

support that visual observation comes first." Now that was the big issue in the bill. All of the case law indicates that this is what must happen. In the manual that the state patrol uses for training now, the manual is produced by the Department of Transportation, Federal Highway Administration Division of it, and it points out that radar is not to be used like on a fishing expedition, that one of the problems is target identification meaning that you must be certain that the car that you are going to ticket is the one that caused the reading. Before this can be done the officer must be visually monitoring the traffic. When he observes a vehicle which seems to be violating the limit, his radar by the way could have been on all the time, then he begins to take readings on that particular vehicle to establish that it is the one which, in fact, is causing the reading. Since there was so much confusion about that particular aspect, the visual observation, I wanted to have in writing from Colonel Kohmetscher a confirmation that what I told you all this time is true, that the patrol right now does train these officers to visually observe the traffic, make a determination that a car probably is exceeding the limit and then begin to use the radar for the purpose of showing that that individual car is the one that is guilty of the violation. Other aspects of the state patrol's training mirrors precisely the provisions of LB 413. So what I am asking this morning is that you vote to reconsider the failure on Final Reading of this bill to obtain 25 votes. One other matter, I can show you material from manufacturers, from the training manuals of various state patrols throughout the country that will show that the provisions contained in LB 413, in fact, represent the means by which a radar conviction is to be obtained. Another handout that I think you may have by now shows you what is taught to these officers at the Nebraska Law Enforcement Training Center. It points out and emphasizes the need for the visual observation. It points out the need for before and after testing of the unit to ensure that it was functioning properly at the time that a violation was determined and it also gives a list of sample questions that the officer may have to answer when he is in the courtroom. So if you will look at these items and agree to bring this bill back or to revive it by virtue of a successful reconsideration motion, then any questions any of you have on any aspect of this bill I would be happy to answer them. The one other matter I want to mention that I didn't have time to copy for you and hand out, in the Sunday World Herald, the magazine section they did an article on a judge named Morgan. I forget his county but he said that he is very hard and very demanding when an officer brings a radar citation to him. He wants to be sure that the officer properly identified the correct vehicle, he wants to know where