

escorted by Senator Wagner and Senator Labeledz will also be a member of that escort team. The item number four, Mr. Monen from Omaha, Senator Stoney. Senator Stoney, will you escort Mr. Monen for the inaugural ceremonies and yours is in item number four. Item number five, the Chief Justice will be escorted by Senator Fowler. We picked the people in the various districts for this. Justice Boslaugh comes from that infamous city, Hastings, and he will be escorted by me. Senator (sic) McCowan comes from Beatrice and he will be escorted by Senator Burrows. Justice Clinton will be escorted by Senator Clark. Justice Brodkey will be escorted by Senator Fitzgerald. Justice White will be escorted by Senator Dworak and Justice Hastings will be escorted by Senator Marsh. Now, Mr. President, do we have others? Does that complete the list?

PRESIDENT: I think that completes the list. We were going to have Senators Vickers and Hefner accompany Senator Stoney on the escort committee on the Workmen's Compensation Judges.

SPEAKER MARVEL: Sorry.

PRESIDENT: I believe that completes it, Mr. Speaker.

SPEAKER MARVEL: Anybody have any questions?

PRESIDENT: Any questions? This will be at two o'clock and we will come back at one-thirty, a little prior thereto. Go ahead, Mr. Speaker.

SPEAKER MARVEL: Mr. President, it has been pointed out that Martin Kahle is also in the district represented by Senator Payne so why don't we add Martin Kahle's name. Any other comments or suggestions? Is that all right? Yes. Any others? Okay.

CLERK: We've got about a half a dozen bills, Senator. Mr. President, if I may?

PRESIDENT: Proceed, Mr. Clerk.

CLERK: Read LB 31-33 by title for the first time as found on pages 83-84 of the Legislative Journal.

PRESIDENT: The Chair would like to take this opportunity to introduce a guest, Mr. Bill Snell, the city manager of the City of Sidney. Would Bill come out here and be recognized? Senator Clark is sitting with him. Welcome to the Legislature, Bill. Go ahead, Mr. Clerk.

CLERK: Continued to read LB 34, 35 by title for the first time.

Mr. President, I have a lobby registration report for the interim period covered by April 19, 1980, through January 6, 1981. That will be inserted in the Legislative Journal. (See page 94 of the Journal.)

Mr. President, I have a reference report from the Executive Board referring legislative bills 1-36. That is signed by Senator Lamb as Chairman. (See pages 94-95 of the Legislative Journal.)

Mr. President, I have in my possession proposed lease renewals as supplied us by the State Building Division. Those will be on file in my office. I also have a report from the Nemaha Natural Resources Districts regarding payment of attorney fees. (See page 95 of the Journal.)

Mr. President, Senator Hefner would like to announce that Senator Barrett has been elected as vice chairman of the Miscellaneous Subjects Committee.

Mr. President, Senator Labedz would like to announce that Senator Pirsch has been elected vice chairman of the Constitutional Revision and Recreation Committee.

Mr. President, Senator Marvel would once again like to announce a meeting or a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520. It is a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520.

PRESIDENT: The Chair will recognize Speaker Marvel once more for additional announcement concerning procedure.

SPEAKER MARVEL: I think, Mr. President, the first thing we need to note is the fact that we are using valuable time that we may wish we had at the end of this session. I guess I am going to repeat this every day for a while and so would you please put on the Clerk's desk whatever legislation you have so that we can once again begin processing this legislation which means that the Exec Board needs to meet and refer the bills as soon as they have been processed by the Clerk and, therefore, I remind you first of all, get the bills in and, secondly, that the Exec Board then will have to meet to refer the bills. Now this process has to go on even if we may only meet until noon. Now, Mr. President, is that the... Pat, is there anything else to say about the reference of bills?

CLERK: No, sir, not that I am aware of. I think Senator Lamb might want to make a...

February 27, 1981

LB 23, 32, 87, 90, 99,  
111, 128, 166, 175, 180,  
215, 283, 347, 413, 437,  
465, 483

Senator Hefner reports 483 to General File.

Your committee on Ag whose Chairman is Senator Schmit reports 283 be advanced to General File with amendments.

Your committee on Judiciary whose Chairman is Senator Nichol reports 413 to General File with amendments; 32 General File with amendments; 215 General File with amendments; 180 General File; 347 General File with amendments; 111 General File with amendment; 465 General File; 99 General File with amendments; 87 General File with amendments; 23 Indefinitely postponed; 90 Indefinitely postponed; 166 Indefinitely postponed; 175 Indefinitely postponed. (Signed) Senator Nichol, Chair.

Your committee on Urban Affairs whose Chairman is Senator Landis reports 437 to General File with amendments. (Signed) Senator Landis.

Mr. President, LB 128 was introduced by Senator Myron Rumery. (Read title.) The bill was read on January 13 and referred to Retirement for public hearing. It was advanced to General File. I have no amendments on the bill, Mr. President.

SPEAKER MARVEL: Senator Rumery, do you wish to explain the bill?

SENATOR RUMERY: Mr. President, members of the Legislature, if I could have your attention for a few minutes, I would appreciate it. We introduced this bill for these reasons, that should a member of the school employee's retirement system die before retirement, LB 128 would provide an option for the payment of benefits to the spouse of the member, if the spouse is the sole surviving beneficiary. Presently the law provides that if a teacher has twenty years service and is at least 55 years of age or thirty years of service regardless of age and dies before retirement, a monthly annuity for life would be paid the spouse if the spouse is the sole surviving beneficiary in an amount equal to the joint and survivor benefit that would have been paid if the deceased member had retired on the date of death. The joint and survivor benefit is a greatly reduced benefit. The amount of the reduction is determined by the age of the deceased member and the age of the spouse. There are times when the surviving spouse would prefer to have a lump sum benefit rather than a meager monthly payment for life. Often a surviving spouse of a deceased member needs funds for retraining or to enter another job market or to invest in a business that may have some opportunity. LB 128 would give a spouse who is the sole surviving beneficiary

March 10, 1981

LB 32, 76, 83, 136, 144,  
206, 206A, 354, 457, 492

respectfully reports and examined engrossed LB 76 and finds the same correctly engrossed; LB 83 correctly engrossed; LB 136 correctly engrossed; LB 144 correctly engrossed; and LB 354 correctly engrossed; LB 457 correctly engrossed. (Signed) Senator Kilgarin.

Mr. President, I have a message from the Governor. (Read. Re: LB 206 and 206A. See pages 818 and 819, Legislative Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Vickers regarding LB 32.

