

E AND R AMENDMENTS TO LB 265

Introduced by Murante, 49, Chairman Enrollment and Review

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

3 Section 1. Section 43-1301, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 43-1301 For purposes of the Foster Care Review Act,
6 unless the context otherwise requires:

7 (1) Local board means a local foster care review board
8 created pursuant to section 43-1304;

9 (2) Office means the Foster Care Review Office created
10 pursuant to section 43-1302;

11 (3) Foster care facility means any foster home, group
12 home, child care facility, public agency, private agency, or any
13 other person or entity receiving and caring for foster children;

14 (4) Foster care placements means all placements of
15 juveniles as described in subdivision (3) (a) or (b) of section
16 43-247, placements of neglected, dependent, or delinquent children,
17 including those made directly by parents or by third parties,
18 and placements of children who have been voluntarily relinquished
19 pursuant to section 43-106.01 to the Department of Health and Human
20 Services or any child placement agency licensed by the Department
21 of Health and Human Services;

22 (5) Person or court in charge of the child means (a)
23 the Department of Health and Human Services, an association, or

1 an individual who has been made the guardian of a neglected,
2 dependent, or delinquent child by the court and has the
3 responsibility of the care of the child and has the authority
4 by and with the assent of the court to place such a child in a
5 suitable family home or institution or has been entrusted with
6 the care of the child by a voluntary placement made by a parent
7 or legal guardian, (b) the court which has jurisdiction over
8 the child, or (c) the entity having jurisdiction over the child
9 pursuant to the Nebraska Indian Child Welfare Act;

10 (6) Voluntary placement means the placement by a parent
11 or legal guardian who relinquishes the possession and care of a
12 child to a third party, individual, or agency;

13 (7) Family unit means the social unit consisting of the
14 foster child and the parent or parents or any person in the
15 relationship of a parent, including a grandparent, and any siblings
16 with whom the foster child legally resided prior to placement
17 in foster care, except that for purposes of potential sibling
18 placement, the child's family unit also includes the child's
19 siblings even if the child has not resided with such siblings prior
20 to placement in foster care;

21 (8) Child-caring agency has the definition found in
22 section ~~71-1902~~, 71-1901;

23 (9) Child-placing agency has the definition found in
24 section ~~71-1902~~, 71-1901; and

25 (10) Siblings means biological siblings and legal
26 siblings, including, but not limited to, half-siblings and
27 stepsiblings.

1 Sec. 2. Section 43-1503, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-1503 For ~~the~~ purposes of the Nebraska Indian Child
4 Welfare Act, except as may be specifically provided otherwise, the
5 term:

6 (1) Child custody proceeding shall mean and include:

7 (a) Foster care placement which shall mean any action
8 removing an Indian child from ~~its~~ his or her parent or Indian
9 custodian for temporary placement in a foster home or institution
10 or the home of a guardian or conservator where the parent or Indian
11 custodian cannot have the child returned upon demand, but where
12 parental rights have not been terminated;

13 (b) Termination of parental rights which shall mean
14 any action resulting in the termination of the parent-child
15 relationship;

16 (c) Preadoptive placement which shall mean the temporary
17 placement of an Indian child in a foster home or institution after
18 the termination of parental rights, but prior to or in lieu of
19 adoptive placement; and

20 (d) Adoptive placement which shall mean the permanent
21 placement of an Indian child for adoption, including any action
22 resulting in a final decree of adoption.

