

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 265

Introduced by Coash, 27; Campbell, 25.

Read first time January 16, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to foster care; to amend sections 43-1502,
2 71-1901, 71-1903, and 81-505.01, Reissue Revised Statutes
3 of Nebraska, and sections 43-1301, 71-1902, 71-1904, and
4 75-302, Revised Statutes Cumulative Supplement, 2012; to
5 define terms; to change provisions relating to foster
6 care licensure and kinship homes and relative homes; to
7 harmonize provisions; to repeal the original sections;
8 and to declare an emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1301, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 43-1301 For purposes of the Foster Care Review Act,
4 unless the context otherwise requires:

5 (1) Local board means a local foster care review board
6 created pursuant to section 43-1304;

7 (2) Office means the Foster Care Review Office created
8 pursuant to section 43-1302;

9 (3) Foster care facility means any foster home, group
10 home, child care facility, public agency, private agency, or any
11 other person or entity receiving and caring for foster children;

12 (4) Foster care placements means all placements of
13 juveniles as described in subdivision (3)(a) or (3)(b) of section
14 43-247, placements of neglected, dependent, or delinquent children,
15 including those made directly by parents or by third parties, and
16 placements of children who have been voluntarily relinquished
17 pursuant to section 43-106.01 to the Department of Health and Human
18 Services or any child placement agency licensed by the Department of
19 Health and Human Services;

20 (5) Person or court in charge of the child means (a) the
21 Department of Health and Human Services, an association, or an
22 individual who has been made the guardian of a neglected, dependent,
23 or delinquent child by the court and has the responsibility of the
24 care of the child and has the authority by and with the assent of the
25 court to place such a child in a suitable family home or institution

1 or has been entrusted with the care of the child by a voluntary
2 placement made by a parent or legal guardian, (b) the court which has
3 jurisdiction over the child, or (c) the entity having jurisdiction
4 over the child pursuant to the Nebraska Indian Child Welfare Act;

5 (6) Voluntary placement means the placement by a parent
6 or legal guardian who relinquishes the possession and care of a child
7 to a third party, individual, or agency;

8 (7) Family unit means the social unit consisting of the
9 foster child and the parent or parents or any person in the
10 relationship of a parent, including a grandparent, and any siblings
11 with whom the foster child legally resided prior to placement in
12 foster care, except that for purposes of potential sibling placement,
13 the child's family unit also includes the child's siblings even if
14 the child has not resided with such siblings prior to placement in
15 foster care;

16 (8) Child-caring agency has the definition found in
17 section ~~71-1902~~; 71-1901;

18 (9) Child-placing agency has the definition found in
19 section ~~71-1902~~; 71-1901; and

20 (10) Siblings means biological siblings and legal
21 siblings, including, but not limited to, half-siblings and
22 stepsiblings.

23 Sec. 2. Section 43-1503, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 43-1503 For the purposes of the Nebraska Indian Child

1 Welfare Act, except as may be specifically provided otherwise, the
2 term:

3 (1) Child custody proceeding shall mean and include:

4 (a) Foster care placement which shall mean any action
5 removing an Indian child from its parent or Indian custodian for
6 temporary placement in a foster home or institution or the home of a
7 guardian or conservator where the parent or Indian custodian cannot
8 have the child returned upon demand, but where parental rights have
9 not been terminated;

10 (b) Termination of parental rights which shall mean any
11 action resulting in the termination of the parent-child relationship;

12 (c) Preadoptive placement which shall mean the temporary
13 placement of an Indian child in a foster home or institution after
14 the termination of parental rights, but prior to or in lieu of
15 adoptive placement; and

16 (d) Adoptive placement which shall mean the permanent
17 placement of an Indian child for adoption, including any action
18 resulting in a final decree of adoption.

