

AMENDMENTS TO LB 971

Introduced by Government, Military and Veterans Affairs

1 1. Strike original section 273 and insert the following
2 new sections:

3 Section 1. Section 4-114, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 4-114 (1) For purposes of this section:

6 (a) Federal immigration verification system means the
7 electronic verification of the work authorization program of
8 the Illegal Immigration Reform and Immigrant Responsibility Act
9 of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or
10 an equivalent federal program designated by the United States
11 Department of Homeland Security or other federal agency authorized
12 to verify the work eligibility status of a newly hired employee
13 pursuant to the Immigration Reform and Control Act of 1986;

14 (b) Public contractor means any contractor or his or her
15 subcontractor who is awarded a contract by a public employer for
16 the physical performance of services within the State of Nebraska;
17 and

18 (c) Public employer means any agency or political
19 subdivision of the State of Nebraska.

20 (2) Every public employer and public contractor shall
21 register with and use a federal immigration verification system to
22 determine the work eligibility status of new employees physically
23 performing services within the State of Nebraska. Every contract

1 between a public employer and public contractor shall contain
2 a provision requiring the public contractor to use a federal
3 immigration verification system to determine the work eligibility
4 status of new employees physically performing services within the
5 State of Nebraska.

6 ~~(3) For two years after October 1, 2009, the Department~~
7 ~~of Labor shall make available to all private employers information~~
8 ~~regarding the federal immigration verification system and~~
9 ~~encouraging the use of the federal immigration verification system.~~
10 ~~The department shall report to the Legislature no later than~~
11 ~~December 1, 2011, on the use of a federal immigration verification~~
12 ~~system by Nebraska employers.~~

13 ~~(4) (3)~~ This section does not apply to contracts awarded
14 by a public employer prior to October 1, 2009.

15 Sec. 2. Section 11-201, Revised Statutes Cumulative
16 Supplement, 2010, is amended to read:

17 11-201 It shall be the duty of the Risk Manager:

18 (1) To prescribe the amount, terms, and conditions of
19 any bond or equivalent commercial insurance when the amount or
20 terms are not fixed by any specific statute. The Risk Manager, in
21 prescribing the amount, deductibles, conditions, and terms, shall
22 consider the type of risks, the relationship of the premium to
23 risks involved, the past and projected trends for premiums, the
24 ability of the Tort Claims Fund, the State Self-Insured Property
25 Fund, and state agencies to pay the deductibles, and any other
26 factors the manager may, in his or her discretion, deem necessary
27 in order to accomplish the provisions of sections 2-1201, 3-103,

1 8-104, 8-105, 9-807, 11-119, 11-121, 11-201, 11-202, 37-110,
2 48-158, 48-609, 48-618, ~~48-721~~, 48-804.03, 53-109, 54-191, 55-123,
3 55-126, 55-127, 55-150, 57-917, 60-1303, 60-1502, 71-222.01,
4 72-1241, 77-366, 80-401.02, 81-111, 81-151, 81-8,128, 81-8,141,
5 81-1108.14, 81-2002, 83-128, 84-106, 84-206, and 84-801 and section
6 278 of this act;

7 (2) To pass upon the sufficiency of and approve the
8 surety on the bonds or equivalent commercial insurance of all
9 officers and employees of the state, when approval is not otherwise
10 prescribed by any specific statute;

11 (3) To arrange for the writing of corporate surety
12 bonds or equivalent commercial insurance for all the officers and
13 employees of the state who are required by statute to furnish
14 bonds;

15 (4) To arrange for the writing of the blanket corporate
16 surety bond or equivalent commercial insurance required by this
17 section; and

18 (5) To order the payment of corporate surety bond or
19 equivalent commercial insurance premiums out of the State Insurance
20 Fund created by section 81-8,239.02.

21 All state employees not specifically required to give
22 bond by section 11-119 shall be bonded under a blanket corporate
23 surety bond or insured under equivalent commercial insurance for
24 faithful performance and honesty in an amount determined by the
25 Risk Manager.

26 The Risk Manager may separately bond any officer,
27 employee, or group thereof under a separate corporate surety bond

1 or equivalent commercial insurance policy for performance and
2 honesty pursuant to the standards set forth in subdivision (1) of
3 this section if the corporate surety or commercial insurer will not
4 bond or insure or excludes from coverage any officer, employee,
5 or group thereof under the blanket bond or commercial insurance
6 required by this section, or if the Risk Manager finds that the
7 reasonable availability or cost of the blanket bond or commercial
8 insurance required under this section is adversely affected by any
9 of the following factors: The loss experience, types of risks to be
10 bonded or insured, relationship of premium to risks involved, past
11 and projected trends for premiums, or any other factors.

12 Surety bonds of collection agencies, as required by
13 section 45-608, and detective agencies, as required by section
14 71-3207, shall be approved by the Secretary of State. The Attorney
15 General shall approve all bond forms distributed by the Secretary
16 of State.

17 Sec. 275. The Director of Economic Development shall
18 consult with representatives from the workforce development and
19 economic development sectors to develop a strategic plan for
20 the Department of Economic Development that identifies the main
21 purpose or purposes of each program and benchmarks for improving
22 performance on the key goals for the state as a whole. In September
23 2012, March 2013, and September 2013, the department shall report
24 to the Governor and the Legislature on the progress towards its key
25 goals.

26 Sec. 276. Section 48-719, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 ~~48-719~~ Sections ~~48-719~~ ~~to~~ ~~48-743~~ 276 to 299 of this act
2 shall be known and may be cited as the Boiler Inspection Act.

3 Sec. 277. Section 48-720, Reissue Revised Statutes of
4 Nebraska, as amended by section 130, Legislative Bill 971, One
5 Hundred Second Legislature, Second Session, 2012, is amended to
6 read:

7 ~~48-720~~ As used in the Boiler Inspection Act, unless the
8 context otherwise requires:

9 (1) Authorized inspection agency means an authorized
10 inspection agency as defined in NB-369, National Board
11 Qualifications and Duties for Authorized Inspection Agencies (AIAs)
12 Performing Inservice Inspection Activities and Qualifications for
13 Inspectors of Boilers and Pressure Vessels;

14 (2) Board means the Boiler Safety Code Advisory Board;
15 and

16 (3) Boiler means a closed vessel in which water or other
17 liquid is heated, steam or vapor is generated, steam or vapor is
18 superheated, or any combination thereof, under pressure or vacuum,
19 for internal or external use to itself, by the direct application
20 of heat and an unfired pressure vessel in which the pressure is
21 obtained from an external source or by the application of heat
22 from an indirect or direct source. Boiler includes a fired unit for
23 heating or vaporizing liquids other than water only when such unit
24 is separate from processing systems and complete within itself.†

25 ~~(4) Department means the Department of Economic~~
26 ~~Development; and~~

27 ~~(5) Director means the Director of Economic Development.~~

1 Sec. 278. Section 48-721, Reissue Revised Statutes of
2 Nebraska, as amended by section 131, Legislative Bill 971, One
3 Hundred Second Legislature, Second Session, 2012, is amended to
4 read:

5 ~~48-721~~ The ~~director~~ State Fire Marshal shall appoint a
6 state boiler inspector who shall work under the direct supervision
7 of the ~~director~~ State Fire Marshal or his or her designee and
8 devote his or her full time to the duties of the office. The
9 person so appointed shall (1) be a practical boilermaker, technical
10 engineer, operating engineer, or boiler inspector and hold a
11 commission from the National Board of Boiler and Pressure Vessel
12 Inspectors with an "A" endorsement. The state boiler inspector
13 shall also either hold a "B" endorsement to his or her commission
14 or acquire a "B" endorsement within eighteen months of appointment,
15 (2) be qualified by not less than ten years' experience in the
16 construction, installation, repair, inspection, or operation of
17 boilers, steam generators, and superheaters, (3) have a knowledge
18 of their operation and use for the generating of steam for power,
19 heating, or other purposes, and (4) neither directly nor indirectly
20 be interested in the manufacture, ownership, or agency of the same.
21 The ~~director~~ State Fire Marshal may appoint deputy inspectors as
22 necessary to carry out the Boiler Inspection Act. Deputy inspectors
23 shall hold a commission from the National Board of Boiler and
24 Pressure Vessel Inspectors or acquire the same within twelve
25 months of appointment. Such deputy inspectors shall otherwise
26 be subject to and governed by the same rules and regulations
27 applicable to and governing the acts and conduct of the state

1 boiler inspector. Before entering upon his or her duties under the
2 Boiler Inspection Act, the state boiler inspector and each deputy
3 inspector shall be bonded or insured as required by section 11-201.
4 ~~Beginning July 1, 2012, and until July 1, 2013, the Department of~~
5 ~~Economic Development and the Director of Economic Development shall~~
6 ~~administer and enforce the Boiler Inspection Act. On and after July~~
7 ~~1, 2013, the powers and duties delegated to the department and~~
8 ~~the director under the act shall be transferred to the State Fire~~
9 ~~Marshal.~~

10 Sec. 279. Section 48-722, Reissue Revised Statutes of
11 Nebraska, as amended by section 132, Legislative Bill 971, One
12 Hundred Second Legislature, Second Session, 2012, is amended to
13 read:

14 ~~48-722~~ (1) Except as provided in subsections (3) and (4)
15 of this section, the state boiler inspector shall inspect or cause
16 to be inspected at least once every twelve months all boilers
17 required to be inspected by the Boiler Inspection Act to determine
18 whether the boilers are in a safe and satisfactory condition and
19 properly constructed and maintained for the purpose for which the
20 boiler is used, except that (a) hobby boilers, steam farm traction
21 engines, portable and stationary show engines, and portable and
22 stationary show boilers, which are not otherwise exempted from the
23 act pursuant to section ~~48-726, 283~~ of this act shall be subject
24 to inspection at least once every twenty-four months and (b) the
25 ~~director~~ State Fire Marshal may, by rule and regulation, establish
26 inspection periods for pressure vessels of more than twelve months,
27 but not to exceed the inspection period recommended in the National

1 Board Inspection Code or the American Petroleum Institute Pressure
2 Vessel Inspection Code API-510 for pressure vessels being used for
3 similar purposes. In order to ensure that inspections are performed
4 in a timely manner, the ~~department~~ State Fire Marshal may contract
5 with an authorized inspection agency to perform any inspection
6 authorized under the Boiler Inspection Act. If the ~~department~~ State
7 Fire Marshal contracts with an authorized inspection agency to
8 perform inspections, such contract shall be in writing and shall
9 contain an indemnification clause wherein the authorized inspection
10 agency agrees to indemnify and defend the ~~department~~ State Fire
11 Marshal for loss occasioned by negligent or tortious acts committed
12 by special inspectors employed by such authorized inspection agency
13 when performing inspections on behalf of the ~~department~~ State Fire
14 Marshal.

