

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 107

Introduced by Dorn, 30.

Read first time January 10, 2019

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities and villages; to amend sections
2 18-1901, 18-1902, 18-1903, 18-1904, 18-1906, 18-1908, 18-1911, and
3 18-1914, Reissue Revised Statutes of Nebraska; to change provisions
4 relating to plumbing boards and their terms of office, organization,
5 appointment, and meetings; to change provisions relating to plumbing
6 licenses, renewal licenses, license fees, and variance fees; to
7 change penalties; to harmonize provisions; and to repeal the
8 original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-1901, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-1901 (1) In cities of the metropolitan class, there shall be a
4 plumbing board ~~for the examination of plumbers~~ of eight members. The
5 plumbing board shall consist of an architect licensed to practice in the
6 State of Nebraska and engaged in business in a city of the metropolitan
7 class, a mechanical engineer licensed to practice in the State of
8 Nebraska and engaged in business in a city of the metropolitan class, two
9 journeymen plumbers, two master plumbers, one member of the general
10 public who is not associated with the plumbing business, and a chief
11 health officer who shall serve as a nonvoting member of the board. Such
12 members shall be appointed by the mayor by and with the consent of the
13 city council. A member shall continue to serve until his or her successor
14 has been appointed and qualified.

15 (2) In cities of the primary class, there may be a plumbing board
16 ~~for the examination of plumbers~~ consisting of five members. The plumbing
17 board shall consist of the Director of Building and Safety of the city, a
18 registered professional mechanical engineer licensed to practice in the
19 State of Nebraska and engaged in business in the city, the chief plumbing
20 inspector for the city, one master plumber, and one journeyman plumber.
21 The mechanical engineer, the master plumber, and the journeyman plumber
22 shall be appointed by the mayor by and with the consent of the city
23 council or, in cities having a city manager, by the city manager.

24 (3) In all cities of the first class, cities of the ~~and~~ second
25 class, classes and villages, there may be a plumbing board ~~for the~~
26 ~~examination of plumbers~~ of not less than four members, consisting of at
27 least one member to be known as the chief health officer of the city or
28 village, one member to be known as the plumbing inspector of the city or
29 village, one journeyman plumber, and one master plumber. The journeyman
30 and master plumbers shall be appointed by the mayor by and with the
31 consent of the city council, by the chairperson by and with the consent

1 of the village board of trustees, or, in cities having a city manager, by
2 the city manager.

3 (4) For purposes of this section, in cities where a city-county
4 health department has been established and is maintained as provided in
5 section 71-1628, chief health officer shall mean the health director of
6 such department.

7 (5) Except for cities of the metropolitan class and primary class
8 ~~classes~~ and as provided in subsection (4) of this section, the chief
9 health officer and plumbing inspector shall be appointed by and hold
10 office during the term of office of the mayor, city manager, or
11 chairperson of the village board of trustees, as the case may be. The
12 terms of office of the journeymen and master plumbers shall be for four
13 ~~three~~ years. Upon expiration of the term of each appointed member,
14 appointments shall be made for succeeding terms by the same process as
15 the previous appointments.

16 (6) The plumbing inspector and journeymen and master plumbers shall
17 be licensed plumbers. The plumbers appointed to the plumbing board in
18 cities of the metropolitan class shall be licensed within such cities.
19 The chief plumbing inspector shall be licensed within such city or
20 village and shall act in a direct advisory capacity to the plumbing
21 board.

22 (7) In cities of the metropolitan class, four voting members of the
23 plumbing board shall constitute a quorum, and in all other cities and
24 villages, three members of the plumbing board shall constitute a quorum.
25 The plumbing board shall organize by selecting a chairperson, and in
26 cities of the metropolitan class a recording secretary shall be furnished
27 to the plumbing ~~such~~ board. The city or village shall make available to
28 the plumbing board a location for the board to meet and conduct business
29 at a time convenient for the members of the board. All vacancies in the
30 plumbing board may be filled by the mayor and city council, city manager,
31 or chairperson and village board of trustees as provided in this section.

