

January 14, 1992 LB 27

do think it's an important standard to set when you're considering the purchase of firefighting equipment. It is a dangerous situation to be in, particularly if you're entering a burning building, you want to make sure that you have the very best equipment or at least equipment which meets national standards. And these national standards are adequate, they are appropriate; and I have participated in buying decisions where you can occasionally be tempted to take the less expensive alternative. But the risks associated with the less expensive alternative are simply not worth it. This is very worthwhile legislation; I support it wholeheartedly.

PRESIDENT MOUL: ,Thank you, Senator Wickersham. Senator Beutler.

SENATOR BEUTLER: Senator Bernard-Stevens, just a comment and a question, if I may, or basically maybe throwing out something for your consideration. I notice in the structuring of the bill that there is a penalty provision. And the penalty provision, if I'm reading it right, applies to one of two sections of the bill. It applies to Section 1 and Section 1 of the bill is that section that prohibits somebody from selling or offering for sale certain kinds of clothing or equipment. So you would have a criminal penalty provision that would apply to a seller or distributor. The second section, it says that no fire department shall purchase and with regard to that section there is no criminal provision so my assumption is then you assume that you prefer not to treat that as the same kind of violation or perhaps no violation at all. It is merely as the bill is presently structured a prohibition without enforcement provisions. So it seems to me that one of two things you might want to...should happen. Either if it's important, attach a penalty to it. If it's not important, then get it out of there because violations of statutory law subject one to civil liabilities. And so it just seems to me that it's better to make it more serious if, in fact, you want to apply the penalty to that action or get it out entirely, just a thought.

PRESIDENT MOUL: Thank you, Senator Beutler. Does anyone wish to speak to this motion to advance LB 27? Seeing none, do you have closing, Senator Bernard-Stevens?

SENATOR BERNARD-STEVENS: Just briefly. Senator Beutler, I appreciate the comments and I will take a closer look at that on Select File if the body finds it in its wisdom to move it that