

## LEGISLATIVE BILL 893

Approved by the Governor March 1, 1988

Introduced by Smith, 33

AN ACT relating to the State Fire Marshal; to amend sections 28-1213, 28-1236, 28-1247, 81-502.02 to 81-503, 81-505 to 81-506, 81-509, 81-513, 81-514, 81-520, 81-527, and 81-551, Reissue Revised Statutes of Nebraska, 1943, and section 28-1241, Revised Statutes Supplement, 1986; to define and redefine terms; to correct internal references; to provide powers and duties; to change provisions relating to fireworks; to change provisions relating to the Nebraska Fire Safety Appeals Board; to provide for fees for certain information releases; to authorize and change provisions relating to the closing of unsafe buildings as prescribed; to eliminate a provision authorizing county boards to remove dangerous explosives; to eliminate a restriction on toy revolvers and blank cartridges; to eliminate provisions on electrical inspections in rural areas and on farmsteads; to harmonize provisions; and to repeal the original sections, and also sections 23-335, 28-1243, and 81-539 to 81-541, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 28-1213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1213. As used in sections 28-1213 to 28-1239, unless the context otherwise requires:

(1) Person shall mean any individual, corporation, company, association, firm, partnership, society, or joint-stock company;

(2) Business enterprise shall mean any corporation, partnership, company, or joint-stock company;

(3) Explosive materials shall mean explosives, blasting agents, and detonators;

(4) Explosives shall mean any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, including,

but not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, ignited cord, and igniters, display fireworks as defined in section 28-1241, and firecrackers or devices containing more than one hundred thirty milligrams of explosive composition, but shall not include permissible common fireworks, as defined in section 28-1241, gasoline, kerosene, naphtha, turpentine, benzine, acetone, ethyl ether, benzol, fixed ammunition and primers for small arms, safety fuses, or matches;

(5) Blasting agent shall mean any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive, but shall not include a finished product, ready for use or shipment, which cannot be detonated by means of a number eight test blasting cap when unconfined;

(6) Detonator shall mean any device containing a detonating charge that is used for initiating detonation in an explosive, including, but not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, and detonating cord delay connectors;

(7) Destructive devices shall mean:

(a) Any explosive, incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, (vi) booby trap, or (vii) Molotov cocktail, or ~~(viii)~~ any similar device, the primary or common purpose of which is to explode and to be used as a weapon against any person or property; or

(b) Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subdivision (7)(a) of this section from which a destructive device may be readily assembled. The term destructive device shall not include (i) any device which is neither designed nor redesigned for use as a weapon to be used against person or property, (ii) any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, ~~line throwing~~ line-throwing, safety, or similar device, (iii) any surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4684(2), 4685, or 4686 of Title 10 of the United States Code, (iv) any other device which the State Fire Marshal finds is not likely to be used as a weapon; or is an antique, or (v) any other device possessed under

circumstances negating an intent that the device be used as a weapon against any person or property;

(8) Federal permittee shall mean any lawful user of explosive materials who has obtained a federal user permit under the provisions of Chapter 40, Title 18, United States Code;

(9) Federal licensee shall mean any importer, manufacturer, or dealer in explosive materials who has obtained a federal importers', manufacturers', or dealers' license under the provisions of Chapter 40, Title 18, United States Code; and

(10) Smokeless propellants shall mean solid propellants commonly called smokeless powders in the trade and used in small arms ammunition.

Sec. 2. That section 28-1236, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1236. The State Fire Marshal may make adopt and promulgate rules and regulations supplemental to sections 28-1213 to ~~28-1239~~ 28-1239.01 as he or she ~~deems shall deem~~ necessary or desirable to assure the public safety as well as to provide reasonable and adequate protection of the lives, health, and safety of persons employed in the manufacture, storage, transportation, handling, and use of explosives. The State Fire Marshal may ~~prescribe~~ adopt and promulgate such rules and regulations as he or she deems may deem necessary and proper for the administration of sections 28-1213 to ~~28-1239~~ 28-1239.01 and, together with all peace officers of the state and its political subdivisions, shall be charged with the enforcement of such sections.

