

January 11, 1982

LB 753-763

EASE

PRESIDENT: The Chair recognizes Sergeant at Arms Ray Wilson.

SERGEANT AT ARMS WILSON: Mr. President, your committee now escorting his excellency the Governor of the Great State of Nebraska.

PRESIDENT: The committee will escort the Governor. The Governor of the State of Nebraska, Charles Thone.

GOVERNOR THONE: (Gave State of the State and budget address as found on pages 192-206 of the Legislative Journal.)

PRESIDENT: The committee will reescort the Governor out of the Chamber. The Speaker has recommended that we stand at ease for about ten minutes at this time. Then we will reassume our deliberation.

EASE

PRESIDENT: The Legislature will come back to order. The Clerk will read some matters into the record at this point.

CLERK: Mr. President, we've received some Attorney General's opinions, four to be exact. The first is from Attorney General's office addressed to Senator Haberman; the second addressed to Senator Beyer; a third addressed to Senator Haberman and a fourth to Senator Sieck. All four will be inserted in the Legislative Journal. (See pages 206-212 of the Legislative Journal.)

Mr. President, I have a report of registered lobbyists for the week of November 4 through January 8. (See pages 212-214 of the Legislative Journal.)

Mr. President, LR 201 is 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 201.

CLERK: Mr. President, I have new bills. (Read by title for the first time LBs 753-763 as found on pages 214-217 of the Legislative Journal.)

PRESIDENT: We are ready to take up agenda item #6 which involves motions to suspend rules on some revisor bills and I am advised by the Clerk that there is one additional bill if you will add to your agenda, LB 592 after 664. Senator Lamb, are you going to make a motion to....

February 19, 1982

LR 225, 226, 227
LB 454, 378, 440, 623, 645,
673, 679, 717, 759, 827

clause. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on pages 769 and 770 of the Legislative Journal). 34 ayes, 9 nays, 1 excused and not voting, 5 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. The Clerk has got some business to read in to the.....

CLERK: Mr. President, I have a motion from Senators Nichol, Wesely, Higgins, Rumery, Kilgarin, L. Johnson, DeCamp, Kahle, Remmers, Koch, and Haberman to advance LB 679 to General File notwithstanding the action of the Judiciary Committee That will be laid over.

I have a lobby registration report for February 11 through February 18.

Your committee on Public Works whose Chairman is Senator Kremer reports LB 759 advanced to General File; 645 indefinitely postponed; 673 indefinitely postponed.

Senator DeCamp would like to print amendments to 623.

Mr. President, I have new resolutions. LR 225 by Senator Nichol calls for a study of considering the legislative solution allowing the Mexican American Commission to provide direct services, assisting both the area service providers, agencies, and organizations. The second study resolution from Senator Nichol calls for a study on the way to improve the older Hispanic's knowledge of and participation in applicable service programs. (LR 226.) Mr. President, LR 227 by Senator Marsh. (Read resolution. See pages 773 and 774, Legislative Journal.) That will be laid over, Mr. President.

Mr. President, Senator Higgins offers explanation of vote; Senator Haberman offers explanation of vote.

Senator Higgins would like to withdraw her name as co-introducer from 827; and Senator Koch to add his name as co-introducer to 440.

SPEAKER MARVEL: Hearing no objections, so ordered.

CLERK: I have Attorney General opinions, one to Senator Cullan regarding LB 378; and one to Senator DeCamp regarding LB 717.

And Mr. President, I have a hearing notice from the Appropriations Committee.

February 24, 1982

LB 335, 378, 395, 399, 461,
464, 480, 586, 621, 759, 793, 810,
907, 918

Mr. President, your Committee on Retirement Systems whose Chairman is Senator Fowler reports LB 395 indefinitely postponed, 399 indefinitely postponed, 461 indefinitely postponed, 464 indefinitely postponed, 810 indefinitely postponed.

Senator Vickers offers proposed rules change. That will be referred to the Rules Committee. Senator Clark would like to print amendment to LB 759. Your Committee on Revenue reports 480 advanced to General File with amendments, and 793 General File with amendments, both signed by Senator Carsten as Chair. Your Committee on Banking reports 621 advanced to General File, 586 indefinitely postponed, 907 indefinitely postponed, 918 indefinitely postponed. All signed by Senator DeCamp. Senator Wesely would like to print amendments to LB 378 in the Journal, Mr. President, and Senator Richard Peterson amendments to 378 in the Journal. (See pages 839 through 844 of the Journal.)

Mr. President, with respect to 335, we have pending an amendment offered by Senator Landis. I understand he has an amendment to that amendment.

SENATOR CLARK: Read the amendment.

CLERK: (Read the Landis amendment as found on page 844 of the Legislative Journal.)

SENATOR CLARK: Senator Landis.

SENATOR LANDIS: Thank you. This amendment to my amendment does what it was I told you I wanted to accomplish. I appreciate the assistance of those in the lobby and those on the floor who helped to redraft it to capture this idea. It is exactly the idea I told you before, but I had unfortunately not caught the one section of the language that I was offering and its implications. That was brought to my attention, after having had my head stoved in by a two by four to get my attention, I was a little recalcitrant and voices got a little high and tempers ran a little hot. But this amendment puts the 335 language in this form. The child abuse, the law stays the way it was prior to 335. Obligations to report remain the same, and that means everybody reports. This amendment then goes back to the principle that I enunciated before, for adult abuse the privileges that we previously passed would apply to the adult abuse sections. Those privileges are the attorney, client, the clergy, the physician patient,

CLERK: Mr. President, LB 759 was a bill introduced by Senator Marvel at the request of the Governor and Senator Warner. (Read title). The bill was read on January 11th of this year and referred to the Public Works Committee. The bill was advanced to General File, Mr. President.

SENATOR LAMB: Senator Warner on the bill.

SENATOR WARNER: Mr. President, members of the Legislature, the bill was introduced for the Governor and I had my name added, as you know, Senator Marvel is not here. But it was to defer the issuance of new license plates for one year. I notice on the desk that there are some other amendments. I have no idea what the Governor's position is on those since it is his bill, but I would move that the bill be advanced and in the absence of Senator Marvel I guess I don't know if I want to take a position on the amendments at this time, I wouldn't know if they are appropriate or not, but at least I think the bill ought to be advanced today because it is important that it be advanced in the event that the new issuance of plates is not going to occur and I don't think it should be held up. I move its advancement.

SENATOR LAMB: Mr. Clerk.

CLERK: Mr. President, the first amendment I have to the bill is offered by Senator Clark and that amendment is on page 840 of the Legislative Journal.

SENATOR LAMB: Senator Clark.

SENATOR CLARK: Mr. President, members, what this amendment would do would be to put one license plate on the rear of the automobile and in the year that the new issue would come out there would be one dollar additional charge so that the people will pay for the license plate. Let me explain to you what has been happening. Right now we have plates such as Senator Vickers has displayed back there which is a common plate out in my country, that you can't even read any more. People are highly disturbed by the fact that they are paying \$16.50 and getting a little tag and that is all that they are getting. They are not getting a new plate, they are not getting a change of color. As nearly as I can figure out by the figures I have received 15 or 20% of the people out in the state are not registering their automobiles at all. We are losing the entire \$16.50 and you and I are picking up that difference. I would like to see the license plates changed. I don't care if they are in cardboard. I would just like to see them out there changed to a new color so that we could pick up those 15-20% of the people that are not registering their plates at the present time. What is happening is it is costing about two million dollars now

to issue new plates. This would cut that cost in half and be paid for before they were ever issued, actually, by the one dollar cost. So the state would not be out any money. Most of you perhaps know that when the state puts out the license plate the state pays for those license plates and the county gets the money. This way the people will be paying for their license plates one dollar for one plate on the back the same as Kansas does and fourteen other states and have absolutely no problem with license plates. I would move for the adoption of the amendment.

SENATOR LAMB: Senator Koch.

SENATOR KOCH: Mr. Chairman and members of the body, I sit on the Public Works Committee and I heard this bill. The bill had only one issue before us and that was to defer the issuance of new license plates to 1984. Senator Clark talked about this issue with the committee privately and did mention a couple of times in conversation, but that was not the issue heard and I'm saying to you that this should not be adopted because if we are going to do this then the public should be entitled to appear on the issue that he is talking about. I think Senator Clark is trying to accomplish something here that was not put on by committee amendment and I would hope that Senator Kremer and others would speak to that issue. The subject is one thing was the Governor requested 1984, it was brought in by Senator Marvel. That is the only issue, the only issue this body should treat on 759. For us to say that we are going to issue a rear plate for one year for one dollar is a sham upon the public. Because we are not going to do anything with the license plates until 1984. I suggest that is what the bill is about, that is what we should address, that is the only thing that should be in this bill. I object to Senator Clark's amendment.

SENATOR LAMB: Senator Kahle.

SENATOR KAHLE: Mr. President, I am very disappointed that we are still running around with plates that say "Bicentennial" on them. Of course my farm plates as many of yours are in pretty bad shape. So, I'm not in favor of one license plate. I am not really happy about paying a dollar apiece for those plates, one or two. We are funny creatures. We pay some tax on our automobiles but for license's we pay \$16 or \$16.50, I guess it is, and we think that is terrible. My goodness if you raised that fee two more dollars we would die right in our tracks. But we go up to the filling station and put in \$25 worth of gasoline in that buggy and never think a thing

about it. So, I can't go along with the Clark amendment but I hope that we get some new license plates one of these years. I would like to see two of them. Thank you.

SENATOR LAMB: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I would like to support Senator Clark's proposition. The... what is being put upon the state, we are being asked to make a sacrifice this particular year and we can make a sacrifice in one of two ways. We can go along with our old plates for another year, or for the same amount of money for a one year period we can have one plate. One new plate. I don't know which is the better way to do it, apparently there is nobody here to speak in behalf of the bill today, but it seems to me that perhaps it makes as much sense to have one new plate as it does to extend these old plates for yet another year. I think this amendment also has another advantage in it in that it requires the letting of bids before you contract to either produce new plates or replacement plates and I think adding replacement plates in there is a good addition to the bill, something that is needed. Thank you.

SENATOR LAMB: Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, as most of you are undoubtedly aware, I am not the greatest fan to defer for another year the new license plates for the car owners, the vehicle owners of the people of the State of Nebraska. I have been displaying back here on my sign for quite some time now my personal badge of honor, and as most of you can tell it is slightly worn and it is not unusual. I can assure you there are a number of them out there that are just like that. I can assure you also that there are a number of people that think that they have been paying \$15.50 or \$19.50 or whatever it is for that little sticker, that you can barely read, sticking down on the corner of your plates, for the last what, five years now. Now all of a sudden, six years, now we are going to tell them we can't give you a new plate because we can't afford it. Now I recognize and most of you do that that money has been going into the road fund, it hasn't been building it up for funds to replace those plates. But, nevertheless, it seems to me rather strange that we can tell those people that now we are going to have to charge you a dollar extra to make you a new plate and it also seems rather strange to me that we have got several philosophies floating around this state that we should set up a system where the people out at the penitentiary work for their keep while they are out there, well I thought that is who made these plates, maybe we should have new plates

every year so that they would at least be doing something constructive for the people of the State of Nebraska. But I am going to support Senator Clark's amendment even though I don't think we should have only one plate but first of all that one plate would make that old pick-up that I have got out there legal right now because this is a legal plate that was taken off the back of it and it is right now illegal and I hope the state patrolman doesn't hear that too loud. Because I am running around with one plate on it. But I might as well have had only one plate because you couldn't hardly see the other one anyhow. I straightened this out in order to bring it in here. I will support Senator Clark's amendment simply so we can maybe come up with a way to give the people of the State of Nebraska some new license plates, even though it is only one. But I can tell you that I am going to try to amend this bill on Select File so that it will cost two dollars and we can get two plates because I think we should have two plates, one in the front and one in the back. But I think again the point needs to be made for the people of this state it is going to be rather difficult for them to understand how they are going to have to pay an extra buck for each license plate they get after paying \$15.50 all of these years for a little piece of paper. I hope that there is some good Public Relations being done out here somewhere. I don't know quite how to explain it. Maybe somebody else in this body does.

