

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 720

Introduced by Wayne, 13.

Read first time January 03, 2018

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to the state building code; to amend section
- 2 71-6404, Revised Statutes Cumulative Supplement, 2016, and sections
- 3 71-6405 and 71-6406, Revised Statutes Supplement, 2017; to change
- 4 the applicability of provisions to public buildings; to harmonize
- 5 provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-6404, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 71-6404 (1) For purposes of the Building Construction Act, component
4 means a portion of the state building code adopted by reference pursuant
5 to section 71-6403.

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

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

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

13 Sec. 2. Section 71-6405, Revised Statutes Supplement, 2017, is
14 amended to read:

15 71-6405 (1) All state agencies, including all state constitutional
16 offices, state administrative departments, and state boards and
17 commissions, the University of Nebraska, and the Nebraska state colleges,
18 shall comply with the state building code except as otherwise provided in
19 subsection (2) of this section.

20 (2) All state agencies, including all state constitutional offices,
21 state administrative departments, and state boards and commissions, the
22 University of Nebraska, and the Nebraska state colleges, shall comply
23 with local building and construction codes enacted, administered, or
24 enforced pursuant to section 71-6406 to the extent that such codes meet
25 or exceed the standards of the state building code.

26 (3) {2} No state agency may adopt, promulgate, or enforce any rule
27 or regulation in conflict with the state building code unless otherwise
28 specifically authorized by statute to (a) adopt, promulgate, or enforce
29 any rule or regulation in conflict with the state building code or (b)
30 adopt or enforce a building or construction code other than the state
31 building code.

1 (4) ~~(3)~~ Nothing in the Building Construction Act shall authorize any
2 state agency to apply such act to manufactured homes or recreational
3 vehicles regulated by the Uniform Standard Code for Manufactured Homes
4 and Recreational Vehicles or to modular housing units regulated by the
5 Nebraska Uniform Standards for Modular Housing Units Act.

6 Sec. 3. Section 71-6406, Revised Statutes Supplement, 2017, is
7 amended to read:

8 71-6406 (1) Any county, city, or village may enact, administer, or
9 enforce a local building or construction code if or as long as such
10 county, city, or village:

11 (a) Adopts the state building code; or

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

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

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

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

24 (c) Adopts section 305 of the 2012 edition of the International
25 Building Code without the exceptions described in subdivision (1)(a) of
26 section 71-6403, chapter 13 of the 2012 edition of the International
27 Building Code, chapter 11 of the 2012 edition of the International
28 Residential Code, or section R313 of the 2012 edition of the
29 International Residential Code;

30 (d) Adopts a plumbing code, an electrical code, a fire prevention
31 code, or any other standard code as authorized under section 14-419,

1 15-905, 18-132, or 23-172; or

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

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

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

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

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

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

29 (8) ~~A Notwithstanding the provisions of the Building Construction~~
30 ~~Act,~~ a public building of any political subdivision shall be built in
31 accordance with the applicable local building or construction code. Fees,

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

5 Sec. 4. Original section 71-6404, Revised Statutes Cumulative
6 Supplement, 2016, and sections 71-6405 and 71-6406, Revised Statutes
7 Supplement, 2017, are repealed.