Sec. 3. That section 28-1241, Revised Statutes Supplement, 1986, be amended to read as follows:

28-1241. As used in sections 28-1239.01 and 28-1241 to 28-1252, unless the context otherwise requires:

(1) Distributor shall mean any person engaged in the business of making sales of fireworks at wholesale in this state to any person engaged in the business of making sales of fireworks either as a jobber or as a retailer or both;

(2) Jobber shall mean any person engaged in the business of making sales of fireworks at wholesale to any other person engaged in the business of making sales at retail;

(3) Retailer shall mean any person engaged in the business of making sales of fireworks at retail to

consumers or to persons other than distributors or jobbers;

(4) Sale shall include barter, exchange, or gift or offer therefor and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee;

(5) Fireworks shall mean any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of common or special fireworks set forth by the United States Department of Transportation in Title 49, Code of Federal Regulations;

(6) Common fireworks shall mean any small firework device designed to produce visible effects by combustion and which is required to comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission set forth in Title 16, Code of Federal Regulations, small devices designed to produce audible effects such as whistling devices, ground devices containing fifty milligrams or less of explosive composition, and aerial devices and firecrackers containing one hundred thirty milligrams or less of explosive composition. Class C explosives as classified by the United States Department of Transportation shall be considered common fireworks;

(7) Permissible fireworks shall mean only sparklers, vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charge for the purpose of making a noise, lady fingers, not to exceed seven-eighths of an inch in length or one-eighth inch in diameter, total ~~pyrotechnic~~ explosive composition not to exceed ~~one-half grain~~ each fifty milligrams in weight, color wheels, and any other fireworks approved under section 28-1247; and

~~(6)~~ (8) Display fireworks shall mean those materials manufactured exclusively for use in public exhibitions or displays of fireworks designed to produce visible or audible effects by combustion, deflagration, or detonation. Display fireworks shall include, but not be limited to, firecrackers containing more than one hundred thirty milligrams of explosive composition, aerial shells containing more than forty grams of explosive composition, and other display pieces which exceed the limits for classification as common fireworks. Class B explosives as classified by the United States Department of Transportation shall be

considered display fireworks. Display fireworks shall be considered an explosive as defined in section 28-1213 and shall be subject to sections 28-1213 to 28-1239, except that display fireworks may be purchased, and received, and discharged by the holder of an approved display permit issued pursuant to section 28-1239.01.

Sec. 4. That section 28-1247, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1247. Before any permissible fireworks may be sold, held for sale, or offered for sale in this state, they shall first be submitted to the State Fire Marshal for examination to determine their compliance with subdivision ~~(5)~~ (7) of section 28-1241 and their safety for general use. Fireworks not specifically listed in subdivision ~~(5)~~ (7) of section 28-1241 may be added to the list of permissible fireworks by the State Fire Marshal, by rule or regulation, after having been submitted to him or her and tested to determine their safety for general use.

Sec. 5. That section 81-502.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-502.02. The board shall select from among its members a chairperson and establish rules adopt and promulgate rules and regulations to govern its procedures. Any vacancy occurring in the board shall be filled in the manner in which original appointments are made. No person shall receive any compensation for services rendered as a member of the board. Each member of the board shall be reimbursed for his or her actual and necessary expenses as provided in sections 81-1174 to 81-1177 for state employees. The board shall meet at such times as the business of the board requires and at such places as may be established by its chairperson, ~~7 but in no case shall the board meet fewer than three times annually-~~ When requested to do so by the State Fire Marshal, it shall be the duty of the board to make a study of the specific problems, questions, or appeals presented to the board. No member of the board shall sit in hearing upon any question in which such member, or any corporation of which he or she is a shareholder or employee, is a party.

Sec. 6. That section 81-502.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-502.03. In case of disagreement concerning the propriety of any action taken or proposed to be taken by the State Fire Marshal or the application of

any statute, rule, or regulation of his or her office with respect to any establishment or installation, the State Fire Marshal may, and upon application of any party in interest, shall provide for a hearing before the Nebraska Fire Safety Appeals Board in the county of the establishment or installation which is the subject of the disagreement. At of which at least ten days' written notice shall be given to the governing body responsible for the establishment or installation involved and to any public official having jurisdiction. The and upon such hearing before the Nebraska Fire Safety Appeals Board, such board shall make a decision based upon the evidence brought forth in the hearing and issue its order accordingly. Prior to ordering any political or governmental subdivision of the State of Nebraska to make any modification in the design or construction of any public building or any modification in the location, installation, or operation of any existing equipment therein, or the replacement of in any public building or to replace such equipment, the State Fire Marshal, his or her first assistant, or one of his or her deputies shall personally appear at a regular meeting of the governing board of such subdivision and shall present a written report from a licensed architect or licensed engineer stating the condition of such building or equipment and the reason why such building should be modified or such equipment should be modified or replaced, and a copy of such report shall be attached to the order. Nothing in this section shall prevent the State Fire Marshal from ordering necessary repairs, and nothing in sections 81-502.01 to 81-502.03 shall prevent the State Fire Marshal, where when actual and immediate danger to life exists, from ordering and requiring the occupants to vacate a building or structure subject to his or her jurisdiction.

