

LEGISLATIVE BILL 107

Approved by the Governor February 12, 2020

Introduced by Dorn, 30.

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

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

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

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

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

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

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

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

(7) In cities of the metropolitan class, four voting members of the plumbing board shall constitute a quorum, and in all other cities and villages, three members of the plumbing board shall constitute a quorum. The plumbing board shall organize by selecting a chairperson, and in cities of the metropolitan class a recording secretary shall be furnished to the plumbing ~~such~~ board. The city or village shall make available to the plumbing board a location for the board to meet and conduct business at a time convenient for the members of the board. All vacancies in the plumbing board may be filled by the mayor and city council, city manager, or chairperson and village board of trustees as provided in this section. Any member of the plumbing board may be removed from office for cause by the district court of the county in which such city or village is situated. The governing body of the city or village may require that each member of the plumbing board give bond in the sum of one thousand dollars, conditioned according to law, the cost of which may be paid by such city or village.

(8) The plumbing board in a city of the metropolitan class shall maintain

a record of all complaints filed in the city regarding violations of the plumbing code and a record of the disposition of each such complaint.

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

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

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

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

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

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

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

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

~~18-1906 The plumbing board shall have the power and duty, and it shall be its duty, to adopt and promulgate rules and regulations, not inconsistent with the laws of the state or the ordinances of the city or village, for the sanitary construction, alteration, and inspection of plumbing and sewerage connections and drains placed in, or in connection with, any and every building in such city or village or within the area of the extraterritorial zoning jurisdiction of cities of the metropolitan class. Such rules and regulations shall, in which it will prescribe the kind and size of materials to be used in such plumbing and the manner in which such work shall be done. Such, which rules and regulations, except such as are adopted for its own convenience only, shall be approved by ordinance by the mayor and city council of such city or by the chairperson and village board of trustees of such village. The plumbing board shall have the power to amend or repeal its rules and regulations, subject, except such as relate to its own convenience only, to the approval of the mayor and city council of such city or chairperson and village board of trustees of such village. In cities of the metropolitan class, the plumbing board shall have the power, without the approval of the mayor and city council, to grant a variance from the ordinances, rules, and regulations in the kind and size of materials to be used or in the manner in which the work is to be performed. The variance shall apply only to a single building and shall not be considered as a part of the ordinances, rules, and regulations of the plumbing board. If there are practical difficulties or unnecessary hardships in the manner of strictly carrying out such ordinance, the plumbing board shall have the power, in passing upon a variance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction, or alteration of buildings or structures or the use of land, so that the intent of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. The plumbing board shall have power to compel the owner or contractor to first submit the plans and specifications for plumbing that is to be placed in any building or adjoining premises to the board for approval before it shall be installed in such building or premises. When an owner or contractor submits a request for a variance, the plumbing board shall charge a reasonable fee, payable to the general fund, as set by the city council or village board of trustees not to exceed twenty-five dollars. The Building Board of Review shall have the authority to hear appeals from the~~

plumbing board in matters regarding variances and interpretation of ordinances, plumbing code changes, rules, and regulations. The Building Board of Review shall adopt and promulgate rules and regulations governing such appeals.

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

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

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

18-1911 The amount of the fees for original and renewal licenses shall be as established by the city council or village board of trustees based on the amounts actually necessary to administer the licensing program, but not to exceed twenty-five dollars per license. All license fees shall be paid to the city treasurer or village treasurer to be distributed in accordance with Article VII, section 5, of the Constitution of Nebraska ~~The fee for the original license of a journeyman plumber shall be one dollar for a one-year license and two dollars for a two-year license. All renewal fees shall be fifty cents for a one-year license and one dollar for a two-year license. All license fees shall be paid, prior to the execution and delivery of the license, to the treasurer of the school district within the city or village for which the license was issued to be used exclusively for the support of the common schools therein.~~

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

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

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