

## LEGISLATIVE BILL 782

Approved by the Governor March 21, 1972

Introduced by William F. Swanson, 27th District

AN ACT to amend section 81-502, Revised Statutes Supplement, 1969, relating to fire prevention; to reduce duties of the State Fire Marshal; to provide for delegation of authority; to provide exceptions; and to repeal the original section.

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

Section 1. That section 81-502, Revised Statutes Supplement, 1969, be amended to read as follows:

81-502. It shall be the duty of the State Fire Marshal, under authority of the Governor, (1) to enforce all laws of the state relating to the suppression of arson and investigation of the cause, origin and circumstances of fires; (2) to promote safety and reduce loss by fire; (3) after a careful study and investigation of relevant data bearing thereon, to promulgate, alter and enforce rules and regulations covering: (a) The prevention of fires; (b) the storage, sale and use of flammable liquids, combustibles and explosives; (c) electric wiring and heating, and the means and adequacy of exits, in case of fire, from churches, schools, hotels, halls, theatres, amphitheatres, factories, asylums, hospitals, and all other buildings, structures and enclosures in which numbers of persons congregate from time to time for any purpose whether privately or publicly owned; (d) design, construction, location, installation and operation of equipment for storing, handling and utilization of liquefied petroleum gases, specifying the odorization of said gases and the degree thereof; and (e) chemicals, prozolin plastics, X-ray nitrocellulose films, or any other hazardous material that may now or hereafter exist; and (4) to make an investigation for fire safety of all licensed child-care facilities or applicants for licenses for child-care facilities within a reasonable time after request by the Department of Public Welfare, ~~and (5) make the inspection for fire hazards, safety, and structural defects of public schools, and enforce corrections of such defects as disclosed by such inspection.~~ The State Fire Marshal may shall delegate this the authority set forth in this section to qualified local fire prevention personnel, which local authority shall prevail, subject to established appeal procedures. Such local authority

may be revoked by the State Fire Marshal for cause upon thirty days' notice after hearing. The State Fire Marshal, first assistant fire marshal, and deputies shall have such other powers and perform such other duties as are set forth in sections 81-501.01 to 81-531, and as may be conferred and imposed by law. There is hereby adopted the standards recommended by the National Fire Protection Association, Pamphlet Number 101, known as the Life Safety Code, and associated pamphlets as recommended by the National Fire Protection Association and dated 1967; Provided, any building, structure or enclosure of four stories or less in height used exclusively for dwelling purposes and related activities for which a building permit was issued on or before August 1, 1971, by a governmental subdivision of the state having a local building code shall not be subject to the design, construction or alteration requirements of such Life Safety Code. This code shall have the same force and effect as if set out verbatim in this section.

Sec. 2. That original section 81-502, Revised Statutes Supplement, 1969, is repealed.