



Hundredth Legislature - First Session - 2007
Committee Statement
LB 160

Hearing Date: February 13, 2007
Committee On: Urban Affairs

Introducer(s): (Cornett)

Title: Change fire and rescue department provisions relating to clothing, equipment, and donations

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

6	Yes	Senator Friend, Cornett, Janssen, Lathrop, McGill, White
0	No	
0	Present, not voting	
1	Absent	Senator Rogert

Proponents:

Senator Abbie Cornett
Dale Tedder
Jerry Stilmock
Gary Troutman
Lynn Rex

Representing:

Introducer
Bellevue Fire Dept.
NE State Volunteer Firefighters Assoc.
City of Bellevue
League of NE Municipalities

Opponents:

None

Representing:

Neutral:

None

Representing:

Summary of purpose and/or changes: The bill proposes to amend section 35-801 (found in the chapter dealing with fire companies and fire fighters) to provide an exemption from liability for donors of equipment to fire and rescue departments.

It provides that a person who donates fire control or rescue equipment to a fire department or political subdivision for use by its fire department shall not be liable for civil damages for personal injuries, property damage or loss, or death caused by the equipment after donation.

This protection would not apply if the injury, damage, loss, or death was caused by the donor's intentional or reckless conduct, or gross negligence.

The protection would not extend to a vendor or manufacturer of fire control or rescue equipment.

The legislation defines “fire control or rescue equipment” and “fire department.”

The current statutory language which prohibits a person from transferring, selling, or offering for sale to any fire department or firefighter any item of clothing or equipment unless the item meets or exceeds the minimum standards established by the NFPA in effect at the time of the transfer, sale, or offer for sale is amended to limit the prohibition to “vendors” and “manufacturers” only (as is the prohibition on any fire department or fire fighter accepting such equipment).

Explanation of amendments, if any: While the use of the term “person” in a statute is generally understood to extend the scope of the statute beyond mere “human beings” to other legal entities (corporations, etc.), the committee believed that a further explanation of the term might be advisable since some of the primary donors under the statute would be other fire departments and “fire department” is a defined term in the statute. Therefore, the committee amendment adds an expansive definition of “person” that list a broad range of organizations, entities, and bodies (as well as fire departments and human beings) who would be protected donors under the statute.

Senator Mike Friend, Chairperson