Mr. President, Senator Kremer would like to have the Public Works Committee meet underneath the North balcony right now for purposes of an exec session, the Public Works Committee underneath the North balcony, Mr. President, right now if possible.

Mr. President, your committee on Government, Military and Veterans Affairs reports LB 492 to General File, (Signed) by Senator Kahle as Chairman.

PRESIDENT: The Chair recognizes Speaker Marvel for an important announcement. Speaker Marvel. Would the Legislature please pay some attention to the Speaker at this point.

SPEAKER MARVEL: I wish you would get out your paper and pencils because we are talking about deadlines for priority bills. You will find on page 137 of the Journal for the fifth day, January 13, 1981, Rule 5, Section 6 which talks about scheduling of bills and priority bills. Your individual priority selection as well as your committee selection, the deadline is March 13 which is Friday. The deadline for the Speaker is March 17 and the chairmen who met this morning, although the rule does create some misunderstanding, what would happen is that your bills designated by either yourself or the chairman of your committee or committees, those bills would be gathered in by the Speaker's office and we would set them up as priorities on the agenda. Now there is some discussion about a way to maneuver so you can get more priority bills than somebody else and I would assume that no one in this body would operate that way but March 13 is the deadline for priority bills individual and committee and March 17 is the deadline as far as the Speaker's office is concerned and we would implement this through the agenda. If anybody has any questions I will try to answer them, otherwise you can find on your worksheet for this morning the beginnings of a listing of priority bills. There are five listed this morning, 56, 245, 269, 290 and 404.

SENATOR CLARK: The motion lost. Rule #9. The Clerk would like to read a couple of things in first, Senator Wesely.

CLERK: Mr. President, I have two Attorney General's opinions, one addressed to Senator DeCamp regarding LB 376 of last session and one to Senator Wesely regarding LB 154. (See pages 115-118 of the Legislative Journal.)

Mr. President, Senator Vickers would like to print amendments to LB 32 in the Legislative Journal. (See page 118.)

Mr. President, the Speaker gives notice of Special Order Item for next week. Mr. President, that is all that I have right now.

SENATOR CLARK: Senator Wesely, do you want to take up #9?

SENATOR WESELY: Mr. President, members of the Legislature, rule change #9 would simply put in the rules that a committee may adopt Model Committee Rules which are an appendix which has already been developed about a year ago by the Legislature. This doesn't require anything. The committees have accepted them. What they do, if they don't want any rules they don't have to. If they want rules they can choose any they want but it just says that if they want to have rules they could choose those Model Committee Rules. It is just a purely flexible option that they have just to point out that they do exist and they are an option for the committee.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, I would strongly support this rule and I would suggest that if we had tried this exactly as it is written way last year this would be in full force and effect now because this says, "Hey, look, committee chairmen, committee members, you can if you want. Here's the layout of the rules, a system for you. Look it over. If you want to try it, try it." It does not force you. It gives you flexibility and I think that is what we want. Before you are forced to wear a new suit, let you try it on and see how it fits first and this gives you that chance as a committee and a committee chairman to try this set of committee procedures that I think will enhance the session and enhance the committee. So I urge you to support it with the understanding, of course, it doesn't force anybody to do anything but it sure gives you the flexibility to.

SENATOR CLARK: The question before the House is the adoption of rule #9. Senator Wesely, do you have anything else? All

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LR 203  
LB 32, 127, 359, 693

RECESS

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Record your presence, please. Senator Dworak, would you like to record your presence. Thank you. Senator Beutler, would you record your presence please. Pat, we have a quorum. Record.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: Do you have items to read in?

CLERK: Mr. President, just a few brief items. I have a new bill, LB 693 (Read title). (See page 151, Journal.)

Mr. President, Committee on Urban Affairs gives notice of hearing in Room 2230 for consideration of amendments to LB 359.

Mr. President, I have reports to the Legislature from two Natural Resource Districts regarding payment of attorney fees.

Mr. President, your committee on Government, Military and Veterans Affairs whose Chairman is Senator Kahle to whom we referred LB 127 reports same back to the Legislature as advanced to General File and that is signed by Senator Kahle as Chairman.

Mr. President, I have a new resolution, LR 203 offered by Senator Landis and Senator Chambers. (Read. See pages 152 and 153, Legislative Journal.) Mr. President, under our rules that will be laid over. No, sir, I do not. That is all that I have.

SPEAKER MARVEL: Senator Nichol, for what purpose do you arise? We have a distinguished guest in the Chamber underneath the North balcony. It is my privilege to say "hello" to Senator Ed Zorinsky. Ed, we are glad to see you. Okay, LB 32.

CLERK: Mr. President, LB 32 introduced by Senator Tom Vickers and Senator Von Minden. (Read title). The bill was introduced on January 8 of last year. At that time it was referred to the Judiciary Committee for public hearing. The bill was advanced to General File. Mr. President, there are committee amendments pending by the Judiciary Committee.

SPEAKER MARVEL: The Chair recognizes Senator Nichol.

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SENATOR NICHOL: Mr. Speaker, members of the Legislature, as originally drafted, LB 32 would make the possession of any radar detection or transmission device while operating a motor vehicle in Nebraska a criminal offense punishable by a maximum of seven days in jail, a \$500 fine or both. LB 32 would also provide for the confiscation of such devices. In the opinion of the Judiciary Committee, a substantial question remains as to the existence of federal preemption over state regulation in regard to radar detectors. The question of federal preemption also exists as to radar transmitting devices but this question is not as clear as it relates to transmission devices as it is with the regulation of passive radio receivers. For the above reason, the Judiciary Committee adopted amendments which would delete all reference to detection devices which are essentially passive receivers from the bill. I would ask for the adoption of the committee amendments.

SPEAKER MARVEL: Senator Nichol, do you have other amendments to the committee amendments?

SENATOR NICHOL: I have one other of my own and then Senator Von Minden and Senator Vickers have one of a clarification nature.

SPEAKER MARVEL: Okay, do you want to start with your amendment to the committee amendments?

SENATOR NICHOL: No, I think we should probably accept the committee amendment first and then go on with the other two, if that is correct with the Clerk.

SPEAKER MARVEL: Go ahead, that is fine. Do you want to explain the committee amendment now?

SENATOR NICHOL: I just read a brief resume. What it really does is we are trying to get at fuzzbusters and those kind of detective devices and not transmission radar equipment as we know them as we have in our cars. It is essentially narrowing it down to the fuzzbusters and that sort of equipment that would be illegal.