15 (2) No boilers required to be inspected by the act shall
16 be operated without valid and current certification pursuant to
17 rules and regulations adopted and promulgated by the ~~director~~
18 State Fire Marshal in accordance with the requirements of the
19 Administrative Procedure Act. The owner of any boiler installed
20 after September 2, 1973, shall file a manufacturer's data report
21 covering the construction of such boiler with the state boiler
22 inspector. Such reports shall be used to assist the state boiler
23 inspector in the certification of boilers. No boiler required to
24 be inspected by the Boiler Inspection Act shall be operated at
25 any type of public gathering or show without first being inspected
26 and certified as to its safety by the state boiler inspector or
27 a special inspector commissioned pursuant to section ~~48-731~~ 288

1 of this act. Antique engines with boilers may be brought into
2 the state from other states without inspection, but inspection as
3 provided in this section shall be made and the boiler certified as
4 safe before being operated.

5 (3) The ~~director~~ State Fire Marshal may, by rule and
6 regulation, waive the inspection of unfired pressure vessels
7 registered with the State of Nebraska if the ~~director~~ State
8 Fire Marshal finds that the owner or user of the unfired pressure
9 vessel follows a safety inspection and repair program that is based
10 upon nationally recognized standards.

11 (4) A boiler that is used as a water heater to supply
12 potable hot water and that is not otherwise exempt from inspection
13 under the act pursuant to section ~~48-726~~ 283 of this act shall
14 be subject to inspection at least once every twenty-four months
15 in accordance with a schedule of inspection established by the
16 ~~director~~ State Fire Marshal by rule and regulation.

17 Sec. 280. Section 48-723, Reissue Revised Statutes of
18 Nebraska, as amended by section 133, Legislative Bill 971, One
19 Hundred Second Legislature, Second Session, 2012, is amended to
20 read:

21 ~~48-723~~ The ~~director~~ State Fire Marshal and the boiler
22 inspectors shall have the right and power to enter any building
23 or structure, public or private, for the purpose of inspecting any
24 boilers required to be inspected by the Boiler Inspection Act or
25 gathering information relating to such boilers.

26 Sec. 281. Section 48-724, Reissue Revised Statutes of
27 Nebraska, as amended by section 134, Legislative Bill 971, One

1 Hundred Second Legislature, Second Session, 2012, is amended to
2 read:

3 ~~48-724~~ (1) Upon making an inspection of any boilers
4 required to be inspected by the Boiler Inspection Act and upon
5 receipt of the inspection fee and certificate fee or registration
6 fee, the boiler inspector shall give to the owner or user of the
7 boilers a certificate of inspection or certificate of registration
8 upon forms prescribed by the ~~director~~, State Fire Marshal. The
9 certificate shall be posted in a place near the location of such
10 boiler.

11 (2) The ~~director~~ State Fire Marshal shall establish the
12 amount of the inspection fee, certificate fee, and registration fee
13 by rule or regulation at the level necessary to meet the costs of
14 administering the act.

15 Sec. 282. Section 48-725, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 ~~48-725~~ The owner, user, or person or persons in charge of
18 any boiler required to be inspected by the Boiler Inspection Act
19 shall not allow or permit a greater pressure in any unit than is
20 stated in the certificate of inspection issued by the inspector.

21 Sec. 283. Section 48-726, Reissue Revised Statutes of
22 Nebraska, as amended by section 135, Legislative Bill 971, One
23 Hundred Second Legislature, Second Session, 2012, is amended to
24 read:

25 ~~48-726~~ The Boiler Inspection Act shall not apply to:

26 (1) Boilers of railway locomotives subject to federal
27 inspection;

1 (2) Boilers operated and regularly inspected by railway
2 companies operating in interstate commerce;

3 (3) Boilers under the jurisdiction and subject to regular
4 periodic inspection by the United States Government;

5 (4) Boilers used exclusively for agricultural purposes;

6 (5) Steam heating boilers in single-family residences and
7 apartment houses with four or less units using a pressure of less
8 than fifteen pounds per square inch and having a safety valve set
9 at not higher than fifteen pounds pressure per square inch;

10 (6) Heating boilers using water in single-family
11 residences and apartment houses with four or less units using a
12 pressure of less than thirty pounds per square inch and having a
13 safety valve set at not higher than thirty pounds pressure per
14 square inch;

15 (7) Fire engine boilers brought into the state for
16 temporary use in times of emergency;

17 (8) Boilers of a miniature model locomotive or boat or
18 tractor or stationary engine constructed and maintained as a hobby
19 and not for commercial use and having a diameter of less than ten
20 inches inside diameter and a grate area not in excess of one and
21 one-half square feet and that are properly equipped with a safety
22 valve;

23 (9) Hot water supply boilers if none of the following
24 limitations is exceeded: (a) Two hundred thousand British thermal
25 units of input; (b) one hundred twenty gallons of nominal capacity;
26 or (c) two hundred ten degrees Fahrenheit output;

27 (10) Unfired pressure vessels not exceeding (a) five

1 cubic feet in volume or (b) a pressure of two hundred fifty pounds
2 per square inch;

3 (11) Unfired pressure vessels owned and maintained by a
4 district or corporation organized under the provisions of Chapter
5 70, article 6; and

6 (12) Unfired pressure vessels (a) not exceeding a maximum
7 allowable working pressure of five hundred pounds per square
8 inch, (b) that contain carbon dioxide, helium, oxygen, nitrogen,
9 argon, hydrofluorocarbon refrigerant, or any other nonflammable gas
10 determined by the ~~director~~ State Fire Marshal not to be a risk to
11 the public, (c) that are manufactured and repaired in accordance
12 with applicable American Society of Mechanical Engineers standards,
13 and (d) that are installed in accordance with the manufacturer's
14 specifications.

15 Sec. 284. Section 48-727, Reissue Revised Statutes of
16 Nebraska, as amended by section 136, Legislative Bill 971, One
17 Hundred Second Legislature, Second Session, 2012, is amended to
18 read:

19 ~~48-727~~ The ~~director~~ State Fire Marshal may adopt and
20 promulgate rules and regulations for the purpose of effectuating
21 the Boiler Inspection Act, including rules and regulations for the
22 methods of testing equipment, the construction and installation
23 of new boilers, and a schedule of inspection and certificate
24 fees for boilers required to be inspected by the act. Such rules
25 and regulations may incorporate by reference any portion of (1)
26 the Boiler and Pressure Vessel Code of the American Society of
27 Mechanical Engineers, as amended, (2) the National Board Inspection

1 Code for Boilers and Pressure Vessels, as amended, (3) the American
2 Society of Mechanical Engineers Code for Controls and Safety
3 Devices for Automatically Fired Boilers, as amended, concerning
4 controls and safety devices for automatically fired boilers,
5 (4) the American Petroleum Institute Pressure Vessel Inspection
6 Code API-510, and (5) the National Fire Protection Association,
7 series 85, code for controls and safety devices, including codes
8 referenced in such code. A copy of all rules and regulations
9 adopted and promulgated under the Boiler Inspection Act, including
10 copies of all codes incorporated by reference, shall be kept on
11 file in the office of the ~~director~~ State Fire Marshal and shall be
12 known as the Boiler Safety Code.

13 Sec. 285. Section 48-728, Reissue Revised Statutes of
14 Nebraska, as amended by section 137, Legislative Bill 971, One
15 Hundred Second Legislature, Second Session, 2012, is amended to
16 read:

17 ~~48-728~~ The state boiler inspector shall investigate and
18 report to the ~~director~~ State Fire Marshal the cause of any boiler
19 explosion that may occur in the state, the loss of life, the
20 injuries sustained, the estimated loss of property, if any, and
21 such other data as may be of benefit in preventing other similar
22 explosions.

23 Sec. 286. Section 48-729, Reissue Revised Statutes of
24 Nebraska, as amended by section 138, Legislative Bill 971, One
25 Hundred Second Legislature, Second Session, 2012, is amended to
26 read:

27 ~~48-729~~ The state boiler inspector shall keep in the

1 office of the ~~director~~ State Fire Marshal a complete and accurate
2 record of the name of the owner or user of any boiler required to
3 be inspected by the Boiler Inspection Act and a full description
4 of the equipment including the type, dimensions, age, condition,
5 amount of pressure allowed, and date when last inspected.

6 Sec. 287. Section 48-730, Reissue Revised Statutes of
7 Nebraska, as amended by section 139, Legislative Bill 971, One
8 Hundred Second Legislature, Second Session, 2012, is amended to
9 read:

10 ~~48-730~~ Before any boiler required to be inspected by the
11 Boiler Inspection Act is installed, a ten days' written notice of
12 intention to install the boiler shall be given to the ~~director~~,
13 State Fire Marshal, except that the ~~director~~ State Fire Marshal
14 may, upon application and good cause shown, waive the ten-day prior
15 notice requirement. The notice shall designate the proposed place
16 of installation, the type and capacity of the boiler, the use to be
17 made of the boiler, the name of the company which manufactured the
18 boiler, and whether the boiler is new or used. A boiler moved from
19 one location to another shall be reinspected prior to being placed
20 back into use.

21 Sec. 288. Section 48-731, Reissue Revised Statutes of
22 Nebraska, as amended by section 140, Legislative Bill 971, One
23 Hundred Second Legislature, Second Session, 2012, is amended to
24 read:

25 ~~48-731~~ (1)(a) The ~~director~~ State Fire Marshal may issue
26 a special inspector commission to an inspector in the employ of
27 a company if the inspector has previously passed the examination

1 prescribed by the National Board of Boiler and Pressure Vessel
2 Inspectors and the company is an insurance company authorized to
3 insure boilers in this state against loss from explosion or is an
4 authorized inspection agency.

5 (b) Each special inspector employed by an insurance
6 company or authorized inspection agency who has been issued a
7 special inspector commission under this section shall submit to
8 the state boiler inspector complete data of each boiler required
9 to be inspected by the Boiler Inspection Act which is insured or
10 inspected by such insurance company or authorized inspection agency
11 on forms approved by the ~~director~~ State Fire Marshal.

12 (c) Insurance companies shall notify the ~~department~~ State
13 Fire Marshal of new, canceled, or suspended risks relating to
14 insured boilers. Insurance companies shall notify the ~~department~~
15 State Fire Marshal of all boilers which the company insures, or
16 any boiler for which insurance has been canceled, not renewed,
17 or suspended within thirty days after such action. Authorized
18 inspection agencies shall notify the ~~department~~ State Fire Marshal
19 of any new or canceled agreements relating to the inspection of
20 boilers or pressure vessels within thirty days after such action.

21 (d) Insurance companies and authorized inspection
22 agencies shall immediately notify the ~~department~~ State Fire Marshal
23 of defective boilers. If a special inspector employed by an
24 insurance company, upon the first inspection of new risk, finds
25 that the boiler or any of the appurtenances are in such condition
26 that the inspector's company refuses insurance, the company shall
27 immediately submit a report of the defects to the state boiler

1 inspector.

2 (2) The inspection required by the act shall not be
3 required if (a) an annual inspection is made under a city ordinance
4 which meets the standards set forth in the act, (b) a certificate
5 of inspection of the boiler is filed with the ~~director~~ State Fire
6 Marshal with a certificate fee, and (c) the inspector for the city
7 making such inspection is required by such ordinance to either hold
8 a commission from the National Board of Boiler and Pressure Vessel
9 Inspectors commensurate with the type of inspections performed by
10 the inspector for the city or acquire the commission within twelve
11 months after appointment.

