

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 709**

Introduced by Baker, 30.

Read first time January 03, 2018

Committee:

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, 18-1909, 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, meetings, and license fees and terms; to change  
6 penalties; and to repeal the original sections.

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

15 (2) In cities of the primary class there may be a plumbing board ~~for~~  
16 ~~the examination of plumbers~~ consisting of five members. The board shall  
17 consist of the Director of Building and Safety of the city, a registered  
18 professional mechanical engineer licensed to practice in the State of  
19 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 and second classes and villages there  
25 may be a plumbing board ~~for the examination of plumbers~~ of not less than  
26 four members, consisting of at least one member to be known as the chief  
27 health officer of the city or village, one member to be known as the  
28 plumbing inspector of the city or village, one journeyman plumber, and  
29 one master plumber. The journeyman and master plumbers shall be appointed  
30 by the mayor by and with the consent of the city council, by the  
31 chairperson by and with the consent of the village board of trustees, or,

1 in cities having a city manager, by the city manager.

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

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

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

19 (7) In cities of the metropolitan class, four voting members of the  
20 board shall constitute a quorum, and in all other cities and villages,  
21 three members of the plumbing board shall constitute a quorum. The board  
22 shall organize by selecting a chairperson, and in cities of the  
23 metropolitan class a recording secretary shall be furnished to such  
24 board. The city or village shall make available to the board a location  
25 for the board to meet and conduct business at a time convenient for the  
26 members of the board. All vacancies in the board may be filled by the  
27 mayor and council, city manager, or chairperson and village board of  
28 trustees as provided in this section. Any member of the board may be  
29 removed from office for cause by the district court of the county in  
30 which such city or village is situated. The governing body of the city or  
31 village may require that each member of the board give bond in the sum of

1 one thousand dollars, conditioned according to law, the cost of which may  
2 be paid by such city or village.

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

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

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

14 18-1902 ~~The persons who compose the plumbing board shall, within ten~~  
15 ~~days after their appointments, meet in their respective city or village~~  
16 ~~building or place designated by the city council, city manager, or~~  
17 ~~chairman and board of trustees, and organize by the selection of one of~~  
18 ~~their number as chairperson, chairman; and the plumbing inspector shall~~  
19 ~~be the secretary of the said board. It shall be the duty of the secretary~~  
20 ~~to keep full, true and correct minutes and records of all licenses issued~~  
21 ~~by it, together with their kinds and dates, and the names of the persons~~  
22 ~~to whom issued, in books to be provided by such city or village for that~~  
23 ~~purpose, which books and records shall be open for free inspection by all~~  
24 ~~persons during business hours.~~

25 Sec. 3. Section 18-1903, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 18-1903 ~~On~~ The ~~appointment of the plumbing board shall be made~~  
28 ~~annually, at the first meeting of the city council or chairperson and~~  
29 ~~board of trustees, or by the city manager, in August of each year, except~~  
30 ~~as provided in section 18-1901. If the city or village has a chief health~~  
31 ~~officer or health director and plumbing inspector, then they shall act as~~

1 ~~members of such board ex officio and shall receive no extra compensation,~~  
2 ~~except that boards of cities of the primary class shall have members as~~  
3 ~~provided in subsection (2) of section 18-1901. If there are no such~~  
4 ~~officers in such city or village, then, on being appointed, the members~~  
5 ~~of the plumbing board they shall each receive as a salary an amount to be~~  
6 ~~determined by the city council or chairperson and village board of~~  
7 ~~trustees.~~

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

10       18-1904 The plumbing board shall fix stated times and places of  
11 meeting, which times shall not be less than once each year, ~~in every two~~  
12 ~~weeks~~ and meetings may be held more often upon written call of the  
13 chairperson ~~chairman~~ of the board. The board shall adopt rules for the  
14 examination, at such times and places, of all persons who desire a  
15 license to work at the construction or repairing of plumbing within the  
16 city or village, and also within the area of the zoning jurisdiction  
17 outside the corporate limits of cities of the metropolitan class.

