



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 607**

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

Introducer(s): (Ashford)

Title: Provide a requirement for full-time fire personnel in certain cities of the first class

Roll Call Vote – Final Committee Action:

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

Vote Results:

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

Proponents:

Senator Brad Ashford
Mike McDonnell

Representing:

Introducer
NE Pro. Firefighters

Opponents:

Doug Kindig
Mia Martin
Herb Evers
Michael Nolan
Ed Babbitt
Gary Troutman
John Westcott
Joseph H. Bockman
Dale Tedder
Lynn Rex

Representing:

City of LaVista
Bellevue Volunteer Fire Dept.
City of Bellevue
City of Norfolk
City of Bellevue
City of Bellevue
Bellevue Vol. Fire Dept.
NSVFA, Bellevue Vol. Fire, NE Fire Chiefs
Bellevue Fire Dept.
League of NE Municipalities

Neutral:

None

Representing:

Summary of purpose and/or changes: This statute has not been amended since it was originally enacted in 1901. At that time, a first class city had a population of more than five thousand inhabitants and less than twenty-five thousand inhabitants.

Provisions: In substance, this bill is very simple. It provides that any first class city which has a population of greater than thirty-eight thousand people shall pay and employ a full-time fire chief and full-time firefighters. The determination of how many full-time firefighters must be employed is to be established using National Fire Protection Association “Standard 1710” as a guideline. (Please note that a copy of Standard 1710 has been provided to you by personal delivery to your office).

Background (Based upon materials provided by NFPA): NFPA (the National Fire Protection Association) is an international nonprofit membership organization [founded in 1896](#). Today, with [more than 81,000 members](#) representing nearly 100 nations and 320 employees around the world, NFPA serves as the world's leading advocate of fire prevention and is an authoritative source on public safety. In fact, NFPA's 300 [codes and standards](#) influence every building, process, service, design, and installation in the United States, as well as many of those used in other countries. NFPA's focus on true consensus has helped the association's [code-development process](#) earn accreditation from the American National Standards Institute (ANSI).

NFPA encourages the broadest possible participation in code development. The process is driven by more than 6,000 volunteers from diverse professional backgrounds who serve on 230 [technical code- and standard- development committees](#). Throughout the entire process, interested parties are encouraged to provide NFPA technical committees with input. All NFPA members then have the opportunity to vote on proposed and revised codes and standards.

NFPA's focus on true consensus has helped the association's code-development process earn accreditation from the American National Standards Institute (ANSI). Examples of NFPA-developed codes include some of the world's most referenced and respected:

- [NFPA 1, Fire Prevention Code](#)TM
Provides the requirements necessary to establish a reasonable level of fire safety and property protection in new and existing buildings.
- [NFPA 54, National Fuel Gas Code](#)
The safety benchmark for fuel gas installations.
- [NFPA 70, National Electrical Code](#)[®]
The world's most widely used and accepted code for electrical installations.
- [NFPA 101](#)[®], [Life Safety Code](#)[®]
Establishes minimum requirements for new and existing buildings to protect building occupants from fire, smoke, and toxic fumes.

With the growth and proliferation in the use of electric equipment in the latter quarter of the nineteenth century, the world found itself saddled with numerous different standards and the electrical community also found itself dealing from a deck of available standards. By the end of 1895, there were five different recognized standards in the United States that addressed the safe use of electrical equipment.

Five different codes meant five different sets of rules for making an electrical installation. This, of course, created significant confusion and controversy. Something had to be done to produce a national code on a national scale.

On a quest for solidarity, several national organizations held a meeting in New York on March 18, 1896, and named itself the "Joint Conference of Electrical and Allied Interests", to be chaired by W. J. Hammer. At this conference the five American Codes, together with the German Code, the Code of the British Board of Trade, and the Phoenix Rules of England, were discussed and referred to a committee with Professor Francis B. Crocker of Columbia University appointed as the chair.

The committee selected the most suitable criteria from all the various codes, and after printing a draft code, it was sent to 1,200 interested individuals in North America and Europe for comment. The conference met again in May and June of 1897 and established an electrical code that was unanimously approved at the June meeting as the "National Code." Because it was so fair and broad in its application, it was adopted without delay by the National Board of Fire Underwriters in lieu of its own, and then issued by them as the "National Electrical Code of 1897". And thus, the "NEC" was born.

Meanwhile, in other quarters, another meeting was held in New York City on March 18 and 19, 1896. But instead of electricity and fire and electrical safety, the topic was water and fire and sprinklers. Of true significance from this meeting was the release of sprinkler installation rules entitled: "Report of Committee on Automatic Sprinkler Protection". Eventually becoming "NFPA 13", the committee that created it was chaired by U. C. Crosby, with E. U. Crosby as the secretary, and a membership of Messrs. Anderson, Bonner, Cabot, Grinnell, and Stratton. Also included as a topic of discussion, and of even greater significance, was the creation of an association to administrate sprinklers. A separate committee was thus appointed to outline the association discussed during the previous year's meetings.