12 (3) The ~~director~~ State Fire Marshal may, by rule and
13 regulation, provide for the issuance of a special inspector
14 commission to an inspector in the employ of a company using
15 or operating an unfired pressure vessel subject to the act for
16 the limited purpose of inspecting unfired pressure vessels used or
17 operated by such company.

18 (4) All inspections made by a special inspector shall be
19 performed in accordance with the act, and a complete report of such
20 inspection shall be filed with the ~~department~~ State Fire Marshal in
21 the time, manner, and form prescribed by the ~~director~~. State Fire
22 Marshal.

23 (5) The state boiler inspector may, at his or her
24 discretion, inspect any boiler to which a special inspector
25 commission applies.

26 (6) The ~~director~~ State Fire Marshal may, for cause,
27 suspend or revoke any special inspector commission.

1 (7) No authorized inspection agency shall perform
2 inspections of boilers in the State of Nebraska unless
3 the authorized inspection agency has insurance coverage for
4 professional errors and omissions and comprehensive and general
5 liability under a policy or policies written by an insurance
6 company authorized to do business in this state in effect at the
7 time of such inspection. Such insurance policy or policies shall
8 be in an amount not less than the minimum amount as established
9 by the ~~director~~, State Fire Marshal. Such minimum amount shall
10 be established with due regard to the protection of the general
11 public and the availability of insurance coverage, but such minimum
12 insurance coverage shall not be less than one million dollars
13 for professional errors and omissions and one million dollars for
14 comprehensive and general liability.

15 Sec. 289. Section 48-732, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 ~~48-732~~ The state boiler inspector shall notify the user
18 in writing of any boiler found to be unsafe or unfit for operation
19 setting forth the nature and extent of such defects and condition.
20 The notice shall indicate whether or not the boiler may be used
21 without making repair or replacement of defective parts or may be
22 used in a limited capacity before repairs or replacements are made.
23 The state boiler inspector may permit the user a reasonable time to
24 make such repairs or replacements.

25 Sec. 290. Section 48-733, Reissue Revised Statutes of
26 Nebraska, as amended by section 141, Legislative Bill 971, One
27 Hundred Second Legislature, Second Session, 2012, is amended to

1 read:

2 ~~48-733~~ The owner or user of a boiler required to be
3 inspected under the Boiler Inspection Act or inspected by request
4 of the boiler owner shall pay a fee for such inspection or
5 inspections in accordance with the rules and regulations adopted
6 and promulgated by the ~~director~~, State Fire Marshal. Any boiler
7 required to be inspected by the act may be inspected by the state
8 boiler inspector if the owner or his or her agent makes written
9 request to the state boiler inspector. Fees will be imposed as
10 required for services in support of the act in accordance with
11 rules and regulations adopted and promulgated by the ~~director~~,
12 State Fire Marshal.

13 Sec. 291. Section 48-735.01, Reissue Revised Statutes of
14 Nebraska, as amended by section 142, Legislative Bill 971, One
15 Hundred Second Legislature, Second Session, 2012, is amended to
16 read:

17 ~~48-735.01~~ The Boiler Inspection Cash Fund is created.
18 The ~~director~~ State Fire Marshal shall use the fund for the
19 administration of the boiler inspection program pursuant to the
20 Boiler Inspection Act. The fund shall consist of money appropriated
21 to it by the Legislature and fees collected in the administration
22 of the act. Fees so collected shall be remitted to the State
23 Treasurer with an itemized statement showing the source of
24 collection. The State Treasurer shall credit the fees to the
25 fund and the money in the fund shall not lapse into the General
26 Fund. Any money in the Boiler Inspection Cash Fund available
27 for investment shall be invested by the state investment officer

1 pursuant to the Nebraska Capital Expansion Act and the Nebraska
2 State Funds Investment Act.

3 Sec. 292. Section 48-736, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 ~~48-736~~ Any person, persons, corporations, and the
6 directors, managers, superintendents, and officers of such
7 corporations violating the Boiler Inspection Act shall be guilty
8 of a Class III misdemeanor.

9 Sec. 293. Section 48-737, Reissue Revised Statutes of
10 Nebraska, as amended by section 143, Legislative Bill 971, One
11 Hundred Second Legislature, Second Session, 2012, is amended to
12 read:

13 ~~48-737~~ In addition to any and all other remedies, if
14 any owner, user, or person in charge of any boiler required to be
15 inspected by the Boiler Inspection Act continues to use the same
16 after receiving a notice of defect as provided by the act, without
17 first correcting the defects or making replacements, the ~~director~~
18 State Fire Marshal may apply to the district court or any judge
19 thereof by petition in equity, in an action brought in the name
20 of the state, for a writ of injunction to restrain the use of
21 the alleged defective boiler or if the continued operation of the
22 boiler poses serious risk or harm to the general public, the state
23 boiler inspector may take those actions required to immediately
24 shut down and cause to be inoperable any boiler required to be
25 inspected by the act.

26 Sec. 294. Section 48-738, Reissue Revised Statutes of
27 Nebraska, as amended by section 144, Legislative Bill 971, One

1 Hundred Second Legislature, Second Session, 2012, is amended to
2 read:

3 ~~48-738~~ The ~~director~~ State Fire Marshal shall notify the
4 owner or user of the equipment in writing of the time and place of
5 hearing of the petition, as fixed by the court or judge, and serve
6 the notice on the defendant at least five days prior to the hearing
7 in the same manner as original notices are served. The general
8 provisions relating to civil practice and procedure, insofar as the
9 same may be applicable, shall govern such proceedings except as
10 otherwise provided in the Boiler Inspection Act. In the event the
11 defendant does not appear or plead to such action, default shall be
12 entered against the defendant. The action shall be tried in equity,
13 and the court or judge shall make such order or decree as the
14 evidence warrants.

15 Sec. 295. Section 48-739, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 ~~48-739~~ There is hereby created the Boiler Safety Code
18 Advisory Board. The board shall consist of seven members appointed
19 by the Governor with the approval of the Legislature. ~~Within thirty~~
20 ~~days after July 9, 1988, the Governor shall appoint three members~~
21 ~~for terms of two years and four members for terms of four years.~~
22 Each ~~succeeding~~ member of the board shall be appointed for a term
23 of four years, except that a member appointed to fill a vacancy
24 shall serve for the unexpired term. If the Legislature is not in
25 session when members of the board are appointed, such members shall
26 take office and act as appointees until the next session of the
27 Legislature.

1 Sec. 296. Section 48-740, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 ~~48-740~~ The membership of the board shall consist of
4 one member who represents owners and users of boilers and has
5 experience with boilers, one member who represents sellers of
6 boilers, one member who represents the crafts involved in the
7 construction, repair, or operation of boilers, one member who
8 represents the insurance industry, one member who is a licensed
9 professional engineer with experience with boilers, one member
10 who represents the interest of public safety, and one member
11 who represents the public. The state boiler inspector shall be a
12 nonvoting member of the board.

13 Sec. 297. Section 48-741, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 ~~48-741~~ The members of the board shall conduct an annual
16 meeting in July of each year, or at such other time as the board
17 determines, and shall elect a chairperson from their members at
18 the annual meeting. Other meetings of the board shall be held when
19 called with at least seven days' notice to all members by the
20 chairperson of the board or pursuant to a call signed by four other
21 members. Four members of the board shall constitute a quorum for
22 the transaction of business.

23 Sec. 298. Section 48-742, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 ~~48-742~~ Each board member shall be paid the sum of fifty
26 dollars per day while actually engaged in the business of the
27 board. The members of the board shall be paid their mileage and

1 expenses in attending meetings of the board and carrying out their
2 official duties as provided in sections 81-1174 to 81-1177, ~~for~~
3 ~~state employees.~~

4 Sec. 299. Section 48-743, Reissue Revised Statutes of
5 Nebraska, as amended by section 145, Legislative Bill 971, One
6 Hundred Second Legislature, Second Session, 2012, is amended to
7 read:

8 ~~48-743~~ The board shall hold hearings and advise the
9 ~~director~~ State Fire Marshal on rules and regulations for methods of
10 testing equipment and construction and installation of new boilers
11 required to be inspected by the Boiler Inspection Act and for
12 inspection and certificate fees for such boilers.

13 Sec. 300. Section 48-1801, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 ~~48-1801~~ Sections ~~48-1801 to 48-1820~~ 300 to 318 of this
16 act shall be known and may be cited as the Nebraska Amusement Ride
17 Act.

18 Sec. 301. Section 48-1802, Reissue Revised Statutes of
19 Nebraska, as amended by section 159, Legislative Bill 971, One
20 Hundred Second Legislature, Second Session, 2012, is amended to
21 read:

22 ~~48-1802~~ For purposes of the Nebraska Amusement Ride Act,
23 unless the context otherwise requires:

24 (1) Amusement ride means any mechanical device that
25 carries or conveys passengers along, around, or over a fixed or
26 restricted route or course or within a defined area for the purpose
27 of giving its passengers amusement, pleasure, or excitement, but

1 such term does not include (a) any single-passenger coin-operated
2 ride that is manually, mechanically, or electrically operated
3 and customarily placed in a public location and that does not
4 normally require the supervision or services of an operator or
5 (b) nonmechanized playground equipment, including, but not limited
6 to, swings, seesaws, stationary spring-mounted animal features,
7 rider-propelled merry-go-rounds, climbers, slides, trampolines, and
8 physical fitness devices. Bungee jumping is specifically designated
9 as an amusement ride for purposes of the act and means the sport,
10 activity, or other practice of jumping, diving, stepping out,
11 dropping, or otherwise being released into the air while attached
12 to a bungee cord, whereby the cord stretches, stops the fall,
13 lengthens, and shortens allowing the person to bounce up and down,
14 and is intended to finally bring the person to a stop at a point
15 above a surface or the ground;

16 (2) Bungee cord means a cord made of rubber, latex, or
17 other elastic-type material, whether natural or synthetic;

18 ~~(3) Director means the Director of Economic Development~~
19 ~~or his or her designee;~~

20 ~~(4) (3) Operator means a person actually engaged in or~~
21 ~~directly controlling the operations of an amusement ride;~~

22 ~~(5) (4) Owner means a person who owns, leases, controls,~~
23 ~~or manages the operations of an amusement ride and includes the~~
24 ~~state or any political subdivision of the state;~~

25 ~~(6) (5) Qualified inspector means any person who is (a)~~
26 ~~found by the ~~director~~ State Fire Marshal to possess the requisite~~
27 ~~training and experience to perform competently the inspections~~

1 required by the Nebraska Amusement Ride Act and (b) certified by
2 the ~~director~~ State Fire Marshal to perform inspections of amusement
3 rides; and

4 ~~(7)~~ (6) Reverse bungee jumping means the sport, activity,
5 or practice whereby a person is attached to a bungee cord,
6 the bungee cord is stretched down so that such person is on a
7 fixed catapult, launch, or release position, and such person is
8 catapulted or otherwise launched or released into the air from such
9 fixed position, while attached to a bungee cord, whereby the cord
10 stretches, stops the fall, lengthens, and shortens allowing the
11 person to bounce up and down, and is intended to finally bring the
12 person to a stop at a point above a surface or the ground.