19 Such term or terms shall not include a placement based
20 upon an act which, if committed by an adult, would be deemed a crime
21 or upon an award, in a divorce proceeding, of custody to one of the
22 parents;

23 (2) Extended family member shall be as defined by the law
24 or custom of the Indian child's tribe or, in the absence of such law
25 or custom, shall be a person who has reached the age of eighteen and

1 who is the Indian child's parent, grandparent, aunt or uncle, clan
2 member, band member, ~~brother or sister, sibling,~~ brother-in-law or
3 sister-in-law, niece or nephew, ~~first or second~~ cousin, or
4 stepparent;

5 (3) Indian means any person who is a member of an Indian
6 tribe, or who is an Alaska Native and a member of a regional
7 corporation defined in section 7 of the Alaska Native Claims
8 Settlement Act, 43 U.S.C. 1606;

9 (4) Indian child means any unmarried person who is under
10 age eighteen and is either (a) a member of an Indian tribe or (b) is
11 eligible for membership in an Indian tribe and is the biological
12 child of a member of an Indian tribe;

13 (5) Indian child's tribe means (a) the Indian tribe in
14 which an Indian child is a member or eligible for membership or (b)
15 in the case of an Indian child who is a member of or eligible for
16 membership in more than one tribe, the Indian tribe with which the
17 Indian child has the more significant contacts;

18 (6) Indian custodian means any Indian person who has
19 legal custody of an Indian child under tribal law or custom or under
20 state law or to whom temporary physical care, custody, and control
21 has been transferred by the parent of such child;

22 (7) Indian organization means any group, association,
23 partnership, limited liability company, corporation, or other legal
24 entity owned or controlled by Indians or a majority of whose members
25 are Indians;

1 (8) Indian tribe means any Indian tribe, band, nation, or
2 other organized group or community of Indians recognized as eligible
3 for the services provided to Indians by the secretary because of
4 their status as Indians, including any Alaska Native village as
5 defined in section 3(c) of the Alaska Native Claims Settlement Act,
6 as amended, 43 U.S.C. 1602(c);

7 (9) Parent means any biological parent or parents of an
8 Indian child or any Indian person who has lawfully adopted an Indian
9 child, including adoptions under tribal law or custom. It does not
10 include the unwed father when paternity has not been acknowledged or
11 established;

12 (10) Reservation means Indian country as defined in 18
13 U.S.C. 1151 and any lands, not covered under such section, title to
14 which is either held by the United States in trust for the benefit of
15 any Indian tribe or individual or held by any Indian tribe or
16 individual subject to a restriction by the United States against
17 alienation;

18 (11) Secretary means the Secretary of the Interior;

19 (12) Tribal court means a court with jurisdiction over
20 child custody proceedings and which is either a Court of Indian
21 Offenses, a court established and operated under the code or custom
22 of an Indian tribe, or any other administrative body of a tribe which
23 is vested with authority over child custody proceedings; and

24 (13) Tribal service area means a geographic area in which
25 tribal services and programs are provided to Native American people.

1 Sec. 3. Section 71-1901, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1901 For purposes of sections 71-1901 to 71-1906.01:

4 (1) Person includes a partnership, limited liability
5 company, firm, agency, association, or corporation;

6 (2) Child means an unemancipated minor;

7 (3) Child-caring agency means an organization which is
8 organized as a corporation or a limited liability company for the
9 purpose of providing care for children in buildings maintained by the
10 organization for that purpose;

11 (4) Child-placing agency means an organization which is
12 authorized by its articles of incorporation and by its license to
13 place children in foster family homes;

14 ~~(3)-(5)~~ Department means the Division of Public Health of
15 the Department of Health and Human Services;

16 ~~(4)-(6)~~ Foster care means engaged in the service of
17 exercising twenty-four-hour daily care, supervision, custody, or
18 control over children, for compensation or hire, in lieu of the care
19 or supervision normally exercised by parents in their own home.
20 Foster care does not include casual care at irregular intervals or
21 programs as defined in section 71-1910; and

22 (7) Foster family home means a home which provides foster
23 care to a child or children pursuant to a foster care placement as
24 defined in section 43-1301. Foster family homes include licensed
25 homes where the primary caretaker has no significant prior

