

March 13, 1981

LB 32A

have an executive session underneath the North balcony now.

SPEAKER MARVEL: The Call is raised.

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

I have an announcement from the Executive Board and a new resolution signed by several members, LR 36. (Read LR 36 as found on page 906 of the Legislative Journal.) That will be laid over pursuant to our rules, Mr. President.

January 7, 1982

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

label it a transmitting device and it would have to have a federal license but it does not transmit enough despite what the manufacturer says. How many times have you heard them say, "Drink Hadacol and you can have a sore shoulder this morning, you drink Hadacol and tomorrow you are a big league pitcher". They exaggerate. There is no way in the world that this statement could be true without you having to be required to have an FCC license. So don't be misled by the puffing representations of these companies that are trying to get people to buy devices which they think will do what they want it to do. If you have the opportunity, you should get a popular book, you can probably find some in the library, that explain how jamming occurs. All it does is transmit a signal that is picked up by the receiving device as being the same as a target vehicle. It transmits a wave which the radar device mistakes for the reflection of the wave that the radar itself sends out. The tests that the FCC conducted on this device indicate that its signal is not strong enough to override the beam that the radar sends out. But forgetting all of that, if you are really interested in a high level of law enforcement in catching speeders, you should ask yourself why Colonel Kohmetscher said that the number of hours that patrolmen will work has been reduced, that they are going to start concentrating more on those who drink and drive, consequently fewer speeding tickets will be written. To exceed the speed limit, Senator Von Minden, on the interstate doesn't necessarily mean to be driving in a way that is dangerous. These highways were designed, remember, for at least seventy-five miles an hour. There has been an arbitrary decision made to reduce that speed to fifty-five and they are having more accidents all the time. So it is not the speed limit, it is the capability of the driver, the design of the automobile. There is a professor at UN-L who showed that the way they design barriers along the side of the freeway can lead to accidents because if they put a little rim that banked inward toward the freeway and a car went up the side of the rim, the barrier, instead of rolling the car, that rim would catch it and rush it back to the highway. So maybe you'd have had a thousand fewer fatalities and some people might attribute it to the speed limit but that has nothing to do with it. So we have got to keep these things separate and look at what this law is dealing with.

SENATOR KAHLE: One minute, Senator Chambers.

SENATOR CHAMBERS: Senator Vickers, what I am going to do if you really want to after all this is over is talk to you about some of the concerns that I have but I am not even

speaking against the advancement of this bill but I just wanted to advise them that a lot of times manufacturers misstate what their products can do.

SENATOR KAHLE: Senator Beutler, you are next.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would very seriously suggest that we save ourselves a little money. I think we would be quite right in doing so. The laws of Iowa, the laws of South Dakota, the laws of Wyoming and Kansas, the traffic laws vary substantially from the traffic laws in the State of Nebraska. I suppose if you went through the statutes and made comparisons, there are dozens and dozens, probably up into the hundreds, of differences and when somebody crosses the border from one of those states we don't have a big sign at the border that says, "No right hand turns in Nebraska. No left hand turns on arterial streets. Speed limit 35 on arterial roads. Speed limit such-and-such on other roads." We don't have a big sign that gives all of our traffic rules in the State of Nebraska so why should we pay money to put up a sign to tell them what one more of our traffic rules is in the State of Nebraska. I see no consistency in what we are doing here. We are throwing away our money. Now what is crazy about it, what is really crazy about it is if you assume, as I have heard on this floor, that the only purpose of that equipment is an illegal one, that its only purpose in Iowa is illegal and Kansas is illegal and Colorado and South Dakota that they are all illegal purposes, we are going to put up a sign to save these violators of the laws so they don't violate it in our state so they can go on violating it in other states. Isn't that a little preposterous? If you are going to have this law, let's at least save the money. Be consistent on your theories one way or another. If these are bad guys that are using the equipment that has no other purpose, then let's really stick it to them, and if they are not bad guys, then let's be a little more reasonable about this confiscation stuff. Thank you.

