

escorted by Senator Wagner and Senator Labeledz will also be a member of that escort team. The item number four, Mr. Monen from Omaha, Senator Stoney. Senator Stoney, will you escort Mr. Monen for the inaugural ceremonies and yours is in item number four. Item number five, the Chief Justice will be escorted by Senator Fowler. We picked the people in the various districts for this. Justice Boslaugh comes from that infamous city, Hastings, and he will be escorted by me. Senator (sic) McCowan comes from Beatrice and he will be escorted by Senator Burrows. Justice Clinton will be escorted by Senator Clark. Justice Brodkey will be escorted by Senator Fitzgerald. Justice White will be escorted by Senator Dworak and Justice Hastings will be escorted by Senator Marsh. Now, Mr. President, do we have others? Does that complete the list?

PRESIDENT: I think that completes the list. We were going to have Senators Vickers and Hefner accompany Senator Stoney on the escort committee on the Workmen's Compensation Judges.

SPEAKER MARVEL: Sorry.

PRESIDENT: I believe that completes it, Mr. Speaker.

SPEAKER MARVEL: Anybody have any questions?

PRESIDENT: Any questions? This will be at two o'clock and we will come back at one-thirty, a little prior thereto. Go ahead, Mr. Speaker.

SPEAKER MARVEL: Mr. President, it has been pointed out that Martin Kahle is also in the district represented by Senator Payne so why don't we add Martin Kahle's name. Any other comments or suggestions? Is that all right? Yes. Any others? Okay.

CLERK: We've got about a half a dozen bills, Senator. Mr. President, if I may?

PRESIDENT: Proceed, Mr. Clerk.

CLERK: Read LB 31-33 by title for the first time as found on pages 83-84 of the Legislative Journal.

PRESIDENT: The Chair would like to take this opportunity to introduce a guest, Mr. Bill Snell, the city manager of the City of Sidney. Would Bill come out here and be recognized? Senator Clark is sitting with him. Welcome to the Legislature, Bill. Go ahead, Mr. Clerk.

CLERK: Continued to read LB 34, 35 by title for the first time.

Mr. President, I have a lobby registration report for the interim period covered by April 19, 1980, through January 6, 1981. That will be inserted in the Legislative Journal. (See page 94 of the Journal.)

Mr. President, I have a reference report from the Executive Board referring legislative bills 1-36. That is signed by Senator Lamb as Chairman. (See pages 94-95 of the Legislative Journal.)

Mr. President, I have in my possession proposed lease renewals as supplied us by the State Building Division. Those will be on file in my office. I also have a report from the Nemaha Natural Resources Districts regarding payment of attorney fees. (See page 95 of the Journal.)

Mr. President, Senator Hefner would like to announce that Senator Barrett has been elected as vice chairman of the Miscellaneous Subjects Committee.

Mr. President, Senator Labedz would like to announce that Senator Pirsch has been elected vice chairman of the Constitutional Revision and Recreation Committee.

Mr. President, Senator Marvel would once again like to announce a meeting or a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520. It is a chairperson's caucus for Monday, January 12 at 9:00 a.m. in Room 1520.

PRESIDENT: The Chair will recognize Speaker Marvel once more for additional announcement concerning procedure.

SPEAKER MARVEL: I think, Mr. President, the first thing we need to note is the fact that we are using valuable time that we may wish we had at the end of this session. I guess I am going to repeat this every day for a while and so would you please put on the Clerk's desk whatever legislation you have so that we can once again begin processing this legislation which means that the Exec Board needs to meet and refer the bills as soon as they have been processed by the Clerk and, therefore, I remind you first of all, get the bills in and, secondly, that the Exec Board then will have to meet to refer the bills. Now this process has to go on even if we may only meet until noon. Now, Mr. President, is that the... Pat, is there anything else to say about the reference of bills?

CLERK: No, sir, not that I am aware of. I think Senator Lamb might want to make a...

March 16, 1981

LB 328, 477, 35, 112,  
245, 206, 206A, 22, 50,  
74, 89, 89A, 171, 194,  
425, 475, 500, 550,

SPEAKER MARVEL: The motion is the adoption of the Beutler amendment to the committee amendment. All those in favor of the motion vote aye, opposed vote no. Have you all voted? Have you all voted? Shall the House go under Call, all in favor of that motion vote aye, opposed vote no.

CLERK: 13 ayes, 2 nays to go under call Mr. President.

SPEAKER MARVEL: The House is under Call. All Legislators should be in their seats. Record your presence. Unauthorized personnel please leave the floor. Senator Fenger, Senator Koch, Senator Cope, Senator Kilgarin, Senator Kremer, Senator Schmit, Senator Vard Johnson, Senator Sieck, Senator Landis, Senator Newell, Senator Chambers, Senator Pirsch. Do we have them all now? Senator Vard Johnson and Senator Sieck. Will all legislators please be in their seats before we start the roll call. Senator Beutler everybody is accounted except Senator Vard Johnson. He is across the street. This is a roll call vote on the Beutler amendment to the committee amendment. Are you all in your seats? Okay, call the roll.

CLERK: Roll call vote. 15 ayes, 28 nays, 1 present and not voting, 4 excused and not voting, and 1 absent and not voting. Vote appears on pages 940-941 of the Legislative Journal.

SPEAKER MARVEL: Motion lost. Do you have another item?

CLERK: Mr. President, I have certificates and letters accompanying certificates regarding the overrides of LB 206 and 206A. (See pages 941-42 of the Legislative Journal).

Your committee on Enrollment and Review respectively reports we have carefully examined LB 22 and find the same correctly engrossed, 50, 74, 89, 89A, 171, 194, 425, 475 and 500, all correctly engrossed. (Signed) Senator Kilgarin, Chair.

Your Enrolling Clerk has presented certain bills to the Governor on this day. (See page 943 of the Legislative Journal).

Have a reference report referring LB 550.

Government Committee will meet in Executive Session on Thursday at 1:30 in Room 1113.

Judiciary reports 328 to General File as amended and 477 to General File with amendment.

Public Works reports 35 to General File and LB 112 indefinitely postponed. (Signed) Senator Kremer, Chair.

April 7, 1981

LB 35

SPEAKER MARVEL: Okay, the next bill is LB 35.

CLERK: Mr. President, LB 35 was introduced by Senator Vickers and Senator Von Minden. (Title read.) The bill was first read on January 8, referred to the Public Works Committee. The bill was advanced to General File.

SPEAKER MARVEL: Senator Vickers, do you wish to explain the bill?

SENATOR VICKERS: Thank you, Mr. Speaker and members. LB 35 is without a doubt the shortest bill I have ever introduced in this body. At least it should get a mark of "A" for brevity as far as reading is concerned and you certainly could not tell by reading the bill what it does so I will explain it to you. I am sure most of you know already. LB 35 does one thing pure and simple. It eliminates the Motor Vehicle Inspection Program in the State of Nebraska and in order to make myself very clear at the outset, for the record, I want it to be known that I am not for carnage on the highways. I am for safety. I am for anything that we can do to cut down on the traffic fatalities out there on the highways of the State of Nebraska but on the other hand, I am opposed to overregulation of the people of the State of Nebraska unless it is demonstrated that there is, in fact, a need for that regulation and that that regulation is accomplishing something. The regulation imposed by the Motor Vehicle Inspection Program which has been in operation for a little over ten year period, from the information that I have been able to assimilate has not accomplished the desired goals when it was implemented. I think it is a perfect example of the government instigating something that sounds great, looks like it ought to really work but in reality, it has not worked. You have passed out before you on your desk a chart with some information on it. That information, if you will study it, indicates that for the ten year period prior to the inception of the Motor Vehicle Inspection Program and the ten year period following the inception of the Motor Vehicle Inspection Program, the number of accidents per million miles travelled in the State of Nebraska is exactly the same for a ten year period. Remembering that during this ten year period, the last ten year period, we also had the 55 mile speed limit which most people would readily assume and I would agree to that that it has cut down on accidents to some degree since speed is one of the higher causes of accidents. Also we have had the interstate highway system completed in the State of Nebraska during that period of time as opposed to the ten year period previous to that and I think most people also would agree that the

interstate highway is a safer highway normally than the two lane highways so it seems to me that that would indicate that as far as the State of Nebraska is concerned, that it has not achieved the desired results. Also there have been studies done on the national level and one of the studies, the 1980 study conducted by W. Mark Crane, Associate Professor of Economics at Virginia PolyTech Institute and State University addressed the issue of vehicle safety inspection programs on a nationwide scale. The study was conducted under the auspices of the American Enterprise Institute for Public Policy Research at Washington, D.C., and it is a very detailed study. It is some seventy pages in length but the conclusion is simply this that the basic hypotheses of the program is that everything else being equal, highway death and accident rates will be detectably lower where mandatory vehicle inspection systems are enforced. That was the hypotheses that they started out with and investigation of the performance records of existing state programs, however, yields no evidence that vehicle inspection systems are effective in reducing highway deaths or accidents. That is a national statistic, national study. I also have some information from the State of Oregon. The State of Oregon has never had a Motor Vehicle Inspection Program. When you compare their death rate as compared to the national death rate for miles travelled, they are just practically the same all the way down the line. I might also point out that the original movement that brought the Motor Vehicle Inspection Program into existence and probably some of the older colleagues that have been here for more years than I might remember it. But the original intention was brought to the states by the federal government. The federal government originally indicated that if the states didn't instigate a Motor Vehicle Inspection Program, that federal funds for highways and so forth would be cut back or cut off. Strangely enough, the federal government backed off from that original idea, that original suggestion that they would, in fact, cut down on those highway funds and of course the reason they backed off was because their own studies could not back up their original hypotheses, that as a matter of fact, it did not do any good. What I am suggesting and I have visited at quite some length with the State Patrol or Colonel Kohmetscher, other people in the State Patrol, is that we abolish a program that is not working, that is costing the people of the State of Nebraska between four and a half and five million dollars last year just for the sticker alone and who knows how many dollars that some unscrupulous inspection station might have got from the citizens for various pieces of equipment that perhaps were not needed. Because of the

fact that it is administered at the local level, I think that does happen. I think most of us are aware of that. What I am suggesting is that the Safety Patrol and the other law enforcement agencies conduct periodic spot checks out there on the highways where the need is at and where it would do some good. The reason for that is very simple it seems to me and I can put it in a pretty personal basis. I drive approximately thirty-five to forty thousand miles a year on my car. Yet, I get an inspection only once a year. Now I will submit to you that something could certainly go wrong with that car in forty thousand miles but to a degree, I am lulled into a sense of security because an inspection sticker says it is good until a certain point in time. On the other hand, my mother-in-law drives her car about three thousand miles a year probably and she is inspected just as often as I am and it costs her just as much as me. It seems to me that if the inspections were being conducted out there on the highways where I am at with my car, I would probably, because I do drive that number of miles, I would probably run into a spot check several times during a year which is as it should be. If you are out there on the roads then you should be checked and as I say, I have talked to the Colonel and he agrees that they will do it if we tell them to and I am suggesting that that is exactly what we should do, is do away with this and through the intent language here in the Legislature, indicate that that is what our desire is and it certainly is. I would suggest that also the statutes of the State of Nebraska gives the Patrol that authority. 60-7435 indicates and I will just read a short portion of it to you, that, "an officer, when in uniform to require the driver thereof to stop and exhibit his operator's license, registration card and so forth," and then it goes ahead to say that, "it is reasonable to believe that such motor vehicle is being operated in a violation of the statutes of Nebraska pertaining to light and brake equipment or the rules and regulations of the Director of Motor Vehicles pertaining to loads." In other words, the Director of Motor Vehicles could still establish the rules and regulations and the Patrol could, or other law enforcement agencies, do the spot checks to make certain that the equipment was kept up in good condition. Thank you, Mr. Speaker. I suggest to you that the traffic fatalities of the State of Nebraska which are climbing at an alarming rate are caused by other issues other than safety of mechanical problems with an automobile. You know the real issue is that the nut behind the steering wheel in most cases is what causes the accidents, not the loose nut on the automobile somewhere. Alcohol related, speed related, those are by far the largest majority of any type of

accidents. Any statistic that you can find that would indicate that vehicle condition had something to do with the accident will suggest that those statistics, that those percentages are very, very low, 2% or less, and even then when you ask the question, "How do you determine that that mechanical failure is what caused the accident,"

SPEAKER MARVEL: Thirty seconds.

SENATOR VICKERS: ...they can tell you that they cannot determine that. So the bottom line is we have got a program that has not worked that has cost the people of this state a tremendous amount of money and I am suggesting we do away with it and get something that does work. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Wesely, do you wish to speak to the bill?

SENATOR WESELY: Are there amendments up or...?

SPEAKER MARVEL: Well there is an amendment and then there are two, four, there are six speakers including you.

SENATOR WESELY: I will go ahead and speak to the bill then. I oppose the bill. I oppose LB 35 and I do it knowing that it is not the most popular position to take but I encourage others on the body to again also oppose LB 35. That does not mean you have to support the present program we now have. I think that is critical because I think if you talked to anybody in the State of Nebraska they are going to tell you that the present Motor Vehicle Inspection Program that the State of Nebraska has got a lot of problems. It needs to be inspected itself, quite frankly, and I have no doubt about that. When I have talked to groups and I have talked to a number of them because I was on the committee that heard this bill, I asked them, "How do you feel about motor vehicle inspection?" And most of the time you will find a majority of people saying, keep the program but improve the program and of those minority people who will say, "Get rid of the program outright", if you talk to them for a while, they will say well we need some sort of a program and I think what you will find in the state is that if we took the time, if we took the time over the interim and looked at the situation, I think you will find a number of research studies has been done to look at the problem of motor vehicle inspection in the country and they have indicated quite clearly that there are better programs that we could be looking at that we could modify the Nebraska program to follow, that there are options that the state

has short of repealing outright the whole program, that I think would, number one, protect the general public from cars that are unsafe that, number two, decrease the difficulties that people have with the inspections and the inequities that are in the present system and nobody can deny the fact that there are inequities. I know it is going to be a very popular issue to stand up on this floor and berate the government and berate this program that is not fair to one and all and I will stand with you in the fact that there are improvements that need to be made but repealing the law outright leaves you with nothing. It leaves you with the junkers back on the street and leaves you with less protection than has ever been the case in the State of Nebraska for years and years and I certainly think that you can see from other states' experience and from the Nebraska experience that there is of some value in inspecting and eliminating those very dangerous, very junklike cars that are on the streets and highways of states that do not have any inspection program at all. So my proposal is this. I think that we should not advance the bill that we should vote against its advancement. I think that there is a need to take some more time with this. I thought that the bill was going to be held in committee. My feeling was the support was there in the committee to hold the bill, to spend some time on this issue because it is an important issue, to look at how we can improve the program and then take the steps necessary. What you are doing by repealing the bill, by repealing the program outright I think is a very radical step to take at this time and an unnecessary step to take at this time considering the alternatives that are presented to the state. We don't need to eliminate the program totally when we have the options that are available. I think that there will be an amendment proposed to have spot checks on the highways. Senator Vickers just mentioned that. It has been shown clearly from research in other states spot checks on the highway are not going to do anything. Quite frankly, I am going to oppose that amendment and I think you ought to as well. How can a state patrolman on an interstate or a highway in this state pull over somebody and just on the spot be able to do much in terms of inspection. They already have the right when they see a car going down the street that looks like it is not proper in not meeting the standards to see that they are pulled over and they can take action as it is. I think that there really isn't a need for an amendment on this and that the spot check idea is not one that is necessary at this time and will not really deal with the problem, the fundamental problem of identifying cars that are



dangerous and getting them off the street. If you were at the hearing you would have found that there is a great deal of support as well as opposition to this bill and if you take the time with your constituents to talk to them you will find again there is a great deal of support for the concept of doing something about a minimum standard for our automobiles.

SPEAKER MARVEL: You have a minute and a half.

SENATOR WESELY: Thank you. So, it appears to me that we are rushing a little too fast on this whole matter, that we don't need to pass this bill this session. I don't think we need to totally eliminate a program that has functioned in this state for as long as this has. I think it is time to review it. It think it is time to improve it but it is not time to eliminate it. I think that as we take more time to look at this situation, as we look at the work that has been done and federally in other states they have truly taken some time on this matter. You will find that there are some ways in which that we can keep our minimum standards that we can have an inspection program that is good for this state and not have to take this step and have nothing whatsoever. The spot checks will not work. I think perhaps whatever other proposals may come up are not going to be clearly thought through and so I would urge your opposition to the bill and support for an interim study on this matter.

SPEAKER MARVEL: Senator Fenger, you have an amendment to the bill.

CLERK: Mr. President, Senator Fenger moves to amend the bill by adding the emergency clause.

SENATOR FENGER: Mr. Speaker, members of the body, like Senator Wesely, I, too, heard the committee testimony. It is not too often when we hear a bill in committee that three of our fellow members as individuals can testify on their own behalf for or against a given issue. Yet in addition to the bill sponsors three state senators came in and testified in favor of this bill. This is an emotional issue. I am sure the words will get rather choice this afternoon. So far all I have heard of is an unscrupulous service station dealer. I think the point I am trying to get with the emergency clause is strictly this. If this program is useless, if this program is the sham and the ripoff, it is not fair that we tell the people of this state that we are going to abolish it ninety days after the Legislature goes home. If it is an inequity, if it is a hoax on the people of this state, let's tell

them we are going to stop it and stop it right now and that is my only reason for adding the emergency clause and, Mr. Speaker, I would urge its adoption.

SPEAKER MARVEL: The motion is the adoption of the emergency clause. All those in favor vote aye, opposed vote no. Have you all voted?

SENATOR CLARK PRESIDING

SENATOR CLARK: Have you all voted? We are voting on Senator Fenger's amendment. Senator Fenger, what do you want to do?

SENATOR FENGER: Mr. Speaker, I have to reluctantly ask for a Call of the House.

SENATOR CLARK: A Call of the House has been requested. All those in favor of a Call of the House vote aye, opposed nay. Record the vote.

CLERK: 13 ayes, 2 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. All legislators will check in please. Thank you, Senator Carsten. Will everyone check in please. We only have two excused so we are looking for eighteen of them. Senator Beyer, Senator Lamb, Senator Newell, Senator Nichol, Senator Higgins, Senator Dworak. Can we get you all to check in please. Mr. Sergeant at Arms we have thirteen of them we are looking for. We are down to a dozen. Senator Newell, Senator Nichol, Senator Chambers, Senator Lamb, Senator Maresh, Senator Goodrich, Senator Rich Peterson, Senator Burrows. Senator Fenger, do you want to take call-in votes? The Clerk will take call-in votes. It is on Senator Fenger's amendment to the bill.

CLERK: Senator Koch changing from yes to no, Senator Barrett voting aye, Senator Hoagland voting no.

SENATOR CLARK: Will the Clerk read the amendment for those that were out.

CLERK: Mr. President, the amendment is to add the emergency clause to the bill. Senator Newell voting yes, Senator Dworak yes, voting yes, Senator Fitzgerald voting yes, Senator Maresh voting no, Senator Lamb voting no, Senator Hefner voting no.

SENATOR CLARK: Senator Lamb, would you check in please. Senator Maresh.

CLERK: Senator Chronister voting yes.

SENATOR CLARK: Senator Maresh, would you check in please. It is the emergency clause on LB 35. Yes, call-in votes are accepted.

CLERK: Senator Nichol voting yes, Senator Haberman voting yes, Senator Richard Peterson voting yes, Burrows voting yes, Senator Remmers voting yes.

SENATOR CLARK: Record the vote.

CLERK: 27 ayes, 13 nays, Mr. President, on adoption of Senator Fenger's amendment.

SENATOR CLARK: The amendment passed. Is there any more motions on the bill? Senator Fenger. Senator Vickers, do you want to move the bill.

SENATOR VICKERS: Yes, I will move the advancement of LB 35 if that is the appropriate motion at this time.

SENATOR CLARK: All right, you move to advance the bill. Now we have got a bunch of speakers on that. Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I rise to support the bill and I don't know whether this was brought up or not. Was it brought up, Mr. President, that the State Patrol will still have the authority-- this was gone through? Okay, then I was just going to go through that that they will have the authority to take care of defective brakes, lights, windshield wipers, mufflers, all that, so thank you, Mr. President.

SENATOR CLARK: Senator Kahle.