1 relationship with the child or children in their care and both
2 licensed and unlicensed relative and kinship homes;

3 (8) Group home means a home which is operated under the
4 auspices of an organization which is responsible for providing social
5 services, administration, direction, and control for the home and
6 which is designed to provide foster care for children in a
7 residential setting;

8 (9) Kinship home means a home where a child or children
9 receive foster care and at least one of the primary caretakers has
10 previously lived with or has had significant contact with the child
11 or children or a sibling of such child or children pursuant to
12 section 43-1311.02;

13 ~~(5)-(10)~~ Native American means a person who is a member
14 of an Indian tribe or eligible for membership in an Indian tribe;
15 and -

16 (11) Relative home means a home where a child or children
17 receive foster care and at least one of the primary caretakers is
18 related to the child or children or, to a sibling of such child or
19 children pursuant to section 43-1311.02, in their care by blood,
20 marriage, or adoption or, in the case of an Indian child, at least
21 one of the primary caretakers is an extended family member as defined
22 in section 43-1503.

23 Sec. 4. Section 71-1902, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 71-1902 (1) Except as otherwise provided in this section,

1 no person shall furnish or offer to furnish foster care for one or
2 more children ~~not related to such person by blood, marriage, or~~
3 ~~adoption~~ without having in full force and effect a written license
4 issued by the department upon such terms and conditions as may be
5 prescribed by general rules and regulations adopted and promulgated
6 by the department. The terms and conditions for licensure may allow
7 foster family homes to meet licensing standards through variances
8 equivalent to the established standards.

9 (2) The department may issue a time-limited, nonrenewable
10 provisional license to an applicant who is unable to comply with all
11 licensure requirements and standards, is making a good faith effort
12 to comply, and is capable of compliance within the time period stated
13 in the license. The department may issue a time-limited, nonrenewable
14 probationary license to a licensee who agrees to establish compliance
15 with rules and regulations that, when violated, do not present an
16 unreasonable risk to the health, safety, or well-being of the foster
17 children in the care of the applicant. ~~No license shall be issued~~
18 ~~pursuant to this section unless the applicant has completed the~~
19 ~~required hours of training in foster care as prescribed by the~~
20 ~~department.~~

21 (3) Kinship homes and relative homes are exempt from
22 licensure. Such homes should make efforts to be licensed. The
23 department may provide licensure assistance including, but not
24 limited to, information on licensure, information on kinship-specific
25 and relative-specific foster care training, referrals to local

1 service providers and support groups, and information on funding and
2 resources available to address home safety or other barriers to
3 licensure.

4 (4) Kinship homes and relative homes shall be approved by
5 the Division of Children and Family Services of the Department of
6 Health and Human Services. The division shall adopt and promulgate
7 rules and regulations on requirements for approval which shall
8 include, but are not limited to, a home visit to assure adequate
9 housing and criminal background checks of all adult residents.

10 ~~(2)-(5)~~ All nonprovisional and nonprobationary licenses
11 issued under sections 71-1901 to 71-1906.01 shall expire two years
12 from the date of issuance and shall be subject to renewal under the
13 same terms and conditions as the original license, except that if a
14 licensee submits a completed renewal application thirty days or more
15 before the license's expiration date, the license shall remain in
16 effect until the department either renews the license or denies the
17 renewal application. No license issued pursuant to this section shall
18 be renewed unless the licensee has completed the required hours of
19 training in foster care in the preceding twelve months as prescribed
20 by the department. For the issuance or renewal of each nonprovisional
21 and nonprobationary license, the department shall charge a fee of
22 fifty dollars for a group home, fifty dollars for a child-caring
23 agency, and fifty dollars for a child-placing agency. For the
24 issuance of each provisional license and each probationary license,
25 the department shall charge a fee of twenty-five dollars for a group

1 home, twenty-five dollars for a child-caring agency, and twenty-five
2 dollars for a child-placing agency. A license may be revoked for
3 cause, after notice and hearing, in accordance with rules and
4 regulations adopted and promulgated by the department.

