

March 21, 1980

LB 743

SENATOR WESELY: Mr. Speaker, members of the Legislature, as you may know, I have been involved with this issue since it first arose back in December with Judge Burke's decision in Omaha which had jeopardized and still jeopardizes our current motor vehicle inspection law. There is a bill, LB 946, on General File which was introduced at my request by the Public Works Committee which deals with this specific problem and would in fact deal with the circumstances that Senator Haberman is trying to address in this amendment. Of course, with the time constraints we are under and under the legislative session, presently it may be difficult or may be even impossible to get to that bill this year and so I suppose that Senator Haberman has a point in trying to amend this bill at this time. However, I would suggest to you that what he has proposed is not in fact the best solution to the problem that we have in that circumstance. LB 946 I think has a better solution. What Senator Haberman is proposing is a very temporary, very stopgap solution by offering these temporary permits that would deal with the inspection problem that was identified by Judge Burke's decision. It doesn't address, however, the fundamental problem that we have and that is something that we have talked about time and again here, especially with tax issues, that there is an exemption, a loophole, that was provided for car dealers in this state that came back in their face, because with that exemption for dealer plates, they weren't required to inspect automobiles as everybody else in this state has had to do. As a result, that special exemption, that special privilege that they received was unconstitutional in the eyes of Judge Burke. I think he was right in making that decision. LB 946 was introduced to take away that exemption, to deal with the fundamental problem that because of dealer plates and because of the inspection law that we have presently there was a special privilege allowed for car dealers in this state that was not fair to the rest of us and thus unconstitutional. I think Senator Haberman's proposal, I would have to oppose it at this time. I think the temporariness of this solution would perhaps impede a more fundamental change that would deal with the basic problem that we have got, the special exemption that has been provided for car dealers and their vehicles. So I would suggest that we might consult with the Speaker and perhaps move 946 to a more prominent role on General File and deal with the issue through that legislation which was specifically introduced to deal with this problem rather than on Final Reading introducing a hasty amendment that I am not so sure has been carefully thought through but which could in fact impede a more fundamental solution

8807