Sec. 7. That section 81-502.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-502.04. The enforcement of rules and regulations adopted and promulgated by the State Fire Marshal under the provisions of section 81-502 shall be as follows:

(1) Any order of the State Fire Marshal under the authority granted to him or her by section 81-502 shall be in writing addressed to the owner or person in charge of the premises affected thereby by such order;

(2) If within ten days from the receipt of such order the person or organization affected thereby by such order does not appeal therefrom from the order

as provided in this section the order shall become final;

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

(4) If the affected party or organization feels that the order of the State Fire Marshal is not necessary for the safety and welfare of the persons using or to use the premises regarding which the order is made, the owner may appeal from such order in the manner provided for in ~~sections 81-501.01 to 81-541~~ section 81-502.03;

(5) If the district court determines that the rule or regulation from which the appeal has been perfected is necessary for the protection, health, and welfare of persons using or proposing to use the structure, it shall affirm the order appealed from; and

(6) If the district court determines that the rule or regulation from which the appeal has been perfected is not necessary for the protection, health, and welfare of persons using or to use the premises, it may set aside the order or may modify the same.

Sec. 8. That section 81-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-503. (1) The State Fire Marshal may appoint a first assistant fire marshal and such ~~deputy fire marshals, possessing the qualifications hereinafter set forth, deputies, inspectors, and other persons as in his or her discretion may be necessary to carry into effect the provisions of sections 81-501.01 to 81-531, and 81-542 to 81-550~~ the Nebraska Natural Gas Pipeline Safety Act of 1969, the Petroleum Products and Hazardous Substances Storage and Handling Act, and any other statutory duties imposed upon the State Fire Marshal. He or she may also, at his or her pleasure, remove such first assistant and any of such ~~deputy fire marshals~~ deputies as he or she may deem advisable. (2) ~~The deputy fire marshals, deputies and inspectors shall perform the such duties imposed by said sections, given in subsection (1) of this section, and have and enjoy all the rights, privileges, and immunities granted by law. The first assistant fire marshal shall have been~~

either an active member of an organized fire department for a period of five years, three years of which service shall have been in the capacity of an officer, or who shall have been engaged for five years in fire prevention and inspection work. Each deputy fire marshal, referred to in subsection (1) of this section who has been appointed to carry out the provisions of sections 81-501.01 to 81-531 and 81-542 to 81-550, shall have been an active member of an organized fire department for five years, three years of which shall have been in the capacity of an officer and he or she shall in addition hold a certificate from a recognized firefighter's training course, either from a fire department drill school, vocational course, or fire college. (3) The State Fire Marshal may also employ such clerical assistants, and office employees, and other persons in his or her office as he or she may deem advisable and necessary to carry such duties into effect, the provisions of such sections, given in subsection (1) of this section.

(2) (4) The State Fire Marshal, the first assistant fire marshal, and each deputy, and each inspector fire marshal shall wear full uniform when performing statutory duties. The State Fire Marshal shall determine the type of clothing, in relation to the duty being performed, necessary to meet the full uniform requirement.

Sec. 9. That section 81-505, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-505. The duties of the first assistant and the deputy fire marshals deputies shall be to operate under the direction of and to assist the State Fire Marshal in the execution of sections 81-501.01 to 81-531 and ~~81-542 to 81-550~~ the Nebraska Natural Gas Pipeline Safety Act of 1969. In the event of a vacancy in the office of State Fire Marshal and until a successor is appointed, or during the absence or disability of that officer, the first assistant fire marshal, with the assent and approval of the Governor, shall assume the duties of that office.

Sec. 10. That section 81-505.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-505.01. (1) The State Fire Marshal shall establish and assess fees not to exceed the actual costs for the performance of services by the State Fire Marshal or by qualified local fire prevention personnel to whom the State Fire Marshal has delegated authority



to perform such services. Prior to establishing or altering such fees, the State Fire Marshal shall hold a public hearing on the question of the adoption of or change in fees. Notice of such hearing shall be given at least twenty days prior thereto (a) by publication in a newspaper having general circulation in the state and (b) by notifying in writing the head of any agency or department having jurisdiction over facilities that would be subject to the fees. Fees for services performed by the State Fire Marshal shall be paid to the State Fire Marshal and shall be deposited in the state treasury and credited to the State Fire Marshal Cash Fund. Fees for services performed by local fire prevention personnel shall be paid directly to the office of the local fire prevention personnel.

