

January 19, 1981

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The prayer this morning will be given by Reverend Roe, the United Methodist Minister affiliated with the Trinity Methodist Church in Lincoln, Nebraska. Reverend Roe.

REVEREND ROE: Prayer offered.

SPEAKER MARVEL: Roll call. Item #3. Will you please record your presence if you haven't already. Record your vote.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: Ready for item #3?

CLERK: Yes, sir. Mr. President, first of all, corrections to the Journal. (Read corrections to the Journal as found on page 220 of the Legislative Journal.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Sieck regarding LB 58. (See pages 220 and 221 of the Legislative Journal.) I have a series of reports, the first from Frank Marsh, the State Treasurer, regarding the detailed statement of the condition of the State Treasury.

Mr. President, a communication from the Metropolitan Technical Community College regarding LB 1004; a communication from the State Department of Correctional Services regarding program evaluation of the therapeutic community at the Lincoln Correctional Center.

Mr. President, a deposit or communication from David O. Coolidge who is the Director-State Engineer of the Department of Roads pursuant to LB 722. Those will all be on file in my office, Mr. President.

Mr. President, your Committee on Constitutional Revision and Recreation gives notice of public hearing in Room 1019 for January 30, February 5 and February 6. (Signed) Senator Labeledz as Chairperson.

SPEAKER MARVEL: Okay, we now go to item #4, introduction of new bills.

CLERK: Mr. President, new bills: Read title to LB 284-309 as found on pages 223 through 228 of the Legislative Journal.

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LB 115, 134, 235, 240, 296,
324, 369, 436, 494

Mr. President, your committee on Business and Labor reports LB 436 to General File; 115 to General File with amendments; 494 to General File with amendments and 235 as indefinitely postponed. (See pages 920-921 of the Legislative Journal.)

Your committee on Retirement whose chairman is Senator Fowler reports LB 369 to General File with amendments. (See page 921 of the Journal.)

Mr. President, Senator Landis would like to print amendments to LB 240 and 324 in the Legislative Journal. (See pages 921-924.)

Business and Labor has scheduled an executive session for Monday, March 16 at 9:00 a.m. in Room 1019.

Mr. President, Senator Haberman would like to add his name to LB 249 as cointroducer.

SENATOR CLARK: No objections, so ordered.

CLERK: Mr. President, Senator Hoagland to 134 as cointroducer.

SENATOR CLARK: No objections, so ordered.

CLERK: Mr. President, your committee on Public Health reports LB 296 to General File with amendments, (Signed) Senator Cullan as Chair.

And finally, Mr. President, I have from the Speaker a notice regarding priority bill designation. That will be inserted in the Legislative Journal. (See pages 924-926 of the Journal.)

SENATOR CLARK: I think the Legislature would like to extend its sympathy to Senator Nichol. He just found out his mother passed away. Senator Beutler, would you like to adjourn us until 9:30 a.m. on Monday.

SENATOR BEUTLER: Mr. Speaker, I would move the Legislature be adjourned until 9:30 a.m. Monday, March 16.

SENATOR CLARK: All those in favor say aye, opposed. We are adjourned until 9:30 a.m. Monday.

Edited by


LaVera M. Benischek

March 16, 1981

LR 38

LB 101, 134, 193, 241, 267,
296, 368, 430, 490, 497

SPEAKER MARVEL: The motion is carried. The report is approved. Now we go to the last one, Banking, Senator DeCamp.

SENATOR DeCAMP: The committee voted unanimously to support the approval of Gwen Hershberger. I move she be approved by the Legislature. She is from Milford.

SPEAKER MARVEL: All in favor of the DeCamp motion on behalf of the Banking Committee to approve the young lady from Milford vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the report.

SPEAKER MARVEL: The motion is carried. The report is adopted. It is my privilege to introduce to the Legislature David Noonan who is a student from Bethany School and is visiting Senator Fitzgerald today. Will you please stand and hold up your hand so we can see where you are? Okay. From Senator Goll's District, 19 junior and senior students from Tekamah-Herman High School, Tekamah, Nebraska, Mr. Gordon Gentzler, Instructor, Mr. Gene Chamberlain, member of the American Legion, who was instrumental in bringing the group to Lincoln. Where are you folks located? Will you hold up your hand so we can see? Welcome. And from Senator Goodrich's District, 31 eighth grade students from St. Thomas More School, Omaha, Nebraska, Miss Kathy Wilcox, teacher. Where are you folks located? The Clerk has some items to read in and then we will move to item #5.

CLERK: Your committee on Urban Affairs whose Chairman is Senator Landis reports 241 to General File with amendments. (Signed) Senator Landis.

Public Health and Welfare whose Chairman is Senator Cullan reports 267 and 296 to General File with amendments. (Signed) Senator Cullan, Chair.

Mr. President, your committee on Miscellaneous Subjects whose Chairman is Senator Hefner reports a series of items to the Legislature; reports LB 134 to General File, LB 490 to General File; LB 497 to General File with amendments; LB 101 Indefinitely postponed; LB 193 Indefinitely postponed; LB 368 Indefinitely postponed; and LB 430 Indefinitely postponed. All signed by Senator Hefner as Chair.

Mr. President, a new resolution, LR 38. (Read. See pages 937 and 938, Legislative Journal.) That will be laid over, Mr. President.

April 7, 1981

LR 51, 52, 53
LB 284, 331, 179,
366, 296

SENATOR CLARK PRESIDING

SENATOR CLARK: Have you all registered in please. Will everyone check in please. Record.

CLERK: Quorum present, Mr. President.

SENATOR CLARK: We are going to go to number seven. Clerk has some things to read in.

CLERK: Mr. President, new Resolutions, LR 51. Read LR 51. Read LR 52. Read LR 53. All three resolutions were laid over.

