

LEGISLATIVE BILL 485

Approved by the Governor May 5, 1977

Introduced by Government, Military and Veterans Affairs Committee, Rasmussen, 41, Chmn.; Simon, 31, Maxey, 46; Stoney, 4; George, 16

AN ACT to amend sections 81-502.01, 81-502.02, and 81-502.03, Reissue Revised Statutes of Nebraska, 1943, relating to the advisory committee to the State Fire Marshal; to change the committee to the Nebraska Fire Safety Appeals Board; to provide powers and duties; to delete obsolete matter; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-502.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-502.01. For the purposes of advising assisting the State Fire Marshal in matters pertaining to the performance of his duties, there is hereby established the Nebraska Fire Safety Appeals Board, an advisory committee--to--the--office--of--the--State--Fire Marshal. Such committee board shall consist of the following members: (1) A representative of the fire insurance industry with experience in fire prevention inspections, (2) an architect registered in this state, (3) a member of a board of education of a public school district, (4) a fire protection engineer, (5) a member of the inspection division of a paid fire department in this state, (6) an active member of a volunteer fire department in this state, (7) a representative of the Department of Health, (8) a representative of the Nebraska Hospital Association, and (9) a representative of the Department of Public Welfare. The members shall be appointed by the Governor within-two-months-of--August 27, 1977 and shall serve for a term of four years. Members serving on the advisory committee to the office of the State Fire Marshal on the effective date of this act shall, after the effective date of this act, serve as members of the Nebraska Fire Safety Appeals Board and shall continue serving the terms to which they were appointed.

Sec. 2. That section 81-502.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-502.02. The committee board shall select from among its members a chairman and establish rules to govern its procedures. Any vacancy occurring in the committee board shall be filled in the manner in which original appointments are made. No person shall receive any compensation for services rendered as a member of the committee board. Each member of the committee board shall be reimbursed for his actual and necessary expenses on the same basis and subject to the same conditions as full-time state employees. The committee board shall meet at such times and at such places as may be established by its chairman, but in no case shall the committee board meet fewer than three times annually. When requested to do so by the State Fire Marshal, it shall be the duty of the committee board to make a study of the specific problems, or questions, or appeals presented to the committee board. No member of the committee board shall sit in hearing upon any question in which he, or any corporation of which he is a shareholder or employee, is a party. ~~Nothing in sections 81-502.01 to 81-502.03 shall be construed as reducing the statutory powers of the State Fire Marshal.~~

Sec. 3. That section 81-502.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-502.03. In case of disagreement concerning the propriety of any action taken or proposed to be taken by the State Fire Marshal or the application of any statute, rule, or regulation of his office with respect to any establishment or installation, the State Fire Marshal may, and upon application of any party in interest, shall provide for a hearing in ~~his office~~ the county of the establishment or installation which is the subject of the disagreement of which at least ten days' written notice shall be given to the governing body responsible for the establishment involved and to any public official having jurisdiction and upon such hearing before the ~~State Fire Marshal and his advisory committee;~~ the State Fire Marshal Nebraska Fire Safety Appeals Board, such board shall make a decision based upon the evidence brought forth in the hearing and issue ~~his~~ its order accordingly. ~~Nothing prior to ordering any political or governmental subdivision of the State of Nebraska to make any modification in the design or construction of any public building or any modification in the location, installation, or operation of any existing equipment therein, or the replacement of such equipment, the State Fire Marshal, his first assistant, or one of his deputies shall personally appear at a regular meeting of the governing board of such subdivision and shall present a written report from a~~

licensed architect or licensed engineer stating the condition of such building or equipment and the reason why such building should be modified or such equipment should be modified or replaced, and a copy of such report shall be attached to the order. Nothing in this section shall prevent the State Fire Marshal from ordering necessary repairs, and nothing in sections 81-502.01 to 81-502.03 shall prevent the State Fire Marshal, where actual and immediate danger to life exists, from ordering and requiring the occupants to vacate a building or structure subject to his jurisdiction.

Sec. 4. That original sections 81-502.01, 81-502.02, and 81-502.03, Reissue Revised Statutes of Nebraska, 1943, are repealed.