

SPEAKER MARVEL: LB 413 is the next one.

CLERK: Mr. President, there are no E & R amendments to LB 413 but Senator Hoagland has an amendment to the bill. Senator Hoagland would move to amend by striking lines 10-15 on page 3.

SPEAKER MARVEL: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Mr. Speaker and colleagues, I would recommend that you turn to the bill and you can see what I am trying to do with this amendment. Now Senator Chambers has spent a great deal more time looking into radar issues than I have and is certainly a lot better informed and let me indicate to Senator Chambers what my concern is about the particular language that he has in the bill right here because he may have a good explanation for it. My concern is the language in the bill which I am asking to be stricken requires a law enforcement officer to first make an independent judgment that a car is speeding before he can turn the radar on and use it. Now what concerns me about that is, I've been in state patrol cars before when I have seen them operate this radar on the interstate and they will oftentimes point the radar two or three or four hundred yards down the interstate in front of them and then clock the speed of oncoming cars, cars that are coming towards them on the interstate. Now I'm just sure, based on the way I have seen them operate that equipment that it is impossible for them to make an independent judgment that a car is speeding before they turn on that radar device and I would question Senator Chambers that if we are going to have a provision or a requirement like that in the law, if we're not inviting the state troopers to fabricate testimony when it comes to trying a case if they are interested in getting a speeding conviction in a situation where they are heading one direction on the interstate and an automobile is coming towards them in the other direction. Senator Chambers, can you respond to that?

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Hoagland is not the only one who has expressed concern for that provision but I gave you a handout that had my picture on it. I thought that might be striking enough to call your attention to it but I listed court cases. There is even one from Nebraska and if you eliminate the requirement that visual observation be made first, then you are ensuring a defeat of that prosecution. The court wants to know whether or not the officer made an