SENATOR KAHLE: Mr. President, members, I anticipated this vote in this bill coming up and I have asked some of my constituents what they thought about it. Of course, this is just a small sampling because you can't talk to all of them but I have yet to find one that wants to do away completely with the inspection program. As Senator Wesely said, it probably needs some work on it but I can't help but think that it has been a help to us in Nebraska. Many is the time myself I have known that my inspection date was coming up and rather than have the inspection station be at their mercy to fix my automobile or truck I have either done it myself or had it done. So, just the threat of having the sticker on there does help and, incidentally, we did get picked up with one of our trucks just lately that didn't have the sticker on it, so I paid the \$22 fine. So, I understand the program. It seems to me that our cars are going to

be getting older on the highways. As we travel now you find out people are not trading automobiles as fast as they used to mainly because some are waiting for the even more efficient cars to come out and I think that is partly the reason that Detroit is having such a time selling cars so the older the car, the more danger on the highway. If there is one thing that is good about the inspection, at least they do check your headlights and it is really tough to come down the highway with some yahoo with his lights out of focus and hitting you in the eye and you can't see the road and I think it is dangerous. Even that headlight inspection is worth something. A person mentioned to me the other day that they checked their brakes and found them not quite up to snuff and that not only saved them some money, the brake drums were still in good shape, all they needed was new linings. Had they not had the inspection they would have had their either new brake drums or had to have them turned down, a considerable more expense and I shudder to think that a car coming down the road, especially on our gravel country roads and the two lane highways that many of us drive on, you are going to meet at 110 miles an hour if you are both going the speed limit. So I had hoped that that guy that is meeting me has had that car in some kind of condition so he can at least steer it. One of the biggest problems we have had this last year in accidents are head-on collisions. Now you can blame it on to alcohol, you can blame it on to indifference or driving sloppily but unless that car is in condition you only have about a foot or two of variation and if that steering isn't up to snuff, you are certainly going to have a rough time keeping on your side of the road at all times. So, I think and as far as checking the safety of cars on the interstate or in heavy traffic, I think about your interstate going through Omaha. I would like to see what would happen if the patrolmen would try to stop cars and inspect them. You wouldn't get one out of a thousand that you could stop and pull off to the side and check. Now out on our country roads they blockade the road and there is only a small amount of traffic and they check everybody but the funny part of it is I used to get checked every once in a while and we drive considerable miles every year and the last two or three years I haven't been checked. I just didn't happen to hit one of those roadblocks. So, I don't believe that we should do away with this program. I think it is needed. I think if it needs some revision, I have heard some complaints about the inspectors that they haven't done anything but put a sticker on, this is not right either. But I have also heard some complaints that were not founded where they claimed the inspector wanted them to put on a new tail pipe or new muffler or a new windshield and theirs

was good enough and when they were finally inspected by someone else they find out the exhaust system was defective and that the windshield was cracked in the wrong places. So I think the inspection program should be continued. Perhaps it needs to be worked over...

SENATOR CLARK: You have about thirty seconds.

SENATOR KAHLE: ...and so I just can't help but believe we should not throw this thing out hastily. As was mentioned by some of the committee members, they thought it was going to stay in committee and there would be a study on it and I think that is where it should have stayed. Thank you.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the Legislature, I have mixed emotions about this bill and I will tell you right at the start that I am associated with a service station that does do inspection work and it is true that we only get \$3.75 a vehicle which is not near enough, not even half enough. It is about like being a state senator down here for \$4,800 a year. That is what it is like but we still do these things. Yes, I supported your pay raise bill. But anyway, I really think that we should keep it. During some of our inspection periods or inspecting vehicles we have found cars to have poor tires on and I would certainly hate to meet a car that had these tires that were as poor as what the automobile owner had on this particular car and so, therefore, I feel that we do get to see some of these things that are bad on these cars. We have also had cars in there that did not have any brake linings on that needed replaced and we talk about saving lives, it is not only the lives that are lost in accidents, but also lives that are lost by getting carbon monoxide in the cars. We have had cars that have had bad exhaust systems and these had to be replaced. And of course, during inspection periods you also check the headlights and the taillights and taillights are probably about the most important things on a car, especially when other drivers are following cars very closely. I will agree that the Department of Motor Vehicles did a very poor job of administering the program when it first started but the last four or five years they have been doing a lot better job and they are cracking down on some of these dealers that have been putting inspection stickers on these cars without actually inspecting them and so I think we need to follow that up a little more closely. And here we are talking about saving lives, saving human lives and I think this is one way that we can do it. We have the system, we have the program. I think that we ought to keep it and try to

run it just a little bit better. I think we need more, we need better enforcement and of course that is going to cost a little more money but I think that we in state government or we as individuals should be willing to pay a little more for this service. The Highway Patrol does spot checks now. They can't do this on highly travelled highways but in the sparsely populated areas they can do these inspections and they do from time to time. Somebody mentioned that we drive our cars and trucks longer now and I think that we will continue to drive them longer, especially since the price on these vehicles has gone up. Another reason why we should keep it is because people just keep putting off things they should be doing and at least once a year you have to get your automobile or your vehicle inspected and if you don't, you get picked up by a law enforcement officer and are subject to a fine and, therefore, I think we ought to think this over a little bit more and perhaps keep the program, maybe have a study on it and see that our state agency enforces the law a little better.

SENATOR CLARK: There is a motion on the desk.

ASSISTANT CLERK: Mr. President, Senator Marsh moves to indefinitely postpone LB 35.

SENATOR CLARK: Senator Marsh.

SENATOR MARSH: Thank you very much, Mr. Speaker. Senator Vickers mentioned that there were some unscrupulous inspectors. If there are, we each have a responsibility to report it for that is against the law. We need to help make our system work. I also agree with Senator Vickers that some of our accidents are alcohol related and that continues to be a problem. He also mentioned that speed is involved in some of the accidents and I agree but that does not lessen the need for vehicle inspection. It is almost ironic that this body would suggest that our very busy overworked Highway Patrol officers should take on the additional duty of stop to check on windshield wipers. We ask them to do many things but this is not an economical use of our state dollars to have Highway Patrol officers add this to their long list of duties. One of the main reasons we need to continue our vehicle inspection is the item of mufflers. Mufflers is something that can slip by even a conscientious owner of a vehicle. A muffler can kill and the automobile does not need to be moving. It does not need to be involved with a second vehicle. It does not need to be involved in a property damage accident but often simply finding a faulty muffler can be a lifesaving item and it does not show up in the statistics. How many more persons

might have died? How many more persons might have become ill? We don't have the kind of statistics to support that proposition. Oh, in theory we can talk about it but motor vehicle inspection has the opportunity to find the faulty mufflers and tailpipes, the equipment that is the silent killer on our motor vehicles. That automobile does not need to have the "accident" to be a health hazard. Perhaps we need to have that inspection every six months for persons like Senator Tom Vickers who do put many miles on their vehicle, not every year. But we certainly do not need to be moving in the direction to totally do away with vehicle inspection. The emergency clause was added to this bill. This is not a fair amendment to put on a proposed piece of legislation. Have you taken time to look in your green book? Have you looked at the individuals who came to support the bill or to oppose the bill? Are you aware that this is not an easy answer? Are you aware that persons who come from rural areas as well as persons who come from urban areas support the concept of inspection for the vehicles which are driven in our state? We will continue because of our economic situation to stretch the time we use our vehicles before they are replaced. That, it seems to me, is even more reason for continuing with a Vehicle Inspection Program. I am not here to tell you there are no problems with it but I am here to tell you that what we have is better than having nothing. I am here to remind you that there have been lives saved because among the things which are inspected is the muffler and the muffler system. The people of my legislative district overwhelmingly support an inspection program in this state. Very few are opposed and the introducer of the legislation talked about the multimillion dollars. The cost to an individual owner for each vehicle is less than five dollars. Perhaps it should be at the five dollar figure but it isn't. That is small enough investment in driving a vehicle which has some additional safeguards because it has been inspected. All drivers don't happen to be the age of the persons who are in this legislative body. Some drivers are the very young drivers who barely had enough money to buy a vehicle, much less, having to keep that vehicle in good driving condition unless the inspection is the push to get the needed repair done. Many persons differ on this issue but doing away with all inspection is not the way in my estimation to solve the problems which currently exist. The average person will try to abide by the rules that are available including that very young driver who saved his or her dollars to buy that rather ancient vehicle for transportation. Your safety and mine depends on having vehicles on the highways and parks and streets of our cities and

communities in as good condition as they possibly can be. I urge you to indefinitely postpone 35. Let's have an interim study. Let's not jump into something overnight.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Thank you, Mr. Chairman, I really wanted to speak to the issue at hand but since this is an opportunity to indefinitely postpone I will take this opportunity to agree with that. I handed out to the members of this body a moment ago a case study of a car recently that was involved in a rather terrible mishap. Some University students were its victims. That car was rejected and if you read that whole report, the final remark is that that car should have never been on the highway. Now if our inspection system suffers some default, this body should fix it. We shouldn't ignore it and I will read to you some of the national highway safety program, their objectives. First of all this bill was born in Finland in 1922 and almost all countries and states have some kind of inspection. When a car is new we hope that it meets all the standards in terms of safety but even occasionally we see where General Motors and Ford and others recall a large number of cars because of some defects and they are either taken to the station or to the man where you bought them and they repair them. Now when a car gets to a certain point there is always a wear and that results in defective systems. We all know that. The logic of the program in Nebraska is that we should inspect our cars at least once a year to determine whether or not those fifteen items we inspect them for are indeed, possibly going to cause an accident. We all know that 80% of defects-caused accidents are attributed to the failure of your brakes, tires, steering and suspension and our inspection does indeed concentrate on these areas. The frequency of inspection is important as well. Senator Marsh said we possibly should go to semi-annual inspections. Possibly we should but I still believe that all vehicles should be inspected. Senator Kahle said a moment ago if the inspection does nothing else it causes each of us to look at our vehicles to see whether or not they are defective before we take them there for the purpose of inspection and we do repair those things many times on our own. I suggest to you that if we get rid of this inspection system, Nebraska will become the graveyard for a bunch of junkers and I think that that is a terrible decision for this body to make today. Studies made in Texas and Indiana, other states reveal that inspections do diminish the chance of defective cars which in turn cause accidents and I submit to you that what I handed out to you, had that Volkswagon not been allowed to even be on the highway, four lives might have been saved. Yet that car



was rejected in good faith by the inspecting station. They can't do anything else. I also submit to you, while I listened to the Motor Vehicles Department who was here opposing this bill, not as vigorously as they would like to. When you only send eight people out to inspect two thousand stations there may be some renegades out there who are giving stickers when they should not. Those kinds of things should be reported and those kinds of people should be put out of business. I don't care why they operate this way. They should not operate that way. My suggestion to us today is not in haste do away with inspections but look at it and improve it. Make it as sound as we can. If we have to give more inspectors to the Motor Vehicles Department let's do it and let's make certain the stations who have the license do it correctly, that they are not handing out stickers simply because they are good customers. I can't help it that out in Senator Vickers' area that some people inspect without integrity. I can not help that. The area in which I live, they take my car, they do it with integrity and you get it fixed or they are not going to give you that sticker. And for us to say the state troopers can do this is folly. How can a state trooper perform those kinds of exercises that they have to? They might check your taillights. They might check your turn signals. They might check for broken glass but they can not check for brakes, for braking systems, exhaust systems. That is impossible. For us today to go along with this bill as though, I think we are going to, I think is not in the best interest of this body nor in the best interest of the people of this state. I am suggesting to you that we should kill this bill. Let the Public Works Committee study it and come back to you if we need to with suggestions how we can improve the inspection system in the State of Nebraska. I remember Senator Haberman out there. He came into us at Public Works with a bill that had to do with end guns on sprinklers. Now that should have been enforced but obviously it was not being enforced. Now I can't help how they enforce laws in the wild west but I can help how they enforce them where you have the high density of traffic and I am saying we had better keep the inspection system. If it is broke, let's fix it. Let's make sure we have inspections which are honest and people live by those inspections and get their cars fixed accordingly. Otherwise we should say they shouldn't be on the highway until they make those changes.

SENATOR CLARK: Senator Koch, your time is up. I'm sorry.

SENATOR KOCH: Thank you, sir, I appreciate the opportunity to speak on this issue. I think it is rather crucial.

SENATOR CLARK: Thank you. Senator Vickers is next.

SENATOR VICKERS: Thank you, Mr. President. Mr. President, members, I rise obviously to oppose the kill motion on LB 35 but first of all, I would like to thank Senator Koch for passing out the information that he did. I am very grateful to you for that, Senator Koch. I think it points out one more reason to do away with the program. Obviously, this happened. It happened because the program is not working. The best way to make something work is to fix it, huh? Okay. The car was rejected. Certainly. That is correct. We have laws against murder, yet it happens. It is plain to me that no matter what law we have, there is certainly going to be some occasions when that law won't work. I think this is an example of it. Senator Marsh indicated that her constituents are greatly in favor of it. I don't know just exactly how she determined that. It is strange that I did not get a bunch of letters from somebody here in Lincoln telling me how wrong I was. I have got a stack of letters and I suppose if I had done like some people I could have passed out two dozen of them to you so you could have looked at them from all across the state, Omaha, Lincoln, other places included. Maybe she knows how our constituents all want it but I will suggest one thing. It was mentioned that if you look in the green book you will see that there were several people in opposition to it. That is true. That is true. You will notice that there is only one citizen. The rest of them all have something to do with the Omaha Safety Council or the Motor Vehicle Inspection Program somehow. You know the bottom line is we are doing away with twenty-three state jobs and of course, this being Lincoln, Nebraska, I can imagine why if you were from Lincoln you would be opposed perhaps to doing away with some state jobs. That is part of what we are doing. The one citizen that came in, for those of you that might not have been to the hearing, the one citizen that came in was in a wheel chair. She had been in an accident in Oregon. The accident was caused because a car drove into her and her husband in the rain and hit them and it was all because of the fact that the driver lost control in the rain, but it was because of the fact that Oregon does not have a safety inspection program. Well if you can follow that logic you follow it a little better than I can. I'm not sure that is the reason. People lose control of their vehicles. I don't care if you've got a brand new one. I can buy a brand new one off of a showroom floor and lose control of it in a rainstorm. Also it has been pointed out that this is going to be a junkyard. We are going to have a junkyard on the highways if we do away with this. There are twenty some states that do not have any motor vehicle inspection program.

including among them, such populous states as Illinois. Illinois does not have a motor vehicle inspection program on cars. It does on certain size trucks. I will suggest to you we do have, the ICC requires inspection programs on trucks on interstate travel. We won't do away with that obviously but if there is a real need in some of these populous states like Illinois, Oregon and so forth, it is strange that they don't have more markers on their highways and more higher accident rates compared to the rest of the nation. Colorado just got through passing a bill to repeal in their state or it is being processed. So, this is not anything unique and it certainly is not something as I said earlier, for carnage on the highways. That is not the case at all. We have had many people stand up here and say that what we want to do is fix this program, make it so it will work. I suggest to you there is not enough money to make this program work. Senator Koch says his stations in his area are doing an excellent job. Well I would like to go meet his service station because if they can do such an excellent job for \$3.40 that is pretty good and if they can ignore the fact that you are a steady customer of theirs and so forth, that is real good too. I just don't think the program has worked...

SENATOR CLARK: You have one minute left.

SENATOR VICKERS: ...and the attempt by the government as Senator Kahle indicated, Senator Kahle said that it reminded him that he should get something fixed. I guess the philosophy boils down to, is the government in the business of making every individual do everything for themselves or should we allow individuals to have some discretion? I don't think any thinking person wants to get out in a car that is unsafe to travel in. On the other hand, if you have got an old truck that you know is only safe up to a certain speed, most people, that is the speed you drive it at. I oppose the kill motion.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: I call the question, please.

SENATOR CLARK: The question has been called for. Do I see five hands? All those in favor of ceasing debate vote yea, opposed vote nay.

CLERK: Senator Clark voting yea.

SENATOR CLARK: Have you all voted on ceasing debate? The question before the House is : cease debate. Record the vote.

April 7, 1981

LB 35

CLERK: 25 ayes, 6 nays, Mr. President, to cease debate.

SENATOR CLARK: Debate is ceased. Senator Marsh, do you wish to close?

SENATOR MARSH: Thank you very much, Mr. Speaker. We do not take laws off the books regarding murder simply because some people do not obey the laws. We do not and should not take inspection off because some people have their vehicle inspected and then do nothing about it after it is inspected. We need to help find a mechanism to ensure that every vehicle which has been inspected and found wanting is reported. It is interesting that members of safety councils are opposed to LB 35 and what is a safety council? A safety council is a group of persons who have expertise in this particular area who are concerned about the safety of all citizens, who are concerned about vehicle safety, who are concerned about the carnage on our highways, who also are concerned that mufflers can kill. When we do not have inspection of mufflers there will be even more deaths related to mufflers. LB 35 is not the way to go. We have urban areas and we have rural areas. If the rural areas have a different set of problems we may need more than one mechanism for inspection in our state. I am willing to work on the problem. I am not willing to throw out the window, the baby with the wash water. I feel that inspections have saved lives, have helped remind gently or otherwise that something needs to be done to a vehicle in order to make it safe to drive. Help keep safety available for all the citizens in our state. Indefinitely postpone LB 35.

SENATOR CLARK: The question before the House is indefinite postponement of LB 35. It only takes a simple majority to kill.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Have you all voted? Have you all voted, the last time? Record the vote. Senator Marsh.

SENATOR MARSH: I ask for a Call of the House and a roll call vote.

SENATOR CLARK: A Call of the House has been requested. All those that want a Call of the House vote aye, opposed nay. Record.

CLERK: 13 ayes, 0 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. Everyone will check in please. I would appreciate it if you would all

turn your speaking lights off. Senator Newell, would you check in please. Senator Landis. Senator Higgins, would you check in please. Senator Cope, Senator Kremer, Senator Dworak, Senator DeCamp. We are looking for Senator Hoagland, Senator Kremer, Senator Schmit, Senator Warner. We are all supposed to be in our seats please. Senator Schmit, Senator DeCamp, Senator Kremer. Senator Marsh, do you want to start a roll call? Schmit, Kremer and DeCamp are the three we are short and Hoagland. Senator Marsh, do you want to wait for those others to come in? Mr. Sergeant at Arms, we are looking for Senator Schmit, Senator Kremer, Senator DeCamp, Senator Hoagland. None of those are in their office. Do you want to call the roll or do you want to wait? Pardon? Senator Kremer is here. Do you want to start? The Clerk will call the roll. This is on the indefinite postponement of LB 35.

CLERK: (Read roll call vote as found on pages 1338-1339 of the Legislative Journal.) 20 ayes, 25 nays, Mr. President, on the motion to indefinitely postpone.

SENATOR CLARK: Motion lost. Senator Vickers, on the bill itself.

SENATOR VICKERS: Once again, I will move the advancement of LB 35, Mr. President.

SENATOR CLARK: Well, we have got some lights on. Senator Cullan.

SENATOR CULLAN: Mr. President, I call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? Senator Vickers.

SENATOR VICKERS: Mr. President, I don't think there has been any discussion on the proponents side of the issue that I have heard. I think we have to have a little more discussion first.

SENATOR CLARK: Fine with me. I got nothing to do. Senator Cullan, do you want to talk on the bill? All right. Senator Koch.

SENATOR KOCH: Mr. Chairman, members of the body, the least we can do is to study this bill. I will be the first one if the study states that our inspection system is totally without merit but for us to sit here this afternoon, some of us concerned and some of us disinterested and others who care, to suddenly say we are going to do away with motor vehicle inspections is, I think, without integrity. Motor vehicle safety inspections do indeed cause people to

take a look at their automobile which is, in many cases, a very dangerous vehicle, cause them to get it repaired. Now I was talking to Senator Cope a moment ago. Had that individual whose car was rejected that we just talked about and I sent to you a moment ago, had that individual taken that rejection seriously and repaired that car the odds are pretty good four lives would not have been snuffed out. Now Senator Vickers takes that handout I gave and thanks me for it but that was to show you the car was rejected by a safety inspector. Yet that individual saw fit not to take seriously the fact that the suspension system was in trouble and other items were in trouble as well. That individual will have to think a great deal of time about what happened. I don't know what you've ever done about an inspection system where you have defects but we fix them and that is what it tells you. Fix the car. You have ten days to do it but if you ignore it, you may pay the price but at least the defects are pointed up to you and if some parts of the state, they are not inspected with integrity, then that is another problem but I am saying there are many people out here who have the license to inspect and do it with integrity. Then if the individual owner does not follow up that is the fault of the individual. And for us here today to send this bill any further than where it is, I do not believe it is in our best interest and I watch people on this floor who are concerned about safety, but if you catch one defective car and it is corrected, it saves one life, it is worth it. If it saves one life it is worth it particularly if you are the person who drives that car when you know it is faulty. Sure there are other.... Senator Vickers says it is the nut behind the wheel. I have heard that old proverb for a long time. It is not the loose nut on the wheel. Certainly you cannot give to people a certain peripheral vision and certain other kinds of ability to automatically act in defense but the least we can do is to continue to inspect our cars, know when they are in trouble and change it. I suggest that what happens, this bill, it should be kept on General File. The Public Works Committee should seriously take on a study and see whether or not we can bring about a better inspection system but don't junk it because a few people say it has not worked. I believe it does work. The studies say that defective automobiles cause serious accidents....

SENATOR CLARK: You have one minute.

SENATOR KOCH: ...and here we are, we are about ready to say, the hell with those studies. They don't mean anything. I am saying that studies do mean things. Where we find out they do then we should try to work with it and solve the problems. I would hope we don't advance LB 35 beyond this point. It should go to a study and that study should be

done with integrity and the recommendation be brought to this body for further consideration.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would also like to speak against the advancement of the bill. You know back in '69 when we passed this legislation I assume we probably had as hardheaded a Legislature... wow...as hardheaded a Legislature as we have right now and I assume they did not like government regulation any better than we do now and I assume that they perceived some very significant problems in this state when they put an intricate system like this one into place. And I assume that the forty other states in this union who have some form of inspection system also perceive one heck of a problem, the problem being with junkers on the roads. What has happened since that time? Are there fewer junkers? Is the problem any less? I don't think so. The problem is there just the same. There are a number of studies which indicate that defective vehicles do cause accidents. An Indiana study, for example, studied two thousand two hundred accidents over a five year period and concluded that vehicle factors, vehicle defects definitely cause four to five percent of accidents. They further concluded that nine to thirteen percent of these accidents were either probably or definitely caused by vehicle factors. As many as fifteen to twenty-five percent of accidents could be possibly caused by vehicular factors. So the problem is there. Defects and cars are still causing accidents. The other possibility is that we have become convinced that the system we have in place does not solve the problem but if you are going to say today that we should do away with that system completely, then you are saying we should be ignoring the problem, a problem that continues to exist, a problem that studies and common sense tells us is still there. It has seemed to me that a number of areas we tend to go too far in one direction and then too far in the other. First we get a motor vehicles inspection law. Some of you think we have gone too far with that law. Perhaps we have gone a little too far. Senator Vickers has pointed out, a number of people have pointed out to the Public Works Committee when we heard this bill, that there are aspects of the system that definitely need modification. I am convinced of that. I think most of the Public Works Committee was, but that does not mean that we should do away with the law completely. That would be, in my opinion, going too far in the opposite direction and then we are left with the problem with which we are proposing no solution. What we should be doing is what a number of people have suggested. Studying this, there are alternatives. This is a situation where there

are a lot of alternatives. You could, for example, apply the system to older vehicles only, to vehicles that are two or three or four years old or older. You could, for example, devise a system whereby there was inspection only upon the sale of vehicles regardless of their age. You could, for example, limit the number of inspections stations so that you could be sure that the inspection stations who were doing the inspecting were honest and were competent. You could require inspection only upon the first registration of the vehicle in the state. The point I am trying to get across is that this is a problem for which there are alternative solutions which can be explored if the legislative and its interim investigating committees are given sufficient time.

