

April 1, 1981

LB 205

Hoagland, I thank you for bringing forth the Attorney General's Opinion which clarifies the other sections. That's all. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Newell amendment. All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 1 nay on the motion to adopt the Newell amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. Okay, the motion now is to readvance the bill. All those in favor say aye, opposed no. The motion is carried, the bill is readvanced.

CLERK: Mr. President, I have a motion on the desk. Senator Chambers moves to return LB 205 to Select File for a specific amendment to strike Section 3.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Yes, I heard somebody say, here we go, and I can only say, amen to that. Members of the Legislature, Section 3 will be found on pages 5 and 6 of LB 205, and that is where they amend the law enforcement definition section of the statute to make these individuals law enforcement officers. I don't think that is necessary and I don't think it is wise. And I am going to read you this language to show you what I see as an internal problem. "A full-time employee of an organized and paid fire department of any city of the metropolitan class, who is an authorized arson investigator, and whose duties consist of determining the cause, origin, and circumstances of fires or explosions, while on duty in the course of any such investigation". Now when you make a reference like "any such investigation" at the end of the section, and the lawyers, I hope they will confirm this, it means that it is referring back to an investigation that has been mentioned earlier. There is no investigation defined in this section. There is no reference to any other investigation in this section. So what they ought to do is at least clean that language up if they want to. But, look, and I will ask... Senator Beutler is not here, nor Senator Hoagland. They are the ones who support this bill, and, Senator Newell, I am not disregarding you, I want to establish a legal point if I... oh, Senator Landis, you haven't been in this, but could I ask you a question? If you would turn to pages 5 and 6 of LB 205. It's the blue copy. And the words