A subsequent meeting was held in New York City on November 6, 1896 at the offices of the New York Board of Fire Underwriters. Eighteen men representing a variety of stock fire insurance organization were present, including Uberto Crosby, Everett Crosby, W. Stratton, and F. Cabot, all of whom were present at the earlier original meeting in March of 1895. The meeting was called to order by Uberto Crosby, and he was subsequently elected as chair of the meeting, while Everett Crosby was elected as secretary.

Aside from the sprinkler installation rules, the Articles for a new Association were reviewed. Of the twelve Articles of the Association, Articles 2, 4, 6, 9, and 10 were amended at the meeting, and the entire set was subsequently adopted as amended. Of these, Article No. 1 is worth repeating: "This organization shall be known as the National Fire Protection Association." So it was.

In the earliest days of the NFPA, membership was limited to Stock Fire Insurance Organizations The twenty original members of the National Fire Protection Association were: New York Board of Fire Underwriters, South-Eastern Tariff Association, Boston Board of Fire Underwriters, Underwriters Association of the Middle Department, Philadelphia Fire Underwriters Association, Suburban Underwriters Association,

Insurance Association of Providence, Board of Underwriters Allegheny County, Underwriters Bureau Middle & Southern States, Middle States Inspection Bureau, New Hampshire Board of Fire Underwriters, Western Factory Insurance Association, Improved Risk Commission, Chicago, Underwriters Bureau of New England, Chicago Underwriters Association, Factory Insurance Association, Cleveland Board of Underwriters, New England Insurance Exchange, St. Louis Board of Underwriters, and Canadian Fire Underwriters Association.

In 1900, the National Board of Fire Underwriters (now the American Insurance Association) became a member of the Association, and furthermore the NBFU voted: "to adopt the standards formulated by the National Fire Protection Association, and assume the expense of publishing the same in suitable form, and further, that matters relative to protective measures be referred to NFPA for investigation and report to the Executive Committee of the Board." This publishing relationship would continue for a number of decades henceforth.

With the considerable interest expressed by non-insurance groups toward the Association, the Articles of the Association addressing membership were revised in 1904 at the Eighth Annual Meeting. At the time, the active membership was comprised of 38 stock fire insurance boards, and 417 individuals, most of whom were related to the stock fire insurance organizations.

The resulting changes in the rules for membership opened up the NFPA to numerous groups. The first organizations to join in 1904 as active members under the new rules were the Associated Factory Mutual Insurance Companies, the Factory Mutual Laboratories, and the National Electrical Contractors Association of the United States. They were soon followed by the American Water Works Association, the International Association of Fire Engineers (Fire Chiefs), the American Society of Mechanical Engineers, and the American Institute of Architects.

The NFPA Standards Council is the primary oversight body in the NFPA codes and standards making process. This 13 member body typically meets 4 times each year and its traditionally heavy workload is a legacy in the NFPA system. The Standards Council reports directly to the NFPA Board of Directors, and Council members are appointed by the Board.

Throughout its history the name of the Standards Council has changed several times, but their duties have generally remained the same. Today, the Council oversees the Association's codes and standards development activities, administer the rules and regulations, and acts as an appeals body.

- Code – A standard that is an extensive compilation of provisions covering broad subject matter or that is suitable for adoption into law independently of other codes and standards.
- Standard – A document, the main text of which contains only mandatory provisions using the word "shall" to indicate requirements and which is in a form generally suitable for mandatory reference by another standard or code or for adoption into law. Nonmandatory provisions shall be located in an appendix, footnote, or fine-print note and are not to be considered a part of the requirements of a standard.

Technical Comments: A review of the NFPA Standard 1710 reveals that the determination of staffing requirements is not a simple matter. It requires an initial determination of needs and activities to be undertaken before the application of standards can be made. This would require the initial study to be made (by some currently undesignated authority) before the staffing equation can be solved.

Additionally, the bill refers only to firefighters (and not the other members of the broad range of emergency response personnel and their support). Is this the intent of the bill?

The two things that should be considered regarding the bill are who or what authority should be responsible for the original needs analysis (and who would review the determination should the end result be challenged) and what time-line for implementation should be followed. The current bill would require full compliance upon the effective date of the bill. A series of steps or stages for municipal action toward full compliance tied to a timeline would probably be the best approach (as opposed to a single date set for full implementation). The staged approach would permit monitoring of municipal progress toward compliance at various stages of the process.

Finally, there is no mechanism for enforcement. What consequences would follow from the refusal of a municipality to comply? This is of particular concern since the standard forming the basis for staffing requires an initial analysis before it can be applied and therefore, would not permit a court to apply a staffing standard on the basis of its own analysis.

Explanation of amendments, if any: None

Senator Mike Friend, Chairperson