

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 800

Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14;
Briese, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe,
37.

Read first time January 08, 2020

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to building codes; to amend section 71-6405,
- 2 Reissue Revised Statutes of Nebraska, and section 71-6406, Revised
- 3 Statutes Supplement, 2019; to provide for the applicability of the
- 4 state building code and local building or construction codes as
- 5 prescribed; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-6405, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-6405 (1) All state agencies, including all state constitutional
4 offices, state administrative departments, and state boards and
5 commissions, the University of Nebraska, and the Nebraska state colleges,
6 shall comply with the state building code. The state building code shall
7 be the legally applicable code in all buildings and structures owned by
8 the state or any state agency regardless of whether the state, state
9 agency, or applicable county, city, or village has provided for the
10 administration or enforcement of the state building code.

11 (2) No state agency may adopt, promulgate, or enforce any rule or
12 regulation in conflict with the state building code unless otherwise
13 specifically authorized by statute to (a) adopt, promulgate, or enforce
14 any rule or regulation in conflict with the state building code or (b)
15 adopt or enforce a building or construction code other than the state
16 building code.

17 (3) Nothing in the Building Construction Act shall authorize any
18 state agency to apply such act to manufactured homes or recreational
19 vehicles regulated by the Uniform Standard Code for Manufactured Homes
20 and Recreational Vehicles or to modular housing units regulated by the
21 Nebraska Uniform Standards for Modular Housing Units Act.

22 Sec. 2. Section 71-6406, Revised Statutes Supplement, 2019, is
23 amended to read:

24 71-6406 (1)(a) Any county, city, or village may enact, administer,
25 or enforce a local building or construction code if or as long as such
26 county, city, or village:

27 (i) Adopts the state building code; or

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

30 (b) If a county, city, or village does not adopt a code as
31 authorized under subdivision (a) of this subsection within two years

1 after an update to the state building code, the state building code shall
2 apply in the county, city, or village, except that such code shall not
3 apply to construction on a farm or for farm purposes.

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

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

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

14 (c) Adopts section 305 or 310 of the 2018 edition of the
15 International Building Code without the exceptions described in
16 subdivision (1)(a) of section 71-6403 or section R313 of the 2018 edition
17 of the International Residential Code;

18 (d) Adopts a plumbing code, an electrical code, a fire prevention
19 code, or any other standard code as authorized under section 14-419,
20 15-905, 18-132, or 23-172;

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

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

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

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

29 (b) Does not include minimum standards for radon resistant new
30 construction that meet the minimum standards adopted under section
31 76-3504.

1 (4) A county, city, or village shall notify the State Energy Office
2 if it amends or modifies its local building or construction code in such
3 a way as to delete any portion of (a) chapter 13 of the 2018 edition of
4 the International Building Code or (b) chapter 11 of the 2018 edition of
5 the International Residential Code. The notification shall be made within
6 thirty days after the adoption of such amendment or modification.

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

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

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

28 (8) A county, city, or village which adopts one or more standard
29 codes as part of its local building or construction code under this
30 section shall keep at least one copy of each adopted code, or portion
31 thereof, for use and examination by the public in the office of the clerk

1 of the county, city, or village prior to the adoption of the code and as
2 long as such code is in effect.

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

10 Sec. 3. Original section 71-6405, Reissue Revised Statutes of
11 Nebraska, and section 71-6406, Revised Statutes Supplement, 2019, are
12 repealed.