

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 546

Final Reading

Introduced by Gloor, 35; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Dubas, 34; Hadley, 37; Hansen, 42; Harms, 48; McCoy, 39; Nelson, 6; Schilz, 47; Schumacher, 22; Smith, 14; Wightman, 36.

Read first time January 19, 2011

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to the Building Construction Act; to amend
2 sections 71-6403, 71-6405, and 71-6406, Revised Statutes
3 Cumulative Supplement, 2010; to change provisions
4 relating to the state building code and local building or
5 construction codes; to harmonize provisions; and to
6 repeal the original sections.

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

1 Section 1. Section 71-6403, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 71-6403 (1) There is hereby created the state building
4 code. The Legislature hereby adopts by reference:

5 (a) The International Building Code (IBC), ~~2000~~ 2009
6 edition, published by the International Code Council;

7 (b) The International Residential Code (IRC), ~~2000~~
8 edition, 2009 edition, except section R313, published by the
9 International Code Council; and

10 (c) The International Existing Building Code, 2009
11 Edition, published by the International Code Council.

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

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

19 Sec. 2. Section 71-6405, Revised Statutes Cumulative
20 Supplement, 2010, is amended to read:

21 71-6405 All state agencies, including all state
22 constitutional offices, state administrative departments, and state
23 boards and commissions, the University of Nebraska, and the Nebraska
24 state colleges, shall comply with the state building code. No state
25 agency may adopt, promulgate, or enforce any rule or regulation in

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

21 Sec. 3. Section 71-6406, Revised Statutes Cumulative
22 Supplement, 2010, is amended to read:

23 71-6406 (1) Any political subdivision may enact,
24 administer, or enforce a local building or construction code if or as
25 long as such political subdivision adopts the state building code.

1 The political subdivision shall regularly update its code. For
2 purposes of this section, a code shall be deemed to be regularly
3 updated if the most ~~recent edition~~ recently enacted state building
4 code is adopted by the political subdivision within two years, ~~after~~
5 ~~the publication date of the edition.~~ No political subdivision may
6 adopt or enforce a local building or construction code other than as
7 provided by this section.

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

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

11 (b) Adopts a special or differing building standard by
12 modifying or deleting any portion of the state building code in order
13 to reduce unnecessary costs of construction, increase safety,
14 durability, or efficiency, or address special local conditions within
15 its jurisdiction; ~~or~~

16 (c) Adopts any supplement, new edition, appendix, or
17 component or combination of components of the state building code;
18 or -

19 (d) Adopts section R313 of the 2009 edition of the
20 International Residential Code.

21 (3) A political subdivision may adopt and promulgate
22 amendments for the proper administration and enforcement of its local
23 building or construction code including organization of enforcement,
24 qualifications of staff members, examination of plans, inspections,
25 appeals, permits, and fees. Any amendment adopted pursuant to this

1 section shall be published separately from the local building or
2 construction code. Fees, if any, for services which monitor a
3 builder's application of codes shall be negotiable between the
4 political subdivisions involved, but such fees shall not exceed the
5 actual expenses incurred by the political subdivision doing the
6 monitoring.

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

11 Sec. 4. Original sections 71-6403, 71-6405, and 71-6406,
12 Revised Statutes Cumulative Supplement, 2010, are repealed.