

April 1, 1981

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on the subpoenas and Senator Newell and the ones who have supported this bill felt it was so essential, how now can they sacrifice their principles just because the Governor has said he won't sign the bill. I have had bills that I believed in knowing the Governor would veto it but I still felt that the bill should maintain its integrity. So if the Governor objected to other provisions of the bill, it means that his mere threat would be enough to override the judgment that the Legislature has already made about certain aspects of the bill. That subpoena portion, as Senator Newell, is not the only thing that I find obnoxious, so I still will be opposed to the bill. But should the Governor undertake additional consideration of the bill and find provisions in it that are not acceptable, and he says he would veto, is the Legislature going to again hold up the bill, return it for these types of amendments, and wind up nevertheless with a very bad piece of public policy which is to declare that these fire fighters are, in fact, law enforcement officers? If you are going to do this kind of thing and blend the two, you would do better to just kill the bill and undertake a study to determine whether the police and fire functions should be combined in one division, and then designate specific duties to individuals in that division and the same way in the police department. There are some who work the vice detail, some who work traffic, some who work homicide and other things. There is, in other words, a division of responsibility and duties. But the mere fact that the Governor said he would not accept the subpoena does not make the rejection of the subpoena portion any more valid today than it was when I offered the arguments that I gave. There has been no argumentation given which is different from the original arguments that were given when the body chose to put that section into the bill. So if it was your opinion that the subpoena section was necessary and essential and justified, you certainly should not now move to take that provision out just because the Governor said he didn't like it. If Senator Newell has convinced you that that power is necessary for the proper discharge of an arson investigator's duty, you are letting the Governor tell you that despite the fact that it is necessary, you should not give this power to the arson investigators. If you do what Senator Newell would ask you to do with this motion, I think you are behaving irresponsibly and irrationally. It would be one thing to say that you have thought it over and feel that is too much power to give. It's another thing to say that even though you believe it is necessary, you are going to strip it just because of what Senator Newell said the Governor has indicated to him.

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