

AMENDMENTS TO LB434

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 28-1239.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 28-1239.01 (1) No person shall conduct a public exhibition or
6 display of display fireworks without first procuring a display permit
7 from the State Fire Marshal. Such application for a display permit shall
8 be accompanied by a fee of one hundred ten dollars to be remitted to the
9 State Treasurer for credit to deposited in the State Fire Marshal Cash
10 Fund.

11 (2) No display fireworks shall be sold or delivered by a licensed
12 distributor to any person who is not in possession of an approved display
13 permit. Sales of display fireworks to persons without an approved display
14 permit shall be subject to sections 28-1213 to 28-1239.

15 **Sec. 2.** Section 28-1246, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 28-1246 (1) It shall be unlawful for any person to sell, hold for
18 sale, or offer for sale as a distributor, jobber, or retailer any
19 fireworks in this state unless such person has first obtained a license
20 as a distributor, jobber, or retailer. Application for each such license
21 shall be made to the State Fire Marshal on forms prescribed by him or
22 her. Each application shall be accompanied by the required fee, which
23 shall be one thousand five hundred dollars for a distributor's license,
24 four two hundred dollars for a jobber's license, and one hundred twenty-
25 five dollars for a retailer's license. Each application for a retailer's
26 license shall be received by the State Fire Marshal at least ten business
27 days prior to the sales period, as set forth in section 28-1249, in which

1 the retailer wishes to sell consumer fireworks. A retailer's license
2 shall be good only for the specific sales period listed on the
3 application and within the calendar year in which issued. The retailer's
4 license shall at all times be displayed at the place of business of the
5 holder thereof.

6 (2) The funds received pursuant to this section shall be remitted to
7 the State Treasurer for credit to the State Fire Marshal Cash Fund.

8 **Sec. 3.** Section 28-1251, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 28-1251 (1) It shall be unlawful for any person, association,
11 partnership, limited liability company, or corporation to conduct fire
12 alarm tests and fire alarm inspections without prior written
13 certification by the State Fire Marshal as to the qualifications of such
14 persons conducting such tests and inspections.

15 (2) The State Fire Marshal shall formulate reasonable guidelines to
16 determine qualifications for fire alarm inspectors and shall administer
17 an examination pursuant to such guidelines prior to certification of
18 applicants.

19 (3) The State Fire Marshal may charge a fee of no more than two ~~one~~
20 hundred dollars to cover costs of administering such examinations and
21 issuing certifications.

22 (4) Unlawful testing or inspection of fire alarms is a Class III
23 misdemeanor.

24 **Sec. 4.** Section 81-503.01, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-503.01 (1) The State Fire Marshal shall adopt and promulgate
27 rules and regulations constituting a State Fire Code. At a minimum, the
28 State Fire Code shall cover:

29 (a) The prevention of fires;

30 (b) The storage, sale, and use of flammable liquids, combustibles,
31 and fireworks;

1 (c) Electrical wiring and heating, protection equipment devices,
2 materials, furnishings, and other safeguards within structures necessary
3 to promote safety and reduce loss by fire;

4 (d) The means and adequacy of exits, in case of fire, in assembly,
5 educational, institutional, residential, mercantile, office, storage, and
6 industrial-type occupancies as such structures are defined in the State
7 Fire Code;

8 (e) All other buildings, structures, and enclosures in which numbers
9 of persons congregate from time to time for any purpose, whether
10 privately or publicly owned;

11 (f) Design, construction, location, installation, and operation of
12 equipment for storing, handling, and utilization of liquefied petroleum
13 gases, specifying the odorization of such gases and the degree thereof;

14 (g) Chemicals, prozylin plastics, X-ray nitrocellulose films, or any
15 other hazardous material that may now or hereafter exist;

16 (h) Tanks used for the storage of regulated substances pursuant to
17 the Petroleum Products and Hazardous Substances Storage and Handling Act;
18 and

19 (i) Accessibility standards and specifications adopted pursuant to
20 section 81-5,147.

21 (2) Not later than July 1, 2019, the rules and regulations adopted
22 and promulgated as part of the State Fire Code shall conform generally to
23 the standards recommended by the National Fire Protection Association,
24 Pamphlet Number 1, known as the Fire Code, 2012 edition, the National
25 Fire Protection Association, Pamphlet Number 101, known as the Life
26 Safety Code, 2012 edition, and associated pamphlets, but not when doing
27 so would impose an unduly severe or costly burden without substantially
28 contributing to the safety of persons or property.

