

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 195**

FINAL READING

Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Briesse, 41; Crawford, 45; Hansen, M., 26; Hunt, 8; Lowe, 37.

Read first time January 11, 2019

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to fire codes; to amend sections 71-5907 and
- 2 81-505.01, Reissue Revised Statutes of Nebraska, and section
- 3 81-502.04, Revised Statutes Cumulative Supplement, 2018; to correct
- 4 references to the State Fire Code; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-5907, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 71-5907 For purposes of the State Fire Life Safety Code under  
4 section 81-503.01 ~~81-502~~, an assisted-living facility shall be classified  
5 as (1) residential board and care if the facility meets the residential  
6 board and care classification requirements of the State Fire Life Safety  
7 Code or (2) limited care if the facility meets the limited care  
8 classification requirements of the State Fire Life Safety Code.

9 Sec. 2. Section 81-502.04, Revised Statutes Cumulative Supplement,  
10 2018, is amended to read:

11 81-502.04 The enforcement of rules and regulations adopted and  
12 promulgated by the State Fire Marshal under section ~~sections 81-502 and~~  
13 ~~81-503.01~~ shall be as follows:

14 (1) Any order of the State Fire Marshal under the authority granted  
15 to him or her by sections ~~section~~ 81-502 and 81-503.01 shall be in  
16 writing addressed to the owner or person in charge of the premises  
17 affected by such order;

18 (2) If the affected party or organization does not comply with the  
19 final order, the State Fire Marshal shall apply to the district court of  
20 the county in which the premises are located to obtain court enforcement  
21 of the order. The county attorney of the county in which the action is  
22 brought shall represent the State Fire Marshal and the action shall be  
23 brought in the name of the State of Nebraska and be tried the same as any  
24 action in equity; and

25 (3) If the affected party or organization feels that the order of  
26 the State Fire Marshal is not necessary for the safety and welfare of the  
27 persons using or to use the premises regarding which the order is made,  
28 the party or organization may appeal such order, and the appeal shall be  
29 in accordance with the Administrative Procedure Act.

30 Sec. 3. Section 81-505.01, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

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

16           (2) The fee for inspection for fire safety of any premises or  
17 facility pursuant to section 81-502 or 81-503.01 shall be not less than  
18 twenty-five nor more than one hundred fifty dollars and shall be paid by  
19 the licensee or applicant for a license. The fee for inspection for fire  
20 safety of the same premises or facility made within twelve months after  
21 the last prior inspection shall be not less than twenty-five nor more  
22 than one hundred fifty dollars and shall be paid by the licensee or  
23 applicant for a license. The fees for inspection for fire safety of  
24 foster family homes as defined in section 71-1901 may be paid by the  
25 Department of Health and Human Services.

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

30           (4)(a) Except as provided in subdivision (b) of this subsection, the  
31 fee for reviewing plans, blueprints, and shop drawings to determine

1 compliance with rules and regulations adopted and promulgated pursuant to  
2 section 81-503.01 ~~81-502~~ shall be assessed according to the following  
3 schedule:

4 TOTAL VALUE OF PROPOSED

5 STRUCTURE OR IMPROVEMENT	FEE
6 \$1 - \$5,000	\$5.00
7 \$5,001 - \$25,000	\$5.00 for the first \$5,000.00 plus 8 \$2.00 for each additional \$5,000.00 9 or fraction thereof.
10 \$25,001 - \$50,000	\$15.00 for the first \$25,000.00 plus 11 \$2.00 for each additional \$5,000.00 12 or fraction thereof.
13 \$50,001 - \$100,000	\$25.00 for the first \$50,000.00 plus 14 \$1.00 for each additional \$5,000.00 15 or fraction thereof.
16 \$100,001 - \$200,000	\$35.00 for the first \$100,000.00 plus 17 \$1.00 for each additional \$10,000.00 18 or fraction thereof.
19 \$200,001 or more	\$50.00 for the first \$200,000.00 plus 20 \$1.00 for each additional \$10,000.00 21 or fraction thereof, except that the 22 total fee shall not exceed \$500.00.

23 (b) The fees set out in subdivision (a) of this subsection shall not  
24 be assessed or collected by any political subdivision to which the State  
25 Fire Marshal has delegated the authority to conduct such review and which  
26 reviews plans, blueprints, or shop drawings to determine compliance with  
27 such political subdivision's own fire safety regulations. Nothing in this  
28 subdivision shall be construed to prohibit such political subdivision  
29 from assessing or collecting a fee set by its governing board for such  
30 review.

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

7           Sec. 4. Original sections 71-5907 and 81-505.01, Reissue Revised  
8 Statutes of Nebraska, and section 81-502.04, Revised Statutes Cumulative  
9 Supplement, 2018, are repealed.