

regards to this. Now as it is now cannot the fire department go to the county attorney's office and be issued a subpoena? I know that they can go to the county attorney's office, this happened in a small town in western Nebraska, and got a subpoena to get a hold of the phone calls made from a private individual's home and the telephone company did not notify this individual for ninety days that they had given this information to the Fire Marshal's Office. So if they have the power to go to the county attorney's office and get a subpoena to get somebody's private phone bill so they can check out the phone numbers, wouldn't they have the power now to go to a county attorney's office and get a subpoena in the case of an arson question?

SENATOR BEUTLER: Senator Haberman, I am speaking a little bit off the top of my head because I haven't researched that part of it but my answer to that would probably be, yes, because arson is a crime. The county attorney has the power to investigate that as well as fire department personnel and he can go through the normal system that we use for (interruption).

SENATOR HABERMAN: Okay, fine. What the Fire Marshal's Department did was went and got the subpoena and served it on the telephone company so, therefore, I feel this language of giving this power to an arson investigator of any rank or title the power of subpoena is unnecessary because they can already do it. All they have to do is go up to the county attorney's office and have them issue the subpoena. So I think the bill goes much further and I am going to support bringing it back and hope that we can make some changes in this because I think it is a dangerous thing to say to someone, "Well, I am on the arson squad. I am going to subpoena so-and-so's records." I think this is pretty dangerous so I am going to support bringing it back and to make some changes.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Beutler's amendments are merely cosmetic. They don't get to the real issue involved in this bill which is the bestowing of tremendous power on firefighters. What you need to do is look not only at Sections 2 and 3 which Senator Beutler is attempting to amend but Section 1. That is where the damage occurs, and so that I can be as brief as possible and as much to the point as possible, I will tell you these things. On page 2, in line 5, in line 6,