SENATOR LAMB: Senator Warner.

SENATOR WARNER: Mr. President, I would just rise to I guess request that we do not do it today, I guess I am on the two plate side also. I do not object to the additional two dollars if that is what it would take. It seems to me that we ought to work out, if there is some option that is feasible, I am even more concerned if we really want to make it more saving yet to changing the number system which we have been frustrated with for two or three years I guess. The whole system when we went to staggering plates had its advantages but it is a real disadvantage or at least a whole new issue when it comes to reissuing plates. There have been a variety of alternatives, I guess the important thing is that the bill be advanced so that in the event that we can not agree on an appropriate solution, at least, at least we won't be in the position of being illegal with the plates as they are now required by law as far as their replacement. So based on what I have heard, so many different alternatives, maybe it would be best not to adopt the amendment today and advance the bill.

SENATOR LAMB: Senator Newell.

SENATOR NEWELL: Call the question.

SENATOR LAMB: Do I see five hands? I do. Those in support of ceasing debate vote aye, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Voting to cease debate. Have you all voted? Have you all voted to cease debate? Record.

CLERK: 25 ayes, 1 nay to cease debate, Mr. President.

SENATOR LAMB: Debate has ceased. Senator Clark, on your amendment. To close.

SENATOR CLARK: Mr. President, members, as far as just having one subject in it, of course it has one subject, they all do. Senator Koch of course is a 3-M man. I wish he would just stand up and say it sometimes. All you have now, he has got a bill up there now that came out of committee which I certainly oppose, is to have five people design a damn little license plate. Can you imagine that? Five people are going to design a little license plate. How stupid can anything be in the first place? We always have one person design a license plate. . . .

SENATOR LAMB: For what purpose do you rise, Senator Koch?

SENATOR KOCH: Mr. Chairman, I object to Senator Clark's questioning my ethics. If I could be that way I would call him "beads on something".

SENATOR CLARK: I didn't call you stupid, I said that. . .

SENATOR KOCH: No, but you called me 3-M, and I object to that. I do not represent 3-M at all and you know that.

SENATOR CLARK: Okay, you don't represent them but that is what the bill is. I don't represent either one, I just want to see a change in license plates. I don't like to see one license plate and I fought it last year. I wanted two license plates and if this amendment goes on I'd certainly be amenable to have it on Select File to have have two and two dollars. I think that we need new license plates. I think that every rural senator could stand up and tell you the condition of plates out in Nebraska. I think it is horrible. Governor Exon stalled it off for two years, now Governor Thone wants to stall it for two

years. Maybe we ought to have just one permanent license plate, whenever you need them just get new ones and no one will have to register them because you can't find the little sticker on them anyway. I think that it is important that we get those 15-20% of the people out there that are not registering their cars because of that sticker and get new license plates of a different color so that the patrolman will be able to find out. I would move for the adoption of the amendment.

SENATOR LAMB: Voting on the Clark amendment to the bill. Those in support vote yes, those opposed vote no.

CLERK: Senator Clark voting no, I'm sorry, Senator Lamb voting no.

SENATOR LAMB: Voting on the Clark amendment. It takes 25 votes. Have you all voted? Record.

CLERK: 13 ayes, 14 nays, Mr. President, on the adoption of Senator Clark's amendment.

SENATOR LAMB: Motion fails.

CLERK: Mr. President, the next amendment I have is offered by Senator Beutler. Senator Beutler would move to amend LB 759 by changing the word "six" in line 2 on page 3 to "seven". Changing "six" to "seven".

SENATOR LAMB: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, this is a serious amendment. Basically it would change permanently the life of the license plates that we issue from six years to seven years which reflects exactly what we are doing right now. I take it with the decision we made on the Clark amendment what we are basically saying is that the design life of the plate is certainly good for seven years, that there aren't any significant safety hazards, otherwise we wouldn't be asking the people to use them again. That the police aren't going to have any problem identifying cars, otherwise we certainly wouldn't be using these for another year again and we all know that individually we have the right to go down to the county office and have our individual plates replaced if they are too battered or if there is a particular problem with the individual plate. In conjunction with that the last seven year period, to my knowledge, has not been a period of unusual weather, that is it hasn't been unusually mild weather so that the plates are in particularly good condition this time around. Certainly

there was no evidence to that effect before the Public Works Committee. So, it seems to me, that everything indicates that the plates are good for seven years. If they are good for seven years this time, why don't we save the tax payers a little more money and just say that they will be good for seven years permanently and for those few individuals that suffer some kind of a problem allow them to come in and individually replace those plates just as we are doing this year, asking them to come in and individually replace those plates. It seems to me that it would make perfect sense to extend it to seven years on a permanent basis. That is what this amendment asks you to do. Thank you.

SENATOR LAMB: Senator Wesely.

SENATOR WESELY: Mr. President, members of the Legislature, I rise to support the Beutler amendment. I think it only makes sense that we take this step. I have been one who has felt that we have delayed and delayed the issuance of new plates and it's not so much that I don't think that is a necessary step, but it is quite clear with the old license plates you can see that there are problems, but also the design is a factor that we have to keep in mind. We are going to be having bicentennial plates until 1984 in this state and it seems as though it has been a few years since that event took place in this country and I think it is a bit of an embarrassment to the state actually as we travel around the country to be identified as the bicentennial state even today and still two years left on those plates. So, I think if we are going to go to seven years let's try to design them for a little more long term vision because at the time the bicentennial plates were. . . the design was adopted that was I believe, I don't know how long the plates were supposed to last at that time but certainly it wasn't expected that they would take this long. As you know, in '79, that was my first year here we extended the life of plates and I think every year since then we have extended one more year, one more year. Something has always come up. The money usually was a factor but other problems came up with the beads on paint versus the reflectorized license plates and all of that comes together in the fact that every year people have not been allowed to get new license plates and I think what Senator Clark is talking about is right. I think that people do deserve some new plates. I'm not sure though about his approach. Nevertheless I think what Senator Beutler is saying is right. If we are going to be able to make them last seven years, let's anticipate that fact, then I think when we design the plates we will know that it is going to

be seven years before that plate is to be changed again and let's get the design adequate so that it can last that long without embarrassment and let's also plan for the quality of plates that will last that long too for a savings to the tax payer. I think it makes sense. I support the amendment.

SENATOR LAMB: Senator Warner.

SENATOR WARNER: Mr. President, I guess I was just visiting with Senator Beutler. It seems last year that I had one of these amendments and I thought that he caught. . . the amendment as I had submitted it had the effect, at least, of requiring the design standard to be for seven years and it was not my intent a year ago and I was trying to find if this had that same impact, where he is changing the word "six", because if it is I don't think that would be what we want to do. Now if it is just to be consistent with the date, that is another matter, that really wouldn't make any difference, but again, without knowing the impact of it, I don't think it would be appropriate to indirectly change the standards that would have to be used. I think it probably ought to be turned down and the bill just advanced and see if we can work out some of these conflicting ideas that we have.

SENATOR LAMB: Senator Marsh.

SENATOR MARSH: Thank you, Senator Lamb and members of the Legislature. I rise to oppose this amendment. This is not the place to be drafting legislation. We do need to advance this bill this year. We need to be advancing it now and moving on to some other pieces of legislation. We have 16 days staring us in the face and probably 32 days worth of work conservatively. Please do not adopt the amendment when we don't even know what it does much less trying to change something major on the floor without adequate information.

SENATOR LAMB: Senator Clark on the Beutler amendment.

SENATOR CLARK: Mr. President, I appreciate what Senator Beutler is trying to do because you did turn down an amendment. I would have to also oppose it for one reason. It completely defeats what I have been trying to do is get the darn license plates changed, if every seven years you are going to go through the same thing. The last four or five years you are not going to have any registrations. I think that would defeat that purpose of it. I would have to oppose

it on that theory. But, certainly if we don't change the license plates pretty quick, forget it.

SENATOR LAMB: Senator Beutler to close on his amendment.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, this is hardly a complicated amendment. It changes one word and has one effect, to make the license plates one year longer. So, I can hardly see where it is a situation of drafting serious legislation on the floor. Senator Warner also mentioned, drew up the possibility of some unforeseen implication. I assure you that for myself I have no hidden agenda other than what I told you just a few minutes ago. The whole idea is to save the State of Nebraska money not just this year but on a permanent basis. And, if this amendment has any implication other than exactly what I have been telling you I would be most happy to take it off on Select File. But, I hope that you will look at the amendment on its merits and make your own judgment about it and if it seems to make sense to you to adopt the amendment. If you are not able to adopt the amendment then I think you should be asking yourselves some questions. Why is it that for the last seven year period these plates are all right, but for the next seven year period the plates that are going to replace them will not last seven years. It doesn't make sense. Either there are no problems or there are problems. If there are no problems, then let's adopt this on a permanent basis. If there are problems, then maybe we shouldn't be extending the life of the present plates by one year. I don't think that there is any logic to playing it both ways, it's one way or the other and I think that it really does make sense in terms of tax payer dollars to make it seven years on a permanent basis. I would ask for the adoption of the amendment. Thank you.

SENATOR LAMB: The motion is to adopt the Beutler amendment. Those in support vote yes, opposed vote no.

ASSISTANT CLERK: Senator Lamb voting no.

SENATOR LAMB: Have you all voted? Have you all voted? Have you all voted? Record. Record vote has been requested.

CLERK: Mr. President, record vote request offered by Senator Beutler. 11 ayes, 20 nays, 13 present and not voting, 5 excused and not voting. Vote appears on page 1243 of the Legislative Journal.

SENATOR LAMB: Motion fails. Are there more amendments?

CLERK: No sir, nothing further.

SENATOR LAMB: Senator Haberman, did you wish to speak on the bill? Senator Warner to close on the bill.

SENATOR WARNER: Is this to advance the bill, Mr. President?

SENATOR LAMB: Yes.

SENATOR WARNER: I just move that the bill be advanced because it is essential that something be done. Perhaps some of these alternatives can be looked at and something arrived at on Select File but I hope that it would be advanced today.

SENATOR LAMB: The motion is to advance the bill. Those in support vote yes. Those opposed vote no. You were to late, Senator Beutler, he was closing. He was closing, Senator. You are correct, Senator Warner opened the bill and then we had a couple of amendments. There was debate on those and then there were no lights on so I called on Senator Warner to close. After I called on Senator Warner to close, your light came on so we are now involved in the vote, Senator Beutler.

SENATOR BEUTLER: . . . was voted upon. I think that there is no reason to be so quick on the draw.

SENATOR LAMB: Senator Beutler, that is my decision. I don't know, I can't wait until the lights came on. At the time I called on Senator Warner to close your light was not on so that is the way I will have to rule. I can't back off that.

SENATOR BEUTLER: Mr. Speaker, do you realize that there has been no debate on the bill whatsoever?

SENATOR LAMB: I would rule that there has been debate on the bill through the amendments. Everyone has had ample opportunity to debate. If they thought they wanted to speak some more they could have had their light on in regard to the bill.

SENATOR BEUTLER: Mr. Speaker, I respectfully move that the Speaker's order be overruled.

SENATOR LAMB: Senator Beutler, you are wrong, but I am going to let you speak.