SENATOR CLARK: You have one minute left.

SENATOR BEUTLER: And this is what I hope you will do. You know, not only is the problem still there but there is at least some evidence and at least the officials in Nebraska felt at one point in time, in 1972, I think the only time they did any study on it, that the law was also effective and I quote here from a report to the Department of Transportation from Nebraska. "Nebraska claimed that the number of fatal accidents involving defective vehicles on rural/interstate highways decreased from 10% in 1968," that is before we had the inspection law, "to 5.6% in 1972. In all rural statewide accidents, fatal and nonfatal, the percentage dropped from 6.1% to 6.2%." Well there are a lot of statistics that you can quote for a lot of different, to show a lot of different results but there is a substantial body of statistics that would indicate that this kind of a law does help to some extent. I am personally convinced the law does need modification but I am equally convinced that it does not need....

SENATOR CLARK: Your time is up.

SENATOR BEUTLER: ...elimination in its entirety and I hope you will not advance this bill. Thank you.

SENATOR CLARK: Senator Fenger.

SENATOR FENGER: Mr. Speaker, members of the body, Senator Beutler mentioned the origination of the Motor Vehicle Inspection Program. This was a good program when it was installed in 1968. Unfortunately its original existence was weakened and watered down by amendments, '69, 1973, 1975, 1977 to the point where I think this program is now useless and I would remind you it is also under a constitutional cloud, but in spite of these



programs and these problems the actual demise of this program probably rests with some of our state employees. They are requested by this body to be the go-between and the administrators, just as no chain is any stronger than its weakest link. This program can't be any better than the Legislature's go-between. The true problem and the implementation of the Motor Vehicle Inspection Program is not that businessman you are castigating but the lack of competent people in the Motor Vehicle Department which established policy. For that reason I am going to vote to enact LB 35 but I would remind you, the State of South Dakota abolished their program three years ago and due to the overworked State Safety Patrol and their having to perform these inspections on the highway, our friends to the north are now looking that reinstating part of the program and if we ever do that I hope we do it under competent guidance. I intend to vote for LB 35.

SENATOR CLARK: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I support LB 35 for a variety of reasons. I think LB 35, frankly I think that the inspection law we presently have represents a relatively typical legislative phenomenon and that phenomena is what I call getting by on the cheap. We make a decision back in 1969 that we want to get clunkers off the highway, that we want our automobiles to be safe, that we want to make certain that people are driving safe automobiles and so what we do is we pass a law which helps a few, hurts a few, but basically does not do a whole heck of a lot. It costs you \$3.75 to go in and get an inspection. A few things are looked at and that is about it. Today we still see junkers on the highway. Today we still see lots of automobile accidents and we see overinspections, underinspections and the like. We have a law which essentially does not do what we intended for it to do and that is not atypical in my opinion for American Legislatures. Let's look what happens in Japan. Do you realize that in Japan at the end of two years of the ownership of an automobile you have to bring the automobile into a dealer where it undergoes major part replacements? The Japanese citizen will spend about \$750 at the end of two years replacing parts in that automobile, not \$3.75, but about \$750 whether the automobile needs it or not and that is done for the purpose of ensuring safety on Japanese highways. In the United States we don't dare do those kind of things. We say, oh, that would encroach too much on somebody's freedom so we don't do them. So, instead we have on our books a law which in my opinion is a deceptive trade practice which in my opinion is a consumer fraud. What happens right now in Omaha, Nebraska, is that a person brings that automobile into a store to be inspected, to a garage, a service

station to be inspected and there is very little assurance as to the quality of inspection. Some individuals, in my opinion, will be overinspected and will end up having to buy tires when that is not necessary, will end up having to put in new brake shoes when that is not necessary, will end up having to put on a new exhaust system when that is not necessary. Why? Because that store has used this inspection system as an opportunity to, in effect, gouge the consumer. Now how do I know about this? I know about it because I personally have taken calls. In fact, I think that the Safety Inspection Program has generated more calls to my home than any other state law that we have. I think that I have received more telephone calls over the last three years on this issue than any other program that we have in the State of Nebraska. Or we will have occasions when people take their vehicles in for inspections and the service station attendant will give the inspection a lick and a promise and it will be underinspected and so patent defects will be missed. Patent problems will not be taken care of because that is the nature of the subjective base that we are talking about but I think the real wrong, the real wrong with our safety inspection system is that a lot of low income automobile purchasers look upon the safety sticker as the Good Housekeeping seal of approval and they buy that automobile when it has a safety sticker on it, believing that that safety sticker means that that car is free of defects, means that that car is really going to perform adequately and well and what happens, they get the car out on the road and within a few days the car has major difficulties, i.e., it has got a cracked block, it has got major oil leaks, the transmission has a problem and what have you. But they thought that the safety sticker meant that the car was in good shape. They learned to the disappointment that is not the case. In fact, the importance of the safety sticker to the automobile is that tested in Omaha by the very active black market....

SENATOR CLARK: You have thirty seconds.

SENATOR V. JOHNSON: ...in stolen safety stickers. Right now there are many safety stickers that are being stolen out of service stations and off of cars and applied to cars because consumers rely on those safety stickers somehow in making their purchases. Now to me, the State of Nebraska should not be in the position, should not be in the position of effectively putting the consumer in a bad situation. Other state legislators and legislatures are as concerned about highway safety as I am certain that we are and many other states do not have safety sticker programs. There are many states....

SENATOR CLARK: Your time is up, Senator Johnson.

SENATOR V. JOHNSON: ...where there is no safety sticker law. So I do not believe that we will be damaged in this state by the repeal of the existing safety sticker law.

SENATOR CLARK: Senator Von Minden.

SENATOR VON MINDEN: Mr. Speaker, members of the body, I know the time is late and I won't talk very long. When we talk about bills we want to get off the books, well here is one. Fellows, it simply is not working and you know it is not working. If you take the first thing that Senator Vickers passed out, when we didn't have inspection stickers and when we have it now, right now we have better roads, better cars and we have the 55 mile an hour speed limit and we still have just as many accidents as we ever had. Another thing I want to mention to you is the uniformity across the State of Nebraska with our inspection stickers. As Senator Johnson said, they are overinspected and they are underinspected so it is just simply a farce. It is something we should get rid of. All of us in here know it is not working. To some of the older senators like myself I would like to have you listen to me just a minute. If you can remember before we had the inspection sticker, when once in a while the town cop would pick you up or the patrolman would pick you up or some law enforcement officer for a badly car that needed inspection. Senator Koch passed out some things here a few minutes about a badly Volkswagon beat up. There are two of them running around Lincoln right now. They have been running around Lincoln since I have been here. One of them has no fender on and one of them has a cardboard in the window but they do have inspection stickers that says they are okay. Now I know if we didn't have the inspection stickers with all the cops we have got running around Lincoln picking up cars that have been parked for two hours and ten minutes in a two hour zone they would pick up this car but with an inspection sticker they will not pick it up so I think this is a very good bill and I wish you would move it on.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Legislature, I move the question.

SENATOR CLARK: Ceasing debate is the question. All those in favor hold up their hands. Thank you. All those in favor of ceasing debate vote aye. All opposed vote nay.

CLERK: Senator Clark voting aye.

April 7, 1981

LB 35

SENATOR CLARK: Record the vote.

CLERK: 27 ayes. 2 nays to cease debate, Mr. President.

SENATOR CLARK: Debate has ceased. Senator Vickers, do you wish to close on the advancement of LB 35?

SENATOR VICKERS: Yes, I do. Thank you, Mr. President. Mr. President and members, I think this issue has been discussed pretty well but once again I would remind you that as the introducer of this bill I have got a number of letters, probably more letters than I have ever got on any other issue with the exception of school reorganization perhaps, and I have got, I think, one or two from people who have said that the program, they were satisfied. The vast majority of the people of the State of Nebraska, I think, recognize the fallacy with this program. I don't think that means that they are willing to put junkers on the highways, that they are willing to have more traffic fatalities. I think what it means and what it says quite simply, is that we don't like government regulation that does not work and I suggest to you that this has not worked. The statistics that I passed out to you, and I didn't quote them before, but the statistics indicate that from 1959 to 1968 the number of accidents per million miles travelled was 4.0. That is before the inspection program went into effect. The ten year period, '70 through '79, the number of accidents per million miles travelled after the program went into effect was 4.0 which indicates to me that it has not made any difference. It has not worked. Now I appreciate some of the comments that some of the people have indicated that perhaps the Safety Patrol would be overworked, that perhaps the Safety Patrol would not be able to do it. Some people made the comment that they had not run into a spot check for a long time. Well of course not because we have got this other program. The Safety Patrol has not been doing it but I have talked to Colonel Kohmetscher and he indicates to me and I think any of you could visit with him. He would tell you the same thing, that they do have the manpower and they will be happy to do it and they will do it. Now obviously as somebody indicated, they are not going to stop all the traffic on I-80 through downtown Omaha at rush hour but they certainly could stop traffic on one of the exits and catch a lot of them at that point. That is the way they used to do it and I think that is the way they will do it again. That is the way I expect them to do it. Mr. President, I would like to yield part of my time to Senator Chambers in closing and let him finish the closing.

SENATOR CLARK: You have two minutes.

April 7, 1981

LB 35

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, it won't take two minutes to say what I have to say on this matter. The reason I feel that this bill is so good and the present law is so bad is that it takes a state function, turns it over to private individuals and gives them a profit motive and establishes no uniform standards whatsoever. So there is no way for a person to be aware of what is required of him or her by the state and they are totally at the mercy of private individuals with a profit motive and for that reason I think the law is totally bad. Senator Vickers has a totally good bill and, Mr. Chairman, I didn't take two minutes.

SENATOR CLARK: The question before the House is the advancement of LB 35. All those in favor vote aye. All those opposed vote no. Voting aye.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted? We are voting on the advancement of LB 35. Senator Vickers.

SENATOR VICKERS: Reluctantly I guess I will have to ask for a Call of the House and I will accept call-in votes, I guess.

SENATOR CLARK: A Call of the House has been asked for. All those in favor of a Call of the House vote aye. Record the vote.

CLERK: 16 ayes, 3 nays to go under Call, Mr. President.

SENATOR CLARK: The House is under Call. Everyone will check in please. There is three excused so we are looking for thirteen. Will you check in please. Everyone that is in your seat, would you check in please. Senator Fitzgerald, Senator Rumery, Senator Cope, Senator Fenger. Senator Fitzgerald is here. Would he check in please. Senator Goodrich, Senator Schmit. Senator Vickers, do you want a roll call vote or do you want to accept call-ins?

SENATOR VICKERS: I will accept call-in votes, Mr. Chairman.

SENATOR CLARK: We will accept call-ins. It is on the advancement of LB 35.

CLERK: Senator Sleck voting aye, Senator Fitzgerald voting no.

SENATOR CLARK: Senator Vickers.

April 7, 1981

LB 3, 56, 58, 87,  
LB 283, 284, 322, 330,  
LB 35, 437, 491

SENATOR VICKERS: Well I guess we will have to have a roll call vote then.

SENATOR CLARK: Call the roll. We are still short two. Is that all right with you?

SENATOR VICKERS: Who are missing?

SENATOR CLARK: Senator Goodrich and Senator Schmit.

SENATOR VICKERS: No, I want to wait until they get here.

SENATOR CLARK: We are required to stay in our seats under the Call of the House. Is the Sergrat at Arms looking for those two? Senator Schmit, we are voting on the advancement of LB 35. Call the roll. Senator Goodrich is not in the building that we can find. Here he comes. Now we don't have to find him. Senator Goodrich, we are voting on the advancement of LB 35. Senator Goodrich, we are voting on the advancement of LB 35. Do you want a call-in vote? Call the roll.

CLERK: (Read roll call vote as found on page 1339 of the Legislative Journal.) 25 ayes, 21 nays on the motion to advance the bill, Mr. President.

SENATOR CLARK: The bill is advanced. Senator DeCamp, would you like the honor of adjourning us until tomorrow morning at nine o'clock?

SENATOR DeCAMP: Yes.

SENATOR CLARK: We have a few things to read in first.

CLERK: Mr. President, your Appropriations Committee will meet tonight upon adjournment in Room 1003. The Public Works Committee will meet in executive session in their regular hearing room immediately upon adjournment. All members are encouraged to attend. Senator Higgins offers explanation of vote, Senator Nichol to print amendments to LB 87. (See page 1343 of the Journal.)

I have a communication from the Governor. (Read same regarding LB 311 and 56. See page 1343 of the Journal.)

Mr. President, Senator Goodrich would like to print amendments to LB 3; Senator DeCamp to LB 284. (See pages 1340-1342 of the Journal.)

Your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 58; 283 engrossed; 330 engrossed; 437 engrossed and 491 engrossed.

April 9, 1981

LBs 35, 72, 205, 296,  
328, 251, 477

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Chaplain for today is Edith Young, Assistant Minister of First Christian Church of Lincoln.

PASTOR EDITH YOUNG: Prayer.

SPEAKER MARVEL: Would you please record your presence? Okay record.

CLERK: Quorum present Mr President.

SPEAKER MARVEL: Okay, item number three.

CLERK: Mr. President your committee on Enrollment and Review respectfully reports that we have carefully examined LB 296 and recommend the same be placed on Select File, 328 Select File with amendments, 477 Select File with amendments, 35 Select File with amendments. (signed) Senator Kilgarin, Chair.

Mr. President, a letter from the Governor to the Clerk regarding LB 351. (See page 1365 of the Legislative Journal).

Mr. President LB 72 and 205 are ready for your signature.

SPEAKER MARVEL: While the Legislature is session and capable of transaction business, I am about to sign and do sign re-engrossed Legislative Bill 72, re-engrossed LB 205.

The Clerk will read a letter from the Governor's office. Can I have your attention for just a minute. The Clerk will read a letter from the Governor's office. In order to have it distributed to you somebody's signature needed to be on the letter, my signature or initials are there. That does not necessarily mean an endorsement, it is simply a convenience for the members of the Legislature.

CLERK: Read letter from Governor Thone. See Legislative Journal pages 1366-68.

April 15, 1981

LB 35

SENATOR NICHOL: We will move on to LB 35.

CLERK: E & R, Senator.

SENATOR KILGARIN: I move the E & R amendments to LB 35.

SENATOR NICHOL: All those in favor say aye, opposed nay, they are adopted.

CLERK: Mr. President, I now have an amendment from Senators Beutler and Wesely. It is Request # 2319.

SENATOR NICHOL: Senator Beutler, are you going to discuss this? Okay.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, this is the bill to refresh your memory that we passed with just 25 votes on General File which does away with the Motor Vehicles Inspection Law, does away with it entirely and you may recall that there were a number of us who were pleading for some time to do an interim study on this question to study some of the alternatives. We were convinced and I still am convinced that there are a number of good alternatives that should be examined before we simply do in the system entirely. Obviously at this point in time we have not had an opportunity to do the in-depth type of study that we were requesting that the Legislature allow this summer and this fall but we were able to get together with the Department of Motor Vehicle people and with other interested parties and come up with some modifications to the present system that we think will be very helpful and which we hope will encourage some of you to allow this system to be in place in another year or two and see how it works. Or at least at a minimum, allow it to exist for one more year so that we can do a comprehensive study of alternatives this summer. Let me try to briefly explain then what these amendments do and these are a series of six to eight amendments, all of which we feel and the Department of Motor Vehicles feels, are designed to improve the present system. First of all with regard to new cars, and this is a very important exception. With regard to new cars we are saying that for a period of two years you don't have to get them inspected. The theory obviously is that there is less danger with a new car than there is with an old car being in disrepair. Now obviously that is not true a hundred percent across the board. Salesmen sometimes drive new cars very hard and they are in need for repair in short order, but I think that as a general rule, by and large, we would all agree that common sense would tell us that it is the older cars that really are in need of inspection. So the first thing and one of the most important things that the



amendment does is say no inspection for two years. Now there is a provision in here with regard to simply having the seller of the car slap a sticker on it and identify it as a new car so that the State Patrol does not have identification problems. In addition to that we felt that of all the different items being inspected that there were obviously some that were more important than others. Obviously brakes for example are the most important things, but a couple it was thought could be dispensed with and so we have dispensed with the inspection of two different items, one, lights, and the other, glass, lights and glass, no inspection of those items. That is the second point. Thirdly, small point, we have exempted historical vehicles. That does not apply to very many people so I am not going to dwell on that but that has been exempted out and another thing that we have done, one of the allegations was that there were a number of cars going around that were never inspected, especially within the city limits of different cities that the State Patrol was pretty good about catching that but the local police were not too interested in the subject, so therefore, we made a provision that in order to get your car registration, in order to register your car, you have to have proof of inspection. So, each time you register your car you must show that it has been inspected so that at least we clamp down on this one abuse and I think that will effectively clamp down on that particular abuse. The fourth or fifth thing that we have done with regard to the inspectors themselves, the Department of Motor Vehicles has requested that there be a training course for the inspectors and we have put into the bill a requirement that they complete a training course. The course will be set up and conducted by the Department of Motor Vehicles. Finally, with regard to...or next to the last, with regard to the board, the Advisory Committee on Motor Vehicle Inspections, which is appointed by the Governor and which has five members, the previous requirement has been that all of them have experience in the motor vehicle service field and we are now saying that at least one member of that committee shall be a person who is not an operator or an employee of a motor vehicle inspection station. In other words, we want to try to get a consumer type on there to be a channel to the board of some of the consumer complaints that we have been hearing, the complaints first of all, that stickers are given with no inspection and on the other side, that inspections have resulted in unnecessary repairs being advised by the different inspectors. So, we are trying to get a bit of a different kind of representation on that board which hopefully will bring to the board an interest in the consumer point of view. Lastly, with regard to violations of the Motor Vehicle Inspection Law by inspectors themselves, for the first time we are going to have an effective penalty which will apply to the operator of a station and we are going to say that it will be a Class III

misdemeanor which is punishable by a maximum of three months in prison and a \$500 fine for improperly or unlawfully issuing a certificate of inspection. We are going to try to put a little more teeth and address more directly the problem of inspectors simply handing over a sticker without the car having been, in fact, inspected. With regard to the training program we have an effective date on that of January 1, 1983, and with regard to the prerequisite of showing a certificate of inspection when you get your motor vehicle registration, we have put a date of January 1, 1982, I believe, yes, on that program to give the Department of Motor Vehicles a little time with regard to both programs to get them into effect. Okay, I think I have hit everything. Senator Wesely, I hope you will pick anything I did not hit on. At any rate, these are not obviously major overhauls with the exception of, I think, limiting new cars for the first two years. That is a pretty major thing but I think they are meaningful and reasonable modifications to the system, probably the most meaningful and reasonable we could get on the short notice that we had in trying to deal with this between General File when it became obvious that everyone was quite serious about this program and right now. So, I hope you will give some very, very serious consideration to, for one year at least, putting these modifications in effect, doing a little study over the summer and the fall if that is how the body feels and giving this program an additional year or two of life because I think there was a real reason that it came into existence at the beginning. The problem with defective and junker vehicles is still with us. It is difficult to identify what effect, one way or another, the inspection laws had on the problem, although I think common sense tells you that to some extent repairs are being made because of the system. So, I hope you will give very serious considerations to the amendment and be very cautious about advancing LB 35 in its original form. Obviously I guess, I hope you will not advance LB 35 in its original form. Thank you.

SENATOR NICHOL: Senator Dworak had 30 fourth grade pupils in the North balcony. They are from the North Park School in Columbus, Nebraska. Their teachers are Mrs. Myffeler and Mrs. Glaser. Would you please hold up your hands so we can see where you are and recognize you. Thank you. Senator Wesely, did you wish to speak to this bill, this amendment? Then we have Senator Vickers, Senator Higgins, Senator Kahle, Senator Lamb, Senator Kilgarrin and Senator Hoagland. Senator Wesely.

