

AMENDMENTS TO LB 1096

Introduced by Urban Affairs.

1           1. Strike the original sections and insert the following  
2 new sections:

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

19           Sec. 2. Not later than January 5, 2009, each city of the  
20 first class with a population in excess of thirty-five thousand  
21 inhabitants shall employ a full-time fire chief with appropriate  
22 training, credentials, and experience and for whom firefighting or  
23 emergency medical first response is a full-time career. The fire

1 chief shall be appointed by the mayor with the approval of the city  
2 council. The fire chief shall have the immediate superintendence of  
3 the fire prevention, fire suppression, and emergency medical first  
4 response services and the facilities and equipment related to such  
5 services of the city.

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

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

1 information gathered pursuant to subsection (1) of this section  
2 and shall, no less than once in any twelve-month period, on a  
3 date specified by the city council, provide a report to the  
4 city council at a 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.

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

9           35-901 (1) For purposes of this section, volunteer  
10 department shall mean volunteer fire department or volunteer  
11 first-aid, rescue, or emergency squad or volunteer fire company  
12 serving any city, village, county, township, or rural or suburban  
13 fire protection district.

14           (2) ~~Each~~ Except as provided in subsection (4) of this  
15 section, each volunteer department may establish a volunteer  
16 department trust fund. All general donations, or contributions,  
17 bequests, or annuities made to the volunteer department and all  
18 money raised by or for the volunteer department shall be deposited  
19 in the trust fund. The trust fund shall be under the control  
20 of the volunteer department, and the volunteer department may  
21 make expenditures from the trust fund as it deems necessary. The  
22 treasurer of the volunteer department shall be the custodian of the  
23 trust fund.

24           (3) The trust fund shall not be considered public funds  
25 or funds of any city, village, county, township, or rural or  
26 suburban fire protection district for any purpose, including the  
27 Nebraska Budget Act, nor shall any city, village, county, township,

1 or rural or suburban fire protection district incur any liability  
2 solely by reason of any expenditure from such fund except liability  
3 for property when any city, village, county, township, or rural  
4 or suburban fire protection district receives title to property  
5 acquired with money from such fund.

6 (4) (a) If the total amount of expenditures and receipts  
7 in the trust fund exceeds one hundred thousand dollars in  
8 any twelve-month period, the volunteer department shall inform  
9 any city, village, county, township, or rural or suburban fire  
10 protection district receiving service from the department and such  
11 entity may examine or cause to be examined all books, accounts,  
12 vouchers, records, and expenditures with regard to the trust fund.

13 (b) Funds, fees, charges, or donations collected or  
14 received by a volunteer department that are (i) in consequence  
15 of the performance of fire or rescue services by the volunteer  
16 department, (ii) accomplished through the use by the volunteer  
17 department of equipment owned by the taxing authority supporting  
18 such department and provided to the volunteer department for that  
19 purpose, and (iii) paid by or on behalf of the recipient of those  
20 services shall not be deposited in a trust fund authorized by  
21 this section. Such funds are public funds of the taxing authority  
22 supporting the volunteer department and are deemed to have been  
23 collected by the volunteer department as the agent of the taxing  
24 authority and are held by the department on its behalf. If such  
25 funds are in the possession of a volunteer department, the taxing  
26 authority shall cause all the books, accounts, records, vouchers,  
27 expenditures, and statements regarding such funds to be examined

1 and independently audited by a qualified professional auditor or  
2 the Auditor of Public Accounts for the immediately preceding five  
3 years.

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

6 ~~(5)~~ (6) All expenditures of public funds as defined in  
7 the Nebraska Budget Act for support of a volunteer department or  
8 its purposes shall be submitted as claims, approved by the taxing  
9 authority supporting such department or its purposes, and published  
10 as required by law. All such claims shall be properly itemized for  
11 proposed expenditure or reimbursement for costs already incurred  
12 and paid except as may be otherwise permitted pursuant to section  
13 35-106.

14 ~~(6)~~ (7) All money raised pursuant to the Nebraska Bingo  
15 Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card  
16 Lottery Act, and the Nebraska Small Lottery and Raffle Act shall be  
17 subject to such acts with respect to the deposit and expenditure of  
18 such money.

19 (8) No volunteer department shall charge or collect any  
20 funds, fees, charges, or donations as described in subdivision  
21 (4)(b) of this section without the express authorization of the  
22 taxing authority supporting the department by vote of a majority of  
23 the members of the governing body of such taxing authority. Such  
24 authorization shall not extend beyond a twelve-month period but  
25 may be renewed at the discretion of the taxing authority in the  
26 same manner in which it was initially granted. Upon collection or  
27 receipt, such funds, fees, charges, or donations shall be remitted

1 to the designated officer of the taxing authority for deposit  
2 to the account of the taxing authority. The taxing authority may  
3 appropriate and expend some or all of such funds for the support of  
4 a service award benefit program adopted and conducted pursuant to  
5 the Volunteer Emergency Responders Recruitment and Retention Act.

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