5 ~~(3) For purposes of this section:~~

6 ~~(a) Foster family home means any home which provides~~
7 ~~twenty-four hour care to children who are not related to the foster~~
8 ~~parent by blood, marriage, or adoption;~~

9 ~~(b) Group home means a home which is operated under the~~
10 ~~auspices of an organization which is responsible for providing social~~
11 ~~services, administration, direction, and control for the home and~~
12 ~~which is designed to provide twenty-four hour care for children and~~
13 ~~youth in a residential setting;~~

14 ~~(c) Child-caring agency means an organization which is~~
15 ~~organized as a corporation or a limited liability company for the~~
16 ~~purpose of providing care for children in buildings maintained by the~~
17 ~~organization for that purpose; and~~

18 ~~(d) Child-placing agency means an organization which is~~
19 ~~authorized by its articles of incorporation and by its license to~~
20 ~~place children in foster family homes.~~

21 Sec. 5. Section 71-1903, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-1903 (1) Before issuance of a license under sections
24 71-1901 to 71-1906.01, the department shall cause such investigation
25 to be made as it deems necessary to determine if the character of the

1 applicant, any member of the applicant's household, or the person in
2 charge of the service and the place where the foster care is to be
3 furnished are such as to ensure the proper care and treatment of
4 children. The department may request the State Fire Marshal to
5 inspect such places for fire safety pursuant to section 81-502. The
6 State Fire Marshal shall assess a fee for such inspection pursuant to
7 section 81-505.01, payable by the licensee or applicant for a
8 license, except that the department may pay the fee for inspection
9 for fire safety of ~~foster family homes~~ where foster care is provided.
10 ~~as defined in section 71-1902.~~ The department may conduct sanitation
11 and health standards investigations pursuant to subsection (2) of
12 this section. The department may also, at any time it sees fit, cause
13 an inspection to be made of the place where any licensee is
14 furnishing foster care to see that such service is being properly
15 conducted.

16 (2) The department shall make an investigation and report
17 of all facilities and programs of licensed providers of foster care
18 programs subject to this section or applicants for licenses to
19 provide such programs to determine if the place or places to be
20 covered by such licenses meet standards of health and sanitation set
21 by the department for the care and protection of the child or
22 children who may be placed in such facilities and programs. The
23 department may delegate the investigation authority to qualified
24 local environmental health personnel.

25 (3) Before the foster care placement of any child in

1 Nebraska by the department, the department shall require a national
2 criminal history record information check of the prospective foster
3 parent of such child and each member of such prospective foster
4 parent's household who is eighteen years of age or older. The
5 department shall provide two sets of legible fingerprints for such
6 persons to the Nebraska State Patrol for submission to the Federal
7 Bureau of Investigation. The Nebraska State Patrol shall conduct a
8 criminal history record information check of such persons and shall
9 submit such fingerprints to the Federal Bureau of Investigation for a
10 national criminal history record information check. The criminal
11 history record information check shall include information from
12 federal repositories of such information and repositories of such
13 information in other states if authorized by federal law. The
14 Nebraska State Patrol shall issue a report of the results of such
15 criminal history record information check to the department. The
16 department shall pay a fee to the Nebraska State Patrol for
17 conducting such check. Information received from the criminal history
18 record information check required under this subsection shall be used
19 solely for the purpose of evaluating and confirming information
20 provided by such persons for providing foster care or for the
21 finalization of an adoption. A child may be placed in foster care by
22 the department prior to the completion of a criminal history record
23 information check under this subsection in emergency situations as
24 determined by the department.