Senator DeCamp would like to print amendments to 284. Senator Schmitt to 331. Senator Marsh to 179 and Senator Landis to 366.

SENATOR CLARK: LB 296.

CLERK: Mr. President, LB 296 was introduced by Senator Ron Cope of the 36th District. Read title of bill. The bill was originally read on January 19th, referred to Public Health and Welfare. The bill was advanced to General File. There are committee amendments pending by the Public Health and Welfare Committee Mr. President.

SENATOR CLARK: Senator Cullan, committee amendments.

SENATOR CULLAN: Mr. President and members of the legislature, I would ask for your attention briefly as we review the committee amendments to LB 296. Let me say initially before I get into the committee amendments that Senator Ron Cope from Kearney again has brought to the Legislature, I think, a very important issue in LB 296. He has....it has been his record in the past several years making another strong effort to do what he can to effect the safety and welfare of the citizens of the State of Nebraska. I commend him for bringing LB 296 to us and for presenting the solution, hopefully, to a problem that we have had in the State of Nebraska in recent times as far as so many people dying in fires, very tragic fires in the State of Nebraska. Senator Cope will explain LB 296 to you in detail in a few minutes. I will tell you that I support it and the members of the Public Health and Welfare Committee support the concept of requiring smoke detecting devices in various facilities throughout the State of Nebraska and we would

commend this bill to you. The committee did make several amendments to LB 296. I distributed to you this morning a copy of LB 296 with the committee amendments incorporated. It would be my suggestion that if you desire to change 296 that you work from that white copy which was distributed to you this morning. The amendment proposes numerous changes in the bill of a technical non-substantive nature as far as effecting the definitions of different terms which are contained in Senator Cope's LB 296 including changing the terms of apartment house dwelling, mobile home, as well as providing a definition of remodelling. In addition the amendments propose that the State Fire Marshal "shall" instead of "may" delegate enforcement to local fire protection authorities. This amendment came to us from the City of Omaha and others where these.... some of these functions are currently being carried on by the local authorities and it was felt that enforcement in monitoring costs would be considerably reduced if we utilized existing personnel. Thirdly, the bill as drafted provided that all new construction, excuse me, provided that all new construction or remodelling after January 1, 1982 must have a smoke detector and that all units constructed prior to January 1, 1982 must have smoke detectors prior to January 1, 1984. The committee amended the bill to exempt existing single family houses and duplexes except when they are remodelled. Under Senator Cope's bill, as it was originally presented to us, all single family houses and duplexes would have to have smoke detectors. The committee felt that this was going a little bit to far, that we should only require smoke detectors when a house is remodelled or when a new house is constructed so under the committee amendments and if you vote for the committee amendments, you are voting to insure that only new single family units and new duplexes would be effected or only those facilities when they are remodelled. That is a very substantive difference from the way the bill was originally introduced. Lastly the committee changed the penalty from a Class IV misdemeanor to a Class V misdemeanor for failure to have a smoke detecting device and they deleted the provision that every day be a single and separate offense. Those in sum are the committee amendments. I would ask you to adopt them and then we can work from there with LB 296. Thank you.

SENATOR CLARK: We are on the committee amendments. Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, I worked closely with Senator Barrett on the committee amendments which are before you at this time. We met with

Senator Cope, with Fire Marshal Barnett and with a number of the agency and industry representatives that you see listed who spoke on the bill. We spend quite a bit of time to try to come up with some amendments which would deal with some of the concerns that were raised at the committee hearing to try and clarify some points. Those amendments were drafted and submitted to the committee and that is what is before you at this point. One key point I think should be raised at this time and that is the fact that we took out of the proposal that existing family units and duplexes would have to be required to install these smoke detectors. We took that provision out of the bill and instead require that when they are remodelled extensively or when they are built new the first time, they would have to have these smoke detectors. We originally thought of a proposal which would have allowed for upon sale of ownership the possibility of requiring smoke detectors at that time. However, it was felt that that was too cumbersome of an item and so that was not included but we did consider that as an alternative to the amendments before you. But in total I think you will find the amendments to be reasonable and clarifying in nature and support is urged for them.

SENATOR CLARK: Any further discussion on the committee amendments? If not, all those in favor vote aye, all those opposed vote nay. Have you all voted? Voting on the committee amendments to LB 296. Record the vote.

CLERK: 25 ayes, 0 nays on the adoption of the committee amendments Mr. President.

SENATOR CLARK: The committee amendments are adopted. Senator Cope on the bill.

SENATOR COPE: Mr. President, members, I move that 296 be moved to E & R Initial. LB 296 is my priority bill. Properly installed smoke detectors will save lives. It is going to be at a minimal expense to everyone that is involved. I probably feel closer to this bill than most of you on the floor other than my fellow Senator Martin Kahle, because we have had some very bad fires in Kearney in January. There was a mobile home fire that killed three children. There was a dwelling fire in which two children perished and the Holiday Inn fire that I'm sure that you all know about that caused more than a million dollars worth of damage, but miraculously there was no one killed. Again, if there had been smoke detectors in the homes, the mobile home or the Holiday Inn, I am sure that lives would have

