

February 9, 1979

LB 131

SENATOR KOCH: Yes.

SENATOR CHAMBERS: What is there in this law as it stands, now we are not even dealing with the new language, now I am talking about the original law, which says that the bus must be completely painted?

SENATOR KOCH: Painted means...I suppose we could put the word in their "completely" painted, Senator Chambers, if that bothers you.

SENATOR CHAMBERS: But doesn't "painted" simply mean to apply paint?

SENATOR KOCH: To me, "painted" means that that bus shall be changed to another color other than the yellow that normally that bus is intended for in terms of carrying children.

SENATOR CHAMBERS: Ah, ha! Pardon the dramatics, but to me it doesn't mean that. So what I am saying is the way the law stands now, it can mean different things to different people and a person is not given notice as to exactly what conduct is approved and what conduct is prohibited. If a person in good faith thought that to apply paint to the top half of the bus was sufficient, do you think you could prove under this law that he or she was not correct?

SENATOR KOCH: Well, I have been around here a few years, Senator Chambers, and I have seen other statements, words used by attorneys, that I have tried to get an answer and they say, well, on one hand it is this and on the other hand it is this.

SENATOR CHAMBERS: Right.

SENATOR KOCH: That's usually the reason they have both hands working. To me, I interpret this as meaning a total paint job.

SENATOR CHAMBERS: All right. Members of the Legislature, if you'll look at the bill, you'll see that it does not necessarily mean that at all, and when statutes are struck down, criminal statutes are struck down for being vague, the reason they are usually stricken down is because the statute of its own language or by its terms does not let a person know what conduct is approved and what is not. And then they say, a distinct color different...let me read this language