

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

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
- 2 71-6404, 71-6405, and 71-6406, Reissue Revised Statutes of Nebraska;
- 3 to define a term; to change the applicability of provisions to
- 4 public buildings; to harmonize provisions; and to repeal the
- 5 original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-6404, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-6404 (1) For purposes of the Building Construction Act:

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

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

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

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

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

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

19 71-6405 (1) All state agencies, ~~including all state constitutional~~
20 ~~offices, state administrative departments, and state boards and~~
21 ~~commissions, the University of Nebraska, and the Nebraska state colleges,~~
22 shall comply with the state building code except as otherwise provided in
23 subsection (2) of this section.

24 (2) For the construction or repair of any building or structure
25 beginning on or after January 1, 2020, which is owned by the state or any
26 state agency, the state agency shall comply with local building and
27 construction codes enacted, administered, or enforced pursuant to section
28 71-6406 to the extent that such codes meet or exceed the standards of the
29 state building code. Fees, if any, for services which monitor a state
30 agency's application of local building and construction codes shall be
31 negotiable between the state agency and the county, city, or village

1 which is monitoring compliance with the codes. The fees shall not exceed
2 the actual expenses incurred by such county, city, or village.

3 ~~(3) (2)~~ No state agency may adopt, promulgate, or enforce any rule
4 or regulation in conflict with the state building code unless otherwise
5 specifically authorized by statute to (a) adopt, promulgate, or enforce
6 any rule or regulation in conflict with the state building code or (b)
7 adopt or enforce a building or construction code other than the state
8 building code.

9 ~~(4) (3)~~ Nothing in the Building Construction Act shall authorize any
10 state agency to apply such act to manufactured homes or recreational
11 vehicles regulated by the Uniform Standard Code for Manufactured Homes
12 and Recreational Vehicles or to modular housing units regulated by the
13 Nebraska Uniform Standards for Modular Housing Units Act.

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

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

19 (a) Adopts the state building code; or

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

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

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

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

1 (c) Adopts section 305 of the 2012 edition of the International
2 Building Code without the exceptions described in subdivision (1)(a) of
3 section 71-6403, chapter 13 of the 2012 edition of the International
4 Building Code, chapter 11 of the 2012 edition of the International
5 Residential Code, or section R313 of the 2012 edition of the
6 International Residential Code;

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

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

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

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

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

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

31 (7) A county, city, or village which adopts one or more standard

1 codes as part of its local building or construction code under this
2 section shall keep at least one copy of each adopted code, or portion
3 thereof, for use and examination by the public in the office of the clerk
4 of the county, city, or village prior to the adoption of the code and as
5 long as such code is in effect.

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

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