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

20       18-1906 The plumbing board shall have power, and it shall be its  
21 duty, to adopt rules and regulations, not inconsistent with the laws of  
22 the state or the ordinances of the city or village, for the sanitary  
23 construction, alteration, and inspection of plumbing and sewerage  
24 connections and drains placed in, or in connection with, any and every  
25 building in such city or village, in which it will prescribe the kind and  
26 size of materials to be used in such plumbing and the manner in which  
27 such work shall be done, which rules and regulations, except such as are  
28 adopted for its own convenience only, shall be approved by ordinance by  
29 the mayor and council of such city or by the chairperson and village  
30 ~~board of trustees of such village~~. The board shall have the power to  
31 amend or repeal its rules and regulations, subject, except such as relate

1 to its own convenience only, to the approval of the mayor and council of  
2 such city or chairperson and village board of trustees ~~of such village~~.  
3 In cities of the metropolitan class the plumbing board shall have the  
4 power, without the approval of the mayor and city council, to grant a  
5 variance from the ordinances, rules, and regulations in the kind and size  
6 of materials to be used or in the manner in which the work is to be  
7 performed. The variance shall apply only to a single building and shall  
8 not be considered as a part of the ordinances, rules, and regulations of  
9 the plumbing board. If there are practical difficulties or unnecessary  
10 hardships in the manner of strictly carrying out such ordinance, the  
11 plumbing board shall have the power, in passing upon a variance, to vary  
12 or modify the application of any of the regulations or provisions of such  
13 ordinance relating to the use, construction, or alteration of buildings  
14 or structures or the use of land, so that the intent of the ordinance  
15 shall be observed, public safety and welfare secured, and substantial  
16 justice done. The board shall have power to compel the owner or  
17 contractor to first submit the plans and specifications for plumbing that  
18 is to be placed in any building or adjoining premises to the board for  
19 approval before it shall be installed in such building or premises. When  
20 an owner or contractor submits a request for a variance, the plumbing  
21 board shall charge a reasonable fee, payable to the general fund, as set  
22 by the city council or village board of trustees ~~not to exceed twenty-~~  
23 ~~five dollars~~. The Building Board of Review shall have the authority to  
24 hear appeals from the plumbing board in matters regarding variances and  
25 interpretation of ordinances, plumbing code changes, rules, and  
26 regulations. The Building Board of Review shall adopt rules governing  
27 such appeals.

28 Sec. 6. Section 18-1909, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 18-1909 All original and renewal licenses shall be good for ~~one year~~  
31 ~~or~~ two years from the date of issuance ~~as determined by the plumbing~~

1 ~~board~~, except that any license may be revoked or suspended by the  
2 plumbing board at any time upon a hearing upon sufficient written, sworn  
3 charges filed with the board showing the holder of the license to be  
4 incompetent or guilty of a willful breach of the rules, regulations, or  
5 requirements of the board or of the laws or ordinances relating thereto  
6 or of other causes sufficient for the revocation or suspension of his or  
7 her license, of which charges and hearing the holder of such license  
8 shall have written notice.

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

11       18-1911   Fees for original and renewal licenses shall be as  
12 established by the city council or village board of trustees ~~The fee for~~  
13 ~~the original license of a journeyman plumber shall be one dollar for a~~  
14 ~~one-year license and two dollars for a two-year license. All renewal fees~~  
15 ~~shall be fifty cents for a one-year license and one dollar for a two-year~~  
16 ~~license.~~ All license fees shall be paid, prior to the execution and  
17 delivery of the license, to the treasurer of the school district within  
18 the city or village for which the license was issued to be used  
19 exclusively for the support of the common schools therein.

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

22       18-1914 Any person violating any of the provisions of sections  
23 18-1901 to 18-1913, or of any lawful ordinance or rules and regulations,  
24 authorized hereby, shall be deemed guilty of a misdemeanor, and shall be  
25 fined not more than five hundred ~~exceeding fifty~~ dollars nor less than  
26 fifty ~~five~~ dollars for each and every violation thereof. If such person  
27 holds a plumber's license he or she shall forfeit the same, and it shall  
28 be void, and he or she shall not be entitled to another plumber's license  
29 for one year after such forfeiture is declared against him or her by the  
30 board.

31       Sec. 9.    Original sections 18-1901, 18-1902, 18-1903, 18-1904,

1 18-1906, 18-1909, 18-1911, and 18-1914, Reissue Revised Statutes of  
2 Nebraska, are repealed.