

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 540

FINAL READING

Introduced by Crawford, 45.

Read first time January 21, 2015

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to the state building code; to amend sections
- 2 71-6403 and 71-6406, Revised Statutes Cumulative Supplement, 2014;
- 3 to adopt updated international building code standards; to harmonize
- 4 provisions; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-6403, Revised Statutes Cumulative Supplement,
2 2014, is 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 2012 edition, published by the
7 International Code Council;

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

11 (c) The International Existing Building Code, 2012 ~~2009~~ edition,
12 published by the International Code Council.

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

16 Sec. 2. Section 71-6406, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:

18 71-6406 (1) Any political subdivision may enact, administer, or
19 enforce a local building or construction code if or as long as such
20 political subdivision adopts the state building code. The political
21 subdivision shall regularly update its code. For purposes of this
22 section, a code shall be deemed to be regularly updated if the most
23 recently enacted state building code is adopted by the political
24 subdivision within two years. No political subdivision may adopt or
25 enforce a local building or construction code other than as provided by
26 this section.

27 (2) A political subdivision may amend its local building or
28 construction code if the amendment:

29 (a) Conforms generally with the state building code;

30 (b) Adopts a special or differing building standard by modifying or
31 deleting any portion of the state building code in order to reduce

1 unnecessary costs of construction, increase safety, durability, or
2 efficiency, or address special local conditions within its jurisdiction;

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

5 (d) Adopts section R313 of the 2012 ~~2009~~ edition of the
6 International Residential Code.

7 (3) A political subdivision may adopt and promulgate amendments for
8 the proper administration and enforcement of its local building or
9 construction code including organization of enforcement, qualifications
10 of staff members, examination of plans, inspections, appeals, permits,
11 and fees. Any amendment adopted pursuant to this section shall be
12 published separately from the 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 political
16 subdivision doing the monitoring.

17 (4) Notwithstanding the provisions of the Building Construction Act,
18 a public building of a political subdivision shall be built in accordance
19 with the applicable local building or construction code.

20 Sec. 3. Original sections 71-6403 and 71-6406, Revised Statutes
21 Cumulative Supplement, 2014, are repealed.