29 (3) The State Fire Marshal shall enforce the State Fire Code through
30 inspections, code compliance, and orders. Plans for compliance with the
31 State Fire Code shall be reviewed by the State Fire Marshal. Plans

1 submitted after remodeling or construction has begun shall be accompanied
2 by a late submittal fee ~~penalty of an amount equal to an additional fifty~~
3 ~~percent of the fifty dollars in addition to the plan review fee~~
4 established pursuant to subdivision (4)(a) of section 81-505.01.

5 (4) Rules and regulations adopted and promulgated as part of the
6 State Fire Code shall apply to sites or structures in public ownership
7 listed on the National Register of Historic Places but without destroying
8 the historic quality thereof.

9 **Sec. 5.** Section 81-505.01, Reissue Revised Statutes of Nebraska, is
10 amended to read:

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

26 (2) The fee for inspection for fire safety of any premises or
27 facility pursuant to section 81-502 or 81-503.01 shall be not less than
28 fifty ~~twenty-five~~ nor more than three hundred ~~one hundred fifty~~ dollars
29 and shall be paid by the licensee or applicant for a license. The fee for
30 inspection for fire safety of the same premises or facility made within
31 twelve months after the last prior inspection shall be not less than

1 ~~fifty twenty-five~~ nor more than three ~~one~~ hundred ~~fifty~~ dollars and shall
2 be paid by the licensee or applicant for a license. The fees for
3 inspection for fire safety of foster family homes as defined in section
4 71-1901 may be paid by the Department of Health and Human Services.

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

9 (4)(a) The State Fire Marshal shall charge a fee for reviewing
10 plans, blueprints, and shop drawings to determine compliance with rules
11 and regulations adopted and promulgated pursuant to section 81-503.01 or
12 81-5,147. The State Fire Marshal shall establish such fee in rules and
13 regulations adopted and promulgated to be effective on September 1, 2025
14 ~~January 1, 2022~~. Such fee shall meet the costs of administering the plan
15 review requirement and other agency duties found in sections 81-502,
16 81-503.01, and 81-5,147 but shall not exceed ten thousand five hundred
17 dollars. The fee schedule as it existed prior to September 1, 2025 ~~August~~
18 ~~28, 2021~~, shall be used through August 31, 2025 ~~December 31, 2021~~.

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

27 (c) An additional fee equal to fifty percent of the fee charged
28 pursuant to subdivision (a) of this subsection shall be assessed for
29 reviewing plans, blueprints, and shop drawings to determine compliance
30 with the accessibility standards and specifications adopted pursuant to
31 section 81-5,147, except that the additional fee assessed pursuant to

1 this subdivision shall not exceed five thousand ~~two hundred fifty~~
2 dollars.

3 **Sec. 6.** Section 81-5,159, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 81-5,159 (1) Any water-based fire protection system contractor who
6 installs, repairs, alters, adds to, maintains, or inspects water-based
7 fire protection systems in this state shall first obtain a contractor
8 certificate.

9 (2) A water-based fire protection system contractor may apply to the
10 State Fire Marshal for a contractor certificate. The application shall be
11 made on a form prescribed by the State Fire Marshal and shall include a
12 certificate fee of up to two ~~one~~ hundred dollars. Each applicant must
13 designate a responsible managing employee on the application, and such
14 individual's name shall appear on the certificate with that of the water-
15 based fire protection system contractor upon issuance. Proof of insurance
16 required by section 81-5,160 shall also accompany the application.

17 (3) Upon receipt of a complete application, proof of insurance, and
18 certificate fee, the State Fire Marshal shall schedule a time for an
19 examination of the responsible managing employee to demonstrate that he
20 or she is familiar with the procedures and rules of the State Fire
21 Marshal relating to water-based fire protection systems. If the
22 responsible managing employee passes the examination, the State Fire
23 Marshal shall issue the certificate to the water-based fire protection
24 system contractor within thirty days.

25 (4) A certificate shall expire on September 30 of the year following
26 issuance. An application for renewal shall be filed at least ten days
27 prior to expiration and shall be accompanied by a renewal fee of up to
28 two ~~one~~ hundred dollars and a sworn affidavit that the responsible
29 managing employee is currently employed by the water-based fire
30 protection system contractor. A water-based fire protection system
31 contractor who fails to apply for renewal within the time stated in this

1 subsection must make a new application for a certificate.