SENATOR BEUTLER: Mr. Speaker, I do appreciate your graciousness and I feel a little bit silly about it because I'm not

sure what I have to say is all that important, but I did want to say it. My question is basically a question for Senator Warner. The question is this. As I understand it we are going through the motions of extending these plates for one year for the purpose of saving two million dollars. At the same time there is going to be a reissuance of plates to replace battered plates, etc., that is going to cost the state in the neighborhood of \$700,000. Now, last year we passed a bill which would require the issuance of new plates be let out for bids. But, the Attorney General has come up with an opinion, as I understand it, that the reissuance of used plates or replacement plates does not have to be bid. Consequently it seems to me that while we are making this big effort to save two million dollars by extending the plates for a year, at the same time we are not going to bid out the replacement plates which is going to cost the state a couple hundred thousand dollars more. I'm wondering, Senator Warner, if that is the current position and the continuing position of the administration not to let those out for bid.

SENATOR LAMB: Senator Warner, will you respond?

SENATOR WARNER: I wish I hadn't been so willing to give you part of my closing. I could not answer that question, in all honesty, Senator Beutler, because I do not know that. I would assume the position of the administration is to follow the advice of the Attorney General in interpreting what we did last year and that is a straight answer because I would have no reason to believe that they would have any other reason to do it. Now, you raised several issues, like we are opening up debate again, which I am perfectly willing to respond to but the one direct question, I assume that they are only following what the Attorney General, as I understand his role is, to give advice, and they are following that.

SENATOR BEUTLER: His advice is that they could do it one of two ways. They could let it for bids or they could not. But, it seems ironic to me that they are apparently going to chose not to let it for bids, which will cost the state money, at the same time they are extending the plates to save the state money ostensibly.

SENATOR WARNER: That may or may not be true. In other areas we have argued how much it would cost the state because we have had bids in other instances, so, I don't know if that is particularly true or untrue. I certainly would not attempt to speak for the administration because I do not honestly know.

SENATOR BEUTLER: Thank you, Senator Warner. I wish there was somebody here that could speak to the bill. Apparently

March 17, 1982

LB 759, 754, 755, 162,
164, 632, 957, 603

nobody has a position on anything in regards to the bill.
Thank you.

SENATOR LAMB: Senator Warner, did you wish to close?

SENATOR WARNER: Mr. President, I would just say that my position on the bill is that it should be advanced at this time, that reflects the recommendation, obviously of the Public Works Committee who had the hearing and I would ask that the bill be advanced.

SENATOR LAMB: The motion is to advance the bill. All those in support vote aye, those opposed vote no.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Have you all voted?
Record.

CLERK: Mr. President, Senator Koch requests a record vote. 26 ayes, 8 nays, 10 present and not voting, 5 excused and not voting. Vote appears on pages 1243-44 of the Legislative Journal.

SENATOR LAMB: The bill has been advanced. At this point I would like to introduce Mr. Ron Watson and his son Tim, guests of Senator Myron Rumery. I believe they are under the north balcony. Welcome to your Legislature. The Clerk has some material to read into the record.

CLERK: Mr. President, your Committee on Appropriations whose chairman is Senator Warner reports LB 754 advanced to General File with committee amendments attached. LB 755 is advanced to General File. LB 162, 164, 632 and 957 all indefinitely postponed. Those are all signed by Senator Warner, Chair.

Mr. President, Senator Higgins would like to print amendments to LB 768 in the Legislative Journal.

SENATOR LAMB: The next bill is LB 603.

CLERK: Mr. President, LB 603 was a bill introduced by Senator Cullum. (Read title). The bill was read on January 6th and referred to Judiciary. The bill was advanced to General File, Mr. President. There are Judiciary Committee amendments pending.

SENATOR LAMB: Before we take the amendment I would like to make an announcement. On tomorrow's agenda there is a slight error which you may wish to note at this point. You will

LB 520, 577, 591, 604A, 623, 629, 629A,
634, 651, 659, 697, 705, 716, 724, 759,
774, 779, 784, 792, 839, 877, 931, 941,
951, 626, 961, 962

March 19, 1982

626 up to the point where it was the other day before this misunderstanding occurred. I thank you very much.

PRESIDENT: Any further discussion? Senator Rumery, do you have any closing on the advance?

SENATOR RUMERY: Just this, Mr. President, there has been reference made to sinister moves by a lobbyist and I would like to say that Mr. Paul O'Hare worked with us and I can truthfully say that we have not considered that he was doing anything underhanded at all, and I would like to have that for the record. I ask you to move the bill.

PRESIDENT: Did I hear a request for a record vote? I figured I would. Okay, Senator, we will go to the board then. All those in favor of advancing LB 626 to E & R for Engrossment vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: 25 ayes, 9 nays on the motion to readvance the bill, Mr. President.

PRESIDENT: Motion carries. LB 626 is advanced to E & R for Engrossment. You may read some things in.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined LB 591 and recommend that same be placed on Select File; 520 Select File with amendments; 629 Select File with amendment; 629A Select File, and 759 Select File. (Journal page 1305.)

Mr. President, Senator Warner would like to print amendments to LB 604A in the Journal. (Page 1304 of the Journal.)

Mr. President, the bills that were read on Final Reading this morning are now ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 577, 601, 623, 634, 651, 659, 697, 705, 716, 724, 779, 774, 784, 792, 839, 877, 931, 941, 951, 961, and 962.

PRESIDENT: Before we go into the next matter, the Chair takes the privilege of introducing 41 Seventh Grade students from Sandy Creek District from Fairfield, Nebraska. They are up here in the south balcony, Mr. David Nienkamp, their instructor. Would they kind of just wave to us. It is so crowded up there, let's see where you are up there. Welcome to your Legislature, to the Unicameral. Ready, Mr. Clerk, on LB 870.

April 8, 1982

LB 759

RECESS

SENATOR LAMB PRESIDING

SENATOR LAMB: Would you record your presence, please. Have you all recorded your presence? Record.

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

SENATOR LAMB: The next bill is LB 759.

CLERK: Mr. President, LB 759, I have no E & R amendments to the bill. The first amendment I do have is offered by Senator Warner, Mr. President.

SENATOR LAMB: Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, I ask unanimous consent to withdraw that amendment and I have one I am signing.

SENATOR LAMB: Let's go on to the next motion we have filed.

CLERK: Mr. President, Senator Koch would move to amend. Do you want to withdraw that, Senator? Mr. President, Senators Vard Johnson, Hoagland and Vickers would move to amend.

SENATOR LAMB: Senator Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, the amendment to this bill is very simple. Remember the old safety sticker program? Well the one that is about to expire July 1, 1983, the one where the employees have been laid off, the one where nobody is doing anything to enforce it anymore, where nobody is being arrested and charged, I figure we ought to make it honest. This amendment terminates that program April 15, 1983. Why wait until July 1, 1983 for a program that is a dead program to terminate? You might as well terminate it April 15, 1983, which I believe will be about the last day of our session which will show to the world that the program is a dead program, it is gone, it is off the books, people won't get hoodwinked inadvertently into getting their cars inspected when they really don't need to do so or into buying equipment they really don't need. So I think we ought to just put this amendment on which will terminate the safety sticker program April 15, 1983.

SENATOR LAMB: Senator Beutler. Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I rise in support of the Johnson amendment. I believe it is appropriate and as he says, it is honest. We have already heard that the City of Omaha will not enforce the safety sticker program for the balance of this period and I know that the Highway Patrol is faced with the dilemma of whether or not to enforce it because there are several inspection stations that have gone out of business making it very difficult for motorists to have their vehicles inspected. I believe since we know that the program is going to die anyway in a few short months it is absolutely foolish to require the inspection for the balance of the period as is required under the present law. So the adoption of the Johnson amendment will make honest people out of all of us. It will relieve the patrol and law enforcement from having to go through the process of having to issue a warning sticker for something which they know is not going to be enforced. I ask your support of Senator Johnson's amendment.

SENATOR LAMB: Senator Warner.

SENATOR WARNER: I had two procedural questions. I guess the second one now would be one of germaneness but I thought I asked unanimous consent to withdraw that amendment and replace it with another one about three motions ago. Or did I not speak, say it all? Maybe I didn't say it all. Okay, fine. That is fine. No argument. If I didn't say the statement, why I have no complaint. I will raise the issue of germaneness for the moment at least dealing with license plates, make the ruling simple if you are talking, if we are playing the chapter game I will withdraw the objection.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: You are asking for a decision of germaneness? Okay, let me talk with (interruption.)

SENATOR WARNER: I understand the bill deals with license plates.

SENATOR NICHOL: Since we don't know whether it is in the same section or not it does appear to me that it is not germane because it is not dealing with the same subject. Now you could argue that it is dealing with vehicles or something like that but as far as the particular subject dealing with the same subject I don't think it is so I will rule it not germane. Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, I am going to accept your

ruling on germaneness mostly because I think some of the standards that we have had that have been applying to germaneness have been changed a bit and we are being much more narrow now on germaneness. So for that reason I have just filed a motion to allow me to amend this bill notwithstanding the fact that this amendment is not germane.

SENATOR NICHOL: All right, thank you. I assume the motion is to suspend the rules so you can consider your amendment. All right, what you are voting on now is a motion to suspend the rules so that you can vote on Senator Vard Johnson's amendment. All those in favor signify by voting aye, opposed nay. This takes 30 votes. The motion is to suspend the rules. Senator Vard Johnson.

SENATOR V. JOHNSON: Yes, we're kind of slow in getting people back from lunch. I would just ask for a Call of the House, please.

SENATOR NICHOL: A Call of the House has been requested. All those in favor of going under Call please vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 12 ayes, 1 nay to go under Call, Mr. President.

SENATOR NICHOL: We are under Call. Will you please all return to your seats. Those within voice shot would you please return to the legislative floor. All unauthorized personnel please leave the floor. The Sergeant at Arms, will you attempt to locate those who are not excused. As best we know there are nine excused but we don't know for sure. Senator Newell, do you want to check in, please. Several others are here who have not recorded your presence. Will you please do so. Senator Duda, Senator Kahle, Senator Howard Peterson. We are waiting for Senators Chambers and Schmit. Senator Vard Johnson, do you want a roll call vote when we get to it? Proceed, Mr. Clerk.

CLERK: (Read roll call vote as found on pages 1834-1835 of the Legislative Journal.)

SENATOR NICHOL: Senator Wiitala, for what reason do you arise? Senator Koch?

SENATOR KOCH: Mr. Chairman, I'd appreciate it if you would read the amendment again because many people are coming in. They don't know what they are voting on.

SENATOR NICHOL: All right, what we are voting on is to suspend the rules so that we can vote on Senator Vard Johnson's amendment. So we are voting on suspending the rules.

April 8, 1982

LB 759

SENATOR KOCH: Oh, he is suspending the rules rather than overruling your order?

SENATOR NICHOL: That is correct.

SENATOR KOCH: Thank you.

SENATOR NICHOL: This will take 30 votes. Proceed, Mr. Clerk. Senator Haberman.

SENATOR HABERMAN: Would it be within order, Mr. President, to read Vard Johnson's amendment for us who came in late, please?

SENATOR NICHOL: No, not really.

SENATOR HABERMAN: Well then I don't know whether I should vote yes or no to overrule you.

SENATOR NICHOL: Mr. Clerk, do you have something simple that you can tell Senator Haberman that would fill him in quickly?

CLERK: I've got something simple.

SENATOR HABERMAN: Is it to take off the safety inspectors right now, stickers instead of waiting until later?

SENATOR NICHOL: Why don't you ask Senator Beutler there what it is about. Proceed, Mr. Clerk.

CLERK: (Read roll call vote as found on pages 1834-1835 of the Legislative Journal.) 23 ayes, 17 nays, Mr. President.

SENATOR NICHOL: The motion fails. The Call is raised.

CLERK: Mr. President, the next motion I have to the bill is by Senator Warner.