23 Such term or terms shall not include a placement based
24 upon an act which, if committed by an adult, would be deemed a
25 crime or upon an award, in a divorce proceeding, of custody to one
26 of the parents;

27 (2) Extended family member shall be as defined by the

1 law or custom of the Indian child's tribe or, in the absence of
2 such law or custom, shall be a person who has reached the age of
3 eighteen and who is the Indian child's parent, grandparent, aunt
4 or uncle, ~~clan member, band member, brother or sister,~~ sibling,
5 brother-in-law or sister-in-law, niece or nephew, ~~first or second~~
6 cousin, or stepparent;

7 (3) Indian means any person who is a member of an Indian
8 tribe, or who is an Alaska Native and a member of a regional
9 corporation defined in section 7 of the Alaska Native Claims
10 Settlement Act, 43 U.S.C. 1606;

11 (4) Indian child means any unmarried person who is under
12 age eighteen and is either (a) a member of an Indian tribe or (b)
13 is eligible for membership in an Indian tribe and is the biological
14 child of a member of an Indian tribe;

15 (5) Indian child's tribe means (a) the Indian tribe in
16 which an Indian child is a member or eligible for membership or (b)
17 in the case of an Indian child who is a member of or eligible for
18 membership in more than one tribe, the Indian tribe with which the
19 Indian child has the more significant contacts;

20 (6) Indian custodian means any Indian person who has
21 legal custody of an Indian child under tribal law or custom or
22 under state law or to whom temporary physical care, custody, and
23 control has been transferred by the parent of such child;

24 (7) Indian organization means any group, association,
25 partnership, limited liability company, corporation, or other legal
26 entity owned or controlled by Indians or a majority of whose
27 members are Indians;

1 (8) Indian tribe means any Indian tribe, band, nation,
2 or other organized group or community of Indians recognized as
3 eligible for the services provided to Indians by the secretary
4 because of their status as Indians, including any Alaska Native
5 village as defined in section 3(c) of the Alaska Native Claims
6 Settlement Act, as amended, 43 U.S.C. 1602(c);

7 (9) Parent means any biological parent or parents of an
8 Indian child or any Indian person who has lawfully adopted an
9 Indian child, including adoptions under tribal law or custom. It
10 does not include the unwed father when paternity has not been
11 acknowledged or established;

12 (10) Reservation means Indian country as defined in 18
13 U.S.C. 1151 and any lands, not covered under such section, title to
14 which is either held by the United States in trust for the benefit
15 of any Indian tribe or individual or held by any Indian tribe or
16 individual subject to a restriction by the United States against
17 alienation;

18 (11) Secretary means the Secretary of the Interior;

19 (12) Tribal court means a court with jurisdiction over
20 child custody proceedings and which is either a Court of Indian
21 Offenses, a court established and operated under the code or custom
22 of an Indian tribe, or any other administrative body of a tribe
23 which is vested with authority over child custody proceedings; and

24 (13) Tribal service area means a geographic area in
25 which tribal services and programs are provided to Native American
26 people.

27 Sec. 3. Section 71-1901, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 71-1901 For purposes of sections 71-1901 to 71-1906.01:

3 (1) Person includes a partnership, limited liability
4 company, firm, agency, association, or corporation;

5 (2) Child means an unemancipated minor;

6 (3) Child-caring agency means an organization which is
7 organized as a corporation or a limited liability company for the
8 purpose of providing care for children in buildings maintained by
9 the organization for that purpose;

10 (4) Child-placing agency means an organization which is
11 authorized by its articles of incorporation and by its license to
12 place children in foster family homes;

13 ~~(3)~~ (5) Department means the Division of Public Health of
14 the Department of Health and Human Services;

15 ~~(4)~~ (6) Foster care means engaged in the service of
16 exercising twenty-four-hour daily care, supervision, custody, or
17 control over children, for compensation or hire, in lieu of
18 the care or supervision normally exercised by parents in their
19 own home. Foster care does not include casual care at irregular
20 intervals or programs as defined in section 71-1910; and

21 (7) Foster family home means a home which provides foster
22 care to a child or children pursuant to a foster care placement
23 as defined in section 43-1301. Foster family homes include
24 licensed homes where the primary caretaker has no significant
25 prior relationship with the child or children in his or her care
26 and both licensed and unlicensed relative and kinship homes;

27 (8) Group home means a home which is operated under

1 the auspices of an organization responsible for providing social
2 services, administration, direction, and control for the home
3 and which is designed to provide foster care for children in a
4 residential setting;