25 Sec. 6. Section 71-1904, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 71-1904 (1) The department shall adopt and promulgate
3 rules and regulations pursuant to sections 71-1901 to 71-1906.01 for
4 (a) the proper care and protection of children by licensees under
5 such sections, (b) the issuance, suspension, and revocation of
6 licenses to provide foster care, (c) the issuance, suspension, and
7 revocation of probationary licenses to provide foster care, (d) the
8 issuance, suspension, and revocation of provisional licenses to
9 provide foster care, (e) the provision of training in foster care,
10 which training shall be directly related to the skills necessary to
11 care for children in need of out-of-home care, including, but not
12 limited to, abused, neglected, dependent, and delinquent children,
13 and (f) the proper administration of sections 71-1901 to 71-1906.01.

14 ~~(2) The training required by subdivision (1)(e) of this~~
15 ~~section may be waived in whole or in part by the department for~~
16 ~~persons operating foster homes providing care only to relatives of~~
17 ~~the foster care provider. The department may issue a waiver for any~~
18 licensing standard not related to children's safety for a relative
19 home that is pursuing licensure. Such waivers shall be granted on a
20 case-by-case basis upon assessment by the department of the
21 appropriateness of the relative foster care placement. based upon the
22 best interests of the child. A relative home that receives a waiver
23 pursuant to this subsection shall be considered fully licensed for
24 purposes of federal reimbursement under the federal Fostering
25 Connections to Success and Increasing Adoptions Act of 2008, Public

1 Law 110-351. The department shall submit electronically an annual
2 report to the Health and Human Services Committee of the Legislature
3 on the number of waivers granted under this subsection and the total
4 number of children placed in relative foster-homes. For 2012, 2013,
5 and 2014, the department shall provide the report to the Health and
6 Human Services Committee of the Legislature on or before September
7 15.

8 Sec. 7. Section 75-302, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 75-302 For purposes of sections 75-301 to 75-322 and in
11 all rules and regulations adopted and promulgated by the commission
12 pursuant to such sections, unless the context otherwise requires:

13 (1) Attended services means an attendant or caregiver
14 accompanying a minor or persons who are physically, mentally, or
15 developmentally disabled and unable to travel or wait without
16 assistance or supervision;

17 (2) Carrier enforcement division means the carrier
18 enforcement division of the Nebraska State Patrol or the Nebraska
19 State Patrol;

20 (3) Certificate means a certificate of public convenience
21 and necessity issued under Chapter 75, article 3, to common carriers
22 by motor vehicle;

23 (4) Civil penalty means any monetary penalty assessed by
24 the commission or carrier enforcement division due to a violation of
25 Chapter 75, article 3, or section 75-126 as such section applies to

1 any person or carrier specified in Chapter 75, article 3; any term,
2 condition, or limitation of any certificate or permit issued pursuant
3 to Chapter 75, article 3; or any rule, regulation, or order of the
4 commission, the Division of Motor Carrier Services, or the carrier
5 enforcement division issued pursuant to Chapter 75, article 3;

6 (5) Commission means the Public Service Commission;

7 (6) Common carrier means any person who or which
8 undertakes to transport passengers or household goods for the general
9 public in intrastate commerce by motor vehicle for hire, whether over
10 regular or irregular routes, upon the highways of this state;

11 (7) Contract carrier means any motor carrier which
12 transports passengers or household goods for hire other than as a
13 common carrier designed to meet the distinct needs of each individual
14 customer or a specifically designated class of customers without any
15 limitation as to the number of customers it can serve within the
16 class;

17 (8) Division of Motor Carrier Services means the Division
18 of Motor Carrier Services of the Department of Motor Vehicles;

19 (9) Highway means the roads, highways, streets, and ways
20 in this state;

21 (10) Household goods means personal effects and property
22 used or to be used in a dwelling, when a part of the equipment or
23 supply of such dwelling, and similar property as the commission may
24 provide by regulation if the transportation of such effects or
25 property, is:

1 (a) Arranged and paid for by the householder, including
2 transportation of property from a factory or store when the property
3 is purchased by the householder with the intent to use in his or her
4 dwelling; or

5 (b) Arranged and paid for by another party;

6 (11) Intrastate commerce means commerce between any place
7 in this state and any other place in this state and not in part
8 through any other state;

