

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 824

Introduced by Hunt, 8.

Read first time January 08, 2020

Committee:

- 1 A BILL FOR AN ACT relating to building codes; to amend sections 71-6403
- 2 and 71-6406, Revised Statutes Supplement, 2019; to remove redundant
- 3 language; to correct a reference to the Department of Environment
- 4 and Energy; to provide an operative date; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-6403, Revised Statutes Supplement, 2019, 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 2018~~
6 ~~edition, and all but such chapter of the 2018 edition,~~ published by the
7 International Code Council, except that (i) section 305.2.3 applies to a
8 facility having twelve or fewer children and (ii) section 310.4.1 applies
9 to a care facility for twelve or fewer persons;

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

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

15 (2) The codes adopted by reference in subsection (1) of this section
16 and the minimum standards for radon resistant new construction adopted
17 under section 76-3504 shall constitute the state building code except as
18 amended pursuant to the Building Construction Act or as otherwise
19 authorized by state law.

20 Sec. 2. Section 71-6406, Revised Statutes Supplement, 2019, is
21 amended to read:

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

25 (i) Adopts the state building code; or

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

28 (b) If a county, city, or village does not adopt a code as
29 authorized under subdivision (a) of this subsection within two years
30 after an update to the state building code, the state building code shall
31 apply in the county, city, or village, except that such code shall not

1 apply to construction on a farm or for farm purposes.

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

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

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

12 (c) Adopts section 305 or 310 of the 2018 edition of the
13 International Building Code without the exceptions described in
14 subdivision (1)(a) of section 71-6403 or section R313 of the 2018 edition
15 of the International Residential Code;

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

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

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

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

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

27 (b) Does not include minimum standards for radon resistant new
28 construction that meet the minimum standards adopted under section
29 76-3504.

30 (4) A county, city, or village shall notify the Department of
31 Environment and Energy ~~State Energy Office~~ if it amends or modifies its

1 local building or construction code in such a way as to delete any
2 portion of (a) chapter 13 of the 2018 edition of the International
3 Building Code or (b) chapter 11 of the 2018 edition of the International
4 Residential Code. The notification shall be made within thirty days after
5 the adoption of such amendment or modification.

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

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

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

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

27 (9) Notwithstanding the provisions of the Building Construction Act,
28 a public building of any political subdivision shall be built in
29 accordance with the applicable local building or construction code. Fees,
30 if any, for services which monitor a builder's application of codes shall
31 be negotiable between the political subdivisions involved, but such fees

1 shall not exceed the actual expenses incurred by the county, city, or
2 village doing the monitoring.

3 Sec. 3. This act becomes operative on July 1, 2020.

4 Sec. 4. Original sections 71-6403 and 71-6406, Revised Statutes
5 Supplement, 2019, are repealed.