

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 949**

Introduced by Gloor, 35; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Coash, 27; Dierks, 40; Dubas, 34; Fischer, 43; Fulton, 29; Hadley, 37; Hansen, 42; Harms, 48; Howard, 9; Janssen, 15; Karpisek, 32; Lautenbaugh, 18; McCoy, 39; McGill, 26; Mello, 5; Pankonin, 2; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Utter, 33; Wallman, 30; Wightman, 36.

Read first time January 14, 2010

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to the Building Construction Act; to amend  
2 sections 71-6401, 71-6403, 71-6405, and 71-6406, Reissue  
3 Revised Statutes of Nebraska; to change provisions  
4 relating to building codes; to harmonize provisions;  
5 and to repeal the original sections.

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

1           Section 1. Section 71-6401, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           71-6401 Sections 71-6401 to 71-6407 and section 3 of this  
4 act shall be known and may be cited as the Building Construction  
5 Act.

6           Sec. 2. Section 71-6403, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           71-6403 (1) There is hereby created the state building  
9 code. The Legislature hereby adopts by reference:

10           (a) The International Building Code (IBC), 2000 edition,  
11 published by the International Code Council;

12           (b) The International Residential Code (IRC), ~~2000~~ 2009  
13 edition except section R313, published by the International Code  
14 Council. The provisions of the International Residential Code  
15 shall apply to the construction, alteration, movement, enlargement,  
16 replacement, repair, equipment, use and occupancy, location,  
17 removal, and demolition of townhouses not more than three stories  
18 above grade plane in height with a separate mean of egress and  
19 their accessory structures and detached one-family and two-family  
20 dwellings; and

21           (c) The Uniform Code for Building Conservation.

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

1           ~~(3) Whenever a new edition of the codes adopted in~~  
2 ~~subsection (1) of this section is published, such new edition shall~~  
3 ~~be considered the state building code.~~

4           Sec. 3. On and after January 1, 2009, neither the state  
5 building code nor a building code adopted by a city, village, or  
6 county may include a requirement that fire sprinklers be installed  
7 in a townhouse or residential dwelling described in subdivision  
8 (1) (b) of section 71-6403.

9           Any city, village, county, or other political subdivision  
10 that enforces the state building code may provide in any such code  
11 or ordinance adopted by a political subdivision that a builder of a  
12 townhouse or residential dwelling shall offer to a purchaser on or  
13 before the time of entering into the purchase contract the option,  
14 at the purchaser's cost, to install or equip fire sprinklers in the  
15 dwelling.

16           Sec. 4. Section 71-6405, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           71-6405 All state agencies, including all state  
19 constitutional offices, state administrative departments, and  
20 state boards and commissions, the University of Nebraska, and the  
21 Nebraska state colleges, shall comply with the state building  
22 code. No state agency may adopt, promulgate, or enforce any rule  
23 or regulation in conflict with the state building code unless  
24 otherwise specifically authorized by statute to adopt or enforce  
25 a building or construction code other than the state building

1 code. Nothing in the Building Construction Act shall authorize  
2 any state agency to apply such act to manufactured homes or  
3 recreational vehicles regulated by the Uniform Standard Code for  
4 Manufactured Homes and Recreational Vehicles or to modular housing  
5 units regulated by the Nebraska Uniform Standards for Modular  
6 Housing Units Act. A state agency may, by rule or regulation,  
7 amend the state building code by adopting any supplement, new  
8 edition, or appendix of the International Building Code (IBC), 2000  
9 edition, International Residential Code (IRC), ~~2000~~ 2009 edition  
10 except section R313, or the Uniform Code for Building Conservation  
11 referred to in section 71-6403, except that all amendments shall  
12 be approved in advance by the Director of Administrative Services.  
13 Amendments to the state building code may also include variations  
14 from the code which will reduce unnecessary costs of construction,  
15 increase safety, durability, or efficiency, or address special  
16 local conditions within the state.

17           Sec. 5. Section 71-6406, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19           71-6406 (1) Any political subdivision may enact,  
20 administer, or enforce a local building or construction code if or  
21 as long as such political subdivision adopts the state building  
22 code. The political subdivision shall regularly update its code.  
23 For purposes of this section, a code shall be deemed to be  
24 regularly updated if the most recent edition is adopted by the  
25 political subdivision within two years after the publication date

1 of the edition. No political subdivision may adopt or enforce a  
2 local building or construction code other than as provided by this  
3 section.

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

6 (a) Conforms generally with the state building code; or

7 (b) Adopts a special or differing building standard  
8 to reduce unnecessary costs of construction, increase safety,  
9 durability, or efficiency, or address special local conditions  
10 within its jurisdiction. ~~or~~

11 ~~(c) Adopts any supplement, new edition, or appendix.~~

12 (3) A political subdivision may adopt and promulgate  
13 amendments for the proper administration and enforcement of its  
14 local building or construction code including organization of  
15 enforcement, qualifications of staff members, examination of plans,  
16 inspections, appeals, permits, and fees. Any amendment adopted  
17 pursuant to this section shall be published separately from  
18 the local building or construction code. Fees, if any, for  
19 services which monitor a builder's application of codes shall  
20 be negotiable between the political subdivisions involved, but such  
21 fees shall not exceed the actual expenses incurred by the political  
22 subdivision doing the monitoring.

23 (4) Notwithstanding the provisions of the Building  
24 Construction Act, a public building of a political subdivision  
25 shall be built in accordance with the applicable local building or

1 construction code.

2                   Sec. 6. Original sections 71-6401, 71-6403, 71-6405, and

3 71-6406, Reissue Revised Statutes of Nebraska, are repealed.