

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB1069

Hearing Date: Monday January 22, 2024
Committee On: Business and Labor
Introducer: Halloran
One Liner: Change provisions relating to the State Fire Marshal, pipeline facility administration assessments, and the Boiler Inspection Act and eliminate the Nebraska Fire Safety Appeal Board, appeals procedures, and obsolete provisions

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Blood, Halloran, Hansen, Hunt, McKinney, Ibach, Riepe
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Rod Krogh
Scott Cordes
Micheal Dwyer
Ryan McIntosh

Rod Buethe

Opponents:

Jill Becker
Rick Kubat
Dennis Placke

Neutral:

Representing:

Opening Presenter
State Fire Marshal Agency
Self
Nebraska State Volunteer Firefighters Association,
Nebraska Fire Chiefs Association
Gretna Fire Department, Tri Mutual Aid Firefighters
Association

Representing:

Black Hills Energy
Metropolitan Utility District
Northwestern Energy

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 1069 amends several statutes related to the Nebraska State Fire Marshal Agency. Changes include; removing references to the Fire Safety Appeals Board and utilizing a Hearing Officer, changing open burning permit criteria for local fire departments, increasing civil penalties for violations of the Nebraska Natural Gas Pipeline Safety requirements, increasing annual pipeline meter assessment fees, reducing time requirements for renewal of water-based fire protection



system contractors, and reducing the number of boilers inspected annually.

Section 1 would amend 28-1250 by removing provisions relating to the Nebraska Fire Safety Appeals Board administrative authority.

Section 2 would amend 81-502 by removing appeals procedures relating to Nebraska Fire Safety Appeals Board administrative authority.

Section 3 would amend 81-520.01 by setting the minimum requirements needed for an open burning permit and allows local fire departments to create additional requirements as needed. Allows permits to be signed written or electronic by the local fire chiefs. Sample open burn permits with minimum requirements will be made available online on the State Fire Marshall's website.

Section 4 would amend 81-546 by increasing civil penalties for violations of the Nebraska Natural Gas Pipeline Safety Act.

Section 5 would amend 81-550 by removing outdated language and increases the maximum meter assessment fee to fifty cents.

Section 6 would amend 81-5,159 by reducing the time requirements for renewal of water-based fire protection system contractors to ten days.

Section 7 would amend 81-5, 175, exempting certain types of boilers under the Boiler Inspection Act, reducing the amount of boilers inspected annually.

Section 8 and 9 is repealer information.

Explanation of amendments:

AM 2583 to LB 1069 includes additional due process language in accordance with the Administrative Procedure Act for suspected violations of the Nebraska Natural Gas Pipeline Safety Act.

This due process language details notice from the State Fire Marshal to include determination of the probable violation with documentation related to the investigation. After receiving notice, the party suspected of violations of the Act has sixty days to answer by either agreeing to or disputing with the determination. In response to the answer, the State Fire Marshal may require additional information and the party has thirty business days to respond. If there is no violation, the State Fire Marshal will issue a letter and close the matter. If there is a violation of the Act, the State Fire Marshal will issue an order finding the party in violation and provide the party a right to a hearing. A final order may be determined if the party fails to request a hearing within thirty days or upon review of the hearing officer's findings. The party has the ability to appeal a final order from the State Fire Marshal.

The amendment also clarifies civil penalties for the One-Call Notification System Act and the Nebraska Natural gas Pipeline Safety Act and how a court should consider the appropriateness of such penalty of violations of these acts.



Merv Riepe, Chairperson

