purposes of the New School Construction and Water
3 Access Act:

4 (1) Educational occupancy means any building or space primarily used
5 to deliver instruction to students enrolled in a primary or secondary
6 school.

7 (2) New school construction means the construction of any new
8 building, addition to any existing building, or change of the occupancy
9 limit or type of occupancy in any existing building resulting in an
10 increased occupant load to be used by a school district or educational
11 service unit.

12 Sec. 4. All new school construction completed after January 1,
13 2022, for educational occupancy shall include a minimum of one drinking
14 fountain on each floor of the space created or remodeled as the result of
15 such new school construction and one for every one hundred students
16 projected to simultaneously occupy the space created or remodeled as the
17 result of such new school construction.

18 Sec. 5. On and after January 1, 2022, each school district and
19 educational service unit shall insure that every drinking fountain in any
20 building used by such school district or educational service unit for
21 educational occupancy dispenses clean drinking water and is regularly
22 cleaned and maintained.

23 Sec. 6. Section 71-6403, Revised Statutes Supplement, 2019, is
24 amended to read:

25 71-6403 (1) There is hereby created the state building code. The
26 Legislature hereby adopts by reference:

27 (a) The International Building Code (IBC), chapter 13 of the 2018
28 edition, and all but such chapter of the 2018 edition, published by the
29 International Code Council, except that (i) section 305.2.3 applies to a
30 facility having twelve or fewer children and (ii) section 310.4.1 applies
31 to a care facility for twelve or fewer persons;

1 (b) The International Residential Code (IRC), chapter 11 of the 2018
2 edition, and all but such chapter of the 2018 edition except section
3 R313, published by the International Code Council; and

4 (c) The International Existing Building Code, 2018 edition,
5 published by the International Code Council.

6 (2) The codes adopted by reference in subsection (1) of this
7 section, ~~and~~ the minimum standards for radon resistant new construction
8 adopted under section 76-3504, and beginning January 1, 2022, the minimum
9 requirements for drinking fountains under the New School Construction and
10 Water Access Act shall constitute the state building code except as
11 amended pursuant to the Building Construction Act or as otherwise
12 authorized by state law.

13 Sec. 7. Section 71-6406, Revised Statutes Supplement, 2019, is
14 amended to read:

15 71-6406 (1)(a) Any county, city, or village may enact, administer,
16 or enforce a local building or construction code if or as long as such
17 county, city, or village:

18 (i) Adopts the state building code; or

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

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

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

28 (a) Adopts a special or differing building standard by amending,
29 modifying, or deleting any portion of the state building code in order to
30 reduce unnecessary costs of construction, increase safety, durability, or
31 efficiency, establish best building or construction practices within the

1 county, city, or village, or address special local conditions within the
2 county, city, or village;

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

5 (c) Adopts section 305 or 310 of the 2018 edition of the
6 International Building Code without the exceptions described in
7 subdivision (1)(a) of section 71-6403 or section R313 of the 2018 edition
8 of the International Residential Code;

9 (d) Adopts a plumbing code, an electrical code, a fire prevention
10 code, or any other standard code as authorized under section 14-419,
11 15-905, 18-132, or 23-172;

12 (e) Adopts a local energy code as authorized under section 81-1618;
13 ~~or~~

14 (f) Adopts minimum standards for radon resistant new construction
15 which meet the minimum standards adopted under section 76-3504; or -

16 (g) Beginning January 1, 2022, adopts the minimum requirements for
17 drinking fountains under the New School Construction and Water Access
18 Act.

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

21 (a) Includes a prior edition of any component or combination of
22 components of the state building code; ~~or~~

23 (b) Does not include minimum standards for radon resistant new
24 construction that meet the minimum standards adopted under section
25 76-3504; or -

26 (c) Beginning January 1, 2022, does not include the minimum
27 requirements for drinking fountains under the New School Construction and
28 Water Access Act.

29 (4) A county, city, or village shall notify the Department of
30 Environment and Energy State Energy Office if it amends or modifies its
31 local building or construction code in such a way as to delete any

1 portion of (a) chapter 13 of the 2018 edition of the International
2 Building Code or (b) chapter 11 of the 2018 edition of the International
3 Residential Code. The notification shall be made within thirty days after
4 the adoption of such amendment or modification.

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

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

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

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

26 (9) Notwithstanding the provisions of the Building Construction Act,
27 a public building of any political subdivision shall be built in
28 accordance with the applicable local building or construction code. Fees,
29 if any, for services which monitor a builder's application of codes shall
30 be negotiable between the political subdivisions involved, but such fees
31 shall not exceed the actual expenses incurred by the county, city, or

1 village doing the monitoring.

2 Sec. 8. The Revisor of Statutes shall assign sections 1 to 5 of
3 this act to Chapter 71, article 64.

4 Sec. 9. Original sections 71-6403 and 71-6406, Revised Statutes
5 Supplement, 2019, are repealed.