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Floor Debate
February 06, 2014

[LB56 LB181 LB371A LB393 LB551 LB674 LB682 LB698 LB702 LB725A LB736 LB749
LB752 LB753 LB759 LB774 LB785 LB801 LB807 LB920 LB982 LB1042 LB1075 LR434
LR435]

SENATOR COASH PRESIDING

SENATOR COASH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-first day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Senator Scheer. Please rise.

SENATOR SCHEER: (Prayer offered.)

SENATOR COASH: Thank you. I call to order the twenty-first day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President.

SENATOR COASH: Thank you. Are there any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Banking, Commerce and Insurance, chaired by Senator Gloor, reports LB749, LB753, LB774 to General File. Transportation and Telecommunications, chaired by Senator Dubas, reports LB698 to General File; LB736, LB982 to General File with amendments attached. Priority bill designations: Retirement Systems has selected LB759 and LB1042. And hearing notices from the Appropriations Committee, signed by Senator Mello as Chair. It's all that I have, Mr. President. (Legislative Journal pages 459-463.) [LB749 LB753 LB774 LB698 LB736 LB982 LB759 LB1042]

SENATOR COASH: Thank you, Mr. Clerk. We will proceed to the first item on the agenda.

CLERK: A confirmation report from Natural Resources Committee, chaired by Senator Carlson: reports on two appointments to the Ethanol Board. (Legislative Journal page 422.)

SENATOR COASH: Thank you, Mr. Clerk. Senator Carlson, you are recognized to open on your confirmation report.

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. Natural Resources Committee had two appointments to confirm for the Nebraska Ethanol Board: Galen Frenzen from Fullerton is a reappointment. He is engaged in production agriculture, and he does serve as chair of the Ethanol Board. He is a former

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member of the Governor's Water Policy Task Force. Paul Kenney of Kearney is also a reappointment, representing business interests. He is a farmer/rancher, and he serves as vice chair of the Ethanol Board. And he is chair of the KAAPA Ethanol limited partnership (sic). The committee voted 7-0, with 1 absent, on the confirmation of these two gentlemen to the Nebraska Ethanol Board, and I would ask for your support.

SENATOR COASH: Thank you, Senator Carlson. Is there any discussion on the confirmation report? Seeing none, Senator Carlson, you're recognized to close on the report. Senator Carlson waives closing. The question is the adoption of the report offered by the Natural Resources Committee. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 463.) 28 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

SENATOR COASH: Thank you, Mr. Clerk. (Doctor of the day introduced.) Also, members, the Peanut M&Ms and the YORK Peppermint Patties are from Senator Adams; it is his birthday today. Happy birthday. The next item on the agenda, Mr. Clerk.

CLERK: Senator Burke Harr would move to withdraw LB1075. [LB1075]

SENATOR COASH: Senator Harr, you're recognized to open on your motion. [LB1075]

SENATOR HARR: Thank you, Mr. President and members of the body. I want to first thank Speaker Adams for the tin-wrapped candy on Day 21 of the session. So thank you. I introduced LB1075 because it is good policy to prevent the perception of quid pro quo and the revolving door. I still believe it is good policy. However, this bill has been portrayed as trying to prevent the Governor from becoming president of the University of Nebraska. First, let me be clear, if this legislation were passed, because of its operative date it would not have prevented the Regents from naming the Governor as president. Second, at the time I introduced this legislation the Governor had stated he was not interested in the job. It is my understanding the Governor is now considering the job. At this time I do not want to be a distraction in determining our next president. I do not want to stand in the way of the Governor and the Regents in deciding who they think is best to run the university. I have all the confidence that they will make the proper decision. Therefore, I would ask to withdraw LB1075. Thank you. [LB1075]

SENATOR COASH: Thank you, Senator Harr. You've heard the motion to withdraw LB1075. Senator Chambers, you are recognized. [LB1075]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm not going to oppose the motion, but I want to ask Senator Harr a question or two. [LB1075]

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SENATOR COASH: Senator Harr, will you yield? [LB1075]

SENATOR HARR: Yes. [LB1075]

SENATOR CHAMBERS: Senator Harr, I had some very definite opinions about the bill, as I'm sure others did. But since it's yours and you want to withdraw it for the reasons you gave, I'm not going to interfere with that. However, what was it that inspired you to bring the bill in the first place? [LB1075]

SENATOR HARR: On the federal level there are policies against revolving door. In Omaha, we had a recent case of a public utility that had a board member who went in-house and was hired...who hired a president; and that president then hired someone in-house. And so that was the original inspiration. Then that board turned around and put in a one-year...a policy of one year to prevent...you had a cooling off period of one year. So that was the genesis of this bill. [LB1075]

SENATOR CHAMBERS: When I use the term "evil," it's not in the sense of morality. But courts have said that when a bill or an act by the Legislature is designed to address an evil, then you review whether or not the legislation accomplishes the purpose stated. So if the very evil that the bill was designed to address is impending, why should that be a reason to not pursue the bill rather than a reason to push harder for it? [LB1075]

SENATOR HARR: Good question. Because I have full faith and confidence in our Board of Regents who are elected by the people, that they will understand that it's good policy and they will make the right decision for the state of Nebraska. And I don't want this to be a distraction or an excuse. [LB1075]

SENATOR CHAMBERS: But that was not your feeling before this question of whether the Governor would be considered for the presidency of the university? Is that what he's being considered for? [LB1075]

SENATOR HARR: And this is exactly why I want to withdraw it, because I don't want this bill to about the Governor. I want the decision by the Board of Regents to be made based on who they feel is the best candidate, not because of a piece of legislation that may or may not pass. [LB1075]

SENATOR CHAMBERS: Senator Harr, maybe--but this is not true for me--maybe I want everybody to love me. Maybe that's what I want. But I have other competing motivations which will lead me to do things, say things, take positions which will cause some people not to feel that way toward me; so that, what I want, often cannot be done. Have you heard of a group called The Rolling Stones? [LB1075]

SENATOR HARR: I have. [LB1075]

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SENATOR CHAMBERS: Have you heard a song they sang, "You Don't Always Get What you Want"? [LB1075]

SENATOR HARR: "But if you try sometimes," yes. [LB1075]

SENATOR CHAMBERS: And you don't want to create a problem for the members of the Board of Regents? Is that true? [LB1075]

SENATOR HARR: What I would say is I have confidence that they will pick the right person. [LB1075]

SENATOR CHAMBERS: But that's not the way I asked the question. And you were a member of the County Attorney's Office so you know that if you're in court and on a witness stand I would say, Your Honor, would you ask the witness to be responsive to the question? But we're not in a court so I will just ask the question again. Let me take it from a different angle. Is it your view that the Board of Regents, of all the entities that may be affected by your bill, are the only ones who will probably make the right decision anyway; so if another bill is offered, the Board of Regents should be excluded from its reach? Is that the principle you are laying out today? [LB1075]

SENATOR HARR: No. No, the principle I'm laying out today is that... [LB1075]

SENATOR COASH: One minute. [LB1075]

SENATOR HARR: ...I do believe this is good policy, that we should have a cooling off period and avoid the revolving door. But that I also, at the same time, don't want this bill to be sucked into the vortex of being an attack on the Governor. And so instead what I'd like to do is pull the bill, bring it back when it has less of a political tinge to it, so that the emphasis is on the policy, whether it's good or bad policy, and not whether this was meant to prevent the Governor from being president of the university. [LB1075]

SENATOR CHAMBERS: Senator Harr, my time is up right now but I've got my light on, so I'll stop at this point. But I'm going to continue when I'm called on. [LB1075]

SENATOR COASH: Thank you, Senators. Senator Chambers, you are recognized. [LB1075]

SENATOR CHAMBERS: Thank you. Mr. President, as much as anything else, I'm trying to create a record. Senator Harr, where is the bill right now? Is it still in committee? [LB1075]

SENATOR HARR: It is. [LB1075]

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SENATOR CHAMBERS: Why didn't you just ask the committee not to act on it rather than capitulate in this fashion? [LB1075]

SENATOR HARR: I don't...it was just a judgment call. [LB1075]

SENATOR CHAMBERS: I know that I said I would not resist your motion. Would you allow me to become a cosponsor of your bill? Then you remove your name from it, and you have done what Pontius Pilate attempted to do, which is to wash his hands of the issue before him at the moment. And I'm not saying you're Pontius Pilate; I'm just giving an example that jumps into my mind; and you know how skeptical it is anyway. So would you be willing to withdraw your motion, let me put my name on the bill as a cosponsor, then you withdraw your name from the bill? [LB1075]

SENATOR HARR: Well, again, I mean, the reason I'm withdrawing this today is, again, I think it is good policy, but my fear is that this is going to become about the Governor, and that's exactly what I don't want. You'll be back next year. [LB1075]

SENATOR CHAMBERS: Maybe. [LB1075]

SENATOR HARR: God willing, I'll be back next year, and we can work... [LB1075]

SENATOR CHAMBERS: Well, if it's up to that person, I won't be back next year. (Laughter) [LB1075]

SENATOR HARR: Well, I have an election. And, you know, I want to bring it up next year but I want it to be a policy debate. I don't want it to be about a certain individual. So I understand what you're trying to do and I think...you know, you and I are in agreement on this, that it's good policy. It's just there's a time, as they say...and this may not be the time. [LB1075]

SENATOR CHAMBERS: But, Senator Harr, you still haven't answered. You said you fear that it might do this or that. Franklin Roosevelt said we have...there is nothing to fear but fear itself. Somebody else said, do the thing you fear and the death of fear is certain. Here is the question that I'm putting to you: Would you withdraw your motion, consent to my...adding my name as a cosponsor, then you withdraw your name from the bill? [LB1075]

SENATOR HARR: At this time I think I probably need to stay consistent. I appreciate what you're trying to do. [LB1075]

SENATOR CHAMBERS: But to say you "probably" is not a definitive answer. Will you agree or consent to what I'm suggesting? [LB1075]

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SENATOR HARR: I'm going to stick with my withdrawal motion. [LB1075]

SENATOR CHAMBERS: So your answer is no. [LB1075]

SENATOR HARR: So my answer is no. [LB1075]

SENATOR CHAMBERS: Thank you, Senator Harr. Members of the Legislature, I don't want to make it seem that I'm condemning Senator Harr for what he's doing, but this is a bill that I had looked forward to our discussing. Whether it was enacted into law or not, there would, as Senator Harr pointed out, be additional opportunities to bring such a bill. But the discussion is warranted. It would be like saying I'm going to offer legislation to say that no automobile sales person could sell a car to anybody, with brakes that are nonfunctioning. Then somebody would come along and say, well, I want to get a car like that because I want to conduct an experiment and see how fast I can go down a hill before I bail out, because I know I'm not going to be able to stop it. So then I say, very well, all considerations of safety, all considerations of all the other people who will be affected by this will go by the boards. And for this one aberration I will throw aside a policy that is rooted in not only commonsense but good sense and good public policy. [LB1075]

