

LEGISLATIVE BILL 643

Approved by the Governor May 29, 2003

Introduced by Hartnett, 45; Quandahl, 31; Dw. Pedersen, 39; Tyson, 19;
Mines, 18; Engel, 17; Synowiecki, 7; Redfield, 12; Stuthman, 22;
Schimek, 27

AN ACT relating to buildings; to amend sections 71-6403 and 71-6405, Reissue Revised Statutes of Nebraska, and sections 72-804 and 72-806, Revised Statutes Supplement, 2002; to change provisions relating to the state building code, political subdivision powers, and an energy conservation code; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 71-6403, Reissue Revised Statutes of Nebraska, is amended to read:

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

(a) The Uniform Building Code, 1991 edition, Chapters 1, 4 through 30, 32 through 56, and 60, and the Uniform Building Code Standards, 1991 edition, published by the International Conference of Building Officials International Building Code (IBC), 2000 edition, published by the International Code Council;

(b) The CABO One and Two Family Dwelling Code, 1992 edition International Residential Code (IRC), 2000 edition, published by the International Code Council; and

(c) The Uniform Code for Building Conservation.

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

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

~~(4) A political subdivision may continue to administer, enforce, and update the code endorsed by the Building Officials and Code Administrators International, Inc., if such code was adopted by the political subdivision prior to September 9, 1993.~~

Sec. 2. Section 71-6405, Reissue Revised Statutes of Nebraska, is amended to read:

71-6405. All state agencies, including all state constitutional offices, state administrative departments, and state boards and commissions, the University of Nebraska, and the Nebraska state colleges, shall comply with the state building code. No state agency may adopt, promulgate, or enforce any rule or regulation in conflict with the state building code unless otherwise specifically authorized by statute to adopt or enforce a building or construction code other than the state building code. Nothing in the Building Construction Act shall authorize any state agency to apply such act to manufactured homes or recreational vehicles regulated by the Uniform Standard Code for Manufactured Homes and Recreational Vehicles or to modular housing units regulated by the Nebraska Uniform Standards for Modular Housing Units Act. A state agency may, by rule or regulation, amend the state building code by adopting any supplement, new edition, or appendix of the Uniform Building Code, the CABO One and Two Family Dwelling Code International Building Code (IBC), 2000 edition, International Residential Code (IRC), 2000 edition, or the Uniform Code for Building Conservation referred to in section 71-6403, except that all amendments shall be approved in advance by the Director of Administrative Services. Amendments to the state building code may also include variations from the code which will reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within the state.

Sec. 3. Section 72-804, Revised Statutes Supplement, 2002, is amended to read:

72-804. (1) Any new state building shall meet or exceed the requirements of the ~~1998~~ 2000 International Energy Conservation Code.

(2) Any new lighting, heating, cooling, ventilating, or water heating equipment or controls in a state-owned building and any new building envelope components installed in a state-owned building shall meet or exceed the requirements of the ~~1998~~ 2000 International Energy Conservation Code.

(3) The State Building Administrator of the Department of

Administrative Services, in consultation with the State Energy Office, may specify:

(a) A more recent edition of the International Energy Conservation Code;

(b) Additional energy efficiency or renewable energy requirements for buildings; and

(c) Waivers of specific requirements which are demonstrated through life-cycle cost analysis to not be in the state's best interest. The agency receiving the funding shall be required to provide a life-cycle cost analysis to the State Building Administrator.

Sec. 4. Section 72-806, Revised Statutes Supplement, 2002, is amended to read:

72-806. The enforcement provisions of Chapter 1 of the ~~1998~~ 2000 International Energy Conservation Code shall not apply to buildings subject to sections 72-804 and 72-805.

Sec. 5. This act becomes operative on January 1, 2004.

Sec. 6. Original sections 71-6403 and 71-6405, Reissue Revised Statutes of Nebraska, and sections 72-804 and 72-806, Revised Statutes Supplement, 2002, are repealed.