SENATOR NICHOL: Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, last evening I passed out an amendment that I was going to propose which I withdrew as I came in and the one that I am inserting now is a portion and only a portion of the amendment that was distributed last night. If you have it, the portion remaining is only the establishment of a design committee plus the striking of "and" and inserting "or" in line 26 if you will read on page 2 and I did this for three or four reasons but the big one is the fact that many of us had talked about adding a dollar on for the

10573

issuing of plates so that new plates could be done. As we started looking at the mechanics of that it became apparent that in order to issue plates, to order the material, pay for the steel, that we would have to appropriate a general fund appropriation this year somewhere between a million six and \$2.2 million if you are doing two plates. If you are doing one plate it would be less but in any event because even adding the dollar would not be available to the state in order to manufacture the plates it was impossible, at least anyway that I assumed it was impossible to make that size of a general fund appropriation based upon the situation of our receipts. So the bill as it would stand then would merely extend the plates to 1984, establish that committee which would do their design and specifications work which then puts the issue to the next session of the Legislature, whatever they would have recommended by that time will be a known factor. There are no criteria left then as far as the specifications and the issue that was earlier discussed and was of a concern of all of us and that was whether or not indicating some tie to the federal standards. It wouldn't have the effect of limiting the number of companies that might be making bids. All that is out and because I see no way to provide the funding the only alternative it seems to me that is reasonable is to go ahead with this amendment that does do the design. We will have a known figure, everything, next time and then we appropriate the necessary money so that the plates can be issued. Now those I know of you who wanted to establish new plates and I think I was in concurrence too with doing that but I see no way to do it under the financial binds that we have and the impact that we would have to have. So I would move adoption of the amendment for those reasons.

SENATOR NICHOL: We have an amendment to the amendment pending but prior to introducing that I'd like to introduce 50 fourth grade students from Fairbury Public Schools at Fairbury, Nebraska, in our North balcony. They are guests of Senator Burrows and the teachers are Mrs. Ethel Winter and Mrs. Don Weeks and they are in the North balcony. Would you please stand and be recognized. Thank you for visiting the Legislature. Mr. Clerk.

CLERK: Mr. President, Senator Beutler would move to amend the Warner amendment by deleting on lines 12 and 13 everything after the semicolon on line 12.

SENATOR NICHOL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, we really haven't framed the issue yet on this amendment. This amendment is the 3M Company monotonous amendment which

comes before us at least twice a year for the last two years. This is the amendment that would undo and redo and do again everything we have done on this question for the last two years and continue a debate that is getting very old indeed. What does the amendment do? It does two things. First of all, it creates a new bureaucracy. It creates a whole new committee to decide on the design of license plates. It is perfectly ridiculous in that regard. And the second thing that it does with regard to the bidding process, it changes the word "and" to "or" so that they are required to take bids on reflectorized letters and numerals "or" material systems that reflectorize the entire surface instead of "and". Now you remember we fought this battle once before and this Legislature with the same people in it decided that they should take bids on both systems and see which is the cheaper and which is in the best interest of the state and now they are going right back in and saying they can take bids on one system or the other. 3M would like that. What my amendment does is to delete the change with regard to the bidding system and retain what we have already decided upon and then if Senator Warner wants to go ahead and create this little committee composed of the Attorney General and who else, Senator Warner? Superintendent of Law Enforcement, Director of Correctional Services and all these other people that have the credentials to decide on the design of our license plate, go ahead and do that. But at least drop out the provision that takes away the competitive bidding that we have fought so hard to establish in the Legislature. I'm sorry to sound so agitated on this particular one but sometimes the lobby just drives me crazy. I think 3M stands for Muscle, Muscle and Muscle. They've been out there in that lobby all year long waiting for this one little amendment to come up and by golly, I think it is time we showed people that we're not here to be driven crazy. We are here to make a decision, to stick by it and to go ahead to other decisions. Thank you.

SENATOR NICHOL: Senator Warner.

SENATOR WARNER: Mr. President, as I understand the amendment, I know your remarks, Senator Beutler, are better copy, but as I understand the amendment its purpose is solely one of providing the flexibility for either or both to the committee and I see absolutely no harm for the very simple fact that there is no money authorized to be spent, will be no money spent. There can be no bids taken. There is no funds appropriated and what we will have instead of this constant argument for three years as to who is right and who is wrong and who is cheaper and who does last longer and all the other allegations that both sides, both big, big companies make, if

that is the basis we are putting it, we will be dealing with knowns and maybe the Legislature for once can make a decision without the lobby allegations as you phrase them and will deal with that. And I see no need for his amendment. I do not understand this amendment to restrict to one under any circumstances. So I would hope you would vote the amendment down and we could adopt the amendment and pass the bill and move on.

SENATOR NICHOL: Senator Koch, did you want to speak to the amendment to the amendment? Okay.

SENATOR KOCH: Thank you, Mr. Chairman. I just want to remind you of a couple things. The issue to have the corporations represented is not unusual here and I want you to know that both parties who have an interest in this are always present, in fact, I saw a gentleman from Hastings today that I haven't seen for all session. I know who he represents. I would remind you if you adopt Senator Beutler's amendment and you want competitive bidding, what you are doing is you are going to lock out competitive bidding and you are going to have one choice and that is an inferior product. That is all you are going to get. I would also remind you a handout I gave to you just a moment ago from the State of Indiana. If you will read it, they tell you about the committee. They tell you about the whole system that these same two corporations were involved. And they will tell you in black and white and this comes from the Bureau of Motor Vehicles, that letter is dated April 18th, 1982, that it does not forbid the bidding of any corporation and the record is there and I don't think that man would fabricate it because I wrote to them and requested the background on how their committee functions and how they handle these things in terms of specifications and bidding. I suggest to you and I would say to you in all certainty what you are doing right now, Senator Beutler, will indeed eliminate competitive bidding and what you are going to get by no bidding will be probably an inferior product because again there probably is only going to be one kind of material you are going to be looking for in terms of safety, in terms of quality and a lot of other things. So I suggest that what Senator Warner suggested to you in his amendment where he did strike a considerable amount which tried to stay away from establishing certain specifications that allows this committee to establish those standards, and once they have established them as a plate and all that has been designed, this body then can act at a later time. It also provides something that Senator Clark talked about earlier the fact that you get a dollar in terms of renewal plates to help

April 8, 1982

LB 759

subsidize the whole business. So I oppose Senator Beutler's amendment and I realize why Senator Beutler is concerned because he did serve on that subcommittee and I could read to you the summary of their remarks to the full Legislature but I will forego that because I assume all of you read it.

SENATOR NICHOL: Senator Hoagland, you had your light on prior to the amendment. Did you wish to speak to the Beutler amendment? Okay.

SENATOR HOAGLAND: Will Senator Warner yield to some questions?

SENATOR NICHOL: Senator Warner.

SENATOR WARNER: Yes.

SENATOR HOAGLAND: Senator Warner, I have also been given a copy of the summary report of the Public Works Subcommittee which indicates that the federal standards that your amendment would adopt do not exclude either of the two principal companies that were bidding on that. Is that your understanding?

SENATOR WARNER: I withdrew that amendment that tied to those standards, Senator Hoagland. The amendment that is left is only a portion of what was passed out last night, so....

SENATOR HOAGLAND: So that is no longer a part.....

SENATOR WARNER:anything dealing with specifications in those federal standards were taken out and it is no longer a factor. I took them out as I stated because there seems to be disagreement as to whether they were restrictive or were not restrictive.

SENATOR HOAGLAND: Thank you, I have nothing further.

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

SENATOR CLARK: Yes, by all means. What his amendment says is that you have a committee of five people to design a license plate that is 13 inches long and 5 inches wide. I realize this is a real complicated job to do this, and what really gets me is, Senator Warner, you have five people on there but not a one of them has a PhD in designing license plates. If this is so complicated, I think we

ought to have one, at least one, PhD in design of license plates, or we ought to leave it to the 3rd Graders and it wouldn't cost us anything. This is a terrible thing that they are trying to do. 3M stands for money, muscle and more money. That is all it stands for as far as I know. They have tried this...they tried to put it in the other amendment there the same way. Now what you are going to do under this amendment, that five-man committee is going to design some kind of a license plate and they are going to have one bid. I don't care which it will be, Flex-O-Lite or 3M, you are not going to know which is the best plate, which is the worst plate, which is the cheapest plate, the most durable plate. You are not going to know anything. Senator Koch says you are going to get an inferior plate. I don't know how he knows that. I have seen Flex-O-Lite plates that have been out nine years. I have seen some of the 3M plates that have been out for four years that you can't read. That does not mean they are an inferior plate on either side. It merely means they have been subjected to the weather and the elements, not much more. The idea of the bill last year that I worked so darn hard to get passed, 40 to 3, sets the standard for the license plate but says that you have to be able to see it within 500 feet. It has been in there for a long time in the statutes, and they were to take bids on both systems. There is nothing complicated about it. There is nothing complicated about a license plate design unless you want to go to an alpha numeric system. If you want to do that, Governor Thone will veto it so fast you'd never know it hit his desk. He does not believe in alpha numeric systems. So all you have got left is the type of plate we have now. What could you do? Senator Koch almost in committee tried to put a graphic designer on there. Do you know who has graphic designed plates? I am going to let you guess five times and then I will tell you it is 3M. They are the only ones that have graphic designed plates. You talk about bid rigging, do you want to be a part of that? That is all this is. Certainly you want to reject Senator Warner's amendment.

SENATOR NICHOL: Senator Haberman. Senator Beutler, did you wish to speak again? There are several others. Senator Marsh.

SENATOR MARSH: Thank you very much, Senator Nichol. I seem to have a problem with discovering why Chris Beutler wanted to change it, so I am going to ask Senator Beutler, what is it that you are trying to strike in the amendment? I don't seem to have that on my desk. Did you send it out?

April 8, 1982

LB 759

SENATOR NICHOL: Senator Beutler, would you respond, please.

SENATOR BEUTLER: I didn't send it out because Senator Warner just changed his amendment on the floor five minutes ago, Senator Marsh, and I had to respond in three minutes. So the big change that I am making is to change the word "or" back to "and" like it originally was so that the Department of Motor Vehicles is forced to take bids on both types of systems as opposed to being allowed to choose again the 3M system.

SENATOR MARSH: What if they choose the other system?

SENATOR BEUTLER: They can't choose the other system under my amendment. They have to take bids on both systems.

SENATOR MARSH: What if...I guess I need to respond to Senator Clark as well.

SENATOR NICHOL: Senator Clark.

SENATOR MARSH: It was my understanding that the reason the individuals and her or his designee were put on a selection committee was because they do bring areas of expertise. All aside from your joking about the PhD, these are persons who have an interest for one reason or another in a design that will be functional for as many years as we probably are going to have to put up with the next batch of license plates.

SENATOR CLARK: Senator Marsh, let me say this to start with. I don't know anyone in the country that has a five-man committee to design a simple license plate. I don't know that...anyone that has one. There is no expertise to designing one that I know of.

SENATOR MARSH: Well, that may be what the problem has been in the past that we haven't had the expertise because we have ended up with something that one tires of. Maybe there is a license plate that could be designed that doesn't have the whole community so tired of it whether it is worn out or not. But that is aside from the point. I find that the persons who have been named to this committee are persons who have a reason for an interest in the design and certainly the manufacturing of a license plate, and I fail to see why Senator Clark is so upset about this type of amendment to LB 759, almost as if he protesteth too much.

SENATOR NICHOL: Senator Kremer.

April 8, 1982

LB 759

SENATOR KREMER: Thank you, Mr. Chairman. I am going to be quite brief. I am not going to address the design committee. Senator Clark covered that very well. The thing that I am disturbed about, concerned about is changing "and" to "or". As I read this amendment, it is my opinion and I think I am right that we are eliminating the bidding of one of these companies. I am anxious and this very thing has been before our Public Works Committee for a long time and we have dealt with it thoroughly, and our main contention is this that we think we can save the State of Nebraska not only hundreds of dollars but several million dollars if we put this up to a bid. It is my opinion if you change those two words, you are going to eliminate the bidding to one company and we end up with only one. That is my concern. Thank you.

SENATOR NICHOL: Senator Koch, did you wish to speak again on this?

