

LB 156

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asked that Senator Skarda's name be put on it.

SENATOR SKARDA: That's fine.

PRESIDENT: All right, Chair recognizes Senator Richard Lewis.

SENATOR R. LEWIS: Well, Mr. President, members of the Legislature, we heard this bill in our Public Works Committee and I had a concern at that time and I still have as to any right of appeal, any recourse that any person has that's handed down a decision from the State Fire Marshall's office and so we are offering this amendment. And, do you have a copy of it, don't you, Mr. Clerk? Has it been published in the Journal? Would you care to read it then, please?

CLERK: I'd be glad to. Do you want the whole thing read or just the new paragraph?

SENATOR R. LEWIS: Just the new wording, please.

CLERK: The new paragraph says, the rules and regulations adopted pursuant to this section may conform generally to the standards recommended by the National Fire Protection Association, Pamphlet No. 101, known as the Life Safety Code and associated pamphlets but not when doing so would impose an undue severe or costly burden without substantially contributing to safety of persons or property.

SENATOR R. LEWIS: One of the things, may I continue, sir?

PRESIDENT: Yes, sir.

SENATOR R. LEWIS: One of the things that's contributed to this and it's of a real concern to all county seat towns which have a county jail to smaller areas that have a jail and if they have to bring these up to conform exactly with the code, it's a financial burden that most of them will be almost unable to live with. This allows a little bit of tolerance here. It also allows a review by the Rules and Regulations Committee of this Legislature annually to see if we are actually placing the Fire Marshall's office at a disadvantage, this, this particular thing was taken, a group of Senators from this body went over to the Attorney General's office and questioned the legality of this and I'm sure some of them may want to speak to this but he assures them that it's perfectly constitutional and I move adoption of this amendment.

PRESIDENT: Any further discussion of the motion? Question is, shall the amendment be--Senator Skarda, do you wish to be heard on the motion? Senator Skarda?

SENATOR SKARDA: I might explain a little more in detail-- what it actually does it take the Life and Safety Code 101 out from under the statutes, puts it in the rules and regulations. It doesn't have any direct to it in reference to safety or anything else but does give this body a chance to consider what's being promulgated by the Fire Marshall for the future if you adopt the amendment.

PRESIDENT: Any further discussion? Senator Duis, did you wish to be heard on the motion?

SENATOR DUIS: Mr. President, members of the Legislature, this also will allow something else that hasn't been done for some time and that is to bring the Life Safety Code 101 up to standard. We are operating now under the 1967 Life Safety Code and I think since that time we've had the 1969 and also the 1971 and I think this would give the State Fire