been saved and damages would have been held down. Now first of all when you, if you happen to look at the fiscal impact of the original bill, so that you won't get a heart attack, I'm going to tell you right off that the fiscal impact is \$40,000 and that is all. \$40,000. That is for the State Fire Marshal Wally Barnett to carry out the duties that this bill does include. I would like to go over briefly and I wish you would follow along with the white copy. Section one through seven deals with definitions of apartment houses, dwellings, dwelling units, hotel lodging houses and mobile homes. Section eight has to do with remodeling, what does it constitute and please listen to this. This has to do only where permits are required. Now don't forget that. Section nine, the State Fire Marshal "shall" adopt and promulgate rules and regulations for the administration of this act. He shall administer provisions and shall delegate such responsibility to authorized representatives. He may investigate violation and shall report findings to the county attorney. I think that is a very important paragraph. Section 10 has to do with what Senator Cullan just told you and that is, in a few words, is to exempt single family homes and dwellings. Up until the date of January 1, 1982. Anything constructed after that date will abide by this bill. Now mobile homes are covered already by federal regulations that date back to 1975. But they also will be covered prior to that date. In Section 2, Section 11, I mean pertains to rules and regulations. Section 12, provides that the owner of the building or his authorized agent shall be responsible for supplying, installing, maintaining and testing smoke detectors. When the building or unit is occupied for more than a month by the same occupant the occupant must...shall be responsible for testing the detector and notifying the owner of any deficiencies. That is important. The owner shall provide notice to such occupant containing instructions for the testing. Efficiency shall not include a worn battery. The owner shall not be in violation of this act when he has not received notice of the deficiency. Section 13, prohibits political subdivisions from adopting standards less stringent than this act, except buildings constructed on or after January 1, 1982. It shall require detectors be attached to a centralized electrical power source with a battery as an alternative power source. No subdivision shall make this requirement on buildings constructed prior to January 1, 1982. Section 4, is a violation, it is a Class V misdemeanor, a hundred dollar fine, no jail sentence, no minimum fine required. Now that is a brief overlay. Now let me give you some facts why smoke detectors are essential. In Nebraska we had 3,879 fires in 1980. Think of that, 3,879.

Twenty-nine people were killed in these fires in Nebraska during this time. Put it this way, with that many fires this is the same as if every person in Senator DeCamp's Boyd County had a fire. Every person in the county or if every voter in the 1978 election in Senator Nichol's county had a fire. That gives you some idea as to the extent of the fires that we had in Nebraska. There were in 1980 1,048 dwelling fires, 165 apartments, 110 trailers, 23 motels and hotels and 21 boarding homes, nursing homes and hospitals. Property damage is almost unbelievable. This is in 1979, the 80 figures were not available, \$7,315,937. Sixty-seven firemen were injured in 1979. There were 165 injuries. Now that is on a state level. Let me give you a few on the national level. Over 2.7 million fires each year. Twenty times more deaths caused by fire each year than by flood, hurricanes, tornadoes and earth quakes combined. 80% of all fire deaths occur in your own home. Two-thirds of all fire injuries occur in your own home. 72% of fires are in residences of one and two families. You are two and a half times more likely to die if you don't have a smoke detector. Think of the odds on that. National surveys have shown that price and convenience are not the obstacles and it is not that even for the poorer households. The main obstacle of not having a smoke alarm is the belief that fires happen to other people. Now that is enough statistics and I have reams more of them. I believe for the small cost and the cost of smoke detectors range from ten to twenty to twenty-two dollars at the most. You can buy good fire detectors that are approved for ten dollars and up. The investment is minimal. The implementation, the inspection done by the Fire Marshal and those he designates to do it is very minimal. I ask you to support LB 296 on General File.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: There is an amendment to the bill.

CLERK: Mr. President, Senator Vickers moves to amend the committee amendments (Read Vickers amendment).

SPEAKER MARVEL: Senator Vickers.

SENATOR VICKERS: On the committee amendments on page 3, line 7, where it says "The State Fire Marshal shall administer the provisions of this act and shall delegate such responsibility to his or her authorized representative or the appropriate official charged with the duty of providing fire protection services within the local jurisdiction."

If you will notice in the original draft of LB 296 the word "shall" was "may" and from my perspective I don't believe that the state has the right to delegate responsibility. You can delegate authority but I don't think that we can delegate the responsibility. I think the responsibility is ours. I think that Senator Cope has a bill and I would like to support Senator Cope's bill. I would like to support his concept and his idea that he is trying to address a situation of potentially is very dangerous to the people of the State of Nebraska. But, again it seems to me that the state through the State Fire Marshal's office needs to keep the responsibility in all areas in the State of Nebraska and not delegate that responsibility or not be in a position where they shall delegate that responsibility to other areas in the state. They can certainly delegate the authority but the responsibility it seems to me should still remain the states. If it is a state law we should be responsible for it. So if we are going to put this in the statutes, as I think we should, I think we should put it in with the word "may" here instead of "shall" and I urge the body's adoption of this amendment.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: (no response)

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: (no response)

SPEAKER MARVEL: Senator Marsh.

SENATOR MARSH: (no response)

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Mr. Speaker, members of the Legislature, I rise to support the Vickers amendment, although I must confess that when Senator...or Fire Marshal Barnett attended the hearing he did mention the fact that I think he wanted this word change that would have had it be a mandatory delegation of authority, but in our conversation that we just had with him over the lunch hour on another matter it became clear that when you force delegation of authority his hands are tied when there becomes a problem with enforcement. So I think what Senator Vickers is talking about is by making it "may" its intent is that he shall

actually delegate that authority but if there is any problems, the flexibility that is allowed by making it optional would be there for him to hold over the head of the local authority to make sure they enforce the law properly. So I don't know if it makes a whole lot of difference but I think it might be helpful to the Fire Marshal and probably would still provide for the local control that we all desire. So, I think it makes sense to adopt it at this time and see perhaps what the reaction is later.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Cope.

SENATOR COPE: Mr. President, members, at the present time I will have to oppose it and for this reason. I would like and maybe on Select File I could go along with it but it seems to me that unless we make it very definite as to who is responsible this may not be implemented. Because, if it is "may" the Fire Marshal's office may not deem it necessary to implement the bill. If we say "shall" he is going to work with the volunteer departments, the fire departments, the paid fire departments across the state and they are going to do a lot, in fact, the majority, most of the implementation of this. By making it "shall" we are pinpointing the responsibility of the implementation. So I would have to oppose it at the present time.

