

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1096

Introduced by Friend, 10.

Read first time January 23, 2008

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to volunteer fire and rescue departments;
2 to amend section 35-901, Reissue Revised Statutes of
3 Nebraska; to provide for the hiring of a fire chief
4 in a city of the first class as prescribed; to change
5 provisions relating to the use of a volunteer department
6 trust fund; and to repeal the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds that matters relating to
2 emergency medical first response and fire protection are matters of
3 state concern, particularly in larger cities that rely primarily or
4 entirely upon volunteers to provide these services. Recognizing the
5 increasing complexity and difficulty of providing these services,
6 the stringent and growing training demands made upon volunteers,
7 the demographics of an aging population, the economic pressures
8 that deny or inhibit employers from granting the opportunity for
9 volunteers to respond to emergency calls during business hours, and
10 the economic costs to residents and businesses of financing either
11 a paid or partly-paid emergency response system, the Legislature
12 hereby declares the necessity of establishing a system and process
13 whereby certain cities of the first class would be required to
14 review, study, and modify on a continuing basis their emergency
15 response systems, with appropriate public input, based upon local
16 conditions and circumstances.

17 Sec. 2. Not later than January 5, 2009, each city of
18 the first class with a population in excess of twenty thousand
19 inhabitants shall employ a full-time fire chief with appropriate
20 training, credentials, and experience and for whom firefighting or
21 emergency medical first response is a full-time career. The fire
22 chief shall be appointed by the mayor with the approval of the city
23 council. The fire chief shall have the immediate superintendence of
24 the fire prevention, fire suppression, and emergency medical first
25 response services and the facilities and equipment related to such

1 services to the city. The city shall provide the fire chief with
2 such clerical personnel as he or she may require to fulfill the
3 duties and obligations of the office.

4 Sec. 3. (1) In addition to such duties as may be assigned
5 to the fire chief by the city, the fire chief shall keep and
6 maintain full and complete records regarding the twelve-month
7 period ending thirty days prior to the annual report of the
8 chief to the city council as provided for in subsection (2)
9 of this section. Such records include, but are not limited to,
10 the number of volunteers in active volunteer service providing
11 emergency response services to the city including their ages,
12 the amount of training received by each volunteer during the
13 course of his or her time of service as an active volunteer,
14 the number of new volunteers recruited during such period, the
15 number of volunteers who ceased to be active volunteers during that
16 period, the basic information regarding each volunteer specified
17 in section 35-1309.01, the number and nature of calls or requests
18 for emergency services, the response time for each call, to be
19 calculated from the time of receipt of the call to the time of
20 arrival of the first emergency response vehicle at the site of
21 the request, the number of volunteers responding to each call,
22 and the time each call was received. The city council may specify
23 any additional information to be gathered or collected by the fire
24 chief or as the fire chief may recommend.

25 (2) The fire chief shall collate and analyze the

1 information gathered pursuant to subsection (1) of this section
2 and, on or before November 1, 2009, and on or before November
3 1 of each subsequent year, provide a report to the city
4 council at the next regular council meeting on the prior year's
5 experience regarding the volunteer department and shall make such
6 recommendations as he or she deems appropriate regarding the
7 necessity for the hiring of more full-time first responders to
8 provide the necessary level of emergency response services for the
9 city.

10 (3) Within thirty days of the receipt of the report,
11 the council shall hold a public hearing on the report and permit
12 the public to provide testimony regarding its contents and the
13 recommendations of the fire chief, if any.

14 Sec. 4. Section 35-901, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 35-901 (1) For purposes of this section, volunteer
17 department shall mean volunteer fire department or volunteer
18 first-aid, rescue, or emergency squad or volunteer fire company
19 serving any city, village, county, township, or rural or suburban
20 fire protection district.

21 (2) Each volunteer department may establish a volunteer
22 department trust fund. All donations, contributions, bequests, or
23 annuities made to the volunteer department and all money raised by
24 or for the volunteer department shall be deposited in the trust
25 fund. The trust fund shall be under the control of the volunteer

1 department, and the volunteer department may make expenditures
2 from the trust fund as it deems necessary. The treasurer of the
3 volunteer department shall be the custodian of the trust fund.

4 (3) The Except as provided in subsection (4) of this
5 section, the trust fund shall not be considered public funds or
6 funds of any city, village, county, township, or rural or suburban
7 fire protection district for any purpose, including the Nebraska
8 Budget Act, nor shall any city, village, county, township, or
9 rural or suburban fire protection district incur any liability
10 solely by reason of any expenditure from such fund except liability
11 for property when any city, village, county, township, or rural
12 or suburban fire protection district receives title to property
13 acquired with money from such fund.

14 (4) If the total amount of expenditures and receipts in
15 the trust fund exceeds fifty thousand dollars in any twelve-month
16 period, the volunteer department shall inform any city, village,
17 county, township, or rural or suburban fire protection district
18 receiving service from the department and such entity may examine
19 or cause to be examined all books, accounts, vouchers, records, and
20 expenditures with regard to the trust fund.

21 ~~(4)~~ (5) Nothing in this section shall be construed or
22 deemed to permit a violation of the Nebraska Liquor Control Act.

23 ~~(5)~~ (6) All expenditures of public funds as defined in
24 the Nebraska Budget Act for support of a volunteer department or
25 its purposes shall be submitted as claims, approved by the taxing

1 authority supporting such department or its purposes, and published
2 as required by law. All such claims shall be properly itemized for
3 proposed expenditure or reimbursement for costs already incurred
4 and paid except as may be otherwise permitted pursuant to section
5 35-106.

6 ~~(6)~~ (7) All money raised pursuant to the Nebraska Bingo
7 Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card
8 Lottery Act, and the Nebraska Small Lottery and Raffle Act shall be
9 subject to such acts with respect to the deposit and expenditure of
10 such money.

11 Sec. 5. Original section 35-901, Reissue Revised Statutes
12 of Nebraska, is repealed.