SENATOR COASH: One minute. [LB1075]

SENATOR CHAMBERS: It is not something that would be done for the first time if Nebraska does it. Is this my second or third time, Mr. President? Thank you. I'm going to turn on my light one more time. I was serious when I made my offer to Senator Harr. As the introducer of the bill, I would have no way of knowing whether the committee would share the feeling of Senator Harr or just not like the bill, and therefore not advance it. But there would be a public hearing. There would be a chance for the public, some of whom may have had their eye on this bill, intended to speak on the bill, and now that has been taken away, not for any reason that I think is meritorious. I don't care if it was myself seeking a job or the... [LB1075]

SENATOR COASH: Time, Senator. You may continue. [LB1075]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, this is being done to help a politician, a politician who has never bitten his tongue or been shy or reluctant to tell the Legislature, in so many words, where to go and what it could do after it got there. Now he's looking for a job. A bill that had been offered before this surfaced as even a rumor, which was good policy in my view, is now going to be withdrawn. They have what they call long-arm statutes, which means you can get jurisdiction in the court of your state over somebody in another state if they do something that gives them enough connection to your state for your courts to take

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jurisdiction, personal jurisdiction, over that person. This is the long arm of the Governor reaching into the Legislature. I have to wonder how many other times, and on behalf of how many other individuals, will good public policy, which the Legislature has an obligation to put into law, will be cast aside. If we want to stop the beheading of senators, but somebody tell Senator Harr, well, I've got a sharp knife and I've practiced so I can take off Senator Chambers' head with one swing. So he says, well, we will do away with that bill for now until you cut off this head; then we're going to implement it. If it was good policy before the Governor and his ambitions became a matter of public discussion, it is good policy now. On the other hand, if you're going to withdraw to benefit a sitting Governor, I will fight against the bill if it comes up again. It is wrong to say everybody else is just an ordinary, garden-variety person, and he or she will be affected by a law, but when it comes to the Governor, then it's a different matter. That should make us more intent on bringing this bill at least to a public hearing. It is not a shameful thing for a person to have embarked on a course of action, rethink it, be given more information, and at least say, I will give it additional thought and consideration. The reason I didn't discuss this with Senator Harr off the mike, I didn't know that this would be done. So I'm going to ask Senator Harr an additional question. [LB1075]

SENATOR COASH: Senator Harr, will you yield? [LB1075]

SENATOR HARR: Yes. [LB1075]

SENATOR CHAMBERS: Senator Harr, would you withdraw your motion and then you make it again in a few days and I will not make a comment on it and I would like to have the opportunity to discuss it further with you? I only get three times on the mike, and it's not something that I'd want to extend the discussion on this morning, even if I could. But I'm trying to get enough out there to show you that this has nothing, in my presentation, to do with the Governor. So would you do that? [LB1075]

SENATOR HARR: Well, I would concede this bill has nothing to do with the Governor. And it is good policy. I'm going to go ahead and pull it today. I have my light on and I will give you another five minutes to talk to try to convince me otherwise. But at this point I'm going to stick with my withdrawal motion. [LB1075]

SENATOR COASH: One minute. [LB1075]

SENATOR CHAMBERS: Senator Harr, you have a very good friend. I won't call his name. But right now he's in the custody of some very bad people with very bad motives, and the only one who can control them is me. Now, are you willing to risk the health and welfare of your friend for this bill? Yea or nay. [LB1075]

SENATOR HARR: I believe in the kindness of strangers. [LB1075]

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SENATOR CHAMBERS: You believe in what? [LB1075]

SENATOR HARR: The kindness of strangers. [LB1075]

SENATOR CHAMBERS: Oh, these are strange, all right, but not only from the standpoint of your not knowing their identity. And look, for the sake of the body, and Senator Harr is not going to change his mind, I'll accept his offer of time but I won't take the full five minutes. Thank you, Mr. President. [LB1075]

SENATOR COASH: Thank you, Senator Chambers. Members, the doughnuts that are being handed out are to celebrate the birth of Senator Mello's daughter, Elizabeth (sic). Congratulations. Senator Burke Harr, you're recognized. [LB1075]

SENATOR HARR: Thank you, Mr. President. I would yield my time to Senator Chambers. [LB1075]

SENATOR COASH: Senator Chambers, 5 minutes. [LB1075]

SENATOR CHAMBERS: Thank you. Mr. President, since I'm making a record, I don't mind if people don't listen. I really don't. There are other people watching us, and what they think of this is far more important than what the people on this floor think, because they're going to vote to withdraw this bill. The bill belongs to us as a body when it's introduced. I think it would be a mistake to withdraw the bill. Senator Harr, I have to ask you a question. Which committee is this bill...is hearing this bill? [LB1075]

SENATOR COASH: Senator Harr. [LB1075]

SENATOR HARR: Government, with Chairman Avery. [LB1075]

SENATOR CHAMBERS: Do you know whether it has been set for a hearing or not? [LB1075]

SENATOR HARR: I believe it has. February 20? February 20, yes. [LB1075]

SENATOR CHAMBERS: Thank you. Members of the Legislature, this is a bill that would draw the interest of the public. There are people who would take it as seriously as I'm taking it, and some perhaps even more so. They could have prepared for the hearing. I know bills have been withdrawn before, even though a hearing had been set. But this is an extraordinary bill dealing with a very important matter. I don't think that as a courtesy to our colleague, and that's all that it would be, we should vote to withdraw this specific bill. I can't remember ever, in the time I've been in the Legislature, voting against the wish of a member to pull a bill. This is extraordinary. Sometimes I feel so frustrated, continuing to repeat, even though I said I will, comments about the integrity of our

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legislative system and the Legislature as an institution. The reason given by Senator Harr may be persuasive to him, but it should not be persuasive to the rest of us. Senator Harr is not going to be angry at anybody for voting against his motion. Sometimes we have to intercede and save a fellow member from himself or herself. Suppose it turns out that the Governor doesn't want the job. Suppose it turns out that the Board of Regents will select somebody else. Then the Legislature, as it should, can come in for ridicule. Some of us on the floor talk about transparency in government. I'm one of those people. How would it look if I say, well, I've got a friend or somebody who is a very important person who wants to do this or that, so in this instance we ought to throw the cloak of secrecy over that particular circumstance. These are principles that should be applied across the board. And because I said I wouldn't take the full five minutes that Senator Harr gave me, I will stick by what I said. But I have a great deal in me that I think needs to be said. Thank you, Mr. President. Thank you, Senator Harr. [LB1075]

SENATOR COASH: Thank you, Senators. Senators, the additional doughnuts being passed around today are in honor of Senator Wallman's birthday. Happy birthday. Members still wishing to speak: Senators Mello, Carlson, and others. Senator Mello, you are recognized. [LB1075]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. First, for kind of a point of clarification actually. I appreciate everyone's kind words in regards to the birth of our daughter Angelina, not Elizabeth. And there's been a good number of legislative staff, the Clerk's Office, and senators, my wife Catherine and I are very appreciative of everyone's kind words, thoughts, and parental advice as new parents. With that being said, Senator Chambers raised a couple questions that made me think a little bit more about why we're withdrawing LB1075. I've been perfectly clear in the sense of understanding that it's been ironic that our Governor has now changed his tune a little bit in respects to wanting to seek the University of Nebraska presidency, knowing that he has no master's degree, no Ph.D., no postsecondary degree outside of a bachelor's degree, and that alone has raised some concerns with me. But in speaking with Senator Harr when he initially introduced this bill, it seems like it's a fairly good government bill of trying to make sure that when a chief executive appoints a governing board that that governing board then is not beholden to that chief executive if they so choose to want to seek an appointment to that actual institution or governing board. I think that sounds like fairly reasonable policy. Whether or not it impacts this Governor or any future Governor, that's left up for the Legislature and the policymakers to decide. But I'm a little leery now of why Senator Harr is withdrawing this bill, whether or not it impacts this Governor who may or may not seek the university presidency, I think goes beyond what the bill does. The bill sets, I think, a fairly good precedent of trying shut that revolving door when a Governor or chief executive appoints. And that's the biggest component, I think, of this bill is when a governing board has appointees by that chief executive that they then have that undue influence of being beholden to that person who appointed them. And I think this is, the underlying bill, is something I'd support. It's

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a concept I think that's sorely needed. It's long overdue, in part because the current Governor has appointed a number of the Board of Regents members. And I think if it wasn't that particular case now, it's still a good public policy regardless of who currently holds the Governor's office and who currently is on the Board of Regents. So, colleagues, I'm going to vote no on the withdrawal of the bill. It's not because...it's not because I don't respect what Senator Harr feels needs to be done now, but I don't see the need to withdraw a bill that is generally good public policy. And normally I would defer to a member in regards if they want to withdraw their own bill. But Senator Chambers has brought up a unique situation that he's more than willing to carry the bill forward on behalf of Senator Harr if Senator Harr simply allows him to cosponsor it and then withdraw his name, which I think if that is the process that Senator Chambers wants to carry through on a bill that I think is generally good public policy, I would be willing to support that and hope that the Government Committee would give it a fair hearing moving forward. So with that, colleagues, I'm going to vote no on withdrawal of the bill and hope that Senator Harr and Senator Chambers can discuss this a little bit more off the mike, with the hopes of maybe finding some reconciliation. With that, thank you, Mr. President. [LB1075]

SENATOR COASH: Thank you, Senator Mello. Senator Carlson, you're recognized. [LB1075]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. Several times there's reference made to the Almighty on this floor. Sometimes I respond and sometimes I don't. I'm going to respond today and I would like to address Senator Harr if he would yield. [LB1075]

SENATOR COASH: Senator Harr, will you yield? [LB1075]

SENATOR HARR: Yes, I will. [LB1075]

SENATOR CARLSON: Senator Harr, I think I heard you right. You made the statement that, God willing, I will be back next year. Did you say that? [LB1075]

SENATOR HARR: I did. [LB1075]

SENATOR CARLSON: And I think you... [LB1075]

SENATOR HARR: Well, and the voters I should say. [LB1075]

SENATOR CARLSON: I'm sorry, I didn't hear you. [LB1075]

SENATOR HARR: I should add the voters, as well. God willing and the voters. [LB1075]

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SENATOR CARLSON: Well, you've got to have will in there first as a part of that or it probably won't happen. So I think you believe that, don't you? [LB1075]