SENATOR CLARK: Is there any further discussion on the amendment? Senator Vickers, do you want to talk on the amendment? Do you want to close? Go ahead.

SENATOR VICKERS: Thank you Mr. Speaker. Mr. President, members, I understand Senator Cope's concern, but it seems to me again that if we are giving the Fire Marshal the job as it says in the first part of this same section, it says the State Fire Marshal shall adopt and promulgate rules and regulations for the administration of this act. If we are going to tell him you shall adopt the rules and regulations and promulgate the rules for this act, then it seems to me that we should tell him that you may delegate this responsibility to the local people. But it seems wrong somehow to me to say that you shall delegate that responsibility. I have got nothing wrong with the delegation of authority if it is a permissive thing. If the state is going to allow the local subdivisions or the local appropriate officials to carry out the regulations imposed by the State Fire Marshal's office. That is one

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thing, but if we are going to tell the State Fire Marshal that if you adopt the rules and regulations and then you shall let the local people use those rules and regulations then it seems to me that we are tying the State Fire Marshal's hands. If in fact, as Senator Wesely indicated, we did have a meeting this noon on another matter, that seemed to indicate that there was an instance where a local authority chose to ignore the State Fire Marshal's recommendations and the State Fire Marshal said I can't do anything about it because it says I shall delegate responsibility. I go back to the original idea that I brought to this body. I think we can delegate authority but I don't think we can or should delegate responsibility. I think we are responsible. We should keep that responsibility. I urge this body's adoption of this amendment to change the word "shall" to "may".

SENATOR CLARK: The question is the adoption of the Vickers amendment to 296. All those in favor vote aye, opposed vote nay. Have you all voted? The Vickers amendment to 296. Senator Vickers.

SENATOR VICKERS: I think I'm going to have to ask for a Call of the House, it looks to me like.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House vote aye, opposed vote nay. Record the vote.

CLERK: 9 ayes, 0 nays to go under Call Mr. President.

SENATOR CLARK: The House is under Call. All Legislators will take your seats and check in please. All unauthorized personnel will leave the floor. Will everyone check in please. Legislators are supposed to be in their seats. We are not taking call in votes until they all check in. There are five excused so we need seven more. We are not taking call in votes until they all check in. Senator Vickers, for what purpose do you rise?

SENATOR VICKERS: Mr. President, I would just like to ask for a roll call vote, rather than call in votes any way.

SENATOR CLARK: We are still short seven people. Five are excused. Senator Rumery, will you check in please. Senator Lamb. Senator Vickers, will you check in please. We are still looking for four more. Senator Lamb, Senator Schmit. Senator Vickers, do you want the roll call to go ahead, we are just short Senator Schmit.

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SENATOR VICKERS: Yes, go ahead.

SENATOR CLARK: Call the roll. (Gavel) We are going to have to have it more quiet.

CLERK: Roll call vote. 23 ayes, 16 nays, 6 present and not voting, 3 excused and not voting, and 1 absent and not voting. Vote appears on page 1136 of the Legislative Journal.

SENATOR CLARK: The amendment failed. Do you have anything else on the bill?

CLERK: I have nothing further on the bill Mr. President.

SENATOR CLARK: Senator Cope.

SENATOR COPE: (no response)

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: I asked to speak on the bill.

SENATOR CLARK: Well we have got three of them that want to speak on the bill. Senator Haberman you go ahead then Senator Marsh and then Senator Hefner.

SENATOR HABERMAN: Mr. President, members of the Legislature, Senator Cope, would you yield for a couple of questions please.

SENATOR COPE: Yes.

SENATOR HABERMAN: Does the bill specify any particular kind of smoke detector?

SENATOR CLARK: The Call is raised.

SENATOR COPE: It must have the....oh, there is a word for it, approved. . . .

SENATOR HABERMAN: By the United Writers Laboratory?

SENATOR COPE: Yes, that is right.

SENATOR HABERMAN: But it does not say any specific brand?

SENATOR COPE: No. There is a variety of good brands.

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SENATOR HABERMAN: My next question is, is this financial statement true when it says that it will cost us \$32,654,504?

SENATOR COPE: That is not true. You evidently were not in the room when I started. That was full implementation by....for homes, the bit. The bill has been changed. The fiscal impact is \$40,000 only.

SENATOR HABERMAN: Thank you Senator Cope. Thank you Mr. President.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Thank you Mr. Speaker and members of the Legislature. I rise to support LB 296. It not only is a mechanism which will save lives it is a mechanism which can save property. It is helpful to know that the smoke detectors at the Marsh house work when you talk to long to a neighbor in the backyard. The smoke detectors go off before any damage is done except to the food that was left on the stove. This is a tool which is now available at a very modest cost. I urge your support of LB 296.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the Legislature, I am usually against additional rules and regulations. However in this case I can see a need for it because we do have quite a few fires here in the State of Nebraska. Not only just destroying property but destroying and losing lives. I think a lot of times if we would have smoke detectors in certain areas of our property lives could be saved. This will cover apartments, hotels, dwellings and a lot of other buildings. I guess I would have a question for Senator Cope, if he would yield.

SENATOR CLARK: Senator Cope, will you yield?

SENATOR COPE: Yes, Senator Hefner.

SENATOR HEFNER: I noticed on page five of the amendments you have 1 the case of a dwelling unit, guest room, hotel room, do you mean to include motel rooms too?

SENATOR COPE: Motel rooms are included.

SENATOR HEFNER: I was wondering if it wouldn't be better if we had the smoke detectors in the hallways rather than in the motel room itself or the hotel room.