SENATOR KOCH: Only to correct a remark that Senator Clark made about the design, that I might in order to get him to vote with me if he thinks that anyone can do it, it's so simple, I would nominate him to serve on this committee to help with the design. But to get to the issue, Senator Clark says that only 3M can make that graphic design. I quote to you right here from Kansas. The Department of Revenue states that that painted plate we have all seen with the wheat stalk was silk screen painted on the plate. That was not done by 3M and I have got a letter here from South Dakota which has been selected as the collectors of license plates, the Mt. Rushmore figures you see, that again was done the same way. So these are letters from those states verifying this and I want Senator Clark to deny that.

SENATOR NICHOL: Senator Clark, did you wish to speak on this? Senator Koch, were you asking Senator Clark a question? Oh. Senator Haberman. Senator DeCamp, did you wish to speak on this? Senator Vickers.

SENATOR VICKERS: Mr. President and members, the only comment that I would make is until a couple...three years ago when this issue first came up to the committee when I was a member of the Public Works Committee I didn't even know the license plates that we had were reflective material of any sort. I will be very honest about it, I don't particularly care whether they....I don't want to get involved in this fight with 3M or beads on glass or anything else. I don't particularly care whether it has

April 8, 1982

LB 759

got either one of them on. I would like to have a new license plate a little bit oftener made out of perhaps a little cheaper material with just plain paint on it. Out where I come from you get dirt on it and you get sand on it and you get the paint cut off of it, after a few years it doesn't make an awful lot of difference whether it is reflective or not, so I think this whole issue is a matter that people out back of the glass doors are concerned about and some people in here are concerned about but the average citizen out there could care less.

SENATOR NICHOL: Senator Clark.

SENATOR CLARK: I would certainly be in favor of the Beutler amendment because I feel just exactly like Senator Kremer does. You are going to eliminate it to one outfit. You are not going to know anything when you get done with that except that committee. I don't like any of the thing but if it is going to have to pass, I certainly would want the Beutler amendment on it.

SENATOR NICHOL: Senator Beutler, did you wish to close on this amendment to the amendment, please?

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, let me just explain quickly again what the amendment does. It does not deal with the proposed committee that is being set up to design the license plate. That will stay in the amendment and we can talk about that after my amendment. What my amendment does is to put back into the law the requirement that they take bids on both types of systems, that they take bids on both types of systems. Now it has been alleged that what will happen is that you will naturally get the inferior product. But let me remind you that the department sets up standards for the quality of the product. It is going to ensure that the product will last for the number of years for which it is required. Now after it sets up that standard, then I think we would all agree it should take the cheapest product it can get that does the job. That is all that what we did earlier this year and last year, that is all we required them to do, take bids on both, if they both will last six or seven years, however long we are issuing them, and then take the one that is in the best interest of the people of the State of Nebraska in terms of cost. Now it is true that Flex-O-Lite is on the other side of this but, you know, in everyone of these fights somebody is right. Even though they are representing their own best interest, somebody, one of the two sides represents good public policy. In my experience and the

April 8, 1982

LB 759

experience of many other states who use the beads on glass system, their experience has been good. My experience in the Public Works Committee has been that it is six of one and half a dozen of another. That is the way I personally feel about it. But if it is six of one and half a dozen of another in the cost and there is a tremendous cost in difference, then I begin to feel much stronger about it. Basically, I think that that is what we are talking about in this situation, that either one of these systems will probably do us just fine for license plates but one of them costs a lot less and these are years when we could use a savings of a few hundred thousands of dollars, really could use them. And do you think 3M doesn't think that it is going to cost us a lot less? They can make both systems but they are fighting real hard just to have to make the one. So I would just ask you to reaffirm what we have decided before to stay with competitive bidding and let the department decide then what is in the best interest of the people of the State of Nebraska. Thank you.

SENATOR NICHOL: The question is the Beutler amendment to the Warner amendment. All those in favor signify by voting aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Please vote. Record, Mr. Clerk.

CLERK: 26 ayes, 11 nays, Mr. President, on adoption of Senator Beutler's amendment to Senator Warner's amendment.

SENATOR NICHOL: The Beutler amendment to the Warner amendment is adopted. Now back to the amendment. Do you have anything else, Mr. Clerk?

CLERK: No, sir.

SENATOR NICHOL: Senator Koch, your light was up next on the Warner amendment, did you wish to speak again on that? Okay, Senator Warner.

SENATOR WARNER: Mr. President, I guess I would like to ask Senator Beutler a question so maybe I don't understand the language. On the "and" or "or" which is now "and" in the amendment, would you interpret that to mean that there would only be one set of specs in which both types of systems met and then that the lower bid I assume would be the one we would take. Or does the word "and" mean that there might be two or three companies that would have

April 8, 1982

LB 759

reflectorized letters and numbers and there could be two or three companies which was to a different standard, maybe durability was the difference in which material systems that reflectorized the entire surface could be when the department...could be a separate set of bids of two or more companies, maybe there is only one but if there could be two or more. What I am getting to is when the board of...Department of Motor Vehicles comes in next year for an appropriation, are we going to be sitting and looking at specifications that are so broad that in order to have two or three bids that some portion of the specs have to be of lesser quality and so are not really competitive? And then you would take the cheaper one that had less durability if that was the issue. What I am wondering, you know, specifically my question is, do you understand in putting the "and" back in that this committee could have a set of standards that met the first part and a second set of standards that met the second part and we would have bids for each and guarantees from each?

SENATOR BEUTLER: Senator Warner, my understanding would be that you would have a set of standards, one set of standards that would accommodate both types of systems. I mean, if, for example, you want plates to last seven years, it has to have durability for seven years. I am not trying to elude you, I....

SENATOR WARNER: No, I am not...I am just asking for clarification. So in other words, it would only be...if you have two different kind of systems, you would not be able to look at them separately and they would both...your specifications would have to be so loose that anybody could qualify since they both have to go together.

SENATOR BEUTLER: If you are looking at it from an Appropriations Committee point of view, I am not sure what the problem is that you envision. I mean, certainly....

SENATOR WARNER: I am assuming you could have specifications of lower quality. That would be a lower dollar amount which would take less of an appropriation. And you could have a higher quality....

SENATOR BEUTLER: Yes.

SENATOR WARNER:that would take more money but maybe would last longer.

SENATOR BEUTLER: Is that how you appropriate, on the basis of specifications that you review on the Appropriations Committee?

April 8, 1982

LB 759

SENATOR WARNER: Well you would obviously be reviewing the level of request against the.....

SENATOR NICHOL: Excuse me, gentlemen, Senator Haberman for what reason do you rise?

SENATOR HABERMAN: Mr. President, members of the Legislature, this is....point of order. This is very, very serious and I have not seen and would like the opportunity to have a copy of Senator Warner's amendment so we can read it so we know what we are talking about.

SENATOR WARNER: It's on your desk.

SENATOR NICHOL: Senator Warner.

SENATOR WARNER: Mr. President, it was on the desk and if you have your copy, Senator Haberman, I struck from the amendment...what is left in the amendment is lines 1 through 9...correction, 1 through 10 and lines 17 and 18.

SENATOR NICHOL: Okay.

SENATOR WARNER: That's all.

SENATOR NICHOL: Senator Warner and Senator Beutler, please continue then.

SENATOR WARNER: What I was getting at, Mr. President, was to be sure that when we are looking at these systems next year that in fact the Legislature will have a choice of comparing quality as well as price. It is the kind of thing that we do with capital construction projects, for example, where cost effectiveness becomes a factor in the construction of a building and sometimes with cost effectiveness you may spend more on a structure but because of its greater efficiency it lasts longer or costs less to operate. I would assume the same concept would hold or could be applied to license plates as to which was most cost effective and I was merely trying to be sure that we would have under Senator Beutler's amendment the ability to look at both systems separately and compare them, or if we were going to have such loose specifications that we had to look at two or more systems as being the same when they perhaps were not.

SENATOR NICHOL: Senator Beutler, did you wish to speak again on this? Then Senator Clark and then Senator Haberman.

April 8, 1982

LB 759

SENATOR BEUTLER: We are now on the Warner amendment, the remainder of the Warner amendment, Mr. Speaker?

SENATOR NICHOL: That is right.

SENATOR BEUTLER: The remainder of the Warner amendment has to do with creating this committee. The Director of Motor Vehicles, the Attorney General, Superintendent of Law Enforcement, the Director of Correctional Services, and somebody from the Department of Administrative Services all to supervise the designing of the license plate. All these people are replacing the Director of Motor Vehicles. Instead of having him make the decision, now we are going to have a whole committee to make the decision. I guess I just don't see the reason to create a whole...well, I see a reason but I don't see a good public policy reason for creating a new committee like this. Are you going to have a new committee to decide the color of the paint in the Capitol's restrooms. Or the heights of the desks in the State Office Building? Are you going to have a committee for that? How about a committee for the weight of the doorstops in the Governor's office? I mean you can go on and on. There are many, many, many things in government that government requisitions that are just as important as license plates and cost just as much, but we rely on our long established traditional form of government and we rely on our administrators to take care of those mundane problems that come up from day to day. We don't create whole new committees to deal with it. It just seems...it really seems a little ridiculous to me, and I suggest to you that there must be some other reason for doing it other than efficiency in government. Thank you.

SENATOR NICHOL: Senator Clark.

SENATOR CLARK: I am going to have to agree with Senator Beutler on this. You know, in the first place a camel is nothing more than a horse put together by a committee which is an old saying on it. In the first place, why would you have a committee? I want to tell you something about that committee. There is five on the committee. That is two less than the number of paid lobbyists for 3M that are out in the hall right now. Can you imagine that? I don't know why they wouldn't have seven. And I suppose if I was going to pick a committee, I would rather have all those lobbyists on the committee, then I know what I am up against. It wouldn't be any trouble. I think it was clear last year that they would bid on beads... the beads on paint system and they would bid on fully

reflectorized system. They have got the specifications. They are ready to go with them. That isn't the problem. I don't know why anyone wants to make a problem out of it. Both plates would have to last six years. Certainly it would be up to the department to find out if they would last that long. How could anyone bid it if they didn't? It just seems terrible to me that you would try to set up a committee to design a little tiny license plate unless there is something underneath. Why would seven paid lobbyists be out there if this isn't important to them? Tell me that. I think we ought to stick with what we had last year. We haven't even implemented the bill and it was passed 40 to 30 (sic). It just seems silly that you would get five people, not a one of them a designer, five people. Now why wouldn't you let the same five people design the automobiles that these plates are going to go on? Probably make more sense, wouldn't it. Or the desks you use, or anything else, a myriad of things that we buy, thousands of things. You don't have any committee designing such a thing. I just think the whole thing ought to be defeated and forgotten. Thank you.

SENATOR NICHOL: Senator Haberman. Senator Koch.

