

URBAN AFFAIRS COMMITTEE

NEBRASKA LEGISLATURE

LR 348: An interim study to review the occupational regulations
for master plumbers

Report as required pursuant to the Occupational Board Reform
Act (OBRA)

One Hundred Seventh Legislature
Second Session

Committee Members

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Senator Megan Hunt, Vice-Chairperson, District 8
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Introduction

In 2018, the Legislature passed the Occupational Board Reform Act (OBRA)¹, which became operative on July 1, 2019. The purpose of OBRA was to establish a process for ongoing review and analysis of occupational regulations in Nebraska, with the primary responsibility for such reviews assigned to the 14 standing committees of the Legislature.

Under OBRA, an “occupational regulation” is defined as a statute, rule, regulation, practice, policy, or other state law requiring an individual to possess certain personal qualifications or to comply with registration requirements to use an occupational title or work in a lawful occupation. Beginning in 2019, each standing committee of the Legislature is required to annually review and analyze approximately twenty percent (20%) of the occupational regulations within the jurisdiction of the committee and prepare and submit an annual report electronically to the Clerk of the Legislature by December 15 of each year. Each report shall include the committee’s recommendations regarding whether the occupational regulations should be terminated, continued, or modified.

Based off an initial review of occupational regulations by the Executive Board of the Legislature in 2019, there were three occupational regulations identified as under the jurisdiction of the Urban Affairs Committee². A fourth occupational regulation³ was added under the committee’s jurisdiction in 2021 with the passage of LB 423.

The committee selected Master Plumbers for review in 2022. In order to facilitate the occupational regulation review, the committee introduced LR 348, an interim study to review the occupational regulations for master plumbers⁴.

The Executive Board of the Legislature created an electronic survey to help each committee accomplish the task of reviewing each occupational licensing agency. Survey responses for each agency are published on the Legislature’s website.

Unlike most occupational regulations required under state statute, there is no state agency that oversees the regulation of Master Plumbers. Instead, Master Plumbers are

¹ Nebraska Revised Statute §84-933 to §84-948

² Fire Alarm Inspector, Master Plumber, and Radon Specialist & Technician

³ Home Inspector

⁴ While the term “Master Plumber” is used sporadically in Nebraska Revised Statute §18-1901 to §18-1920, the statutes generally refer to the licensing of all plumbers, including both journeyman and master plumbers. For purposes of this report, whenever the term “Master Plumber” is used, it refers to all licensed plumbers.

regulated at the municipal level in Nebraska. Survey responses from various Nebraska municipalities can be found at:

https://www.nebraskalegislature.gov/reports/committeesurvey_view.php

Background & Legislative History

Nebraska's statutes requiring the licensure of plumbers in municipalities which have established a plumbing board date back to 1901⁵. Initially, the plumbing board statutes⁶ required that each city with a population of 50,000 or more⁷ appoint a plumbing board, and provided for the mandatory licensure of plumbers within such cities. Fees for licensure were initially set at \$1 for original licenses and 50 cents for a license renewal.

The plumbing board statutes have been amended numerous times over the years, primarily to change which cities were required to establish a plumbing board and alter membership requirements for plumbing boards. The required population threshold for cities to establish a plumbing board was decreased to 40,000 or more⁸ in 1913⁹, then changed in 1943¹⁰ to require that each city of the metropolitan class and city of the primary class¹¹ establish a plumbing board.

In 1961¹², the establishment of a plumbing board was permitted as an option for cities of the first class, cities of the second class, and villages, and in 1965¹³, licensure was also required for any person doing any plumbing within the extraterritorial zoning jurisdiction (ETJ)¹⁴ of a city of the metropolitan class.

The state's only city of the primary class – Lincoln – has alternatively been required to establish a plumbing board and had such a requirement made optional multiple times over the years. While the City of Lincoln was required to establish a plumbing board under the original plumbing board statutes, plumbing boards were made optional for

⁵ Laws 1901, c. 21, §1 to §14

⁶ Nebraska Revised Statute §18-1901 to §18-1920

⁷ As of the 1900 decennial census, this requirement would have originally applied to two cities – Omaha and Lincoln

⁸ This change appears to have had no practical effect, as the requirement still would have only applied to Omaha and Lincoln.