SENATOR WESELY: From that list that you just went though I am not sure we are going to have too many supporters speaking after I get done in support of this amendment

but let me please urge you to consider it seriously. We have before us a very important bill, LB 35. It is one that has caught a lot of attention in the state because everybody has an experience with the motor vehicle inspection law. Everybody can tell tales of times when they have taken their car down and when they have been denied an inspection sticker and went down to another station down the street and got one or when one station told them they needed to spend a thousand dollars on the car and another one said a hundred dollars will take care of the problems you have. So, we know there is a lot of problems with the present law. There is no doubt that we need to improve it but Senator Beutler and I decided that what we ought to try and do is try and fix up some of those problems, try and deal with some of those issues and try and make the law work better than taking the step that LB 35 in its present form would take which is to virtually eliminate totally any sort of motor vehicle inspection whatsoever in the State of Nebraska. Now I believe that this amendment is the better alternative at this time. I think we ought to adopt this amendment and adopt the bill and then try and improve the system and then I think we can spend more time this interim to look at the situation and to try and further refine the law and improve on it and then if we find after that interim study that there are steps we can take next year then we can further improve on the law and try and make it work better. But I think down the line, given a year or two when we see how these changes affect the law and how they are improving it or not improving it, we can better decide whether or not this program has any hope at all to serve the State of Nebraska or whether or not maybe the step that LB 35 envisions which is to eliminate it totally, is perhaps the only alternative we really have. I am saying right now that we haven't looked at some of the choices that we have and the options that we have to improve on the different problems we have identified with the law. This amendment says we can do some of the small things and take care of some of the problems and then we can further take some action next year and improve on some of the problems and we are going to get a program that is going to work properly in this state. It is I think pretty clear from the floor debate from last time that there is a lot of concerns with the inspection law. I personally am very concerned with the inspection law. There are problems that are very sincere. There are problems that are very clear and I think that we need to do something about it. So, I think if you will look at the amendments that are before you, we do have a copy on each of your desks. We have a summary of those amendments on your desk which has nine different points that

we enclose. I think you will find that these are very reasonable amendments to the bill. Now let me add one more item of information for you. In addition to the amendments we have gotten the Department of Motor Vehicles to agree to review their rules and regulations implementing this law. They have sent a letter to Senator Kremer in the Public Works Committee telling us that they are going to sit down and they are going to review those rules and regulations and they are going to do something about a lot of the picky different items that they have in those rules and regs. They are going to take out some of the items that people really are upset about and I think a couple of them are taken out of the law specifically with these amendments. We eliminate, for instance, lights and glass from the motor vehicle inspection. Senator Reutler and I really did not see a point to spending a lot of time on headlights and perhaps a small crack in their glass. That is not going to cause an accident but your brakes going out on you and some problems with your suspension going out on you, these sort of things do matter and so what we are trying to do and what the Department has finally realized they have to do is to narrow what they inspect so they don't inspect everything under the sun, the rust underneath your fender or whatever. They are going to quit doing all that picayune business and they are going to start concentrating on what is really important on the inspection. Furthermore, they are going to spend more time in identifying who is doing a good and who is doing a bad job on these inspections and they are going to take steps to eliminate those that aren't doing a good job and to try and better train those who are doing a good job so they can continue to do that good job. So they are going with this bill, we do include in it...

SENATOR NICHOL: One minute.

SENATOR WESELY: ...added requirements for training for inspectors. We try and upgrade who is going to be doing these inspections. We are going to try and improve the process so we don't have a situation where one mechanic tells you that this is okay and another one says it isn't. A lot of it is judgement. It is hard to categorize it but I think that we are going to improve that through this bill and again, what I am telling you is, the Department is going to do things with the rules and regs to improve on the situation. They have agreed to work through an interim study with the Public Works Committee to try and take further action over the interim and next year to try and improve the situation and the amendments before you are an initial attempt to try and improve the present law and

to show you that there are ways in which we can improve that law and make it workable. So your support for the amendment is encouraged.

SENATOR NICHOL: Senator Wiitala has 50 fourth grade students in the North balcony from the Millard Public Schools. Their instructors are Mrs. Virginia Wilson and Miss Janice Ogden. Will you raise your hands so we may recognize you, please? Thank you for visiting the Legislature. Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, this would be rather humorous if it wasn't so serious but this well thought out amendment that my good colleagues, Senator Beutler and Senator Wesely, are attempting to insert in LB 35 obviously does not meet with my approval and I will attempt to go through it as they have and perhaps point out to you some of the other side of the coin, the issues that they are bringing forth. First of all, Senator Beutler indicated that there must have been a reason for the inspections law to begin with. That is the reason it passed. We have got a copy of the transcript of the hearing and also the floor debate on the bill that created the inspection sticker and Senator Warner is grinning. I suppose you were here. You remember it. You introduced it. Okay, bless your heart. And the reason for most of the... I should yield my time to Senator Warner but I am afraid of what he might say. Maybe his memory isn't quite as good as my reading on the issue but the reason it was introduced and the major reasons given for it was because the federal government was threatening to withhold highway funds if it wasn't enacted. Obviously the federal government didn't withhold any highway funds. The federal government backed off which indicates to me at least, that the federal government realized they were wrong, that it doesn't have anything to do with cutting down on the number of accidents. Also I think it is rather strange that the Department is suddenly willing to work with the Public Works Committee. They are suddenly willing to meet with interested parties and come up with some magical formula to make the program work and I don't think there is anything too strange about that. A bureaucrat will do most anything to hang on to his position. Obviously that is what is happening. Also there is some constitutional problems with the existing law. What Senator Beutler and Senator Wesely is doing is going to, in my opinion at least, would make those constitutional problems even more of a problem. For instance, the constitutional problems that are there right now are because of the fact that not all vehicles in this state need to be inspected. It doesn't require all vehicles to be inspected. Fleet vehicles, for instance, is not inspected, Hertz and Avis and this type of thing. Now they are saying that a new car that is under two years old doesn't have to be inspected. Well that is really good if you are driving a

car thirty, forty, fifty thousand miles a year you are going to put eighty, ninety or a hundred thousand miles on a car and never have it inspected. Obviously, it is safe, obviously. My mother-in-law's car is like eight years old and got thirty thousand miles on it but it is not safe. If somebody doesn't take that to court I would be very surprised. Also they are reducing the requirements. You don't have to have a safety inspection for lights or glass. Senator Wesely says that headlights is probably not going to cause an accident, that a crack in the windshield probably won't cause an accident and I won't argue with that but there is one exception right now that is not required in the safety inspection program, one thing that is not required. You don't have to have brake lights. It is not in the requirements right now and they are taking that out and they are making sure it is out. Now I ask you, if you are driving down the street and the guy in front of you slams on his brakes to stop, what do you want him to have? If he doesn't have brake lights I assure you you are going to smack into him but that is all right. We will just do away with that. We will do away with that in order to keep our program alive, in order to keep those bureaucrats in office. I think we need to have those inspections out on the highways where those cars are driving, where those forty, fifty thousand mile a year drivers are at and inspect them for brake lights among other things, yes. Also they are including trailers. I don't know what...I've got a stock trailer. I didn't realize I was going to have to have an inspection sticker on a stock trailer. That is going to be real nice too, inspection on the tractor and also on the trailer.

SENATOR NICHOL: You have a half a minute left.

SENATOR VICKERS: Thank you, Mr. Chairman. And they are also setting up a program where the Department can train the inspection stations. Well that is certainly like the blind leading the blind it seems to me. I don't think there is anybody in that department that even knows what the underside of a car look like but they are going to train these inspection personnel and to make sure they are competent. In other words, this whole amendment is to take something that is not working and make sure it doesn't work, make it even worse. Senator Beutler also mentioned they are going to make the...and he is an attorney and I certainly shouldn't question him on this, but he says they are going to make the penalty more serious for an inspection station that doesn't perform their duties correctly and yet they are lowering it from a Class II to a Class III misdemeanor and I thought that was making it less serious instead of more serious, Senator Beutler.

SENATOR NICHOL: Your time is up.

SENATOR VICKERS: Thank you, Mr. Chairman.

SENATOR NICHOL: Senator Wiitala has a group number two from Millard Public Schools and they are 50 students in the fourth grade and they are in the South balcony, Linda Mullman and Dr. Norma Payne are their teachers. Would you recognize them, please? Thank you for visiting the Legislature. Senator Higgins.

SENATOR HIGGINS: Mr. Speaker and Senators, I understand that this amendment is created to protect the consumers who might be buying automobiles. There is another profession that I keep hearing about constantly from my constituents, not only in my district but all over the city and that is attorneys. I can't tell you the number of complaints I have had from people who have said that attorneys have taken their money and not told them the consequences that can arise if the attorney loses their case and if they do lose the case they still get charged so I would like to pose a philosophical question to you Senators that if we are going to protect the consumers in every facet of their life I would like to consider maybe an amendment or a bill that would require attorneys to post in their office for everyone who comes in there for counselling, first of all, what the cost is. If they write a letter it is twenty or twenty-five percent. If they file suit it goes to thirty-three and a third percent. If they go to court it is fifty percent and then I think the attorney should be required to post in very large signs, if we defend you in a murder case and you are convicted of first degree murder, what the penalty you are going to get. Is it the electric chair or ninety-nine years and should also tell what they are going to get if they are convicted of second degree murder, how many years they are going to get, third degree? I think it is appropriate, Senator Marsh, and I would appreciate it if you would let me continue because this is a consumer protection amendment and I am speaking to consumer protection.

SENATOR NICHOL: Senator Marsh, for what purpose do you arise?

SENATOR MARSH: Apparently Senator Higgins is going to show us what putting a sign in a lawyer's office has to do with this bill.

SENATOR HIGGINS: It is a consumer protection amendment and I am speaking for consumer protection. If we need it in one field, let's get into every field. I would like the permission of the Chair and the rest of the body to continue.

SENATOR NICHOL: Proceed.

SENATOR HIGGINS: I think if you go to an attorney's office to get a divorce he might be listing on his wall the fact that if he loses the case, the man might get the children and the wife is going to get the football tickets. I think that when he takes a negligence case that he ought to be able to list to the fellow that when we go to court and we sue somebody for hitting you in your automobile, you might lose a week's time off your job without pay and there is no guarantee that I am going to win the case for you. So I think if we are going to go at legislation this year protecting everybody in every possible way, let's not just include one industry which everybody knows is having a very hard time staying alive today but let's take every industry including my own, the insurance agents, and make some consumer laws to protect the people from bad insurance agents and unscrupulous insurance contracts and let's do the same with the medical profession, make them list what the possibilities are every time they operate on you and what the percentages are that die from that type of surgery. I just think it is only fair to hit every possible industry if we are going to protect the consumer in every possible way. Automobiles are not the only thing that people purchase today. So when you consider this amendment remember all forty-nine of us might have an obligation to introduce some other bills next year to protect the public from every possible thing that can happen to them in every possible profession. Thank you, Senators.

SENATOR NICHOL: We have twelve people who wish to speak on this. Senator Kahle, you are next.

SENATOR KAHLE: Mr. President, members, I will make mine real brief, but I guess I am concerned about taking the lights and glass out of the inspection. This seems to be the problem that most of us have when we go to have an inspection that we've got either a clearance light, taillight, or headlight with a chip in it for the lights and then certainly they could be out of focus which really is as bad. You would rather have them out than have one that is out of focus that hits you right in the eye when you meet a car. So I can't quite understand the logic in taking out the inspection of lights and glass and glass is another thing. We get a lot of complaints from people who have a small crack in their windshield and the inspection stations don't agree on whether it should be replaced or not but it is not just the windshield, the back glass door windows and in the winter time if they are not, I have seen them completely shattered or even people nailing a piece of cardboard up



in a door window where you certainly cannot see oncoming traffic from either side, so I would hope that those that are putting this amendment in would see fit to put that glass inspection back in there. I think that is a big mistake. Thank you.

SENATOR NICHOL: Mr. Clerk, do you have something?

CLERK: Mr. President, Senator Hefner moves to amend the Beutler-Wesely amendment, Section 6, line 25, change Class III to Class IV.

SENATOR NICHOL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I offer this amendment because I feel that Class III misdemeanor penalty is still too strong. I realize that the Beutler and Wesely amendment takes it down from a Class II to a Class III and I want to take it down a little bit further. I don't think we ought to give that judge the option to put this inspector in prison. Class III misdemeanor is a \$500 fine plus could be up to thirty days in prison. I think this is excessive. I think we need to think this over and I think the way it is written now the penalty is too stiff and we have found out from before that whenever we do put too harsh a penalty in our statute then the judge will not find them guilty. He will find them innocent because he doesn't like to levy that heavy a penalty and so I say to you here today, let's change it from a Class III to a Class IV misdemeanor.

SENATOR NICHOL: Now I have many lights on. May I please see your hand if you wish to speak to the Hefner amendment? Okay, Senator Beutler, you were first.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, Senator Wesely and myself are personally willing to go along with whatever the body wants with regard to penalties. Let me though clarify in everybody's mind what the amendments do exactly with regard to the penalties right now because I think there is some confusion in that regard. The current law had two kinds of penalties. We had a penalty that operated against the station itself, the operator of the station and it also had a penalty that operated against one who took or fraudulently got a sticker, one who used a sticker. Under the current law there was a Class II penalty that attached to the one that applied to the one who used it, the driver of the car, the owner of the car and we made that less severe. We brought that down to a Class III as far as the person using it is concerned. Now as far as the operator is concerned we made the law more severe. We changed it from a Class IV misdemeanor to a Class III. So the end result is that it is a

Class III misdemeanor, a five hundred dollar fine or three months in jail maximum as a practical matter, it would be less than that on a first offense, considerably less, but at any rate it is the same both for the consumer and for the operator of the station. We treat them alike but we do make it more severe for the operator of the station so do with this what you will but I wanted to be sure you were clear on what the committee amendments do right now. Thank you.

SENATOR NICHOL: Senator Wesely, did you wish to speak to the Hefner amendment? Is there anyone else who wishes to speak to the Hefner amendment? Senator Hoagland.

SENATOR HOAGLAND: I would just like to make a couple brief remarks to the Hefner amendment. It seems to me that the hearing we had before the Public Works Committee showed that there was considerable abuse on the part of some inspectors in terms of issuing false certificates and I wonder if Senator Hefner would be agreeable to making a second offense a Class III misdemeanor with respect to the inspector. Senator Hefner, may I address a question to you? I wonder if he would yield.

SENATOR NICHOL: Senator Hefner, would you respond, please?

SENATOR HOAGLAND: I wonder if you would be agreeable to a refinement inasmuch as many of the problems with the inspection system have to do with inspectors, filling stations that are not complying with the law in good faith. I wonder if you would agree to having at least a second offense conviction by a filling station owner or employee be a Class III misdemeanor if you don't want to make a first offense conviction a Class III misdemeanor?

SENATOR HEFNER: Senator Hoagland, I think I would go along with that but I just think we should take out the prison sentence on the first offense.

SENATOR HOAGLAND: For the inspector.

SENATOR HEFNER: For the inspector, yes.

SENATOR HOAGLAND: And I think as far as the consumer is concerned it does make sense to make that a Class IV misdemeanor but if we do have these inspectors around the state who are not complying with the law in good faith, I think maybe that would be appropriate.

SENATOR HEFNER: Especially after they have been caught the first time.

SENATOR HOAGLAND: Right, right.

SENATOR NICHOL: Senator Fenger, did you wish to speak to the Hefner amendment?

SENATOR FENGER: If you please. I have a question or two of Senator Hoagland, please.

SENATOR NICHOL: Senator Hoagland, will you respond, please?

SENATOR FENGER: Senator Hoagland, under your suggestion would failure to perform an inspection be a violation?

SENATOR HOAGLAND: Senator Fenger, I can't answer that. In other words, refusal to inspect a car that came in?

SENATOR FENGER: From a customer's standpoint it could be considered refusal. From an operator's standpoint it could also be the fact that we have not been supplied material from the state in order to carry out a function.

SENATOR HOAGLAND: Senator Fenger, I am not familiar enough with the underlying statute to know whether that is a criminal offense right now. I would assume that it is not. I would assume that under the current statute a filling station operator can decline to conduct an inspection if he chooses. I don't know for sure but I assume that is...

SENATOR FENGER: Now then if an operator and licensed inspector undertook to make an inspection, found a defective vehicle, did not have the supplies to issue a defect slip, would that be considered a violation under this? Because you would still have an unhappy customer. You agreed to do something, a small businessman agrees to do something and he can't perform and it is not his fault and yet it is a violation.

SENATOR HOAGLAND: I am not familiar enough with the underlying statute, Senator Fenger, to be able to answer that.

SENATOR FENGER: Thank you.

SENATOR NICHOL: Is there anyone else who wishes to speak to the Hefner amendment? Senator Vickers.

SENATOR VICKERS: Yes, Mr. Chairman, I think again, as I said earlier, I think this is rather humorous also, this amendment to the amendment. If we really want to make this program work, then how are we going to make it work, a program that I don't think is capable of working? For twelve years it hasn't worked but in order to make it work

Senator Hefner says you just slap the people on the wrist a little bit that are not making it work. I would suggest that perhaps Senator Hefner might have a little personal interest in this and I can certainly understand that but it seems to me, and I want to point out one thing to Senator Hefner. Did you realize that a Class IV is the only one that has a minimum in it? The judge has no discretion other than to fine him a minimum of \$100. A Class III or a Class II there is no minimum at all.

SENATOR NICHOL: Were you asking a question of Senator Hefner?

SENATOR VICKERS: No, I am not, Mr. Chairman, but it just seems to me that if we are going...if the intention is to make this program work this is sure a good way to do it so I guess maybe what I am saying is that in the end I am going to support Senator Hefner on his motion, on his amendment. We will just kind of tap them on the wrist a little bit and it will make the public that much more incensed. I didn't do it a little bit ago but I would like to point out that Senator Beutler and Senator Wesely sent a letter around from a judge, one letter from one judge saying the program is good. I could wave a whole sheaf of letters and a list of like three or four hundred signatures on a petition of people saying it is no good so I guess the decision is, do we want to listen to the public or the bureaucrats and the judges? It is that simple.

SENATOR NICHOL: Was there anyone else that wished to speak to the amendment by Senator Hefner? Senator Hefner, did you wish to close on your amendment to the amendment?

SENATOR HEFNER: Mr. Chairman, I would like to offer a substitute amendment to this amendment. I ask unanimous consent to withdraw the first amendment and this amendment says that it would be a Class IV misdemeanor on the first violation and a Class III on the second violation.

SENATOR NICHOL: Senator Hefner, you are wishing to withdraw your first amendment to the amendment?

SENATOR HEFNER: Yes.

SENATOR NICHOL: Is there any objection to that? If not, so ordered. Now we can go to your second amendment.

SENATOR HEFNER: Okay, what this amendment would do is on the first violation it would be a Class IV misdemeanor charge and the reason I am doing this because this would strike the prison charge. Then if he violates it a second time, why then the judge could sentence him to the Class III misdemeanor

charge. I think that Senator Hoagland favors this and after thinking it over, why I do too. I think if they continue to abuse the law, well then they should be willing to pay the penalty. I urge you to support this amendment.

SENATOR NICHOL: Are there any who wish to speak to Senator Hefner's present amendment to the amendment? If not, the question is, shall Senator Hefner's amendment to the amendment be adopted. Since we are on Select File this will take 25 votes. All those in favor signify by voting aye, opposed nay.

CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Have you all voted? Record.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator Hefner's amendment.

SENATOR NICHOL: Senator Hefner's amendment to the amendment is adopted. Okay, Mr. Clerk.

CLERK: Mr. President, Senator Goll now moves to amend the Beutler-Wesely amendments. "Page 1, line 19, reinstate the stricken language." That is offered by Senator Goll.

SENATOR NICHOL: Senator Goll.

SENATOR GOLL: Mr. Speaker, members of the Legislature, I see no reason whatsoever to water down this inspection law by eliminating lights and glass. Being familiar with the law for eleven years, having worked with it, I consider lights as one of the most important parts of a vehicle inspection and to eliminate lights and glass, what if a car comes in with a broken door glass or no door glass or a jagged door glass? So, I believe that by all means the inspection of the lights and the lighting system as well as all of the glass which enable a driver to visibly see the road should be left as a very important part of the motor vehicle inspection procedure. Thank you.

SENATOR NICHOL: Are there any others who wish to speak to the Goll amendment? Senator Kahle.

SENATOR KAHLE: Mr. President, members, I certainly agree with what Senator Goll just said. In fact, I said a bit ago I think the lights and glass inspection is the most important part outside of brakes perhaps of this auto inspection and if you aren't going to have that, you certainly aren't going to have much left in this inspection bill and the focusing of the headlights I think is one of the most important functions of the inspection. Once in a while we meet a car on the road and you can't tell if they are on dims or brights and when he puts them on dims, why you can't

tell either. One light is up and one is down so I am very much concerned about this part of the bill and of course if we take out the lights and glass in this thing, you don't have anything left. Thank you.

SENATOR NICHOL: Senator Beutler, did you wish to speak to the amendment by Senator Goll?

SENATOR BEUTLER: Yes, sir. Again I think that Senator Wesely and I are certainly willing to go along with the body with respect to what they want and with regard to what should be inspected. Let's try to put things in political perspective, however. Don't forget, Senator Wesely and I at this particular point in time came up with these amendments, not because we thought they were right and just and absolutely necessary at this point in time. We came up with the amendments because we don't want to see the motor vehicle inspection law wiped out entirely at this point in time and the people today who have been proposing these amendments and who want these things back in are also people who share that view and who voted last time not to repeal the law. But keep in mind we are trying to appeal to some of the people who voted in favor of doing away with that law, trying to convince them that there are some modifications that would be helpful and should be given a chance. Now with regard to lights and glass specifically, let me say that it does not wipe out the total inspection law by any means. We are talking about brakes. We are talking about steering systems. We are talking about a lot of other things that are involved. So it is a part but it is certainly not the whole part of what is being inspected. Secondly, part of the rationale for dropping lights and glass is that the State Patrol will still have a function with regard to those who can still meaningfully regulate those two items whereas some of the other things that are inspected are not apparent to the state patrolman as he drives down the street. As he drives down the street and sees you coming and don't forget, he has the power to ticket defective vehicles and it doesn't make any difference how it is defective. If it is defective it is defective. And when he is driving down the street and he sees you, he does not see if your brakes are working and he does not see if your steering wheel is working. There are a lot of things that are not visible to him but if your front light is out or askew or if the glass is shattered on your front window he can see that and he can still pull you over and we would still have some regulation in that area. So I just wanted you to know that there is some rationale in part for picking out those two items and dropping them and most of all, I ask you to give some

thought to the political considerations. Do you want to risk having the law repealed all together and there is some risk that that will happen if these amendments in one form or another are not adopted? So keep that in mind please when you are considering this.