SENATOR KOCH: First, Mr. Chairman and members of the body, Senator Beutler makes this sound like we are creating a whole new bureaucracy. How misleading that is. Absolutely deceiving to you, because we are taking people who presently serve the state, the Attorney General, Superintendent of Law Enforcement and we all know who that is, the Director of Correctional Services, someone from the DAS, Director of Motor Vehicles as the presiding officer of that committee. Now is that a whole new bureaucracy? They exist. They are in place and we as a Legislature are saying it is up to you to design. Let me tell you what I think about license plates. It is about like anything that you buy. That license plate can be a symbol of your state, an important symbol of the State of Nebraska, like Go Big Red and Tom Osborne fan, whatever. I want to advise you that the states who have those license plates that are symbolic of their state, Kansas, South Dakota, Wyoming, Colorado and others, what is wrong with those kinds of plates, because they symbolize the state. The last thing I want to say to you, nothing wrong with that committee at all. They know what they are doing because they are all related to the subject matter directly and indirectly. Isn't it too bad the Public Works Committee has to have a subcommittee to go out and do all these things, the subcommittee reports back and my own position is that the subcommittee is primarily chaired by Senator Beutler and Senator Clark. I happened

to be on the Public Works Committee last year and I came into that hearing and I want to tell you what it was all about. 3M got about three minutes and Flex-O-Lite had a half hour of show and tell. Now you tell me, if you want to talk about who had the greatest time and talk about who has invested money. The lobbyists that represent Flex-O-Lite I suppose you think they are cheap. And after all an industry when you are an industry you can't criticize them for working for a product that they have for sale. So I think it is unfortunate when we start getting involved in names of industries that help pay taxes that keep this state working or moving. But I remind you of only one thing, this committee could develop and design a plate for us that would make us all proud, a visual and symbol of the State of Nebraska. Our Bicentennial plate if you want to know is a beautifully designed plate, but it lasted eight years or more and that is due to the quality of the material and a lot of other factors and it served its purpose. I could show you letters of others who went with inferior products, the test of time showed that was money indeed that was wasted and not to the best extent. We all know and Ruskin said it and I will repeat it one more time, there isn't anything that anyone can't make and the man who considers price only and he makes it a little cheaper is that person's lawful prey. You get exactly what you pay for anything, it depends how long you want it to remain a symbol of quality, a visual that you can be proud of. I maintain we should keep that committee. It is not a new bureaucracy at all. It is in place and it is there and they know a little more about license plates and how they service than you or I do.

SENATOR NICHOL: The Chair recognizes Senator Kremer.

SENATOR KREMER: Mr. Chairman, I would like to call the question.

SENATOR NICHOL: It won't be necessary, Senator, that was the last one. Thank you. Senator Warner, did you wish to close, please.

SENATOR WARNER: Mr. President, first the reason for the committee and I am going to disregard...the issue here as far as I am concerned isn't dealing with who is lobbying what, maybe that is effecting some of you, the committee is very simple. The Department of Motor Vehicles is responsible under existing law. The Attorney General's office is on there, if there was anything that we ought to be assured that the Attorney General, that there is adequate

legal counsel with all the contentions that float around on this issue, this certainly is one. The Department of Corrections is on there because they are the ones that make the plate. That is the people who will know the kind of equipment that they have to do the framing, the kind of steel that their equipment will work with, all those issues, and that certainly is important. And the other individual is the purchasing agent for the state who will be writing the specs and that certainly is important. It is almost asinine that anyone would suggest that the five...then the State Patrol, and certainly the purpose of plates are to identify motor vehicles and someone representing law enforcement is certainly appropriate, so it is almost asinine to suggest that the five agencies of state government are not going to be designated to work together to do this. A design is not if it is a pretty picture. Design includes the kind of material, the whole series of things which need to be addressed. Then finally I want to make it very clear that by striking "and", or rather inserting "and" or retaining "and" and not putting in "or", as far as I am concerned I will expect this committee or the department to come in with specifications when they request funds that will very clearly indicate if there is any difference in quality so that we will not just necessarily find the cheapest thing available but that we will be getting the best buy for the money. So I am going to disregard whether "and" or "or" is in there and assume that they are going to come in with both things separately as well as together and then we can really make a comparison and get rid of the argument that is going on. I would hope you would adopt the amendment. The logic of the committee you would almost... it is beyond belief that anyone would think that the five agencies of state government directly involved shouldn't have input in that design. The only way you can avoid a lot of problems in the future is to have those agencies that will have to work together working together at the beginning. I move adoption of the amendment.

SENATOR NICHOL: The question is the adoption of the Warner amendment. All those in favor signify by voting aye, opposed nay.

CLERK: Senator Nichol voting no.

SENATOR NICHOL: Senator Warner.

SENATOR WARNER: Mr. President, how many are absent?

SENATOR NICHOL: Only one excused, Senator Warner.

April 8, 1982

LB 759

SENATOR WARNER: Call of the House.

SENATOR NICHOL: Call of the House has been asked for. All those in favor signify....

SENATOR WARNER: And a roll call vote.

SENATOR NICHOL: And a roll call vote. All those in favor of going under Call please signify by voting aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Record, Mr. Clerk.

CLERK: 20 ayes, 0 nays to go under Call, Mr. President.

SENATOR NICHOL: We are under Call. Will you please all take your seats. Sergeant at Arms, will you please find those who are not here? Please the unauthorized personnel leave the floor. Indicate your presence. Several of you are sitting in your seats but have not pushed your green light lately. While we are waiting I would like to introduce Duane and Wanda Skaff and family of Omaha who are guests of Senator Newell, under the north balcony. Would you please rise and be recognized. Thank you. We are waiting on Senators Dworak, Chambers and VonMinden. Now we are waiting for Senator Chambers. Mr. Clerk, proceed with the roll call.

CLERK: (Read the roll call vote as found on pages 1835 and 1836 of the Legislative Journal.) 21 ayes, 23 nays, Mr. President.

SENATOR NICHOL: The amendment failed.

CLERK: Mr. President, Senator Vickers would now move to amend the bill.

SENATOR NICHOL: Senator Vickers.

SENATOR VICKERS: Mr. Chairman and members, the amendment that I propose to you now is the one that was part 2 of the Warner amendment that Senator Warner sent around on your desks yesterday and then withdrew and didn't offer it. It is the one that on page 3 of the bill would reinstate 1983, strike 1984 and then put this language after line 9, "In years in which new plates are issued, each county treasurer shall collect at the time of registration, pursuant to Chapter 60, article 3, a license plate

April 8, 1982

LB 759

issuance fee of one dollar per plate."

SENATOR NICHOL: The Call is raised.

SENATOR VICKERS: And there is also a subsection that creates a cash fund known as the Motor Vehicle License Plate Issuance Cash Fund for these fees to go to. Quite simply what this does is allow the issuance of new license plates next year and for each time that new license plates are issued from now on there will be a charge of one dollar per plate for those plates. In other words, the cash fund will be created, it will be a user fee, if you will, so that when you get new plates you will pay a dollar for each plate you get. I think everybody understands the issue and as I indicated to you it is number 2 on the amendments that Senator Warner sent around yesterday on your desks. I urge for its adoption.

SENATOR NICHOL: Senator Warner, please.

SENATOR WARNER: Senator Vickers, just wanted a question. Tom, do I understand correctly that you now want the plates issued the calendar year 1983?

SENATOR VICKERS: That is right, yes.

SENATOR WARNER: Okay.

SENATOR VICKERS: It is exactly the same amendment as you had on number 2.

SENATOR WARNER: Right. Okay, Mr. President and members of the Legislature, I withdrew that portion for the reason I indicated early on that when we begin to look at the cash flow problem the fact that you have got to buy material, everything else, that if you are going to go with the cost, would be in general fund, is somewhere between a million and seven, it could be as much as 2.2 million depending on the plates. There is \$700,000 appropriated now for some replacements of plates and for the issuing of stickers which still has to be done for the last half of this year. But in any event I withdrew it because I knew there was...at least I do not feel there is a million and seven, or if you want to do one plate neither is there \$800,000 to do this. So I would hope you vote it down and just let the bill go through to extend everything one year. I don't see any other option.

SENATOR NICHOL: Under the south balcony we have guests of Senators Pirsch and Goodrich, Mr. and Mrs. Lanny Weak

April 8, 1982

LB 759

and their daughter Sheri. They are the parents of our Page, Jeff Weak. Would you stand and be recognized, please. Thank you. We have enjoyed Jeff during this session. Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, I guess I would support the Vickers amendment. I guess not so much that I think there is any chance it would pass recognizing the items that Senator Warner just identified for the cost, but nevertheless as a protest of the fact that we have yet to issue a new license now ever since our Bicentennial year. And it is not because perhaps the plate isn't pretty as Senator Marsh was talking about and that it is not a nice plate, but it is getting a little old and the Bicentennial has passed many years ago, and it may be just about time real soon here to get a new plate. There is also a practical side to the thing and that is something I wanted to bring out to your attention. We have a problem in this state of enforcing our registration of vehicles because we have no new license plates issued for as long as we have gone. I wrote to the Police Department about three or four months ago and I said I have gotten some complaints from constituents that no cars...they weren't being properly registered and why wasn't somebody catching them? And this was their response. "Now you asked how people who drive improperly licensed cars are caught and is the problem a serious one". Addressing the last part, "Yes, we consider it a very serious problem. Your estimate of five out of every hundred cars being improperly registered is very low. Enforcement is difficult. During the year 1980 our department issued only 413 citations for this offense. The problem with enforcement is the state's retention of the same license plate year after year, an issuance of a very small license plate sticker. To confirm the difficulty I would suggest that as you are driving our streets you attempt to identify improperly licensed vehicles that you pass which are either parked or being driven. Placed on the license plates the stickers are generally dirty and very difficult to see. About the only enforcement that occurs is when the registration violation is discovered as a result of a contact on some other violation such as speeding. They are fortunate here in Lincoln they feel because we are going to have a wheel tax ordinance that will have another sticker." What that is saying...what that letter is saying is that we have got to do something about our license plates and our registration process. We are not able to enforce our registration laws because nobody can see the sticker that we have and we don't change the license plate. That is a

April 8, 1982

LB 759

problem that we have and we are losing revenues as a result of that. I think it is about time we got some new license plates. Senator Vickers has had his old battered license plate up there most of the session. I think we know what the problems are. They have hung on pretty good. I understand the cost savings that there is involved here but at the same time I think we have got to look at new license plates. Every year I have been down here the same old situation comes up, we will extend them another year and then another and then another year, and every year I have been down here we have done that. At some point we have got to switch and get some new license plates. If we do have new license plates and we do decide to start carrying those forward for a number years, let's get a larger area on them that has a sticker that we can all see instead of something that is pretty invisible unless you get lucky and by chance are able to spot it. The result is the lack of enforcement on our registration laws and that concerns me deeply, and so as a protest I would support the Vickers amendment but I also think that we probably can't afford it. So anyway I wanted to make that known to you and tell you that we have a problem in addition to some of the other concerns that have been expressed today.

SENATOR NICHOL: Senator Clark, please.

SENATOR CLARK: Mr. President, I would have to agree with Senator Wesely on this. There are between 15 and 20 percent of the cars as nearly as I can get figures for that are not registered out there that we are losing on now. I suppose most of you have seen Senator Vickers' plate that he had there. I want you to know that is some of that nice 3M material. You can't read it but you show me in the statute where it says you have to be able to read it. That is not only a legal plate now but if this bill goes through it will be a legal plate for another year and there is no way you can read the plate. Governor Thone has told me he thought that these plates would last another year. I asked him what he was looking at, when was the plate issued? Last week, last month, last year? Has it been subjected to the weather that we have out in greater Nebraska? Of course it hasn't. You never know what plates you are looking at. That plate in town right here will last a long time regardless of whose plate it is, and I am not degrading 3M plates. They are a good plate. There is no doubt about it, they are very costly but they are good. The thing

April 8, 1982

LB 759

that I am saying is that if we don't change these plates and change the colors, you are not going to get those people registered out there that are there now because they can't see those little tags on them and certainly we ought to start putting out these plates. I wouldn't care if they were made out of cardboard if we just changed the plates, change the colors so we can get those people registered that are getting away with not registering them at all and you are losing \$16.50 on each one of those registrations out there at the present time. Thank you.

SENATOR NICHOL: Senator Kahle.

SENATOR KAHLE: Mr. President, I have been asleep twice this afternoon and I have just got to get into this argument or I am going to pass out for the rest of the afternoon. But I want to support Senator Vickers on this idea of getting started with our plate reproduction. If I understand it right, the dollar is supposed to pay for the plate so all the state is going to be doing is putting up the money for material till the plates are printed and distributed. I have heard it said that the plates look good here in Lincoln. I happened to follow a city bus last night a ways and took a special interest in their license plate. I guess it probably doesn't make any difference whether buses have license plates on or not but there was absolutely no way you could tell what numbers were on that plate. I am not sure whether it had been polished with Babo or SOS over the years or whether it had been just plain painted over with white paint, but you certainly couldn't tell what kind of a plate was on that bus. I guess I have a little bit of state pride. When I see the Iowans driving through our state with their spanking new plate, looking real sharp; Kansas coming up here with their beautiful plates with a sunflower in the corner, I am ashamed of our Nebraska plates. Thank you.

