

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 209

Introduced by Urban Affairs Committee: McGill, 26, Chairperson; Cook, 13; Krist, 10; Schumacher, 22; Smith, 14.

PURPOSE: The purpose of this resolution is to examine all of the building codes in Nebraska, including, but not limited to, the state building code, the state plumbing code, the Nebraska Energy Code, and the state electrical code, and to work towards the development of a consistent long-term policy for code adoption and enforcement in the state. The committee specifically intends to explore the following areas:

(1) The current method of code adoption and amendment by political subdivisions, the ability or difficulty of code adoption at the local level, and statutory harmonization of local procedures of code adoption, amending procedures, and enforcement;

(2) Other states' methods or policies on code adoption;

(3) The current method of code adoption in Nebraska and any potential issues with unconstitutional delegation of legislative authority that exist in statute, as discussed in *Clemens v. Harvey*, 247 Neb. 77 (1994); and

(4) The compatibility of the International Energy Conservation Code and the International Residential Code, and which code takes priority on any conflicting sections of these codes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.