SPEAKER MARVEL: The motion before the House now is the adoption of the committee amendments as explained by Senator Nichol. All those in favor of that motion vote aye, opposed vote no. We are voting on the committee amendments. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

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SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Now do you have another amendment to the committee amendments?

SENATOR NICHOL: Mr. Chairman, I have an amendment that I will call the Nichol amendment. I would ask that you adopt the following amendment to the committee amendments on LB 32. The committee amendment on LB 32 omitted to strike an internal reference which if the committee amendment is adopted would be erroneous. This amendment would also carry over a definitional provision from the paragraph struck by the committee amendment relating to radar detectors into the second paragraph dealing with transmission devices. I am informed that Senator Vickers would like to have this definitional section included within the bill. I ask for the adoption of my amendment to the committee amendment.

SPEAKER MARVEL: Is there any further discussion? The motion is the adoption of the committee amendment to LB 32. I am sorry. Okay, the motion is the Nichol amendment to the committee amendment. All those in favor of the Nichol amendment as explained vote aye, opposed vote no. Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Nichol's amendment.

SPEAKER MARVEL: The Nichol amendment is adopted and now Senator Vickers.

CLERK: Mr. President, Senator Vickers has an amendment to the bill. It is found on page 118 of the Journal.

SPEAKER MARVEL: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. President and members, the amendment to LB 32 is an amendment that is more technical in nature than anything else but one of the main portions of the amendment would be to clarify that the effects of LB 32 would not affect ham radio operators or CB radio operators, anybody that is operating a radio that is licensed by the Federal Communications Commission. There was some concern of some of the ham radio operators in this state that perhaps the use of the equipment at certain times might affect the transmission of radar and that they didn't feel that that was anything other than an accident of the atmosphere at that point in time and I certainly agree with that. So this simply says that the effects of LB 32 would not be against anything that is lawfully licensed by the Federal Communications Commission which would, in effect, as I say, allow the ham radio operators and CB radios and so forth to operate in



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any fashion that they see fit right now that is approved by the Federal Communications Commission. So, therefore, I move the adoption of this amendment.

SPEAKER MARVEL: The motion is the adoption of the committee amendment to LB 32. Is there any other discussion? All those in favor of the motion vote aye, opposed vote no. We are voting on the Vickers amendment to LB 32. Have you all voted? Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Vickers' amendment.

SPEAKER MARVEL: The amendment is adopted. Senator Vickers, do you wish to explain your bill?

SENATOR VICKERS: Thank you, Mr. President. Mr. President and members, the purpose of LB 32 is to clarify in the statutes of the State of Nebraska that radio transmission devices that are designed primarily to interfere with the use of police radar would be illegal. The paper that you have just had handed out to you indicates that there are such devices made, and if you will read through that you will notice that it even has notices in there to warn the people buying this machine that if you leave the switch on the test device that it will result in interference with police radar. You will also notice that there is a handout attached that for extra money you can buy a larger piece of equipment that would protect you if you do have a larger truck or something that would show up more on the police radar. The intention it seems to me should be that this body should not give the police officers, law enforcement officers of this state a tool to use in the detection of speeders on the highway, and as Senator Chambers was so candid this morning and admitted that he had at times exceeded the speed of 55 miles per hour, I, Senator Chambers, will also be that candid and admit that I also exceed that speed once in awhile but I don't have one of these machines and I don't think I should be allowed to have one. I don't think it is right for us to give the law enforcement people the tool and then allow the sale and use of electronic equipment to offset that tool that we have allowed the police officers to have. It seems to me that if we don't make it illegal to have such tools, that we will then be entered into a race in technology between those people wanting to circumvent the law and those people trying to enforce the law. So the purpose of LB 32 is really that simple that we are going to make it a little bit easier for the law enforcement people to keep their technology ahead, if you will, of the technology of those

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people that are trying to circumvent the laws of the State of Nebraska. So with that explanation, Mr. President, I just urge the body's adoption of LB 32 or vote for LB 32 to move it over to Select File.

SPEAKER MARVEL: Senator Beutler, do you have an amendment to LB 32?

CLERK: Mr. President, Senator Beutler would move to amend the bill by striking Section 5.

SPEAKER MARVEL: The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, if you would take a look at Section 5, the one and only thing that it does is to confiscate the property that is the subject of a violation and I want to strike that so the property is not confiscated. I think that establishing precedence with regard to the confiscation of property is a very dangerous matter. We could start confiscating firearms if you fired one in the wrong place on one occasion. We can start confiscating cars for different kinds of violations. We could start confiscating all different kinds of property of the individuals of this state for the violation. The proper object of the law ought not to be to confiscate property but to properly punish and if necessary fine on a uniform scale within a uniform system. When you confiscate property you don't treat people equally. In the case of CBs, the example is not so clear but even there with radar transmission equipment somebody may own a \$3,000 set or somebody a \$300 set. I don't know how much they cost but the point is that there can be a substantial price differential and you are punishing people unequally when you just make an across-the-board rule that you confiscate the property. Secondly, I think you should make a distinction between property that is used improperly on one occasion and property that is illegal and contraband at all times. If you are talking about drugs, if you are talking about cocaine or marijuana, that generally speaking is illegal to possess at all times and you might even want to treat that differently although I think some questions come up there, but where you are talking about property that an individual may normally own, a firearm, a car, an electronic equipment, and where the violation of the law is one particular use of that property, I think it is highly improper and a dangerous precedent to start making laws that we are going to confiscate this object or that object upon a violation of the law, and for that reason I would ask you to strike Section 5. Thank you.

SPEAKER MARVEL: The Chair recognizes Senator Cullan. Do

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you wish to speak to the bill? The Beutler amendment. Senator Goodrich, do you wish to speak to the Beutler amendment?

SENATOR GOODRICH: Just the bill itself.

SPEAKER MARVEL: Senator Vickers, do you wish to speak to the Beutler amendment?