SENATOR COPE: The trouble with that, as I understand in talking with people, is that if the doors are closed, and they usually are, it can be....a fire can be well underway before anyone knows it, or even more important, someone is smoking in bed, say, the door is closed and that room can be on fire for quite awhile before the person is awoken. they may never awaken because today most deaths are not caused by burning but by the fumes. This would alert the person and I can give you the best example of the Holiday Inn in Kearney. If there had been a smoke detector and the door had been closed, there probably if the person or persons had left the room quickly and closed the door it could have been confined to one room rather than the a...a...lot of the hotel or motel.

SENATOR HEFNER: Okay, thank you Senator Cope. Okay, how about if a person is in his hotel or motel room and there is a fire in the hallway or smoke is coming down the hallway, shouldn't there also be a smoke detector in that hallway and maybe in the hotel or motel room?

SENATOR COPE: I'm sure that will be in the rules and regulations if the Fire Marshal deems it necessary and I'm sure knowing him, that at the present time he will deem anything necessary that will save lives and property.

SENATOR HEFNER: One last question. What do these smoke detectors cost that you are.

SENATOR COPE: They range from ten to twenty-two dollars. We did a survey here in Lincoln and you can buy good smoke detectors for ten on up.

SENATOR HEFNER: Okay, thank you Senator Cope. I want to commend Senator Cope for introducing a bill such as this. I think it is a good bill and I think we ought to pass it.

SENATOR CLARK: I would like to introduce to you twenty students from the American Government class, Nebraska Wesleyan, they are in the north balcony. Their instructor is Senator Marvel. Will you raise your hands so you can be recognized. Welcome to the Legislature. The next speaker is Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I think I would like to clarify one point that Senator Hefner brought out as far as location of those fire...excuse me, location of the smoke detectors. The smoke detectors... the rules and regulations for motels and so forth will be

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promulgated by the Fire Marshal and he can take into account what is most effective and what isn't so we didn't attempt to make that determination here in the bill. I guess that is the only thing that has come up so far that I wanted to comment on other than to say that it seems very interesting to me that whenever we have one of Senator Cope's bills up it is always a more friendly discussion than when we have one of Senator DeCamp's bills up and I guess I always enjoy working on Ron's bill more.

SENATOR CLARK: Senator Barrett.

SENATOR BARRETT: Mr. President, members I too rise very briefly in support of 296. Senator Cope has done a magnificent job of bringing this bill to us. He has worked very hard on the bill. As a member of the Public Health Committee I had the privilege of hearing the bill and as Senator Wesely mentioned a few moments ago, had a small part in working out some of the amendments on the bill. I did have problems initially with the bill, I think, as amended. I too commend Senator Cope and I think the Legislature should act very promptly on 296. Thank you.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. President, just a word of encouragement to Senator Cope and to the body to adopt this legislation. I think that after the experience that we have had in Kearney, especially, and this was after Senator Cope had started with this issue, it has certainly been brought to our mind that this is important and while we don't like to have the state tell us what to do, I think that Senator Cope has always been one that is interested in saving lives. I heard him say time and again as many of you have that I am interested in saving lives and this is just one more of his ideas that will save lives. Thank you.

SPEAKER MARVEL: Senator Clark.

SENATOR CLARK: Mr. President, I would like to ask Senator Cope a question.

SPEAKER MARVEL: Senator who? Cope? Senator Cope do you yield?

SENATOR CLARK: Section 13 says down on line 25, "that after January 1, 1982, such political subdivisions shall require that smoke detectors be attached to a centralized electrical power source within the building equipped with a battery as an alternate power source, now what does all this mean? I have have four smoke detectors but they are not connected to anything.

SENATOR COPE: It means that. . . .

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SENATOR CLARK: I have four of them in my house, but they are not connected to any power source outside of their battery.

SENATOR COPE: This would be an auxillary and this was suggested, I'm not sure who, but the reason for it on new homes they can be wired in reasonably easy but there are times when the current will be off and there will be no smoke alarm. So, by having an auxillary would give you absolute guaranteed protection. (inaudible comment by someone) Yes, both ways, if the battery is dead you still have the electric phase of it. If the electricity is off you have the battery.

SENATOR CLARK: That must be an awfully expensive system to put in, I would think. You are not talking about a ten dollar smoke detector anymore.

SENATOR COPE: This is on new construction and. . . .

SENATOR CLARK: Regardless how it is it is still not a ten dollar. . . .

SENATOR COPE: Yes, it would be more expensive when it is wired in, but as I understand the expense isn't to great to wire in when. . . on a new building. It is when a building, an old building it is very expensive to wire in.

SENATOR CLARK: Okay, thank you.

SPEAKER MARVEL: Senator Cope, do you wish to close?

SENATOR COPE: Mr. President, members, it will be very short. I appreciate the support on this. I believe that there is a real interest and when you think of the figures that I gave you, the twenty-nine deaths caused by fire in the three thousand plus fires alone, over seven million dollars worth of damage this is a very small investment for any family and the State of Nebraska which is \$40,000. I would ask you to support LB 296 on General File.

SPEAKER MARVEL: The motion is the advancement of LB 296. All those in favor of advancing the bill vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 30 ayes, 2 nays on the motion to advance the bill Mr. President.

SPEAKER MARVEL: The motion is carried, the bill is advanced. The next is LB 328.

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LBs 35, 72, 205, 296,
328, 251, 477

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Chaplain for today is Edith Young, Assistant Minister of First Christian Church of Lincoln.

PASTOR EDITH YOUNG: Prayer.

SPEAKER MARVEL: Would you please record your presence? Okay record.

CLERK: Quorum present Mr President.

SPEAKER MARVEL: Okay, item number three.

