

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1001**

Introduced by McGill, 26.

Read first time January 17, 2012

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to the government; to amend section 71-6405,  
2 Revised Statutes Supplement, 2011; to create the Building  
3 Code Advisory Committee; to provide for membership; to  
4 provide powers and duties; to provide for expenses; to  
5 change and eliminate provisions relating to compliance  
6 with and amendments to the state building code by state  
7 agencies; and to repeal the original section.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) The Building Code Advisory Committee is  
2 created. The State Fire Marshal or his or her designee shall serve as  
3 a voting member of the advisory committee. The Governor shall appoint  
4 the following members to the advisory committee, subject to the  
5 approval of the Legislature:

6           (a) A representative of the heating, ventilation, and air  
7 conditioning industry;

8           (b) A representative of home builders;

9           (c) An architect who has been involved with projects  
10 certified by the United States Green Building Council as meeting the  
11 criteria for Leadership in Energy and Environmental Design  
12 certification;

13           (d) A member of a union for plumbing and building  
14 laborers;

15           (e) A representative of the sustainability industry;

16           (f) A representative of the building and planning  
17 department of city of the primary class;

18           (g) A representative of the building and planning  
19 department of a city of the metropolitan class;

20           (h) A representative of the plumbing board of a city of  
21 the primary class;

22           (i) A representative of the plumbing board of a city of  
23 the metropolitan class;

24           (j) A representative of the Nebraska Code Officials  
25 Association; and

1           (k) Three representatives of cities of the first and  
2 second class and villages which have adopted the state building code.

3           (2) The Governor shall appoint the initial members of the  
4 advisory committee by September 1, 2012, and shall designate one-half  
5 of the initial members to serve a two-year term. All other  
6 appointments shall be for three-year terms. Terms shall begin on  
7 October 1. The members of the advisory committee shall annually elect  
8 one of the voting members as chairperson of the advisory committee.  
9 The Governor shall appoint a member to serve in case of a vacancy in  
10 the membership of the advisory committee, subject to the approval of  
11 the Legislature. Any person appointed to fill a vacancy shall meet  
12 the same eligibility requirements as the person whose position is  
13 vacant and shall be appointed for the unexpired term.

14           (3) The advisory committee shall meet at least once each  
15 calendar quarter at the call of the chairperson of the advisory  
16 committee. The chairperson shall cause notice of any meeting to be  
17 delivered to each member of the advisory committee. A quorum of more  
18 than one-half of the members shall be required at any meeting at  
19 which recommendations are adopted or at which an annual report is  
20 discussed or adopted.

21           (4) The advisory committee may consult with experts in  
22 the fields of plumbing, home building, commercial construction,  
23 energy efficiency, architecture, mechanical engineering, structural  
24 engineering, electrical engineering, insurance, sustainability, fire  
25 suppression, heating, ventilation, and air conditioning and other

1 relevant fields as necessary. The advisory committee shall review and  
2 make recommendations to the Legislature regarding adoption of new  
3 editions of construction, plumbing, energy, and other statutorily  
4 referenced codes. The advisory committee shall review other codes as  
5 requested by the Legislature.

6 (5) The members of the advisory committee shall receive  
7 no compensation for their services on the advisory committee but may  
8 be reimbursed for actual and necessary expenses incurred in  
9 performing their duties as provided in sections 81-1174 to 81-1177.  
10 The State Fire Marshal shall provide staff support for the advisory  
11 committee. The expenses of the advisory committee shall be part of  
12 the budget of the State Fire Marshal.

13 Sec. 2. Section 71-6405, Revised Statutes Supplement,  
14 2011, is amended to read:

15 71-6405 All state agencies, including all state  
16 constitutional offices, state administrative departments, and state  
17 boards and commissions, the University of Nebraska, and the Nebraska  
18 state colleges, shall comply with the state building code, except  
19 that state agencies shall comply with applicable local building or  
20 construction codes if the codes meet or exceed the standards of the  
21 state building code and if the political subdivision regularly  
22 updates its local building or construction code under a program of  
23 periodic review and adoption as permitted under section 71-6406. No  
24 state agency may adopt, promulgate, or enforce any rule or regulation  
25 in conflict with the state building code unless otherwise

1 specifically authorized by statute to adopt or enforce a building or  
2 construction code other than the state building code. Nothing in the  
3 Building Construction Act shall authorize any state agency to apply  
4 such act to manufactured homes or recreational vehicles regulated by  
5 the 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 ~~supplement or appendix of the International Building Code (IBC), 2009~~  
10 ~~edition, International Residential Code (IRC), 2009 edition, or the~~  
11 ~~International Existing Building Code, 2009 edition, referred to in~~  
12 ~~section 71-6403, except that all amendments shall be approved in~~  
13 ~~advance by the Director of Administrative Services. Amendments to the~~  
14 ~~state building code may also include variations from the code which~~  
15 ~~will reduce unnecessary costs of construction, increase safety,~~  
16 ~~durability, or efficiency, or address special local conditions within~~  
17 ~~the state and may include adoption of section R313 of the 2009~~  
18 ~~edition of the International Residential Code.~~

19           Sec. 3. Original section 71-6405, Revised Statutes  
20 Supplement, 2011, is repealed.