SENATOR VICKERS: Yes, I do, Mr. President. Mr. President, members, I think Senator Beutler indicated in the last remarks that he made a good reason to oppose Senator Beutler's amendment when Senator Beutler pointed out the fact that there is a reason for con...I can't even say it...for taking away, I will just do it that way, that is the simplest way to do it, for taking away the equipment from people who are using it for only one purpose such as drugs, if it is to break the law. Well, the equipment that we are talking about here is used as near as I can understand it for only one purpose. If it has got a transmission device on it and that transmission device is powerful enough to jam radar as the information advertising that product would indicate, then I guess it would seem to me that the ownership of that device is used for only one purpose and that is to circumvent the law. It would be very similar to having a trunk full of marijuana and saying that it was for some other purpose perhaps, it would seem to me. I think it should be...the police should have the authority to hold such equipment, take it away. I would also point out that that is the reason that the bill was drafted as it was on page 2 to indicate to people coming through this state, that if they possess such equipment, they should disconnect such equipment so that it couldn't work. They should put it in a place in their vehicle where they couldn't connect it back up again, and if it was put in that sort of a position, then the police in this state would not consider it as a contraband and would seize it for evidence. I just believe that it is fundamentally wrong for us to give the police officers of this state a tool and then allow another tool to be used to circumvent that tool, and even as Senator Beutler so aptly argues, it seems to me it is also wrong to even allow those types of instruments to remain out there once you have arrested somebody. I think the police should have the right to take them away from them.

SENATOR KAHLE: Yes, Mr. Speaker, members, I need to ask I guess a question of Senator Beutler. Refresh my memory as to what a Class, what is it, III misdemeanor would be? That would be the only penalty then if they didn't take the device away, right?

SENATOR BEUTLER: That would be the only penalty. I think it is a Class III(A) misdemeanor which is a maximum of seven days or \$500 fine or both.

SENATOR KAHLE: I guess I am inclined to agree with Senator Vickers. Another thing, Senator Beutler, while I have you on the line, aren't there other penalties in our system whereby the equipment is confiscated? I am thinking of...I am not sure it is in the laws any more but in years gone by if you were caught hunting out of season or in perhaps the wrong place they would confiscate your shotgun. I don't know whether that is still being done or not but I wonder if there are other things that we have in our statutes where the equipment that is illegal is confiscated? Can you help me any?

SENATOR BEUTLER: I am not sure I can speak knowledgeably on that. There are none to my knowledge but I can't...I don't pretend to know.

SENATOR KAHLE: I am not sure that is still in effect but I know they used to confiscate your shotgun if they found you hunting out of season and I don't know whether there is anything else or not but I guess we, as citizens, especially in the State of Nebraska, are kind of a queer breed of humans, I guess would be a better way to put it, or a queer breed when we make the laws and then we try to figure out ways to get around them, and if you think this is the only place that happens, why I am sure we are all familiar with our income tax laws and I guess you could get a dozen opinions as how to get around some of the stipulations in the income tax law. But I think it is wrong, I agree with Senator Vickers to have the equipment legal and then have a way to circumvent it also legal so I would think that we are...I would assume that they are going to confiscate that equipment only until the case is settled and then they would get it back. I don't think it is a permanent confiscation. I think it would be silly to let them keep the equipment, drive on across the State of Nebraska and evade any other law enforcer and still continue to speed. So I just can't...it looks like a double situation, the right hand doesn't know what the left hand is doing. Thank you.

SPEAKER MARVEL: Senator Nichol, do you wish to be recognized?

SENATOR NICHOL: Mr. Speaker, just for a moment. Ladies and gentlemen, I would support Senator Vickers on this because actually we do confiscate cars now when they are used for illicit drug traffic. Secondly, we can confiscate guns when they are used wrongfully. We can confiscate a deer if you

shoot it illegally. We can confiscate gambling equipment. So this is nothing new, Senator Beutler. I think you know that. If we are going to have teeth in this thing, let's have teeth. Otherwise, let's not pass the bill. I think it is a bad amendment.

SPEAKER MARVEL: Senator Von Minden. We are still on the Beutler amendment.

SENATOR VON MINDEN: Mr. Speaker and colleagues, I, too, wish to oppose Senator Beutler's amendment. Most of everything has already been said but the sole purpose of the fuzzbuster is to outsmart the law so some smart guy out there can simply play Tom and Jerry with the law officers. As far as confiscating of the fuzzbuster, it should be taken away. There is no purpose whatsoever of using it. Senator Vickers stated they don't confiscate the automobile or a gun. There are more purposes for the gun and the automobile. There is no one purpose at all except to outsmart the law with this so I wish you would oppose this amendment.

SPEAKER MARVEL: Senator Wagner.

SENATOR WAGNER: I want to speak to the bill, Mr. Speaker.

SPEAKER MARVEL: Anybody else on the Beutler amendment, otherwise we are...Senator Chambers, do you wish to be recognized?

SENATOR CHAMBERS: Yes, Mr. Chairman, and if my light isn't on up there, it is on down here so maybe it is...is it on up there?

SPEAKER MARVEL: Yes.

SENATOR CHAMBERS: Okay. I am in favor of Senator Beutler's amendment as you might expect but I ought not say anything about my point of view and let the bill go on through like it is and I think it is totally unconstitutional. Too many times, Senator Von Minden, we will not think too seriously about a matter and say the only purpose of such and such is to play Tom and Jerry with the police. Well, I think there is too much of an unwillingness to call the police to account and hold them to a high standard of professionalism. The Legislature has to set certain principles and guides that the police must conform to also and I, for one, will not stand on this floor and be quiet or sit in my seat and listen without standing to speak when people so knowledgeable talk about laws. Now Senator Von Minden said he is for Section 5. Section 5 says that this device shall be seized and when no longer needed as evidence, such device shall be considered

as contraband and disposed of pursuant to the laws related to contraband. Senator Von Minden, suppose the person is found not guilty, then this would still say that the mere fact that the arrest was made and this device was taken it is to be disposed of as contraband, even if the officer made a mistake and what was seized is not what he thought it was. The fact that it was seized pursuant to this provision of law will allow them to say it is contraband and keep it. And I know there are people on this floor who will say, "Well, the judge will understand what we meant when we passed this law even though we didn't say it." The reason judges and courts are often criticized is because they are more careful in their consideration of the law than lay people are. When judges are asked on the one hand to fill in for lapses of the Legislature to make a bad law good, then on the other hand condemned for properly interpreting the law as being people who are legislating instead of merely interpreting the law, then the judges are put in an impossible position. If the judge acts to correct deficiencies of the Legislature, the Legislature thinks that is all right, but if the judge properly does his job and strikes down these deficient laws, then the Legislature wants to holler the judges are legislating. There are other problems with this bill, too, and when we had abortion bills that were unconstitutional, I made the mistake of standing up here and offering amendments that would try to make the law conform to what the Constitution required. You want this bill. I am going to let you have it. I have got to speak against this amendment and I have got to tell you that you have serious constitutional problems with the whole bill and it is not based on the mere fact that the FCC has preempted this area. That has nothing to do with it. It has to do with fundamental interpretation of criminal statutes. Patrick Henry and all the others who are called Founding Fathers of this country were concerned about the types of conduct that were defined as criminal and the punishments imposed. So they set constitutional limits on what the Legislature, whether it is federal or state, can do. It is necessary to have constitutional restraint because Legislatures not only are composed of people who are emotional but they are composed of garden-variety, run-of-the-mill people who may not read very well, who may not understand, who may be bigoted, who may be whatever the people are who sent them here, and Legislatures are to be composed of those. The people in America have the right to send those kind of people to the Legislature but the job of the courts is to correct the illnesses that those types of Legislatures enact into law.

