

March 24, 1981

LB 253

81-1551, it says that it shall be the responsibility of those people that are required to put these receptacles up whether it be public or private to maintain them. And it further goes on to say that it is a Class V misdemeanor if they are not maintained in the manner required by the Department. Now I have a little bit of a problem with telling the Department that certain areas.... and specify in the statute. We don't know whether there is litter at those places or not, but we are saying that there must be because we are requiring them to put a receptacle there, and then we require them to maintain them, and we are telling them it is a criminal offense if you don't. I just think that is a little bit out of line. As I said earlier, it's not an attempt on my part to damage this bill at all, although I will thoroughly admit I don't love it that much. But it does seem that if it's going to pass, and, Johnny, it must be going to, then I think it should pass in a reasonable fashion. I think it is unreasonable for us to expect those people to put these in, maintain them and then slap a Class V misdemeanor on them if they don't. I repeat, I think these receptacles are going to wind up being almost as much of a litter as the litter is. I originally drafted an amendment that I didn't take up but in jest, I guess, it would have required...maybe we should just require that we have a trash receptacle every 500 feet along every road in the State of Nebraska. Maybe that's what we should do, but I don't think that would do a bit of good. I think we should strike this matter and let the Department by regulation require where the receptacles should be, and I think they can do it and will do it.

SPEAKER MARVEL: The motion is the adoption of the Vickers amendment to LB 253. All those in favor of the amendment vote aye, opposed vote no. Have you all voted? We are voting on the Vickers amendment to 253. Have you all voted? Okay, record the vote.

CLERK: 14 ayes, 14 nays on adoption of the Vickers amendment, Mr. President.

SPEAKER MARVEL: The motion lost. Any other items?

CLERK: Mr. President, the next amendment is by Senators DeCamp, Hoagland and Wesely. (Read the DeCamp, Hoagland and Wesely amendment as found on page 1114 of the Legislative Journal.)

SPEAKER MARVEL: Who is going to take the first one? Senator DeCamp.