5 (9) Kinship home means a home where a child or children
6 receive foster care and at least one of the primary caretakers has
7 previously lived with or is a trusted adult that has a preexisting,
8 significant relationship with the child or children or a sibling of
9 such child or children pursuant to section 43-1311.02;

10 ~~(5)~~ (10) Native American means a person who is a member
11 of an Indian tribe or eligible for membership in an Indian tribe;
12 and-

13 (11) Relative home means a home where a child or children
14 receive foster care and at least one of the primary caretakers is
15 related to the child or children, or to a sibling of such child
16 or children pursuant to section 43-1311.02, in his or her care by
17 blood, marriage, or adoption or, in the case of an Indian child, at
18 least one of the primary caretakers is an extended family member as
19 defined in section 43-1503.

20 Sec. 4. Section 71-1902, Revised Statutes Cumulative
21 Supplement, 2012, is amended to read:

22 71-1902 (1) The department shall adopt and promulgate
23 rules and regulations on requirements for licenses, waivers,
24 variances, and approval of foster family homes taking into
25 consideration the health, safety, well-being, and best interests of
26 the child. An initial assessment of a foster family home shall be
27 completed and shall focus on the safety, protection, and immediate

1 health, educational, developmental, and emotional needs of the
2 child and the willingness and ability of the foster home, relative
3 home, or kinship home to provide a safe, stable, and nurturing
4 environment for a child for whom the department or child-placing
5 agency has assumed responsibility.

6 (2) (a) ~~(1)~~ Except as otherwise provided in this section,
7 no person shall furnish or offer to furnish foster care for one
8 or more children ~~not related to such person by blood, marriage, or~~
9 ~~adoption~~ without having in full force and effect a written license
10 issued by the department upon such terms and conditions as may be
11 prescribed by general rules and regulations adopted and promulgated
12 by the department. The terms and conditions for licensure may allow
13 foster family homes to meet licensing standards through variances
14 equivalent to the established standards.

15 (b) The department may issue a time-limited, nonrenewable
16 provisional license to an applicant who is unable to comply
17 with all licensure requirements and standards, is making a good
18 faith effort to comply, and is capable of compliance within the
19 time period stated in the license. The department may issue a
20 time-limited, nonrenewable probationary license to a licensee who
21 agrees to establish compliance with rules and regulations that,
22 when violated, do not present an unreasonable risk to the health,
23 safety, or well-being of the foster children in the care of the
24 applicant. ~~No license shall be issued pursuant to this section~~
25 ~~unless the applicant has completed the required hours of training~~
26 ~~in foster care as prescribed by the department.~~

27 (3) Kinship homes and relative homes are exempt from

1 licensure, however, such homes should make efforts to be licensed
2 if such license will facilitate the permanency plan of the
3 child. The department and child-placing agencies shall, when
4 requested or as part of the child's permanency plan, provide
5 resources for and assistance with licensure, including, but
6 not limited to, information on licensure, waivers for relative
7 homes, kinship-specific and relative-specific foster care training,
8 referral to local service providers and support groups, and funding
9 and resources available to address home safety or other barriers
10 to licensure.

11 (4) Prior to placement in a nonlicensed relative home
12 or kinship home, approval shall be obtained from the department.
13 Requirements for initial approval shall include, but not be limited
14 to, the initial assessment provided for in subsection (1) of this
15 section, a home visit to assure adequate and safe housing, and a
16 criminal background check of all adult residents. Final approval
17 shall include, but not be limited to, requirements as appropriate
18 under 71-1903. The department or child-placing agency shall provide
19 assistance to an approved relative home or kinship home to support
20 the care, protection, and nurturing of the child. Support may
21 include, but not be limited to, information on licensure, waivers,
22 and variances, kinship-specific and relative-specific foster care
23 training, mental and physical health care, options for funding for
24 needs of the child, and service providers and support groups to
25 address the needs of relative and kinship parents, families, and
26 children.

