LEGISLATIVE BILL 95

Introduced by Wayne, 13; Stinner, 48.

Read first time January 10, 2019

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to the state building code; to amend sections 71-6404, 71-6405, and 71-6406, Reissue Revised Statutes of Nebraska; to define a term; to change the applicability of provisions to public buildings; to harmonize provisions; and to repeal the original sections.

6 Be it enacted by the people of the State of Nebraska,
Section 1. Section 71-6404, Reissue Revised Statutes of Nebraska, is amended to read:

71-6404 (1) For purposes of the Building Construction Act:

(a) Component, component means a portion of the state building code adopted by reference pursuant to section 71-6403; and

(b) State agency means any state agency, including all state constitutional offices, state administrative departments, and state boards and commissions, the University of Nebraska, and the Nebraska state colleges.

(2) The state building code shall be the building and construction standard within the state and shall be applicable:

(a) To all buildings and structures owned by the state or any state agency except as otherwise provided in section 71-6405; and

(b) In each county, city, or village which elects to adopt the state building code or any component or combination of components of the state building code.

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

71-6405 (1) All state agencies, including all state constitutional offices, state administrative departments, and state boards and commissions, the University of Nebraska, and the Nebraska state colleges, shall comply with the state building code except as otherwise provided in subsection (2) of this section.

(2) For the construction or repair of any building or structure beginning on or after January 1, 2020, which is owned by the state or any state agency, the state agency shall comply with local building and construction codes enacted, administered, or enforced pursuant to section 71-6406 to the extent that such codes meet or exceed the standards of the state building code. Fees, if any, for services which monitor a state agency's application of local building and construction codes shall be negotiable between the state agency and the county, city, or village
which is monitoring compliance with the codes. The fees shall not exceed
the actual expenses incurred by such county, city, or village.

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

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

Sec. 3. Section 71-6406, Reissue Revised Statutes of Nebraska, is
amended to read:

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

(a) Adopts the state building code; or

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

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

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

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

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

(e) Adopts a lighting and thermal efficiency ordinance, resolution, code, or standard as authorized under section 81-1618.

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

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

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

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

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

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

Sec. 4. Original sections 71-6404, 71-6405, and 71-6406, Reissue
Revised Statutes of Nebraska, are repealed.