

March 29, 1979

LB 575

CLERK: Mr. President, LB 575. Title read. The bill was first read on February 23. It was referred to the Public Works Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President.

SPEAKER MARVEL: Senator Nichol, do you wish to adopt the committee amendments to LB 575? Excuse me, I am sorry. Senator Cullan. What did you say, Public Works? Okay, Senator Kremer.

SENATOR KREMER: That is okay with me. Either one can take it if they want to. Mr. Chairman, members, if you will turn to the bill on page 2, the committee amendments strike the words on line 7 "upon a public highway" and it gives jurisdiction, for example, on a parking lot. "Any person who drives a motor vehicle," and the old language says "upon a public highway in this state", it strikes the words "upon a public highway" and reads then "in this state carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving." Now it takes out public highway which would mean of course law enforcement officers could arrest, for example, in a parking lot and so on, not just on a public highway. It does that. It strikes also two words in section 9 "in a manner of". We are told that the courts don't like that language so we took it out. I move adoption of the committee amendments.

SPEAKER MARVEL: Motion is the adoption of the committee amendments to LB 575. All those in favor vote aye, opposed vote no. Have you all voted? Have you all voted? We are voting on the adoption of the committee amendments to LB 575. Have you all voted? Record.

CLERK: 25 ayes, 0 nays on the adoption of committee amendments, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Senator Nichol, what do we do with the bill?

SENATOR NICHOL: Mr. Chairman, I move for the advancement of the bill. The amendments become the bill now, of course, and the Public Works Committee amendments are the new bill of LB 575. These amendments are in actuality similar wording to the original LB 575 but the need for such amendments arise from the fact that the Nebraska Supreme Court ruled the careless driving section of the statutes unconstitutional some two weeks after LB 575 was introduced. Since the careless driving statute is now unconstitutional, it becomes impossible to amend that section, therefore, the procedure needed is