SENATOR HARR: Yeah. I do. [LB1075]

SENATOR CARLSON: All right. Thank you. I'd like to address Senator Chambers if he would yield. [LB1075]

SENATOR COASH: Senator Chambers, will you yield? [LB1075]

SENATOR CHAMBERS: Yes, I will. [LB1075]

SENATOR CARLSON: Senator Chambers,... [LB1075]

SENATOR CHAMBERS: Just a second. Is that Senator Carlson asking me? [LB1075]

SENATOR COASH: Yes. [LB1075]

SENATOR CHAMBERS: There's a way that I respond to him. Verily, verily, I say unto thee, yea, I shall yield. [LB1075]

SENATOR CARLSON: Thank you, Senator Chambers. I'm going to ask you, did you hear Senator Harr say that, God willing, he would be back next year? [LB1075]

SENATOR CHAMBERS: I definitely heard that, and I reacted to it, because he put me in there too. [LB1075]

SENATOR CARLSON: Now would you agree that, God willing, you will be back next for your 41st year? [LB1075]

SENATOR CHAMBERS: The point I made was if that individual has anything to do with it, it's a cinch I will not be back. [LB1075]

SENATOR CARLSON: Well, I think I had indicated to you several years ago that he put you here for a purpose and he put me here for a purpose, and when that purpose is fulfilled neither one of us will be here any longer, because you have served a real purpose and I've enjoyed these opportunities to spar a little bit with you on scriptural matters. Do you agree that when he no longer thinks it's time for you to be here, you won't be here? [LB1075]

SENATOR CHAMBERS: Senator Carlson, I'm like the court. On speculative issues I cannot give a definitive response. So not being acquainted personally with that individual and knowing how that individual thinks or feels or why the individual does

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whatever is done, I really am unable to answer the question. [LB1075]

SENATOR CARLSON: Well, you did try to sue him. [LB1075]

SENATOR CHAMBERS: Well, yes, I...and throughout my lawsuit I never used a pronoun. There was neither masculine nor feminine, but the term that people use to designate that individual throughout, because I don't know that that individual would have a gender, so I didn't try to accord one to that individual. [LB1075]

SENATOR CARLSON: Well, Senator Chambers, thank you for your response and yielding to me. And I will say, like I've heard you say before, that nut is hard to crack. So with that I'm finished. Thank you, Mr. President. [LB1075]

SENATOR COASH: Thank you, Senator Carlson. Senator Nordquist, you are recognized. [LB1075]

SENATOR NORDQUIST: Thank you, Mr. President and members. And I, too, will not...am not going to vote to withdraw this bill, for a couple reasons. This is certainly good government and good policy at the right time. And if there's a perception issue, as Senator Harr said, this is not about the University of Nebraska presidency position. If there's a perception issue, that easily can be corrected with an amendment in committee or on the floor that says this law doesn't take effect until January 1, 2015, or some other operative date. But the fact of the matter is, the problem that this bill seeks to address is happening and it's creating, unfortunately, not good government in some of our communities. There was a situation in our community in Omaha where a board...I believe it was the board president of a political subdivision voted and led the board as they chose a new CEO or president of the political subdivision, and then that person was hired right away for a job that paid...it was well over \$100,000 a year. But that just shows the problem here, the revolving door problem. This is happening in our communities right now. This is an issue that needs to be addressed right now. And I'm sorry that Senator Harr feels that it needs to be withdrawn because of the perception. But again, we can fix that. We can talk about that. We can clarify that this is not about the University of Nebraska job by putting the date in, fixing that, and moving on to correct a problem that is creating nontransparent hiring practices in our political subdivisions in the state. That's why I will not vote to withdraw this bill and I hope we can move forward with it this year. With that, I'll yield the rest of my time to Senator Chambers. [LB1075]

SENATOR COASH: Senator Chambers, 3 minutes 15 seconds. [LB1075]

SENATOR CHAMBERS: Thank you, Senator Nordquist. And thank you, Mr. President. And I'm not under the arrangement I made with Senator Harr where I would not use all of the time. This is an important enough issue to overshadow anything else that we

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would have discussed this morning. And that includes Senator Bloomfield's bill, which he knows that I will give him a vote on, as I always have. This issue which is being addressed by the bill is one that not only members of the Legislature have a concern about. It is national, it might even be international, where in the best interest of the public a bill of the kind that Senator Harr has introduced should at least go through our process, let it be thoroughly debated, give the public an opportunity to speak. Suppose there were members of the public...by the way, Senator...I won't mention his name because I don't want people to come down here with pitchforks, torches, and clubs to roust him out of here, but the Chair of a particular committee which name I will not give said that in anticipation of Senator Harr pulling this bill--I would have used the term capitulating--in a most ignominious manner, but the Chair is a man of few words or only one, if possible, it has been taken off their schedule for hearings. So the public, unless people were not aware that it was scheduled for a hearing and now no longer is, will not be a part of the discussion as far as there being a hearing set. The very kind of thing that led Senator Harr to walk in the light, the light of wisdom, the light of good policy... [LB1075]

SENATOR COASH: One minute. [LB1075]

SENATOR CHAMBERS: ...is the very thing that is now making him say, I will turn my back on perhaps a good thing. Here's what I would say to Senator Harr, and I wish he would apply it to himself on this bill. Charles Dickens wrote it. It is a far, far better thing that he does when he brought this bill than he has ever done before in this Legislature. It will be a far, far better peace that he will know than he has ever known. And the character who was made to state those words was going to allow himself to lose his head because he resembled a person who was going to be executed. And his words were: It is a far, far better thing that I do than I have ever done before. It is a far, far better rest that I go to than I have ever known. He knew that life was limited in its duration. Not many times... [LB1075]

SENATOR COASH: Time, Senator. [LB1075]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1075]

SENATOR COASH: Thank you, Senator Chambers. Senator Wallman, you're recognized. [LB1075]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I, too, agree we all talk about transparency and too many things behind closed doors, whether it be your county meetings or whether it be in here or whether it be in the government or university offices. We should not be worried about transparency. Why? Why? We have to ask ourselves, is it just curiosity? Military secrets, some of those things, have to be secret. But in ordinary government affairs, appoint this person, appoint that person, and

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it may be the best person for the job. It's okay. But I'd yield the rest of my time to Senator Chambers. [LB1075]

SENATOR COASH: Senator Chambers, 4 minutes 15 seconds. [LB1075]

SENATOR CHAMBERS: Thank you, Senator Wallman. Thank you, Mr. President. And I would like to ask Senator Harr a question or two. [LB1075]

SENATOR COASH: Senator Harr, will you yield? [LB1075]

SENATOR HARR: Yes. [LB1075]

SENATOR CHAMBERS: Senator Harr, I don't like to use that term "bull's eye," because it implicates shooting. You have put yourself in the center of the spotlight by what you are attempting to do, and you're able to deal with the issues we're raising. Senator Harr, did anybody from the Governor's Office or representing the Governor ask you to withdraw this bill? [LB1075]

SENATOR HARR: Thank you. Great question. No. [LB1075]

SENATOR CHAMBERS: Did anybody who is a member of the Board of Regents or speaking on behalf of the Board of Regents request that you withdraw this bill? [LB1075]

SENATOR HARR: No one requested that I withdraw the bill. No. [LB1075]

SENATOR CHAMBERS: You said no one, and that one usually means or designates a person worthy of regard. Did any member of an editorial staff of one of the...of the largest newspaper ask you? So then no person asked you to withdraw this bill? [LB1075]

SENATOR HARR: Oh, no one from an editorial asked me to withdraw this bill. No. [LB1075]

SENATOR CHAMBERS: Oh, well, who did? [LB1075]

SENATOR HARR: Well, actually no one asked me directly. No. [LB1075]

SENATOR CHAMBERS: Well, indirectly who asked you to withdraw it? [LB1075]

SENATOR HARR: Ah, boy,... [LB1075]

SENATOR CHAMBERS: Well, you brought up this person called God, and Senator...oh,

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he's not here, but he'll probably be listening, Senator Carlson extended the discussion. [LB1075]

SENATOR HARR: Yeah. [LB1075]

SENATOR CHAMBERS: Senator Harr, if there is this being that Senator Carlson mentioned and whom you invoked, don't be brave toward that being and a coward toward humans. [LB1075]

SENATOR HARR: No. So if I could answer that. What I say is, I've had a number of spirited conversations with individuals as to whether this is public policy or this is aimed at the Governor. And I keep reminding people where the motive for this bill came from. One of the things that was thrown back in my face was, Burke, you have no cosponsors. And I thought about that. And that's right. You know, very seldom do we get to...I mean, I'm glad to hear today that people think it's good policy and we want to have a debate on it. But prior to that I had had nobody from within the body approach me and say, hey, this is great public policy; we should really have a debate on this. And so I didn't realize that it has the support that it does. I've had a number of senators come up to me today and tell me they support it. [LB1075]

SENATOR CHAMBERS: You can remedy that notion of no cosponsor. You have a person who is willing to take it. A bill like this does not require a multitude or several cosponsors. It has such merit that it will carry itself. [LB1075]

SENATOR HARR: Thank you. [LB1075]

SENATOR CHAMBERS: So if the mere fact that there weren't other senators cosponsoring it, I think part of it might be because you didn't ask anybody to cosponsor it with you. Is that true? [LB1075]

SENATOR COASH: One minute. [LB1075]

SENATOR HARR: I'm sorry, I couldn't hear you over the sound. [LB1075]

SENATOR CHAMBERS: You...in my view, you probably did not ask anybody to cosponsor it with you. Is that correct? [LB1075]

SENATOR HARR: No, I had shown this bill to a couple other senators before I dropped it. [LB1075]

SENATOR CHAMBERS: Why didn't you ask me? I'm just curious. [LB1075]

SENATOR HARR: I don't think it was intentional or unintentional. It sometimes hard to

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get...I mean, there are 49 senators. [LB1075]

SENATOR CHAMBERS: If you unintentionally offended a person, would you correct that if you could? [LB1075]

SENATOR HARR: Yes, I would. [LB1075]

SENATOR CHAMBERS: I'm offended that you didn't ask me. So are you willing to correct that? [LB1075]

SENATOR HARR: Well, Senator, I'm just excited you like one of my bills, to be quite frank. Uh, yeah. [LB1075]

SENATOR CHAMBERS: You'll correct it. [LB1075]

SENATOR HARR: Well, I will...I'm not sure how I can. [LB1075]

SENATOR CHAMBERS: I've told you. If you're proceeding down a path which is going in the wrong direction, it's never too late to stop, turn around, retrace your steps, and go in the correct and proper direction. [LB1075]

