

March 21, 1980

LB 743

to a more basic problem and so I would suggest that you oppose the Haberman motion, you oppose this amendment and that we deal with the problem with LB 946 at a time that is more appropriate. That is my suggestion. That is my information and I ask you to oppose the Haberman motion.

SPEAKER MARVEL: Okay, the motion is to return the bill. I am trying to clarify what we are doing, that is all, then I am going to call on Senator Johnson. The motion is to return the bill for the specific amendment as found on page 1345. Now the Chair recognizes Senator Johnson.

SENATOR JOHNSON: Thank you, Mr. Speaker, members of the body, I, too, oppose Senator Haberman's amendment. Senator Haberman's amendment puts a patch on a huge problem. I think that the litigation itself should continue. It is my ultimate hope that the court does hold unconstitutional Nebraska's safety inspection program and that we have to face safety inspection of our motor vehicles in an honest way. Safety inspection of automobiles in this state has got to be one of the most significant causes of consumer complaints as to how they are treated with respect to their automobiles. I know. I have heard from numerous people over the years about (a) overinspection, (b) underinspection, (c) trafficking in stolen safety stickers, (d) exemptions that are built into our existing law. Right now one can go down to a used car dealer in this state, buy a used car with no safety sticker but receive from that car dealer a statement to the effect that everything on this car is defective, everything is defective, but I, the buyer, agree that I will fix it up and a lot of people do that in the hopes that they will fix it up but they never quite get it fixed up and goodness only knows what ultimately happens. Now we need to face the safety sticker program in this state honestly and openly, and for us simply to take Senator Haberman's amendment to try to defeat pending court litigation so that we don't have to address the issue is wrong. Now knowing how courts work, I can't imagine, to be honest with you, that our law will be found unconstitutional between now and the time we reconvene next year. We have adequate time, frankly, to deal with the problem but it is one that should be dealt with. It should be faced. It should be reckoned with and we truly ought to come up with a responsible safety sticker law. Now I have been kind of watching Senator Wesely's 946 and hoping that maybe it would get off dead center so that we could address the safety sticker program. That is a much better bill in the end than Senator Haberman's patch but I would urge this body

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