

March 27, 1973

(Start of Belt #14)

to appeal this closing, but if he says they are going to be closed immediately, they will have to be closed immediately, I suppose, and then they will have to go to the court and get an injunction against the closing and, but I just want to understand fully what takes place here. Thank you.

PRESIDENT: Senator Kelly.

SENATOR KELLY: Mr. President, members of the Legislature, a question of Senator Kremer.

PRESIDENT: Senator Kremer, do you yield to a question?

SENATOR KREMER: Yes.

SENATOR KELLY: The Committee amendment says the Fire Marshall will provide a written procedure for appeal according to Section, Section, Section...what is the appeal process and the Fire Marshall's decision?

SENATOR KREMER: Well, if you take your statutes and turn to Chapter 84 and I have mine open here now, it does provide that if the agency or the people affected disagree with the order saying there is a lack of evidence or the order is improper for any reason at all, you have the right, and it has to be in writing, to inform these people that they have the right to go to the courts and Chapter 84 deals with the procedures and can start with the District Court and you can end up in Supreme Court. Now, if I am wrong about that, I am not an attorney. Maybe, some of the attorneys in this room could tell me if or not I'm right. It is my understanding that if there is disagreement on the order by the Fire Marshall that you have the right to go to the court and ride it all the way up and you must be informed by a letter of the right.

SENATOR KELLY: Well, the procedure I have always heard of is that if you don't like the Fire Marshall decision, you appeal it to the Fire Marshall.

SENATOR KREMER: The problem has been in the past that people have not been aware as to what their rights are.

SENATOR KELLY: Well, you appeal something to the Fire Marshall and you will see that's it. Now, we had a situation in Grand Island on the distance to a Fire exit that would be wavered, maybe, four or five feet for the construction of a building for a new industry, and the statement in the Fire Marshall's office was, we're the Fire Marshall and that is the way it is going to be and that's the end of it.

SENATOR KREMER: I think this probably is true as far as the past is concerned and this is why the Committee felt that it must be mandatory that a notice be given to those affected by the order of the Fire Marshall and notify them as to their rights.

SENATOR KELLY: With your permission and the permission of Senator Johnson, I would like to bracket this bill for...until next Monday until we can do a little more work on it.

PRESIDENT: Senator Johnson, do you have objections to bracketing the bill.

SENATOR JOHNSON: I have no objection.

PRESIDENT: Actually....Senator Carpenter, do you object to bracketing the bill.

SENATOR CARPENTER: No, but I would like to ask Senator Luedtke a question.