SENATOR COASH: Time, Senators. [LB1075]

SENATOR CHAMBERS: I didn't understand you. [LB1075]

SENATOR COASH: Time. [LB1075]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1075]

SENATOR COASH: Thank you, Senators. Senator Schumacher, you're recognized. [LB1075]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. I sympathize with Senator Harr. Part of the issues with term limits is we don't understand and have had very little experience with some of the procedural wrinkles, and I certainly understand where Senator Harr is coming from, having been the only sponsor and thinking that he was riding all by himself in this. I hadn't paid particular attention to LB1075. It hadn't been through a committee hearing. Certainly had not come up on my radar screen. But as a result of today's discussion it has come up on my radar screen. And Senator Harr mentions that he had several spirited discussions about this bill, and since it's apparently an issue, maybe we should have, at least in committee, a spirited discussion of this issue. Senator Harr, would you yield to a question? [LB1075]

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SENATOR COASH: Senator Harr, will you yield? [LB1075]

SENATOR HARR: Yes. [LB1075]

SENATOR SCHUMACHER: To the extent there's safety in numbers, Senator Harr, how many cosponsors would you like to have on this bill in order for it to go forward? [LB1075]

SENATOR HARR: Ten. [LB1075]

SENATOR SCHUMACHER: Ten? Count me in on that for the purposes of the discussion. Senator Chambers, we've now got two. Are you counting yourself as being three? [LB1075]

SENATOR HARR: Cosponsor. I'm the sponsor, so I need ten cosponsors. [LB1075]

SENATOR SCHUMACHER: Okay. So is that nine plus you, or you plus ten? [LB1075]

SENATOR HARR: Ten plus me. [LB1075]

SENATOR SCHUMACHER: Ten? [LB1075]

SENATOR HARR: Yeah. [LB1075]

SENATOR SCHUMACHER: Okay. At least we know... [LB1075]

SENATOR HARR: So ten is a nice round number. [LB1075]

SENATOR SCHUMACHER: Okay. Well, I agree it's a nice round. Thank you, Senator Harr. I'd yield the rest of my time to Senator Chambers. [LB1075]

SENATOR COASH: Senator Chambers, 3 minutes 30 seconds. [LB1075]

SENATOR CHAMBERS: Thank you, Senator Schumacher. Thank you, Mr. President. Senator Harr, you are a harder man than God. Are you aware of that? You have a higher demand than God. Are you aware of that? [LB1075]

SENATOR HARR: I would deny that. [LB1075]

SENATOR CHAMBERS: I wish that Senator Carlson were somewhere, because he would tell you...he would confirm what I'm saying about a situation where God was going to destroy a city. And a person came to God and said, don't destroy the city. And God said, but I must. And this person said--I'm paraphrasing--will you destroy the

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innocent with the guilty? And God said, what do you have on your mind? If I can find ten people, will you spare it? Well, sure. Now, see, God knew the answer in advance. So then the man said, for lack of one, will you destroy it? In other words, if there are nine? God said, you've got a deal. So they kept bringing it down and bringing it down. And finally, this person said, since I have been so bold as to enter this negotiation with you, I have one more request. And Senator Harr, I think you're familiar with the story I'm telling, aren't you? [LB1075]

SENATOR HARR: I am. [LB1075]

SENATOR CHAMBERS: And the number that finally was decided on was what? [LB1075]

SENATOR HARR: One. [LB1075]

SENATOR CHAMBERS: No. Is...Senator Carlson, would you yield to a question? [LB1075]

SENATOR COASH: Senator Carlson, will you yield? [LB1075]

SENATOR CARLSON: Yes, I would. [LB1075]

SENATOR CHAMBERS: Have you followed the discussion, Senator Carlson? [LB1075]

SENATOR CARLSON: I tried to, yes. [LB1075]

SENATOR CHAMBERS: Do you know how many people finally Abraham got...that this guy agreed would be the number that would save the city from being destroyed? [LB1075]

SENATOR CARLSON: Well, I think it's five. [LB1075]

SENATOR CHAMBERS: Thank you. Senator...where's Senator Harr? Senator Harr, while you come to your chair, will you yield to a question? [LB1075]

SENATOR COASH: Senator Harr, will you yield? [LB1075]

SENATOR HARR: Yes, I will. [LB1075]

SENATOR CHAMBERS: Senator Harr, you held up five fingers. Senator Carlson said he believes it was five, and I agree. You're harder than what God would require. Who are you, a mere worm in the bigger scheme of things--that's from the "Bible"--to make yourself harsher. So will you consider what we want to have done if there are five?

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[LB1075]

SENATOR COASH: One minute. [LB1075]

SENATOR HARR: You know, I'm kind of reminded of the old story of would you sleep with someone for a million dollars. And they say yes. And you say, well, now that we've established that you're a prostitute, let's negotiate the price. So I entered the negotiation saying I'd be willing to...if we came up with ten. And I think I'm going to stay at my ten. But I think, based on what I'm hearing here on the floor this morning, I don't think you're going to have much of problem finding ten. [LB1075]

SENATOR CHAMBERS: And my time is probably up and I have no more time of my own, so maybe somebody will give me a bit of time. [LB1075]

SENATOR COASH: Thank you, Senators. Senator Burke Harr, you're recognized. [LB1075]

SENATOR HARR: Thank you, Mr. President. Senator Chambers, would you yield to a question? [LB1075]

SENATOR CHAMBERS: Yes, I will. [LB1075]

SENATOR HARR: Thank you. You have been very persuasive this morning and I'm glad that you like the policy of my bill. If I were to find...and I would work to find ten cosponsors, and I think...would you be willing to work with me to find ten cosponsors? [LB1075]

SENATOR CHAMBERS: For this bill? [LB1075]

SENATOR HARR: For this bill. [LB1075]

SENATOR CHAMBERS: Yes. I would even make threats. [LB1075]

SENATOR HARR: Okay. Well, I tell you what. If you...I will pull this motion if you agree to work with me to find ten cosponsors; and if we don't find ten cosponsors, if I bring it back up again you won't fight it. [LB1075]

SENATOR CHAMBERS: Senator Harr, if I'm going to say that you are harsher than God, you want me to put myself in a position to share that? Is that what you would like to do? [LB1075]

SENATOR HARR: I don't want you to be harsher than God, no. [LB1075]

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SENATOR CHAMBERS: So then why do you insist that I not speak on the bill should it come up? See, here's the issue. It's a very important issue. [LB1075]

SENATOR HARR: It is. [LB1075]

SENATOR CHAMBERS: It affects a very important public policy matter. It is good policy. Nobody has said it's not good policy, not even you. [LB1075]

SENATOR HARR: Especially me. [LB1075]

SENATOR CHAMBERS: So why is it so hard for that which is good to be accepted and given a breath of life by the one who is about to take it away? [LB1075]

SENATOR HARR: Well, thank you, Senator Chambers, for answering the question. I have just been handed 11 cosponsors, so... [LB1075]

SENATOR CHAMBERS: I know we don't have demonstrations, but (applause). [LB1075]

SENATOR HARR: I guess I will withdraw my motion at this time...no, not guess. Definitive. I will withdraw my motion at this time. Thank you, Mr. President. [LB1075]

SENATOR COASH: Thank you, Senator Harr. Your motion is withdrawn. Items, Mr. Clerk. [LB1075]

CLERK: Thank you, Mr. President. Priority bill designation: LB807 by Senator Harms. Judiciary reports LB674 and LB752 to General File; LB920 to General File, with amendments. Senator Christensen offers LR434 and LR435, those will both be laid over; and Senator Larson, an amendment to LB56 to be printed. It's all that I had, Mr. President. (Legislative Journal pages 464-465.) [LB807 LB674 LB752 LB920 LR434 LR435 LB56]

SENATOR COASH: Thank you, Mr. Clerk. We'll move to the next bill on the agenda.

CLERK: LB725A, a bill by Senator Sullivan. (Read title.) I do have an amendment to the bill pending by Senator Sullivan, Mr. President. (AM1800, Legislative Journal page 457.) [LB725A]

SENATOR COASH: Senator Sullivan, you're recognized to open on LB725A. [LB725A]

SENATOR SULLIVAN: Thank you, Mr. President. And good morning, colleagues. The A bill for LB725 increases the TEEOSA appropriation by \$35,693,469 so that LB725 can be carried out and the LER can be reduced. I urge your advancement of this bill. Thank

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you. [LB725A]

SENATOR KRIST PRESIDING

SENATOR KRIST: Thank you, Senator Sullivan. And there's an amendment to the bill. Mr. Clerk. [LB725A]

CLERK: Mr. President, Senator Sullivan would move to amend with AM1800. [LB725A]

SENATOR KRIST: Senator Sullivan, you're recognized. [LB725A]

SENATOR SULLIVAN: Thank you, Mr. President. The amendment decreases the A bill, that I just mentioned, by \$2,763,774 to reflect our adoption of AM1683 that corrects for data issues in the student growth adjustment. The total increase in TEEOSA with this amendment would be \$32,929,695. With that, I urge you to vote green on this amendment. Thank you. [LB725A]

SENATOR KRIST: You've heard the opening. Seeing no members wishing to speak, Senator Sullivan, you're recognized to close. Senator Sullivan waives closing. The question is on the advancement of AM1800 to LB725A. All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB725A]

CLERK: 25 ayes, 1 nay, Mr. President, on adoption of the amendment. [LB725A]

SENATOR KRIST: The amendment advances. [LB725A]

CLERK: I have nothing further on the bill, Mr. President. [LB725A]

SENATOR KRIST: Thank you, Mr. Clerk. Seeing no one wishing to speak, Senator Sullivan, you're recognized to close on LB725A. [LB725A]

SENATOR SULLIVAN: Thank you, Mr. President. I just urge everyone present to please come into the Chamber to vote. [LB725A]

SENATOR KRIST: Thank you, Senator Sullivan. You've heard the closing. The question is the advancement of LB725A. All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB725A]

CLERK: 25 ayes, 0 nays on the advancement, Mr. President. [LB725A]

SENATOR KRIST: The bill advances. Next item. [LB725A]

CLERK: Mr. President, LB393, a bill by Senator Bloomfield and others. (Read title.) The

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bill, introduced on January 18 of last year, referred to Transportation and Telecommunications; the bill was advanced to General File. I do have committee amendments, Mr. President. (AM640, Legislative Journal page 810, First Session, 2013.) [LB393]

