

March 11, 1981

LB 205

CLERK: 25 ayes, 14 nays on the motion to adopt the amendment, Mr. President.

SPEAKER MARVEL: Motion lost. I am sorry. Motion carried. The motion is to readvance the bill. Senator Newell, do you want to speak to that motion?

SENATOR NEWELL: Yes, Mr. President, members of the body, the situation that we have here is one that I was very fearful might occur when I came back and accepted the Beutler amendments because what happens is is that Senator Chambers in all his eloquence gets up and says "my conscience, and your conscience, and you are not paying attention and you don't know and I am holier than you folks are, and I understand this and you don't", and that may be in part for some of us true and I knew that Senator Chambers would no matter what I tried to do in trying to tighten this up and make it very clear how this authority would be used, who would have responsibility, accepting the Beutler amendments which I thought were very responsible, and I appreciated Chris was bringing this out, tightening it up and so forth, because in fact the intent here is to authorize the police powers to four fire investigators in Omaha who deal with arson. Now arson in Omaha is a different kind of a situation than it is for the state. We are granting these four officers the same powers that the Fire Marshal has. Now the reason we are doing that is very simply this that fifty percent, fifty percent of all arsons in this state happen in Omaha, and it is not the same kind of arson. It is the kind of arson that is more revenge motivated, more venally motivated. It is not the crime of arson for insurance purposes but it substitutes as a revenge and slum clearance and those kinds of things in the older city. The kind of arson that we have in a major metropolitan area, this, by the way, as I provided for you on general file, other cities in other states have the same kind of authority, major metropolitan areas all over this country have these kinds of authorities. I provided case histories of the kinds of times when officers in Omaha were physically threatened, were under grave danger, and we had fifty some cases and we gave a representative sample of about thirteen cases that were, in fact, representative and we read those. Senator Labedz and I read those on the floor. The situation here is simply this that these powers are powers that basically are needed for the investigation for protection of four officers. Now I accepted Senator Beutler's amendments to make sure that these were people with experience, these were people that would have to go through all the training. Senator Goll, they would have to go through all the training of a police officer in the City of Omaha. They would have to go all the