SENATOR NICHOL: Senator Lamb, did you wish to speak to this amendment?

SENATOR LAMB: Yes, please. I really wanted to speak to the bill but there have been so many of these little amendments here and I see my friend Senator Maresh is writing out another one so unless I speak to the amendment I am never going to get to speak to the bill. But what I would like to say is that I don't think any of these amendments are all that important. I think we should decide it up or down and forget about all these amendments because the Beutler-Wesely amendment is merely a tactic here because they do not want to get rid of the inspection law and so any of these other amendments to the amendments are not very consequential and I would suggest that we just get to the heart of the matter, not spend so much time on it, vote the Wesely-Beutler amendment up or down, go ahead, either pass the bill or not pass the bill and forget about all these amendments.

SENATOR NICHOL: Does anyone else wish to speak to the Hefner amendment? Senator Hefner, did you wish to close?

SENATOR HEFNER: Mr. President, I think you are a little mixed up. This is the Goll amendment and I....

SENATOR NICHOL: Did you wish to speak to the Goll amendment?

SENATOR HEFNER: Absolutely. I think it is a good amendment. I think that we need to keep the glass and the light inspection in there. Like somebody said before, I am associated with several state inspection stations and I feel that glass inspection is very important. We have had a lot of them come in with a cracked windshield of where a rock has hit a windshield and I think it is necessary that these inspectors tell the owner that these have to be replaced and as to the lights, a lot of headlights are out of focus and so we need to take care of that. Also it is very important to have taillights on a car and so I think the Goll amendment is a good amendment and I urge the adoption of this amendment.

SENATOR NICHOL: Senator Goll, did you wish to close on your amendment?

SENATOR GOILL: Thank you, Mr. Speaker, for just a moment I would like to say that I don't know if the Beutler-Wesely amendment is going to pass or if it is not going to pass but if it passes, I think it is very important, very, very important that the lights and the glass are one of the necessary check points in doing a motor vehicle inspection. Therefore, that is my closing, Mr. Speaker, and thank you.

SENATOR NICHOL: The question is, shall the Goll amendment to the amendments be adopted. All those in favor vote aye, opposed nay. Have you all voted? Record.

CLERK: 25 ayes, 6 nays, Mr. President.

SENATOR NICHOL: The Goll amendment is adopted. Senator Von Minden has a group of high school students from Newcastle High in Newcastle, Nebraska, in the North balcony and Mr. Tom Judkins is the principal. Would you stand so we may recognize you, please. Thank you for attending the Legislature. Mr. Clerk, you have something else.

CLERK: Mr. President, Senator Maresh now moves to amend the Wesely-Beutler amendment. (Read Maresh amendment as found on page 1485 of the Legislative Journal.)

SENATOR NICHOL: Senator Maresh.

SENATOR MARESH: Mr. Chairman, members of the Legislature, I am concerned about these people that operate the inspection stations having to go to Lincoln or Grand Island or some place like that to get their training. So what this will do, it will be on the job training. The trainer will go to the garage and go through the inspection with the operator and to make sure that it is done properly and that way they won't have the expense of coming to a central place for getting their training, so I move that this amendment be adopted.

SENATOR NICHOL: Are there any who wish to speak on the Maresh amendment to the amendments? If not, the question is, shall the Maresh amendment...excuse me, Senator Marsh.

SENATOR MARSH: Thank you very much, Mr. President. I think we are really starting to pick this apart now. It may be much more economical for them to have a general spot to train two, four or six at a time rather than sending one inspector around to all the various spots. Let's leave this decision out of law. Let's let this kind of decision be made by our very excellent Department of Motor Vehicles.



SENATOR NICHOL: Are there any others who wish to speak to the Maresh amendment? Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, I think I am going to support the Maresh amendment. I think that is a good idea and I think probably for the same reasons that Senator Marsh is opposing it, but because of the fact that I do not live in Lincoln and it is two hundred miles out there I think it is a good idea to have the Department go out and stop at the inspection stations to have the blind lead the blind. So, I would urge the body's adoption of the Maresh amendment. I appreciate your concern in looking out after rural Nebraska, Senator Maresh, and I understand the concern of Senator Marsh and the others from the Lincoln area in upholding their excellent Motor Vehicle Department.

SENATOR NICHOL: Are there any others who wish to speak to the present amendment of Senator Maresh's? Senator Peterson, Senator Howard Peterson.

SENATOR H. PETERSON: A question of Senator Maresh. Wouldn't it be possible that this assignment could be given to the Vocational Technical Schools so that this type of training could be done across the whole state without worrying about them coming...?

SENATOR NICHOL: Excuse me, were you asking that of Senator Maresh or Senator Marsh?

SENATOR H. PETERSON: Maresh.

SENATOR NICHOL: Maresh, okay, Senator Maresh, will you respond.

SENATOR MARESH: Thank you. Senator Peterson, I have thought about this before I wrote the amendment but can you think of a better training than actually on the car that has the defects, the run of the mill vehicle, and to go through the inspection with him to watch him, what he does and correct him if he misses something and I think we would have to look for vehicles that have defects for these schools and I think by doing it at the garage you would have the vehicle there that has the defects and the trainer could observe his way of doing the inspection and I think he could either accept his training or reject it.

SENATOR H. PETERSON: I guess, Mr. Maresh, the only thing I would think is that it is possible that at the time the trainer came there, there might not be a car there and so it seems to me that it would be possible that we might go the other route and accomplish the same thing that you are concerned about.

SENATOR NICHOL: As far as I know there are no others who wish...Senator Goll, did you wish to speak to this amendment?

SENATOR GOLL: I realize, Mr. Speaker, that the hour is getting late but I would just like to say in regard to this motor vehicle inspection training session that they are doing this now out in the country. We conduct these schools in my own store wherein we bring from the surrounding communities various inspection personnel for updates for training and quite frankly, I don't see the need to have this in here at all because it is now being done. It has been done and it is being done very efficiently, economically and the training sessions are good and the personnel who are being trained or are being updated work on an actual vehicle. In fact, they may work on three or four. So, quite truthfully, I see no need for this at all unless it has to be in there, but it is being done now out in the field.

SENATOR NICHOL: Senator Maresh, did you wish to close please? Senator Maresh, did you wish to close?

SENATOR MARESH: Yes, Mr. President. I was consulted by the sponsor of the amendment, Senator Wesely, and I would like to amend the amendment by adding "preferably" and that way it would not be mandatory, that they could if they wished to do this at the place of business. So, why don't we just add "preferably" before the amendment. Senator Wesely thought this could be done by rules and regs. Then they could carry out our intent in the rules and regs by saying preferably.

SENATOR NICHOL: Since we are on an amendment to the amendment, is there any objection to amending or to putting "preferably" into Senator Maresh's amendment? If not, it is so ordered. Senator Wesely.

SENATOR WESELY: I would just like to say, Mr. President, members of the Legislature, that I think Senator Maresh has made a good point I think. By putting preferably we are saying we would like the Department if they could to go out and do it at this person's home and their business instead of making them come to Lincoln but if that is impossible and if it is even better for them to come here then we can work that out too. But I think the rules and regs that we talked about before the Department is going to be reviewing and working with the Public Works Committee and can make sure what is intended with the Maresh amendment is carried out properly so I am sure willing to work with him to make sure we accomplish what is attempted here.

SENATOR NICHOL: Senator Maresh, was that your closing? All right. The question is, shall the Maresh amendment

to the amendments be adopted. All those in favor vote aye, opposed nay. Have you all voted? There are five excused. Have you all voted? Senator Maresh, what do you want to do?

SENATOR MARESH: There is a lot of people not voting, Mr. President.

ASSISTANT CLERK: Senator Nichol voting aye.

SENATOR NICHOL: Record.

ASSISTANT CLERK: 26 ayes, 6 nays on the Maresh amendment.

SENATOR NICHOL: The Maresh amendment is adopted. I am going to recognize Senator Hoagland for a minute but we do have another amendment on the desk and we will take that up after you have spoken, Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, I have three things I want to say about the Wesely-Beutler amendments but let me suggest first of all that we refrain from attempting to amend this any more. Why don't we first have a vote on the Beutler-Wesely amendments to see if there is support for them. You know we have burned up almost forty minutes now adopting or debating relatively insignificant, no offense to the sponsors of those amendments, but relatively insignificant changes to this complicated amendment Senators Beutler and Wesely are proposing and if there are not the votes to adopt the Beutler-Wesely amendment, I suggest we are really wasting a lot of time. Now I have an amendment I would like to offer myself and I would like to talk about it. I haven't been recognized for purposes of talking about that now so I won't, but I would just suggest that we take a vote now on the whole Beutler-Wesely concept and if the bill is amended to include that why then we continue to put it in what we view to be better condition than it is now. Thank you, Mr. President.

SENATOR NICHOL: Mr. Clerk, do you have something on the desk?

CLERK: Mr. President, Senator Vard Johnson moves to amend the Beutler-Wesely amendment.

SENATOR NICHOL: Senator Vard Johnson.

SENATOR V. JOHNSON: Notwithstanding the plea of my colleague, Senator Hoagland, I am going to run my amendment and we will have, if we want to, we can have a very short discussion of the amendment. It is a simple amendment. What it does, I took a few minutes to write it up but what it does, Senator

Beutler and Senator Wesely and fellow members, is that it eliminates the two year exception from inspection for purchases of vehicles from dealers, etc. If you look on page 1 of the Beutler-Wesely amendment you will see simply that the law would require that every automobile would be inspected once each year but then when you look at their language it says, "beginning two years after the date the automobile was first acquired by a consumer from its manufacturer or importer, dealer or agent of the manufacturer or importer." Okay? My amendment eliminates that language and then of course eliminates all the certificate of sale provisions that are in there because once you take that feature out then you no longer need the certificate of sale provisions. Now if you want a bill that is an honest bill that keeps an inspection program in the State of Nebraska, then you take that out. I went back to Senator Beutler and I said, Senator Beutler, as I read the language I am almost inclined to believe from my reading of the language that this would exempt for two years to many inspection requirements the purchase of a used car from a car dealer because if I am the consumer and I go to a used car dealer and I buy a used car that is ten years old, I am still, when I buy that car, I start from the day it was first acquired by me from its dealer and I think that I don't have to have that car inspected for two years. I happened to buy a Chevette about a year ago and it was nine months old. I bought it from a dealer. It had 3,500 miles on it and one of the taillights was out so I got that taken care of, but that would not have been picked up under any inspection program had the Wesely-Beutler amendment been in place because I wouldn't have had to have the car inspected. And I just say simply that even though a car is totally new, it comes from the factory totally new, it at least ought to be inspected to see if it meets the Nebraska safety standards. Obviously it is very likely to meet the Nebraska safety standards. On the other hand there could be a burned out taillight bulb. On the other hand there could be some problems with the car and inasmuch as everybody else in the state is going to have to pay the piper, I see no reason why those who purchase automobiles from car dealers can go two years without any kind of an inspection and if we are going to have an inspection program that cuts across the board, that affects everybody and surely we ought not provide this generous exception for the purchase of an automobile from a car dealer for two years and all my amendment does is to remove that one feature from the Beutler-Wesely amendment and I would move it at this time.

SENATOR NICHOL: Senator Beutler, why do you arise?

SENATOR BEUTLER: I thought you probably wanted to know which of us wanted to speak to the Johnson amendment.

SENATOR NICHOL: I would ask the question, which of you wish to speak on the amendment of, Senator Vard Johnson's amendment? Senator Beutler, you are the only one.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, contrary to the other amendments that have been proposed so far, I absolutely oppose this one because it cuts out probably the most important provision of the amendment. Now I appreciate Senator Johnson's purity of motive and after voting in favor of repeal of the entire law, now he is concerned that too many people may be exempted from the law. I would have thought he would stand up and cheer wildly on this but apparently...maybe he has changed his mind about the whole bill. Have you changed your mind, Vard? With regard to the point that he makes as far as exempting used vehicles, vehicles that are sold by a used car dealer to a consumer. It is not our intent to exempt from the law those transactions. The only intent of the amendment, the only intent, is to exempt sales by new car dealers, new car dealers, exempt sales of new cars from the inspection requirement. To the extent that that intent is not clear in the language of the amendment, Senator Wesely and myself will certainly make it clear next time around but I did want to be clear with everybody on the floor as to exactly what the intent of the amendment is and exactly what we are doing. I also, at this particular point in time, wanted to address myself to one other question that was alluded to by Senator Vickers. We are in no way intending in this amendment to change the law at all with regard to implements of husbandry, with regard to trailers or tractors or any such items. It is our intent that the law with regard to exempting those items from the inspection would continue just as it has always been. So, any of you who might have been concerned about that, please don't be. We are not changing the law on that item but I would very much encourage you not to vote in favor of the Johnson amendment because I feel that the two year exemption for new cars is probably the most important aspect of the amendment. Thank you.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Vard Johnson, do you want to close?

SENATOR V. JOHNSON: Yes, Mr. Speaker, I am going to close so we can have a quick vote on this amendment and then on the Beutler-Wesely amendments. Senator Beutler, I will vote for your amendments and I will vote for the bill if we get my amendment in. I have absolutely supported LB 35 all the way because in my personal experience the existing inspection law is riddled with exceptions. It is not

enforced uniformly and it is a very lacklustre program that to a large extent, to a large extent, has certainly not aided highway safety and, in fact, has cost Nebraska motorists lots of dollars in needless repairs due to over inspection and also cost Nebraskans dollars in not having vehicles that were carefully and thoroughly inspected. But what my amendment attempts to do is it says, if we are going to have an inspection law then let's have an inspection law which really does operate across the board and that means inspect the new cars, inspect the cars every year, and just because a car is one year old and is owned by its first consumer so to speak, does not mean it should be exempted from inspection. It should be inspected annually just as every other car is but the reason that the Renne Edmunds' of life and he was the person who challenged the constitutionality of the Nebraska safety sticker program, was successful in challenging that program is because this Legislature from 1969 on had begun to provide exemption after exemption after exemption from safety sticker requirements and most of those exemptions involved new car dealers and the court said, look, Legislature, you have exempted so much that what you now have is simple class legislation that it's unconstitutional so I am saying, Senator Beutler and Senator Wesely, let's have an inspection program that is an across the board inspection program and if we do, it is more likely to be constitutional but more importantly, it is likely to be fair and equitable to the motorists in the State of Nebraska and it is for that reason that I would ask this body to adopt my amendment which in effect, removes the exemption of a purchase of an automobile from a car dealer for the first two years after the purchase.

SPEAKER MARVEL: Senator Johnson, you were closing on your amendment so the motion now is the adoption...Senator Johnson, the motion now is the adoption of your amendment. All those in favor of the Johnson amendment vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Johnson, do you have anything you would like to say?

SENATOR V. JOHNSON: I am thinking. I am thinking. It takes me a while to...yes, Mr. Speaker, how many are excused?

SPEAKER MARVEL: There are six excused.

SENATOR V. JOHNSON: Six excused.

SPEAKER MARVEL: Yes.

SENATOR V. JOHNSON: You know the odds are fairly long, aren't they? I suggest that we record the vote.

SPEAKER MARVEL: Record the vote.

CLERK: 9 ayes, 18 nays on adoption of Senator Johnson's amendment.

SPEAKER MARVEL: Okay, the motion lost. Now, what is the next item?

CLERK: Mr. President, Senator Koch moves to amend the Beutler-Wesely amendment. (Read Koch amendment as found on page 1486 of the Legislative Journal.)

SPEAKER MARVEL: Now this is an amendment to the Beutler-Wesely amendment. Okay, the Chair recognizes Senator Koch.

SENATOR KOCH: Mr. Speaker, we have spent a lot of hours on this issue of safety. We are trying to establish responsibility whether it is the inspectors of the State of Nebraska or the stations who have the license and those stations we have a penalty in here for those who do not do it properly. I think it is high time we get down to the owner of the vehicle, making them understand that we are serious about the fact that we believe in motor vehicle safety and inspections. So what this amendment states very succinctly is that unless you have a safety sticker which complies to the law, immediately your insurance program can be cancelled and will not be renewed until you have met the intent of the law. That is what the amendment does. That brings the responsibility down to the owners and after all, the owner should be the one most responsible for the intent of the law and I ask for the adoption of this amendment. One other thing, we are sitting here this morning and we are performing major surgery or are trying to on the floor and I commend Senator Beutler and Senator Wesely because I am not for the repeal of LB 35 under any conditions but what I am trying to say with this amendment in addition is, that most properly the Public Works Committee should seriously study the safety vehicle inspection bill and try to come back here next session with a law that would be indeed, applicable to all of us and would indeed try to bring some order of safety to the general public. I can't believe we are going to allow a vehicle to go by the first two years without an inspection. All you have to do is pick up the newspapers and I am not casting blame, when you see that the major car dealers almost annually are recalling cars for purposes of doing something different to that car because of defects that are apparent when they are placed to the dealer. Not too long ago a car which I own in our family or we own jointly, got a notice from Chrysler to bring that car in because there

was a possibility it had a defect in it so we proceeded to take the car to the dealer where we purchased the car, found out that that vehicle was free of that defect but the point was that they had recalled and put out notice to all of the owners, you should take that car in and have it examined and that car was less than two years old. I am saying that if we are going to do this kind of amending on the floor it is not in the best interest of the people of the State of Nebraska. I ask for the adoption of my amendment. If we are going to perform surgery, let's do it right and bring it down to the owner and say you are going to have a safety inspection or your insurance policy is not renewable until you have met the intent of the law.

SPEAKER MARVEL: The motion is the adoption of the Koch amendment to the Beutler-Wesely amendment. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would in this case, reluctantly oppose the amendment. I think that Senator Koch is correct, that there is a need on this bill or some in-depth study of some alternatives. I think that quite possibly what he is proposing should be studied in depth but I can tell you right now as far as adopting that amendment is concerned, it is a high risk proposition. You are dealing with insurance and insurance contracts. The implications of this are very difficult to see immediately and right on the surface whether you are a lawyer or whether you are not a lawyer but I can assure you it does have a lot of implications. It is not the kind of thing that can be adopted without some lengthy study and some public hearing. So, I guess I am saying, thank you, Senator Koch, for pointing that there is another alternative that can be studied that is worthwhile that should be explored but, no, thank you for the immediate amendment. I would urge you to vote against it.

SPEAKER MARVEL: Senator Hoagland, do you wish to speak to the Beutler-Wesely amendment?

SENATOR HOAGLAND: I would like to speak to the Beutler-Wesely amendments but not to the Koch amendment, Mr. Speaker. Are we considering the Koch amendment right now?

SPEAKER MARVEL: We are on the Koch amendment to the Beutler-Wesely amendment.

SENATOR HOAGLAND: Yes, I want to speak on the Beutler-Wesely amendments. Thank you.



April 15, 1981

LB 35

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: I would call the question on the Koch amendment.

SPEAKER MARVEL: Do I see five hands? Okay, shall debate cease is the issue. All those in favor vote aye, opposed vote no, ceasing debate on the Koch amendment. Have you all voted? Record the vote.

CLERK: 28 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate is ceased. Senator Koch, do you wish to close on your amendment?

SENATOR KOCH: Mr. Speaker, members of the body, this amendment went into the portion of the Beutler-Wesely bill which talks about prerequisites and I see no danger of this although Senator Beutler inferred that it might have some questionable dangers about it in terms of impairment of contracts and things of this nature, but I don't believe that it is because it appeared as a prerequisite. It states that you have got to have a safety sticker and if you don't, your insurance program is going to be denied. We all know, we own a car, we've got to take them in on a certain date and we've got to get them inspected and it is easy for the citizens to castigate the system when they themselves oftentimes are a major part of the problem because they ignore it and they don't take it in good faith. If we were really conscientious citizens we would all want our cars in the best conditions possible in terms of safety, in terms of being civilized, in terms of not wanting to intentionally damage another human being. That is what safety inspections are all about, to try to minimize the effects of a motor vehicle in terms of what might happen and the consequences that may come forth if we continue to operate a motor vehicle which is unsafe. We really shouldn't have to have a law at all if we are concerned about the rights of others. I ask for the adoption of this amendment.

SPEAKER MARVEL: The motion is the adoption of the Koch amendment to the Beutler-Wesely amendment. All those in favor of the Koch amendment vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Koch.

SENATOR KOCH: Mr. Speaker, how many are excused?

SPEAKER MARVEL: Six, seven.

SENATOR KOCH: Then I will let the record stand.

April 15, 1981

LB 3, 40, 249, 366  
LB 35, 379, 381, 392, 479

SPEAKER MARVEL: Record the vote.

CLERK: 14 ayes, 18 nays, Mr. President.

SPEAKER MARVEL: Motion lost. There is still a lot of discussion. Senator Beutler, for what purpose do you arise?

