

January 6, 1982

title). LB 585 offered by Senator Warner. (Read title). LB 586 offered by Senator Wagner. (Read title). LB 587 offered by Senators Kremer, DeCamp, Wagner, Cope and Lamb. (Read title). LB 588 offered by Senator Wagner. (Read title). LB 589 offered by the Banking Committee and signed by its members. (Read title). LB 590 offered by Senators Kilgarin and Beutler. (Read title). LB 591 offered by Senator Landis. (Read title). LB 592 offered by Senator Lamb. (Read title). LB 593 offered by Senators Remmers and Richard Peterson. (Read title). LB 594 offered by Senator Landis. (Read title). LB 595 offered by Senator Fowler. (Read title). LB 596 offered by Senator Nichol. (Read title). LB 597 offered by Senator Nichol. (Read title). LB 598 offered by Senator Nichol. (Read title). LB 599 by Senator Nichol. (Read title). LB 600 by Senator Nichol. (Read title). LB 601 offered by Senator Nichol. (Read title). LB 602 offered by Senator Cullan. (Read title). LB 603 by Senator Cullan. (Read title). LB 604 offered by Senators Cope, Rumery and Fowler. (Read title). LB 605 offered by Senator Koch. (Read title). LB 606 offered by Senator Kremer. (Read title). LB 607 offered by Senator Howard Peterson. (Read title). LB 608 offered by Senator Howard Peterson. (Read title). LB 609 by Senator Marsh. (Read title). LB 610 introduced by Senator Howard Peterson and Senator Heffner. (Read title). LB 611 offered by Senator Kahle. (Read title). LB 612 offered by Senator Pirsch. (Read title). LB 613 offered by Senator Pirsch. (Read title). LB 614 offered by Senator Fowler. (Read title). LB 615 offered by Senator Burrows. (Read title). LB 616 offered by Senator Fenger. (Read title). LB 617 offered by Senator Stoney. (Read title). (See pages 77-88 of the Journal).

Mr. President, I have two new A bills, LB 404A offered by Senator Fowler. (Read title). And LB 604A offered by Senators Cope, Rumery and Fowler. (Read title). (See page 88 of the Journal).

Mr. President, I have a series of items to read into the record. Senator Koch would like to be excused January 7 and 8.

Mr. President, Senator Fowler would like to print amendments to....I am sorry, Senator Pirsch would like to print amendments to LB 465. (See pages 89 through 91 of the Legislative Journal). Senator Fowler to print amendments to LB 458. (See pages 91 through 93 of the Journal). Senator Rumery would like to print amendments to LB 287. (See pages 93 through 94 of the Journal). Senator Newell would like to print amendments to LB 131. (See page 95 of the Journal).

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597, 714, 788
LB 375, 127, 127A, 347

SENATOR CLARK: The motion before the House is the advancement of 375 to E & R. All those in favor vote aye, opposed vote nay. I would like to announce to the Legislature while we are waiting for the vote, there are sixteen students from the Nebraska School for the Deaf. Their Senators are Senator Stoney, Wiitala, V. Johnson, Kilgarin, Newell, H. Peterson, Apking, Chronister, Cope, Warner, Fowler, Carsten, Johnson and Burrows. Welcome to the Legislature. Record the vote. Voting aye.

CLERK: Senator Clark voting yes. 29 ayes, 4 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. I imagine in the intervening time, the Clerk has a lot of things to read in.

CLERK: Mr. President, your committee on Urban Affairs gives notice of public hearing for Wednesday, January 27.

Your committee on Business and Labor gives notice of hearing for Wednesday, January 27 and February 10.

And your committee on Public Works gives notice of hearing for Thursday, January 28. Those are all signed by their respective chairmen.

Senator Nichol would like to print amendments to LB 347; Senator Sieck to LB 127 and 127A. (See pages 381-384 of the Legislative Journal.)

Mr. President, your committee on Judiciary whose chairman is Senator Nichol reports LB 597 advance to General File with the committee amendments attached. (See page 384 of the Legislative Journal.)

Mr. President, I have a reference report referring LB 881-966.

Mr. President, Senator Koch would like to add his name to LB 788 and Senator Fenger to LB 714 as cointroducers. (See page 387 of the Legislative Journal.)

SENATOR CLARK: No objection, so ordered.

CLERK: Mr. President, your committee...oh, I have another hearing notice from Constitutional Revision and Recreation setting hearing for February 4, 5, 11, 18 and 19.

