

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 209

Introduced By: Business and Labor Committee; Cornett, 45,
Chairperson; Lathrop, 12; McGill, 26; Rogert, 16;
Wallman, 30; White, 8

Read first time: January 9, 2007

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to labor; to amend section 48-1809, Reissue
2 Revised Statutes of Nebraska, and sections 48-418.09 and
3 48-2506, Revised Statutes Cumulative Supplement, 2006; to
4 create and eliminate funds for elevator and conveyance
5 inspection; to harmonize provisions; to provide operative
6 dates; to repeal the original sections; to outright repeal
7 sections 48-418.10 and 48-1810, Reissue Revised Statutes of
8 Nebraska; and to declare an emergency.

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

1 Section 1. The Mechanical Safety Inspection Fund is
2 created. All fees collected by the Department of Labor pursuant to the
3 Nebraska Amusement Ride Act, the Conveyance Safety Act, and sections
4 48-418 to 48-418.14 shall be remitted to the State Treasurer for
5 credit to the Mechanical Safety Inspection Act. Fees so collected
6 shall not lapse into the General Fund. Fees so collected shall be
7 used for the sole purpose of administering the provisions of the
8 Nebraska Amusement Ride Act, the Conveyance Safety Act, and sections
9 48-418 to 48-418.14. Any money in the Mechanical Safety Inspection
10 Fund available for investment shall be invested by the state
11 investment officer pursuant to the Nebraska Capital Expansion Act and
12 the Nebraska State Funds Investment Act. All funds existing in the
13 Elevator Inspection Fund and the Nebraska Amusement Ride Fund on July
14 1, 2007, shall be transferred to the Mechanical Safety Inspection
15 Fund. All funds existing in the Conveyance Safety Fund on January 1,
16 2008, shall be transferred to the Mechanical Safety Inspection Fund.

17 Sec. 2. Section 48-418.09, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 48-418.09. (1) The Commissioner of Labor may charge a
20 reasonable fee for each elevator inspection. The commissioner shall
21 establish the fees at a level necessary to meet the costs of the
22 elevator inspection program as approved by the Legislature and to
23 provide a sufficient balance in the ~~Elevator~~ Mechanical Safety
24 Inspection Fund.

25 (2) An annual inspection fee of not more than one hundred
26 fifty dollars per unit up to five floors plus five dollars for each
27 floor over five shall be paid for each elevator inspected. For new

1 installations, a preliminary inspection fee of not more than one
2 hundred fifty dollars per unit up to five floors plus an additional
3 five dollars for each floor over five shall be paid for each elevator
4 inspected. For an initial inspection, a fee of not more than two
5 hundred dollars per unit up to five floors plus five dollars for each
6 floor over five shall be paid. If an elevator does not pass an initial
7 inspection and a reinspection is required, an additional initial
8 inspection fee shall be charged for each additional reinspection of
9 such elevator. Such fees shall be paid by the owner or user for each
10 elevator inspected by the state elevator inspector before the
11 inspection certificate is issued.

12 (3) For the class of elevators which includes escalators,
13 moving sidewalks, conveyors, and dumbwaiters, the preliminary
14 inspection fee shall be not more than one hundred fifty dollars per
15 unit up to five floors plus an additional five dollars for each floor
16 over five. The initial inspection fee shall be not more than one
17 hundred fifty dollars per unit up to five floors plus an additional
18 five dollars for each floor over five. The annual inspection fee shall
19 be not more than one hundred fifty dollars per unit for up to five
20 floors with an additional charge of five dollars for each floor over
21 five. If such escalator, moving sidewalk, conveyor, or dumbwaiter does
22 not pass an initial inspection and a reinspection is required, an
23 additional initial inspection fee shall be charged for each additional
24 reinspection of such elevator. Such fees shall be paid by the owner or
25 user for each escalator, moving sidewalk, conveyor, or dumbwaiter
26 inspected by the state elevator inspector before the inspection
27 certificate is issued.

1 (4) If at any time the owner or user desires a special
2 inspection of an elevator, it shall be made by the elevator inspector
3 after due request therefor and the inspector making the inspection
4 shall collect his or her expenses in connection therewith and a fee of
5 not more than two hundred dollars for each elevator inspected with an
6 additional charge of five dollars for each floor over five.

7 Sec. 3. Section 48-1809, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 48-1809. The commissioner shall establish by rules and
10 regulations a schedule of permit fees not to exceed fifty dollars for
11 each amusement ride. Such permit fees shall be established with due
12 regard for the costs of administering the Nebraska Amusement Ride Act
13 and shall be remitted to the State Treasurer for credit to the
14 Mechanical Safety Inspection Fund.

15 Sec. 4. Section 48-2506, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 48-2506. (1) The Conveyance Inspection Fund is created. The
18 commissioner shall use the fund for the administration of the
19 Conveyance Safety Act. Fees collected in the administration of the
20 act shall be remitted to the State Treasurer for credit to the fund
21 and shall not lapse into the General Fund. Any money in the fund
22 available for investment shall be invested by the state investment
23 officer pursuant to the Nebraska Capital Expansion Act and the
24 Nebraska State Funds Investment Act.

25 ~~(2)~~ The commissioner shall, after a public hearing
26 conducted by the commissioner or his or her designee, establish a
27 reasonable schedule of fees for licenses, permits, certificates, and

1 inspections authorized under the Conveyance Safety Act. The
2 commissioner shall establish the fees at a level necessary to meet the
3 costs of administering the act. It is the intent of the Legislature
4 that, beginning in fiscal year 2008-09, the funding for the
5 administration of the act shall be entirely from cash funds remitted
6 to the ~~Conveyance~~ Mechanical Safety Inspection Fund.

7 Sec. 5. Sections 1, 2, 3, 5, 6, 8, and 9 of this act become
8 operative on July 1, 2007. The other sections of this act become
9 operative on January 1, 2008.

10 Sec. 6. Original section 48-1809, Reissue Revised Statutes
11 of Nebraska, and section 48-418.09, Revised Statutes Cumulative
12 Supplement, 2006, are repealed.

13 Sec. 7. Original section 48-2506, Revised Statutes
14 Cumulative Supplement, 2006, is repealed.

15 Sec. 8. The following sections are outright repealed:
16 Sections 48-418.10 and 48-1810, Reissue Revised Statutes of Nebraska.

17 Sec. 9. Since an emergency exists, this act takes effect
18 when passed and approved according to law.