SPEAKER MARVEL: You have one minute, Senator.

SENATOR CHAMBERS: Senator Vickers ordinarily is a man that I can go along with on the things that he does but I think somebody gave him a bad egg on this one. I can smell it. Other people may have a cold in the nose or something but I will tell you what I am not going to do. Senator Vickers, I am not going to harry and harass your bill, but by the same token, I am not going to do a thing to make it what it ought to be. I think it would be struck down whether you take Senator Beutler's amendment or not. It is so tempting for me to discharge my obligation of a proper lawmaker but I am not going to do it this time. I am going to let you have what you want but some of you I will tell the secret to if you promise not to tell it to Senator Vickers.

SPEAKER MARVEL: Senator Beutler, do you wish to be recognized?

SENATOR BEUTLER: Mr. Speaker, by agreement with Senator Vickers, I would substitute a second amendment for the first amendment and address a narrower question and leave the larger question to further investigation prior to Select File. So with that I would ask permission of the body to withdraw the amendment and to substitute therefore the agreed upon amendment.

SPEAKER MARVEL: The Clerk will read the latest Beutler amendment.

CLERK: Mr. President, the Beutler amendment as proposed now reads: (Read Beutler amendment as found on page 154, Legislative Journal.)

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, my first amendment addressed the broad question of confiscation and I have agreed with Senator Vickers to withdraw that so that he and I can both investigate the fact of whether or not that equipment is usable for other legitimate purposes or whether that kind of equipment is used for only one purpose, that purpose being an illegal purpose, since that would make a big difference to me, too. But the narrower question, then, whether there is admittedly a need for revision in Section 5 has to do with the point that Senator Chambers essentially just made. The Section as drafted now provides that the equipment is confiscated as contraband whether or not the person is convicted of the offense and clearly the intention is only to seize the property if the person is in fact convicted and that is the only thing that the amendment does. Thank you.

SPEAKER MARVEL: Okay, Senator Cullan, do you wish to speak on the Beutler amendment? Senator Goodrich. Senator Wagner. Senator Wiltala, do you wish to speak on the latest Beutler amendment?

SENATOR WILTALA: Mr. Chairman, I call for the question.

SPEAKER MARVEL: The question has been called for, do I see five seconds. Okay, I do. The question is, shall debate cease? All those in favor vote aye, opposed no. Have you all voted? Have you all voted? Record.

CLERK: 25 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Motion carried. Debate is ceased. Senator Beutler, do you wish to close on your motion?

SENATOR BEUTLER: No, Mr. Speaker, except to just point out again that all the amendment does is limit the seizing of the contraband to cases where the person is convicted of the offense.

SPEAKER MARVEL: The motion before the House now is the adoption of the Beutler amendment. All those in favor of that amendment vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of the Beutler amendment.

SPEAKER MARVEL: Motion is carried and the amendment is adopted. Senator Cullan, do you wish to speak on the bill itself?

SENATOR CULLEN: Mr. President and members of the Legislature, I would rise to oppose the advancement of LB 32. I see no reason to enact this type of legislation. I think that an individual who possesses one of these types of devices does no injury to society as a whole and I see no reason to restrict an individual's right to possess or use this type of an instrument. Further I don't really believe that this is a tool that law enforcement needs. I think there are many other things that law enforcement agencies can do if they want to control the highways in the State of Nebraska, and if we are actually serious about controlling speeding in the State of Nebraska, we ought to eliminate the \$10 fine on the interstate system and adopt a reasonable penalty for speeding today but that is another subject. But if we are serious about speeding violations, I think we can do many, many other things to counteract them without infringing on the individual's right to own a piece of transmitting equipment. More importantly I think the bill is, according to the Chairman of our Judiciary



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LB 32

Committee, admittedly has some constitutional problems, and I think it would be unwise of us to enact this bill with those constitutional clouds surrounding the bill and with those issues existing and have to see the State of Nebraska spend money in the court systems trying to defend this concept when we could spend those funds better in many, many other ways to improve the safety in the State of Nebraska, safety on the roads in the State of Nebraska. So I simply want to raise those objections. I believe the bill is just an unnecessary one and I hope that you would allow it to die at the General File stage.

SPEAKER MARVEL: Senator Goodrich, do you wish to speak to the bill?

SENATOR GOODRICH: Yes. If Senator Vickers would yield to a question, please.

SPEAKER MARVEL: Senator Vickers, do you yield?

SENATOR GOODRICH: The purpose of this question, Senator Vickers, is to establish legislative intent and I want to be sure it is your intent that these...the ownership and possession of these devices only be illegal when used and connected to a power source within a moving vehicle in the State of Nebraska.

SENATOR VICKERS: That is true.

SENATOR GOODRICH: Now can we go one step further than that, for example, if I have one of these in my car, I have it hooked to a power source but I put a switch in that power source and I switch the switch off so that way it is not directly connected because it is switched off of the power, what you mean is to completely disconnect it from the power source?

SENATOR VICKERS: That is true. Yes, according to the bill it would be completely disconnected. (Interruption).

SENATOR GOODRICH: And every other possession or ownership would be perfectly all right as far as your legislative intent is concerned?

SENATOR VICKERS: If it wasn't in a moving vehicle that was hooked up with electric connections within the State of Nebraska, then it is all right, yes.

SENATOR GOODRICH: Fine, thank you.

SPEAKER MARVEL: Senator Vickers, do you want to speak to the bill? Senator Von Minden, do you wish to speak to the bill?