⁹ R.S. 1913, §5274

¹⁰ R.S. 1913, Nebraska Revised Statute §19-302

¹¹ The City of Omaha is currently the state's only city of the metropolitan class, and the City of Lincoln is the only city of the primary class

¹² Laws 1961, c. 57, §1

¹³ Laws 1965, c. 76, §3

¹⁴ The ETJ of a municipality generally consists of the contiguous unincorporated land within a certain radius of its corporate limits. The size of a municipality's ETJ varies according to its classification: cities of the metropolitan class and cities of the primary class have a three-mile ETJ, cities of the first class have a two-mile ETJ, and cities of the second class and villages have a one-mile ETJ.

cities of the primary class in 1973¹⁵, required again in 1975¹⁶, and finally made optional again in 1989¹⁷.

While two-year plumbing licenses were authorized in 1995¹⁸, the license fees established in the initial 1901 plumbing board statutes were not increased until 2020¹⁹, when the statutes were updated to authorize the establishment of fees 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. Similar changes to update and modernize the plumbing board statutes were also adopted in 2021²⁰.

In 1996²¹, the plumbing board statutes were amended to reflect the adoption a default plumbing code in Nebraska. Under Nebraska's plumbing code statutes, individual municipalities²² and counties²³ are allowed to adopt their own plumbing code, but the state has adopted a default code in the event a jurisdiction has not adopted its own local plumbing code. The current default plumbing code is the 2018 Uniform Plumbing Code (UPC), which is promulgated by the International Association of Plumbing and Mechanical Officials (IAPMO).

Under Nebraska Revised Statute §18-1907, any person desiring to do any plumbing or to work at the business of plumbing in any city or village which has established a plumbing board (or within the ETJ of a city of the metropolitan class) must be licensed by the city or village plumbing board. Local plumbing boards also have the authority to adopt rules and regulations 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 the city or village (or within the ETJ of a city of the metropolitan class)²⁴.

There are currently at least twelve cities which have established a plumbing board: Beatrice, Gering, Grand Island, Hastings, Holdrege, Lincoln, North Platte, Omaha, Schuyler, Scottsbluff, Seward, and South Sioux City. A number of other cities, including but not limited to the cities of Alliance, Bellevue, Blair, Chadron, Columbus, Fremont, Kearney, La Vista, Norfolk, and Sidney currently license plumbers but do not have a plumbing board, so information about their licensing requirements is not contained in this report.

¹⁵ LB 103 (1973)

¹⁶ LB 153 (1975)

¹⁷ LB 53 (1989)

¹⁸ LB 36 (1995)

¹⁹ LB 107 (2020)

²⁰ LB 163 (2021)

²¹ LB 1304 (1996)

²² Nebraska Revised Statute §18-132 and §18-1915

²³ Nebraska Revised Statute §23-172

²⁴ See Nebraska Revised Statute §18-1906

Committee Findings

Pursuant to Nebraska Revised Statute §84-948, each report issued by a standing committee of the Legislature must contain the following information (*responses in italics*):

- 1) The title of the regulated occupation and the name of the occupational board responsible for the enforcement of the occupational regulations;

Title of Regulated Occupation: Master Plumbers

Name of Occupational Board:

Beatrice: Board of Examination of Plumbers

Gering: City of Gering Plumbing Board

Grand Island: Plumbers Examining Board

Hastings: City of Hastings Examining Board

Holdrege: City of Holdrege Plumbing Board

Lincoln: Examining Board of Plumbers

North Platte: City of North Platte Plumbing Board

Omaha: Omaha Plumbing Board

Schuyler: City of Schuyler Plumbing Board

Scottsbluff: Plumbers Examining Board

Seward: Plumbers Examining Board

South Sioux City: City of South Sioux City Plumbing Board

- 2) The statutory citation or other authorization for the creation of the occupational regulations and occupational board;

Nebraska Revised Statute §18-1901 to §18-1920

- 3) The number of members of the occupational board and how the members are appointed;

Under Nebraska Revised Statute §18-1901, the size of each plumbing board shall be as follows:

Cities of the Metropolitan Class: Eight members, appointed by the mayor by and with the consent of the city council

Cities of the Primary Class: Five members, appointed by the mayor by and with the consent of the city council, or in cities having a city manager, by the city manager.

Cities of the First Class, Cities of the Second Class, and Villages: Not less than four members, 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.