SENATOR KRIST: Thank you, Mr. Clerk. Senator Bloomfield, you're recognized to open. [LB393]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good morning, colleagues. I'm proud to introduce LB393 to all of you for your consideration. Under current Nebraska laws, you know, all motorcycle operators and passengers are required to wear protective helmets on state highways. LB393 would give motorcycle operators and passengers who are 21 years old or older the choice on whether or not to wear a helmet while operating their motorcycle. The operator would in all situations be required to have eye protection. All motorcycle operators or passengers under the age of 21 would still be required to wear a helmet. Today I'm adding my name to a distinguished list of senators who have come before me in an attempt to restore the freedom to decide for themselves to this segment of our population. Without a doubt, there will be those that will speak against this bill with heart-wrenching stories. I would encourage you to listen to the debate and look at the facts that are presented. I appreciate the time the committee put into this bill and the upcoming committee amendment. I would ask that as you listen to the grim statistics on what could happen or might happen, that you would keep in mind that no state surrounding Nebraska, with the exception of Missouri, requires a helmet be worn by adults. Some of those states at one time had requirements but have repealed them. While I'm not a fan of doing something because other states have done it, none of the states around us that have repealed these laws have found it necessary to reinstate them. We as a state, and as lawmakers in the state, I think have a duty and an obligation to protect and not infringe on the principles of liberty and the pursuit of happiness. LB393 reflects my strong belief that, as free Americans and free Nebraskans, adults should be able to make decisions that affect their lives and do not interfere with the lives of others. We have, by law, denied a particular segment of our population and certain individuals from outside our state that ability. There were over 92,000 licensed motorcycle operators in Nebraska in 2012. And you, with a "no" vote on this bill, can simply say to all of them that you know better than they do what they should do. With a "yes" vote, you can give them the chance to regain the freedom to choose. Ninety-two thousand is not a number to be taken lightly in Nebraska. President John Kennedy said, quote: In giving rights to others which belong to them, we give rights to ourselves and our country, unquote. I think it's time that we give these free men and women back their right to decide whether or not wearing a helmet is something they want to do. We're not talking about children here. We're discussing mature, thinking adults. Many of these folks made the decision when they were younger to serve our nation in the military, putting them in harm's way to protect and defend our rights. Now we're telling them that they do not have sense enough to

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decide whether or not to wear a protective device and that we, the state, know better than they do and that we must protect them from themselves. Give me a break. No, let's give them a break. The Declaration of Independence says, "life, liberty, and the pursuit of happiness," not conformity, control, and a safe cocoon. Let me use the words of President Ronald Reagan, who happens to share today with some of our distinguished senators as a birthday: Government exists to protect us from each other; where government has gone beyond its limits is in deciding to protect us from ourselves, unquote. Thank you. [LB393]

SENATOR KRIST: Thank you, Senator Bloomfield. As the Clerk...stand by. Announcement, Mr. Clerk. [LB393]

ASSISTANT CLERK: Mr. President, thank you. The Education Committee will meet in Executive Session now in Room 2022.

SENATOR KRIST: Thank you, Mr. Clerk. Sorry. As the Clerk stated, there are amendments from the Transportation Committee. Senator Dubas, as the Chair of the committee, you are recognized to open on your amendments. [LB393]

SENATOR DUBAS: Thank you very much, Mr. President. And good morning, colleagues. AM640 strikes the original sections of the bill and becomes the bill. It still requires eye protection for riders of motorcycles or mopeds on the highways; it exempts riders over the age of 21 from wearing a helmet; and it prohibits riders under 48 inches on motorcycles unless they are 16 years old or older. That portion of the amendment was a bill introduced by Senator Avery, LB181; his bill included an age limit. We felt it would be kind of hard to determine age of riders; and it might be easier to determine by looking at them, their size, whether they should be riding on the back of a motorcycle or not. And so we, working with the committee and others, converted that to a size limit rather than an age limit. The bill advanced from committee with a vote of 5-3. And I...thank you. [LB181 LB393]

SENATOR KRIST: Thank you. You've heard the opening on the bill and the amendment. Senator Avery, you're recognized. [LB393]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. I rise to move the division of the question, under Rule 7, Section 3(e). [LB393]

SENATOR KRIST: Senator, please describe the...what would you like to...why you would like to divide the amendment. [LB393]

SENATOR AVERY: The...under Rule 7, Section 3(e), it clearly says that if the question to be divided..."if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature,"

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and I would divide Section 1 and 2; 2 is the one that I wish to speak on. And in particular, I think that Section 2 ought to pass independently of the underlying bill in Section 1. It does have there language that, "No person shall operate a motorcycle on a highway in this state with a passenger who is less than 48 inches tall, unless the passenger is 16 years of age or older." This amendment grew out of a bill that I had before Transportation Committee. And I'm willing to argue that this is worthy of our consideration separately from the repeal of the helmet requirement. [LB393]

SENATOR KRIST: Thank you, Senator Avery. Senator Avery, Senator Dubas, and Senator Bloomfield, could you approach the Chair, please. It is the opinion of the Chair that the amendment is divisible. Mr. Clerk, would you please explain the division to the members of the body. [LB393]

CLERK: Mr. President, pursuant to your order, there will be two divisions. The first will be known as AM1839. AM1839; that involves Section 2 of the original committee amendment. Right? And the second amendment will be...Senator Dubas, as committee Chair, would like to take up AM1838 first, Mr. President, AM1838, which is, I believe, Section 1 of the original committee amendment. Senator, I have AM1838 in front of me. (Legislative Journal pages 466-467.) [LB393]

SENATOR KRIST: Senator Dubas, you are recognized to open on the amendment. Senator, just so there's no misunderstanding, could you wait just one minute. Okay. It's up on the machine now. AM1838 is Section 1 of the division. And you are recognized to open on that amendment. [LB393]

SENATOR DUBAS: AM1838, is that correct, the amendment? [LB393]

SENATOR KRIST: That's correct. [LB393]

SENATOR DUBAS: Okay, I'm not seeing that up on the machine yet, but that is Section 1 of the original amendment, correct? [LB393]

SENATOR KRIST: Yes, ma'am. [LB393]

SENATOR DUBAS: So Section 1 of the original amendment refers to a person that shall operate a motorcycle wearing eye protection, on the highways. And then it provides for the exemption of helmet over the age of 21. So, to be clear, they are required to wear eye protection and that there is an exemption for the helmet over the age of 21. [LB393]

SENATOR KRIST: Thank you, Senator Dubas. Members, you have heard the opening on AM1838, on the division. Those wishing to speak: Senator Gloor, Senator Harms, Senator Lathrop, and Senator Bloomfield. And, Senator Gloor, you're recognized.

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[LB393]

SENATOR GLOOR: Thank you, Mr. President. I'm still sorting out what's what, as relates to the amendments. But I'm going to take a general approach in my comments, that being I am now, I have been every time this has come up in the past, opposed to anything that comes close to a revocation of our helmet laws. That comes from years of being involved in the healthcare industry and seeing what small amount of trauma it takes to cause head injury, also working in an emergency room...working as a medic in an emergency room and dealing with injuries of all sorts, including those that came from motorcycle accidents. And so although I've got a lot of points and questions and things that will work out over the upcoming days, let me relate and start relating one story that drove home to me the risks involved in doing anything on wheels without a helmet on. Working in Germany, in the military, in an emergency room late one night, going out and checking ambulances, I heard the roaring sound of a relatively small motorcycle somewhere in the distance going back and forth and back and forth, revving up, taking off, slowing down, revving up, taking off, slowing down. And about 20 minutes later we got a phone call from the security police, of a motorcycle accident. And I knew immediately where the accident was. We showed up on the site, which was a road that ran not inside the Air Force base but just outside, a straight stretch of asphalted road that went through an open field that was basically pasture. And off to the edge of the headlights as we pulled up was a motorcycle and a German national, as it turns out, somebody who wasn't in the military, but a German national, who was unconscious and lying on the ground. And you could tell from the tracks the motorcycle made that he really hadn't been going what we would consider to be all that fast. Figured that he was probably inebriated and that's the reason that he was lying there unconscious. And as we worked on him in the glow of headlights that were around us, I saw something out of the corner of my eye bouncing around. And it was a rabbit. And it was a big white rabbit. And I didn't pay much attention because we were busy with a patient. We eventually got the patient loaded up on a German ambulance that showed up, because, again, he was a German national. We couldn't get any responsiveness out of him. He didn't appear to be that badly injured in any other way except he was unconscious. He wasn't wearing a helmet. They took off with, the German ambulance, with the patient. And this rabbit is still bouncing around. And I asked the security police that were there, "What's the deal with this rabbit?" I actually assumed it was somewhat of a relatively tame wild rabbit. It was a rabbit that this particular individual had kept in a little basket on the back of his motorcycle. It was his pet. The rabbit was uninjured. It was bouncing around all over the place, had no grass stains on it, nothing wrong with it. And the military police pointed out that the guy wasn't wearing a helmet but clearly hit the ground with his head, clearly wasn't going especially fast, certainly not fast enough to injure this bunny that was there. [LB393]

SENATOR KRIST: One minute. [LB393]

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SENATOR GLOOR: Thank you, Mr. President. And two days later, we heard that he died of head injuries. And I was amazed, because clearly this hadn't been what we would consider to be a terrible accident with metal flying everywhere. He died of head injuries. It doesn't take much. And when those patients are injured and when they go to the hospital, even if we're talking about somebody who survives, the kind of dollars involved in the short amount of care for them is huge. I'm sure we're going to hear that this doesn't happen very often. But it doesn't take much for that bill to run up. And a simple helmet, in this case, for that young man, who didn't think he was at any degree of risk, enjoying the wind blowing through his hair, cost him his life, amazed me and changed my whole attitude toward motorcycles. [LB393]

SENATOR KRIST: Time, Senator. [LB393]

SENATOR GLOOR: Thank you, Mr. President. [LB393]

SENATOR KRIST: Thank you, Senator Gloor. Mr. Clerk, for an amendment. [LB393]

CLERK: Mr. President, Senator Lathrop would move to amend this component of the committee amendments by striking language...well, Senator, I've got AM1813 in front of me--that was a draft of the original committee amendment--but it's the language that inserts, "an eye protection device of a type approved by the Department of Motor Vehicles." Okay. (Legislative Journal page 457.) [LB393]

SENATOR KRIST: So we have Senator Lathrop's amendment to the division...the first amendment of the division of the question. Senator Lathrop, you are recognized to open on your amendment. [LB393]