13 Sec. 302. Section 48-1803, Reissue Revised Statutes of
14 Nebraska, as amended by section 160, Legislative Bill 971, One
15 Hundred Second Legislature, Second Session, 2012, is amended to
16 read:

17 ~~48-1803~~ The ~~director~~ State Fire Marshal shall adopt and
18 promulgate rules and regulations (1) for the safe installation,
19 repair, maintenance, use, operation, and inspection of amusement
20 rides as the ~~director~~ State Fire Marshal may find necessary for the
21 protection of the general public and (2) necessary to carry out the
22 Nebraska Amusement Ride Act. Such rules and regulations shall be
23 of a reasonable nature, based upon generally accepted engineering
24 standards, formulas, and practices, and, insofar as practicable
25 and consistent with the Nebraska Amusement Ride Act, uniform with
26 rules and regulations of other states. Whenever such standards are
27 available in suitable form they may be incorporated by reference

1 by the ~~director~~ State Fire Marshal. The ~~director~~ State Fire
2 Marshal shall administer and enforce the Nebraska Amusement Ride
3 Act and all rules and regulations adopted and promulgated pursuant
4 to such act. The ~~director~~ State Fire Marshal shall coordinate all
5 regulatory and investigative activities with the appropriate state
6 agencies. ~~Beginning July 1, 2012, and until July 1, 2013, the~~
7 ~~Department of Economic Development and the Director of Economic~~
8 ~~Development shall administer and enforce the Nebraska Amusement~~
9 ~~Ride Act. On and after July 1, 2013, the powers and duties~~
10 ~~delegated to the department and the director under the act shall be~~
11 ~~transferred to the State Fire Marshal.~~

12 Sec. 303. Section 48-1804, Reissue Revised Statutes of
13 Nebraska, as amended by section 161, Legislative Bill 971, One
14 Hundred Second Legislature, Second Session, 2012, is amended to
15 read:

16 ~~48-1804~~ Except for purposes of testing and inspection,
17 no amusement ride shall be operated without a valid permit for
18 the operation issued by the ~~director~~ State Fire Marshal to the
19 owner of such amusement ride. The owner of an amusement ride shall
20 apply for a permit under section ~~48-1805~~ 305 of this act to the
21 ~~director~~ State Fire Marshal on an application furnished by the
22 ~~director~~ State Fire Marshal and shall include such information as
23 the ~~director~~ State Fire Marshal may require. Every amusement ride
24 shall be inspected before it is originally put into operation for
25 public use and at least once every year after such ride is put into
26 operation for public use.

27 Sec. 304. Section 48-1804.01, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 ~~48-1804.01~~ No person shall operate a reverse bungee
3 jumping ride in this state.

4 Sec. 305. Section 48-1805, Reissue Revised Statutes of
5 Nebraska, as amended by section 162, Legislative Bill 971, One
6 Hundred Second Legislature, Second Session, 2012, is amended to
7 read:

8 ~~48-1805~~ (1) The ~~director~~ State Fire Marshal shall issue a
9 permit to operate an amusement ride to the owner of such amusement
10 ride upon presentation by the owner of (a) an application for a
11 permit, (b) a certificate of inspection by a qualified inspector,
12 (c) proof of liability insurance as required in section ~~48-1806,~~
13 306 of this act, and (d) the permit fee. Such permit shall be
14 valid through December 31 of the year in which the inspection is
15 performed.

16 (2) The ~~director~~ State Fire Marshal may waive the
17 requirement of subdivision (1)(b) of this section if the owner of
18 the amusement ride gives satisfactory proof to the ~~director~~ State
19 Fire Marshal that such amusement ride has passed an inspection
20 conducted or required by a federal agency, any other state, or a
21 governmental subdivision of this or of any other state which has
22 standards for the inspection of such an amusement ride at least as
23 stringent as those adopted and promulgated pursuant to the Nebraska
24 Amusement Ride Act.

25 Sec. 306. Section 48-1806, Reissue Revised Statutes of
26 Nebraska, as amended by section 163, Legislative Bill 971, One
27 Hundred Second Legislature, Second Session, 2012, is amended to

1 read:

2 ~~48-1806~~ No amusement ride shall be operated unless at
3 the time of operation the owner has an insurance policy in effect
4 written by an insurance company authorized to do business in this
5 state insuring the owner and operator against liability for injury
6 to persons arising out of the operation of such amusement ride.
7 Such insurance policy shall be in an amount not less than the
8 minimum amount per occurrence as established by the ~~director~~ State
9 Fire Marshal. Such minimum amount shall be established with due
10 regard to the protection of the general public and the availability
11 of insurance coverage, but such minimum amount shall not be greater
12 than one million dollars per occurrence. The ~~director~~ State Fire
13 Marshal may require a separate insurance policy from the owner of
14 any equipment used in an amusement ride, subject to the minimums
15 and limitations provided in this section.

16 Sec. 307. Section 48-1807, Reissue Revised Statutes of
17 Nebraska, as amended by section 164, Legislative Bill 971, One
18 Hundred Second Legislature, Second Session, 2012, is amended to
19 read:

20 ~~48-1807~~ The ~~director~~ State Fire Marshal may inspect any
21 amusement ride without notice at any time while such amusement ride
22 is operating in this state. The ~~director~~ State Fire Marshal may
23 temporarily suspend a permit to operate an amusement ride if it
24 has been determined after inspection to be hazardous or unsafe.
25 An amusement ride shall not be operated while the permit for its
26 operation is suspended. Operation of such an amusement ride shall
27 not resume until the hazardous or unsafe condition is corrected to

1 the satisfaction of the ~~director~~, State Fire Marshal.

2 Sec. 308. Section 48-1808, Reissue Revised Statutes of
3 Nebraska, as amended by section 165, Legislative Bill 971, One
4 Hundred Second Legislature, Second Session, 2012, is amended to
5 read:

6 ~~48-1808~~ The owner of an amusement ride shall send a
7 copy of any accident report required by his or her insurer to
8 the ~~director~~, State Fire Marshal. The ~~director~~ State Fire Marshal
9 may provide for the suspension of the permit of operation for
10 any amusement ride the breakdown or malfunction of which directly
11 caused serious injury or death of any person. The ~~director~~ State
12 Fire Marshal may also require an inspection of any amusement ride,
13 whose operation has resulted in any serious injury or death, before
14 operation of such amusement ride may be resumed.

15 Sec. 309. Section 48-1809, Reissue Revised Statutes of
16 Nebraska, as amended by section 166, Legislative Bill 971, One
17 Hundred Second Legislature, Second Session, 2012, is amended to
18 read:

19 ~~48-1809~~ The ~~director~~ State Fire Marshal shall establish
20 by rules and regulations a schedule of permit fees not to exceed
21 fifty dollars for each amusement ride. Such permit fees shall be
22 established with due regard for the costs of administering the
23 Nebraska Amusement Ride Act and shall be remitted to the State
24 Treasurer for credit to the Mechanical Safety Inspection Fund.

25 Sec. 310. Section 48-1811, Reissue Revised Statutes of
26 Nebraska, as amended by section 167, Legislative Bill 971, One
27 Hundred Second Legislature, Second Session, 2012, is amended to

1 read:

2 ~~48-1811~~ The ~~director~~ State Fire Marshal may certify such
3 qualified inspectors as may be necessary to carry out the Nebraska
4 Amusement Ride Act.

5 Sec. 311. Section 48-1812, Reissue Revised Statutes of
6 Nebraska, as amended by section 168, Legislative Bill 971, One
7 Hundred Second Legislature, Second Session, 2012, is amended to
8 read:

9 ~~48-1812~~ (1) The ~~director~~ State Fire Marshal may establish
10 by rules and regulations a schedule of reasonable inspection fees
11 for each amusement ride. The cost of obtaining the certificate of
12 inspection from a qualified inspector shall be borne by the owner
13 of the amusement ride.

14 (2) A separate schedule of fees shall be established
15 for the inspection of bungee jumping operations, including the
16 inspection of cranes used for bungee jumping. The fees shall be
17 established taking into consideration the cost of such inspections.

18 Sec. 312. Section 48-1813, Reissue Revised Statutes of
19 Nebraska, as amended by section 169, Legislative Bill 971, One
20 Hundred Second Legislature, Second Session, 2012, is amended to
21 read:

22 ~~48-1813~~ Each owner shall retain at all times up-to-date
23 maintenance and inspection records for each amusement ride as
24 prescribed by the ~~director~~ State Fire Marshal. The owner shall
25 make such records available to the ~~director~~ State Fire Marshal on
26 request.

27 Sec. 313. Section 48-1814, Reissue Revised Statutes of

1 Nebraska, as amended by section 170, Legislative Bill 971, One
2 Hundred Second Legislature, Second Session, 2012, is amended to
3 read:

4 ~~48-1814~~ The ~~director~~ State Fire Marshal may require the
5 owner of an amusement ride to provide the ~~director~~ State Fire
6 Marshal with a tentative schedule of events at which the amusement
7 ride will be operated within this state. The ~~director~~ State Fire
8 Marshal shall establish timetables and procedures for providing and
9 updating such schedules.

10 Sec. 314. Section 48-1815, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 ~~48-1815~~ No person shall operate an amusement ride unless
13 he or she is at least sixteen years of age. An operator shall be in
14 attendance at all times that an amusement ride is in operation.

15 Sec. 315. Section 48-1816, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 ~~48-1816~~ Any person who knowingly operates or causes to be
18 operated an amusement ride in violation of the Nebraska Amusement
19 Ride Act shall be guilty of a Class II misdemeanor. Each day a
20 violation continues shall constitute a separate offense.

21 Sec. 316. Section 48-1817, Reissue Revised Statutes of
22 Nebraska, as amended by section 171, Legislative Bill 971, One
23 Hundred Second Legislature, Second Session, 2012, is amended to
24 read:

25 ~~48-1817~~ The Attorney General, acting on behalf of the
26 ~~director~~, State Fire Marshal, or the county attorney in a county
27 in which an amusement ride is located or operated may apply to

1 the district court, pursuant to the rules of civil procedure, for
2 an order enjoining operation of any amusement ride operated in
3 violation of the Nebraska Amusement Ride Act.

4 Sec. 317. Section 48-1818, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 ~~48-1818~~ The Nebraska Amusement Ride Act shall not be
7 construed to alter the duty of care or the liability of an owner
8 of an amusement ride for injuries or death of any person or
9 damage to any property arising out of an accident involving an
10 amusement ride. The state and its officers and employees shall
11 not be construed to assume liability arising out of an accident
12 involving an amusement ride by reason of administration of the
13 Nebraska Amusement Ride Act.

14 Sec. 318. Section 48-1819, Reissue Revised Statutes of
15 Nebraska, as amended by section 172, Legislative Bill 971, One
16 Hundred Second Legislature, Second Session, 2012, is amended to
17 read:

18 ~~48-1819~~ The governing board of any city, county, or
19 village may establish and enforce safety standards for amusement
20 rides in addition to, but not in conflict with, the standards
21 established by the ~~director~~ State Fire Marshal pursuant to the
22 Nebraska Amusement Ride Act.

23 Sec. 319. Section 48-2501, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 ~~48-2501~~ Sections ~~48-2501~~ ~~to~~ ~~48-2533~~ 319 to 351 of this
26 act shall be known and may be cited as the Conveyance Safety Act.