Actual size of plumbing boards for Cities of the First Class, Cities of the Second Class, and Villages:

*Beatrice: seven
Gering: six
Grand Island: seven
Hastings: four
Holdrege: two²⁵
North Platte: five
Schuyler: four²⁶
Scottsbluff: six
Seward: four
South Sioux City: four*

4) The qualifications for membership on the occupational board;

Under Nebraska Revised Statute §18-1901, the membership of each plumbing board shall consist of the following:

Cities of the Metropolitan Class (eight members):

- 1. An architect licensed to practice in the State of Nebraska and engaged in business in a city of the metropolitan class;*
- 2. A mechanical engineer licensed to practice in the State of Nebraska and engaged in business in a city of the metropolitan class;*
- 3. Two journeymen plumbers;*
- 4. Two master plumbers;*
- 5. One member of the general public who is not associated with the plumbing business; and*
- 6. A chief health officer (non-voting)*

Cities of the Primary Class (five members)²⁷:

²⁵ The City of Holdrege reported having a two-member plumbing board “for as long as they can remember”, despite statute requiring a four-member plumbing board since 1961.

²⁶ The City of Schuyler reported that only one position on the board, the chief plumbing inspector position, is currently filled. The remaining positions are currently vacant.

²⁷ The City of Lincoln reported having a seven-member plumbing board in conflict with current statutory requirements. Instead of having one journeyman plumber and one master plumber, the city reported

1. *The Director of Building and Safety of the city;*
2. *A registered professional mechanical engineer licensed to practice in the State of Nebraska and engaged in business in the city;*
3. *The chief plumbing inspector for the city;*
4. *One master plumber; and*
5. *One journeyman plumber*

Cities of the First Class, Cities of the Second Class, and Villages (not less than four members):

1. *At least one member to be known as the chief health officer of the city or village;*
2. *One member to be known as the plumbing inspector of the city or village;*
3. *One journeyman plumber; and*
4. *One master plumber*

- 5) The number of times the occupational board is required to meet during the year and the number of times it actually met;

Under Nebraska Revised Statute §18-1904, each plumbing board shall meet not less than once each year upon the written call of the chairperson of the board, and upon the written request of a license applicant, licensee, or another member of the board.

Actual number of times met:

Beatrice:

Fiscal Year 2021-2022: no meetings
Fiscal Year 2020-2021: no meetings
Fiscal Year 2019-2020: no meetings
Fiscal Year 2018-2019: no meetings
Fiscal Year 2017-2018: two meetings

Gering:

Fiscal Year 2021-2022: one meeting
Fiscal Year 2020-2021: two meetings
Fiscal Year 2019-2020: two meetings
Fiscal Year 2018-2019: two meetings
Fiscal Year 2017-2018: five meetings

that their plumbing board currently includes two master plumbers as well as one master gas fitter and one registered water conditioning contractor.

Grand Island:

Fiscal Year 2021-2022: seven meetings
Fiscal Year 2020-2021: six meetings
Fiscal Year 2019-2020: five meetings
Fiscal Year 2018-2019: five meetings
Fiscal Year 2017-2018: five meetings

Hastings:

Fiscal Year 2021-2022: one meeting
Fiscal Year 2020-2021: no meetings
Fiscal Year 2019-2020: no meetings
Fiscal Year 2018-2019: no meetings
Fiscal Year 2017-2018: one meeting

Holdrege:

Fiscal Year 2021-2022: no meetings
Fiscal Year 2020-2021: no meetings
Fiscal Year 2019-2020: no meetings
Fiscal Year 2018-2019: no meetings
Fiscal Year 2017-2018: no meetings

Lincoln:

Fiscal Year 2021-2022: four meetings
Fiscal Year 2020-2021: four meetings
Fiscal Year 2019-2020: four meetings
Fiscal Year 2018-2019: four meetings
Fiscal Year 2017-2018: four meetings

North Platte:

Fiscal Year 2021-2022: four meetings
Fiscal Year 2020-2021: four meetings
Fiscal Year 2019-2020: four meetings
Fiscal Year 2018-2019: four meetings
Fiscal Year 2017-2018: four meetings

Omaha:

Fiscal Year 2021-2022: fifteen meetings
Fiscal Year 2020-2021: sixteen meetings
Fiscal Year 2019-2020: nineteen meetings
Fiscal Year 2018-2019: twenty-three meetings
Fiscal Year 2017-2018: twenty-four meetings

Schuyler:

Fiscal Year 2021-2022: no meetings

Fiscal Year 2020-2021: no meetings
Fiscal Year 2019-2020: no meetings
Fiscal Year 2018-2019: no meetings
Fiscal Year 2017-2018: no meetings

Scottsbluff:

Fiscal Year 2021-2022: no meetings
Fiscal Year 2020-2021: no meetings
Fiscal Year 2019-2020: no meetings
Fiscal Year 2018-2019: no meetings
Fiscal Year 2017-2018: no meetings

Seward:

Fiscal Year 2021-2022: no meetings
Fiscal Year 2020-2021: no meetings
Fiscal Year 2019-2020: no meetings
Fiscal Year 2018-2019: no meetings
Fiscal Year 2017-2018: no meetings

South Sioux City:

Fiscal Year 2021-2022: one meeting
Fiscal Year 2020-2021: one meeting
Fiscal Year 2019-2020: one meeting
Fiscal Year 2018-2019: one meeting
Fiscal Year 2017-2018: one meeting

6) Annual budget information for the occupational board for the five most recently completed fiscal years;

Beatrice: The City of Beatrice employs three shared support staff to oversee the licensing of plumbers. The annual budget for the licensing of plumbers, which is funded using city general funds, is as follows:

Fiscal Year 2020-2021 Budget: \$100
Fiscal Year 2019-2020 Budget: \$100
Fiscal Year 2018-2019 Budget: \$100
Fiscal Year 2017-2018 Budget: \$100
Fiscal Year 2016-2017 Budget: \$100

Gering: The City of Gering employs three shared support staff to oversee the licensing of plumbers. The annual budget for the licensing of plumbers, which is funded using city general funds, is as follows:

Fiscal Year 2020-2021 Budget: \$0
Fiscal Year 2019-2020 Budget: \$0
Fiscal Year 2018-2019 Budget: \$0

Fiscal Year 2017-2018 Budget: \$0
Fiscal Year 2016-2017 Budget: \$0

Grand Island: The City of Grand Island utilizes building department shared support staff to oversee the licensing of plumbers. The annual budget for the licensing of plumbers, which is funded as part of the city's building department budget, is as follows:

Fiscal Year 2020-2021 Budget: \$0
Fiscal Year 2019-2020 Budget: \$0
Fiscal Year 2018-2019 Budget: \$0
Fiscal Year 2017-2018 Budget: \$0
Fiscal Year 2016-2017 Budget: \$0

Hastings: The City of Hastings employs two shared support staff to oversee the licensing of plumbers. The annual budget for the licensing of plumbers, which is funded using city general funds, is as follows:

Fiscal Year 2020-2021 Budget: \$1
Fiscal Year 2019-2020 Budget: \$1
Fiscal Year 2018-2019 Budget: \$1
Fiscal Year 2017-2018 Budget: \$1
Fiscal Year 2016-2017 Budget: \$1

Holdrege: The City of Holdrege employs four shared support staff to oversee the licensing of plumbers. The annual budget for the licensing of plumbers, which is funded using city general funds, is as follows:

Fiscal Year 2020-2021 Budget: \$0
Fiscal Year 2019-2020 Budget: \$0
Fiscal Year 2018-2019 Budget: \$0
Fiscal Year 2017-2018 Budget: \$0
Fiscal Year 2016-2017 Budget: \$0

Lincoln: The City of Lincoln employs two shared support staff to oversee the licensing of plumbers. The annual budget for the licensing of plumbers, which is funded using permit and inspection fees, is as follows:

Fiscal Year 2020-2021 Budget: \$0
Fiscal Year 2019-2020 Budget: \$0
Fiscal Year 2018-2019 Budget: \$0
Fiscal Year 2017-2018 Budget: \$0
Fiscal Year 2016-2017 Budget: \$0

North Platte: The City of North Platte employs one shared support staff to oversee the licensing of plumbers. The annual budget for the licensing of plumbers, which is funded as part of the city's general budget, is as follows:

Fiscal Year 2020-2021 Budget: \$1

*Fiscal Year 2019-2020 Budget: \$1
Fiscal Year 2018-2019 Budget: \$1
Fiscal Year 2017-2018 Budget: \$1
Fiscal Year 2016-2017 Budget: \$1*

Omaha: The City of Omaha employs one shared support staff to oversee the licensing of plumbers. The annual budget for the licensing of plumbers, which is funded using permit and inspection fees, is as follows:

*Fiscal Year 2020-2021 Budget: \$500
Fiscal Year 2019-2020 Budget: \$3,500
Fiscal Year 2018-2019 Budget: \$3,500
Fiscal Year 2017-2018 Budget: \$5,000
Fiscal Year 2016-2017 Budget: \$5,000*

Schuyler: The City of Schuyler employs one shared support staff to oversee the licensing of plumbers. The annual budget for the licensing of plumbers, which is funded as part of the city clerk's budget, is as follows:

*Fiscal Year 2020-2021 Budget: \$0
Fiscal Year 2019-2020 Budget: \$0
Fiscal Year 2018-2019 Budget: \$0
Fiscal Year 2017-2018 Budget: \$0
Fiscal Year 2016-2017 Budget: \$0*