1 Any member of the plumbing board may be removed from office for cause by
2 the district court of the county in which such city or village is
3 situated. The governing body of the city or village may require that each
4 member of the plumbing board give bond in the sum of one thousand
5 dollars, conditioned according to law, the cost of which may be paid by
6 such city or village.

7 (8) The plumbing board in a city of the metropolitan class shall
8 maintain a record of all complaints filed in the city regarding
9 violations of the plumbing code and a record of the disposition of each
10 such complaint.

11 (9) If two or more municipalities organize a joint plumbing board
12 pursuant to the Interlocal Cooperation Act, appointments shall be made
13 according to the agreements providing for such joint board and the
14 members of such board shall be residents of such cities or villages or
15 live within the extraterritorial zoning jurisdiction of such cities or
16 villages.

17 Sec. 2. Section 18-1902, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 18-1902 ~~The persons who compose the plumbing board shall, within ten~~
20 ~~days after their appointments, meet in their respective city or village~~
21 ~~building or place designated by the city council, city manager, or~~
22 ~~chairman and board of trustees, and organize by selecting the selection~~
23 ~~of one member of their number as chairperson. The chairman; and the~~
24 plumbing inspector shall be the secretary of the said board. It shall be
25 the duty of the secretary to keep full, true, and correct minutes and
26 records of all licenses issued by it, together with their kinds and
27 dates, and the names of the persons to whom issued, in books to be
28 provided by such city or village for that purpose, which books and
29 records shall be open for free inspection by all persons during business
30 hours.

31 Sec. 3. Section 18-1903, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 18-1903 On ~~The appointment of the plumbing board shall be made~~
3 ~~annually, at the first meeting of the city council or chairperson and~~
4 ~~board of trustees, or by the city manager, in August of each year, except~~
5 ~~as provided in section 18-1901. If the city or village has a chief health~~
6 ~~officer or health director and plumbing inspector, then they shall act as~~
7 ~~members of such board ex officio and shall receive no extra compensation,~~
8 ~~except that boards of cities of the primary class shall have members as~~
9 ~~provided in subsection (2) of section 18-1901. If there are no such~~
10 ~~officers in such city or village, then, on being appointed, the members~~
11 ~~of the plumbing board they shall each receive as a salary an amount to be~~
12 ~~determined by the city council or chairperson and village board of~~
13 ~~trustees.~~

14 Sec. 4. Section 18-1904, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 18-1904 The plumbing board shall fix stated times and places of
17 meeting, which times shall not be less than once each year, ~~in every two~~
18 ~~weeks~~ and meetings may be held more often upon written call of the
19 chairperson ~~chairman~~ of the board. The plumbing board shall adopt and
20 promulgate rules and regulations for the examination, at such times and
21 places, of all persons who desire a license to work at the construction
22 or repairing of plumbing within the city or village, and also within the
23 area of the extraterritorial zoning jurisdiction ~~outside the corporate~~
24 ~~limits~~ of cities of the metropolitan class.

25 Sec. 5. Section 18-1906, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 18-1906 The plumbing board shall have power and duty ~~, and it shall~~
28 ~~be its duty,~~ to adopt and promulgate rules and regulations, not
29 inconsistent with the laws of the state or the ordinances of the city or
30 village, for the sanitary construction, alteration, and inspection of
31 plumbing and sewerage connections and drains placed in, or in connection

