

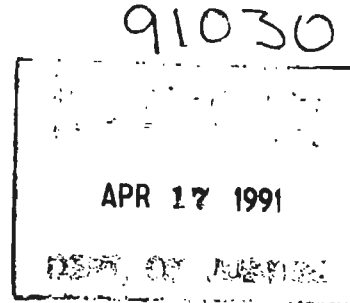


STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
LINCOLN, NEBRASKA 68509-8920
(402) 471-2682
FAX (402) 471-3297

DON STENBERG
ATTORNEY GENERAL

L. STEVEN GRASZ
SAM GRIMMINGER
DEPUTY ATTORNEYS GENERAL



DATE: April 16, 1991

SUBJECT: Electrical Inspection of Stuart - Atkinson Airport
Authority Property

REQUESTED BY: Mr. Terry L. Carlson, Executive Director

WRITTEN BY: Don Stenberg, Attorney General
David Edward Cygan, Assistant Attorney General

You have requested our counsel in regard to whether or not the State Electrical Division has the authority to inspect a new hanger constructed by an Airport Authority on the Airport Authority property. Neb.Rev.Stat. § 82-2124, provides that:

All electrical installations in commercial or industrial buildings, including installations both inside and outside of the buildings, buildings designated for public use, and any installations at the request of the owner shall be subject to inspection as provided in sections 81-2101 to 81-2145. (Emphasis supplied).

Thus the Legislature grants initial authority to the State Electrical board to inspect all commercial and industrial electrical installations in the State. The Legislature provides an exception for certain political subdivisions that adopt electrical wiring standards and provide for inspections to enforce the standards. Neb.Rev.Stat. § 81-2125 (Reissue 1987).

L. Jay Bartel
J. Kirk Brown
Laurie Smith Camp
Elaine A. Chapman
Delores N. Coe-Barbee
Dale A. Comer
David Edward Cygan

Mark L. Ellis
James A. Elworth
Lynne R. Fritz
Royce N. Harper
William L. Howland
Marilyn B. Hutchinson
Kimberly A. Klein

Donald A. Kohtz
Sharon M. Lindgren
Charles E. Lowe
Lisa D. Martin-Price
Lynn A. Melson
Harold I. Mosher
Fredrick F. Neid

Paul N. Potadle
Marie C. Pawol
Kenneth W. Payne
LeRoy W. Sievers
James H. Spears
Mark D. Starr
John R. Thompson

Susan M. Ugai
Barry Wald
Terri M. Weeks
Alfonza Whitaker
Melanie J. Whittamore-Mantzios
Linda L. Willard

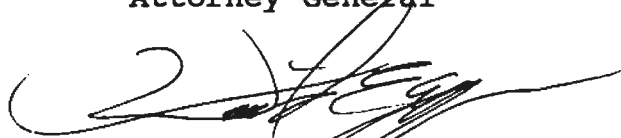
Mr. Terry L. Carlson, Executive Director
April 16, 1991
Page -2-

Your question involves electrical installation in a commercial or industrial building which may be within the boundaries of an Airport Authority, which is a political subdivision pursuant to Neb.Rev.Stat. §§ 3-501(1), 3-502 and 3-611. The opinion request further states that the Airport Authority in question has not adopted electrical wiring standards nor does it provide for inspections to enforce such standards. It is unclear from your request whether the Airport Authority building exists within any municipal boundaries. However, our investigation has determined that neither the municipalities of Stuart or Atkinson has adopted any electrical standards or inspection procedures. Therefore, the question of any applicable electrical code set forth by the city which might preclude the jurisdiction of the State Electrical Board need not be reached at this time.

Due to the absence of any adopted electrical standards and inspections, the Airport Authority in question does not qualify as an exempt political subdivision as provided for in Neb.Rev.Stat. § 81-2125. It is therefore subject to inspection by the State Electrical Division pursuant to Neb.Rev.Stat. § 81-2124.

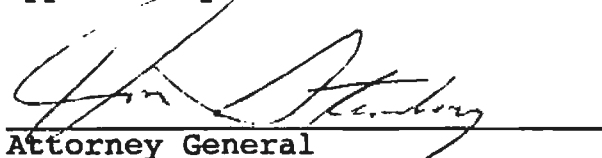
Respectfully Submitted,

DON STENBERG
Attorney General



David Edward Cygan
Assistant Attorney General

Approved By:


Attorney General