27 Sec. 320. Section 48-2502, Reissue Revised Statutes of

1 Nebraska, as amended by section 187, Legislative Bill 971, One
2 Hundred Second Legislature, Second Session, 2012, is amended to
3 read:

4 ~~48-2502~~ For purposes of the Conveyance Safety Act:

5 (1) Certificate of inspection means a document issued by
6 the ~~director~~ State Fire Marshal that indicates that the conveyance
7 has had the required safety inspection and tests and that the
8 required fees have been paid;

9 (2) Committee means the Conveyance Advisory Committee;

10 (3) Conveyance means any elevator, dumbwaiter, vertical
11 reciprocating conveyor, escalator, moving sidewalk, automated
12 people mover, and other equipment enumerated in section ~~48-2507~~
13 324 of this act and not exempted under section ~~48-2508~~; 325 of
14 this act;

15 ~~(4) Director means the Director of Economic Development;~~

16 ~~(5)~~ (4) Elevator contractor means any person who is
17 engaged in the business of contracting services for erecting,
18 constructing, installing, altering, servicing, testing, repairing,
19 or maintaining conveyances;

20 ~~(6)~~ (5) Elevator mechanic means any person who is
21 engaged in erecting, constructing, installing, altering, servicing,
22 repairing, testing, or maintaining conveyances; and

23 ~~(7)~~ (6) Person means an individual, a partnership, a
24 limited liability company, a corporation, and any other business
25 firm or company and includes a director, an officer, a member, a
26 manager, and a superintendent of such an entity.

27 Sec. 321. Section 48-2503, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 ~~48-2503~~ (1) The Conveyance Advisory Committee is created.

3 One member shall be the state elevator inspector appointed
4 pursuant to section ~~48-2512.01.~~ 330 of this act. One member
5 shall be the State Fire Marshal or his or her designee. The
6 Governor shall appoint the remaining members of the committee as
7 follows: One representative from a major elevator manufacturing
8 company; one representative from an elevator servicing company; one
9 representative who is a building manager; one representative who
10 is an elevator mechanic; and one representative of the general
11 public from each county that has a population of more than one
12 hundred thousand inhabitants. ~~The committee shall be appointed~~
13 ~~within ninety days after January 1, 2008.~~

14 (2) The members of the committee appointed by the
15 Governor shall serve for terms of three years, except that of
16 the initial members appointed, two shall serve for terms of one
17 year and three shall serve for terms of two years. The state
18 elevator inspector and the State Fire Marshal or his or her
19 designee shall serve continuously. The appointed members shall be
20 reimbursed for their actual and necessary expenses for service
21 on the committee as provided in sections 81-1174 to 81-1177. The
22 members of the committee shall elect a chairperson who shall be the
23 deciding vote in the event of a tie vote.

24 (3) The committee shall meet and organize within thirty
25 days after the appointment of the members. The committee shall meet
26 quarterly at a time and place to be fixed by the committee for the
27 consideration of code regulations and for the transaction of such

1 other business as properly comes before it. Special meetings may be
2 called by the chairperson or at the request of two or more members
3 of the committee. Any appointed committee member absent from three
4 consecutive meetings shall be dismissed.

5 Sec. 322. Section 48-2504, Reissue Revised Statutes of
6 Nebraska, as amended by section 188, Legislative Bill 971, One
7 Hundred Second Legislature, Second Session, 2012, is amended to
8 read:

9 ~~48-2504~~ The committee:

10 (1) May consult with engineering authorities and
11 organizations concerned with standard safety codes;

12 (2) Shall recommend to the ~~director~~ State Fire Marshal
13 rules and regulations governing the operation, maintenance,
14 servicing, construction, alteration, installation, and inspection
15 of conveyances;

16 (3) Shall recommend to the ~~director~~ State Fire Marshal
17 qualifications for licensure as an elevator mechanic or elevator
18 contractor and conditions for disciplinary actions, including
19 suspension or revocation of a license;

20 (4) Shall recommend to the ~~director~~ State Fire Marshal
21 rules and regulations for temporary and emergency elevator mechanic
22 thirty-day licenses;

23 (5) Shall recommend to the ~~director~~ State Fire Marshal
24 an enforcement program which will ensure compliance with the
25 Conveyance Safety Act and the rules and regulations adopted and
26 promulgated pursuant to the act. The enforcement program shall
27 include the identification of property locations which are subject

1 to the act, issuing notifications to violating property owners
2 or operators, random onsite inspections and tests on existing
3 installations, and assisting in development of public awareness
4 programs; and

5 (6) Shall make recommendations to the ~~director~~ State Fire
6 Marshal regarding variances under section ~~48-2509~~, 326 of this act,
7 continuing education providers under section ~~48-2526~~, 344 of this
8 act, and license disciplinary actions under section ~~48-2528~~, 346 of
9 this act.

10 Sec. 323. Section 48-2506, Reissue Revised Statutes of
11 Nebraska, as amended by section 189, Legislative Bill 971, One
12 Hundred Second Legislature, Second Session, 2012, is amended to
13 read:

14 ~~48-2506~~ (1) The ~~director~~ State Fire Marshal shall, after
15 a public hearing conducted by the ~~director~~ State Fire Marshal or
16 his or her designee, establish a reasonable schedule of fees for
17 licenses, permits, certificates, and inspections authorized under
18 the Conveyance Safety Act. The ~~director~~ State Fire Marshal shall
19 establish the fees at a level necessary to meet the costs of
20 administering the act.

21 (2) ~~Beginning July 1, 2012, and until July 1, 2013, the~~
22 ~~Department of Economic Development and the Director of Economic~~
23 ~~Development shall administer and enforce the Conveyance Safety Act.~~
24 ~~On and after July 1, 2013, the powers and duties delegated to the~~
25 ~~department and the director under the act shall be transferred to~~
26 ~~the State Fire Marshal. The State Fire Marshal shall administer~~
27 ~~the Conveyance Safety Act. It is the intent of the Legislature~~

1 that, beginning in fiscal year 2008-09, the funding for the
2 administration of the act shall be entirely from cash funds
3 remitted to the Mechanical Safety Inspection Fund that are fees
4 collected in the administration of the act.

5 Sec. 324. Section 48-2507, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 ~~48-2507~~ (1) The Conveyance Safety Act applies to
8 the construction, operation, inspection, testing, maintenance,
9 alteration, and repair of conveyances. Conveyances include the
10 following equipment, associated parts, and hoistways which are not
11 exempted under section ~~48-2508~~ 325 of this act:

12 (a) Hoisting and lowering mechanisms equipped with a car
13 which moves between two or more landings. This equipment includes
14 elevators;

15 (b) Power driven stairways and walkways for carrying
16 persons between landings. This equipment includes:

17 (i) Escalators; and

18 (ii) Moving sidewalks; and

19 (c) Hoisting and lowering mechanisms equipped with a car,
20 which serves two or more landings and is restricted to the carrying
21 of material by its limited size or limited access to the car. This
22 equipment includes:

23 (i) Dumbwaiters;

24 (ii) Material lifts and dumbwaiters with automatic
25 transfer devices; and

26 (iii) Conveyors and related equipment within the scope of
27 American Society of Mechanical Engineers B20.1.

1 (2) The act applies to the construction, operation,
2 inspection, maintenance, alteration, and repair of automatic guided
3 transit vehicles on guideways with an exclusive right-of-way. This
4 equipment includes automated people movers.

5 (3) The act applies to conveyances in private residences
6 located in counties that have a population of more than one hundred
7 thousand inhabitants at the time of installation. Such conveyances
8 are subject to inspection at installation but are not subject to
9 periodic inspections.

10 Sec. 325. Section 48-2508, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 ~~48-2508~~ The Conveyance Safety Act does not apply to:

13 (1) Conveyances under the jurisdiction and subject to
14 inspection by the United States Government;

15 (2) Conveyances used exclusively for agricultural
16 purposes;

17 (3) Personnel hoists within the scope of American
18 National Standards Institute A10.4;

19 (4) Material hoists within the scope of American National
20 Standards Institute A10.5;

21 (5) Manlifts within the scope of American Society of
22 Mechanical Engineers A90.1;

23 (6) Mobile scaffolds, towers, and platforms within the
24 scope of American National Standards Institute A92;

25 (7) Powered platforms and equipment for exterior and
26 interior maintenance within the scope of American National
27 Standards Institute 120.1;

1 (8) Cranes, derricks, hoists, hooks, jacks, and slings
2 within the scope of American Society of Mechanical Engineers B30;

3 (9) Industrial trucks within the scope of American
4 Society of Mechanical Engineers B56;

5 (10) Portable equipment, except for portable escalators
6 which are covered by American National Standards Institute A17.1;

7 (11) Tiering or piling machines used to move materials to
8 and from storage located and operating entirely within one story;

9 (12) Equipment for feeding or positioning materials at
10 machine tools, printing presses, and similar equipment;

11 (13) Skip or furnace hoists;

12 (14) Wharf ramps;

13 (15) Railroad car lifts or dumpers;

14 (16) Line jacks, false cars, shafters, moving platforms,
15 and similar equipment used for installing a conveyance by an
16 elevator contractor;

17 (17) Manlifts, hoists, or conveyances used in grain
18 elevators or feed mills;

19 (18) Dock levelators;

20 (19) Stairway chair lifts and platform lifts; and

21 (20) Conveyances in residences located in counties that
22 have a population of one hundred thousand or less inhabitants.

23 Sec. 326. Section 48-2509, Reissue Revised Statutes of
24 Nebraska, as amended by section 190, Legislative Bill 971, One
25 Hundred Second Legislature, Second Session, 2012, is amended to
26 read:

27 ~~48-2509~~ (1) The ~~director~~ State Fire Marshal shall

1 adopt and promulgate rules and regulations which establish the
2 regulations for conveyances under the Conveyance Safety Act. The
3 rules and regulations may include the Safety Code for Elevators and
4 Escalators, American Society of Mechanical Engineers A17.1 except
5 those parts exempted under section ~~48-2508~~, 325 of this act; the
6 standards for conveyors and related equipment, American Society
7 of Mechanical Engineers B20.1; and the Automated People Mover
8 Standards, American Society of Civil Engineers 21. The ~~director~~
9 State Fire Marshal shall annually review to determine if the most
10 current form of such standards should be adopted.

11 (2) The ~~director~~ State Fire Marshal may grant a variance
12 from the rules and regulations adopted in subsection (1) of this
13 section in individual situations upon good cause shown if the
14 safety of those riding or using the conveyance is not compromised
15 by the variance. The ~~director~~ State Fire Marshal shall adopt and
16 promulgate rules and regulations for the procedure to obtain a
17 variance. The committee shall make recommendations to the ~~director~~
18 State Fire Marshal regarding each variance requested. The decision
19 of the ~~director~~ State Fire Marshal in granting or refusing to grant
20 a variance may be appealed. The appeal shall be in accordance with
21 the Administrative Procedure Act.

22 Sec. 327. Section 48-2510, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 ~~48-2510~~ Conveyances upon which construction is started
25 subsequent to January 1, 2008, shall be registered at the time they
26 are completed and placed in service.

