



One Hundred First Legislature - Second Session - 2010
Introducer's Statement of Intent
LB 949

Chairperson: Amanda McGill
Committee: Urban Affairs
Date of Hearing: February 2, 2010

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Currently Nebraska statute adopts several sets of building codes that cover commercial buildings, residential dwellings and conservation building. The statute adopts the 2000 International Residential Code and automatically adopts revisions upon publication. These codes are created by the International Code Council, an industry association dedicated to building safety and fire prevention. The ICC is an industry association and is NOT a branch of the federal government.

This bill does the following:

1. Adopts the newly revised 2009 IRC *except the section that mandates fire sprinklers*.
2. Specifies that it applies to townhouses and one-family and two-family dwellings.
3. Removes the language that automatically adopts published code revisions. Adoption of codes, before they are written, defers legislative authority to the Code Council. According to past Nebraska Supreme Court rulings, this is an unlawful delegation of legislative authority. Therefore, LB 949 removes the automatic adoption provision. This affects the IRC, International Residential Code, the IBC, International Building Code, and the Uniform Code for Building Conservation.
4. Prohibits the state building code and any city, village or county building codes from mandating sprinkler systems in residential dwellings. Residential dwelling is defined as townhouses no more than three levels above grade and detached one or two family dwellings.
5. Gives any city, village, county or other political subdivision that enforces the state building code the ability to mandate that builders offer homebuyers a building *option* that includes sprinklers before a contract to build the dwelling is signed. This will keep local control at the most basic level – the homeowner.

Principal Introducer:

Senator Mike Gloor