

going to put a tremendous personal burden on some of the fire chiefs in the local communities of the State of Nebraska to make this decision?

SENATOR HEFNER: Senator Vickers, no I don't because there were some fire chiefs that testified at the hearing and I have also talked to many in my locality and across the state, and they say that they feel that this will give them a flexibility that they need. At the present time now when the State Fire Marshal issues a statewide ban they have to apply to the State Fire Marshal's office for a waiver, and then he can call a hearing on this but he has to wait twenty days, and so this would just let the local fire marshal or local fire chief have a lot more flexibility.

SENATOR VICKERS: What type of liability might this local fire chief encounter if he, in fact, did make a determination to have a fire in spite of the fact that the Fire Marshal might have had a ban on open burning, and then something got out of hand? Is there a type of liability that the local....

SENATOR HEFNER: This was brought up at the hearing and we discussed it and the State Fire Marshal said there would be no more liability after this bill is passed than as it is now, as it now stands.

SENATOR VICKERS: Thank you, Senator Hefner, for the answers. The reason I am so concerned in this area is we did have a fire in my local community a few years ago where the local fire department had...conducting some tests in their training had started a fire for that purpose at the request of a landowner to burn some trash and so forth. The unfortunate circumstance developed that an extremely high wind came up that they had not foreseen causing the fire to completely get out of hand, which resulted in a couple of people losing their lives, and it was a tragic experience for that community and I wouldn't want to create anything here that we would allow local people, local fire chiefs, and I certainly agree they are doing a great job, that most of them are donating the time and the effort, and we did have people in that area that were very very upset as a result of what happened, and I am just...want to watch this very carefully and I would point this out to the body that that does happen.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor vote aye, opposed no. We are voting to