CLERK: Mr. President your committee on Enrollment and Review respectfully reports that we have carefully examined LB 296 and recommend the same be placed on Select File, 328 Select File with amendments, 477 Select File with amendments, 35 Select File with amendments. (signed) Senator Kilgarin, Chair.

Mr. President, a letter from the Governor to the Clerk regarding LB 351. (See page 1365 of the Legislative Journal).

Mr. President LB 72 and 205 are ready for your signature.

SPEAKER MARVEL: While the Legislature is session and capable of transaction business, I am about to sign and do sign re-engrossed Legislative Bill 72, re-engrossed LB 205.

The Clerk will read a letter from the Governor's office. Can I have your attention for just a minute. The Clerk will read a letter from the Governor's office. In order to have it distributed to you somebody's signature needed to be on the letter, my signature or initials are there. That does not necessarily mean an endorsement, it is simply a convenience for the members of the Legislature.

CLERK: Read letter from Governor Thone. See Legislative Journal pages 1366-68.

April 10, 1981

LB 243, 296, 298, 529

SENATOR CHAMBERS: To ask a question, Mr. Chairman. Now that it is fresh in everybody's mind, what becomes of this bill since it failed to advance? Does it go to the bottom?

SPEAKER MARVEL: It goes to the bottom of General File.

SENATOR CHAMBERS: Thank you.

SPEAKER MARVEL: Yes, sir.

SENATOR SCHMIT: Does it go to the bottom of the priority bills or the bottom of General File? I think we have had this happen before.

SPEAKER MARVEL: General File priority bills, the bottom.

SENATOR SCHMIT: Thank you, Mr. President.

CLERK: Mr. President, Senator Koch would like to print amendments to LB 298; Senator Cullan to LB 296.

Your committee on Ag and Environment reports LB 529 to General File with amendments. Signed Senator Schmit as Chairman.

April 14, 1981

LB 40, 129, 296

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: In the North balcony from Senator Fowler's District, it is my privilege to present 25 fifth and sixth grade students from Saratoga School, Lincoln, Nebraska. Mrs. Janice Harry, Mrs. Connie Niett, Mrs. Wanda Dissmeyer are the teachers and you are in the North balcony. Will you raise your hand so we can see where you are? Record the vote.

CLERK: A quorum present, Mr. President.

SPEAKER MARVEL: The Clerk will read the items.

CLERK: Mr. President, your committee on Judiciary to whom was referred LB 129 respectfully reports the same back to the Legislature with the recommendation it be advanced to General File as previously amended.

Mr. President, Senator Cope would like to print amendments to LB 296. That is all that I have, Mr. President.

SPEAKER MARVEL: We are ready for a change in the agenda and the first motion, if I can have your attention, I would like to make a comment. The first change in the agenda or the first motion should be a change in the agenda in order to take up LB 40. Does anybody want to speak to that motion? The first motion is the change in the agenda in order to take up LB 40. The Chair rules that you have to overrule the Speaker's order. Are you already for that motion? All those in favor of overruling the Speaker's agenda vote aye, opposed vote no. Senator Marsh.

SENATOR MARSH: (Mike off) I am sorry but I do not know what the issue is (inaudible) and I need to have it clarified further before I vote on this issue.

SPEAKER MARVEL: Senator Dworak.

SENATOR MARSH: I am not debating.

SPEAKER MARVEL: The original motion was the motion by Senator DeCamp and the Chair is ruling that in order to proceed with that motion you have to overrule the Speaker's agenda. So what you are now doing is voting one way or the other to either sustain or overrule the Speaker's agenda. That is about as plain as I can make it, Senator Marsh. Have you all voted? Senator DeCamp.

April 24, 1981

LB 466, 296

until we get copies made of an Attorney General's opinion to be distributed to all of the members.

SPEAKER MARVEL: Any objection? Okay. The next bill is LB 296.

CLERK: Mr. President, LB 296, there are E & R amendments, Mr. President.

SPEAKER MARVEL: Senator Chambers, do you want to move the E & R amendments to LB 296.

SENATOR CHAMBERS: Mr. Chairman, I move for the adoption of the E & R amendments to LB 296.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. Thank you, sir.

CLERK: Mr. President, I now have amendments from Senator Cullan found on page 1416 of the Journal.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Mr. Speaker, members of the Legislature, the amendments Senator Cullan had in the Journal are an attempt to try and get the bill in the proper form. There was a white copy passed out on General File and essentially this amendment will bring us into that white copy. The problem was, I guess, some of our sections were not ordered in the proper sequence so this merely, it does not change any of the wording, it just puts the sequence of the sections in order and puts it into a more, I think a legalistic form. So I would suggest that we amend this with this amendment and put it in the proper form and again, it will not change any of the wording or the intent. It is merely a technical change.

SPEAKER MARVEL: The Clerk informs me that the amendments that Senator Wesely is discussing are on page 1416 of the Journal. All in favor of the adoption of the amendments found on page 1416 of the Journal amending sections to LB 296, all in favor of the motion vote aye, opposed vote no. Have you all voted? Okay, record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the Cullan amendment.

SPEAKER MARVEL: The motion is carried. The Cullan amendment is adopted.

April 24, 1981

LB 296

CLERK: Mr. President, Senator Cullan now moves to amend the bill and the amendment is found on page 1419 of the Journal.

SPEAKER MARVEL: Senator Wesely, are you going to take the next amendment on page 1419?

CLERK: Senator, it says, "page one, line two, after the word sections insert in all amendments thereto."

SENATOR WESELY: What this does, with the white copy amendments we just adopted there was a need to strike the previous amendments and this is again just an attempt to clean up the act and make sure that it is in the proper sequence and we needed to strike the previous amendments. All this one does is clarify that so it is kind of an amendment to the amendment we just adopted.