SENATOR VON MINDEN: Mr. Speaker and colleagues, I think this bill is a very important bill, and getting back to Senator DeCamp or Senator Chambers, we aren't all highly learned men and fluent speakers like Senator Chambers is but we do know right from wrong, and my people in my district sent me down here for common sense legislation and you very well know we have a couple of Senators who are going to introduce a bill to protect our people on our highways, to get the drunk off the road. We are introducing this bill to get the maniac off of the road. When we had the committee hearing on this bill, one fellow came down and he spoke about he drove a truck and he bragged about having a jamming device in his truck. He said there is no way that I can drive the speed limit and get over the roads I want to get over and he admitted to driving on fifty mile an hour roads and exceeding the speed limit. To me that is the fellow we want to get off the road. That is the fellow that is going to save lives of and he takes a twenty-five thousand ton truck and he beats down the road sixty, seventy, eighty mile an hour and oncoming to a car that weighs approximately a ton, that fellow I'd like to get off the road and those jamming devices are there for no other reason but to break the law, and again if we want to play Tom and Jerry with our patrolmen and put our patrolmen down by passing laws where they can't uphold the law, then what are we down here for.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Senator Von Minden, Senator Von Minden and members of the Legislature, I am sorry to say this but often what we call "common sense" turns out to be nonsense when it comes to the law. It doesn't matter what the Legislature declares its intent to be, when the law states what the provisions of the bill are. According to the provisions of this bill, not only must the thing be disconnected, but it must either be in the rear trunk of the car or some compartment or located in the car not accessible to the driver. So even if the guy had the device totally disconnected from a power source and sitting on the front seat on the other side of the car, as long as the driver or somebody in the car can reach it, that is possession based on this bill. So Senator Goodrich, I think Senator Vickers answered you in good conscience and good faith because he was using common sense in defining for you what possession and improper use would be, and obviously, if you use the layman or the ordinary person's

understanding, Senator Von Minden, you would say that this thing if it is disconnected from a power source and not being used to defeat police radar, then you are not in violation of the law. But according to the words of this bill, not only could it be disconnected, it could have the hose cut or the wire cut, but if it is accessible, all it has to be is accessible, remember, and there is a violation of the law. Since you talk about guns, and I don't particularly like them, you can buy a shotgun and it is legal. If you saw it off, it becomes illegal because you have done something to it which means that for whatever purpose you try to use it, you have converted it to a device which is not legal under any circumstances for you to possess, maybe a gun collector with a federal gun stamp, but we are talking about the ordinary course of events. So what you are talking about here is the SPEED-O-1 which is a legal device which the FCC has said does not jam police radar. The only time when it was tested that it affected it at all was when a car with one of these devices was within ten feet of a police car and both were stationary and that is not how police radar is used. It is mobile. The vehicle in which the radar is used is usually moving. Now if you have got what you call a jamming device and say it would work even in a mobile mode within ten feet of a police car, well, they have got you before you are within ten feet anyway so it is of no value to you. So you are taking a device that the FCC says does not even need to be licensed because it is not a transmitter of the type that has to be licensed by the FCC. It is not illegal to own it. It is not illegal to possess it. It is not illegal to use it based on federal law which has more stringent requirements on these things than the states do. Somebody got a hair under a fingernail and decided in various parts of the country that this is evil, and the person that Senator Von Minden is talking about, the trucker, he did not have one of these jamming devices. What he had was a radar detector and we ought to at least be able to distinguish among the devices we are talking about and the radar detector is a passive device that merely let's you know that radio microwaves are out there on the highway. The detector does not emit waves. It strictly receives in the same way that your ear will receive a sound, that your eyes will receive light waves but my merely looking at Senator Hefner will not harm him at all. Sometime it convicts his conscience when he is on the wrong side of an issue, but I mean as far as having a physical impact, none whatsoever. So Senator Von Minden doesn't even have straight the kind of devices that were being discussed at the committee hearing, and these are the types of concepts that are being put into the law. Read this bill and see what it says and see what it does, and I don't care if 49 members of the Legislature pass a resolution saying this bill doesn't mean what it says,

when the bill is passed into law, the courts are going to read what the bill says. And if the thing is in the car and accessible to the driver or anybody in the car...

SPEAKER MARVEL: You have a minute left.

SENATOR CHAMBERS: ...then read what the bill says that equals, but that is not even the point that I am talking about that you have the problem with. There is another one.

SPEAKER MARVEL: Senator Higgins. The question has been called for, do I see five hands? I do. The question before the House is, shall debate cease? All those in favor vote aye, opposed vote no. Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, to cease debate.

SPEAKER MARVEL: Debate is ceased. The Chair recognizes Senator Vickers to close.

SENATOR VICKERS: Mr. President, members, first of all I would like you to look at the handout that I passed out to you. Senator Chambers just mentioned the SPEED-0 device and that according to the handout he passed out it was determined that it wouldn't make a signal any farther away than just a few feet, but yet from the material that I passed out to you from the company that makes the device, the advertisement they put out, you will notice that it mentions on the inside of the first page down in the lower right hand corner that the controls include an on and off switch with 25 mile per hour, 50 mile per hour check positions. You will notice on the second page it says failure to shut the switch off may result in interference with police radar. Then on the final page, it is a copy out of a little truckers paper, you will notice about in the middle of the page that it says that it is...and they are talking about this same piece of equipment...that if you don't shut the switch off that you are going to, to use their term, "peel the paint off of a bear's car as you swish by with the speed either reading on his radar of twenty-five miles per hour or fifty miles per hour". Now it seems to me that this piece of equipment then you would think is being advertised as a transmitter, as a piece of equipment to jam police radar. Now Senator Chambers says that there are other uses for it and I am sure that there probably are but I don't think those other uses would be necessarily tied to the use of a car or a vehicle. As I understand reading through this material advertising this piece of equipment, if they want it to be used for the other uses, then they shouldn't have that switch on there to be

able to turn that part of it on. If that switch wasn't on there and they didn't have a transmitter that would record a false reading, I don't see anything wrong with it. I want to clarify that this is not making the use of radar detectors illegal in any way, shape or form. Somebody mentioned "fuzzbusters". Fuzzbusters would not be affected with this. Radar detectors are one thing. Radar jammers are something else again. It was also mentioned by some, Senator Cullan I think, that it would probably be unconstitutional. I asked for and got an Attorney General's opinion March the 5th of last year in which they said that the bill as drafted was constitutional. I would also remind you that there have been several states that have passed such legislation and has been tested in the courts of several states, Michigan and Virginia being a couple of them. Our neighboring State of Iowa this last year passed such legislation. It did not, it did not include the language about being disconnected at all. In Iowa if you just have possession of one is illegal, period, no matter where it is at. The reason I included the language about where it was at in the vehicle and whether it was disconnected or not was for the benefit of those people that were coming through here from a state that it was legal to have one in and I thought there should be some way to protect that individual so that he would not be illegal within the State of Nebraska and, obviously, if you just had possession as Iowa is doing, it would be illegal. I don't think that is right. I think they should have a way to hang onto their equipment and not make it illegal through here and that was the reason for that language to be put in there. Oklahoma also has such legislation and has had for several years.

