

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 161**

Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Blood, 3;  
Briese, 41; Hansen, M., 26; Hunt, 8.

Read first time January 08, 2021

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 sections 71-6403 and
- 3 71-6406, Revised Statutes Cumulative Supplement, 2020; to remove
- 4 redundant language; to provide for the applicability of the state
- 5 building code and local building or construction codes as
- 6 prescribed; to correct a reference to the Department of Environment
- 7 and Energy; and to repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-6403, Revised Statutes Cumulative Supplement,  
2 2020, 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 2018~~  
6 ~~edition, and all but such chapter of the 2018 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 310.4.1 applies  
9 to a care facility for twelve or fewer persons;

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

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

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

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

22 71-6405 (1) All state agencies, including all state constitutional  
23 offices, state administrative departments, and state boards and  
24 commissions, the University of Nebraska, and the Nebraska state colleges,  
25 shall comply with the state building code. The state building code shall  
26 be the legally applicable code in all buildings and structures owned by  
27 the state or any state agency regardless of whether the state, state  
28 agency, or applicable county, city, or village has provided for the  
29 administration or enforcement of the state building code.

30 (2) No state agency may adopt, promulgate, or enforce any rule or  
31 regulation in conflict with the state building code unless otherwise

1 specifically authorized by statute to (a) adopt, promulgate, or enforce  
2 any rule or regulation in conflict with the state building code or (b)  
3 adopt or enforce a building or construction code other than the state  
4 building code.

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

10 Sec. 3. Section 71-6406, Revised Statutes Cumulative Supplement,  
11 2020, is amended to read:

12 71-6406 (1)(a) Any county, city, or village may enact, administer,  
13 or enforce a local building or construction code if or as long as such  
14 county, city, or village:

15 (i) Adopts the state building code; or

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

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

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

25 (a) Adopts a special or differing building standard by amending,  
26 modifying, or deleting any portion of the state building code in order to  
27 reduce unnecessary costs of construction, increase safety, durability, or  
28 efficiency, establish best building or construction practices within the  
29 county, city, or village, or address special local conditions within the  
30 county, city, or village;

31 (b) Adopts any supplement, new edition, appendix, or component or

1 combination of components of the state building code;

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

6 (d) Adopts a plumbing code, an electrical code, a fire prevention  
7 code, or any other standard code as authorized under section 14-419,  
8 15-905, 18-132, or 23-172;

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

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

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

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

17 (b) Does not include minimum standards for radon resistant new  
18 construction that meet the minimum standards adopted under section  
19 76-3504.

20 (4) A county, city, or village shall notify the Department of  
21 Environment and Energy State Energy Office if it amends or modifies its  
22 local building or construction code in such a way as to delete any  
23 portion of (a) chapter 13 of the 2018 edition of the International  
24 Building Code or (b) chapter 11 of the 2018 edition of the International  
25 Residential Code. The notification shall be made within thirty days after  
26 the adoption of such amendment or modification.

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

29 (6) A county, city, or village which adopts or enforces a local  
30 building or construction code under this section shall regularly update  
31 its code. For purposes of this section, a code shall be deemed to be

1 regularly updated if the most recently enacted state building code or a  
2 code that conforms generally with the state building code is adopted by  
3 the county, city, or village within two years after an update to the  
4 state building code.

5 (7) A county, city, or village may adopt amendments for the proper  
6 administration and enforcement of its local building or construction code  
7 including organization of enforcement, qualifications of staff members,  
8 examination of plans, inspections, appeals, permits, and fees. Any  
9 amendment adopted pursuant to this section shall be published separately  
10 from the local building or construction code. Any local building or  
11 construction code adopted under subdivision (1)(a) of this section or the  
12 state building code if applicable under subdivision (1)(b) of this  
13 section shall be the legally applicable code regardless of whether the  
14 county, city, or village has provided for the administration or  
15 enforcement of its local building or construction code under this  
16 subsection.

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

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

30 Sec. 4. Original section 71-6405, Reissue Revised Statutes of  
31 Nebraska, and sections 71-6403 and 71-6406, Revised Statutes Cumulative

1 Supplement, 2020, are repealed.