SPEAKER MARVEL: The motion is the adoption of the second Cullan amendment to 296. All in favor of adopting that motion vote aye, opposed vote no. Record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the second Cullan amendment.

SPEAKER MARVEL: Okay, the motion carried. The amendment is adopted. Now we go to third Cullan amendment.

CLERK: Yes, sir, well, Senator Cope moves to amend the bill and it is found on page 1463 of the Journal.

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President, members, I move that these amendments be adopted. There is very little change, that is one particular change I should say in the amendments that you just heard. When we discussed this the other day Senator Vickers attempted to amend one phase. It is on the handout that you have and it is on page 3 and it has to do, "The State Fire Marshal shall administer the provisions of this act," and we did have it "shall delegate such responsibility to his or her authorized representative," and so forth. Senator Vickers believe that that second should be "may delegate such responsibility." The amendment failed. I checked with Wally Barnett. He thinks it is good. I certainly do then so that has been changed to the "State Fire Marshal shall administer the provisions of this act and may delegate." That is the first change. The next change is a considerable change and that is on the same page in the third part of Section 11 and it has to do with dwellings. Every dwelling unit within a dwelling or apartment house constructed prior

to January 1, 1982, mobile home and manufactured housing unit constructed pursuant to Section 71-1555 and 71-1567 shall be provided with one or more operating smoke detector meeting the requirements of the State Fire Marshal's rules and regulations at the time of their remodelling or sale. In the event of a sale the provision of smoke detectors shall be the sole responsibility of the seller which responsibility shall be assigned or imputed to any other party or the agent of any party to the sale." Now this part was in the original bill. It was amended out. The, particularly the Real Estate Association, were hesitant because of the liability of this portion. We have consulted with Mr. Pearson, the Real Estate Association. They are agreeable to this wording and they also went this far to say that they would put in the contracts wording something to the extent that there is a state law mandating that smoke detectors must be in homes at time of sales but there is no responsibility whatsoever to the real estate operator. I think this is a good amendment. It certainly would not be as good if they had to be on all homes at the beginning of 1984 or 1982 in some cases but eventually we will have smoke detectors in all homes. There will be no cost for the policing. There will be no invasion of privacy and it will coordinate with the apartment houses, lodgings, hotels, motels and that sort. A third is a change and this was brought up at the last discussion by Senator Clark and that had to do with a part on page 5, section 14 in the handout and down about halfway it says, "except that as to buildings constructed on or after January 1, 1982, such political subdivisions shall require that smoke detectors be attached to a centralized electrical power source within the building and then equipped with a battery as an alternative power source." Senator Clark believed and he was correct that that might be a good deal more expensive. We checked on that. Again checked with the Fire Marshal and that is changed to, "after a building which may be equipped with a battery as an alternative source." In other words, it will be wired in. If people want to add the battery system, fine. I think they will but they do not have to and I think that is a good addition too. So, these are the major changes. There is a little different changing in wording but primarily those are the changes from the bill as was moved from General File about a week, ten days ago.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: We are now voting on the Cope amendments. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting aye.

April 24, 1981

LB 296, 257

SENATOR NICHOL: Have you all voted? Record, please.

CLERK: 28 ayes, 1 nay, Mr. President, on the motion to adopt the Cope amendments.

SENATOR NICHOL: Senator Chambers, do you want to...?

SENATOR CHAMBERS: Mr. Chairman, I move that LB 296 as amended be advanced for embalming and restoration.

SENATOR NICHOL: All those in favor signify by saying aye, opposed nay. The ayes have it. The bill is advanced. We will move on to LB 257.

CLERK: Mr. President, there are E & R amendments to LB 257.

SENATOR CHAMBERS: Mr. Chairman, I move that the E & R amendments to LB 257 be adopted.

SENATOR NICHOL: All those in favor signify by saying aye, opposed nay. They are adopted.

CLERK: Mr. President, I now have an amendment from Senator DeCamp. It is referred to as Request #2336.

SENATOR NICHOL: Senator DeCamp, please. Senator DeCamp, we are talking about your amendments to LB 257 which has to do with the State Energy Act.

SENATOR DeCAMP: Mr. President, I am not going to take a lot of time, I hope. As you know, LB 257 had all kinds of noble goals and they ran into a bit of a buzz saw. Maybe the most important of those though was an agreement reached with the oil and gas industry for a modest increase in the severance tax and that is in the bill now. Senator Warner put those amendments on. So now all we have to do is decide how we can pretty efficiently use the money we have towards energy conservation or towards energy whatever. All the multitudes of things in the original bill probably are not passable, quite frankly. And my good friend Senator Fowler and Senator Wesely I think maybe understand that. What is possible though is that the money we do have we use a lot more efficiently and correct some of the problems we are going to be facing here next year. I am handing out to you right now what the proposed amendment does, a copy of the amendment and a copy of the letter from Bill Palmer, the energy office whatever. The amendment does this. It simply takes the money from the severance tax and we are going to use it to weatherize public buildings, schools but the schools have got to do something themselves on it

April 29, 1981

LR 62, 66
LB 132, 249, 296, 327,
331, 499, 512

SPEAKER MARVEL PRESIDING

REVEREND JAMES C. COUSER: (Prayer offered.)

CLERK: Mr. President, Senator Vard Johnson would like to be excused until he arrives; Senator Hoagland would like to be excused for the day; and Senator Beyer, Pirsch and Labedz until they arrive.

SPEAKER MARVEL: Will you record your presence please? Record.

CLERK: There is a quorum present, Mr. President.

Mr. President, first of all, I do have a correction to the Journal. (Read. See page 1620, Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 512 and recommend that same be placed on Select File with amendments; LB 499 Select File with amendments. Both signed by Senator Kilgarin, Chair.