SENATOR NICHOL: Senator Koch, did you wish to speak on this? Is Senator Koch around? Senator Vickers, you are closing.

SENATOR VICKERS: Mr. President and members, I think I know how David felt now when he faced Goliath. But I would suggest to you that maybe I should amend this amendment to say that in the year ahead of which new plates are issued each county treasurer should collect a buck a plate. I can imagine how well that would go over with the public if we said, you know, when they came in for their new license plates in January of 1982 why we are going to

April 8, 1982

LB 759

charge you a couple dollars so you can get new plates in 1983 so that there will be dollars there to buy the material. On the other hand it seems to me the way we are operating in this state right now we could always have an interfund transfer from the monies that are in the road fund since we are not issuing bids right now anyhow and we should have some funds available perhaps to order some material. It is kind of like the chicken and the egg, I don't know how you are going to get new plates and have people pay for them when they get the new plates if you aren't ever going to have the money to start with to get the material to build the plates at the outset. I am not sure how we will ever get new plates. Maybe I better go back home and straighten that old plate out that I had down here because it looks to me like it is going to have to last for another twenty years perhaps. It will probably last longer than the old pickup has. It seems to me that as I said earlier I don't particularly care about the material the plates are made out of if we just would get a plate now and then, and I believe the citizens would be willing to have a cash fee of a dollar a plate to get a new plate. I recognize that Senator Warner indicated that there are some problems with getting the dollars to get the materials to start with, but I think we could overcome that. I think there is ways that that could be done, maybe the increase in sales tax and perhaps the increase in income tax that we are going to be coming up with might perhaps bring up a buck or two. I suggest that this body adopt this amendment and that we give the public the opportunity to pay for the plates which I think would be good public policy from now on anyhow and we'd always have to come up with the money ahead of time, no question about that, but at least the state would get reimbursed. I believe that would be important. So I urge the body's adoption of this amendment.

SENATOR NICHOL: The question is the adoption of the Vickers amendment. All those in favor signify by voting aye, opposed nay. Have you all voted? Record, Mr. Clerk.

CLERK: 12 ayes, 19 nays, Mr. President.

SENATOR NICHOL: The motion lost. Mr. Clerk, do you have something there?

CLERK: Mr. President, Senator Koch would move to suspend Rule 7, Section 3(d) and Rule 1, Section 12 so as to permit consideration of the Koch amendment to LB 759 without further debate on the germaneness issue.

SENATOR NICHOL: Senator Koch.

SENATOR KOCH: Thank you, Mr. Chairman and members of the body. I will briefly state to you what the amendment is. It has to do with the Motor Vehicle Inspection Act and what it proposes to do is to allow another year before it is sunset and allow this body a chance to review their action in terms of the value of the act and motor vehicle inspections. I firmly believe that this state is making a mistake if we don't look more serious at the fact we are about to repeal something I believe is just as valuable in helping prevent fatalities as the DWI bill, and I mean that. It is interesting that the people who are most opposed to this sometimes are not too careful in terms of paying respect to the law. It is also interesting that the people who do the poorest law enforcement on the sticker are local police forces and the state patrol does a tremendous job. I have handed out to you letters written to the Governor and lately since I was quoted in an article not too long ago about what I said we were going to do in the State of Nebraska is we are going to create a haven for junkers. The other day the Education Committee interviewed seven people, the Governor's appointments to the Safety Center in Kearney. I asked them the question, a teacher, a lieutenant colonel of the safety patrol and others, and they said without hesitation, we think you are making a mistake, that a motor vehicle inspection law properly administered and enforced does indeed serve a value to the people of the State of Nebraska. When I made that statement about Nebraska becoming a junker's paradise I received a number of phone calls and letters saying, you are right, we didn't realize it, you are correct. But I think that we can put a law in place next year that will serve the consumer as well as those who make the inspection to prevent fraudulent types or unscrupulous types of activities. My idea would be that we would establish certain safety inspection stations, and you take your car to be inspected and you feel as though you have been victimized by repairs you don't need, you could go to the inspection stations operated by the state, show them the parts and that station would immediately be under severe penalty for a fraudulent type of action. So if this body is so sincere about saving lives or maiming of lives or paraplegics, then I think you had better relook at what you did last year in LB 35, and then after one more year of careful consideration if there aren't some laws that are applicable and could be administered and do indeed serve the public, then you should repeal it. But I happened to capture the emotion of this body as I watched them deal with seven DWI bills this session and the mood just seems

April 8, 1982

LB 759

to be, you bet, we have got to save lives. Now I submit to you that a faulty vehicle is just as dangerous as some that's had a few too many to drink. When you add a drinker with...a person with a faulty vehicle, you have almost doubled your problems. So I am saying, let's give this law one more year. Let the Legislature seriously look at the possibility of a law that can stand the test and accomplish the objectives we intend. If our Motor Vehicle Safety Law was not properly enforced, then we know where to go to find the answer. It is not those men who served as inspectors. You read their letters, they are serious, and I am serious. My last question then, do you really want to save lives totally, or do you want to pick an emotion that by poll today shows is very popular? Or do you want to take one further step and say, yes, we are going to do everything we can in terms of highway safety to assure that we are going to minimize fatalities to the greatest degree we can, except where you get in the position where you have poor drivers? I ask for the suspension of the rule for the adoption of this amendment on LB 759.

SENATOR NICHOL: The Chair recognizes Senator Vickers.

SENATOR VICKERS: Mr. President and members, I think we are plowing the same field for the second time this afternoon. It seems to me that the best thing to do is as we said awhile ago that we didn't want to suspend the rules to deal with this issue with this bill and I believe we're going to get into a long drawn out debate over the merits or demerits of the inspection program and you all know how I feel about it. I think if you looked at the handout that I have sent around that should be laying on your desk, you can use nice emotional words as Senator Koch did about how it is going to cause all the junkers to be out there and it is going to save a lot of lives and all this sort of thing. There is not a bit of statistics to back any of that up. He talked about DWI, there are some statistics to indicate that DWI is a problem. If you look at the back page of the handout I showed to you, you will notice on the underlined portions that there is no deductible impact on highway safety. This is a nationwide study. Senator Koch handed out a couple of letters. These people are pleading to keep the program and it was very, very interesting until you got to the back and you noticed that they were themselves motor vehicle inspectors. Well, I expect if my job was about ready to be ended, I would be pleading to keep the program too. I think it is pretty obvious where those people are coming from. I don't think they are pleading from safety viewpoints

April 8, 1982

LB 759

at all. I think they could care less. I think they are pleading for keeping their job, a nice soft job that they got with the State of Nebraska. I take that as rather an insult when people send letters like that in here telling us to keep a program for other reasons when it is simply for their job that they are pleading for. So I think the best thing to do is simply not plow this field again, vote no on the suspension of the rules and go about the business at hand.

SENATOR NICHOL: Senator Higgins.

SENATOR HIGGINS: Mr. President, I don't like to stand and oppose my good friend Senator Koch's amendment, but in reading the letter that he handed out by Jack Ritonya, Investigator of Motor Vehicle Inspection, I did read it. It caught my eye where it said, my investigations got me involved mostly with women. That is true because most of those garage men think we women don't know a spark plug from a steering wheel. So I would imagine that is where most of the complaints came from, probably after they went home and told their husbands they spent \$150 they didn't need to spend. In my own case being a dumb woman, I took my car to a repair shop and I said, change the oil and grease it, and when I got back to my office they called and they said, hey, you have got no brake lining. And I said, what are you talking about? They said, we took the wheels off of your car and the brake lining is shot. I said, that's funny I haven't had a problem with the brakes and I never told you to check the brakes. And they said, well, you can't go any place with this car the way it is. I said, you better put whatever brake lining was on there back on it, it better be the same that was there when I drove in because that car has not had one problem. Now that was just one instance. When I went to pick up the car, pulled the same old tactic on a woman. Okay, lady, your life is in your own hands driving home without any brakes. And I said, if there is no brakes on this car you are the one that's going to get sued because they had them when it came in. Second time I was almost ripped off, tire dealer by the name of... I don't mind giving the name, Michelin, on L Street in Omaha. Took my 1974 Maverick in, brand new car, just one year old. It was up for inspection. They said, this has leaky shock absorbers. I said, this car doesn't even have 15,000 miles on it. Can't help it, lady. I said, well, I am going to have to check it someplace else. And then they told this dumb lady, okay, but we are going to have to report you to the state that you are driving with faulty shock absorbers. I said, you do that, and I went up the

April 8, 1982

LB 759

road a piece and I went to a Phillips 66 station and I said, I need a safety sticker would you please check the shock absorbers especially? They called me at four o'clock and said, shock absorbers are fine, Marge, the car is all ready. So then I took it to another fellow that is a personal friend of mine. I said, if you have got time would you just look at this car for me and tell me what you think of the shocks? He said the shocks were fine. We drove that '74 Ford for about three more years before it ever needed new shock absorbers. And do you know what, that Michelin Tire Company must have forgot to report me to the state that I was driving with faulty shock absorbers because I never got new ones and I never heard a thing from the Department of Motor Vehicles. But I have heard from a lot of people in my district that this is nothing but a ripoff for them, and I venture to say the complaints do primarily come from women because we don't know a lot about cars. I do think it is an attempt to keep a bureaucracy going that hasn't proved worthwhile and for those of you who have business experience I want to ask you, they say that these garage men aren't even breaking even charging \$3.75 to do the inspections. Well, if they are not breaking even, why would they even want to do it? They don't have to. They could just turn it in to the state and say, we don't want to do these inspections, they just make it on the repairs. So they have got to find some repairs just to break even, I guess. In all sincerity I would be for this if I thought it really was a safety program, but I don't believe it is. And the people in my district don't believe it is. I have always said, I will vote with the people in my district and I have got the letters from them saying, please do away with it. So I am opposing this amendment. Thank you.

SENATOR NICHOL: We have several wishing to speak on this. Next is Senator Cope and then Senator VonMinden. But before you begin, Senator Cope, I have been asked to make an announcement by Senators Wagner and Lowell Johnson and that is that they are providing popcorn again for you this afternoon and it may be the last time. They also remind me to tell you that Nebraska is number one in popcorn production. And the third item, I don't know whether it is a fact or not, but it says that the best areas in the state are North Bend and North Loup. So thank you, gentlemen, for the popcorn. Senator Cope. Senator Kremer, for what reason do you arise?

SENATOR KREMER: I want to know if that statement was debatable.

SENATOR NICHOL: Well, maybe we should take a vote on it. Senator Cope.

SENATOR COPE: Senator Nichol, would you hold me till later, I want to avoid the rush and get to the popcorn. No, it's too late. Mr. President and members of the Legislature, I support Senator Koch in holding this over for one more year. I supported the safety sticker idea when it was passed in this Legislature. I still support it. I think it has saved lives. I think it will continue to. One of the reasons too, and Senator Higgins gave me the idea, of why maybe it isn't as good as it should be. If Senator Higgins had, and I hope she did report this incident to Motor Vehicles, they would have checked it out right away. If we would all do that, and people would do it, it would make the whole theory of it better. We have to help with it. But think of this, three gallons of gas for a whole year might save somebody's life. I don't know of a better insurance policy and that life could be your own, that's the thing. With today's self-service stations and most of us buying gas that is self-service, cars do not get the attention that they did five or six years ago or ten when you really got your car serviced and the attendant looked at it and took care of it. So please consider this carefully before you vote no on Senator Koch's motion.

SENATOR NICHOL: Senator VonMinden.

