

LEGISLATIVE BILL 319

Approved by the Governor May 6, 1993

Introduced by Wesely, 26

AN ACT relating to building codes; to amend sections 71-6403 to 71-6406, Reissue Revised Statutes of Nebraska, 1943; to adopt new editions of the state building code; to require approval of amendments; to provide for applicability of building codes to certain public buildings; to provide for negotiation on fees; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 71-6403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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

(a) The Uniform Building Code, ~~1985~~ 1991 edition, Chapters 1, 4 through ~~54~~ 30, 32 through 56, and 60, and the Uniform Building Code Standards, ~~1985~~ 1991 edition, published by the International Conference of Building Officials; and

(b) The CABO One and Two Family Dwelling Code, ~~1986~~ 1992 edition, ~~Parts I through V and VIII, published jointly by the International Conference of Building Officials, the Building Officials and Code Administrators International, Inc., and the Southern Building Code Congress International, Inc.~~

(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.

(3) ~~Whenever Any state agency or political subdivision may request the Legislature to amend subsection (1) of this section whenever~~ a new edition of either of the codes ~~enumerated in~~ 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 the effective date of this act.

Sec. 2. That section 71-6404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-6404. The state building code shall be the preferred building and construction standard within the state and shall be applicable:

(1) To all buildings and structures owned by the state or any state agency; and

(2) In each political subdivision which elects to adopt the state building code.

Sec. 3. That section 71-6405, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

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 or the CABO One and Two Family Dwelling Code 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. 4. That section 71-6406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-6406. (1) Any political subdivision may enact, administer, or enforce ~~(a)~~ a local building or construction code if or as long as such political subdivision adopts the state building code, ~~or (b) an edition of a nationally recognized model building code published by the Building Officials and Code Administrators International, Inc., the International Conference of Building Officials, the Southern Building Code Congress International, Inc., or the Council of American Building Officials as long as the~~ The political subdivision regularly updates such shall regularly update its code. For the purposes of this section, a code shall be deemed to be regularly updated if the most recent edition ~~of the nationally recognized model code~~ is adopted by the political subdivision within two years after the publication date of the edition. No political subdivision may adopt or enforce a local building or construction code other than as provided by this section.

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

(a) Conforms generally with the ~~nationally recognized model state~~ state building code;

(b) Adopts a special or differing building standard to reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within its jurisdiction; or

(c) ~~Adopts any supplement, new edition, or appendix, of the nationally recognized model building code adopted by the political subdivision.~~

(3) A political subdivision may adopt and promulgate amendments for the proper administration and enforcement of its local building or construction code including organization of enforcement, qualifications of staff members, examination of plans, inspections, appeals, permits, and fees. Any amendment adopted pursuant to this section shall be published separately from the local building or construction code. Fees, if any, for services which monitor a builder's application of codes shall be negotiable between the political subdivisions involved, but such fees shall not exceed the actual expenses incurred by the political subdivision doing the monitoring.

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

Sec. 5. That original sections 71-6403 to 71-6406, Reissue Revised Statutes of Nebraska, 1943, are repealed.