SENATOR KAHLE PRESIDING

SENATOR KAHLE: You have one minute.

SENATOR VICKERS: I think the real question is, the real question is, shall we give our police officers of this state a tool on one hand, and you have to determine yourself whether that tool is a good tool or not, radar, and should we allow people on the other hand through the advances of technology to have tools at their disposal to get around and eliminate the value of the technology that we are allowing our police officers to have. I think that is the question that this Legislature has to answer. I move the adoption or the advancement of LB 32.

SENATOR KAHLE: Okay, we are voting on LB 32 as amended. Please vote.

CLERK: Senator Kahle voting yes.

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LB 32, 32A

SENATOR KAHLE: Record the vote.

CLERK: 27 ayes, 7 nays, Mr. President, on the motion to advance the bill.

SENATOR KAHLE: The bill passes. Senator Vickers, the A bill.

CLERK: Mr. President, LB 32A offered by Senator Vickers. (Read title).

SENATOR VICKERS: Mr. President and members, the A bill is designed to have the funds for the signs that LB 32 requests to be put up, and, again, several neighboring states that have introduced such legislation have chosen not to put up such signs, but because of the concern as I indicated to you earlier about the interstate traveler going through from one state to the other, it seemed to me appropriate that such signs be put up and I did do a little bit of traveling last summer and happened to notice in the State of Virginia that those signs are up in the State of Virginia and I also visited with Fiscal this morning and was informed that this bill, even though the dates that it calls for is wrong, the A bill, they would certainly correct those in E & R, of course, and the amount is approximately \$100 more than what the A bill calls for because of inflation this year as compared to last year. I thought I had better tell you that it does require a little bit more money but very little. I move the adoption of 32A.

SENATOR KAHLE: Senator Chambers, do you wish to speak to this issue?

SENATOR CHAMBER: Yes, and very briefly, Mr. Chairman. In voting for this A bill you are voting for money to carry out the provisions of the bill that you just voted to advance. Senator Vickers made what did seem like a powerful compelling point in his close when he mentioned that the very one who manufactures the device put out an advertisement that says the following: "After verifying that the unit is functional the switch should be returned to the speed position. Failure to do so may result in interference with police radar"...one, two, three, four, five, seven exclamation points. You have to understand that not only do those who make radar equipment for law enforcement agencies produce junk and sell it for and represent it as being something that it is not, those who sell radar defeating devices do the same thing. This kind of advertising does not mean that the product is what the advertising says. Remember, if the signal on this device were strong enough to interfere with police radar, FCC would

January 18, 1982

LB 32, 198, 215, 264, 274, 274A,  
347, 413, 431, 465, 664, 848-851

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by Chaplain.

CHAPLAIN PALMER: Prayer offered.

PRESIDENT: Roll call. Senator Fenger, do you want to hit the button so we can get started? Thank you. Now we will start. Record the presence.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: Quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand correct as published. Any messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 198 and recommend that same be placed on Select File with amendments; LB 274 Select File with amendments; LB 274A Select File with amendments; LB 413 Select File; LB 32 Select File with amendments; LB 215 Select File with amendments; LB 347 Select File with amendments; LB 465 Select File with amendments; LB 264 Select File with amendments; LB 431 Select File with amendments. Those are all signed by Senator Kilgarin, Chair. (See pages 311 through 316 of the Legislative Journal).

Mr. President, I have a Reference Report referring LB 839 through 847. (See page 316 of the Journal).

Mr. President, communication from the Governor addressed to the Clerk. The Governor has signed LB 664.

PRESIDENT: Ready then for agenda item #4, introduction of new bills, Mr. Clerk. Are there any bills to introduce?

CLERK: Yes, sir, there are.

PRESIDENT: Proceed.

CLERK: Mr. President, new bills. LB 848 offered by the Public Works Committee and signed by its members. (Read title). LB 849 offered by the Public Works Committee and signed by its members. (Read title). LB 850 by the Public Works Committee and signed by its members. (Read title). LB 851 offered by the Public Works Committee and

CLERK: Mr. President, there are E & R amendments to LB 32.

SPEAKER MARVEL: Can you hold just a minute? Underneath the South balcony is a guest of Senator Wagner, is former Senator K.W. Peterson of Sargent, Nebraska. K.W., where are you? Okay, welcome to the Unicameral. He served back in 1951 too.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Goodrich, are you going to handle the E & R amendments?

SENATOR GOODRICH: Since Senator Kilgarin is not on the floor I will move the adoption of the E & R amendments.

SENATOR NICHOL: We are now voting on the E & R amendments. All those in favor say aye, opposed nay. They are adopted.

CLERK: Mr. President, I now have an amendment from Senator Vickers, VonMinden and Beutler. The amendment reads as follows: "On page 3, strike section 6."

SENATOR NICHOL: Senator Vickers, are you going to handle that?

SENATOR VICKERS: Mr. President, members, section 6 of the bill is the one that required the signs to be installed and it is perfectly agreeable with Senator VonMinden and I as introducers and we visited with Senator Beutler, to simply strike section 6 and not require any signs to be installed and then further, after the section 6 is installed, we will move to also kill LB 32A which will be the appropriations for those signs. I don't know whether Senator Beutler or Senator VonMinden would like to speak to this issue or not but I just move the adoption of this amendment, to strike section 6.

SENATOR NICHOL: The motion is to adopt the amendment. All those in favor...machine vote, vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Record, Mr. Clerk.

CLERK: 29 ayes, 0 nays on adoption of Senator Vickers amendment, Mr. President.

SENATOR NICHOL: The Vickers amendment is adopted. Do you have anything else, Mr. Clerk? We are now voting on the advancement of the bill. All those in favor signify by



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LB 32

saying aye. A machine vote has been requested so we will vote by machine. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 7 nays, Mr. President, on the motion to advance the bill.

SENATOR NICHOL: The bill is advanced. Mr. Clerk has nothing on the desk. Senator Howard Peterson, do you want to adjourn us until one-thirty this afternoon, oh, excuse me, nine o'clock tomorrow morning.

