

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 434**

Introduced by Wordekemper, 15.

Read first time January 21, 2025

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the State Fire Marshal; to amend sections  
2 28-1239.01, 28-1246, 28-1251, 81-503.01, 81-505.01, 81-5,159,  
3 81-15,120, and 81-15,121, Reissue Revised Statutes of Nebraska; to  
4 change fees; to change provisions relating to the adoption of fees;  
5 and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

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

3           28-1239.01 (1) No person shall conduct a public exhibition or  
4 display of display fireworks without first procuring a display permit  
5 from the State Fire Marshal. Such application for a display permit shall  
6 be accompanied by a fee of one hundred ~~ten~~ dollars to be remitted to the  
7 State Treasurer for credit to ~~deposited in~~ the State Fire Marshal Cash  
8 Fund.

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

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

15           28-1246 (1) It shall be unlawful for any person to sell, hold for  
16 sale, or offer for sale as a distributor, jobber, or retailer any  
17 fireworks in this state unless such person has first obtained a license  
18 as a distributor, jobber, or retailer. Application for each such license  
19 shall be made to the State Fire Marshal on forms prescribed by him or  
20 her. Each application shall be accompanied by the required fee, which  
21 shall be one thousand ~~five hundred~~ dollars for a distributor's license,  
22 four ~~two~~ hundred dollars for a jobber's license, and one hundred ~~twenty-~~  
23 ~~five~~ dollars for a retailer's license. Each application for a retailer's  
24 license shall be received by the State Fire Marshal at least ten business  
25 days prior to the sales period, as set forth in section 28-1249, in which  
26 the retailer wishes to sell consumer fireworks. A retailer's license  
27 shall be good only for the specific sales period listed on the  
28 application and within the calendar year in which issued. The retailer's  
29 license shall at all times be displayed at the place of business of the  
30 holder thereof.

31           (2) The funds received pursuant to this section shall be remitted to

1 the State Treasurer for credit to the State Fire Marshal Cash Fund.

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

4 28-1251 (1) It shall be unlawful for any person, association,  
5 partnership, limited liability company, or corporation to conduct fire  
6 alarm tests and fire alarm inspections without prior written  
7 certification by the State Fire Marshal as to the qualifications of such  
8 persons conducting such tests and inspections.

9 (2) The State Fire Marshal shall formulate reasonable guidelines to  
10 determine qualifications for fire alarm inspectors and shall administer  
11 an examination pursuant to such guidelines prior to certification of  
12 applicants.

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

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

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

20 81-503.01 (1) The State Fire Marshal shall adopt and promulgate  
21 rules and regulations constituting a State Fire Code. At a minimum, the  
22 State Fire Code shall cover:

23 (a) The prevention of fires;

24 (b) The storage, sale, and use of flammable liquids, combustibles,  
25 and fireworks;

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

29 (d) The means and adequacy of exits, in case of fire, in assembly,  
30 educational, institutional, residential, mercantile, office, storage, and  
31 industrial-type occupancies as such structures are defined in the State

1 Fire Code;

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

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

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

10 (h) Tanks used for the storage of regulated substances pursuant to  
11 the Petroleum Products and Hazardous Substances Storage and Handling Act;  
12 and

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

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

23 (3) The State Fire Marshal shall enforce the State Fire Code through  
24 inspections, code compliance, and orders. Plans for compliance with the  
25 State Fire Code shall be reviewed by the State Fire Marshal. Plans  
26 submitted after remodeling or construction has begun shall be accompanied  
27 by a late submittal penalty of an amount equal to fifty percent of the  
28 total projected cost of such remodel or construction, fifty dollars in  
29 addition to the plan review fee established pursuant to subdivision (4)  
30 (a) of section 81-505.01.

31 (4) Rules and regulations adopted and promulgated as part of the

1 State Fire Code shall apply to sites or structures in public ownership  
2 listed on the National Register of Historic Places but without destroying  
3 the historic quality thereof.

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

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

21 (2) The fee for inspection for fire safety of any premises or  
22 facility pursuant to section 81-502 or 81-503.01 shall be not less than  
23 fifty ~~twenty-five~~ nor more than three hundred ~~one hundred fifty~~ dollars  
24 and shall be paid by the licensee or applicant for a license. The fee for  
25 inspection for fire safety of the same premises or facility made within  
26 twelve months after the last prior inspection shall be not less than  
27 fifty ~~twenty-five~~ nor more than three ~~one hundred fifty~~ dollars and shall  
28 be paid by the licensee or applicant for a license. The fees for  
29 inspection for fire safety of foster family homes as defined in section  
30 71-1901 may be paid by the Department of Health and Human Services.

