



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

91030
 APR 17 1991
 DEPT. OF JUSTICE

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 Waid
 Terri M. Weeks
 Alfonza Whitaker
 Melanie J. Whittamore-Mantzios
 Linda L. Willard

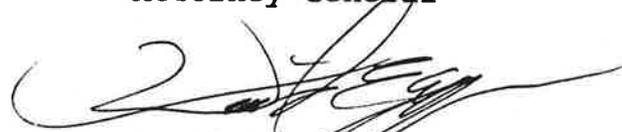
Mr. Terry L. Carlson, Executive Director
April 16, 1991
Page -2-

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.

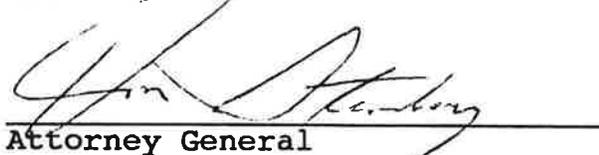
Respectfully Submitted,

DON STENBERG
Attorney General



David Edward Cygan
Assistant Attorney General

Approved By:



Attorney General