

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 220

Introduced by Wayne, 13.

Read first time January 11, 2021

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to the state building code; to amend section
2 71-6405, Reissue Revised Statutes of Nebraska, and sections 71-6404
3 and 71-6406, Revised Statutes Cumulative Supplement, 2020; to define
4 a term; to change the applicability of provisions to public
5 buildings; to harmonize provisions; and to repeal the original
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-6404, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

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

4 (a) Component means a portion of the state building code created
5 pursuant to section 71-6403; ~~and~~

6 (b) Radon resistant new construction has the same meaning as in
7 section 76-3503; ~~and~~ -

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

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

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

16 (b) In each county, city, or village which elects to adopt the state
17 building code as its local building or construction code pursuant to
18 section 71-6406; and

19 (c) In each county, city, or village which has not adopted a local
20 building or construction code pursuant to section 71-6406 within two
21 years after an update to the state building code.

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

24 71-6405 (1) ~~All state agencies, including all state constitutional~~
25 ~~offices, state administrative departments, and state boards and~~
26 ~~commissions, the University of Nebraska, and the Nebraska state colleges,~~
27 shall comply with the state building code except as otherwise provided in
28 subsection (2) of this section.

29 (2) For the construction or repair of any building or structure
30 beginning on or after January 1, 2022, which is owned by the state or any
31 state agency, the applicable state agency shall comply with local

1 building and construction codes enacted, administered, or enforced
2 pursuant to section 71-6406 to the extent that such codes meet or exceed
3 the standards of the state building code. For purposes of this
4 subsection, a building or structure owned by the state or any state
5 agency for which the construction or repair is completed in phases shall
6 be deemed constructed or repaired on the date the first phase of
7 construction or repair begins. Fees, if any, for services which monitor
8 the applicable state agency's application of local building and
9 construction codes shall be negotiable between the state agency and the
10 county, city, or village which is monitoring compliance with the codes.
11 The fees shall not exceed the actual expenses incurred by such county,
12 city, or village.

13 (3) ~~(2)~~ No state agency may adopt, promulgate, or enforce any rule
14 or regulation in conflict with the state building code unless otherwise
15 specifically authorized by statute to (a) adopt, promulgate, or enforce
16 any rule or regulation in conflict with the state building code or (b)
17 adopt or enforce a building or construction code other than the state
18 building code.

19 (4) ~~(3)~~ Nothing in the Building Construction Act shall authorize any
20 state agency to apply such act to manufactured homes or recreational
21 vehicles regulated by the Uniform Standard Code for Manufactured Homes
22 and Recreational Vehicles or to modular housing units regulated by the
23 Nebraska Uniform Standards for Modular Housing Units Act.

24 Sec. 3. Section 71-6406, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

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

29 (i) Adopts the state building code; or

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

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

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

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

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

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

20 (d) Adopts a plumbing code, an electrical code, a fire prevention
21 code, or any other standard code as authorized under section 14-419,
22 15-905, 18-132, or 23-172;

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

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

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

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

31 (b) Does not include minimum standards for radon resistant new

1 construction that meet the minimum standards adopted under section
2 76-3504.

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

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

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

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

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

30 (9) ~~A Notwithstanding the provisions of the Building Construction~~
31 ~~Act,~~ a public building of any political subdivision shall be built in

1 accordance with the applicable local building or construction code. Fees,
2 if any, for services which monitor a builder's application of codes shall
3 be negotiable between the political subdivisions involved, but such fees
4 shall not exceed the actual expenses incurred by the county, city, or
5 village doing the monitoring.

6 Sec. 4. Original section 71-6405, Reissue Revised Statutes of
7 Nebraska, and sections 71-6404 and 71-6406, Revised Statutes Cumulative
8 Supplement, 2020, are repealed.