9 (12) Licensed care transportation services means
10 transportation provided by an entity licensed by the Department of
11 Health and Human Services as a child-caring agency as defined in
12 section ~~71-1902~~71-1901 or child-placing agency as defined in such
13 section or a child care facility licensed under the Child Care
14 Licensing Act to a client of the entity or facility when the person
15 providing transportation services also assists and supervises the
16 passenger or, if the client is a minor, to a family member of a minor
17 when it is necessary for agency or facility staff to accompany or
18 facilitate the transportation in order to provide necessary services
19 and support to the minor. Licensed care transportation services must
20 be incidental to and in furtherance of the social services provided
21 by the entity or facility to the transported client;

22 (13) Motor carrier means any person other than a
23 regulated motor carrier who or which owns, controls, manages,
24 operates, or causes to be operated any motor vehicle used to
25 transport passengers or property over any public highway in this

1 state;

2 (14) Motor vehicle means any vehicle, machine, tractor,
3 trailer, or semitrailer propelled or drawn by mechanical power and
4 used upon the highways in the transportation of passengers or
5 property but does not include any vehicle, locomotive, or car
6 operated exclusively on a rail or rails;

7 (15) Permit means a permit issued under Chapter 75,
8 article 3, to contract carriers by motor vehicle;

9 (16) Person means any individual, firm, partnership,
10 limited liability company, corporation, company, association, or
11 joint-stock association and includes any trustee, receiver, assignee,
12 or personal representative thereof;

13 (17) Private carrier means any motor carrier which owns,
14 controls, manages, operates, or causes to be operated a motor vehicle
15 to transport passengers or property to or from its facility, plant,
16 or place of business or to deliver to purchasers its products,
17 supplies, or raw materials (a) when such transportation is within the
18 scope of and furthers a primary business of the carrier other than
19 transportation and (b) when not for hire. Nothing in sections 75-301
20 to 75-322 shall apply to private carriers;

21 (18) Regulated motor carrier means any person who or
22 which owns, controls, manages, operates, or causes to be operated any
23 motor vehicle used to transport passengers, other than those excepted
24 under section 75-303, or household goods over any public highway in
25 this state;

1 (19) Residential care means care for a minor or a person
2 who is physically, mentally, or developmentally disabled who resides
3 in a residential home or facility regulated by the Department of
4 Health and Human Services, including, but not limited to, a foster
5 home, treatment facility, group home, or shelter;

6 (20) Residential care transportation services means
7 transportation services to persons in residential care when such
8 residential care transportation services and residential care are
9 provided as part of a services contract with the Department of Health
10 and Human Services or pursuant to a subcontract entered into incident
11 to a services contract with the department; and

12 (21) Supported transportation services means
13 transportation services to a minor or for a person who is physically,
14 mentally, or developmentally disabled when the person providing
15 transportation services also assists and supervises the passenger or
16 transportation services to a family member of a minor when it is
17 necessary for provider staff to accompany or facilitate the
18 transportation in order to provide necessary services and support to
19 the minor. Supported transportation services must be provided as part
20 of a services contract with the Department of Health and Human
21 Services or pursuant to a subcontract entered into incident to a
22 services contract with the department, and the driver must meet
23 department requirements for (a) training or experience working with
24 minors or persons who are physically, mentally, or developmentally
25 disabled, (b) training with regard to the specific needs of the

1 client served, (c) reporting to the department, and (d) age.
2 Assisting and supervising the passenger shall not necessarily require
3 the person providing transportation services to stay with the
4 passenger after the transportation services have been provided.