SENATOR LATHROP: Thank you very much, Mr. President. And, colleagues, good morning. This would be my third time around with the repeal of the helmet bill. And while I appreciate Senator Bloomfield's passion for this issue, I will stand in opposition, and I will do that as long as I need to to see this measure fail. And maybe before I start I should say that I admire, in the time that I've spent with Senator Bloomfield, his independent thinking and his honestly thoughtful held belief that this would be good policy, just as I did when Janssen brought the bill, and when Senator Rogert before him brought the bill. This isn't personal, nor is it personal for the guys who ride motorcycles, or those who ride motorcycles. And over the next eight hours of debate I think I'll have an opportunity to explain why it's important to me and why I think, when we talk about an individual person's ability to choose, sometimes that runs up against policy; and we'll talk about policy over the next eight hours. But we'll do it, I believe, in a respectful way. And I think it affords us an opportunity to talk about policymaking generally. We will, undoubtedly, over the next few days, talk about statistics. Statistics for deaths that will increase; that's going to be a significant number. We know how many accidents there are. We know how many people will die if this is repealed, because other states have

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done this; we're not blazing a new trail here. And more people die...more people die when we repeal the helmet bill. And more people have brain injuries. And we will have a chance to talk about how that policy plays out if this bill were to pass, what it means statistically, what it means for Medicaid. When I saw this bill coming up, I thought, this will be our first opportunity to talk about Medicaid expansion, because, Senator Bloomfield, a lot of these people don't have health insurance. They have an auto policy, and they think the med pay in that auto policy is going to cover a brain injury. And it won't even get close. And after they suffer their brain injury--and I'll talk about what that looks like too--after they suffer their brain injury, they're now able to collect Social Security disability and qualify for Medicaid. And then the state picks up the tab for these horrible injuries that we will allow to happen if the helmet bill is repealed. And that's part of the policy discussion. I can tell you that my position is a function of what I do for a living. And you may think a guy who represents people that get hurt in one way or another wouldn't care about something like this. And I will tell you, it's a lot different than that. It means that I have had the opportunity to go to the trauma hospitals in Omaha and meet with families. I've met the families whose loved one was involved in all kinds of accidents. Motorcycle accidents are particularly bad. I've talked to families whose sons and daughters were in college, who were in school, who showed so much promise, so much promise, and they're involved in some kind of an accident that takes their life, steals all that promise at a young age. And in some ways it is...it is almost as difficult, or worse, to have nothing left of your son or daughter but a shell. Because when you have a brain injury, a particularly bad brain injury, you can see your son or daughter, or your husband, or your brother, but they're not there anymore like they were before. There are varying degrees of brain injuries. You can be in a persistent vegetative state as a result of one of these collisions. And when you're in a persistent vegetative state, you can't care for even the basic needs. You can draw breath; your heart will keep going. But you can't interact; you don't perceive. We'll talk about a lot of statistics, and I may talk about some of the people I've met along the way doing this for 30-some years now. Some of the families, I cannot tell you the horror...the horror that we will unleash on so many families if this bill passes and people are allowed to die so that some people can ride their motorcycles without a helmet. When you talk about the policy discussion that we're going to have, a fair discussion, an individual's right to make a decision and our role as policymakers, one thing that we can agree on...two things that we can agree on probably. One is that it's almost never the motorcycle guy's fault. Okay? My opposition has nothing to do with how these people operate their motorcycles. If you look at the numbers, after we started sending them through training, the numbers of accidents and the fatalities went down dramatically. But they're still there. And most of the time...most of the time it's somebody doesn't see a motorcycle that is right in front of them. They turn left in front of them, they pull out from stop signs, they do all kinds of things to get in front of and cause a collision with somebody who's carefully operating their motorcycle. So this isn't about the way they operate. I will give you, I will grant you, I will agree with you, Senator Bloomfield, that most of the time it's not their fault. And here's another thing I think we can agree on and we ought to give

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some thought about. And that is, no one thinks it's going to happen to them. Let me say that again, because that's the difference between letting people decide and us making policy. The guy who's going to choose to not wear a motorcycle helmet after this bill is repealed, if it's successful, never thinks he's going to be in a wreck. If he thought he would be in a wreck, he never would get the bike out of the garage that day; if he did, he'd wear a helmet. He would put every protective device on imaginable to protect himself if he knew he was going to be in a wreck. But we know as policymakers; we can look at the numbers, each year there are 525 motorcycle accidents. There's going to be 525 accidents. We can do everything we want. We have trained these people. We require that they get special permits, to be as careful as most of them are; and almost everyone I've ever met is. And we'll still have 525 accidents. That's 525 people who are going to be launched from their motorcycle into the side of another vehicle, into the pavement, they will roll across the ground. And the question is whether or not those 525 people should be wearing a protective device that will save ten lives a year? Ten lives a year, that's what we're talking about. And, you know, when someone suffers a fatality after one of these motorcycle accidents--and they're going to increase--we will have two families whose lives will be changed forever: the family of the person who was killed and the family of the person who pulled out in front of that guy, because that's an awful thing to have to live with. It is an awful thing to have to live with, that you pulled out in front of the motorcycle guy who was killed. [LB393]

SENATOR KRIST: One minute. [LB393]

SENATOR LATHROP: And then you will face the county attorney. Now we will have ten more families a year who will lose a loved one if this bill passes, and we will have ten more families this year whose loved ones will be charged with a motor vehicle homicide, because that's how it works. And for what? So that one guy who believes he will never be involved in an accident can choose to not wear a helmet. I have seen these people; I have seen people who I have had the privilege of representing, colleagues, privilege of representing, whose lives have been saved, who have been spared from brain injuries because they had a helmet on. And if we repeal the helmet bill, people are going to stop wearing their helmets. There will be a few that keep them on, maybe half. But an awful lot of them won't. [LB393]

SENATOR KRIST: Time, Senator. [LB393]

SENATOR LATHROP: Thank you. [LB393]

SENATOR KRIST: Thank you, Senator Lathrop. Colleagues, you have heard the opening to AM1813 to AM1838. Those wishing to speak: Senator Harms, Senator Lathrop, Senator Hadley, Campbell, Avery, Karpisek, and Bloomfield. Senator Harms, you are recognized. [LB393]

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SENATOR HARMS: Thank you, Mr. President. I rise in opposition of this LB393. I do support the last amendment that Senator Lathrop introduced. I first of all want to clarify very...for everyone that I'm not really against anyone who rides motorcycles. That's never been my concern for the last eight years. I am only concerned about the safety and what the research tells us in regard to wearing helmets versus not wearing helmets, and that is my major concern. I wonder if Senator Smith would yield to a couple of questions. [LB393]

SENATOR KRIST: Senator Smith, will you yield? [LB393]

SENATOR SMITH: Yes, I will. [LB393]

SENATOR HARMS: Senator Smith, I noticed in the committee statement on LB393 you voted to bring this bill out. Is that correct? [LB393]

SENATOR SMITH: I did, Senator. [LB393]

SENATOR HARMS: Could you tell me why? What was your reasoning behind the support of this bill? [LB393]

SENATOR SMITH: Well, you know, there's different approaches, I guess, to...in committee on voting for bills and bringing them out of committee and sometimes there is strong opposition to something that's brought forward in committee and sometimes there is reasonable question in the committee member's mind and they believe that there should be more discussion, debate on the floor of the Legislature. And I think the latter is probably my best reasoning for my bringing it forward. [LB393]

SENATOR HARMS: Senator Smith, have you paid any attention at all in regard to what the research shows of what the scientists have said, what the doctors have said, what other people have said about the danger? Have you been aware of that? And have you been aware of any surveys about how the public views this piece of legislation? [LB393]

SENATOR SMITH: There was considerable discussion of that in committee, Senator. You're aware of that. You brought the bill forward. There was quite a bit of discussion in committee, and we heard quite a bit of testimony from all sides, from both sides. [LB393]

SENATOR HARMS: So are you then not supporting the science part of it? I'm not picking on you. I'm just wanting to get a feel for this. Are you not supporting the research and the people who are in the field, just like Senator Lathrop has had that experience? Do you...how do you feel about that? [LB393]

SENATOR SMITH: Well, Senator, I've listened to both sides of that and, as I said, there

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was evidence brought forward in testimony. And we can go through that if you want to, pull that out of the record. I just feel as if those are discussion points and let the evidence be brought forward on the floor today, let the other members listen to that evidence and listen to that discussion. [LB393]

SENATOR HARMS: So is your thoughts based on the freedom of choice here? [LB393]

SENATOR SMITH: Are my thoughts based on freedom of choice? I think certainly there is a component of that in the decision to bring it forth for further discussion. [LB393]

SENATOR HARMS: Well, thank you, Senator Smith. Let me tell you where I'm at with the freedom of choice, colleagues. When you're dead from an accident, freedom of choice didn't help you. When you have a severe injury that you can no longer function as an individual and cannot take care of your family, freedom of choice didn't help you. When you become long term, in regard to the accident that you've had, of care, freedom of choice didn't help you. Colleagues, when your insurance runs out of one of these accidents, and we've got a lot of them, your freedom of choice didn't help you. And my point is I've heard this argument for eight years that they have...should have the freedom of choice. [LB393]

SENATOR KRIST: One minute. [LB393]

SENATOR HARMS: But when...thank you, Mr. President. But when it costs us as taxpayers to pick up the bill, that's when I begin to say, maybe we ought to look at this very carefully; maybe it isn't freedom of choice any longer; maybe it's a choice that we have to make as senators in this room to protect our own taxpayers and to protect the people that are there. I can give you a lot of research, which I will do throughout the morning, in regard to what the scientists say, what the people say in regard to this issue, and I'll also get into a recent survey that shows--it was done in 2013---about where the people stand on this. And then I want to talk to the supporters of this bill and ask them where they're going to be with this. What are you going to say to the people that you have in your district when the majority of the public says, we don't want this repealed. Thank you, Mr. President. [LB393]

SENATOR KRIST: Thank you, Senator Harms. Senator Lathrop, you are recognized. [LB393]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I want to talk a little bit about brain injuries if I can. This is something that a lot of people don't understand unless it has been visited upon your family by one means or another. And there are a variety or a spectrum of injuries that you can suffer that affect your brain. And when the brain sustains an injury, you can have a concussion and come back from that and be fine, right? But I'm talking about the kind that leave a cognitive impairment and across