SENATOR KAHLE: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, a question of Senator Vickers, please.

SENATOR KAHLE: Senator Vickers, would you yield?

SENATOR VICKERS: Yes.

SENATOR HABERMAN: Senator Vickers, I am sorry I wasn't here before. I was at a meeting on MX-missiles that they are going to put out in the western part of the state. We

suggested they put them in your district. I thought I would tell you that.

SENATOR VICKERS: Oh, thanks a lot. I really appreciate that.

SENATOR HABERMAN: Well, you have got a lot of land out there you are not using. My question, Senator Vickers, is, you were talking about the A bill. Am I to understand that this is going to be over \$91,000?

SENATOR VICKERS: I think the A bill calls for \$46,650.

SENATOR HABERMAN: The one I have says total, \$91,340.
LB 32...

SENATOR VICKERS: The fiscal note. The fiscal note is from 10 to 91,000 and the A bill is half, in the middle, because they really didn't know just exactly what it would be so the fiscal note was set right at the middle of the two estimates. It could be above and it could be below.

SENATOR HABERMAN: Okay, thank you. Fellow Senators, I am going to have to take...take the high road and I am going to have to say that anything that costs over \$91,000, that we had better take another look at because quite frankly we ain't going to have \$91,000 to spend for signs, or to spend for anything like this type of legislation and I think we should just set back, go ahead, you have already advanced the bill, and let's don't advance the A bill. Let's wait until the appropriations bill comes out. Let's take a look at what kind of money we are going to have. Then let's come back and consider \$91,000 plus for a bill like this. So I would say to you whether you favor LB 32 or not, let's wait on the A bill and let's see what happens before we commit ourselves or move across the board a \$92,000 plus cost. Thank you, Mr. President and members of the Legislature.

SENATOR KAHLE: Senator Higgins. The question has been called. Do I see five hands? I do. Senator Vickers, would you like to close? I beg your pardon. We need to vote on ceasing debate. The Clerk advises me that I was right the first time, there were no other lights on, so you may proceed to close, Senator Vickers.

SENATOR VICKERS: I think we have discussed this bill enough. The amount of funds in the A bill, first of all, I wouldn't even needed to have an A bill because these are not general fund dollars. This would be money from the Department of Roads. According to our rules I wouldn't have even had to have inserted an A bill here, and we could have been off on some-

thing and Senator Chambers wouldn't have had an opportunity to talk one more time and a few other people wouldn't have either. So I guess it is just because I am such a nice guy that everybody got a free pot shot at this bill. The fact of the matter is that Senator Beutler is partly right. It is probably true that if it is illegal to have them they should be arrested no matter whether they know it or not but I don't think that is hardly fair. If they are legal in South Dakota, and it is possible they are, if they are legal in Kansas, then it seems to me that we should let those people know that we are now going to have problems in this state, you should disconnect them and put them in your trunk or under the seat or whatever, and when they are not readily accessible to the driver, then you won't have any problem. The amount of funds required, and I can understand Senator Haberman, I know where he is coming from but the fact of the matter is the amount of funds are going to be very minimal and it seems to me that it is not unreasonable to send this A bill along with LB 32. I move its advancement.

SENATOR KAHLE: Okay, we are voting on the A bill for LB 32. Please vote.

CLERK: Senator Kahle voting yes.

SENATOR KAHLE: Please vote. There are seven excused. Senator Vickers, what do you wish to do? Okay, call the vote.

CLERK: 19 ayes, 17 nays, Mr. President, on the motion to advance the A bill.

SENATOR KAHLE: We have some visitors in the assembly that I am going to ask Senator DeCamp to introduce. He can do it much better than I can.