27 ~~(2)~~ (5) All nonprovisional and nonprobationary licenses

1 issued under sections 71-1901 to 71-1906.01 shall expire two years
2 from the date of issuance and shall be subject to renewal under the
3 same terms and conditions as the original license, except that if
4 a licensee submits a completed renewal application thirty days or
5 more before the license's expiration date, the license shall remain
6 in effect until the department either renews the license or denies
7 the renewal application. No license issued pursuant to this section
8 shall be renewed unless the licensee has completed the required
9 hours of training in foster care in the preceding twelve months as
10 prescribed by the department. For the issuance or renewal of each
11 nonprovisional and nonprobationary license, the department shall
12 charge a fee of fifty dollars for a group home, fifty dollars for a
13 child-caring agency, and fifty dollars for a child-placing agency.
14 For the issuance of each provisional license and each probationary
15 license, the department shall charge a fee of twenty-five dollars
16 for a group home, twenty-five dollars for a child-caring agency,
17 and twenty-five dollars for a child-placing agency. A license may
18 be revoked for cause, after notice and hearing, in accordance with
19 rules and regulations adopted and promulgated by the department.

20 ~~(3) For purposes of this section:~~

21 ~~(a) Foster family home means any home which provides~~
22 ~~twenty-four-hour care to children who are not related to the foster~~
23 ~~parent by blood, marriage, or adoption.~~

24 ~~(b) Group home means a home which is operated under the~~
25 ~~auspices of an organization which is responsible for providing~~
26 ~~social services, administration, direction, and control for the~~
27 ~~home and which is designed to provide twenty-four-hour care for~~

1 ~~children and youth in a residential setting;~~

2 ~~(c) Child-caring agency means an organization which is~~
3 ~~organized as a corporation or a limited liability company for the~~
4 ~~purpose of providing care for children in buildings maintained by~~
5 ~~the organization for that purpose; and~~

6 ~~(d) Child-placing agency means an organization which is~~
7 ~~authorized by its articles of incorporation and by its license to~~
8 ~~place children in foster family homes.~~

9 Sec. 5. Section 71-1903, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-1903 (1) Before issuance of a license under
12 sections 71-1901 to 71-1906.01, the department shall cause such
13 investigation to be made as it deems necessary to determine if
14 the character of the applicant, any member of the applicant's
15 household, or the person in charge of the service and the place
16 where the foster care is to be furnished are such as to ensure
17 the proper care and treatment of children. The department may
18 request the State Fire Marshal to inspect such places for fire
19 safety pursuant to section 81-502. The State Fire Marshal shall
20 assess a fee for such inspection pursuant to section 81-505.01,
21 payable by the licensee or applicant for a license, except that the
22 department may pay the fee for inspection for fire safety of ~~foster~~
23 family homes where foster care is provided. ~~as defined in section~~
24 ~~71-1902.~~ The department may conduct sanitation and health standards
25 investigations pursuant to subsection (2) of this section. The
26 department may also, at any time it sees fit, cause an inspection
27 to be made of the place where any licensee is furnishing foster

1 care to see that such service is being properly conducted.

2 (2) The department shall make an investigation and report
3 of all facilities and programs of licensed providers of foster
4 care programs subject to this section or applicants for licenses
5 to provide such programs to determine if the place or places to be
6 covered by such licenses meet standards of health and sanitation
7 set by the department for the care and protection of the child or
8 children who may be placed in such facilities and programs. The
9 department may delegate the investigation authority to qualified
10 local environmental health personnel.