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the spectrum you can be at the worst end in a persistent vegetative state. In a persistent vegetative state, you can't reason, you can't appreciate, you can't call for food and water, you can't call for medication, you can't call for the person to come turn you so that you don't get bedsores. Your gaze is fixed and all life, except for breathing and a heart rate, are gone. And if that happens to somebody in your family, you're left with the shell and your son or daughter are gone for all practical purposes. The care required for somebody like that: 24 hours a day, 7 days a week. You don't get time off for the holidays. And the amount of care, the amount of care required is difficult to comprehend unless you've seen it. You take your nutrition through a tube. You can't bathe yourself so someone has to bathe you, a nurse has to bathe you. And then the muscles in your body start to contract. And if you could appreciate pain, it would be torture, but you can't even appreciate pain in a persistent vegetative state. So physical therapists have to come in and stretch your extremities, stretch your legs, stretch your arms, stretch your hands. Sometimes you have to wear splints to take care of the muscle contractions. Then you have to be moved because you'll get sores, you'll get infections. The infections can be life threatening. Bathing, the very basic functions, are gone. And at the other end of the spectrum, you can have a mild cognitive brain impairment or a mild traumatic brain injury. We call it mild. Lawyers and doctors call them mild when they happen. What does it mean? It means you take a functioning human being and take away part of their cognitive function. And there's a spectrum of that too. So you can have someone who may not be in a persistent vegetative state, they might be able to be trained to do simple, simple tasks, and you can have some people with a...at the mild end of a brain injury with permanent cognitive deficits that can't learn new material. [LB393]

SENATOR KRIST: One minute. [LB393]

SENATOR LATHROP: They look normal, they look like your son or daughter, and then you try to tell them, do these three things for me, and they get done with the first one and they can't remember the next two were. And forget college, forget the potential for their earnings ability, their potential to learn in a high school or a university or a community college because they're done taking in new material. Their executive function has been lost. And along the way, you can have changes in your personality, too, that make you more combative. These are the consequences of a brain injury and they're expensive, colleagues. It is very, very, very expensive. I've seen these cases. I've seen people work up what the cost is going to be, and that's before you get to the person's loss of earnings ability. [LB393]

SENATOR KRIST: Time, Senator. Thank you, Senator Lathrop. Senator Hadley, you are recognized. [LB393]

SENATOR HADLEY: Mr. President, members of the body, I rise in opposition to the LB393. It's probably not a surprise. I spoke against earlier bills on the floor. I think I

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voted in the Transportation Committee three times against abolishing the helmet rules and I don't...I guess I would like to explain why. I really--and this is going to be hard to say--I really don't care if someone goes out and rides without a helmet and something happens and death occurs because at that point in time the role of government basically ends. But what about the times that death doesn't occur and long-term impairment can occur with the associated costs? And I believe that is the basis of my opposition. I remember one particular person who testified before the Transportation Committee, not this last time but the time before, and it was really heartrending. This person came up with a noticeable limp, with a little speech difficulty, and relayed his story. He had married a lady who had a couple children and he and his wife decided to go to Sturgis for their honeymoon. They crossed the Nebraska-South Dakota border and the first thing they did was to take off their helmets. They blew a rear tire. His wife of a few days was killed and he received massive head injuries. A year and a half of treatment, approximately \$1.5 million later paid by the state of Nebraska, he was able to leave the rehabilitation hospital to be back with the children of his widow. I am concerned about the cost to the other people in the state of Nebraska. The last time we looked into an insurance...requiring an insurance policy. And I hope I'm right on this and I'm sure I'll be corrected if I'm not; we could not find insurance companies that were willing to write the kind of policy we thought might be needed to protect the state of Nebraska. I'd like to follow with one last thing. Every now and then people say that motorcycle helmet laws are unconstitutional. The highest courts in more than 25 states have held motorcycle helmet laws to be constitutional. The Massachusetts motorcycle helmet law was affirmed by the U.S. Supreme Court and listen to what the Supreme Court had to say: From the moment of injury, society picks the person up off the highway; delivers him or her to a municipal hospital and municipal doctors; provides him with unemployment compensation if, after recovery, he cannot replace his lost job; and, if the injury causes permanent disability, may assume the responsibility for his and his family's continued subsistence. The Supreme Court went on to say then: We do not understand a state of mind that permits plaintiffs to think that only he himself is concerned. [LB393]

SENATOR KRIST: One minute. [LB393]

SENATOR HADLEY: I think that succinctly lays out the reason the state of Nebraska can be involved in this decision and should be involved in this decision. I'm always amazed at a number of my friends who ride motorcycles who will come up and want to talk to me about this particular bill. And then I ask them, you mean you ride a motorcycle without a helmet? And their first comment is always, oh, no, I wouldn't ride a motorcycle without a helmet. So I ask them the inconsistency that they want to pass a law that allows you to do it but they themselves say they will not do it. I think that's an inconsistency that's out there a lot. I hope that this bill does not advance. [LB393]

SENATOR KRIST: Time, Senator. [LB393]

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SENATOR HADLEY: Thank you. [LB393]

SENATOR KRIST: Thank you. Senator Avery. Sorry. Senator Campbell, you're recognized. [LB393]

SENATOR CAMPBELL: Thank you, Mr. President and colleagues of the Legislature. The first four years that I served in the Nebraska Legislature I was a member of the Transportation Committee, along with Senator Hadley who has referred to that. And like Senator Hadley, for three times I voted against the bill brought forward. And I appreciate very much that he shared the personal story because it was probably one of the most heartrending testimonies I've heard in the six sessions that I've been here. And I also remember the stories of the medical personnel who came to describe for us the medical condition of many of these riders. Now serving on the Health and Human Services Committee, I've spent time talking to some ER docs and those physicians will stop you and they will say, let me talk to you about this, and it's a 20 to 25 minute discussion. I want to give you some idea...and I really appreciate--this is a personal note--appreciate everyone's concern about our daughter and she is improving and she certainly has a whole different situation. But just to give you some idea of the first three-and-a-half days that she spent in a neuro ICU, it was \$110,000, and she ended up spending two-and-a-half weeks and we've not yet seen that bill, let alone what the rehab bill will be. So when we start talking about the cost of injuries to these riders, it's very real. I want to mention to you, and we're going to start trying to share some of the data behind it, unhelmeted motorcyclists are three times more likely to suffer brain injuries than helmeted riders. In 1991, a Nebraska study on hospital costs for injured motorcyclists showed a decline in total acute medical charges of 38 percent after the helmet law was implemented. Studies show that the unhelmeted riders involved in crashes are less likely to have insurance and more likely to have higher hospital costs than helmeted riders in similar crashes. All states that have weakened or repealed helmet laws have experienced an increase in motorcycle fatalities. According to a May 2013 survey of 900 Nebraskans conducted by Research Associates, 81 percent--that's a large percentage, colleagues--indicated the Nebraska law requiring motorcycle helmets should be continued; 18 percent indicated it should be repealed; and 2 percent had no opinion. Colleagues, what struck me as I began reading the information that was given to us was the great number of people that have come together in a coalition to say we must retain the helmet law. And I'm going to start reading that list because I think it's important to have into the record: the Advocates for Highway and Auto Safety; AAA Nebraska; Brain Injury Association of Nebraska; the Lancaster County Medical Society; the Lincoln Medical Education Partnership... [LB393]

SENATOR COASH PRESIDING

SENATOR COASH: One minute. [LB393]

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SENATOR CAMPBELL: ...Mothers Against Drunk Driving; Metro Omaha Medical Society; the National Safety Council of Greater Omaha Chapter; the Nebraska Academy of Eye Physicians and Surgeons; the Nebraska Chapter of the American College of Cardiology; the Nebraska Chapter of the American College of Physicians; and the American Academy of Pediatrics. I will complete this list the next time that I am on the microphone. But we need to pay attention to the number of medical groups that have come together to say, retain the law. Thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Campbell. Senator Avery, you're recognized. [LB393]

SENATOR AVERY: Thank you, Mr. President. I think it was Yogi Berra that used to say, deja vu all over again. This is the fourth time that I have been involved in a debate to repeal the helmet law in this state. We considered it in 2008. We considered it again in 2010, then in 2012, and here we are at 2014, fourth time. We have managed in all of those previous occasions that we debated this since I have been here, we managed to defeat it, and I fervently hope that we do that again on this issue. There are some very good reasons why we ought not to take the foolish action of repealing this law. And I'm going to talk about some numbers and I know that those...that numbers sometimes we just tune out a listing of the negative effects that involves numbers. But these numbers mean something because they are people. The U.S. Department of Transportation, the National Highway Traffic Safety Administration reports that in 2008, 1,829 lives were saved by helmets--saved by helmets. Head injury is the leading cause of death in motorcycle accidents. Helmetless riders are 40 percent more likely to suffer a fatal head injury. Maybe what we ought to do is rename this bill the "Head Injury Bill" or the "Organ Donor Bill," or maybe we ought to require organ donors. The problem with that--I had this conversation with the Physician of the Day a few minutes ago--the problem with requiring organ donors, organ donation from victims of these crashes without helmets, is that in many cases there isn't anything to harvest. Once you've had a helmetless crash, the body is so mangled there isn't any point in trying to harvest organs. So "Organ Donor Program," "Organ Donor Bill," yeah, that sounds pretty much like that might be a good name, but it might not produce much results. The National Transportation Safety Board reports that the average cost of crashes for motorcyclists without a helmet is about \$71,000. It looks like you have...if you were going to try to provide yourself with enough personal injury insurance to cover the cost of such accidents, you'd probably need at least \$310,000. The National...the Nebraska Department of Roads Office of Highway Safety, in 2011 and '12, they reported that, in 2011, 23 riders were killed and, in 2012, 22 riders were killed, the highest annual increase since 1987. In Nebraska, a study of hospital costs for injured motorcyclists showed a decline in total acute medical charges of 38 percent after the helmet law was implemented. You can't ignore these numbers, folks. [LB393]

SENATOR COASH: One minute. [LB393]

