

January 7, 1982

LB 32

SENATOR NICHOL: Mr. Speaker, members of the Legislature, as originally drafted, LB 32 would make the possession of any radar detection or transmission device while operating a motor vehicle in Nebraska a criminal offense punishable by a maximum of seven days in jail, a \$500 fine or both. LB 32 would also provide for the confiscation of such devices. In the opinion of the Judiciary Committee, a substantial question remains as to the existence of federal preemption over state regulation in regard to radar detectors. The question of federal preemption also exists as to radar transmitting devices but this question is not as clear as it relates to transmission devices as it is with the regulation of passive radio receivers. For the above reason, the Judiciary Committee adopted amendments which would delete all reference to detection devices which are essentially passive receivers from the bill. I would ask for the adoption of the committee amendments.

SPEAKER MARVEL: Senator Nichol, do you have other amendments to the committee amendments?

SENATOR NICHOL: I have one other of my own and then Senator Von Minden and Senator Vickers have one of a clarification nature.

SPEAKER MARVEL: Okay, do you want to start with your amendment to the committee amendments?

SENATOR NICHOL: No, I think we should probably accept the committee amendment first and then go on with the other two, if that is correct with the Clerk.

SPEAKER MARVEL: Go ahead, that is fine. Do you want to explain the committee amendment now?

SENATOR NICHOL: I just read a brief resume. What it really does is we are trying to get at fuzzbusters and those kind of detective devices and not transmission radar equipment as we know them as we have in our cars. It is essentially narrowing it down to the fuzzbusters and that sort of equipment that would be illegal.

SPEAKER MARVEL: The motion before the House now is the adoption of the committee amendments as explained by Senator Nichol. All those in favor of that motion vote aye, opposed vote no. We are voting on the committee amendments. Record the vote.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the committee amendments.