

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 890

Introduced by Wayne, 13.

Read first time January 08, 2018

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to the State Fire Marshal; to amend section
- 2 81-505.01, Reissue Revised Statutes of Nebraska; to provide for a
- 3 fee examination and a report; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-505.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-505.01 (1) The State Fire Marshal shall establish and assess fees
4 not to exceed the actual costs for the performance of services by the
5 State Fire Marshal or by qualified local fire prevention personnel to
6 whom the State Fire Marshal has delegated authority to perform such
7 services. Prior to establishing or altering such fees, the State Fire
8 Marshal shall hold a public hearing on the question of the adoption of or
9 change in fees. Notice of such hearing shall be given at least thirty
10 days prior thereto (a) by publication in a newspaper having general
11 circulation in the state and (b) by notifying in writing the head of any
12 agency or department having jurisdiction over facilities that would be
13 subject to the fees. Fees for services performed by the State Fire
14 Marshal shall be paid to the State Fire Marshal and shall be remitted to
15 the State Treasurer for credit to the State Fire Marshal Cash Fund. Fees
16 for services performed by local fire prevention personnel shall be paid
17 directly to the office of the local fire prevention personnel.

18 (2) The fee for inspection for fire safety of any premises or
19 facility pursuant to section 81-502 shall be not less than twenty-five
20 nor more than one hundred fifty dollars and shall be paid by the licensee
21 or applicant for a license. The fee for inspection for fire safety of the
22 same premises or facility made within twelve months after the last prior
23 inspection shall be not less than twenty-five nor more than one hundred
24 fifty dollars and shall be paid by the licensee or applicant for a
25 license. The fees for inspection for fire safety of foster family homes
26 as defined in section 71-1901 may be paid by the Department of Health and
27 Human Services.

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

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

5 TOTAL VALUE OF PROPOSED

6 STRUCTURE OR IMPROVEMENT	FEE
7 \$1 - \$5,000	\$5.00
8 \$5,001 - \$25,000	\$5.00 for the first \$5,000.00 plus 9 \$2.00 for each additional \$5,000.00 10 or fraction thereof.
11 \$25,001 - \$50,000	\$15.00 for the first \$25,000.00 plus 12 \$2.00 for each additional \$5,000.00 13 or fraction thereof.
14 \$50,001 - \$100,000	\$25.00 for the first \$50,000.00 plus 15 \$1.00 for each additional \$5,000.00 16 or fraction thereof.
17 \$100,001 - \$200,000	\$35.00 for the first \$100,000.00 plus 18 \$1.00 for each additional \$10,000.00 19 or fraction thereof.
20 \$200,001 or more	\$50.00 for the first \$200,000.00 plus 21 \$1.00 for each additional \$10,000.00 22 or fraction thereof, except that the 23 total fee shall not exceed \$500.00.

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

1 review.

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

8 (5) On or before December 1, 2018, the State Fire Marshall shall
9 examine the fees established under this section. Such examination shall
10 include, but not be limited to:

11 (a) An estimate of the actual costs to conduct inspections, prepare
12 investigation reports, review plans, blueprints, and shop drawings, and
13 perform other services related to the duties of the State Fire Marshall
14 on an annual basis;

15 (b) An assessment of the percentage of such actual costs funded by
16 the current fee structure;

17 (c) If the percentage of such actual costs funded by the current fee
18 structure is less than seventy-five percent of such actual costs on an
19 annual basis, an assessment of the fee levels necessary to fund at least
20 seventy-five percent of such actual costs; and

21 (d) A comparison of the fees charged by the State Fire Marshall to
22 fees charged by political subdivisions in which the State Fire Marshall
23 has delegated authority to qualified local fire prevention personnel.

24 (6) Following the examination of fees under subsection (5) of this
25 section, and no later than December 15, 2018, the State Fire Marshall
26 shall submit a report on such examination to the Urban Affairs Committee
27 of the Legislature. The report shall be filed electronically.

28 Sec. 2. Original section 81-505.01, Reissue Revised Statutes of
29 Nebraska, is repealed.