SENATOR BEUTLER: Mr. Speaker, I move to recess until 1:30 p.m. today.

SPEAKER MARVEL: Can we hold that just briefly while we advance LB 249 which is below? Senator Kilgarin, are you there? The E & R amendments to LB 249.

SENATOR KILGARIN: I move the E & R amendments to LB 249.

SPEAKER MARVEL: All in favor of that motion say aye. opposed no. Excuse me?

SENATOR KOCH: Record vote.

SPEAKER MARVEL: On 249? Okay, a record vote has been requested. On the motion to advance, Senator Koch? Okay. All those in favor of the... Okay, the motion now is to advance the bill. We have already advanced the E & R amendments and this or a machine vote has been requested. So, we are voting on the advancement of LB 249. All in favor of that motion vote aye, opposed vote no. The motion is the advancement of the bill. Have you all voted? Have you all voted? Record the vote.

CLERK: Mr. President, Senator Landis requests a record vote. (Read record vote as found on pages 1486-1487 of the Legislative Journal.) 25 ayes, 10 nays, Mr. President.

SPEAKER MARVEL: I have a couple of announcements. First of all, we will return to the bill that is pending. If we don't adopt this procedure you simply lose all the momentum that has been created. So somebody asked the question, do we come back to LB 35 and the answer is yes. In case the chairmen have not received a notice, we will meet at 8:15 a.m. tomorrow in Room 2102 and by this afternoon we will discuss a little bit about appropriation bills so lest you think you are going to have a lot of rest, just come on back this afternoon. Okay.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 381 and recommend that same be placed on Select File; LB 3 Select File; 366 Select File, all (Signed) Senator Kilgarin.

Your Enrolling Clerk has presented LB 40, 379, 392 and 479 to the Governor.

April 15, 1981

LB 35

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Please record your presence. There are more than twenty-three people here. Would you like to record your presence? Record.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: The Chair recognizes Senator Warner for comments on the activities, especially for next week.

SENATOR WARNER: Mr. President, members of the Legislature, the Speaker indicated I might comment that he has proposed or will propose in the agenda when we come back that we take up the appropriations bills on Thursday and Friday afternoons, if it takes two days. And that I would also remind you that those of you who would like to or can come tonight, we will have one of our review sessions on the budget. Otherwise, since we will be taking them up under the Speaker's order on the afternoon we come back, if you have any questions that using the book that has been taken to your office, the blue book that summarizes the bills, you might want to contact the staff, fiscal office staff, for any information or more detail or amendments that you might want to have prepared to be offered when the bills are taken up Thursday afternoon. Thank you, Mr. President.

SPEAKER MARVEL: Senator Koch, was your light on?

SENATOR KOCH: Yes, Mr. Speaker, a question of Senator Warner, if he would yield. Senator Warner, are these briefings going to be in native tongue or in a foreign language?

SENATOR WARNER: Those things that are appropriate for you to understand will be spoken clearly.

SPEAKER MARVEL: (Mike off) Senator Koch. We have a sheet here which has the Beutler-Wesely amendment and that would be to LB 35 and there are one, two, three, four, five, six, seven, eight on the list. Senator Koch, do you want to speak to the Beutler-Wesely amendment?

SENATOR KOCH: Mr. Speaker, in the interest of time, I move the previous question.

SPEAKER MARVEL: The previous question has been called for. Do I see five hands? All those in favor...I do see five hands...all those in favor of ceasing debate vote aye, opposed no. Have you all voted? The question is ceasing debate. Shall debate cease? Have you all voted? We intend to continue

April 15, 1981

LB 35

the discussion on LB 35 so we don't have to rehash later on the issues that we have already spent time on. Have you all voted? Record.

CLERK: 26 ayes, 3 nays, Mr. President, to cease debate.

SPEAKER MARVEL: Debate is ceased. The Chair recognizes Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, just to refresh your memory, the vote you are about to take is on Senator Wesely and my amendment and the question is fairly simply. I don't think any long, tedious closing arguments are necessary. If you vote for the amendment, basically you are voting against the repeal of the motor vehicle inspection law and you are voting in favor of a modified form of the current law which we can see put into effect for a year and see if it works. Basically that is the question and I would like to turn over the rest of the closing time to Senator Wesely, if I may.

SPEAKER MARVEL: The Chair recognizes Senator Wesely.

SENATOR WESELY: Yes, Mr. Speaker, members of the Legislature, I urge your adoption of this amendment and it is an amendment which we have worked quite hard on in trying to come up with some ways to improve the system that we now have. I think you have before you a copy of the amendment, a summary of the amendment. We have made a couple of changes that I think were good. Senator Hefner changed the penalty section. Senator Kahle and Goll changed the glass and headlights section. Otherwise, the amendments are pretty well intact. I think that they deal with a number of concerns and your support for them is encouraged. I think the choice is really this one. We have a program which has functioned in the state now twelve years. We have identified problems as a result of this bill with that program. We are trying to address some problems with this amendment and then we can further refine that program over the interim and next year with further amendments to the statutes that govern this area, but as a good action to take at this time, I think we can improve the program, make it much more workable with these changes and I think deal with some of the concerns that many people have with the program. So your support is encouraged and let's go ahead to a vote. I think we ought to see if we can get this amendment. Mr. Speaker, I move the adoption of the amendment.

SPEAKER MARVEL: Senator Hefner. Okay, debate has ceased. All those in favor of the Beutler-Wesely amendment to LB 35 vote aye, opposed vote no. We are voting on the Beutler-

April 15, 1981

LP 35

Wesely amendment. Have you all voted? Senator Beutler. Do you want the vote recorded? Yes, record the vote.

CLERK: 11 ayes, 12 nays, Mr. President, on adoption of the Beutler-Wesely amendment.

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, I have nothing further on the bill.

SPEAKER MARVEL: Senator Kilgarin, do you want to move to advance the bill?

SENATOR KILGARIN: I move we advance LB 35 to E & R for engrossment.

SPEAKER MARVEL: A machine vote has been requested. All those in favor vote aye, opposed vote no. This is on the advancement of the bill. Have you all voted? Have you all voted? Senator Vickers, do you wish to be recognized?

SENATOR VICKERS: I think I am going to have to ask for a Call of the House, Mr. Speaker.

SPEAKER MARVEL: Shall the House go under Call? All those in favor of placing the House under Call vote aye, opposed vote no. Record the vote.

CLERK: 31 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators record your presence, unauthorized personnel please leave the floor. Senator Burrows, will you record your presence? Senator Warner, will you please record your presence? Senator Schmit, will you record your presence? Senator Fitzgerald, will you record your presence please? Senator Pirsch. Senator Goodrich needs to record his presence. Senator Vickers, do you want to take call in votes? What is your pleasure?

SENATOR VICKERS: Is everybody here, Mr. President, that is not excused?

SPEAKER MARVEL: Yes.

SENATOR VICKERS: Okay, I will take call in votes.

SPEAKER MARVEL: The Clerk is authorized to take call in votes.

CLERK: Senator Lamb, excuse me, Senator...Senator Lamb voting

April 15, 1981

LB 35, 318

yes. Senator Chambers voting yes. Senator Kahle changing from yes to no. Senator Wiitala voting yes. Senator Cullar voting yes. Senator Fitzgerald voting yes. Senator Goodrich voting yes.

SPEAKER MARVEL: Okay, record the vote.

CLERK: 26 ayes, 14 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The bill is advanced. Motion carried and the bill is advanced. What is the next item? Do you want the Call raised? The Call is raised. We are ready for item #6 which has to do with priority bills. The first one is LB 318.

CLERK: Mr. President, LB 318 was introduced by Senator Koch. (Read title.) The bill was first read on January 19, referred to the Education Committee for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President, by the Education Committee.

SPEAKER MARVEL: Senator Koch, do you want to explain the committee amendments?

SENATOR KOCH: Yes. Thank you, Mr. Speaker. The committee amendments are as follows: We struck sections 1 and 2 of the bill and those sections pertain to establishment of a formula for the purpose of arriving at a nonresident tuition fee. However, after the hearing on LB 319 and other considerations of Class I schools and others who oppose that section along with schools who took nonresident students, the committee voted to strike those two sections that relate to the formula. In addition to this, the committee amendments place into the original bill as we had by study a program for gifted children in the State of Nebraska and English as a proficient language. That is the committee amendments and I ask for the adoption of those amendments, and I will explain the rest of the bill.

SPEAKER MARVEL: The motion is on the adoption of the amendments as explained by Senator Koch in regard to 318. All in favor of...okay, first of all, we take up Senator Lamb's amendment and then we go back to Senator Koch's. Senator Lamb.

CLERK: Mr. President, Senator Lamb moves to amend the committee amendments. His amendment is found on page 1473 of the Journal. It reads as follows: (Read the Lamb

April 23, 1981

LB 35, 95, 132, 173, 266, 266A,  
360, 477, 506, 541, 545  
LR 57, 58, 59, 60

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The opening prayer will be given by Pastor Orin Graff, United Presbyterian Church, North Bend, Nebraska.

PASTOR GRAFF: Offered prayer.

SPEAKER MARVEL: Roll call. Would you please record your presence. Record.

CLERK: Quroum present Mr. President.

SPEAKER MARVEL: Do you have any items you want to . . . .

CLERK: Mr. President, a communication addressed to the Clerk regarding LB 173. Letter appears on page 1527 of the Legislative Journal.

Mr. President, your committee on Enrollment and Review respectfully reports they they have carefully examined LB 95 and recommend the same be placed on Select File with amendments, 541 Select File, 360 Select File with amendments, 506 Select File with amendments, 266 Select File with amendments, 266A Select File, 545 Select File with amendments, all signed Senator Kilgarin, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined engrossed Legislative Bill 35 and find the same correctly engrossed, 249 correctly engrossed, 477 correctly engrossed and LB 132 correctly re-engrossed. (Signed) Senator Kilgarin, Chair.

Mr. President, a new resolution LR 60 by Senators Koch and Wagner. Read LR 60. That will be laid over.

Mr. President, finally LR 57, 58 and 59 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LR 57, LR 58, and LR 59.

We have some guests visiting us today and before we get started on other business, from Sidney, Australia underneath the north balcony visiting the Legislature today, Mr. Mon Khamis, will you please stand so that we can recognize you.

April 28, 1981

LR 65  
LB 11A, 35, 241, 248,  
296A, 298, 328A, 394, 470,  
478, 486.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Harold M. Onwiler, United Methodist Church, Lincoln, Nebraska. Aldersgate United Methodist Church.

PASTOR HAROLD M. ONWILDER: Prayer offered.

CLERK: Mr. President, Senators Newell and Koch would like to be excused until they arrive. Senator Wiitala as well.

SPEAKER MARVEL: Record your presence. Have you all recorded your presence? Okay, record.

CLERK: There is a quorum present, Mr. President.

SPEAKER MARVEL: Do you have some items in item #3?

CLERK: Yes, Mr. President, if I may, your committee on Enrollment and Review respectfully reports that we have carefully examined and reviewed LB 11A and recommend that same be placed on Select File; 296A, Select File; 328A, Select File; 394, Select File with amendments; 248, Select File and 470, Select File. All signed by Senator Kilgarin as Chair. (See pages 1599 and 1600 of the Legislative Journal.)

Mr. President, new resolution, LR 65, offered by Senator Wesely. (Commenced reading LR 65.) Oh, well then we will hold off on that, Mr. President.

Mr. President, LBs 241, 298, 478 and 486 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign engrossed LB 241, 298, 478, 486. Do you have any other items under #3?

CLERK: Mr. President, Senator.....I have nothing further, Mr. President.

SPEAKER MARVEL: We are ready to go on Final Reading. Will all legislators please return to your seats. Will you please return to your seats so we can begin reading about three bills on Final Reading? Okay, the first bill on Final Reading is LB 35.

CLERK: Mr. President, I have a motion on the desk.

SPEAKER MARVEL: Read the motion.



CLERK: Mr. President, Senators DeCamp and Wesely move to return LB 35 to Select File for a specific amendment. The amendment is found on page 1597 of the Legislative Journal.

SPEAKER MARVEL: Senator DeCamp, do you wish to discuss the bill first? The motion is to return, okay.

SENATOR DeCAMP: Mr. President and members of the Legislature, let me give you a brief history of the bill. I was one of those that voted and gave it the critical vote to get it out of committee and I voted with it on the floor. If you will read the particular amendment, it addresses one of the major concerns that was had in the Public Works Committee. The Public Works Committee first sent the bill out...this was the vehicle inspection repeal, with a specific amendment that did set up what the committee unanimously felt at one time was a better inspection system that dealt with, for example, used cars, so on and so forth. Because we felt that that amendment needed additional work, we brought the bill back into the committee. We then tried working on that and came up with another amendment, a slimmed down one. And then the mood was to have an interim study and come up with some system that would make auto inspection work better. When we were not able to get things done and we were running out of time, five members agreed to at least put the bill on the floor for discussion this year, kind of, I think, on the theory that we would look at it a little bit before we absolutely repealed the program. With that understanding and that background, let me tell you what the amendment does. It does not change the bill in the program. It absolutely repeals the program, vehicle inspection, but it does it on July 1, 1982 instead of January 1, 1982. And so your immediate reaction is, yes, what, you know, if we are going to repeal it, we are going to repeal it, what's six months? The amendment has a second portion. It says, we will have an interim study and the Governor is going to provide information and at least we will have a chance in January if there is some determination that you want to maintain any form of program, or do anything, you would have a chance to give a second look and maybe come up with an alternate program. Otherwise, you would have to pass a special bill. Otherwise, July 1, 1982, just as Senator Vickers wants, vehicle inspection is repealed. If you will read the amendment, as I say, and it is in the Journal. It is very simple. It just says, July 1, 1982 rather than January, and it says, the Legislature shall appoint a committee to fully examine the present motor vehicle safety inspection program and determine its effectiveness, administration costs and

contribution to highway safety. Such examination shall include a review of information provided by the Governor and the Department of Motor Vehicles and shall be completed prior to January 1, 1982. I have been asked to state that the Governor does fully support this amendment, wants it. Let that influence you one way or the other or not at all. Apparently...yes, I know some way, well, now I know I will vote against the amendment. Yes. This does give the Governor's office the opportunity and the obligation, which they are ready to accept, to provide whatever information is necessary and at least to have the chance if they do want to come up with an alternate program to try to introduce a bill next year before the whole thing is repealed. I feel certain if you did put this amendment on, you would have all the votes necessary and you may anyway, to put your E clause on like you have got on the bill, put your emergency clause on and I am sure you would be guaranteed the Governor's signature, since this is what he is specifically requesting. Now what will happen in the alternative I know the Governor is not going to lobby against the bill as such. He told Senator Vickers that. He told me that. I know he also is not promising to veto or not veto, at least not publicly one way or the other. It does make sense to me that this is a reasonable approach before you completely throw out the program to at least give a committee a chance to really look at it in detail since they did want to get more information and that was the inclination of the committee originally. For that reason I would suggest you just read the amendment. I think it is a reasonable amendment. I tried to get Tom to go along with it. He felt he would rather just go with the bill and repeal the program completely and bypass all this. I guess I think this is kind of reasonable and if you do too, I would urge you support the amendment. That's about it.

SPEAKER MARVEL: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, I rise to oppose the DeCamp amendment. As Senator DeCamp indicated, he did come to me with this the other day and offered to allow me to work with him on the amendment. He also indicated that the Governor has approved of this amendment. Well, I think for obvious reasons the Governor feels rather uncomfortable with LB 35. And I think probably it is to be understood, easily for me to understand, at least, that the Governor would feel uncomfortable with doing away with part of the program that operates under him. Some of the people in the Motor Vehicles Department obviously would be out of a job. As far as the study is concerned, I think that has been discussed to quite some length in both General

File and Select File on LB 35, that statistics have been gathered nationwide, numerous studies have been made, and you have got a packet on your desk this morning outlining some of those studies from not only the State of Nebraska but, as far as statistics from the state, but also from the federal level. This is one area that has been studied for the last twelve years and I can't believe that one more interim study is going to do anything except cost taxpayer dollars to bring in state senators from across the state to conduct the study. I can't believe that the people of this state have not got their mind made up as far as this issue is concerned. I have received numerous letters, by far the majority, over 99 percent of them, in favor of repealing the program. It also seems to me that if the Governor really is serious about vetoing this bill, then I think that is his prerogative and he obviously will do so when the bill gets to him. But to attempt to veto it in this manner or attempt to do away with it in this manner, I strongly object to. Senator DeCamp indicated that it would be repealed in July 1st of 1982 but I don't think that is the intention. If that was the intention, then the language that is inserted in section 2 of the DeCamp amendment wouldn't read as it does. I think it is simple and it is clear and it is straightforward to repeal the program today. One of the arguments that I have heard is that the accident rate is going up in this state. Last year and this year the fatalities are more and more. That's true. But how you can say that it would be worse without a program, I don't quite understand because we have a program right now, yet the accident rate is getting higher. I will suggest to you the accident rate is due to speed and alcohol and if this Legislature wants to deal with the accident problem in the State of Nebraska and traffic fatalities, that is where we had better start. As we discussed earlier on General File, the vehicle inspection program does not affect the accident rate hardly at all anywhere in the United States, any statistics you want to look at. So I strongly oppose the DeCamp amendment.

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Mr. Speaker and members of the Legislature, I co-signed the amendment that is before you now...Senator DeCamp. And I guess that I was very pleased that John came up with this idea because I think it addresses the real key fundamental concern that a lot of people have and that is that it's a program that has been identified by a number of people across the state that has problems. Senator Vickers I think has served the state well in identifying the very critical problems we have with this program, but I

think at the same time the reaction I have gotten in my District and elsewhere when I have spoken to groups is that, boy, there's a lot of problems with that program but you know there is some good that it serves as well. And I think the focus of attention ought to be on identifying specifically the problems that we have, looking at specific solutions to those problems and trying to come to some sort of resolution as to those problems that now exist. But I think what Senator Vickers says is, no, we've got problems, let's just get rid of the program, and I think that that is a step going too far at this point. So I think what Senator DeCamp has come up with is a compromise proposal that really does do what we want to do and that is place the onus on the supporters of the program to come up with a solution that improves it. That is to say, that if you can't come up with a program that is going to improve what we have, make it work properly, then the program is out, then it's gone July 1 of 1982, and I think that that puts the pressure on those who support the auto inspection, that puts the heat on people to not just have another interim study because if they don't do this interim study, if they don't do the work that is called for in this amendment, the program is gone. It won't be there. So I think that is an encouragement that you usually don't have and that is why when Senator Vickers talks about not another interim study, this one is going to have to be different or else the program is going to be eliminated, and I think that is a pretty fair situation to be in. So the onus is placed where it should be. It should be on those who support the program. They should come up with solutions that improve the program and if they can't, let's do away with it. And I think the time frame is a fair one and I think certainly it really does focus the attention as it should be on trying to find improvements. If they can't be found, then let's eliminate the program. That is a sequence that makes sense to me. So I urge your support for the amendment.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I rise to support the DeCamp amendment. A little earlier I passed an editorial around from the Omaha World Herald and the title of it is, "Isn't State Auto Inspection Worthy of Another Look". And I guess what I am saying to you here today, let's don't be so quick in abolishing this law. It has been in effect for the past twelve years and I think that we should take time to take another look. It is true, we have had problems in this program but I think in the last couple of years that we have corrected a lot of problems. I realize that we have some shady dealers. We have

them in all walks of life whether they are professional people or business people or farmers, or what have you. But I believe that 99 percent of them do try to do a good job of inspecting vehicles. And if we only save one life, if we only save one life a year, I think the inspection program is worth it. And so I can see why Senator Von Minden and Senator Vickers are interested in abolishing this, but I still think that we should bring this bill back and try to add this amendment to the bill. I would urge your consideration.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I think we should call a spade a spade. I think this amendment is a political charade, and it is a political charade to avoid having the Governor make the same tough decisions that you and I made in this Legislature. Some of us voted one way on 35 and some of us voted the other way, but we made the decision. Now we have an amendment up so the Governor can vote yes on the bill knowing that probably there will never be another bill and he will never have to make the tough decision. That is what is happening. The Governor wants more input. Where was the Governor during the Public Works hearing? Where was the Department of Motor Vehicles during the Public Works hearing? Where were they on General File? Where were they on Select File? They weren't around. They kind of missed the boat, I guess. And Senator DeCamp votes it out of Public Works Committee, even though he thought it needed more study. Senator DeCamp had his chance. He had it on General File. He had it on Select File. You and I talked about more study on General File and we talked about it... and talking about it on Select File. We have made this decision. It is going to be interesting to see how those who have been voting in favor of the repeal of LB 35 vote on this amendment. Did they make up their minds on the substance of the matter, and if they did, why should they change their vote now? Let's let the Governor make the same decision you and I made. Let him decide on the substance of the matter and if he wants to reject it fine, and if he wants to approve it, fine. But I see no reason for participating...for the Legislature to participate in this kind of political charade. Thank you.

SPEAKER MARVEL: Senator Kahle. I am trying to make a list of those who are for it and against, so if I seem to be jumping around, that is the reason. Senator Kahle.

