

April 1, 1981

LB 205

be a very tenuous, not even a logical relationship between what the fire chief is trying to compel a person to do and the investigation. So if you would read this bill, you will see that it broadens in an unacceptable way the power of one category of public employee and in addition to that defines that employee as a law enforcement officer without requiring that employee to take all of the training that every other person defined as a law enforcement officer must take. As a matter of fact, there is a specific exclusion so that they don't have to take the training relative to traffic. But suppose part of their investigation relates to the diverting of traffic, or the control and movement of vehicles. They have not been given the training but they have all of the power of any law enforcement officer in that set of circumstances. So I think the bill is very flawed. It is poorly conceived, and there is no justification for it. Therefore, the motion that I have made is to return it to Select File for the purpose of striking the enacting clause.

SENATOR CLARK PRESIDING

SENATOR CLARK: Is there any further discussion on the indefinite postponement? Senator Newell.

SENATOR NEWELL: Mr. President and members of the body, I rise to oppose the motion, which is not terribly surprising. But what might be surprising is that I am going to concede. I think Senator Chambers has made some points and being a man of compromising nature and so forth, I am going to concede and bring...if this motion fails, offer to bring the bill back and strike the whole question of subpoena powers. Just for the record, I have reason to believe that the Governor would not sign the bill with the subpoena powers in it and for that reason I can see now that the subpoena powers are not as necessary as they used to be, and so I will take that odious section, Senator Chambers, out of the bill and I know that that won't make it any more palatable to you, but I am sure that that will make it more palatable to other members of the body. So I would urge you to defeat this motion and I will offer one next to strike the subpoena powers. Thank you.

SENATOR CLARK: Is there any further discussion? Senator Chambers, do you wish to close?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, when we are dealing with a subject of this importance and we went through all of that debate earlier

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