Scottsbluff: The City of Scottsbluff employs two shared support staff to oversee the licensing of plumbers. The annual budget for the licensing of plumbers, which is funded using city general funds, is as follows:

*Fiscal Year 2020-2021 Budget: \$100
Fiscal Year 2019-2020 Budget: \$100
Fiscal Year 2018-2019 Budget: \$100
Fiscal Year 2017-2018 Budget: \$100
Fiscal Year 2016-2017 Budget: \$100*

Seward: The City of Seward employs shared support staff to oversee the licensing of plumbers. The annual budget for the licensing of plumbers, which is funded as part of the city's general building inspections budget, is as follows:

*Fiscal Year 2020-2021 Budget: \$0
Fiscal Year 2019-2020 Budget: \$0
Fiscal Year 2018-2019 Budget: \$0
Fiscal Year 2017-2018 Budget: \$0
Fiscal Year 2016-2017 Budget: \$0*

South Sioux City: The City of South Sioux City employs five support staff (mix of shared and permanent staff) to oversee the licensing of plumbers. The annual

budget for all licensing, including the licensing of plumbers, which is funded using city general funds, is as follows:

Fiscal Year 2020-2021 Budget: \$75,000

Fiscal Year 2019-2020 Budget: \$73,000

Fiscal Year 2018-2019 Budget: \$71,000

Fiscal Year 2017-2018 Budget: \$70,000

Fiscal Year 2016-2017 Budget: \$69,000

- 7) For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of government certifications, occupational licenses, and registrations the occupational board has issued, revoked, denied, or assessed penalties against, listed anonymously and separately per type of credential, and the reasons for such revocations, denials, and other penalties;

Beatrice: During the period reported, there were a total of 259 plumbing licenses issued by the City of Beatrice. This number includes the following number of licenses by type as follows:

91 Master Plumbers

58 Journeyman Plumbers

92 Apprentice Plumbers

15 Water Conditioners

3 Master Drain Layers

No licenses were revoked or denied during the period reported, and no licensees had penalties assessed against them.

Gering: During the period reported, there were a total of 720 plumbing licenses issued by the City of Gering, including Master Plumbers Licenses, Journeyman Plumbers Licenses, Apprentice Plumbers Licenses, and Endorsements.

No licenses were revoked or denied during the period reported, and twenty-five licensees had penalties assessed against them in the form of late fees and permit denials.

Grand Island: During the period reported, there were a total of 125 plumbing licenses issued by the City of Grand Island, including Apprentice to Journeyman Licenses, Journeyman to Master Licenses, and Master to Contracting Master Licenses.

Seven licenses were revoked due to failure to meet continuing education requirements, and two licenses were denied during the period reported due to not meeting minimum experience requirements. No licensees had penalties assessed against them during the period reported.

Hastings: During the period reported, there were a total of 89 plumbing licenses issued by the City of Hastings. No licenses were revoked or denied during the period reported, and no licensees had penalties assessed against them.

Holdrege: During the period reported, there were no plumbing licenses issued by the City of Holdrege. No licenses were revoked or denied during the period reported, and no licensees had penalties assessed against them.

Lincoln: During the period reported, there were a total of 61 plumbing licenses issued by the City of Lincoln. This number includes the following number of licenses by type as follows:

24 Master Plumbers

32 Journeyman Plumbers

2 Master Gas Fitters

2 Journeyman Gas Fitters

1 Water Conditioning

Three licenses were revoked and twenty-seven licenses were denied during the period reported, and no licensees had penalties assessed against them.

North Platte: During the period reported, there were a total of 215 plumbing licenses issued by the City of North Platte, including Master Plumber, Journeyman Plumber, and Apprentice Licenses.

No licenses were revoked and three licenses were denied during the period reported due to lack of required time in the field. No licensees had penalties assessed against them during the period reported.

Omaha: During the period reported, there were a total of 1037 plumbing licenses issued by the City of Omaha. No licenses were revoked or denied during the period reported, and no licensees had penalties assessed against them.

Schuyler: During the period reported, there were a total of two plumbing licenses issued by the City of Schuyler. No licenses were revoked or denied during the period reported, and no licensees had penalties assessed against them.

Scottsbluff: During the period reported, there were a total of 94 plumbing licenses issued by the City of Scottsbluff. No licenses were revoked or denied during the period reported, and no licensees had penalties assessed against them.

Seward: During the period reported, there were no plumbing licenses issued by the City of Seward. No licenses were revoked or denied during the period reported, and no licensees had penalties assessed against them.