SENATOR KAHLE: Mr. Speaker and members, they are giving me a tad

time back here about not having my mind made up. But I have had my mind made up on this issue all along. I think it is a mistake to take the inspection away. I favor the DeCamp amendment. I think at least we can... there are probably some problems with some inspection stations. I am not....it would be very strange if it weren't so because when you get that many people involved, you are bound to have the good ones, the mediocre ones and the lousy ones. But I hate to think about going out on the highway without some form of inspection. In former debate here we have talked a lot about the patrol doing the inspection. Do you know what percentage of the motor vehicles on the road the patrol would be able to inspect even if they made a concerted program? Probably about one-fourth at the most, if that many. I just can't believe that we would vote to just plain eliminate inspection after all the years that we have had it, and a lot of the good things that have happened with it. You name all the bad things about somebody got ripped off for an exhaust system, or something that they really didn't need. Well, we had an incident in Kearney where a gentleman did complain that he was being ripped off and that he didn't need a new exhaust system and I think Senator Cope mentioned that the other day, and when they did finally get the state inspector out to inspect his vehicle, he did need a new exhaust system. So all the complaints are not grounded and are not all true. One of the things that has happened in our area especially and I think all over the state are a great many head-on collisions. I just can't believe...I know that somebody mentioned alcohol, and I know that is part of the problem, but poor lights and poor steering can also cause head-on collisions. And I would hate to think that we couldn't at least inspect our vehicles to the extent that we check the lights, the glass, the exhaust system, the tires and perhaps the brakes to see at least whether they have fluid in the cylinder. So I strongly support the DeCamp amendment this morning. I think we have been on the wrong track. Let's get on the right track. Thank you.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. Speaker and colleagues, this is a classic example of the problems of government. We read the papers, listen to the television, radio, about the problems President Reagan is having rolling back the bureaucracy. We sit on this floor and lament government involvement, government interference, government affecting our private lives with rules and regulations. How many times have I heard speakers supporting this particular measure get up and with the greatest conservative banner say,

we need less government, we need less control, we need less rules, we need less regulations, we need more individual freedoms. And here is an opportunity for us to cut down on some of those rules and regulations. Here is a classic opportunity, but suddenly our resolve, our convictions, our philosophy becomes secondary to that loud voice, that well organized, well financed special interest group that is clamoring for continuation of an existing program that statistically cannot prove its merit, statistically cannot prove its worth, statistically cannot prove its mettle. The jury is in. The facts are before us. There is absolutely no evidence as to the overall value against the overall cost of this particular program. I will grant that there is some junk, some iron, put off the road, very small percentage. No question it has some minor, minuscule value, but when you look at the overall cost for every citizen with an automobile in the State of Nebraska, you put this cost on somebody that buys or has to have a year old automobile inspected, the number of vehicles inspected as opposed to the small amount that are actually involved, it is a tremendous delivery system, tremendous social cost. So, really, now is our chance to eliminate some of those rules and regulations, some of that bureaucracy. But we are uncomfortable to do it. The heat is on. The pressure is on from that special interest group, and because we do not have the statistics to justify the continuation of this expensive inspection system, what is our solution? Another typical government solution, let's have a study. Let's have a study to study the study and maybe through some divine providence the study will come out with some facts to justify the existence of this expensive bureaucratic system, and at least, if nothing else, a study will postpone that very uncomfortable decision making moment. And not only that, but the study is going to cost additional money on top of the money we are already throwing around.

SPEAKER MARVEL: You have one minute.

SENATOR DWORAK: I agree with Senator Beutler, the jury is in, the facts are before us, it's time to make the decision. It is time to push the button. But for crying out loud, let's not go back home and say, we didn't have the facts and we didn't have the information because that just isn't so. We have the facts and we have the information and it is time for that decision.

SPEAKER MARVEL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I support the DeCamp amendment. I have consistently supported

LB 35 and in supporting the DeCamp amendment I continue to support LB 35. We should not lose sight of the fact that the amendment says that as of July, 1982 the existing safety inspection law ends, it is gone. It is not as though the amendment would substitute a study for the repealer. The amendment very simply says, we will delay the repealer from today's date literally because the bill has got an emergency clause on it, to July of 1982, and in the meantime there will be a careful examination of the motor vehicle safety inspection program laws and the like. And this very body, it will not be a new body and will not be a new Legislature, it will be this body that may decide it would like to retain the program or modify the program, or to do something else. But the point is...the point is, the DeCamp amendment doesn't necessarily breathe new life into a failing program, it merely delays the repealer date. Now why do I support the amendment? Have I become one of those persons who has become weak at the knees, afraid of dealing away with the governmental bureaucracy as the language is? Is that what it is, as Senator Dworak would say? Or is it that I want to carry water for my Republican Governor friend so he is not faced with that difficult choice of vetoing this bill, as Senator Beutler would suggest? No, my motive is really fairly simple, because I am just a simple legislator. I happen to know some of the inspectors. I happen to know some of the people that work for the Department of Motor Vehicles. Why? Because I am a Legal Aid lawyer, and over the years I have had to deal with some of the folk that go out and inspect the garages that conduct the inspecting or do some training, and they came to me during Easter break and they said two things to me that were important. The first thing that they said was, we never got to testify. We were directed by our superiors not to provide any testimony to the Public Works Committee on this bill and so we never got to tell our story. And I said, yes, Jack, what story would you have told? What is the story? What is the point that you want to make? And they said, well you know, Vard, you know how over the years you, as a lawyer, have been able to use the failure of used car dealers to properly affix a sticker and to properly conduct an inspection as some lever, as some lever at being able to get behind those crummy transactions that some of those car dealers engage in in selling junk to low income people...and that is a story that we never got to tell. And I said, boy, you know, you are absolutely right because, colleagues, here is a simple truth. In Omaha there is a lot of junk being peddled to low income people and transportation is a necessity notwithstanding that we have a bus system, it is a necessity. And when this junk is peddled, it is sold as is for a high price. People can't afford the



little bit they can buy. It may well break down within three days, within a week, or what have you, and they have no recourse against the dealer. And so they come to people like me and they say, give us some help. And I say, you know, the law is stacked against you, totally and absolutely stacked against you. There are no warranties. The stuff is sold as is. I don't know what we can do. But the car carried a safety sticker and that safety sticker indicated that it had brakes and in fact the brakes just went out, that's one of the problems. So I say, let's see if we can go back on the safety sticker and get after the used car dealer, and I brought in the inspectors and we have been able to do it. But that's been the only lever literally, the only lever literally I have had as a lawyer, and the inspectors know that....

SPEAKER MARVEL: You have 30 seconds.

SENATOR V. JOHNSON: ....and the inspectors have been good about it. And I can guarantee you, colleagues, our safety sticker program has been a lot better, a lot better in its own indirect way of policing used car sales than the Motor Vehicle Industry Licensing Board, which is totally industry stacked, has ever been in my experience. So I say it is worthy for that story to be told. It is worthy for this body to have a look at how used cars are marketed and who buys them and the condition they are in, and that is one reason why I favor postponing the repealer of this bill until July, 1982 when those stories can be told and it may well be that we can come up with a program that addresses that issue, not highway safety, but that issue. So I support the DeCamp amendment.

SPEAKER MARVEL: Senator Kilgarin. Is she here?

SENATOR KILGARIN: Mr. President and colleagues, I was just talking to Senator Vickers who asked me if I was going to oppose this amendment, and I said, yes, I am, especially after last night when I had a townhall meeting in my District. I had about 35 people show up and we talked about LB 35, and 33 of those 35 people agreed with LB 35 and felt the safety sticker program should be repealed, that it was more problems than it was good. Now the other two people were people who worked for the program, and I had quite a nice little fight there between my constituents and the bureaucrats. So I think that is pretty close to a hundred percent when you have 33 out of 35 and the other 2 are bureaucrats who work for the program. I thought I would just throw that in, and I am opposed to the amendment. Thank you.

April 28, 1981

LB 35

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President and members, I strongly support the DeCamp amendment. I have opposed the bill from the start. Yes, we are killing each other. Sorry about that. I think we are rushing into something by eliminating the program as quick as it is being attempted. After all, this has been on for a long while. The program is better. There is no question about it. Over the years it is getting better all the time. More accidents today, Senator Vickers says, and that is true. I don't think there is probably any doubt about it. But remember this, if we discontinue the safety inspection, we are going to have more accidents because there are more older cars on the road each year for a lot of reasons. Number one, people cannot afford to buy a new car and they can't afford to buy a new car with the price of gasoline the way it is, so each year we are going to have older cars. And there is no doubt about it, he is correct when he says that all accidents could be eliminated if we...or he said that alcohol is the main cause and I agree. But there is no question, all statistics show that there are accidents eliminated because of the safety stickers. Now the great expense, as Senator Dworak was talking about, of the program, you know what it is? It is 2.68 gallons of gas, not enough to back out of your garage and drive in again, practically. 2.68 gallons of gas for one year, one year, that great expense. Think of it people. It is just impossible to believe when you can buy for, insurance policy...a small one, for \$3.75 that could save your life. Please vote for the DeCamp amendment.

SPEAKER MARVEL: Senator Von Minden.

SENATOR VON MINDEN: Mr. Speaker, members of the body, my goodness sakes alive anyway, first I rise to oppose Johnny DeCamp's amendment. The Governor's Task Force studied and studied and studied this inspection sticker. They say, get rid of it. Nearly all the people of my District say, get rid of it. Nearly all the people in the State of Nebraska say, we have too much interference with government in our business now. They say, get rid of the inspection program. It appears to me that the 24 people who are going to be without a job are getting to some of the State Senators here. I really believe most of the State Senators really believe the inspection program is a farce. It hasn't saved lives. It hasn't saved accidents. It is just another way to interfere with our privacy. Perhaps I think I made my point if I made one at all. I would give the rest of my time to Senator Haberman.

SPEAKER MARVEL: Senator Haberman, for what purpose do you rise?

April 28, 1981

LB 35

SENATOR HABERMAN: He yields the rest of his time, which is four minutes, to me.

SPEAKER MARVEL: Okay, go ahead.

SENATOR HABERMAN: Mr. President and fellow colleagues, we haven't even touched upon one thing. How did we get the safety inspector system in the first place? Why do we have it? Because the federal government forced it upon us. They said, you shall have a vehicle inspection system, or we are going to withhold some of your federal funds. So Nebraska rushed right in and put in the system, and you know what, those states that didn't do it, the federal government didn't do it either. They didn't withhold any funds. It was a bluff. That's how we got it in the first place. We were forced into it. It wasn't because it was a good program that was needed, it was because the federal government threatened us. Now when I get home, the people are going to say, Rex, what did you do about the inspection stickers? And I am going to say, we are going to study it. And they are going to laugh, and they are going to say, that's just great, we told you we didn't want it, you voted and voted and voted that you didn't want it, and now you are going to study it. You are sticking your heads in the sand and you are going to study it some more and study it and study it. Father Bowen who stood up here ten days ago has an 18 year old son who went down and had the tie rods on his car completely replaced because the man, to give him a sticker, said he needed them. So the young man had them replaced. He got his sticker, took the old tie rods home. He and his father went down to the garage, showed them to the garage man and he said, these tie rods are all right, you were took. What was their recourse? They had no recourse. And this goes on over and over and over where people are being taken advantage of, and we have a chance of doing something about it and we are not doing it. Let's go back to the farm, for you farmers, what about the farmer that uses his truck for three weeks? That is the only time he uses it is during harvest. He goes to town, tries to get a safety sticker and the guy isn't open. He is not open today, or it is closed, he can't make any money. So he has to go 25 or 30 miles. And you are going to go home, Senator Kahle, and they are going to say to you, what did you do about it, and you are going to say, we are having a study, we are going to study it. As I told you before, we have people who put snow tires on the front end of their cars because they have treads. They get their stickers. They go home, jack up the front end, take off the snow tires and put the smoothies back on. The sticker thing means nothing. So I oppose Senator DeCamp's motion, and I

ask you to vote against it, and let's get on. Thank you, Mr. President.

SPEAKER MARVEL: Before we go to the next speakers, in the north balcony from Senator Lamb's District four students from District #136, Thedford, Nebraska, and two adults, Mr. Ben Eickhof is the teacher, in the north balcony. Will you raise your hands so we can see where you are? Okay. From Senator Burrows' District, fourteen students all seniors from Adams School, Adams, Nebraska, Mr. Tom McShane, teacher. They are in the north balcony. Hold up your hands if you will, so we can see where you are. Welcome. And as the guests of Senator Burrows, Mr. and Mrs. Clyde Young of Eugene, Oregon. Mrs. Young is a sister of Senator Burrows and they should be underneath the north balcony. Where are you located? Welcome. Senator Nichol.

SENATOR NICHOL: Mr. Chairman and members of the Legislature, Senator Cope, I had a car that used 2.8 gallons going in and out of the garage, but I traded it off for one that had a sticker on it. But that is about what a sticker means. I have heard someone say the hardest thing they do when they make an inspection is to take off the old sticker, and believe me with the slant of the windshields they have now, that is a difficult job. The reason I oppose the new amendment is this. We have been relying on someone else to make our decisions for us too long. When we own a car it seems that we should have some responsibility to maintain that car, to take the responsibility ourselves. But what happens when we have a safety inspection law? We rely on a safety inspection to do our thinking for us, to keep our car in shape. We rely on that inspection to tell us everything that may be wrong. If you go down the list of things that are actually inspected, they are trivia. They don't amount to anything with the exception of a couple of items. It doesn't take a mechanic to find out that your directional signals are or are not working, that your upper lights are working or your lower lights are working, or that a tire has worn that you can see. They don't remove wheels any more to look at brakes. So what we are relying on is a facade, and we are relying on something that isn't there. Now we have had this law for about ten years or so and we think it is great. Now this morning we find out it is not all that good. Well, what has been happening to our leadership for the last ten years? All of a sudden it looks like it's gone down the drain. Oh, wait a minute, let's do a study, let's look at this, it's better than it used to be. I ask any of you, how is it any better than it ever was before? It isn't any better and I will be anxious to see how you vote when 129 comes up with Senator

Cullan that really faces some of the problems with accidents. It is alcohol. It isn't the cars who are on the road that are faulty. One other thing about an inspection sticker. It comes once a year. A young fellow was driving by our home the other night and a wheel fell off. The lugs came loose and it went clumpety clump and the wheel fell off. No accident happened but it could have. Well, his safety sticker isn't due for about three or four months yet. The point is if we are going to have cars, we are going to have to face the reality of having those cars work, not some safety inspection sticker that doesn't mean anything. I oppose the amendment.

SPEAKER MARVEL: Senator Hoagland and then Senator Chambers. Senator Hoagland.

SENATOR HOAGLAND: (Microphone not on)...colleagues, I also arise to oppose the DeCamp amendment. Now I think all of us agree that there are laudible goals contained in having an effective automobile inspection system. I think we all want that very much for the State of Nebraska. But as a member of the Public Works Committee who heard the original testimony on this bill, it really is my belief that the current system is not working. It is not working at all effectively. It imposes a great deal of inconvenience on every automobile owner in this state for a very low return, and I think when we balance the inconvenience and the cost of everyone having to take their automobile in once a year to have it inspected against the public good, against the alleged benefits of the system, why it is clear to me that we really ought to abolish the thing. But beyond the balancing issue, I think, as Senator Nichol has indicated, perhaps one of the most important issues is the system simply does not provide the kind of safety that we need in the State of Nebraska. And as I indicate, I think all of us feel that we want to have an effective inspection system. Now we want to have an inspection system that works and we want to have an inspection system that truly gets the junkers off the road and provides all the other benefits of a good system. Now, the question arises then if we want to have a good system, what is the best way to get there in the shortest period of time? Now I think the best way to get to get to a truly effective system in the shortest period of time is to completely clear out the system we have got right now and to start from scratch. Now Senator Dworak talked about the way the bureaucracies can grow and government can grow, and about the way that certain programs can develop special interest constituencies of their own making change for the better or change in any respect more and more and more difficult. Now the problem I have is if we keep the

current system and study it and try to make any improvements that we have based on the current system, why then it will necessarily be part of the current structure where filling station operators conduct the test and the structure where people have to take their cars into the local filling state operator annually for an inspection. And I think one of the fundamental problems with our system is that basic structure is misconceived, that the most effective way to have a really good automobile safety inspection system is to have state operated or city operated inspection stations where automobiles are taken through and they are not inspected by people that have a direct personal financial interest in the outcome of the inspection. And we heard a lot of testimony about that, and I won't go into it. So I think what we need to do so often in many, many areas of state government is simply scratch the current commissions to start over, to abolish the current bureaucracy and start fresh with a totally new system. And the reason I like LB 35 is that it is going to enable us to do that. It is going to enable us to get on more quickly than any other approach about the business of bringing an effective auto safety inspection system to the State of Nebraska. So I think we ought to put an end to the current system as quickly as we can and get on about the business of conceiving a new entirely different approach that we think will work. I think the evidence on the current system is in. The jury is in. The verdict is that it is not doing the job. The verdict is that it really misrepresents in a serious way because it leads the people of the State of Nebraska to believe they have a system that may be effective that's really not. So I would urge the defeat of the DeCamp amendment and the passage of LB 35. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I also oppose Senator DeCamp's amendment and I am kind of surprised that something like this would be offered today when just yesterday he agreed to take a study proposition out of LB 284 because Senator Carsten said that these studies are offered by way of resolution rather than by statute. So Senator DeCamp reminds me of the Popeye syndrome, Senator DeCamp being Popeye and he is casting the Governor in the role of Wimpy. Now the Governor certainly doesn't want to appear like a wimp, but that is exactly what he looks like when he sends these kind of things over here to be handled in this fashion. Now to get to the bill itself, LB 35, I am definitely in favor of it. As a member of the Legislature and just as a man who people feel

is interested in people who have got problems, I have had women approach me about what has happened to them at some of these inspection places. They get propositioned. They are told that certain parts have to be replaced which parts are not even on not only the car they drive but not on any vehicle, but they don't know. There are other people who are able to pay for the sticker without having the car inspected. But what I see as the worst thing of all, the state is paying and letting the pay come from private citizens, the state is paying private individuals to carry out a governmental function. It is allowing these individuals to determine whether or not another citizen will be allowed to exercise a legal right which is to drive a vehicle without receiving a ticket. So these private station operators are the ones who determine whether individuals can drive a car, and that is wrong. I have not heard in the time that I have listened to the discussion anybody who justifies the program say that the ones who do the inspecting ought not be allowed to do the repairing. Then I am sure you would find a lot of these station operators and hired thieves, licensed thieves, losing their interest in the program. The \$3.75 fee is not what they are after. They are allowed to gouge people and that is what they want. You can have all the safety inspection programs in the world that you choose, but if you do look at statistics and I know they can be manipulated to show any results you want, defects in the car are not high on the list, Senator Kahle. You can give somebody the best car but if he is drunk, if his eyes are defective, if he is tired, if he is not alert, then the accident is going to occur. I had an inspection and never has my car or any of the cars I have had failed these inspections because I don't keep the car that long. I don't know enough about them to keep them to the point where they need a lot of repairing because I don't want to be cheated and I know that is what will happen. But ironically, two or three days after receiving the inspection sticker, my brakes went out, and I called the people at the Motor Vehicles Department and they looked at the drums and they said, yes, the brakes are bad. But since there is no requirement to pull the wheel, there was no way this could be determined. So when I hear all this yapping about bad brakes being caught and this being caught and the other thing being caught, the crucial parts to the vehicle don't even have to be inspected anyway so it is a sham and it is a hoax and a lot of people are being hypocritical when they view this program. If you mean to do the right thing, let LB 35 abolish the program, then let Senator DeCamp and Governor Thone introduce a resolution to have a study, just like studies are always conducted. That can be done.

SPEAKER MARVEL: You have one minute left.

SENATOR CHAMBERS: All right. I want to be sure I don't miss anything that I thought was very, very important. I will have to jump to Chrysler which has produced a car, it's either the X or K Model, it's a total failure. Iacocca was fired by Ford and he went over to Chrysler. They are almost bankrupt. So how is the government going to bail them out? They gave them a contract to make the M-1 Tank, \$3 million a shot. And the next ten years Chrysler will get \$19 billion for making this tank which under simulated battlefield conditions fails 81 percent of the time. Hydraulic fluid leaks into the tank and it can become a fireplace for the ones riding it. The treads don't work. The machine gun is almost impossible to be aimed. So this is an idea of what happens with governmental inspections. The reason I said that is because we have a lot of situations where the only ones genuinely given concern are those who make money from the system. The concern of welfare for the citizens goes by the boards. So I don't have enough time to say everything that I had intended to say, but I want to emphasize my opposition to this amendment, not just because of what it says in words, but because it is a perversion of the legislative process. It attempts to write an interim study into law, and I think it is giving the Governor the opportunity to manipulate the Legislature. And to quote some of my conservative friends, Senator Kahle, "I am getting a little sick and tired of this".

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Higgins.

SENATOR HIGGINS: Mr. President, members of the body, I have voted consistently for LB 35, and I told Senator Vickers this morning that if the DeCamp amendment fails and the bill goes forward to the Governor and if the Governor vetoes it, I will vote to override the Governor's veto. But I am supporting the DeCamp amendment. So why would somebody who has consistently voted for LB35 and says they will vote to override a Governor's veto be for the DeCamp amendment? My original reason for being...for doing away with state inspections has not changed. As Senator Chambers just mentioned, I have been for it all along because of the rip-offs and unethical operators who have been doing state inspections. And I think at one time when I spoke in favor of this bill, I mentioned the fact that one particular operator tried to force us into buying new shock absorbers on a car that was one year old, and subsequently tested by three different operators. They were proven to be fine. Now at that time I wrote a letter to the Motor Vehicles Bureau and they didn't give me the courtesy of an



answer. So that is why I was in favor and still am in favor of doing away with this state inspection system. However, if the study proposed by Senator DeCamp would result in showing a number of people that are actually unethical in using the sticker inspection system to sell people needless repairs, and if out of that comes a bill that puts a very high penalty on these people, not just taking away their right to do state inspections, but actually prosecutes them for fraud, then I will vote to keep the state inspection system provided they do that, or if after they make the study they discover that maybe we are better off to go back to the way we originally started this state inspection. You remember originally you went through a state inspection system, you didn't go to private garages, but towards the end of the month when it came time for that sticker to expire the lines were blocks and blocks long in Omaha, people waiting to go through the inspection system. But at least it was run by objective persons. They didn't have a nickel to make off the inspection. They didn't care whether you passed or failed because all they were doing was working for the state and inspecting the vehicles. So if the DeCamp amendment comes up with a study that shows what I believe to be true that some of these operators, not all of them, are ripping off the public, and if out of that study they decide to go back to the state itself doing the inspection, or they put some very strong penalties on people committing fraud, then I will vote for the state inspection system. So I am willing to give the state inspection system a chance and at least do a study on it, but if that study comes back and it isn't going to change matters the way they are today, then I will continue to support Senator Vickers' bill to do away with the state inspection system. Thank you, Senators.