SENATOR VON MINDEN: Mr. Speaker and members of the body, I would just ask you to remember what happened a year ago. Senator Vickers and myself and others in here, we proved to you I think without a shadow of a doubt that there were just as many accidents having inspection stickers as prior to before we had it. I think we proved to you that the state should abolish the inspection sticker. They had just as many accidents before that as they do now. Senator Koch, we passed this bill last year with an interim study on the bill and I think Senator Koch and the inspection people should have got out and worked all summer long and all fall. They could not muster enough support up to convince the committee that we should carry this bill on. So I hope you will defeat his amendment. Thank you.

SENATOR NICHOL: Senator Haberman.

SENATOR HABERMAN: Mr. President and members of the Legislature, I was going to question the call but I think this is necessary. At the present time the local police and the state patrol can stop you if you have a headlight out or a broken taillight, or if they see anything about your automobile that is unsafe, they can stop you or give

April 8, 1982

LB 759

you a ticket and even pull you over and if your automobile is that bad, say, don't drive it. And if I knew that this issue was going to come up at this late hour and take so much time, I would have brought you, Senator Koch, a half a dozen safety stickers and you could have bought them from me for twenty bucks apiece because out in the western part of Nebraska they are available at twenty dollars apiece. You don't have to have your car inspected. It is a farce. People that have bad tires in the front end, they jack them up, take the bad tires off, put their snow tires on, go down to get their stickers, go back, take the tires off. A hundred miles after you get your sticker the muffler could fall off your car, the tie rods could fall off your car and you could lose a wheel off your car and the sticker would still be good. So I just don't understand this, let's delay it another year. This is...at this late hour I think it is foolish that we should stand up here and discuss this and try to bring back something that we decided to get rid of. The people have been given their notices that they don't have employees, they are looking for other jobs. The issue is done, dead and over. So let's just vote no and proceed with the agenda. Thank you, Mr. President.

SENATOR NICHOL: Senator Lowell Johnson.

SENATOR L. JOHNSON: I call the question.

SENATOR NICHOL: The question has been called for. Do I see five hands? I see four. Now I see plenty. Okay. The question is, shall debate cease? All those in favor signify by voting yes, opposed nay. Record.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SENATOR NICHOL: Debate has ceased. Senator Koch, did you wish to close, please.

SENATOR KOCH: Thank you, Mr. Speaker and members of the body. While we are on the subject of popcorn, Nebraska is number one in raising popcorn. I think that is super, but this Legislature by a recent poll rating by the United Press is also the champion popcorn eaters and it bothers me when you are talking about a serious subject that popcorn becomes more important than lives. And Senator Higgins, if that happened to her I would change service managers. It happened to me one time too a long time ago, the same issue, but I never went back to that service station again because I traded my car the next week and

April 8, 1982

LB 759

knew I was going to do it. For Senator Haberman, if you can sell safety stickers for twenty bucks, you would be guilty of fraudulent action and as a senator you shouldn't even think about that. I would turn anyone in who tried to do that to me and if I went to someone who was trying to buy one like that, if I were the inspector I would turn myself in. But we are talking about laws, and it tickles me, it comes back to what I said the other day. Obviously in greater Nebraska they operate as much as they did in the old west, we will only live by the law when it's necessary and when we need it. The rest of the time we will avoid it and know we are not going to get prosecuted very often. It is interesting that in my area in which I live I have received no complaints in my district. The only complaints I have heard is out in south Omaha. But we passed a Bingo law for south Omaha yesterday. Bingo. Now then to Senator Vickers I will say, I have seen his stats before about fatalities per hundred thousand miles driven. I would remind you when those fatalities started rising a little bit it was the advent of the compact in 1963 with the Volkswagen. Read that statistic and see what the fatalities are in a Volkswagen and compact cars. It is frightening. So don't blame it onto motor vehicle inspection laws without knowing all the facts. Colonel Bice the other day stated without hesitation, we will have more disabled vehicles on the highways than we will be able to handle. And he also commented, sure we check cars, we check lights, taillights, flashing lights, the horn, that's it. That is all they have got time to check. They don't check the underneath. That is where the defective part is, the tie rods, etcetera. So I say to you, obviously we are going to talk about the great saving of life with DWI bill 568 but we are ready to forget the fact that we could save lives in another fashion. Whether you accept the motion to suspend the rules or not, it doesn't matter, I brought it to your attention. And if I don't win, I will walk away and say, I did my job, because when I hired on and was elected I promised one thing, I would represent the public not mere emotions, and I am going to do that and I will walk away with my head held high and say, I will bet you you will come back and do something and enact it again like Colorado is going to do when they repealed theirs two years ago. I move for suspension of the rules.

SENATOR NICHOL: The question is, shall the rules be suspended? All those in favor signify by voting aye, opposed nay. It takes 30 votes. Have you all voted?

CLERK: Senator Nichol voting no.

April 8, 1982

LB 759

SENATOR NICHOL: Senator Koch, three are excused. Senator Koch.

SENATOR KOCH: Mr. Chairman, I don't have a white handkerchief but I do have this red, white and blue to get your attention. It means I won't give up and never will.

SENATOR NICHOL: Does that mean you are asking for a Call of the House?

SENATOR KOCH: No, I will come back next year.

SENATOR NICHOL: Thank you, Senator Koch. Record the vote, please.

CLERK: 14 ayes, 22 nays, Mr. President, on adoption of Senator Koch's motion to suspend the rules.

SENATOR NICHOL: The rules are not suspended.

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

SENATOR NICHOL: Senator Warner, would you like to talk about the bill?

SENATOR WARNER: No, sir. I would like to move it. I move that it be advanced.

SENATOR NICHOL: Senator Labeledz, do you want to talk about the bill? The question is, shall the bill be advanced? All those in favor signify by saying aye. Opposed nay. It is advanced. We will move on to 726. Mr. Clerk, what do you have there?

April 13, 1982

LB 602, 602A, 520, 759,
799, 799A, 868, 605,
755, 756, 807, 970, 970A

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by Senator Kremer.

SENATOR KREMER: Prayer offered.

PRESIDENT: Thank you, Senator Kremer. Roll call. While we're waiting for everyone to check in showing their presence, the Chair would like to announce that Senator Lamb has announced that on agenda item #6 there will be a fifteen minute limit on the motions today, fifteen minute limit on agenda #6. And Senator Lamb also wished me to announce that his plan calls for a recess from six to seven o'clock. Senator Sieck, would you do us the honor of allowing us to get started. If you would just push that little button why we can get started. 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: (Read Journal corrections as found on page 1844 of the Legislative Journal.)

PRESIDENT: The Journal will stand as corrected. Any other messages, reports or announcements?

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined and engrossed LB 868 and find the same correctly engrossed; 799, 799A correctly engrossed; 602, 602A correctly engrossed; and LB 520 and 759 all correctly engrossed. Those are signed by Senator Kilgarin as Chair.

Mr. President, I have a couple of letters from the Governor addressed to the Clerk. (Read messages from the Governor Re: LB 605, 755, 756, 807, 970 and 970A. See page 1847 of the Legislative Journal.)

Mr. President, I have a unanimous consent request from Senator Vickers to add his name to LR 275 as cointroducer.

PRESIDENT: Any objection? If not, so ordered.

CLERK: I have nothing further on the desk at this time, Mr. President.

PRESIDENT: The Sergeant at Arms would then clear the Chamber for Final Reading and see that all members are at their desks,

SENATOR LAMB: Would all senators return to their desks and record their presence. We are on Final Reading. Senator Hefner, Senator Lowell Johnson, Senator Schmit, Senator Warner, Senator DeCamp, Senator Cope, Senator Wagner, Senator Haberman, Senator Kahle, Senator Wesely, Senator Pirsch, Senator Cullan. Senator DeCamp, please record your presence. Senator Dworak, please record your presence. Would the Sergeant at Arms please locate Senator Kahle. Could we have some quiet so the Clerk may call the roll. Senator Kahle, we can't hear over your voice.

CLERK: (Read roll call vote as found on page 1989 of the Legislative Journal.) 8 ayes, 37 nays, Mr. President.

SENATOR LAMB: The motion fails. Please read the bill.

CLERK: (Read LB 602A on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached. Those in support vote yes, those opposed vote no. It takes 33 votes. Have you all voted? Have you all voted?

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Record. Senator Chambers, for what purpose to you arise?

SENATOR CHAMBERS: Either you are for me or against me, somebody said. I want a roll call vote so that everybody will either say yea, nay or make a denial.

SENATOR LAMB: A roll call has been requested. Please begin the roll call.

CLERK: (Read roll call vote as found on pages 1990-1991 of the Legislative Journal.) 34 ayes, 10 nays, Mr. President, on passage of the bill.

SENATOR LAMB: LB 602A passes with the emergency clause attached. LB 759.

CLERK: (Read LB 759 on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass. Those in favor vote yes, those opposed vote no.

CLERK: Senator Lamb voting yes.

April 16, 1982

LB 212, 212A, 255, 255A, 522,
759, 787E, 799, 816A

SENATOR LAMB: Have you all voted? Record.

CLERK: (Read the record vote as found on page 1991 of the Legislative Journal.) 40 ayes, 7 nays, 2 excused and not voting, Mr. President.

SENATOR LAMB: LB 759 passes on Final Reading. The next bill is LB 787E.

ASSISTANT CLERK: (Read LB 787E on Final Reading.)

SENATOR LAMB: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached? All those in support vote yes, all those opposed vote no. It requires 33 votes.

CLERK: Senator Lamb voting yes.

SENATOR LAMB: Have you all voted? Record.

CLERK: (Read the record vote as found on page 1992 of the Legislative Journal.) 46 ayes, 0 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

SENATOR LAMB: LB 787 passes with the emergency clause attached. LB 799.

CLERK: Mr. President, if I may right before that read some items in. I have a lobby report for the week of April 8 through April 15. (See page 1993 of the Journal.) Your Enrolling Clerk has presented to the Governor the initial bills that were read on Final Reading this morning. (See page 1993 regarding LBs 522, 212, 212A, 255 and 255A in the Journal.)

Mr. President, I have two Attorney General's Opinions, one to Senator Warner and one to Senator DeCamp. (See pages 1993-97 of the Legislative Journal.)

Mr. President, I have a reference report referring a gubernatorial appointment.

SENATOR LAMB: Please read the bill.

CLERK: Mr. President, I have a motion on the bill. Senator Remmers would move to return LB 799 to Select File for a specific amendment, that amendment being to strike the enacting clause.

April 16, 1982

LB 404, 404A, 488, 574,
816, 602, 602A, 759, 787,
799, 816A

SENATOR LAMB: LB 799A passes on Final Reading without the emergency clause. LB 816.

CLERK: Mr. President, the bills that have been read on Final Reading thus far are now ready for your signature.

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LBs...engrossed LBs 404, 404A, 488, 574, 602, 602A, 759, 787 799. So let's proceed then, Mr. Clerk, with LB 816.

CLERK: (Read LB 816 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record the vote.

CLERK: (Read the record vote as found on page 2000 and 2001 of the Legislative Journal.) 29 ayes, 17 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: The bill fails to receive the number of votes constitutionally required to pass the bill with the emergency clause, so the question now is, shall LB 816 pass without the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Senator Carsten, do you want me to record the vote? Record the vote.

CLERK: (Read the record vote as found on page 2001 of the Legislative Journal.) 29 ayes, 17 nays, 2 excused and not voting, 1 present and not voting, Mr. President.

PRESIDENT: LB 816 passes without the emergency clause attached. We are now ready, Mr. Clerk, for LB 816A, if you will read.

CLERK: (Read LB 816A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Record the vote.

ASSISTANT CLERK: (Read the record vote as found on page 2002 of the Legislative Journal.) The vote is 30 ayes, 16 nays, 2 excused and not voting, 1 present and not voting, Mr. President.