

# LEGISLATIVE BILL 195

Approved by the Governor March 21, 2019

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

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

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

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

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

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

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

(2) 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; and

(3) 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 party or organization may appeal such order, and the appeal shall be in accordance with the Administrative Procedure Act.

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

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 thirty 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 remitted to the State Treasurer for credit 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 or 81-503.01 shall be not less than twenty-five nor more than one hundred 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 twenty-five nor more than one hundred fifty dollars and shall be paid by the licensee or applicant for a license. The fees for inspection for fire safety of foster family homes as defined in section 71-1901 may be paid by the Department of Health and Human Services.

(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 81-503.01 ~~81-502~~ shall be assessed according to the following schedule:

TOTAL VALUE OF PROPOSED

STRUCTURE OR IMPROVEMENT

FEE

\$1 - \$5,000	\$5.00
\$5,001 - \$25,000	\$5.00 for the first \$5,000.00 plus \$2.00 for each additional \$5,000.00 or fraction thereof.
\$25,001 - \$50,000	\$15.00 for the first \$25,000.00 plus \$2.00 for each additional \$5,000.00 or fraction thereof.
\$50,001 - \$100,000	\$25.00 for the first \$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 \$500.00.

(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.

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

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