11 (3) Before the foster care placement of any child in
12 Nebraska by the department, the department shall require a national
13 criminal history record information check of the prospective foster
14 parent of such child and each member of such prospective foster
15 parent's household who is eighteen years of age or older. The
16 department shall provide two sets of legible fingerprints for such
17 persons to the Nebraska State Patrol for submission to the Federal
18 Bureau of Investigation. The Nebraska State Patrol shall conduct a
19 criminal history record information check of such persons and shall
20 submit such fingerprints to the Federal Bureau of Investigation
21 for a national criminal history record information check. The
22 criminal history record information check shall include information
23 from federal repositories of such information and repositories of
24 such information in other states if authorized by federal law.
25 The Nebraska State Patrol shall issue a report of the results of
26 such criminal history record information check to the department.
27 The department shall pay a fee to the Nebraska State Patrol

1 for conducting such check. Information received from the criminal
2 history record information check required under this subsection
3 shall be used solely for the purpose of evaluating and confirming
4 information provided by such persons for providing foster care or
5 for the finalization of an adoption. A child may be placed in
6 foster care by the department prior to the completion of a criminal
7 history record information check under this subsection in emergency
8 situations as determined by the department.

9 Sec. 6. Section 71-1904, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 71-1904 (1) The department shall adopt and promulgate
12 rules and regulations pursuant to sections 71-1901 to 71-1906.01
13 for (a) the proper care and protection of children by licensees
14 under such sections, (b) the issuance, suspension, and revocation
15 of licenses to provide foster care, (c) the issuance, suspension,
16 and revocation of probationary licenses to provide foster care, (d)
17 the issuance, suspension, and revocation of provisional licenses to
18 provide foster care, (e) the provision of training in foster care,
19 which training shall be directly related to the skills necessary
20 to care for children in need of out-of-home care, including,
21 but not limited to, abused, neglected, dependent, and delinquent
22 children, and (f) the proper administration of sections 71-1901 to
23 71-1906.01.

24 (2) ~~The training required by subdivision (1)(e) of this~~
25 ~~section may be waived in whole or in part by the department for~~
26 ~~persons operating foster homes providing care only to relatives~~
27 ~~of the foster care provider. The department may issue a waiver~~

1 for any licensing standard not related to children's safety for a
2 relative home that is pursuing licensure. Such waivers shall be
3 granted on a case-by-case basis upon assessment by the department
4 ~~of the appropriateness of the relative foster care placement.~~
5 based upon the best interests of the child. A relative home that
6 receives a waiver pursuant to this subsection shall be considered
7 fully licensed for purposes of federal reimbursement under the
8 federal Fostering Connections to Success and Increasing Adoptions
9 Act of 2008, Public Law 110-351. The department shall submit
10 electronically an annual report to the Health and Human Services
11 Committee of the Legislature on the number of waivers granted
12 under this subsection and the total number of children placed in
13 relative ~~foster~~ homes. For 2012, 2013, and 2014, the department
14 shall provide the report to the Health and Human Services Committee
15 of the Legislature on or before September 15.

16 Sec. 7. Section 75-302, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 75-302 For purposes of sections 75-301 to 75-322 and in
19 all rules and regulations adopted and promulgated by the commission
20 pursuant to such sections, unless the context otherwise requires:

21 (1) Attended services means an attendant or caregiver
22 accompanying a minor or ~~persons who are physically, mentally, or~~
23 ~~developmentally disabled and~~ a person who has a physical, mental,
24 or developmental disability and is unable to travel or wait without
25 assistance or supervision;

26 (2) Carrier enforcement division means the carrier
27 enforcement division of the Nebraska State Patrol or the Nebraska

1 State Patrol;

2 (3) Certificate means a certificate of public convenience
3 and necessity issued under Chapter 75, article 3, to common
4 carriers by motor vehicle;

5 (4) Civil penalty means any monetary penalty assessed by
6 the commission or carrier enforcement division due to a violation
7 of Chapter 75, article 3, or section 75-126 as such section applies
8 to any person or carrier specified in Chapter 75, article 3; any
9 term, condition, or limitation of any certificate or permit issued
10 pursuant to Chapter 75, article 3; or any rule, regulation, or
11 order of the commission, the Division of Motor Carrier Services,
12 or the carrier enforcement division issued pursuant to Chapter 75,
13 article 3;

14 (5) Commission means the Public Service Commission;

