

April 1, 1981

LB 205

think that the bill is bad, and I am going to watch and see what you do on this motion, because it means that rational discussion does not sway this body at all, but a dictate from the Governor's office will. And when you cannot move people with rational discussion, the best thing probably to do is to go ask the Governor to tell the Legislature what its duty is and to order them to carry it out.

SPEAKER MARVEL: Your time has elapsed. Okay, the motion is to return the bill to Select File for a specific amendment. Is that right? All those in favor of that motion vote aye, opposed vote no. Record the vote.

CLERK: 26 ayes, 2 nays, Mr. President, on the motion to return the bill to Select File.

SPEAKER MARVEL: Okay, the bill has been returned. Now the motion is the adoption of the amendment.

CLERK: Yes, sir.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Yes. Mr. President and members of the body, very briefly. The motion strikes Section 2, the subpoena powers, and because Senator Hoagland brought it to my attention and asked for an Attorney General's Opinion about a specific section, and that was in the Fire Marshal's bill, authorization, we need to clarify that also. It is not necessary in 205 since we are striking all of the subpoena powers, but the subpoena powers that presently exist in the law for the Fire Marshal's office needed to be clarified so that there is not the question of presumption of guilt until after there is a court ruling. It is just a clarification for the Fire Marshal, the subpoena powers would no longer exist in 205 in its authorization for the Omaha Fire Department, the four members who presently would be granted these powers. What would remain in the bill very simply then is this, the authority to upon completion of training, police training etcetera, etcetera, to be able to carry firearms for their personal protection. I passed out case histories earlier to explain why this power was necessary. I think that most of the body understands this. I think this amendment should be adopted. And I think that to answer briefly Senator Chambers' arguments, personally I thought the subpoena powers were important, but some of us have to make decisions based on the political realities and the Governor does have the veto and that