27 Sec. 328. Section 48-2511, Reissue Revised Statutes of

1 Nebraska, as amended by section 191, Legislative Bill 971, One
2 Hundred Second Legislature, Second Session, 2012, is amended to
3 read:

4 ~~48-2511~~ Prior to any newly installed conveyance being
5 used for the first time, the property owner or lessee shall obtain
6 a certificate of inspection from the ~~director~~, State Fire Marshal.
7 A fee established under section ~~48-2506~~ 323 of this act shall
8 be paid for the certificate of inspection. A licensed elevator
9 contractor shall complete and submit first-time registrations
10 for new installations to the state elevator inspector for the
11 inspector's approval. A certificate of inspection shall be clearly
12 displayed in an elevator car and on or in each other conveyance.

13 Sec. 329. Section 48-2512, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 ~~48-2512~~ (1) No person shall wire, alter, replace, remove,
16 or dismantle an existing conveyance contained within a building
17 or structure located in a county that has a population of more
18 than one hundred thousand inhabitants unless such person is a
19 licensed elevator mechanic or he or she is working under the
20 direct supervision of a person who is a licensed elevator mechanic.
21 Neither a licensed elevator mechanic nor a licensed elevator
22 contractor is required to perform nonmechanical maintenance of
23 a conveyance. Neither a licensed elevator contractor nor a
24 licensed elevator mechanic is required for removing or dismantling
25 conveyances which are destroyed as a result of a complete
26 demolition of a secured building.

27 (2) It shall be the responsibility of licensed

1 elevator mechanics and licensed elevator contractors to ensure
2 that installation and service of a conveyance is performed in
3 compliance with applicable fire and safety codes. It shall be the
4 responsibility of the owner of the conveyance to ensure that the
5 conveyance is maintained in compliance with applicable fire and
6 safety codes.

7 (3) All new conveyance installations shall be performed
8 by a licensed elevator mechanic under the control of a licensed
9 elevator contractor or by a licensed elevator contractor.
10 Subsequent to installation, a licensed elevator contractor shall
11 certify compliance with the Conveyance Safety Act.

12 Sec. 330. Section 48-2512.01, Reissue Revised Statutes
13 of Nebraska, as amended by section 192, Legislative Bill 971, One
14 Hundred Second Legislature, Second Session, 2012, is amended to
15 read:

16 ~~48-2512.01~~ (1) The ~~director~~ State Fire Marshal shall
17 appoint a state elevator inspector, subject to the approval of
18 the Governor, who shall work under the direct supervision of the
19 ~~director.~~ State Fire Marshal.

20 (2) The person so appointed shall be qualified by (a) not
21 less than five years' experience in the installation, maintenance,
22 and repair of elevators as determined by the ~~director,~~ State Fire
23 Marshal, (b) certification as a qualified elevator inspector by
24 an association accredited by the American Society of Mechanical
25 Engineers, or (c) not less than five years' journeyman experience
26 in elevator installation, maintenance, and inspection as determined
27 by the ~~director~~ State Fire Marshal and shall be familiar with

1 the inspection process and rules and regulations adopted and
2 promulgated under the Conveyance Safety Act.

3 (3) The ~~director~~, State Fire Marshal, subject to the
4 approval of the Governor, may appoint deputy inspectors possessing
5 the same qualifications as the state elevator inspector. A
6 qualified individual may apply for the position of inspector
7 or deputy inspector. The application shall include the applicant's
8 social security number, but such social security number shall not
9 be a public record.

10 Sec. 331. Section 48-2513, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 ~~48-2513~~ (1) Except as provided otherwise in the
13 Conveyance Safety Act, the state elevator inspector shall inspect
14 or cause to be inspected conveyances which are located in a
15 building or structure, other than a private residence, at least
16 once every twelve months in order to determine whether such
17 conveyances are in a safe and satisfactory condition and are
18 properly constructed and maintained for their intended use.

19 (2) Subsequent to inspection of a conveyance, the
20 inspector shall supply owners or lessees with a written inspection
21 report describing any and all violations. An owner has thirty days
22 after the date of the published inspection report to correct the
23 violations.

24 (3) All tests done for the conveyance inspection shall be
25 performed by a licensed elevator mechanic.

26 Sec. 332. Section 48-2514, Reissue Revised Statutes of
27 Nebraska, as amended by section 193, Legislative Bill 971, One

1 Hundred Second Legislature, Second Session, 2012, is amended to
2 read:

3 ~~48-2514~~ (1) No inspection shall be required under the
4 Conveyance Safety Act when an owner or user of a conveyance obtains
5 an inspection by a representative of a reputable insurance company
6 licensed to do business in Nebraska, obtains a policy of insurance
7 from such company upon the conveyance and files with the ~~director~~
8 State Fire Marshal a certificate of inspection by such insurance
9 company, files a statement that such conveyance is insured, and
10 pays an administrative fee established pursuant to section ~~48-2506-~~
11 323 of this act.

12 (2) No inspection shall be required under the act when
13 there has been an annual inspection under a city ordinance which
14 meets the standards of the act.

15 Sec. 333. Section 48-2515, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 ~~48-2515~~ If at any time the owner or user of a conveyance
18 desires a special inspection of a conveyance, it shall be made by
19 the state elevator inspector after due request therefor and the
20 inspector making the inspection shall collect his or her expenses
21 in connection therewith and a fee established pursuant to section
22 ~~48-2506-~~ 323 of this act. A report of the inspection shall be
23 provided to the owner or user who requested the inspection upon
24 their request.

25 Sec. 334. Section 48-2516, Reissue Revised Statutes of
26 Nebraska, as amended by section 194, Legislative Bill 971, One
27 Hundred Second Legislature, Second Session, 2012, is amended to

1 read:

2 ~~48-2516~~ Upon a conveyance passing an inspection under
3 section ~~48-2513, 48-2514, or 48-2515~~ 331, 332, or 333 of this act
4 and receipt of the inspection fee, the ~~director~~ State Fire Marshal
5 shall issue the owner or user of the conveyance a certificate
6 of inspection, upon forms prescribed by the ~~director~~ State Fire
7 Marshal.

8 Sec. 335. Section 48-2517, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 ~~48-2517~~ The state elevator inspector shall maintain a
11 complete and accurate record of the name of the owner or user of
12 each conveyance subject to sections ~~48-2513 and 48-2514~~ 331 and 332
13 of this act and a full description of the conveyance and the date
14 when last inspected.

15 Sec. 336. Section 48-2518, Reissue Revised Statutes of
16 Nebraska, as amended by section 195, Legislative Bill 971, One
17 Hundred Second Legislature, Second Session, 2012, is amended to
18 read:

19 ~~48-2518~~ The ~~director~~, State Fire Marshal, the state
20 elevator inspector, and the deputy inspectors shall have the right
21 and power to enter any public building or structure for the purpose
22 of inspecting any conveyance subject to the Conveyance Safety Act
23 or gathering information with reference thereto.

24 Sec. 337. Section 48-2519, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 ~~48-2519~~ The state elevator inspector shall notify the
27 owner or user in writing of any conveyance found to be unsafe or

1 unfit for operation setting forth the nature and extent of any
2 defect or other unsafe condition. If the conveyance can be used
3 without making repair or replacement of defective parts or may be
4 used in a limited capacity before repairs or replacements are made,
5 the state elevator inspector may issue a temporary certificate of
6 inspection which shall state the terms and conditions of operation
7 under the temporary certificate. The temporary certificate shall be
8 valid for no longer than thirty days unless an extension is granted
9 by the state elevator inspector for good cause shown.

10 Sec. 338. Section 48-2520, Reissue Revised Statutes of
11 Nebraska, as amended by section 196, Legislative Bill 971, One
12 Hundred Second Legislature, Second Session, 2012, is amended to
13 read:

14 ~~48-2520~~ The owner of a conveyance shall notify the state
15 elevator inspector of any accident causing personal injury or
16 property damage in excess of one thousand dollars involving a
17 conveyance on or before the close of business the next business
18 day following the accident, and the conveyance involved shall
19 not operate until the state elevator inspector has conducted an
20 investigation of the accident and has approved the operation of
21 the conveyance. The state elevator inspector shall investigate
22 and report to the ~~director~~ State Fire Marshal the cause of any
23 conveyance accident that may occur in the state, the loss of life,
24 the injuries sustained, and such other data as may be of benefit in
25 preventing other similar accidents.

26 Sec. 339. Section 48-2521, Reissue Revised Statutes of
27 Nebraska, as amended by section 197, Legislative Bill 971, One

1 Hundred Second Legislature, Second Session, 2012, is amended to
2 read:

3 ~~48-2521~~ (1) Any person wishing to engage in the work
4 of an elevator mechanic shall apply for and obtain an elevator
5 mechanic license from the ~~director~~, State Fire Marshal. The
6 application shall be on a form provided by the ~~director~~, State
7 Fire Marshal.

8 (2) Any person wishing to engage in the business of
9 an elevator contractor shall apply for and obtain an elevator
10 contractor license from the ~~director~~, State Fire Marshal. The
11 application shall be on a form provided by the ~~director~~, State Fire
12 Marshal.

13 (3) Each application shall contain:

14 (a) If an individual, the name, residence and business
15 address, and social security number of the applicant;

16 (b) If a partnership, the name, residence and business
17 address, and social security number of each partner;

18 (c) If a domestic corporation, the name and business
19 address of the corporation and the name, residence address, and
20 social security number of the principal officer of the corporation;
21 and if a corporation other than a domestic corporation, the name
22 and address of an agent located locally who is authorized to accept
23 service of process and official notices;

24 (d) The number of years the applicant has engaged in
25 the business of installing, inspecting, maintaining, or servicing
26 conveyances;

27 (e) The approximate number of individuals to be employed

1 by the applicant and, if applicable, satisfactory evidence that
2 the employees are or will be covered by workers' compensation
3 insurance;

4 (f) Satisfactory evidence that the applicant is or will
5 be covered by general liability, personal injury, and property
6 damage insurance;

7 (g) Permission for the ~~Department of Economic Development~~
8 State Fire Marshal to access the criminal history record
9 information of individuals, partners, or officers maintained by the
10 Federal Bureau of Investigation through the Nebraska State Patrol;

11 (h) A description of all accidents causing personal
12 injury or property damage in excess of one thousand dollars
13 involving conveyances installed, inspected, maintained, or serviced
14 by the applicant; and

15 (i) Such other information as the ~~director~~ State Fire
16 Marshal may by rule and regulation require.

17 (4) Social security numbers on applications shall not be
18 made public or be considered a part of a public record.

