

February 6, 1974

as amended from general file to E & R Initial. All those in favor vote aye, all those opposed vote no. The motion still takes 25 votes. Once again the chair will have to ask have you all voted? Senator Fellman what is your wish? Well, O.K. I'll wait for you to punch the button, and that being the case will

SENATOR FELLMAN: Would you wait just a minute?

PRESIDENT: Thank you...wait a minute...just a minute. Thank you, the Clerk will record.

CLERK; 28 ayes, 1 nay, Mr. President on the motion to advance.

PRESIDENT: 683 is advanced. Then we will move on

(End Belt #9)

(Start Belt #10)

pass it to E & R Initial. All right, Senator Chambers.

SENATOR CHAMBERS: Mr. President and members of the Legislature. I have some misgivings about this bill. I've had some dealings with the Omaha courts and there are other people who have dealings with Courts, and the Attorneys I hope will listen to see if what I'm saying is valid, if not they can counteract the argument. Even with the amendment that says a person who does not show up for a hearing maybe deemed in contempt of court. That places too much discretion on the Judge. When somebody is charged with an offense and a subpoena is to be served compelling them to come to court under paying of a penalty if they don't come. I don't think that the procedure established in this bill is sufficient to protect that rights of that person. All that's required is that the letter, even though it's certified or registered be sent to the last known address of the individual. If the individual has moved, or if the individual were in the hospital or for any reason did not get that letter. It would be returned to whoever sent it and when the hearing date arose then that person could be found in contempt of court for not showing up, when in fact no real actual notice had been served. I am not trusting of the Court system in Omaha. I'm not trusting of the City Prosecutor's office. They are not concerned about protecting the rights of the people, and this gives them an easy way out of a responsibility and a duty that I think should be a part of the very substance of the law of this country, the state, and the city. One other point. It's a serious thing to some people to have to go to court in the first place. But you certainly ought to know that you are being required to come there, and I think if the city were required to make personal service of these subpoenas, then it would stop them perhaps from filing so many trifling charges against them the individuals, and they would not have so many that they had to mail out. So I've talked to Senator Savage and explained to him for these reasons, I would be opposed to the bill. So all I can say is that with the bill being written the way it is, with the concerns that I have about it that I think are substantial. I would have to oppose the advancement of the bill.

PRESIDENT: The Chair recognizes Senator Proud, and then Senator Stull.