1 with, any and every building in such city or village or within the area
2 of the extraterritorial zoning jurisdiction of cities of the metropolitan
3 class. Such rules and regulations shall ~~, in which it will~~ prescribe the
4 kind and size of materials to be used in such plumbing and the manner in
5 which such work shall be done. Such ~~, which~~ rules and regulations, except
6 such as are adopted for its own convenience only, shall be approved by
7 ordinance by the mayor and city council of such city or by the
8 chairperson and village board of trustees ~~of such village~~. The plumbing
9 board shall have the power to amend or repeal its rules and regulations,
10 subject, except such as relate to its own convenience only, to the
11 approval of the mayor and city council of such city or chairperson and
12 village board of trustees ~~of such village~~. In cities of the metropolitan
13 class, the plumbing board shall have the power, without the approval of
14 the mayor and city council, to grant a variance from the ordinances,
15 rules, and regulations in the kind and size of materials to be used or in
16 the manner in which the work is to be performed. The variance shall apply
17 only to a single building and shall not be considered as a part of the
18 ordinances, rules, and regulations of the plumbing board. If there are
19 practical difficulties or unnecessary hardships in the manner of strictly
20 carrying out such ordinance, the plumbing board shall have the power, in
21 passing upon a variance, to vary or modify the application of any of the
22 regulations or provisions of such ordinance relating to the use,
23 construction, or alteration of buildings or structures or the use of
24 land, so that the intent of the ordinance shall be observed, public
25 safety and welfare secured, and substantial justice done. The plumbing
26 board shall have power to compel the owner or contractor to first submit
27 the plans and specifications for plumbing that is to be placed in any
28 building or adjoining premises to the board for approval before it shall
29 be installed in such building or premises. When an owner or contractor
30 submits a request for a variance, the plumbing board shall charge a
31 reasonable fee, payable to the general fund, as set by the city council

1 ~~or village board of trustees not to exceed twenty-five dollars.~~ The
2 Building Board of Review shall have the authority to hear appeals from
3 the plumbing board in matters regarding variances and interpretation of
4 ordinances, plumbing code changes, rules, and regulations. The Building
5 Board of Review shall adopt and promulgate rules and regulations
6 governing such appeals.

7 Sec. 6. Section 18-1908, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 18-1908 All original and renewal licenses may be renewed ~~and all~~
10 ~~renewal licenses may be renewed~~ by the plumbing board at the dates of
11 their expiration. Such renewal licenses shall be granted, without a
12 reexamination, upon the written application of the licensee filed with
13 the plumbing board and showing that his or her purposes and condition
14 remain unchanged and that he or she has complied with all other
15 applicable rules and regulations required by the city council or village
16 board of trustees. If ~~, unless~~ it is made to appear by affidavit before
17 the plumbing board that the applicant is no longer competent, ~~or~~ entitled
18 to such renewal license, then in which event the renewal license shall
19 not be granted until the applicant has undergone the examination
20 hereinbefore required pursuant to sections 18-1901 to 18-1913.

21 Sec. 7. Section 18-1911, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 18-1911 Fees for original and renewal licenses shall be as
24 established by the city council or village board of trustees. All license
25 fees shall be paid to the city treasurer or village treasurer to be
26 distributed in accordance with Article VII, section 5, of the
27 Constitution of Nebraska ~~The fee for the original license of a journeyman~~
28 ~~plumber shall be one dollar for a one-year license and two dollars for a~~
29 ~~two-year license. All renewal fees shall be fifty cents for a one-year~~
30 ~~license and one dollar for a two-year license. All license fees shall be~~
31 ~~paid, prior to the execution and delivery of the license, to the~~

1 ~~treasurer of the school district within the city or village for which the~~
2 ~~license was issued to be used exclusively for the support of the common~~
3 ~~schools therein.~~

4 Sec. 8. Section 18-1914, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 18-1914 Any person violating ~~any of the provisions of~~ sections
7 18-1901 to 18-1913, ~~or of any lawful ordinance or rules and regulations,~~
8 authorized by such sections hereby, shall be deemed guilty of a
9 misdemeanor, and shall be fined not more than five hundred ~~exceeding~~
10 ~~fifty~~ dollars nor less than fifty five dollars for each and every
11 violation thereof. If such person holds a plumber's license, he or she
12 shall forfeit the same, and it shall be void, and he or she shall not be
13 entitled to another plumber's license for one year after such forfeiture
14 is declared against him or her by the plumbing board.

15 Sec. 9. Original sections 18-1901, 18-1902, 18-1903, 18-1904,
16 18-1906, 18-1908, 18-1911, and 18-1914, Reissue Revised Statutes of
17 Nebraska, are repealed.