15 (6) Common carrier means any person who or which
16 undertakes to transport passengers or household goods for the
17 general public in intrastate commerce by motor vehicle for hire,
18 whether over regular or irregular routes, upon the highways of this
19 state;

20 (7) Contract carrier means any motor carrier which
21 transports passengers or household goods for hire other than
22 as a common carrier designed to meet the distinct needs of each
23 individual customer or a specifically designated class of customers
24 without any limitation as to the number of customers it can serve
25 within the class;

26 (8) Division of Motor Carrier Services means the Division
27 of Motor Carrier Services of the Department of Motor Vehicles;

1 (9) Highway means the roads, highways, streets, and ways
2 in this state;

3 (10) Household goods means personal effects and property
4 used or to be used in a dwelling, when a part of the equipment
5 or supply of such dwelling, and similar property as the commission
6 may provide by regulation if the transportation of such effects or
7 property, is:

8 (a) Arranged and paid for by the householder, including
9 transportation of property from a factory or store when the
10 property is purchased by the householder with the intent to use in
11 his or her dwelling; or

12 (b) Arranged and paid for by another party;

13 (11) Intrastate commerce means commerce between any place
14 in this state and any other place in this state and not in part
15 through any other state;

16 (12) Licensed care transportation services means
17 transportation provided by an entity licensed by the Department
18 of Health and Human Services as a child-caring agency as defined
19 in section ~~71-1902~~ 71-1901 or child-placing agency as defined in
20 such section or a child care facility licensed under the Child
21 Care Licensing Act to a client of the entity or facility when
22 the person providing transportation services also assists and
23 supervises the passenger or, if the client is a minor, to a family
24 member of a minor when it is necessary for agency or facility
25 staff to accompany or facilitate the transportation in order to
26 provide necessary services and support to the minor. Licensed care
27 transportation services must be incidental to and in furtherance

1 of the social services provided by the entity or facility to the
2 transported client;

3 (13) Motor carrier means any person other than a
4 regulated motor carrier who or which owns, controls, manages,
5 operates, or causes to be operated any motor vehicle used to
6 transport passengers or property over any public highway in this
7 state;

8 (14) Motor vehicle means any vehicle, machine, tractor,
9 trailer, or semitrailer propelled or drawn by mechanical power
10 and used upon the highways in the transportation of passengers
11 or property but does not include any vehicle, locomotive, or car
12 operated exclusively on a rail or rails;

13 (15) Permit means a permit issued under Chapter 75,
14 article 3, to contract carriers by motor vehicle;

15 (16) Person means any individual, firm, partnership,
16 limited liability company, corporation, company, association,
17 or joint-stock association and includes any trustee, receiver,
18 assignee, or personal representative thereof;

19 (17) Private carrier means any motor carrier which
20 owns, controls, manages, operates, or causes to be operated a
21 motor vehicle to transport passengers or property to or from
22 its facility, plant, or place of business or to deliver to
23 purchasers its products, supplies, or raw materials (a) when such
24 transportation is within the scope of and furthers a primary
25 business of the carrier other than transportation and (b) when
26 not for hire. Nothing in sections 75-301 to 75-322 shall apply to
27 private carriers;

1 (18) Regulated motor carrier means any person who or
2 which owns, controls, manages, operates, or causes to be operated
3 any motor vehicle used to transport passengers, other than those
4 excepted under section 75-303, or household goods over any public
5 highway in this state;

6 (19) Residential care means care for a minor or a
7 person who is physically, mentally, or developmentally disabled
8 who resides in a residential home or facility regulated by the
9 Department of Health and Human Services, including, but not limited
10 to, a foster home, treatment facility, group home, or shelter;

11 (20) Residential care transportation services means
12 transportation services to persons in residential care when such
13 residential care transportation services and residential care are
14 provided as part of a services contract with the Department of
15 Health and Human Services or pursuant to a subcontract entered into
16 incident to a services contract with the department; and

