

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 767**

Introduced by Quick, 35; Wayne, 13.

Read first time January 03, 2018

Committee:

- 1 A BILL FOR AN ACT relating to the Building Construction Act; to amend
- 2 sections 71-6403 and 71-6406, Revised Statutes Supplement, 2017; to
- 3 adopt changes to the state building code; to harmonize provisions;
- 4 and to repeal the original sections; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-6403, Revised Statutes Supplement, 2017, is  
2 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 2009  
6 edition, and all but such chapter of the 2018 ~~2012~~ edition, published by  
7 the International Code Council, except that (i) section 305.2.3 applies  
8 to a facility having twelve or fewer children and (ii) section 310.4.1  
9 ~~310.5.1~~ applies to a care facility for twelve or fewer persons;

10 (b) The International Residential Code (IRC), chapter 11 of the 2009  
11 edition, and all but such chapter of the 2018 ~~2012~~ edition except section  
12 R313, published by the International Code Council; and

13 (c) The International Existing Building Code, 2018 ~~2012~~ edition,  
14 published by the International Code Council.

15 (2) The codes adopted by reference in subsection (1) of this section  
16 shall constitute the state building code except as amended pursuant to  
17 the Building Construction Act or as otherwise authorized by state law.

18 Sec. 2. Section 71-6406, Revised Statutes Supplement, 2017, is  
19 amended to read:

20 71-6406 (1) Any county, city, or village may enact, administer, or  
21 enforce a local building or construction code if or as long as such  
22 county, city, or village:

23 (a) Adopts the state building code; or

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

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

28 (a) Adopts a special or differing building standard by amending,  
29 modifying, or deleting any portion of the state building code in order to  
30 reduce unnecessary costs of construction, increase safety, durability, or  
31 efficiency, establish best building or construction practices within the

1 county, city, or village, or address special local conditions within the  
2 county, city, or village;

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

5 (c) Adopts section 305 of the 2018 ~~2012~~ edition of the International  
6 Building Code without the exceptions described in subdivision (1)(a) of  
7 section 71-6403, chapter 13 of the 2018 ~~2012~~ edition of the International  
8 Building Code, chapter 11 of the 2018 ~~2012~~ edition of the International  
9 Residential Code, or section R313 of the 2018 ~~2012~~ edition of the  
10 International Residential Code;

11 (d) Adopts a plumbing code, an electrical code, a fire prevention  
12 code, or any other standard code as authorized under section 14-419,  
13 15-905, 18-132, or 23-172; or

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

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

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

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

29 (6) A county, city, or village may adopt amendments for the proper  
30 administration and enforcement of its local building or construction code  
31 including organization of enforcement, qualifications of staff members,

1 examination of plans, inspections, appeals, permits, and fees. Any  
2 amendment adopted pursuant to this section shall be published separately  
3 from the local building or construction code.

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

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

17 Sec. 3. Original sections 71-6403 and 71-6406, Revised Statutes  
18 Supplement, 2017, are repealed.

19 Sec. 4. Since an emergency exists, this act takes effect when  
20 passed and approved according to law.