5 Sec. 8. Section 81-505.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 81-505.01 (1) The State Fire Marshal shall establish and
8 assess fees not to exceed the actual costs for the performance of
9 services by the State Fire Marshal or by qualified local fire
10 prevention personnel to whom the State Fire Marshal has delegated
11 authority to perform such services. Prior to establishing or altering
12 such fees, the State Fire Marshal shall hold a public hearing on the
13 question of the adoption of or change in fees. Notice of such hearing
14 shall be given at least thirty days prior thereto (a) by publication
15 in a newspaper having general circulation in the state and (b) by
16 notifying in writing the head of any agency or department having
17 jurisdiction over facilities that would be subject to the fees. Fees
18 for services performed by the State Fire Marshal shall be paid to the
19 State Fire Marshal and shall be remitted to the State Treasurer for
20 credit to the State Fire Marshal Cash Fund. Fees for services
21 performed by local fire prevention personnel shall be paid directly
22 to the office of the local fire prevention personnel.

23 (2) The fee for inspection for fire safety of any
24 premises or facility pursuant to section 81-502 shall be not less
25 than twenty-five nor more than one hundred fifty dollars and shall be

1 paid by the licensee or applicant for a license. The fee for
2 inspection for fire safety of the same premises or facility made
3 within twelve months after the last prior inspection shall be not
4 less than twenty-five nor more than one hundred fifty dollars and
5 shall be paid by the licensee or applicant for a license. The fees
6 for inspection for fire safety of foster family homes as defined in
7 section ~~71-1902~~ 71-1901 may be paid by the Department of Health and
8 Human Services.

9 (3) The fee for providing investigation reports to
10 insurance companies shall not exceed three dollars for each report
11 provided. The State Fire Marshal may charge an amount not to exceed
12 the actual cost of preparation for any other approved information
13 release.

14 (4)(a) Except as provided in subdivision (b) of this
15 subsection, the fee for reviewing plans, blueprints, and shop
16 drawings to determine compliance with rules and regulations adopted
17 and promulgated pursuant to section 81-502 shall be assessed
18 according to the following schedule:

19 TOTAL VALUE OF PROPOSED

20 STRUCTURE OR IMPROVEMENT FEE

21 \$1 - \$5,000 \$5.00

22 \$5,001 - \$25,000 \$5.00 for the first \$5,000.00 plus

23 \$2.00 for each additional \$5,000.00

24 or fraction thereof.

1	\$25,001 - \$50,000	\$15.00 for the first \$25,000.00 plus
2		\$2.00 for each additional \$5,000.00
3		or fraction thereof.
4	\$50,001 - \$100,000	\$25.00 for the first \$50,000.00 plus
5		\$1.00 for each additional \$5,000.00
6		or fraction thereof.
7	\$100,001 - \$200,000	\$35.00 for the first \$100,000.00 plus
8		\$1.00 for each additional \$10,000.00
9		or fraction thereof.
10	\$200,001 or more	\$50.00 for the first \$200,000.00 plus
11		\$1.00 for each additional \$10,000.00
12		or fraction thereof, except that the
13		total fee shall not exceed \$500.00.

14 (b) The fees set out in subdivision (a) of this
15 subsection shall not be assessed or collected by any political
16 subdivision to which the State Fire Marshal has delegated the
17 authority to conduct such review and which reviews plans, blueprints,
18 or shop drawings to determine compliance with such political
19 subdivision's own fire safety regulations. Nothing in this
20 subdivision shall be construed to prohibit such political subdivision
21 from assessing or collecting a fee set by its governing board for
22 such review.

23 (c) An additional fee equal to fifty percent of the fee

1 charged pursuant to subdivision (a) of this subsection shall be
2 assessed for reviewing plans, blueprints, and shop drawings to
3 determine compliance with the accessibility standards and
4 specifications adopted pursuant to section 81-5,147, except that the
5 additional fee assessed pursuant to this subdivision shall not exceed
6 two hundred fifty dollars.

7 Sec. 9. Original sections 43-1503, 71-1901, 71-1903, and
8 81-505.01, Reissue Revised Statutes of Nebraska, and sections
9 43-1301, 71-1902, 71-1904, and 75-302, Revised Statutes Cumulative
10 Supplement, 2012, are repealed.

11 Sec. 10. Since an emergency exists, this act takes effect
12 when passed and approved according to law.