

March 3, 1980

LB 810

fire chiefs a chance to make those decisions. I think they have been doing it generally anyhow but probably some times in error because of the mandate of the State Fire Marshal. I certainly think that this bill should go on and be passed and not be encumbered at this time, especially since the introducer of the amendments has not really checked with any of the officials. Thank you.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DE CAMP: Question.

PRESIDENT: The question has been called for. Do I see five hands? I do. The question then before the House is, shall debate cease? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 29 ayes, 0 nays to cease debate, Mr. President.

PRESIDENT: The motion carried. Debate ceases. You may close, Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, the limitation on the local fire chiefs, the limitations on their discretions, on their discretion that is imposed by this bill is very limited. Let me put it to you this way. In the first part of the section, the section that has to do with the State Fire Marshal prohibiting bonfires, we say he can only do it when atmospheric conditions or local circumstances makes such fires hazardous. Now what if somebody had suggested to you that he ought to be able to do that whenever he felt like it, put on that ban whenever he felt like it, no criteria set out? Why, you would be outraged and appalled and this bill would never have gotten as far as it did because you want to limit his discretion to the reasonable factors. All right, this amendment is saying, let's limit the fire chief who is giving the waiver to the same reasonable factors. The fire chief, in my opinion, should not be able to give a waiver simply because for example, the person requesting the waiver is his relative or his friend and yet if he did it for that reason, under this bill, if he did it for that reason, there is no recourse by anybody who is interested in that particular waiver because the discretion of the fire chief is wide open. So I am not going to belabor this point long but I think to suggest that this is unreasonable limitation on the discretion of the fire chief misses the point and this will come back to haunt us eventually. Thank you.

PRESIDENT: The question is, shall LB 810 be returned for