19 Sec. 340. Section 48-2522, Reissue Revised Statutes of
20 Nebraska, as amended by section 198, Legislative Bill 971, One
21 Hundred Second Legislature, Second Session, 2012, is amended to
22 read:

23 ~~48-2522~~ The ~~director~~ State Fire Marshal shall adopt
24 and promulgate rules and regulations establishing standards for
25 licensure of elevator mechanics. An applicant for an elevator
26 mechanic license shall demonstrate the following qualifications
27 before being granted an elevator mechanic license:

1 (1) Not less than three years' work experience in the
2 conveyance industry, in construction, maintenance, and service or
3 repair, as verified by current and previous employers;

4 (2) One of the following:

5 (a) Satisfactory completion of a written examination
6 administered by the committee on the most recent referenced codes
7 and standards;

8 (b) Acceptable proof that the applicant has worked as a
9 conveyance constructor, maintenance, or repair person. Such person
10 shall have worked as an elevator mechanic without the direct
11 and immediate supervision of a licensed elevator contractor and
12 have passed a written examination approved by the ~~director~~, State
13 Fire Marshal. This employment shall not be less than three years
14 immediately prior to the effective date of the license;

15 (c) Certificates of completion and successfully passing
16 an elevator mechanic examination of a nationally recognized
17 training program for the conveyance industry as provided by the
18 National Elevator Industry Educational Program or its equivalent;
19 or

20 (d) Certificates of completion of an apprenticeship
21 program for elevator mechanics, having standards substantially
22 equal to those of the Conveyance Safety Act and registered with
23 the Bureau of Apprenticeship and Training of the United States
24 Department of Labor or a state apprenticeship council; and

25 (3) Any additional qualifications adopted and promulgated
26 in rule and regulation by the ~~director~~, State Fire Marshal.

27 Sec. 341. Section 48-2523, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 ~~48-2523~~ An applicant for an elevator contractor license
3 shall demonstrate five years' work experience in the conveyance
4 industry in construction, maintenance, and service or repair, as
5 verified by current or previous employers.

6 Sec. 342. Section 48-2524, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 ~~48-2524~~ Upon application, an elevator mechanic license or
9 an elevator contractor license may be issued to a person holding a
10 valid license from a state having standards substantially equal to
11 those of the Conveyance Safety Act.

12 Sec. 343. Section 48-2525, Reissue Revised Statutes of
13 Nebraska, as amended by section 199, Legislative Bill 971, One
14 Hundred Second Legislature, Second Session, 2012, is amended to
15 read:

16 ~~48-2525~~ Upon approval of an application for licensure
17 as an elevator mechanic, the ~~director~~ State Fire Marshal may
18 issue a license which shall be renewable biennially if the
19 continuing education requirements are met. The fee for licenses
20 and for license renewal for elevator mechanic licenses and elevator
21 contractor licenses shall be set by the ~~director~~ State Fire Marshal
22 under section ~~48-2506~~. 323 of this act.

23 Sec. 344. Section 48-2526, Reissue Revised Statutes of
24 Nebraska, as amended by section 200, Legislative Bill 971, One
25 Hundred Second Legislature, Second Session, 2012, is amended to
26 read:

27 ~~48-2526~~ (1) The renewal of elevator mechanic licenses

1 granted under the Conveyance Safety Act shall be conditioned upon
2 the submission of a certificate of completion of a course designed
3 to ensure the continuing education on new and existing rules and
4 regulations adopted and promulgated by the ~~director~~, State Fire
5 Marshal. Such course shall consist of not less than eight hours of
6 instruction that shall be attended and completed within one year
7 immediately preceding any license renewal. The individual holding
8 the elevator mechanic license shall pay the cost of such course.

9 (2) The courses shall be taught by instructors through
10 continuing education providers that may include association
11 seminars and labor training programs. The committee shall make
12 recommendations to the ~~director~~ State Fire Marshal about approval
13 of continuing education providers.

14 (3) An elevator mechanic licensee who is unable to
15 complete the continuing education course required under this
16 section prior to the expiration of the license due to a temporary
17 disability may apply for an extension from the state elevator
18 inspector. The extension shall be on a form provided by the state
19 elevator inspector which shall be signed by the applicant and
20 accompanied by a certified statement from a competent physician
21 attesting to such temporary disability. Upon the termination of
22 such temporary disability, the elevator mechanic licensee shall
23 submit to the state elevator inspector a certified statement from
24 the same physician, if practicable, attesting to the termination of
25 such temporary disability. At such time an extension sticker, valid
26 for ninety days, shall be issued to the licensed elevator mechanic
27 and affixed to the license. Such extension shall be renewable

1 for periods of ninety days upon a showing that the disability
2 continues.

3 (4) Approved continuing education providers shall keep
4 uniform records, for a period of ten years, of attendance of
5 elevator mechanic licensees following a format approved by the
6 state elevator inspector, and such records shall be available for
7 inspection by the state elevator inspector upon request. Approved
8 continuing education providers are responsible for the security of
9 all attendance records and certificates of completion. Falsifying
10 or knowingly allowing another to falsify such attendance records or
11 certificates of completion shall constitute grounds for suspension
12 or revocation of the approval required under this section.

13 Sec. 345. Section 48-2527, Reissue Revised Statutes of
14 Nebraska, as amended by section 201, Legislative Bill 971, One
15 Hundred Second Legislature, Second Session, 2012, is amended to
16 read:

17 ~~48-2527~~ (1) An elevator contractor shall submit to the
18 ~~director~~ State Fire Marshal an insurance policy, or certified copy
19 thereof, issued by an insurance company authorized to do business
20 in the state to provide general liability coverage of at least
21 one million dollars for injury or death of any one person and
22 one million dollars for injury or death of any number of persons
23 in any one occurrence and to provide coverage of at least five
24 hundred thousand dollars for property damage in any one occurrence
25 and workers' compensation insurance coverage as required under the
26 Nebraska Workers' Compensation Act.

27 (2) Such policies, or certified copies thereof, shall

1 be delivered to the ~~director~~ State Fire Marshal before or at the
2 time of the issuance of a license. In the event of any material
3 alteration or cancellation of any policy, at least ten days' notice
4 thereof shall be given to the ~~director~~ State Fire Marshal.

5 Sec. 346. Section 48-2528, Reissue Revised Statutes of
6 Nebraska, as amended by section 202, Legislative Bill 971, One
7 Hundred Second Legislature, Second Session, 2012, is amended to
8 read:

9 48-2528 (1) An elevator contractor license issued under
10 the Conveyance Safety Act may be revoked by the ~~director~~ State Fire
11 Marshal upon verification that the elevator contractor licensee
12 lacks the insurance coverage required by section ~~48-2527~~ 345 of
13 this act.

14 (2) An elevator mechanic license or an elevator
15 contractor license issued under the act may be suspended, revoked,
16 or subject to a civil penalty not to exceed five thousand dollars
17 by the ~~director~~ State Fire Marshal, after notice and hearing, if
18 the licensee:

19 (a) Makes a false statement as to material matter in the
20 license application;

21 (b) Commits fraud, misrepresentation, or bribery in
22 obtaining the license; or

23 (c) Violates any other provision of the act.

24 (3) No license shall be suspended, revoked, or subject to
25 civil penalty until after a hearing is held before the committee
26 and the ~~director~~ State Fire Marshal or his or her designee.
27 The hearing shall be held within sixty days after notice of the

1 violation is received and all interested parties shall receive
2 written notice of the hearing at least fifteen days prior to the
3 hearing. Within fifteen days after the hearing, the committee shall
4 make recommendations to the ~~director~~ State Fire Marshal or his or
5 her designee of appropriate penalties, if any, warranted under the
6 circumstances of the case. The committee does not have the power to
7 suspend or revoke licenses or impose civil penalties. Within thirty
8 days after the hearing, the ~~director~~ State Fire Marshal shall
9 issue a decision which may include license suspension, license
10 revocation, and civil penalties. The decision of the ~~director~~ State
11 Fire Marshal may be appealed. The appeal shall be in accordance
12 with the Administrative Procedure Act.

13 Sec. 347. Section 48-2529, Reissue Revised Statutes of
14 Nebraska, as amended by section 203, Legislative Bill 971, One
15 Hundred Second Legislature, Second Session, 2012, is amended to
16 read:

17 ~~48-2529~~ The ~~director~~ State Fire Marshal shall adopt
18 and promulgate rules and regulations establishing standards and
19 procedures for the issuance of temporary and emergency elevator
20 mechanic thirty-day licenses and for the extension of such licenses
21 for good cause shown.

22 Sec. 348. Section 48-2530, Reissue Revised Statutes of
23 Nebraska, as amended by section 204, Legislative Bill 971, One
24 Hundred Second Legislature, Second Session, 2012, is amended to
25 read:

26 ~~48-2530~~ (1) Any person may make a request for an
27 investigation into an alleged violation of the Conveyance Safety

1 Act by giving notice to the ~~director~~ State Fire Marshal or state
2 elevator inspector of such violation or danger.

3 (2) Upon receipt of a request for an investigation,
4 the ~~director~~ State Fire Marshal or state elevator inspector shall
5 perform a preliminary inquiry into the charges contained in the
6 request for investigation. A request for an investigation may
7 be made in person or by telephone call and shall set forth
8 with reasonable particularity the grounds for the request for an
9 investigation. During the preliminary inquiry, the name, address,
10 and telephone number of the person making the request for an
11 investigation shall be available only to the ~~director~~, State Fire
12 Marshal, state elevator inspector, or other person carrying out the
13 preliminary inquiry on behalf of the ~~director~~ State Fire Marshal
14 or state elevator inspector. The ~~director~~ State Fire Marshal or
15 state elevator inspector shall keep a record of each request for
16 an investigation received under this section for three years after
17 such request is made.

18 (3) If after the preliminary inquiry the ~~director~~ State
19 Fire Marshal or state elevator inspector determines that there are
20 reasonable grounds to believe that such violation or danger exists
21 and is likely to continue to exist such that the operation of the
22 conveyance endangers the public, the ~~director~~ State Fire Marshal
23 or state elevator inspector shall cause a formal investigation to
24 be made. During the formal investigation, a statement shall be
25 taken from the person who made the request for an investigation
26 and the person's name, address, and telephone number shall be made
27 available to any opposing parties upon request.

1 (4) If the ~~director~~ State Fire Marshal or state elevator
2 inspector determines that there are no reasonable grounds to
3 believe that a violation or danger exists under either subsection
4 (2) or (3) of this section, the ~~director~~ State Fire Marshal shall
5 notify the person requesting the investigation in writing of such
6 determination.

7 Sec. 349. Section 48-2531, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 ~~48-2531~~ The Conveyance Safety Act shall not be construed
10 to relieve or lessen the responsibility or liability of any
11 person owning, operating, controlling, maintaining, erecting,
12 constructing, installing, altering, testing, or repairing any
13 conveyance covered by the act for damages to person or property
14 caused by any defect therein. By administering the Conveyance
15 Safety Act, the state and its officers and employees assume no
16 liability for accidents involving a conveyance.

17 Sec. 350. Section 48-2532, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 ~~48-2532~~ Under the Conveyance Safety Act, conveyances
20 shall be required to comply with the code standards applicable at
21 the time such conveyance was or is installed. However, if, upon
22 the inspection of any conveyance, (1) the conveyance is found to
23 be in a dangerous condition or there is an immediate hazard to
24 those using such conveyance or (2) the design or the method of
25 operation in combination with devices used is considered inherently
26 dangerous in the opinion of the state elevator inspector, the state
27 elevator inspector shall notify the owner of the conveyance of such

1 condition and shall order such alterations or additions as may be
2 deemed necessary to eliminate the dangerous condition.

3 Sec. 351. Section 48-2533, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 ~~48-2533~~ (1) Any person who knowingly violates the
6 Conveyance Safety Act is guilty of a Class V misdemeanor. Each
7 violation shall be a separate offense.

