

April 8, 1981

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knows what I am getting at because he knows that not one place in this bill does it limit their power to an arson investigation, not once do you see the term arson investigation anywhere in this bill. I will tell you the places where investigation is mentioned. On page 2, look at the pink copy, which is the third Final Reading copy, you will find in line 7, "any such investigation to determine the cause or origin of a fire". Nothing connected with arson. If you go to line 11, you see again, "any such investigation". No reference to arson. Then when we come down to the bottom of page 2, you have the words, "during the course of investigating the cause, origin or circumstances of a fire", which does not relate to arson. Then when we come over to an amendment of the existing statute which defines a law enforcement officer, on page 6 of the pink copy, you will see in line 6 the words, "the course of an investigation", but not an arson investigation. So you see what Senator Newell has given you, the impression is the intent of the bill is not the intent at all. And this is why he refused to answer the question. This bill does not limit these men's powers to an arson investigation. Any time they are undertaking any investigation touching on the cause, origin or circumstances of a fire, which need not even be at the site of the fire, they are law enforcement officers. You remember how I tried to raise the point and harped on it over and over that when you change the definitional section as to what constitutes a law enforcement officer, you should put in the word that only when they are engaged in an arson investigation. But Senator Newell did not want it. And Senator Beutler had said he felt that that definition section would be read in conjunction with the rest of the bill. But nowhere in the rest of the bill does it mention an arson investigation. So they knew that they were expanding considerably the powers to be granted these individuals and it was not limited to the time when they are investigating arson, and this is why Senator Newell refused to answer the question. He said quite correctly that I have read the bill over and over, and I wish those of you who thought that you were giving a broad amount of power to a certain group of individuals during a very limited set of circumstances will see that you have been misled. That is not what this bill does. If it was the intent, it shows that Senator Newell has not read his bill as carefully as I have read it, or the ones who gave him the bill misled him as to what their intentions are. So I am asking in view of what the bill itself says, that you return this bill and strike the enacting clause. If you don't do that, it will then be necessary to amend the bill even further. And if you are going to give Omaha people the bill that they said that

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