

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 437

Introduced by Urban Affairs Committee: McGill, 26, Chairperson;
Ashford, 20; Coash, 27; Krist, 10; Schumacher, 22.

Read first time January 14, 2011

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to the state building code; to amend sections
2 71-6403, 71-6405, and 71-6406, Revised Statutes
3 Cumulative Supplement, 2010; to change provisions
4 relating to adoption of the state building code; to
5 harmonize provisions; and to repeal the original
6 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~~—2006
6 edition, published by the International Code Council;

7 (b) The International Residential Code (IRC), ~~2000~~—2006
8 edition, published by the International Code Council; and

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

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

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

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

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

1 authorized by statute to adopt or enforce a building or construction
2 code other than the state building code. Nothing in the Building
3 Construction Act shall authorize any state agency to apply such act
4 to manufactured homes or recreational vehicles regulated by the
5 Uniform Standard Code for Manufactured Homes and Recreational
6 Vehicles or to modular housing units regulated by the Nebraska
7 Uniform Standards for Modular Housing Units Act. A state agency may,
8 by rule or regulation, amend the state building code by adopting any
9 temporary interim amendments issued by the National Fire Protection
10 Association, any supplement, new edition, or any appendix of the
11 International Building Code (IBC), ~~2000~~-2006 edition, International
12 Residential Code (IRC), ~~2000~~-2006 edition, or the International
13 Existing Building Code, 2009 Edition, referred to in section 71-6403,
14 except that all amendments shall be approved in advance by the
15 Director of Administrative Services. Amendments to the state building
16 code may also include variations from the code which will reduce
17 unnecessary costs of construction, increase safety, durability, or
18 efficiency, or address special local conditions within the state.

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

21 71-6406 (1) Any political subdivision may enact,
22 administer, or enforce a local building or construction code if or as
23 long as such political subdivision adopts the state building code.
24 The political subdivision shall regularly update its code. For
25 purposes of this section, a code shall be deemed to be regularly

1 updated if the most recent edition ~~is or~~ amendments are adopted by
2 the political subdivision within two years after the ~~publication date~~
3 ~~of the edition.~~ amendment of the state building code by adoption of a
4 new edition of a code enumerated in subdivision (1)(a), (b), or (c)
5 of section 71-6403 or by adoption of temporary interim amendments
6 issued by the National Fire Protection Association. No political
7 subdivision may adopt or enforce a local building or construction
8 code other than as provided by this section.

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

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

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

17 (c) Adopts any temporary interim amendments issued by the
18 National Fire Protection Association, any supplement, ~~new edition,~~
19 any appendix, or any component or combination of components of the
20 state building 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.