

April 18, 1973

SENATOR DUIS: Well, Mr. President and Senator Barnett, there isn't anybody that wants to pass something that isn't right, regardless of whether we can do it or not and I'm sure you're cognizant of that.

(End of Belt #13)

(Begin Belt #14)

But I also have checked with the HEW through the Legislative Council and I have a letter from the Legislative Council which stated here, I am writing to answer your inquiry relative to the Life Safety Code 101. You ask how many states have adopted this code by statute. The information we received is that 33 states have adopted by statute to date. A relative question is the action taken in the remaining states, especially in the light of the fact that HEW has set a compliance date for all states which is now past with regard to safety under the Medicare and Medicaid programs. The requirements is that a state in order to be in compliance must either adopt the code or have another approved by the Secretary of HEW. Now it's just as simple as that. We're going to get plenty of time in this bill, we can strike the emergency clause as far as that's concerned and I believe that the State Fire Marshall or anybody else can get in compliance by setting, by making it says here they can either adopt the Life Safety Code 101 or another one that is in compliance with HEW. Now it's such a thing, what we're trying to bring about here, Senator Barnett, and I believe you are interested in this too and that is to have the Health Department, the Welfare Department and the State Fire Marshall have their rules and regulations that do not overlap that are together and so on and so forth. So I would like to go along with Senator Lewis and you, if possible, and just hold this on Final Reading and we'll get together here and see what can happen. I fully realize that the State Fire Marshall doesn't want to go through the whole Life Safety Code 101 and make a rule and regulation out of it because I dare say I doubt if he's been here long enough to read through it if he'd stated the day he got here. It's that many volumes. It's like a 10-volume book and I don't think they're in compliance with a third of it right now. So when we talk about being in compliance, let's see if we can boil this down. Now there's nobody trying to endanger the life or limb or anything of anybody in the State of Nebraska but I do think we have to get this as a rule and regulation and we have to get the health, the welfare and the Fire Marshall's office together and let's just do that part by bracketing it on Final Reading instead of bringing it back for a specific amendment.

SPEAKER: Senator Barnett, is that agreeable with you?

SENATOR BARNETT: Could I respond to what he was talking about first? I agree with his letter from HEW 100% and I think it should point out to the body that there is now 34 states because Kansas just passed 101 April 1st of this year. Now there's another thing that the letter he does have from the HEW Department saying that other states have adopted other codes is very true but I would say that what you should point out is that in response to that that they will be as restrictive or equivalent or even tougher than 101.

SPEAKER: Senator Duis.

SENATOR DUIS: Senator Barnett, let me correct something. I did not say I had a letter from HEW. I had a letter from the Legislative Council who had contacted HEW. Now we realize what we're trying to do in this statute is we're trying to make either the Life Safety Code or an equivalent to it for