SENATOR NICHOL: Senator Schmit is the next speaker, but prior to his speaking, Senator Warner has seventy 4th Grade students in the north balcony from the Hamlow Elementary School in Waverly, Nebraska. Their instructors are Nancy Schwaninger, Peggy Weber and Kirk Vance. Would you stand and be recognized, please. Thank you for attending the Legislature. Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, sorry I was late this morning but when I was coming in the hall and I heard Senator Dworak's impassioned plea I thought Senator Chambers' was back on the death penalty because only such an urgent matter could possibly create such an intense type of discussion. But anyway, I want to say this, there has been a lot of things said here about the inspection program being a farce. First of all, if it is

a farce, ladies and gentlemen, if you get a poor inspection job maybe it is your own fault. If you go to the kind of people that you ought to go to, you are not going to get a poor inspection job. You go to the people who do reliable work, who keep your equipment in condition, and you are going to get the right kind of a job. I have a number of vehicles and I can't personally supervise. I am not going to crawl under every vehicle every so often and check them, but I know very well that I have had some of those vehicles inspected and found problems that were serious. I know also, and one of the Senators referred to these trucks we use only three or four weeks out of the year and it is a farce to have to inspect them, it costs \$3.75, etcetera, etcetera. Well, I will tell you what, if you put 4, 5, 600 bushels of corn on one of those trucks and are going down the road with it where I drive, you had better darn well have it inspected, you better have it safe, or you are going to be looking at something worse than a \$3.75 bill. You are going to be looking at a lawsuit and your are going to be looking at dead people. Those things have happened to us. They have happened in many instances. Now if you trade your automobile every year or year and a half, like some people, then it is not much of a problem. When I get mine traded off, they go only one place and that is to the junk yard, and as a result I kind of like to have them inspected and certified. I could tell you a sad story about what happened going home last night to my trusty 4 year old Olsmobile, but I won't bore you with that. But we talk about the bureaucracy...I want to tell you one thing, when you want to fight the bureaucracy, some of my colleagues in here are being very critical of bureaucracy this morning, then you pick on something for \$3.75 that approaches and reaches every single member of this Legislature and every single citizen of this state. But when you want to work in the public good, you know, and impose controls upon a business or upon an industry or upon agriculture, then it is for the public good. It may cost that individual business man or farmer tens of thousands, hundreds of thousands of dollars, but, oh no, you can't charge somebody \$3.75 to find out whether he is risking his neck or not driving his 5 year old automobile down the highway. I think that if you want to go back and check the programs we have enacted because of federal mandates, I have opposed many of them, most of them...the ambulance bill, the tree bill, the sign board bill, all those bills were designed and mandated by the federal government. I well recall the sign board bill and what eloquent speeches were made because we are going to lose federal funds. No one talked....well, not very many, but Senator DeCamp and I opposed the bill because we said you are infringing upon private enterprise. But, oh no, it

April 28, 1981

LB 35

had to be enacted into law. And today we are going to, or one of these days we are going to try to compensate some of those people at far greater public expense, ladies and gentlemen, than is the inspection program. There are no doubt flaws in the inspection program, but that ~~flaw is~~ a situation that exists between the individual and the person who inspects your vehicle. Now if you want to have a \$3.75 job done by someone who sticks the sticker on your windshield and sends you on down the road, go ahead....

SENATOR NICHOL: One minute.

SENATOR SCHMIT: Go ahead, there is no law that says you have got to take it to a guy who does you good work. But if you take it to a reputable individual, you are going to get good service and you are not going to get charged for equipment you don't need or services you don't need. And I will tell you once in a while, friends of mine, you are going to be awfully glad, awfully glad that that vehicle is inspected. You know, routine maintenance, routine inspection is mandatory in the aircraft business. It has prevented a lot of accidents. Routine inspection of motor vehicles today could prevent a lot of accidents. I am going to say this, that if the thing doesn't work to everyone's satisfaction in a year or so, let it go. But I think that it has performed a useful service, and I think that those of us who have questioned it from its inception have seen some good come of it. I don't think now is the time to throw it out, and I support the LeCamp amendment.

SENATOR NICHOL: Senator Sieck. Senator Sieck calls the question. Do I see five hands? I do. All those in favor of ceasing debate please vote aye, opposed nay. Record.

CLERK: 29 ayes, 0 nays to cease debate, Mr. President.

SENATOR NICHOL: Debate ceases. Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, it sounds like everybody ate cockleburs or something this morning the way they are nipping. I would like to address the objections raised to my amendment. Let's start out with Senator Chambers, for example. Senator Chambers I think lated me Popeye and the Governor Wimpy, and called everybody else hired thieves. What I didn't get from Senator Chambers was any statistical data on anything. And then, of course, Senator Beutler, my good friend Senator Beutler who must have really brought a big cocklebur this morning, he said, well this is just a DeCamp plot to protect the Governor...DeCamp plot to protect the Governor, or something

like that. Again I got no statistical data, alternate program, so on and so forth. Got no information on anything really other than he's mad at me and the Governor for some reason. Then Senator Dworak, my good friend, Senator Dworak, his arguments went something like this. He used standard speech number 7 which starts out, well, the well-heeled lobbyists and the well-heeled people special interests. Incredibly enough, Senator Dworak, and this is going to blow your mind, that is the problem with the bill. They have got no special interest working it. They have got no lobbyist doing a doggone thing. It is not quite like, well, public radio, for example, where you had special interests and well-heeled lobbyists, or the insurance industry that has the strongest lobbyists, or the banking industry, all of which I expect he is slightly familiar with. It is not like any of them. This is one of those programs that has got nobody doing anything for it and that is probably why it is where it is now. What does the amendment do? Well the amendment is real terrible. It says, hey, before we throw out the baby with the bath, throw out all inspection and just say, to heck with it, before we hang the guy, we see if some of the things that have never been presented on the floor, such as are there alternate programs that have worked, or would be more workable? What are the specific defects in this program that we can identify and document and could they be corrected or should they? Is there any safety? What is the relative cost to benefit ratio? Not one of these things has been provided to us either in committee or all the stages on the floor. We don't know a thing about what we might do as an alternative, or we don't even know how really bad this might be. It may be worse than anybody thinks. So all I am suggesting is that the Governor, if you want to use the other side of the coin, you can say, we're boxing him in. You say, we're benefiting. Well we may be boxing him in. He has to provide us the documentation on any alternate programs he has. Now I guess I don't think that is the most unreasonable thing. I don't think it is so unreasonable to say, we get that information and if based upon what it is we make another look in January, that doesn't mean that we won't go ahead and repeal it because the repealer is in here. I am keeping all that. We are repealing it. We are giving it a few more months and I say a few more because the way the bill is written you have got to get 33 votes to get the E clause, otherwise you've got a delay of multimonths anyway. So we are delaying it just a few more months and gathering some data. And to me, that doesn't mean I am a pawn of the Governor, or he is a pawn of me, or that I am Popeye or Wimpy, or that all the people involved in the program are hired thieves. It just means we kind of look and see what

April 28, 1981

LB 35

is best for the people in this particular area before we throw out the entire program. I am maintaining the repeal. I voted with the bill all along. But I would remind you of one thing. The committee, 8 to nothing I think it was, originally adopted a proposal which basically is the same that Senator Von Minden has been peddling here and which he may or may not try to offer, and that is simply this, it says, on transfers of cars...on transfers of cars, that is when you would have an inspection, something like that. I don't know, maybe that is a good idea. At least it would be doing something. So I am urging you to adopt the amendment and I will be honest with you, I haven't worked the bill. I think I have talked to two or three Senators in here. I know the Governor hasn't. He told me he fully supports this. That's all he has done on it. And the lobbying I think has been on the other side, so don't say any special interests or anybody is doing anything on this puppy.

SENATOR NICHOL: We are voting on the DeCamp amendment to return LB 35 from Final Reading. All those in favor vote aye, opposed nay. A record vote has been called for. Have you all voted?

CLERK: Senator Nichol voting no.

SENATOR NICHOL: Record, please.

CLERK: (Read the record vote as found on pages 1600 and 1601 of the Legislative Journal.) 25 ayes, 22 nays, 1 excused and not voting and 1 present and not voting, Mr. President.

SENATOR NICHOL: The motion carries. Now we need to adopt the amendment. Senator DeCamp, do you wish to speak further? We are now voting on the DeCamp amendment. All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting no.

SENATOR NICHOL: Have you all voted? Record, please.

CLERK: 25 ayes, 22 nays, Mr. President, on adoption of the amendment.

SENATOR NICHOL: The amendment is adopted. The motion now is to readvance the bill. All those in favor signify by voting aye and opposed nay, and a machine vote has been asked for.

CLERK: Senator Nichol voting aye.

April 28, 1981

LR 65  
LB 35, 132, 360

SENATOR NICHOL: Record, please.

CLERK: 34 ayes, 9 nays, Mr. President, on the motion to readvance the bill.

SENATOR NICHOL: The bill is advanced. Senator Labedz has 36 students in the north balcony who are students of CETA and are studying English as a secondary language, and 4 teachers. They are Steve Pearce, Thong Nugen, Lottie Ellison. Would you please raise your hands so you may be recognized? Thank you. Mr. Clerk, do you have something to read into the record?

CLERK: Yes, sir. Mr. President, new resolution, LR 65, offered by Senators Wesley, Fowler, Warner, Beutler, Landis and Marsh. (Read LR 65 as found on pages 1604 and 1605 of the Legislative Journal.)

Mr. President, Senator Warner would like to print amendments to LB 360. (See pages 1601 through 1604 of the Legislative Journal.)

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Okay, we are on Final Reading. All legislators are to be in their seats. The next bill is 132E.

CLERK: Mr. President, I have a motion on the desk.

SPEAKER MARVEL: Read the motion.

CLERK: Mr. President, Senator Beutler moves to return LB 132 to Select File for a specific amendment. Senator, I have two from you. Do you want to offer the first one that you....?

SENATOR BEUTLER: Pat, I wish to withdraw the first one and offer the second one.

CLERK: Request 2135 with those changes in it, Senator? Is that the long one that you brought up?

SENATOR BEUTLER: It should be two separate pages, Pat. The number I don't have.

CLERK: The big long one with the changes.

SENATOR BEUTLER: Yes.

CLERK: Okay.

April 30, 1981

LR 62, 65  
LB 35, 213, 257, 284,  
384, 404

PRESIDENT LUEDTKE PRESIDING

REVEREND ELIZABETH BEAMS: (Prayer offered.)

PRESIDENT: Roll call. While we are waiting for you to register your presence, the Chair would like to introduce from Senator Dworak's District 19 seventh and eighth grade students and ten adults from District 84, Platte County, Platte Center, Nebraska, Mrs. Esther Mohnsen, teacher. They are up here in the North balcony. Would you welcome the seventh and eighth graders from Platte Center. Welcome to your Legislature. Would all of you who are here register your presence so we can start the day, please? Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: A quorum being present, are there any corrections to the Journal.

CLERK: I have no corrections, Mr. President.

PRESIDENT: All right, the Journal will stand as published. Any messages, reports or announcements.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 404 and recommend that same be placed on Select File with amendments; LB 213 Select file with amendments. (Signed) Senator Kilgarrin, Chair.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 35 and find the same correctly engrossed; 257 correctly engrossed; 284 correctly reengrossed; 384 correctly engrossed. (Signed) Senator Kilgarrin, Chair.

Mr. President, I have leases supplied to us from the Department of Administrative Services, State Building Division, pursuant to statutory provision. They will be on file in my office.

And finally, Mr. President, LR 62 and 65 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LR 62 and LR 65. We are ready then for agenda item #4 on gubernatorial appointments, ready for the first committee, Miscellaneous Subjects, and as I understand, Senator Barrett, you

May 5, 1981

LB 35, 76, 284A, 555

CLERK: 32 ayes, 1 nay, Mr. President, on the motion to withdraw the bill.

PRESIDENT: The motion carries. LB 555 is withdrawn. Anything further, Mr. Clerk, to read in?

CLERK: I have nothing further, Mr. President.

PRESIDENT: Ready then for agenda item #6, ready for Final Reading. Speaker Marvel, do you wish to make the motion to suspend the rules so that we may allow the bills mentioned in the agenda to be read?

CLERK: Mr. President, Senator Marvel moves to suspend Rule 6, Section 7 (b) so as to permit the reading of LB 76 and 284A today on Final Reading.

PRESIDENT: All right, Speaker Marvel.

SPEAKER MARVEL: I so move.

PRESIDENT: Any discussion on Speaker Marvel's motion to suspend the rules? If not, all those in favor vote aye, opposed nay to suspend the rules. It requires 30 votes. Have you all voted? Record the vote.

CLERK: 31 ayes, 0 nays on the motion to suspend the rules, Mr. President.

PRESIDENT: Motion carried. The rules are suspended to allow 284A to be read with LB 284. We are then ready as soon as everyone is in your place. The Sergeant at Arms will see that all unauthorized personnel are off the floor. We are on Final Reading. All right, Mr. Clerk, we will begin then with reading final reading of LB 35.

CLERK: (Read LB 35 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 35 pass with the emergency clause attached. All those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record the vote. Well we have waited for an indetermined amount of time. Everybody is here that is going to vote. How long do you have to wait? Do you want to have a roll call? All right, let's have a roll call then. I am not going to wait any longer though. All right, we will have a roll call vote, Mr. Clerk. Proceed with the roll call.

CLERK: (Read roll call vote as found on page 1743 of the Legislative Journal.)



May 5, 1981

LB 35, 257

PRESIDENT: (Gavel.) The Clerk had difficulty in hearing. He is going to have to verify. It has been very noisy this morning. I have just not done this but we are going to have to have a little more order here for the Clerk to hear so we are going to have to verify the vote.

CLERK: (Read verification of vote.) 34 ayes, 12 nays, Mr. President.

PRESIDENT: LB 35 passes with the emergency clause attached. Go on to the next bill on Final Reading, LB 257, Mr. Clerk.

CLERK: Mr. President, LB 257 has a motion on it.

PRESIDENT: Read the motion.

CLERK: Senator Remmers moves to return LB 257 to Select File for a specific amendment. That amendment is found, Mr. President, on page 1726 of the Journal.

PRESIDENT: The Chair recognizes Senator Remmers.

SENATOR REMMERS: Mr. President, members of the Legislature, the amendment that I have added would leave part of the bill as it is. It would leave the \$400,000 for the State Energy Office and it would leave the \$100,000 for the University of Nebraska for solar energy and other renewable energy source development. It would change the weatherization program for schools and put the money in the foundation and equalization fund and it would eliminate the tax credit to business and individuals for energy conserving devices which would, a tax credit of 20% or \$3,000 for individuals or 20% or \$4,000 for a business, it would eliminate that tax credit. When LB 257 was heard in committee even the sponsors seemed embarrassed by its contents. It had absolutely no chance of getting out of committee. The sponsor then stripped the bill and changed it into a harmless uranium mining bill. The bill should have been killed in committee. Well this naive country boy did not understand that it did not matter in what condition the bill gets out of committee because it can always be restored on the floor. I wasn't the only one that fell for the ruse. That might be the way the system sometimes works but it has not improved the legislative process. I am not a slow learner and I will not be caught in that manner again. On General File we had an attempt to restore the original bill but the attempt was soundly defeated. The Warner amendment was adopted with an overwhelming majority of thirty-one to nothing. The Warner amendment simply increased the severance tax from 2% to 3% and to pay these funds into the permanent school fund. All the government handouts and tax credits were rejected. With the Warner

May 6, 1981

LB 35, 76, 364  
LR 64, 75, 90

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer by the Rev. Charles L. Wildman, Vine Congregational Church here in Lincoln.

REV. WILDMAN: Prayer.

PRESIDENT: Roll call. While we are waiting for members to arrive and register your presence, the chair would like to introduce Senator Beyer's guests from Papillion High School, American Political Behavior Class, five students, Toby Tortorilla, Valery Hooper, Eric Lambert, Susan Thornhill and Kay Pesek. They are over here. Will the class stand up and be recognized by the Unicameral Legislature. Welcome. Senator Howard Peterson if you would give us your light we will be here, we will be able to be in session. Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: Quorum present. Are there any corrections to the Journal?

CLERK: I have no corrections to the Journal, Mr. President.

PRESIDENT: All right, the Journal will stand as published. Any messages, reports or announcements?

CLERK: Mr. President, your committee on Public Works whose chairman is Senator Kremer reports LB 364 to General File with amendments (signed) Senator Kremer.

Mr. President, a study resolution offered by Senator Nichol, LR 90. Read title to LR 90. That will be laid over Mr. President, or referred to the Executive Board, excuse me.

Mr. President, LB 35, 76 and LR 64 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and do sign LBs 35, 76 and LR 64. We are ready then for the first order of business, agenda item number four, resolutions. Senator Beyer, if you are ready, Mr. Clerk, if you will read LR 75 found on page 1718 of the Journal.

CLERK: Read LR 75.

May 6, 1981

LR 95 - 100  
LB 35, 76, 472

RECESS

SENATOR CLARK PRESIDING

SENATOR CLARK: While we are waiting for you to register in, I would like to announce there is 22 students from Superior, Nebraska, juniors and seniors of the high school there. Gary Kile is their teacher. They are in the North balcony. Will you stand up and be recognized? Welcome to the Unicameral. Would everyone record in please? Will everyone push their green button please? Senator Goodrich, Senator Cullan. Has everyone registered their presence please? Record.

CLERK: There is a quorum present, Mr. President.

SENATOR CLARK: We are still on LB 3. We have got some things to read in first before we continue.

CLERK: Mr. President, your Enrolling Clerk respectfully reports that she has on this day presented to the Governor LB 35 and LB 76.

Mr. President, study resolutions, LR 95 by the Telecommunications Committee calls for a study of a comparison of Nebraska's system with other states especially the State of Washington which has been a figure of leadership in State Telecommunications. LR 96 by Senators DeCamp, Wesely and Fowler. The purpose of the study being to study the energy crisis and how to resolve same. LR 97 offered by Senator Clark. The purpose of the study is to consider all aspects concerning the taxation of motor vehicle fuels when used for food processing, especially Hexane, a highly combustible motor vehicle fuel. LR 98 by Senator Maresh. The purpose of the study is to investigate possible shortage of nurses and other health care personnel in Nebraska's rural and urban areas. LR 99 by Senators Fowler, Rumery, Schmit, Goodrich, Cullan and Warner calls for a study of mandatory retirement ages for public employees of the State of Nebraska and its political subdivisions. LR 99...LR 100 offered by the Retirement Committee. The purposes of the study is to consider the various aspects of retirement plans for public employees in the state.

Mr. President, finally, Senator Hoagland would like to print amendments to LB 472 in the Journal.

SENATOR CLARK: Is that all you have got?

CLERK: Yes, sir.

May 8, 1981

LR 164  
LB 326, 35, 76, 327, 331

public bodies and agencies created, and I just think that while we are at it we might as well take this opportunity to vote against another...to nip in the bud another new agency or commission. Thank you.

SPEAKER MARVEL: The motion is the adoption of the Hoagland amendment to LB 326. Senator Wagner, do you want recognition?

SENATOR WAGNER: Mr. Speaker and members, I had my light on. Was Senator Hoagland closing on his amendment?

SPEAKER MARVEL: Well, you will have to wait until we close with Senator Hoagland and then I will recognize you. Senator has closed, yes. Okay. The motion is the adoption of the Hoagland amendment. All those in favor vote aye, opposed vote no.

SENATOR CLARK PRESIDING

SENATOR CLARK: Have you all voted? Once more, have you all voted? If we could get it a little bit quiet in here we could get something done. Record the vote.

CLERK: 10 ayes, 16 ayes, Mr. President, on adoption of the amendment.

SENATOR CLARK: Is there another amendment?

CLERK: I have nothing further on the bill, Mr. President.

SENATOR CLARK: Senator Kremer.

SENATOR KREMER: Mr. Chairman, I move the bill be advanced with the amendments....adopted this afternoon.

SENATOR CLARK: The motion is to advance the bill. Senator Wagner, did you want to talk on the advancement? Senator Warner, did you want to talk on the advancement? The question before the House is the advancement of the bill. All those in favor say aye. All those opposed nay. The bill is advanced. Go ahead and read it in.

CLERK: Mr. President, a communication from the Governor addressed to the Clerk. (Read communication regarding LBs 35, 76, 327 and 331 as found on page 1883 of the Journal.)

Study resolutions, LR 164, by Senators Newell, Beutler, Kahle and Sieck and Wesely. It calls for a study of the rules of the Legislature as they pertain to certain particulars.