(2) The fee for inspection for fire safety of any premises or facility pursuant to section 81-502 shall be not less than fifteen nor more than fifty dollars and shall be paid by the licensee or applicant for a license. The fee for inspection for fire safety of the same premises or facility made within twelve months after the last prior inspection shall be not less than fifteen nor more than one hundred dollars and shall be paid by the licensee or applicant for a license.

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

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

| TOTAL VALUE OF PROPOSED<br>STRUCTURE OR IMPROVEMENT | FEE  |
|---|--|
| \$1 - \$5,000                                       | \$5.00   |
| \$5,001 - \$25,000                                  | \$5.00 for the first<br>\$5,000.00 plus \$2.00 for<br>each additional \$5,000.00<br>or fraction thereof.   |
| \$25,001 - \$50,000                                 | \$15.00 for the first<br>\$25,000.00 plus \$2.00 for<br>each additional \$5,000.00<br>or fraction thereof. |
| \$50,001 - \$100,000                                | \$25.00 for the first<br>\$50,000.00 plus \$1.00 for   |

|                       |  |
|-----------------------|--|
|                       | each additional \$5,000.00 or fraction thereof.  |
| \$100,001 - \$200,000 | \$35.00 for the first \$100,000.00 plus \$1.00 for each additional \$10,000.00 or fraction thereof.  |
| \$200,001 or more     | \$50.00 for the first \$200,000.00 plus \$1.00 for each additional \$10,000.00 or fraction thereof, except that the total fee shall not exceed \$100.00. |

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

Sec. 11. That section 81-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-506. The chief of the fire department of every city or village in which a fire department is established, the mayor of every incorporated city in which no fire department exists, the town clerk of every organized township, or the county commissioner in every commissioner district in counties not under township organization without the limits of any organized city or village, shall investigate or cause to be investigated the cause, origin, and circumstances of every fire occurring in such city, village, township, or commissioner district by which property has been destroyed or damaged, ~~when the damage exceeds fifty dollars-~~ All fires of unknown origin shall be reported, and such officers shall especially make investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall be begun within two days of begin immediately after the occurrence of such fire, and the State Fire Marshal shall have the right to supervise and direct such investigation whenever he or she deems it expedient or necessary. The officer making the investigation of fires occurring in cities, villages, townships, or

commissioner districts shall forthwith notify the State Fire Marshal and shall, within one week of the occurrence of the fire, furnish him or her a written statement of all the facts relating to the cause and origin of the fire, and such further information as he or she may call for.

Sec. 12. That section 81-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-509. (1) The State Fire Marshal, first assistant fire marshal, and deputy state fire marshals deputies shall each have the power in any county of the State of Nebraska to summon and compel the attendance of witnesses before them, or either any of them, to testify in relation to any matter which is by the provisions of sections 81-501.01 to 81-531 a subject of inquiry and investigation, and may require the production of any book, paper, or document deemed pertinent thereto by them or either any of them. Such summons shall be served in the same manner and have the same effect as subpoenas from district courts. All witnesses shall receive the same compensation as is paid to witnesses in district courts, with mileage to be computed at the rate provided in section 81-1176 for state employees, which shall be paid out of the fire marshal fund, State Fire Marshal Fund upon vouchers signed by the State Fire Marshal, first assistant fire marshal, or deputy fire marshal before whom any witnesses shall have attended. Such ; and such officer shall, at the close of the investigation wherein such witness was subpoenaed, certify to the attendance and mileage of such witness, which certificate shall be filed and file such certificate in the office of the State Fire Marshal. All investigations held by or under the direction, may, in his or her discretion, be private, and persons other than those required to be present by the provisions of said sections may be excluded from the place where such investigation is held. Witnesses ; and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(2) The State Fire Marshal, first assistant state fire marshal, and deputy state fire marshals deputies are each authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before them, ; and false swearing in any manner or proceeding aforesaid shall be deemed perjury, and shall be punished as such upon conviction in any

court of competent jurisdiction.

(3) Any witness (a) who refuses to be sworn, or (b) who refuses to testify, or (c) who disobeys any lawful order of the State Fire Marshal, first assistant state fire marshal, or deputy state fire marshal, in relation to any investigation, or (d) who fails or refuses to produce any paper, book, or document touching any matter under examination, or (e) who commits any contemptuous conduct, after being summoned to appear before the State Fire Marshal, first assistant, or deputy, to give testimony in relation to any matter or subject under examination or investigation as aforesaid, shall be subject to conviction for contempt, and, upon conviction of such contempt before any court of competent jurisdiction, shall be punished as provided by law for contempt of the orders of a district court, ~~except that~~ ; PROVIDED, no person shall be compelled to give testimony which might tend to incriminate him or her, or to give testimony which is considered privileged by the laws of the State of Nebraska.

