

April 1, 1981

LB 205

LB 205 to Select File for a specific amendment.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Was that printed in the Journal?

CLERK: No, sir.

SENATOR NEWELL: It was not.

CLERK: No, sir.

SENATOR NEWELL: Could you...well, let me explain it briefly. The amendment brings the bill back to strike all the subpoena powers which are sections....what sections are those, Pat? Can you read that?

CLERK: Strike original Section 2 of the bill, Senator. It's....I think you are striking 81-509, statutory section 81-509.

SENATOR NEWELL: Okay. Now, basically we take all the subpoena powers out of the bill except for a clarification that is needed in a different section which Senator Beutler can talk about in a minute, the reasons for the need for that. This amendment would strike the subpoena powers. The purpose of this is to try to meet some objections that have been made on the floor and at the same time the full recognition that the Governor had indicated to me that he preferred to see this section out, and unlike some I can compromise when it seems important and necessary to save other important sections or other important parts of the bill. I would give the rest of my time to Senator Beutler to explain why there was a need to clarify the Fire Marshal's language. Chris, do you want to do that?

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, just a brief explanation. When we amended the subpoena sections with regard to the fire fighters law which Senator Newell is interested in, a certain portion of that was said to be unconstitutional by the Attorney General. So subsequent to that time the subpoena power has been withdrawn completely from Senator Newell's bill, so the Attorney General's Opinion really didn't make any difference. But the draft that the Attorney General said was unconstitutional was taken directly from another section of the statutes which was the subpoena power given to the Fire Marshal. So if it was wrong in Senator Newell's bill, it is also unconstitutional in the existing