17 (21) Supported transportation services means
18 transportation services to a minor or for a person who is
19 physically, mentally, or developmentally disabled when the person
20 providing transportation services also assists and supervises the
21 passenger or transportation services to a family member of a minor
22 when it is necessary for provider staff to accompany or facilitate
23 the transportation in order to provide necessary services and
24 support to the minor. Supported transportation services must be
25 provided as part of a services contract with the Department of
26 Health and Human Services or pursuant to a subcontract entered into
27 incident to a services contract with the department, and the driver

1 must meet department requirements for (a) training or experience
2 working with minors or persons who are physically, mentally, or
3 developmentally disabled, (b) training with regard to the specific
4 needs of the client served, (c) reporting to the department,
5 and (d) age. Assisting and supervising the passenger shall not
6 necessarily require the person providing transportation services
7 to stay with the passenger after the transportation services have
8 been provided.

9 Sec. 8. Section 81-505.01, Reissue Revised Statutes of
10 Nebraska, is amended to read:

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

1 (2) The fee for inspection for fire safety of any
2 premises or facility pursuant to section 81-502 shall be not less
3 than twenty-five nor more than one hundred fifty dollars and shall
4 be paid by the licensee or applicant for a license. The fee for
5 inspection for fire safety of the same premises or facility made
6 within twelve months after the last prior inspection shall be not
7 less than twenty-five nor more than one hundred fifty dollars and
8 shall be paid by the licensee or applicant for a license. The fees
9 for inspection for fire safety of foster family homes as defined in
10 section ~~71-1902~~ 71-1901 may be paid by the Department of Health and
11 Human Services.

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

17 (4)(a) Except as provided in subdivision (b) of this
18 subsection, the fee for reviewing plans, blueprints, and shop
19 drawings to determine compliance with rules and regulations adopted
20 and promulgated pursuant to section 81-502 shall be assessed
21 according to the following schedule:

22	TOTAL VALUE OF PROPOSED	
23	STRUCTURE OR IMPROVEMENT FEE	
24	\$1 - \$5,000	\$5.00
25	\$5,001 - \$25,000	\$5.00 for the first \$5,000.00 plus
26		\$2.00 for each additional \$5,000.00
27		or fraction thereof.

1	\$25,001 - \$50,000	\$15.00 for the first \$25,000.00 plus
2		\$2.00 for each additional \$5,000.00
3		or fraction thereof.
4	\$50,001 - \$100,000	\$25.00 for the first \$50,000.00 plus
5		\$1.00 for each additional \$5,000.00
6		or fraction thereof.
7	\$100,001 - \$200,000	\$35.00 for the first \$100,000.00 plus
8		\$1.00 for each additional \$10,000.00
9		or fraction thereof.
10	\$200,001 or more	\$50.00 for the first \$200,000.00 plus
11		\$1.00 for each additional \$10,000.00
12		or fraction thereof, except that the
13		total fee shall not exceed \$500.00.

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

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

1 exceed two hundred fifty dollars.

2 Sec. 9. Original sections 43-1503, 71-1901, 71-1903,
3 and 81-505.01, Reissue Revised Statutes of Nebraska, and sections
4 43-1301, 71-1902, 71-1904, and 75-302, Revised Statutes Cumulative
5 Supplement, 2012, are repealed.

6 Sec. 10. Since an emergency exists, this act takes effect
7 when passed and approved according to law.

8 2. On page 1, strike beginning with "foster" in line
9 1 through line 8 and insert "child placement; to amend sections
10 43-1503, 71-1901, 71-1903, and 81-505.01, Reissue Revised Statutes
11 of Nebraska, and sections 43-1301, 71-1902, 71-1904, and 75-302,
12 Revised Statutes Cumulative Supplement, 2012; to define and
13 redefine terms; to change provisions relating to Indian child
14 welfare and foster care placement and licensure; to provide
15 requirements for kinship homes and relative homes; to provide for
16 rules and regulations; to harmonize provisions; to repeal the
17 original sections; and to declare an emergency."