SENATOR DeCAMP: Well, I don't know about that. Mr. President, members of the Legislature, I would like to introduce two very, very distinguished visitors, first of all, Mr. Jake Garn, Senator Jake Garn, who, of course, is the Senator from Utah. He is Chairman of the Senate Banking Committee and sponsor of probably some of the most controversial and interesting banking legislation to come down the pike in the last hundred years. Good legislation I might add. And the other gentleman is just as prominent. He is the President of the Independent Bankers Association of America. He is from South Carolina with his wife, Skippy, and his name is W. C. Bennett and he is one of those individuals that is still working on understanding and realizing and accepting the wonders of all this new legislation that Mr. Garn and people like me are working on.

SPEAKER MARVEL PRESIDING

January 26, 1982

LB 378, 32A, 359, 574, 630,
631, 728

LB 378 to E & R initial. All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 26 ayes, 11 nays, Mr. President.

PRESIDENT: The motion carries. LB 378 is advanced to E & R initial. Alright, the Clerk will read some matters into the record.

CLERK: Mr. President, your committee on Revenue whose Chairman is Senator Carsten reports LB 630 advanced to General File; LB 631 advanced to General File with amendments, and LB 728 advanced to General File with amendments, all signed by Senator Carsten. (See page 418 of the Legislative Journal).

Your committee on Urban Affairs whose Chairman is Senator Landis reports LB 574 as indefinitely postponed. That is signed by Senator Landis.

Senator Vickers makes a motion to withdraw LB 32A. That will be laid over pursuant to our rules.

Your committee on Public Works gives notice of hearing in Room 1517 for February 11, 18, 19, 24 and 25. That is signed by Senator Kremer as Chairman.

PRESIDENT: Okay, we are ready then for the next bill on General File, LB 359, Mr. Clerk.

CLERK: Mr. President, LB 359 offered by Senator Newell. (Read title). The bill was first read on January 19 of last year. At that time it was referred to the Urban Affairs Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Urban Affairs Committee.

PRESIDENT: The Chair recognizes Senator Landis.

SENATOR LANDIS: If I could have the attention of the Chair and the body, I would like to apprise you that we have had due to some problems in bill drafting, the committee amendments that sprang from the hearing that we held about a week ago are held up. But we have as a committee acted on those amendments to the approval of the unanimous committee and to the approval of Senators Newell and Hoagland. And although I want us to act today on LB 359, I guess I have to tell you what the committee amendments are and indicate to you that they will be available for passage on Select File. They, in fact, constitute substitute committee amendments, and so let me outline what I think we need to do and how to proceed. We had amendments introduced this session to change LB 359. As a courtesy to the members of the committee and in furtherance of good policy we sent it

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regarding confirmation hearing for certain gubernatorial appointments. That is offered by the Public Works Committee and signed by Senator Kremer as Chairman. (See page 487 of the Legislative Journal).

PRESIDENT: All right, we are ready then, Mr. Clerk, for agenda item #4, motions, beginning with....is Senator Vickers here? Beginning with LB 32A, motion to withdraw. Do you want to....

CLERK: Mr. President, Senator Vickers would move to withdraw LB 32A.

PRESIDENT: All right, the Chair recognizes Senator Tom Vickers, and he just made it.

SENATOR VICKERS: Thank you, Mr. President. Yes, I would like the body's support to withdraw LB 32A. LB 32 that is now on Final Reading has been amended so that there is no requirement for any appropriations at all. So with that simple explanation, we can all be fiscally conservative this morning and kill an A bill.

PRESIDENT: Any discussion on the motion to withdraw LB 32A? If not, Senator Vickers, that is your opening and your closing. All those in favor of doing what you said vote aye, opposed nay. Record the vote.

CLERK: 30 ayes, 0 nays on the motion to approve the report....or withdraw the bill, Mr. President, excuse me.

PRESIDENT: The motion carries. LB 32A is withdrawn. Next we have a committee report from Banking, Commerce and Insurance on gubernatorial appointments. Where is Senator DeCamp? He was here. Okay, the Chair recognizes Senator DeCamp.

CLERK: The report is found on page 438 of the Journal, Mr. President.

PRESIDENT: Page 438?

CLERK: 438.

PRESIDENT: Thank you.

CLERK: You are welcome.

SENATOR DeCAMP: I move they be approved.