South Sioux City: During the period reported, there were a total of 91 plumbing licenses issued by the City of South Sioux City. This number includes the following number of licenses by type as follows:

- 20 Plumbing Contractor Licenses*
- 25 Journeyman Plumbing Licenses*
- 29 Plumbing Apprentice Plumber Licenses*
- 13 Utility Drain Layers Licenses*
- 4 Water Treatment Contractor Licenses*

No licenses were revoked or denied during the period reported, and no licensees had penalties assessed against them.

- 8) A review of the basic assumptions underlying the creation of the occupational regulations;

Municipalities provide for the licensure of plumbers in order to ensure that water, heating, sanitary, and storm drainage systems are installed by competent, tested, trained, and insured professionals. Unqualified plumbers can lead to property damage, financial harm, and even put Nebraskans' lives in danger. For example, if a sewage line is poorly installed, it could lead to flooding, waterborne illness, or foundational degradation of buildings.

Licensure of plumbers can also be used as a tool to ensure compliance with state and local building and plumbing codes, as municipalities can revoke the license of plumbers who fail to comply with relevant code requirements.

- 9) A statement from the occupational board on the effectiveness of the occupational regulations; and

Beatrice: I have mixed feeling about the plumbing board's ability to regulate the industry through plumbing licenses. I feel that it's been effective in not allowing everyone to become a plumber and setting a standard for truly understanding the trade. However, I also feel that it's prohibited qualified plumbers from conducting business in our jurisdiction because they cannot meet certain requirements as set forth by the boards. Additionally, I have seen some of the rules contain loopholes that are only good for master plumbers to utilize to acquire work, while using plumbers who would otherwise not be allowed to work or receive a license based on the rules. Further, I do not understand why, this is the only trade the state and some municipal jurisdiction requires a board and oversight. I feel there are many more situations where unsafe building/construction or mechanical installations could be as or more unsafe than plumbing and those trades are regulated by codes and inspections. Additionally, these state laws for plumbing boards may work

very well in a metro area, but in first class cities (and lower) it is extremely difficult to create and administer these plumbing boards with the limited number of resources in the jurisdiction and the limited number of truly qualified plumbers.

Gering: The issue of plumbing licenses is one that staff is currently wrestling with. We feel it is imperative that the City require plumbing licenses. The primary enforcement mechanism that we have is to require the plumbers to show proof of insurance. This has dual benefits; one is that if there is harm done to a property owner, they can file a claim with the insurance company to offset the harm caused. The other benefit is that if a plumber has repeatedly had claims against them, the insurance companies will no longer cover them, which can help weed out some of the most egregious offenders. We do feel that there is more that we could do to try to vet our plumbers, and have discussed requiring proof of certification through the ICC or UPC codes. However, that is very challenging, as many plumbers passed those tests years ago and no longer have proof that they passed. While this could help weed out some of the plumbers who do substandard work, it could also prevent some very qualified plumbers from being able to do business in the City. One thing that could help is if we were to establish some sort of requirement for continuous insurance coverage, as some of the plumbers who are the most unqualified tend to be issued liability insurance for a specific project and then cancel that bond as soon as it is done. The more qualified plumbers keep their bonding year-round. It may also be beneficial to require some continuing education, as technologies change. At the time many of our plumbers tested for their licenses, there were no high-efficiency furnaces, etc. and it would be beneficial for them to be required to learn how to work with these types of installations.

Grand Island: "The Plumber Protects the Health of the Nation" a slogan from the 1920's couldn't be any truer today than it was then. When you open a faucet, you have no worries on whether the water is safe to drink. When you bath, wash clothes, or use the bathroom, there are no second thoughts as to where the waste goes or what harm it may cause if left untreated. As a Plumbing Inspector for the City of Grand Island, I am grateful the City had the wisdom and the foresight to appoint a Plumbing Board. The oversight of this board has done a remarkable job staying abreast of all the changes within the plumbing industry, reviewing plumbing codes and making recommendations to the city council, and for developing minimum standards and qualifications for the licensing of individuals who work in the plumbing trade. While plumbers are not "First Responders" they are "First Preventers", protecting the health of our community. Without the leadership of the Grand Island Plumbing Board, Grand Island would be a very different place!

Hastings: The purpose behind the current Examining Board is ensure Plumbing Codes are enforced through the examining procedures and requiring documentation of the experience of the plumber.

Holdrege: It allows the public to make sure that the plumbers are licensed, bonded and insured.