SENATOR H. PETERSON: Mr. Chairman, I would move that we adjourn until nine o'clock tomorrow morning.

SENATOR NICHOL: All those in favor signify by saying aye, opposed nay. We are adjourned.

Edited by:

  
Mary A. Turner

January 28, 1982

LB 32, 413

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Dr. Al Norden, Pastor Emeritus, University Lutheran Chapel, the father of Don Norden as some of you know on the staff here so, pastor, will you give us...(inaudible.)

DR. NORDEN: Prayer offered.

PRESIDENT: Roll call.

CLERK: Mr. President, Senators Carsten, Chambers, Higgins and Hoagland would like to be excused for the day, Senator Hefner, Lamb, Newell, Wiitaia, Vard Johnson and Beutler until they arrive.

PRESIDENT: Have you all registered your presence so we can get going here? Senator Haberman, are you here? Would you show us you are here so we can start the day. Senator Remmers. Senator Landis, will you hit the button and we'll get going. Thank you. Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: A quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal stands correct as published. Any other messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 32 and find the same correctly engrossed and LB 413 correctly engrossed. Both of those are signed by Senator Kilgarin as chairman.

Mr. President, I have a gubernatorial appointment offered by the Governor. That will be referred to the Reference Committee for reference for a confirmation hearing.

Mr. President, I have a report from the Thurston County Sheriff's Department and a report from the Nebraska State Patrol pursuant to statutory sections 28-429.

Mr. President, your committee on Judiciary gives notice of public hearing in Room 1113 for February 3, 8, 9, 16, 17 and February 22 and that is signed by Senator Nichol as Chairman.

February 3, 1982

LB 32

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Prayer will be given by Daniel R. Gangler, Associate Minister of St. Paul United Methodist Church.

DANIEL R. GANGLER: (Prayer offered).

SPEAKER MARVEL: Roll call. Please record your presence. Please record your presence so we can continue with the agenda. Record.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: Do you have some items under #3?

CLERK: Mr. President, I can happily report that I have nothing to read in this morning.

SPEAKER MARVEL: All legislators please return to your chairs. We are ready for Final Reading. While we are waiting for all legislators to return to your seats, it is my privilege to present under the North balcony constituents of Senator Rumery, Mr. and Mrs. Bob Watson. Do you want to hold up your hand so we can see where you are? All legislators are to be in your seats. We can not proceed until you are. The first bill on Final Reading. LB 32. The clerk will read.

CLERK: (Read LB 32 on Final Reading.)

SPEAKER MARVEL: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. LB 32. Have you all voted? Clerk, record the vote.

CLERK: (Record vote read. See pages 515 and 516, Legislative Journal.) 31 ayes, 5 nays, 13 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed. There is a motion on the desk and LB 413 will be temporarily placed at the bottom of Final Reading, right after LB 572. The Chair recognizes Senator Schmit.

CLERK: Mr. President, Senator Schmit moves to suspend Rule 6, Section 7 (b) so as to permit consideration of LBs 229, 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572 on Final Reading today. That is offered by Senator Schmit.

February 4, 1982

LB 32, 69, 192, 198, 229, 231, 239,  
263, 264, 270, 309, 347, 370, 403,  
418, 423, 431, 448, 449, 490, 492,  
511, 542, 563-66, 572, 592

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Glenn Frazier of the Antelope Park Church of the Brethren.

PASTOR FRAZIER: Prayer offered.

SPEAKER MARVEL: Roll call. Please record your presence. Will you please record your presence? Senator Cope and Senator Warner, would you please record your presence? Record.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything to read into the record?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 69 and find the same correctly engrossed; 192, 198, 231, 239, 263, 370, 431, 448, 449, 511 and 592 all correctly engrossed. (See pages 540 through 544 of the Legislative Journal).

Mr. President, LBs 32, 229, 264, 309, 347, 403, 418, 423, 490, 492, 542, 563, 564, 565, 566, and 572 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 32, engrossed LB 229, engrossed LB 264, engrossed LB 309, engrossed LB 347, engrossed LB 403, engrossed LB 418, engrossed LB 423, engrossed LB 490, engrossed LB 492, engrossed LB 542, engrossed LB 563, engrossed LB 564, engrossed LB 565, engrossed LB 566, engrossed LB 572. We are down to item #4, motions, and the first motion concerns LB 270.

CLERK: Mr. President, LB 270 was last considered by the Legislature January 27th. At that time Senator Barrett offered a motion to indefinitely postpone the bill. That motion prevailed. Subsequent to that action, Senator Cullan offered a motion to reconsider the body's action to indefinitely postpone LB 270. That motion is found on page 450.

SPEAKER MARVEL: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature,

February 10, 1982

LB 264, 309, 347, 403, 418, 542  
563-66, 572, 579, 642, 659, 677  
703, 705, 718, 719, 722, 724,  
764, 774, 778, 779, 797, 852,  
879, 606, 32, 229, 490, 492

SPEAKER MARVEL PRESIDING

RABBI BISMAN: Prayer offered.

SPEAKER MARVEL: Item #2, roll call. Please record your presence. Record your presence. Pat, do you want to record.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: Do you have anything under #3?

CLERK: Mr. President, I have several items. First of all I have a reference report referring LR 218 to the Banking Committee for public hearing.

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication re: 264, 309, 347, 403, 418, 563, 564, 565, 566 and 572 as found on page 613 of the Legislative Journal.)

A second communication. (Read re. LB 542.) And a third, Mr. President, from the Governor addressed to the Clerk. (Read re. 32, 229, 490 and 492. See pages 613-614 of the Legislative Journal.)

Mr. President, your committee on Education whose chairman is Senator Koch reports LB 642 advanced to General File; LB 774 advanced to General File; LB 797 advanced to General File with amendments. Those are signed by Senator Koch.

Your committee on Public Works whose chairman is Senator Kremer offers a corrected statement to LB 852. (See pages 614-615 of the Legislative Journal.)

Mr. President, your committee on Government, Military and Veterans Affairs whose chairman is Senator Kahle reports LB 879 advance to General File with committee amendments attached. That is signed by Senator Kahle. (See page 615 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed LB 606 and recommend that same be placed on Select File; 579 Select File; 703 Select File with amendments; 705 Select File; 718 Select File; 719 Select File; 724 Select File; 677 Select File; 722 Select File with amendments; 659 Select File; 764 Select File with amendments and 778 Select File with amendments and 779 Select File with amendments, all signed by Senator Kilgarin as Chair. (See pages 615-616 of the Legislative Journal.)