

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I should like to encourage this body at this time not to readvance the bill to Final Reading. The reason I ask the body not to do that is not because I think the bill should be killed but rather because I think the bill should be more carefully examined and we need more time to get that examination done to make certain we are doing the right kind of things. We amended the bill this morning to make certain that Omaha arson investigators have the same ability to subpoena individuals and records as does our State Fire Marshal. And I checked the State Fire Marshal statutes and it is absolutely true that the State Fire Marshal does have this authority but the real question, in my opinion, is whether the delivery of this authority to our local firefighters is necessary, and for us to determine that it is necessary, we need to see how the State Fire Marshal has used his authority. I spoke privately with Senator Newell and Senator Newell doesn't at this juncture know the degree to which the State Fire Marshal has used his own subpoena power. It may well be, colleagues, that this is a power that the State Fire Marshal has never invoked, and if our State Fire Marshal has never invoked the power, then I question seriously the justification of its need, and if it is not needed, then there is no sense for us to take a step which really does represent an anomaly in the law enforcement process. Policemen do not have subpoena powers. County attorneys have subpoena powers when they take cases to grand juries. That is our basic investigative weapon through the grand jury process, and as you well know, grand juries are called very infrequently. By and large, most investigative work is done through the old, I guess, footwork and cloak routine where the policemen just go out and talk to witnesses, talk to people who have knowledge, and so, too, do firemen, and that is essentially it. But there are other ways of ensuring the basic civil rights of us all than to confer blanket subpoena authority on individuals and one of those ways, for example, is what we do in the area of search warrants. Local law enforcement officials may issue search warrants but they have to go to a magistrate, to a constable, I am sorry, to a magistrate or to a judge for authority, and once that is approved, then the warrant will issue. In other words, there is always a kind of a check that is operated on a law enforcement process and that is part of the give and take of our trying to root out crime on the one hand, but by the same token trying to be very careful for the civil rights of all of us. Now the other thing I think is interesting about 205 is the fact that it does authorize the arson investigator in the metropolitan city to carry a firearm.