

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 443**

Introduced by Avery, 28.

Read first time January 14, 2011

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the State Fire Marshal; to amend sections  
2 81-505.01 and 81-1575, Reissue Revised Statutes of  
3 Nebraska, and section 81-15,121, Revised Statutes  
4 Cumulative Supplement, 2010; to increase certain fees  
5 relating to services performed by the State Fire Marshal,  
6 registration of aboveground storage tanks, and permits  
7 for underground storage tanks; and to repeal the original  
8 sections.  
9 Be it enacted by the people of the State of Nebraska,

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

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

19           (2) The fee for inspection for fire safety of any  
20 premises or facility pursuant to section 81-502 shall be not less  
21 than ~~twenty-five-thirty~~ nor more than one hundred ~~fifty-seventy-five~~  
22 dollars and shall be paid by the licensee or applicant for a license.  
23 The fee for inspection for fire safety of the same premises or  
24 facility made within twelve months after the last prior inspection  
25 shall be not less than twenty-five nor more than one hundred fifty

1 dollars and shall be paid by the licensee or applicant for a license.  
 2 The fees for inspection for fire safety of foster family homes as  
 3 defined in section 71-1902 may be paid by the Department of Health  
 4 and Human Services.

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

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

15	TOTAL VALUE OF PROPOSED	
16	STRUCTURE OR IMPROVEMENT FEE	
17	<del>\$1—\$5,000</del>	<del>\$5.00</del>
18	<u>\$1 - \$5,000</u>	<u>\$10.00</u>
19	<del>\$5,001—\$25,000</del>	<del>\$5.00 for the first \$5,000.00 plus</del>
20	<u>\$5,001 - \$25,000</u>	<u>\$10.00 for the first \$5,000.00</u>
21		<del>\$2.00 for each additional \$5,000.00</del>
22		<u>plus \$3.00 for each additional \$5,000.00</u>
23		or fraction thereof.
24	<del>\$25,001—\$50,000</del>	<del>\$15.00 for the first \$25,000.00 plus</del>

1	<u>\$25,001 - \$50,000</u>	<u>\$20.00 for the first \$25,000.00</u>
2		<del>\$2.00 for each additional \$5,000.00</del>
3		<u>plus \$3.00 for each additional \$5,000.00</u>
4		or fraction thereof.
5	<del>\$50,001 - \$100,000</del>	<del>\$25.00 for the first \$50,000.00 plus</del>
6	<u>\$50,001 - \$100,000</u>	<u>\$30.00 for the first \$50,000.00</u>
7		<del>\$1.00 for each additional \$5,000.00</del>
8		<u>plus \$2.00 for each additional \$5,000.00</u>
9		or fraction thereof.
10	<del>\$100,001 - \$200,000</del>	<del>\$35.00 for the first \$100,000.00 plus</del>
11	<u>\$100,001 - \$200,000</u>	<u>\$40.00 for the first \$100,000.00</u>
12		<del>\$1.00 for each additional \$10,000.00</del>
13		<u>plus \$2.00 for each additional \$10,000.00</u>
14		or fraction thereof.
15	<del>\$200,001 or more</del>	<del>\$50.00 for the first \$200,000.00 plus</del>
16	<u>\$200,001 or more</u>	<u>\$55.00 for the first \$200,000.00</u>
17		<del>\$1.00 for each additional \$10,000.00</del>
18		<u>plus \$2.00 for each additional \$10,000.00</u>
19		or fraction thereof, except that the
20		total fee shall not exceed \$500.00.

21                   (b) The fees set out in subdivision (a) of this  
22 subsection shall not be assessed or collected by any political

1 subdivision to which the State Fire Marshal has delegated the  
2 authority to conduct such review and which reviews plans, blueprints,  
3 or shop drawings to determine compliance with such political  
4 subdivision's own fire safety regulations. Nothing in this  
5 subdivision shall be construed to prohibit such political subdivision  
6 from assessing or collecting a fee set by its governing board for  
7 such review.

8 (c) An additional fee equal to fifty percent of the fee  
9 charged pursuant to subdivision (a) of this subsection shall be  
10 assessed for reviewing plans, blueprints, and shop drawings to  
11 determine compliance with the accessibility standards and  
12 specifications adopted pursuant to section 81-5,147, except that the  
13 additional fee assessed pursuant to this subdivision shall not exceed  
14 two hundred ~~fifty~~ seventy-five dollars.

15 Sec. 2. Section 81-1575, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 81-1575 ~~Commencing on January 1, 1986, the~~ The State Fire  
18 Marshal shall require the registration of all permanently located  
19 aboveground storage tanks used for the storage or dispensing of  
20 hazardous substances. A registration form shall be provided by and  
21 filed with the State Fire Marshal. The registration form shall be  
22 updated to detail any change in the usage or operation of the tank as  
23 such changes occur. A copy of each registration form shall be  
24 forwarded by the State Fire Marshal to the fire department located  
25 nearest to the particular storage tank. A registration fee shall be

1 assessed by the State Fire Marshal. The registration fee shall be in  
2 an amount which is deemed necessary by the State Fire Marshal to  
3 compensate for the costs of administrating sections 81-1575 to  
4 81-1577, except that such fee shall not exceed ~~ten~~fifteen dollars.  
5 All registration fees collected pursuant to this section shall be  
6 paid into the State Fire Marshal Cash Fund for the purpose of  
7 administering sections 81-1575 to 81-1577. The State Fire Marshal  
8 shall adopt and promulgate the rules and regulations he or she deems  
9 necessary to give notification to those individuals that need to  
10 register storage tanks under sections 81-1575 to 81-1577.

11 Sec. 3. Section 81-15,121, Revised Statutes Cumulative  
12 Supplement, 2010, is amended to read:

13 81-15,121 (1) A person shall not (a) maintain or use any  
14 tank for the storage of regulated substances, (b) install any new  
15 tank, or (c) permanently close a tank without first securing a permit  
16 from the State Fire Marshal.

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

22 (3) All owners of operating tanks, except those provided  
23 for in subsection (4) of this section, shall annually register each  
24 tank. All registration permits shall expire on December 31 of the  
25 year for which the permit was issued. The registration fee shall be

1 ~~thirty~~thirty-five dollars per tank. The State Fire Marshal shall  
2 remit the fee to the State Treasurer for credit to the Underground  
3 Storage Tank Fund. Such permits shall contain the information  
4 specified in subsection (5) of this section.

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

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

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

13 (b) The age of the tank;

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

15 (d) The type of substances stored in the tank and the  
16 quantity of such substances remaining in the tank if the tank has  
17 been permanently closed.

18 (6) The registration permit fee collected pursuant to  
19 this section shall be deposited in the Underground Storage Tank Fund  
20 which is hereby created as a cash fund. The fund shall also consist  
21 of any money appropriated to the fund by the state. The fund shall be  
22 administered by the State Fire Marshal to carry out the purposes of  
23 the Petroleum Products and Hazardous Substances Storage and Handling  
24 Act. Transfers may be made from the fund to the General Fund at the  
25 direction of the Legislature. Any money in the Underground Storage

1 Tank Fund available for investment shall be invested by the state  
2 investment officer pursuant to the Nebraska Capital Expansion Act and  
3 the Nebraska State Funds Investment Act.

4           Sec. 4. Original sections 81-505.01 and 81-1575, Reissue  
5 Revised Statutes of Nebraska, and section 81-15,121, Revised Statutes  
6 Cumulative Supplement, 2010, are repealed.