31 (3) The fee for providing investigation reports to insurance

1 companies shall not exceed three dollars for each report provided. The  
2 State Fire Marshal may charge an amount not to exceed the actual cost of  
3 preparation for any other approved information release.

4 (4)(a) The State Fire Marshal shall charge a fee for reviewing  
5 plans, blueprints, and shop drawings to determine compliance with rules  
6 and regulations adopted and promulgated pursuant to section 81-503.01 or  
7 81-5,147. The State Fire Marshal shall establish such fee in rules and  
8 regulations adopted and promulgated to be effective on July 1, 2026  
9 ~~January 1, 2022~~. Such fee shall meet the costs of administering the plan  
10 review requirement and other agency duties found in sections 81-502,  
11 81-503.01, and 81-5,147 but shall not exceed ten thousand five hundred  
12 dollars. The fee schedule as it existed prior to July 1, 2026 ~~August 28,~~  
13 ~~2021~~, shall be used through June 30, 2026 ~~December 31, 2021~~.

14 (b) The fees established pursuant to 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 the authority  
17 to conduct such review and which reviews plans, blueprints, or shop  
18 drawings to determine compliance with such political subdivision's own  
19 fire safety regulations. Nothing in this subdivision shall be construed  
20 to prohibit such political subdivision from assessing or collecting a fee  
21 set by its governing board for such review.

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

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

31 81-5,159 (1) Any water-based fire protection system contractor who

1 installs, repairs, alters, adds to, maintains, or inspects water-based  
2 fire protection systems in this state shall first obtain a contractor  
3 certificate.

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

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

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

28 (5) A responsible managing employee may only act as such for one  
29 water-based fire protection system contractor at a time. When a  
30 responsible managing employee terminates his or her association with a  
31 water-based fire protection system contractor, the water-based fire

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

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

14 81-15,120 Any farm or residential tank or tank used for storing  
15 heating oil as defined in subdivisions (10)(a) and (b) of section  
16 81-15,119 shall be registered with the State Fire Marshal. The  
17 registration shall be accompanied by a one-time fee of ten ~~five~~ dollars  
18 and shall be valid until the State Fire Marshal is notified that a tank  
19 so registered has been permanently closed. Such registration shall  
20 specify the ownership of, location of, and substance stored in the tank  
21 to be registered. The State Fire Marshal shall remit the fee to the State  
22 Treasurer for credit to the Petroleum Products and Hazardous Substances  
23 Storage and Handling Fund which is hereby created as a cash fund. The  
24 fund shall also consist of any money appropriated to the fund by the  
25 state. The fund shall be administered by the Department of Environment  
26 and Energy to carry out the purposes of the Petroleum Products and  
27 Hazardous Substances Storage and Handling Act, including the provision of  
28 matching funds required by Public Law 99-499 for actions otherwise  
29 authorized by the act. Any money in such fund available for investment  
30 shall be invested by the state investment officer pursuant to the  
31 Nebraska Capital Expansion Act and the Nebraska State Funds Investment



1 Act.

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

4 81-15,121 (1) A person shall not (a) maintain or use any tank for  
5 the storage of regulated substances, (b) install any new tank, or (c)  
6 permanently close a tank without first securing a permit from the State  
7 Fire Marshal.

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

12 (3) All owners of operating tanks, except those provided for in  
13 subsection (4) of this section, shall annually register each tank. All  
14 registration permits shall expire on December 31 of the year for which  
15 the permit was issued. The registration fee shall be ~~sixty~~ thirty dollars  
16 per tank. The State Fire Marshal shall remit the fee to the State  
17 Treasurer for credit to the Underground Storage Tank Fund. Such permits  
18 shall contain the information specified in subsection (5) of this  
19 section.

20 (4) In the case of tanks permanently abandoned on or after January  
21 1, 1974, an annual permit shall not be required and an initial  
22 registration permit shall be sufficient.

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

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

27 (b) The age of the tank;

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

29 (d) The type of substances stored in the tank and the quantity of  
30 such substances remaining in the tank if the tank has been permanently  
31 closed.

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

12           **Sec. 9.** Original sections 28-1239.01, 28-1246, 28-1251, 81-503.01,  
13 81-505.01, 81-5,159, 81-15,120, and 81-15,121, Reissue Revised Statutes  
14 of Nebraska, are repealed.