Sec. 13. That section 81-513, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-513. The State Fire Marshal may condemn and by order direct the destruction, repair, or alteration of any building or structure which by reason of age, dilapidated condition, defective chimneys, defective electric wiring, gas connections, heating apparatus, or other defect, is especially liable to fire and which, in his or her judgment, is so situated as to endanger life or limb or other buildings or property in the vicinity. Before he or she condemns or orders the destruction, closing, or nonoccupancy of any building or structure owned by the public for any other cause than fire prevention, he or she shall be required to ~~obtain~~ submit a written report from a building contractor, ~~licensed a registered~~ licensed a registered architect, or ~~licensed a registered~~ licensed a registered engineer stating the condition of the building and the reason why such building or structure should be condemned, destroyed, closed, or ordered to remain unoccupied, and a copy of the report shall be attached to the order. In case the order requires the repair of a building, the owner, lessee, or other person upon whom rests the duty to keep the structure in repair and upon whom such order is served, shall make such repairs as are thereby directed, within the limit of time stated in the order. The order, if considered necessary by the fire marshal for the protection of life or property, may direct that the structure be closed and

not further used or occupied until such repairs are made. Any person who shall willfully disobey the order directing the closing of such buildings, pending the making of such repairs, shall be guilty of a Class III misdemeanor. Each day such person shall neglect or refuse to obey the order aforesaid shall be deemed a separate and distinct offense in violation thereof.

Sec. 14. That section 81-514, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-514. Whenever the State Fire Marshal, upon inspection, shall find a building of such construction and use that the exits and means of egress already provided do not afford reasonably safe escape in case of fire for the number of people customarily within, he or she may order such exits to be opened and such means of escape to be provided as, in his or her judgment, are reasonably necessary to eliminate the danger arising therefrom. If considered necessary by the State Fire Marshal, the order may direct that the building be closed and not used or occupied until such exits and means of egress are provided. If increased exiting capacity does not correct over-crowded conditions, occupancy limits shall be strictly enforced.

Sec. 15. That section 81-520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-520. The State Fire Marshal or any deputy ~~fire marshal~~ or inspector who finds in any building or upon or beneath any premises any combustibles or explosive material, rubbish, rags, waste, oil, gasoline, or inflammable matter of any kind, endangering the safety of such building or property or the occupants thereof or the occupants of adjoining buildings, shall order such materials removed or such dangerous condition abated forthwith. Such order shall be in writing and directed generally to the owner, lessee, agent, or occupant of such building or premises, and any such owner, lessee, agent, or occupant, upon whom such ~~notice~~ order shall be served, who ~~shall fail~~ fails to comply ~~therewith~~ with such order within twenty-four hours ~~thereafter~~ after receiving the order, unless the order prescribes a longer period within which it may be complied with, shall be guilty of a misdemeanor. Such ~~and said~~ material may be removed or dangerous condition abated, at the expense of the owner of such building and premises or the person upon whom such service is so made, or both, and the State Fire Marshal may maintain all necessary actions for the recovery thereof.

Sec. 16. That section 81-527, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-527. It shall be the duty of the State Fire Marshal, and his or her deputies and assistants, to require teachers of public and private schools and educational institutions to have one fire drill each month conduct regular fire drills in accordance with such rules and regulations as he or she may adopt and promulgate and to keep all doors and exits unlocked during school hours.

Sec. 17. That section 81-551, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-551. The duties and powers of the State Fire Marshal, and of his or her deputies, and assistants prescribed in sections 81-509 to 81-523, 81-526, 81-527, and 81-531 to ~~81-541~~ 81-538 and the Petroleum Products and Hazardous Substances Storage and Handling Act shall not be applicable to the provisions of this act Nebraska Natural Gas Pipeline Safety Act of 1969.

Sec. 18. That original sections 28-1213, 28-1236, 28-1247, 81-502.02 to 81-503, 81-505 to 81-506, 81-509, 81-513, 81-514, 81-520, 81-527, and 81-551, Reissue Revised Statutes of Nebraska, 1943, and section 28-1241, Revised Statutes Supplement, 1986, and also sections 23-335, 28-1243, and 81-539 to 81-541, Reissue Revised Statutes of Nebraska, 1943, are repealed.