TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

February 10, 2006 LB 853

SENATOR CHAMBERS: Then I'll give you time to...oh, since you're writing that amendment, why don't I let you draft the amendment, and then we can come back to this, because if you can get the amendment done and up there, that would be more consequential, because some of these things will require a bit of discussion. So what I'm going to do, for the record, is talk about some of these issues. Then, when Senator Flood has time, I can specify the questions to him. But in line 1 on page 6, we're talking about something being done by either the director or the department. And what I'm going to find out is the difference between the director and the department. If there is no difference, then we should just say "the director." I don't know what is meant by the reference to the department. When we get down into line 5, where a person has received notice from director of action that requires the return of a registration certificate and license plates, the term used is that this person shall immediately return such registration. I don't know what "immediately" means, and I don't think anybody could tell me what that means. If we asked five people on the floor, we would probably get five answers, if we sequestered all five and none could hear what the others had said. then, when we get to line 10, an authority given the director to direct an officer of the Nebraska State Patrol to secure possession of this document and the license plates. not a warrant, there is no court order. Some cop just comes up to your house and says, give me your certificate of registration and give me your license plates. I don't want that kind of contact between law enforcement officers and citizens, so I oppose that. Then in line 12 we have this sentence, whatever it means: "The officer shall make every reasonable effort to secure the registration certificate and license plates and return them to the department." When a cop is sent out to enforce some kind of duty imposed on him or her, it may be reasonable for the cop to draw a gun and say, do what I tell you to do or we're going to jail. I don't see where this is an offense that requires But the cop might say, it's that a person be arrested. reasonable that if this person is not going to comply, either I'm going to kill him on the spot or I'm going to take him to jail. And a person may say, I'm not going to jail for this. So then we have, if it's an Omaha cop, which it's not, it's the