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and reviewed

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LB 488A, 597

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House will vote aye, opposed vote nay. Record the vote.

CLERK: 13 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All Senators are to return to their seats and check in please. Would everyone check in please. There is no one excused. We need Senator Cullan, Senator Goll, Senator Schmit, Senator Lamb, Senator Rumery. Senator Cullan is excused. Senator Fenger. Senator Von Minden, will you tell us you are here please. Senator Landis, will you poke your button please. We are looking for Senator Fenger and Senator Lamb. We are under Call. All Senators will remain in their own seats please. Senator Goodrich, did you want a roll call vote? We are short two people, Lamb, and Fenger is here. They are all here. The Clerk will call the roll. If you will hold the conversation down the Clerk will be able to hear the response.

CLERK: (Roll call vote taken. See pages 534 and 535, Legislative Journal.)

SENATOR CLARK: Will you repeat what we are voting on?

CLERK: Mr. President, the motion is to advance LB 488A. (Roll call vote continued.)

SENATOR CLARK: (Gavel.) The Clerk just cannot hear. If you will just give a little courtesy please.

CLERK: (Roll call vote continued.) 24 ayes, 23 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill fails to advance. We will now take up 597. The Call is raised.

CLERK: Mr. President, LB 597 offered by Senator Nichol. (Read title.) The bill was read on January 6 of this year. It was referred to the Judiciary Committee, Mr. President, for public hearing. The bill was advanced to General File. There are committee amendments attached.

SENATOR CLARK: Senator Nichol, do you take the committee amendments?

SENATOR NICHOL: Yes. The committee amendment merely has to do with not allowing this on military vehicles which the Military Department did not want and we didn't want them on

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there either since we want them just on vehicles of police and arresting officers. So I move for the adoption of the committee amendment.

SENATOR CLARK: The question is the adoption of the committee amendments. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Record the vote.

CLERK: 26 ayes, 1 nay, Mr. President, on the adoption of the committee amendments.

SENATOR CLARK: The committee amendments are adopted. Senator Nichol on the bill.

SENATOR NICHOL: Mr. Chairman, LB 597 allows Nebraska law enforcement agencies the option of installing blue or red and blue flashing lights on the top of their vehicles. Approximately half of the states apparently allow the law enforcement agency to use blue lights. Presently several Nebraska law enforcement agencies use blue lights including Cheyenne County Sheriffs Department, the Papillion City Police Department, Ogallala City Police, and the Fremont City Police Department. Gering used the blue lights for approximately two weeks and then removed them because in the opinion of their city attorney current statutes do not authorize the use of blue lights. Arguments for them are that the departments that have used blue lights say they get a better response from other motorists because they do not blend in with the red taillights and the other flashing red lights. Also it is supposed to cut through the fog and blowing snow better and the response is that people like it better than the flashing red. I guess you might maybe see they don't see so much red so it is an option that they may use them. They don't have to use them. Approximately half of the states use them so I move for the advancement of the bill.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, I hope you listen carefully to the debate on this particular issue because I think it goes to the philosophy of law enforcement. This is not a mandatory requirement for law enforcement vehicles throughout the state but it could be used by any police agency in the state if they choose to. I think there ought to be a uniformity in law enforcement and people ought to be able to recognize certain symbols as depicting law enforcement. They are familiar with the red or the flashing

red and white but in whatever combination the red flashing light means law enforcement to everybody. I don't think that you should break that up and fragment it and allow different devices to be used in different parts of the state. Now if you are going to mandate that every police vehicle use flashing blue or rotating blue or rotating flashing blue and white, whatever combination, but all of them have to use it, that would be then a different policy matter. It would simply be whether you think blue is more effective than red but to have different symbols to signify law enforcement in one state I think is a mistake. So if anything at all, the situation should remain as it is or you should mandate the blue for everybody throughout the state. However, since the whole bill arose from a relatively small city, I think there might have been an opportunity or a chance for somebody who produces these lights to try to persuade the local agency to adopt them. I did not vote for the bill in committee. I can't vote for it on the floor because I think that whatever you have to designate law enforcement it should be the same throughout the state. I believe that the red light is found on those border patrol cars with the red bulbs that are flat on the top. There are some pointed red bulbs that are found on top of the cars that enforce the truck regulations. The State Patrol has the circling red lights. The sheriffs division, the local police have some combination including the red. So I think this bill is not well-advised for the Legislature to pass. For those reasons, there is no way I could support it and I would suggest that you not support it either.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Mr. President, a question of Senator Nichol, if he would yield.