Lincoln: The Examining Board of Plumbers for the City of Lincoln consists of experts in plumbing systems installation and design. The Board cumulatively has decades of experience in the plumbing industry. It uses this expertise and experience to develop, administer, and update a testing program to ensure that the people who lawfully install materials, equipment and systems that deliver fresh water to our homes and businesses or carry wastewater away from our homes and businesses have the skills and knowledge to do so in a safe, sanitary, and efficient manner according to established codes and standards.

North Platte: I do believe that the plumbing license has benefit for our community. Plumbing requires a great skill set. This is especially true for maintenance of older buildings. The benefits include, 1. A measurable reference in licensing for trade level. 2. Insurance and bonding. 3. Professionally trained staff 4. Professional advice and recommendations 5. They have the right tools and equipment 6. Guaranteed work 7. Protection of the potable water supply 8. Continuous training

Omaha: I believe there is a possibility of contamination, property damage and improper installation that could create a hazard to neighbors or one's self property.

Schuylers: Just a quick response to your email concerning Plumbing licensing and oversight. Our ordinances do mention a board of plumbing examiners, electrical board, tree board etc. Being a smaller community with limited number of volunteers and members willing to serve on our local boards, many of these boards technically do not exist as described in our ordinance books. We do require all Plumbers, Electricians, and Mechanical contractors to register with the City of Schuylers. They must provide proof of licenses for all workers, proof of insurance, and pay an occupation tax yearly. As the Building Inspector part of my duties is to perform plumbing inspections, and issue plumbing permits. We keep a binder with a list of all registered contractors, and provide lists to anyone who comes in to inquire about their services. Also we provide a list of these contractors to any engineer or project developer upon request for any local project. We do our best to monitor all activities within our community by requiring licensing and registrations for anyone wanting to work here. Currently homeowners are allowed to do plumbing repairs on their own primary residence but not on commercial or rentals. In summary the survey questions do not correspond with

our method of enforcement. The mayor, administrator, city council, and myself oversee many of the code of ordinance issues.

Scottsbluff: The City of Scottsbluff finds the Plumbers Examining Board required plumbers license program to be effective. As you can see in the survey, the City has not needed to revoke or issue penalties to licensed plumbers who work in Scottsbluff's zoning jurisdiction in the last 5 years.

Seward: I believe the threat of a local licensing oversight forces the plumbing community to continue to renew licensing and training for the purpose of adhering to plumbing codes and changes to plumbing codes, important to maintain the safety risks to the general public.

South Sioux City: The City of South Sioux City, NE. has not had any plumbing or gas piping issues, damages, injuries fires from propane and natural gas, non-code complying piping or equipment installations.

10) A comparison of whether and how other states regulate the occupation.

