

March 17, 1980

LB 822

Senator Barrett voting no. Senator Haberman voting no.

SPEAKER MARVEL: Senator Sieck, all but one are here. Do you want to proceed....

SENATOR SIECK: Okay. Roll call vote.

SPEAKER MARVEL: Okay. Call the roll. We are voting on the Sieck amendment to LB 822.

CLERK: (Read the roll call vote as found on pages 1237 and 1238 of the Legislative Journal.) 17 ayes, 15 nays, Mr. President on the motion to adopt.

SPEAKER MARVEL: The motion lost. Got another motion?

CLERK: Mr. President, Senator Pirsch now moves to amend the bill. (Read the Pirsch amendment to LB 822 as found on page 1238 of the Legislative Journal.)

SPEAKER MARVEL: Senator Pirsch.

SENATOR PIRSCH: Mr. Speaker and members of the Legislature, I am a member of the Judiciary Committee and I did see demonstrations of radar and its eccentricities. The officer using it must use good sense and judgment in that use. I do have grave concerns regarding eliminating radar as prima facie evidence. There have been many attacks on the use of radar or equipment, but I have never heard from any person, except Senator Chambers, who has complained that they received a ticket when they were not speeding. When we are struggling to keep our speed down, the federal government has put rigid requirements on states to enforce the speed of 55, and Governor Thone has put a great deal of effort in advertising and various media to stop speeding, both for safety, saving lives and saving energy. However, I am willing to allow that change in the law. My amendment would deal particularly with Section (a) which is part of the competent evidence proof, that the speed measurement may be accepted as competent evidence if the law enforcement officer has made a visual observation prior and this could possibly make a case thrown out of court if the officer could not specifically state, because of haste or whatever purpose he could not testify that he had a clear-cut prior visual observation. Perhaps the observation happened simultaneously with his using the radar device, and also what will the ability of the law enforcement be to stop speeding at night, or in dangerous weather conditions, such as fog, rain and so forth? On