

April 1, 1981

LB 205

SENATOR CLARK: The amendment is adopted. Now to re-advance the bill. All those in favor of readvancing the bill say aye. Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. Chairman. Members of the Legislature, I would like to ask Senator Beutler a question. Senator Beutler, was it your understanding while this bill was being discussed that it was to relate only to arson investigators who have certain training and so forth, which is not the issue now? And that they would have these powers only when they are investigating arson?

SENATOR BEUTLER: Yes.

SENATOR CHAMBERS: Now, if the definition which has been adopted in the law enforcement section says that they are law enforcement officers during the conduct of an investigation, but does not define it as an arson investigation, wouldn't that mean that they're law enforcement officers when they are conducting any investigation that relates to a fire, the cause, origin or whatever?

SENATOR BEUTLER: Looking at the bill as a whole, Senator Chambers, it would be my interpretation if I were a judge looking at it that it does relate only to arson investigations....

SENATOR CHAMBERS: But, Senator Beutler, you....

SENATOR BEUTLER:despite the language intepretive problem that you are suggesting.

SENATOR CHAMBERS: You will note that the amended portion of the section is not part of the original bill. It is a separate section of statute which gives definition of law enforcement officers. Now that definition determines what in this state constitutes a law enforcement officer. So, would the court adopt the definition of a law enforcement officer as given by the statute? Or would it interpret that and say, well, the definition does not mean what it says?

SENATOR BEUTLER: I think they would interpret it in conjunction with Section 1 of the bill.

SENATOR CHAMBERS: If they don't do that, would that definition that was adopted expand the powers of these people into other areas than investigation of arson?