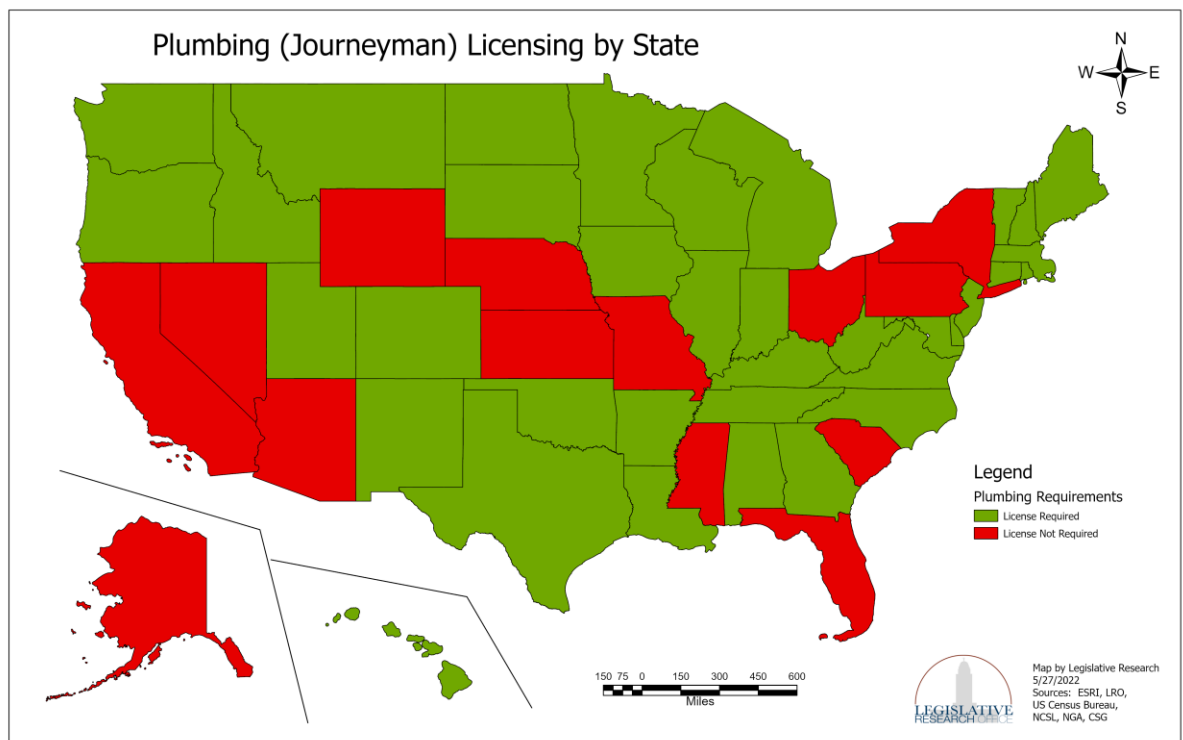


Figure 1. States with Statewide Licensure of Plumbers.

According to the National Conference of State Legislatures (NCSL), thirty-six states currently provide for the statewide licensure of plumbers, including the

neighboring states of Colorado, Iowa, and South Dakota²⁸. A map of states which provide for statewide licensure of plumbers according to NCSL can be found above in Figure 1.

As noted in the Background and Legislative History section, a number of other cities, including but not limited to the cities of Alliance, Bellevue, Blair, Chadron, Columbus, Fremont, Kearney, La Vista, Norfolk, and Sidney currently license plumbers but do not have a plumbing board.

In addition, each report issued by a standing committee of the Legislature must analyze whether the occupational regulations meet the policy goals established under OBRA and consider the following recommended courses of action for meeting such policy goals (*responses in italics*):

- 1) If the need is to protect consumers against fraud, the likely recommendation will be to strengthen powers under the Uniform Deceptive Trade Practices Act or require disclosures that will reduce misleading attributes of the specific goods or services;

Not applicable

- 2) If the need is to protect consumers against unclean facilities or to promote general health and safety, the likely recommendation will be to require periodic inspections of such facilities;

While protecting public health and safety is a major reason for requiring the licensure of plumbers, inspection of plumbing work generally falls under the purview of state and local building code enforcement.

- 3) If the need is to protect consumers against potential damages from failure by providers to complete a contract fully or up to standards, the likely recommendation will be to require that providers be bonded;

Not applicable

- 4) If the need is to protect a person who is not party to a contract between the provider and consumer, the likely recommendation will be to require that the provider have insurance;

Most municipalities which provide for the licensure of plumbers currently require insurance as part of their licensure requirements.

²⁸ Several municipalities responding to the survey also reported that our neighboring states of Kansas and Wyoming require a state plumbing license.

- 5) If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the provider's knowledge, the likely recommendation will be to enact government certification; and

Not applicable

- 6) If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers, there is an absence of institutions that provide adequate guidance to the consumer, and the consumer's inability to distinguish between providers and the lack of adequate guidance allows for undue risk of present, significant, and substantiated harms, the likely recommendation will be to enact an occupational license.

Not applicable

Conclusion & Recommendations

Among the policy goals established under OBRA²⁹ is the goal to use the least restrictive regulation which is necessary to protect consumers from undue risk of present, significant, and substantiated harms that clearly threaten or endanger the health, safety, or welfare of the public when competition alone is not sufficient and which is consistent with the public interest. In the case of Master Plumbers, the occupational regulations are designed to ensure that water, heating, sanitary, and storm drainage systems are installed by competent, tested, trained, and insured professionals, and the licensure of plumbers can also be used by municipalities to ensure compliance with state and local building and plumbing codes.

While the Urban Affairs Committee finds that the current occupational regulations for Master Plumbers appear to be consistent with the policy goals established under OBRA, the committee recommends that the statutes governing the licensure of plumbers by municipalities which have established a plumbing board be amended to make the following technical changes:

- 1) Nebraska Revised Statute §18-1907 should be amended to clarify that nothing in Nebraska Revised Statute §18-1901 to §18-1920 prohibits a municipality that has not established a plumbing board from providing for the licensure of plumbers.
- 2) Nebraska Revised Statute §18-1901 should be amended to either update the plumbing board composition for cities of the primary class to reflect the current board composition in the City of Lincoln, or alternatively to provide additional flexibility to all classes of municipality in the composition of their plumbing board.

²⁹ Nebraska Revised Statute §84-946