8 (2) Any person who installs a conveyance in violation of
9 the Conveyance Safety Act is guilty of a Class II misdemeanor.

10 Sec. 352. Section 81-405, Reissue Revised Statutes of
11 Nebraska, as amended by section 254, Legislative Bill 971, One
12 Hundred Second Legislature, Second Session, 2012, is amended to
13 read:

14 ~~81-405~~ The Mechanical Safety Inspection Fund is created.
15 All fees collected by the ~~Department of Economic Development State~~
16 Fire Marshal pursuant to the Nebraska Amusement Ride Act and the
17 Conveyance Safety Act shall be remitted to the State Treasurer for
18 credit to the Mechanical Safety Inspection Fund. Fees so collected
19 shall not lapse into the General Fund. Fees so collected shall
20 be used for the sole purpose of administering the provisions
21 of the Nebraska Amusement Ride Act and the Conveyance Safety
22 Act. Any money in the Mechanical Safety Inspection Fund available
23 for investment shall be invested by the state investment officer
24 pursuant to the Nebraska Capital Expansion Act and the Nebraska
25 State Funds Investment Act.

26 Sec. 353. (1) On July 1, 2013, responsibility for the
27 administration and enforcement of the Boiler Inspection Act, the

1 Conveyance Safety Act, and the Nebraska Amusement Ride Act shall
2 be transferred from the Department of Economic Development to the
3 State Fire Marshal.

4 (2) On July 1, 2013, positions of employment in the
5 Department of Economic Development relating to the administration
6 and enforcement of the Boiler Inspection Act, the Conveyance Safety
7 Act, and the Nebraska Amusement Ride Act are transferred to the
8 State Fire Marshal. For purposes of the transition, employees of
9 the department shall be considered employees of the State Fire
10 Marshal and shall retain their rights under the state personnel
11 system or pertinent bargaining agreement, and their service shall
12 be deemed continuous. This section does not grant employees any
13 new rights or benefits not otherwise provided by law or bargaining
14 agreement or preclude the State Fire Marshal from exercising any
15 of the prerogatives of management set forth in section 81-1311 or
16 as otherwise provided by law. This section is not an amendment
17 to or substitute for the provisions of any existing bargaining
18 agreements.

19 Sec. 354. On July 1, 2013, all items of property, real
20 and personal, including office furniture and fixtures, books,
21 documents, and records of the Department of Economic Development
22 relating to the administration and enforcement of the Boiler
23 Inspection Act, the Conveyance Safety Act, and the Nebraska
24 Amusement Ride Act shall become the property of the State Fire
25 Marshal.

26 Sec. 355. On and after July 1, 2013, whenever the
27 Department of Labor or the Department of Economic Development

1 is referred to or designated by any contract or other document,
2 as such contract or document relates to the administration and
3 enforcement of the Boiler Inspection Act, the Conveyance Safety
4 Act, and the Nebraska Amusement Ride Act, such reference or
5 designation shall apply to the State Fire Marshal. All such
6 contracts entered into by the Department of Labor prior to July 1,
7 2012, or the Department of Economic Development prior to July 1,
8 2013, are hereby recognized, with the State Fire Marshal succeeding
9 to all rights and obligations under such contracts. Any cash funds,
10 custodial funds, gifts, trusts, grants, and any appropriations of
11 funds from prior fiscal years available to satisfy obligations
12 incurred under such contracts shall be transferred and appropriated
13 to the State Fire Marshal for the payment of such obligations.
14 All licenses, certificates, permits, or other forms of approval
15 issued by the Department of Labor or the Department of Economic
16 Development relating to the administration and enforcement of the
17 Boiler Inspection Act, the Conveyance Safety Act, and the Nebraska
18 Amusement Ride Act shall remain valid as issued unless revoked or
19 their effectiveness is otherwise terminated as provided by law.
20 All documents and records transferred, or copies of such documents
21 and records, may be authenticated or certified by the State Fire
22 Marshal for all legal purposes.

23 Sec. 356. (1) All rules, regulations, and orders of
24 the Department of Labor adopted prior to July 1, 2012, or
25 the Department of Economic Development adopted prior to July
26 1, 2013, relating to the administration and enforcement of the
27 Boiler Inspection Act, the Conveyance Safety Act, and the Nebraska

1 Amusement Ride Act shall continue to be effective until revised,
2 amended, repealed, or nullified pursuant to law.

3 (2) No suit, action, or other proceeding, judicial or
4 administrative, relating to the administration and enforcement of
5 the Boiler Inspection Act, the Conveyance Safety Act, and the
6 Nebraska Amusement Ride Act lawfully commenced prior to July 1,
7 2012, or which could have been commenced prior to that date, by
8 or against the Department of Labor or the Commissioner of Labor
9 or any employee of the department in his or her official capacity
10 or in relation to the discharge of his or her official duties,
11 or lawfully commenced prior to July 1, 2013, or which could have
12 been commenced prior to that date, by or against the Department
13 of Economic Development or the Director of Economic Development or
14 any employee of the department in his or her official capacity or
15 in relation to the discharge of his or her official duties, shall
16 abate by reason of the transfer of duties and functions from the
17 Department of Economic Development to the State Fire Marshal.

18 (3) On and after July 1, 2013, unless otherwise
19 specified, whenever any provision of law relating to the
20 administration and enforcement of the Boiler Inspection Act,
21 the Conveyance Safety Act, and the Nebraska Amusement Ride Act
22 refers to the Department of Labor or the Department of Economic
23 Development, the law shall be construed as referring to the State
24 Fire Marshal.

25 Sec. 357. Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
26 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
27 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46,

1 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63,
2 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80,
3 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97,
4 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111,
5 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124,
6 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137,
7 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150,
8 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163,
9 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176,
10 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189,
11 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202,
12 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215,
13 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228,
14 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241,
15 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254,
16 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267,
17 268, 269, 270, 271, 272, 273, 274, 275, 359, and 360 of this act
18 become operative on July 1, 2012. Sections 2, 276, 277, 278, 279,
19 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292,
20 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305,
21 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318,
22 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331,
23 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344,
24 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, and 358
25 of this act become operative on July 1, 2013. The other sections of
26 this act become operative on their effective date.

27 Sec. 358. Original section 11-201, Revised Statutes

1 Cumulative Supplement, 2010, and sections 48-719, 48-720, 48-721,
2 48-722, 48-723 48-724, 48-725, 48-726, 48-727, 48-728, 48-729,
3 48-730, 48-731, 48-732, 48-733, 48-735.01, 48-736, 48-737, 48-738,
4 48-739, 48-740, 48-741, 48-742, 48-743, 48-1801, 48-1802, 48-1803,
5 48-1804, 48-1804.01, 48-1805, 48-1806, 48-1807, 48-1808, 48-1809,
6 48-1811, 48-1812, 48-1813, 48-1814, 48-1815, 48-1816, 48-1817,
7 48-1818, 48-1819, 48-2501, 48-2502, 48-2503, 48-2504, 48-2506,
8 48-2507, 48-2508, 48-2509, 48-2510, 48-2511, 48-2512, 48-2512.01,
9 48-2513, 48-2514, 48-2515, 48-2516, 48-2517, 48-2518, 48-2519,
10 48-2520, 48-2521, 48-2522, 48-2523, 48-2524, 48-2525, 48-2526,
11 48-2527, 48-2528, 48-2529, 48-2530, 48-2531, 48-2532, 48-2533,
12 and 81-405, Reissue Revised Statutes of Nebraska, as amended by
13 sections 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286,
14 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299,
15 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312,
16 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325,
17 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338,
18 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351,
19 and 352, respectively, Legislative Bill 971, One Hundred Second
20 Legislature, Second Session, 2012, are repealed.

21 2. On page 51, lines 12 and 14, reinstate the stricken
22 "Department of" and strike "department" and insert "Economic
23 Development".

24 3. On page 57, line 24, after "his" insert "or her".

25 4. On page 60, line 11, strike "48-513, 48-515, 48-516,
26 48-518 to" and show as stricken.

27 5. On page 93, line 9, strike "department", show as

1 stricken, and insert "Department of Economic Development"; and
2 strike lines 22 and 23 and show as stricken.

3 6. On page 217, line 14, after the period insert
4 "Beginning July 1, 2012, and until July 1, 2013, the Department of
5 Economic Development and the Director of Economic Development shall
6 administer and enforce the Boiler Inspection Act. On and after July
7 1, 2013, the powers and duties delegated to the department and
8 the director under the act shall be transferred to the State Fire
9 Marshal.".

10 7. On page 247, line 3, after the period insert
11 "Beginning July 1, 2012, and until July 1, 2013, the Department
12 of Economic Development and the Director of Economic Development
13 shall administer and enforce the Nebraska Amusement Ride Act. On
14 and after July 1, 2013, the powers and duties delegated to the
15 department and the director under the act shall be transferred to
16 the State Fire Marshal.".

17 8. On page 267, strike lines 12 through 15 and show the
18 old matter as stricken; and strike beginning with "The" in line 16
19 through the period in line 17, show the old matter as stricken,
20 and insert "Beginning July 1, 2012, and until July 1, 2013, the
21 Department of Economic Development and the Director of Economic
22 Development shall administer and enforce the Conveyance Safety Act.
23 On and after July 1, 2013, the powers and duties delegated to the
24 department and the director under the act shall be transferred to
25 the State Fire Marshal.".

26 9. On page 269, strike beginning with "The" in line 11
27 through line 13 and show the old matter as stricken.

1 10. On page 289, line 20, after the period insert
2 paragraphing and "(4)" and after "copies" insert "of the session
3 laws and the journal".

4 11. On page 290, line 23, after the second occurrence of
5 "the" insert "Director of Economic Development,".

6 12. On page 291, line 6, strike "the Director of Economic
7 Development," and show as stricken.

8 13. On page 390, line 3, after "system" insert ", merit
9 system,"; in line 16 after "contract" insert ", lien,"; and in line
10 21 after the period insert "All liens arising due to any tax or
11 fee imposed by the Department of Labor and all liens imposed on
12 behalf of the State of Nebraska by the Department of Labor prior to
13 July 1, 2012, are hereby recognized with the Department of Economic
14 Development succeeding to all rights and obligations to enforce
15 such liens.".

16 14. On page 391, line 2, strike "seals" and insert
17 "commissions"; in line 11 after the period insert "All taxes,
18 fees, contributions, interest, or other payment assessed or imposed
19 by the Department of Labor pursuant to law prior to July 1,
20 2012, are hereby recognized with the Department of Economic
21 Development succeeding to all rights and obligations to collect
22 such taxes, fees, contributions, interest, or other payments.
23 All tax schedules, fee schedules, contribution rates, interest
24 determinations, or other assessment schedules adopted by the
25 Department of Labor prior to July 1, 2012, shall continue to be
26 effective until revised, amended, repealed, or nullified pursuant
27 to law."; and in line 15 strike "any commissioner" and insert "the

- 1 Commissioner of Labor" and after the second "or" insert "any".
- 2 15. On page 393, line 9, after "sections" insert
- 3 "4-114,"; and in line 16 after "Sections" insert "48-1820,".
- 4 16. Renumber the remaining sections accordingly.