2 (5) A responsible managing employee may only act as such for one
3 water-based fire protection system contractor at a time. When a
4 responsible managing employee terminates his or her association with a
5 water-based fire protection system contractor, the water-based fire
6 protection system contractor shall notify the State Fire Marshal within
7 thirty days after termination. The responsible managing employee shall
8 not be designated as the responsible managing employee for more than two
9 water-based fire protection system contractors in any twelve-month
10 period. The State Fire Marshal shall revoke the certificate of a water-
11 based fire protection system contractor whose responsible managing
12 employee has terminated his or her association with the water-based fire
13 protection system contractor unless an application designating a new
14 responsible managing employee is filed within six months after
15 termination or prior to expiration of the current certificate, whichever
16 is earlier.

17 **Sec. 7.** Section 81-15,120, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 81-15,120 Any farm or residential tank or tank used for storing
20 heating oil as defined in subdivisions (10)(a) and (b) of section
21 81-15,119 shall be registered with the State Fire Marshal. The
22 registration shall be accompanied by a one-time fee of ten ~~five~~ dollars
23 and shall be valid until the State Fire Marshal is notified that a tank
24 so registered has been permanently closed. Such registration shall
25 specify the ownership of, location of, and substance stored in the tank
26 to be registered. The State Fire Marshal shall remit the fee to the State
27 Treasurer for credit to the Petroleum Products and Hazardous Substances
28 Storage and Handling Fund which is hereby created as a cash fund. The
29 fund shall also consist of any money appropriated to the fund by the
30 state. The fund shall be administered by the Department of Environment
31 and Energy to carry out the purposes of the Petroleum Products and

1 Hazardous Substances Storage and Handling Act, including the provision of
2 matching funds required by Public Law 99-499 for actions otherwise
3 authorized by the act. Any money in such fund available for investment
4 shall be invested by the state investment officer pursuant to the
5 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
6 Act.

7 **Sec. 8.** Section 81-15,121, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 81-15,121 (1) A person shall not (a) maintain or use any tank for
10 the storage of regulated substances, (b) install any new tank, or (c)
11 permanently close a tank without first securing a permit from the State
12 Fire Marshal.

13 (2) A fee shall not be charged for a permit under subdivision (1)(a)
14 or (c) of this section. The fee for a permit for installation shall be
15 seventy-five ~~fifty~~ dollars. The State Fire Marshal shall remit the fee to
16 the State Treasurer for credit to the Underground Storage Tank Fund.

17 (3) All owners of operating tanks, except those provided for in
18 subsection (4) of this section, shall annually register each tank. All
19 registration permits shall expire on December 31 of the year for which
20 the permit was issued. The registration fee shall be no more than sixty
21 ~~thirty~~ dollars per tank. The State Fire Marshal shall remit the fee to
22 the State Treasurer for credit to the Underground Storage Tank Fund. Such
23 permits shall contain the information specified in subsection (5) of this
24 section.

25 (4) In the case of tanks permanently abandoned on or after January
26 1, 1974, an annual permit shall not be required and an initial
27 registration permit shall be sufficient.

28 (5) The application for a registration permit shall be provided by
29 and filed with the State Fire Marshal's office and shall require, but not
30 be limited to, the following information:

31 (a) The date the tank was placed in or taken out of operation;

1 (b) The age of the tank;

2 (c) The size, type, and location of the tank; and

3 (d) The type of substances stored in the tank and the quantity of
4 such substances remaining in the tank if the tank has been permanently
5 closed.

6 (6) The registration permit fee collected pursuant to this section
7 shall be remitted to the State Treasurer for credit to ~~deposited in~~ the
8 Underground Storage Tank Fund which is hereby created as a cash fund. The
9 fund shall also consist of any money appropriated to the fund by the
10 state. The fund shall be administered by the State Fire Marshal to carry
11 out the purposes of the Petroleum Products and Hazardous Substances
12 Storage and Handling Act. Transfers may be made from the fund to the
13 General Fund at the direction of the Legislature. Any money in the
14 Underground Storage Tank Fund available for investment shall be invested
15 by the state investment officer pursuant to the Nebraska Capital
16 Expansion Act and the Nebraska State Funds Investment Act.

17 **Sec. 9.** Original sections 28-1239.01, 28-1246, 28-1251, 81-503.01,
18 81-505.01, 81-5,159, 81-15,120, and 81-15,121, Reissue Revised Statutes
19 of Nebraska, are repealed.

20 **Sec. 10.** Since an emergency exists, this act takes effect when
21 passed and approved according to law.