SENATOR CLARK: Senator Nichol.

SENATOR FOWLER: Senator Nichol, beyond the personal opinions of law enforcement agencies in Nebraska that have blue lights. Is there any sort of information or research or studies from like National Highway Safety or anything like that to indicate that people do respond more to blue lights than red lights? Was there any sort of documentation rather than just casual opinion?

SENATOR NICHOL: I am not aware of those personally. I am only repeating what people who testified said and I don't know that that is true.

SENATOR FOWLER: Okay. Mr. President, I guess it would seem that in an area of safety such as this that more than personal

whim should be the foundation for a decision and that perhaps it is incumbent on those who want this change to somehow indicate that moving to blue lights is the better system or having a variety of lights on emergency vehicles is the better system somehow in terms of public attention, but in terms, I guess I could say that if I saw flashing blue lights I would have no idea really what impact or meaning they would have because it is not a convention. It is not something in use and I just can't understand why we would make this change, run the risk of lack of public knowledge of what is going on, why in fact there is any need for this change without some sort of documentation and foundation. If the Fire Departments come in and want to use blue lights. I would ask that the same thing, there be some sort of study and justification, not just that someone has a pair of blue lights and likes them. So I think until there is more foundation, I don't think this change needs to be made. I think it is just kind of cluttering the legislative process and I think we run major risks of having to justify why we made this change when in fact we have absolutely no documentation that this improves in any way law enforcement, safety, public health or anything else. So I would oppose advancing this bill at this time.

SENATOR CLARK: Senator Kremer.

SENATOR KREMER: Mr. Chairman, members, I was going to say exactly the same thing that Senator Chambers said. Historically red has always meant "stop", no matter if it is moving or a sign along the road, red always means "stop" and we understand that. Now unless there is a uniformity, I could see nothing but there might be confusion. Now does blue mean you stop if you want to, if you don't want to, go ahead? I don't know. It seems to me we do need uniformity. I can't understand why some law enforcement vehicles should use a blue rotating light or flashing light and others use a red. I think it would be nothing but a state of total misunderstanding and I feel if we are going to go on this far, let's go all the way. I repeat what Senator Chambers had to say.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I also rise in opposition to LB 597. I would like to call your attention to one additional factor. Senator Kremer and others here have referred to the fact that red has always been "stop". We don't need to add to the confusion. Those of us who travel a great deal recognize that red indicates law enforcement and we ought to recognize that anything that we do to dilute that authority is not going to

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be in favor of good law enforcement. I want to add one other thing. If we were to specifically allow this, you would almost immediately see a new wave of sales of this type of equipment to police departments across the State of Nebraska, and so by the enactment of this law, we would again increase costs and increase expenditures by hundreds of thousands of dollars by the time a number of vehicles would be equipped with flashing blue lights. So I would hope that we would not pass the bill, first of all for the reason I gave earlier that it would cause confusion relative to how we are going to enforce the law; number two, it would add a great deal of cost to many cities and it just doesn't make sense. I think the bill ought to be killed.

SENATOR CLARK: Any further discussion? If not, Senator Nichol, do you wish to close?

SENATOR NICHOL: Yes, Mr. Chairman, just a couple of things, first of all, confusion, what can automobiles use now that make arrests? They can use either red or they can use red or white. Is this confusing to you? Apparently not at all. I think perhaps we are a few years ahead of the times with this bill. I think eventually you will find that blue and red will be used across the country. I talked with Colonel Kohmetscher. He had no objection to it. As far as the cost is concerned, I understand the cost of these lenses are very insignificant. It is an optional thing. You can take it or leave it. If it is adopted in your community, you have no problem with the communications in your area, your newspaper, electronic media, let it be known immediately that that is what it is. I don't think it is a problem at all. I would ask for the advancement of the bill.

SENATOR CLARK: The question before the House is the advancement of LB 597. All those in favor vote aye, opposed vote nay. Do you give up or do you want a roll call?

SENATOR NICHOL: I just see too many red lights to see that I am getting very far.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: 7 ayes, 20 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The bill fails to advance. LB 598.

CLERK: Mr. President, LB 598 offered by Senator Nichol. (Read title.) The bill was read on January 6 of this year