

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014
COMMITTEE STATEMENT
LB802

Hearing Date: Tuesday January 21, 2014
Committee On: Urban Affairs
Introducer: Urban Affairs
One Liner: Eliminate provisions for adopting future amendments of certain standard codes

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye:	6	Senators Coash, Crawford, Karpisek, Krist, Lautenbaugh, McGill
Nay:		
Absent:	1	Senator Ashford
Present Not Voting:		

Proponents:

Laurie Holman
Lynn Rex

Representing:

Urban Affairs Committee
League of Nebraska Municipalities

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 802 eliminates language from statute that allowed cities of the first class, second class, and villages to adopt amendments to previously adopted standard codes by reference. This bill also removes similar language for counties. The Nebraska Supreme Court has declared that adoption of future codes or amendments by reference is an unconstitutional delegation of legislative authority, and this bill is part of our continuing effort to remove this language from code adoption statutes.

Comments/Analysis:

Section one amends Neb.Rev.Stat. 19-922 by removing the language that allowed amendments promulgated in the future to building codes to be included in what constituted the adoption of a standard code that had been adopted by ordinance by the governing body of the city of a first class, second class, or village. What may be adopted by ordinance has to be currently in writing, and it is the amendments as may be made from time to time language in the statute that is the most problematic portion of this section that is being eliminated. The Supreme Court stated in *Clemens v. Harvey*, 247 Neb. 77, 525 N.W.2d 185 (1994); that a legislative body may not adopt the language of statutes, regulations, or other materials from another governmental entity or organization to be promulgated in the future, since that would constitute and improper delegation of the Legislature's authority to the entity in question. This also applies to city councils, village boards, and county boards.

Section two of the bill amends Neb.Rev.Stat. 23-172 to remove this same language from the statutes governing counties.

Amanda McGill, Chairperson