Your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 296 and find the same correctly engrossed; 327 correctly engrossed; and 331 correctly engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, a new resolution, LR 66 (read). Mr. President, that will be laid over pursuant to our rules.

Mr. President, LBs 132 and 249 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign, LB 132 and LB 249. Item #4, resolutions, the first resolution #62.

CLERK: Mr. President, LR 62 (read). It is found on page 1551.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, if you paid attention to the reading of the resolution, you know that Kenneth Bowen passed away on April the 18th. He was a resident of the 37th District until his death, the District that I represent. You also know that he was a State Senator from '59 to '67 and he was Speaker in '65 of this body. Later he was appointed to the Farmers Home Administration and was Executive Secretary of the League of Nebraska Municipalities.

May 14, 1981

LB 266, 266A, 296, 296A

ASSISTANT CLERK: (Read LB 266 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 266. Have you all voted? Clerk, record the vote.

ASSISTANT CLERK: (Record vote read. See pages 2037 and 2038, Legislative Journal.) The vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read on Final Reading LB 266A.

ASSISTANT CLERK: (Read LB 266A on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. Record the vote.

ASSISTANT CLERK: (Record vote read. See pages 2038 and 2039, Legislative Journal.) The vote is 43 ayes, 0 nays, 3 excused and not voting, 3 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. Next on Final Reading LB 296.

ASSISTANT CLERK: (Read LB 296 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 296 on Final Reading. Have you all voted? Record the vote.

ASSISTANT CLERK: (Record vote read. See page 2039, Legislative Journal.) The vote is 39 ayes, 6 nays, 3 excused and not voting, 2 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The Clerk will now read LB 296A on Final Reading.

ASSISTANT CLERK: (Read LB 296A on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 296A. Have you all voted? Record the vote.

May 14, 1981

LB 3, 11, 11A, 12, 70, 99, 146,
184, 228, 250, 266, 266A, 296,
296A, 310, 328, 328A, 361,
366, 369, 376, 561

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 184 and recommend that same be placed on Select File with amendments; LB 376 placed on Select File with amendments. Those are both signed by Senator Kilgarin as Chair.

Mr. President, LBs. 3, 11, 11A, 12, 70, 99, 146, 228, 250, 266, 266A, 296, 296A, 310, 328, 328A, 361, 366, and 369 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LB 3, LB 11, LB 11A, LB 12, LB 70, LB 99, LB 146, LB 288, LB 250, LB 266, LB 266A, LB 296, LB 296A, LB 310, LB 328, LB 328A, LB 361, LB 366, LB 369. Okay, if we may have your attention, the first item will be from the Clerk's desk and the second item will be Senator Warner's. So, Mr. Clerk.

CLERK: Mr. President, I have a letter addressed to the membership from Senator Warner who is Chairman of the Appropriations Committee. (Read. See pages 2052 and 2053, Legislative Journal. Re: Line item vetoes of LB 561.)

SPEAKER MARVEL: Senator Warner, you are recognized to comment on the letter just read.

SENATOR WARNER: All right, Mr. President, again under the provision of the rule, the Appropriations Committee is to make such report, and as the report indicates, there was one item which the majority of the committee did support to offer a motion for override which at the time which will be designated by the Senator representing the majority of the committee's position on that issue. The other portion I might just go through briefly with you is the second and third page which is to give you for your information. Page two that is an analysis of the Governor's line item vetoes points out those vetoes that occurred relative to committee recommendations and it shows what the collective floor amendments were, and the last group indicates the vetoes that were relative to the floor amendments and shows the total dollar amount then of \$728 million to \$74,747 that would remain under the Governor's veto as the legislation now stands. If you look at page 3, headed Financial Status Summary, it is similar to what is on the back of the agenda but in a slightly different form. Above the line at the top it shows again the original committee level of recommendation in those bills. The next shows the allocation for A bills that was originally recommended, that subtotal, and then it shows the amount that was

May 18, 1981

LB 11, 11A, 113, 113A, 228, 266,
266A, 296, 296A, 310, 328,
328A, 334, 334A, 369, 381, 384,
441, 463, 470, 501, 543, 545

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: In the North balcony, the Legislature welcomes from Senator Newell's District 5 students from St. Paul Lutheran, Omaha, Nebraska, Richard Ulmer, the teacher. Are you up in the North balcony? If you are, hold up your hand so we can see where you are. Welcome to the Unicameral. Then underneath the South balcony as guests of Senator Shirley Marsh we welcome Mrs. Marie Sal-verda from Sidney, Australia and Anne Johnson from Lincoln. Will you step out and say "hello"? Okay, record.

CLERK: There is a quorum present, Mr. President.

Mr. President, I have communications from the Governor addressed to the Clerk. (Read. See pages 2074 and 2075, Legislative Journal. Re: LB 463. LB 11, 11A, 228, 266, 266A, 296, 296A, 310, 328, 328A, 334, 334A, 369, 113 and 113A.)

SPEAKER MARVEL: The Clerk will read on Final Reading LB 545.

ASSISTANT CLERK: (Read LB 545 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, those opposed vote no. Have you all voted? Clerk, record the vote.

CLERK: (Record vote read. See page 2076, Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 545, LB 381, LB 384, LB 441, LB 470, LB 501, LB 543. Now if I could have your attention for a moment and refer you to the agenda, what we propose to do is first of all go to item #5 on motions which has to do with consideration of the override and we propose to...in order to begin to catch up in some of the areas, especially if you look now on the agenda you will find the General File priorities that are left, and so we propose first of all to work until five o'clock and then, secondly, to start at eight o'clock tomorrow morning. Unless we begin to have a schedule like this, there are going to be a lot of bills that'll go down the drain. So we propose to work until five this evening and start work in the morning at