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SENATOR AVERY: The cost in 2011, the cost...estimated cost of motorcycle accidents in the state of Nebraska...23 deaths cost per accident over \$1.4 million; total cost for all of those deaths by accidental crash, \$32,430,000; injuries, 201, that cost \$14,110,000; property damage, 379, that cost \$3,337,000; total cost, \$49,913,300. If you consider yourself a fiscal conservative, how can you vote to repeal the helmet law? [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR AVERY: Thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Avery. Senator Karpisek, you're recognized. [LB393]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I know that this is a bill that stirs up a lot of emotion, as many that we will see do. When I came into the Legislature I felt that helmet law was probably good and should stay. As I've been here and seen the things that we have done that tell people what they can do and can't do, I've seen enough of it, I've seen too much of it. This bill to me is about personal choice, personal freedom. If someone wants to ride and splatter their head on the cement, they can. Are they going to hurt anyone else by doing this? I don't think so. We're so worried about people laying in the hospital and being on life support. There's all sorts of other things that people do that get themselves in a bad state of health, all sorts of things, but we let them do it. I understand that we don't want people to go out and hurt themselves. I kind of think that if you wear a helmet you're probably more likely to be hurt, live, and have all these sort of problems. I hate to be blunt about it, but if you don't you're probably not going to survive. Whiplash, all those sort of things, still come into play. Football has become a...there's been a big problem with football and wearing helmets. They're still getting concussions, they're still having whiplash, all sorts of things. The helmets probably help if you're going slowly and fall down more, rather than crash. Senator Avery has a lot of good numbers to support that less people die, I guess. I guess my point is just personal freedom. We talk about personal accountability all the time. But now in this situation, well, that's different. I've got a lot of e-mails and talked to a lot of people who said, make them sign a donor card. I'd be fine with that. I don't know if that gets anyone anywhere. I doubt it. I think that everybody is probably entrenched where they're going to be and not move on this bill. I appreciate Senator Bloomfield bringing it because, although we've talked about it, we've talked about a lot of other bills, too, over and over and over. This is something that people are passionate about on both sides. I think a lot of people might still wear a helmet. If I were to ride I would probably wear a helmet. I do not ride because I don't want to be a statistic. I just think that we've done enough telling people what to do. I'm not saying the nanny state. It's just a lot. I don't know what else to say other than I'm just going to...if people...give them their choice, do it or don't do it. I know that that cuts across a lot of other...there's all

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sorts of other reasons--the money, the this, the that, the other thing. [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR KARPISEK: To me it just cuts down to let them decide. Thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Karpisek. Senator Bloomfield, you are recognized. [LB393]

SENATOR BLOOMFIELD: Thank you, Mr. President. I'd like to ask Senator Lathrop a question or two if he would yield. [LB393]

SENATOR COASH: Senator Lathrop, will you yield? [LB393]

SENATOR LATHROP: I'd be happy to. [LB393]

SENATOR BLOOMFIELD: Thank you, Senator Lathrop. Since what we're talking about is your amendment, I would like to ask you, what types of eye protection are you referring to here? [LB393]

SENATOR LATHROP: I think the amendment says those approved by the Department of Transportation. [LB393]

SENATOR BLOOMFIELD: I have been in contact with the Department of Transportation and several other groups and they don't have any. Was this a sleight of hand or was this a serious amendment? [LB393]

SENATOR LATHROP: Well, I don't think those are the only choices I've got, actually. It's not...I'm not trying to deceive you or anybody else, Senator. I was told they did. I'll find out. But if you want we can move on to the next amendment at some point. [LB393]

SENATOR BLOOMFIELD: Oh, I'm... [LB393]

SENATOR LATHROP: There's going to be more to come. [LB393]

SENATOR BLOOMFIELD: I'm sure there are. [LB393]

SENATOR LATHROP: I think we're just warming up with the idea of whether this is good policy or not good policy and you and I, of course, have a difference of opinion there. [LB393]

SENATOR BLOOMFIELD: I'm sure there will be more amendments to come, but I hope

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that the ones in the future will be a little more serious. And if this was in fact a serious amendment, I wonder why, when I brought it to you, the bill to you, earlier this week and asked if there was anything that you thought I could do to improve the bill other than pull it, you told me no? [LB393]

SENATOR LATHROP: That's how I feel. [LB393]

SENATOR BLOOMFIELD: I understand. So... [LB393]

SENATOR LATHROP: There isn't anything about people taking a motorcycle out without a helmet that I'm going to be okay with. [LB393]

SENATOR BLOOMFIELD: I understand that. But then let's go from that line. Let's not put in an amendment that it's just there. [LB393]

SENATOR LATHROP: I'll find out if the Department of Transportation has a standard. I know they do for helmets. [LB393]

SENATOR BLOOMFIELD: Okay. [LB393]

SENATOR LATHROP: And I'll find out what their standard is for eyewear. [LB393]

SENATOR BLOOMFIELD: Okay. Thank you, because we haven't been able to find that. Colleagues, I have before me here...and I don't want to get buried down into this statistic stuff. Anybody can make a statistic say whatever they want to. But I have here from the Centers for Disease Control and Prevention there are...17.3 percent of the head injuries are from motor vehicle traffic--that includes all motor vehicles--35.2 percent are from falls. Are we reaching the point where we want to tell everybody they should really wear a helmet around the house? Most of the falls come in the house or are just outside the door. Let's look at sane reasoning here. I can find statistics that tell you this, that, and the other thing. That's what this is. It's another statistic. But at some point, at some point the government has to cease to tell us what we should do. We have people get hurt playing sports. Should we outlaw sports? We have people get cancer from smoking cigarettes. We have not outlawed cigarettes. We've put a reasonable age limit on it and let them decide. Why can't we do that with motorcycles and helmets and let these guys ride the way their mind tells them they should? Thank you. [LB393]

SENATOR COASH: Thank you, Senator Bloomfield. Senator Harms, you are recognized. [LB393]

SENATOR HARMS: Thank you, Mr. President and colleagues. I wonder if Senator Brasch could yield for just a question, please? [LB393]

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SENATOR COASH: Senator Brasch, will you yield? [LB393]

SENATOR BRASCH: I will yield. [LB393]

SENATOR HARMS: Thank you, Senator Brasch. I noticed on the committee statement that you chose to vote in favor of this. I want to ask you the same question I asked Senator Smith, and I'm not picking on either of you and Mr. Smith. What was the reasoning why you supported this particular piece of legislation? [LB393]

SENATOR BRASCH: Like other occasions, I do host town hall meetings. I visit with constituents. I had constituents come into our office. Looking at the statistics that I just shared with Senator Bloomfield, the majority of head injuries do come from falls and other sources, and you could see that statistic as well. But the constituents that have expressed the need, all the surrounding states, with the exception of Missouri, have repealed their helmet laws and have not put them back on. Missouri almost passed the helmet law. Their legislature timed out. That is why I did. I was also hoping that the amendment that Senator Avery...the committee amendment that he removed was important to this bill knowing that as the helmet came off, so would children. [LB393]

SENATOR HARMS: Senator Brasch, when people who were opponents to this bill, and Senator Campbell listed out a pretty good group of individuals, like AAA, the Nebraska Medical Association, American College of Emergency Physicians, Nebraska Safety Council, Madonna Rehabilitation, I would think we would want to pay a great deal of attention to what they say because they work with these people that get injured. And Brain Injury Association, the National Safety Council, all of those were opponents to that. What were your thoughts in regard to their...the kind of research they gave you and gave the committee in regard to this particular issue? Because it's really clear. [LB393]

SENATOR BRASCH: We had several documents with statistics coming to our committee, and I did print out and I'm going through highlighting the testimony in the committee. And statistics are important. Motorcycles in general are dangerous, as are bicycles. Injuries also occur, many of them, from back injuries. There's complications there. But realistically, you know, the constituents that have them have ridden them in other states. Most of the ones that express the desire to remove the helmet, I visited with them about taking the child off. They were agreeing to that. But there are many statistics, as the CDC has put out as well, and I believe that it's a citizens' Legislature and we do rely on the watchfulness of our citizen. And as they came to me, I looked at all statistics and their experiences. [LB393]

SENATOR HARMS: Thank you, Senator Brasch. You know, to me, when I see the actual surveys, and that's something that Senator Campbell revealed, when out of 900 Nebraskans from the Research Associates, 91 percent, colleagues, 91 percent indicated this should not be repealed. And if we're talking about listening to the people

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and we're doing people's business, I would think you would pay a little more attention to what these experts are saying. And we know from the data and the research that's been taken and done that head injuries is the top of it. [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR HARMS: Thank you, Mr. President. And I don't just understand that. It's hard for me to put my mind around the fact that we're willing to try to repeal this when we know that in fact it helps and may save their lives. And that to me is just difficult to quite understand because we know what the public is saying to us. And to be honest with you, it boils down to a special interest group. And I have nothing against people who ride motorcycles, not at all. I just have concern about their safety. I have nothing against Senator Bloomfield for introducing this. He's got a great heart. I know him and I know where he's coming from and I understand that. It's just philosophically we're not in the same corner on this issue. And I would hope the majority of the people here would not be in that corner because when you leave here and you talk to the people in your community, I mean, talk to the public, not just special interest groups that are going to pick you out... [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR HARMS: Oh. Thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Harms and Senator Brasch. Senator Gloor, you are recognized. Senator Gloor, you are recognized. [LB393]

SENATOR GLOOR: Thank you, Mr. President. Thank you for your patience, members. Discussion moves relatively quickly. I wonder if Senator Bloomfield would yield to a question. [LB393]

SENATOR COASH: Senator Bloomfield, will you yield? [LB393]

SENATOR BLOOMFIELD: Yes. [LB393]

SENATOR GLOOR: Senator Bloomfield, recognizing that a component of the original amendment--I'm still trying to sort out what's where--that had to do with a requirement to wear goggles. Have you been in support of the requirement to wear goggles? [LB393]

SENATOR BLOOMFIELD: It is not a requirement to wear goggles. It is a requirement to have eye protection. Eye protection could be a windshield. [LB393]

SENATOR GLOOR: Okay. Or it could be a pair of sunglasses? Or was it more specific than that? Did it require a windshield or did it speak to goggles? [LB393]

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SENATOR BLOOMFIELD: I would have to pull the thing up and look at it quick, Senator Gloor, but it...windshield is certainly a portion of it. [LB393]

SENATOR GLOOR: Sure. [LB393]

SENATOR BLOOMFIELD: It does not require a goggle and it is certainly not my intent that a cheap pair of sunglasses would provide eye protection. And I don't believe anybody that rides a bike would believe that either. The idea is to keep the June-bug-out-of-the eye syndrome. [LB393]

SENATOR GLOOR: And having had a few whack off my head riding a bicycle, I can only imagine what it would feel like if I were going a little faster than that. But you're supportive of either the windshield or appropriate eye protection as being part of your bill if it eventually gets passed. [LB393]

SENATOR BLOOMFIELD: Yes. In fact, here it is: For purposes of this section, eye protection means glasses that cover the orbital region of a person's face, a protective face shield attached to a protective helmet, goggles, or a windshield on the motorcycle or moped that protects the operators' and passengers' horizontal line of vision in all operating positions. [LB393]

SENATOR GLOOR: Help me understand why you're comfortable with that piece of safety equipment, as opposed to helmets. How do you differentiate between protecting your eyes from protecting the rest of your head? [LB393]

SENATOR BLOOMFIELD: I go back to the idea that what might cause the accident, and a June bug in the unprotected eye certainly could cause the accident. Were it...not having the helmet on in itself is not likely to cause the accident. [LB393]

SENATOR GLOOR: Well, having also had a rock kicked up by a car once and rattling off my bike helmet, could not that same injury to the eye happen to hitting your head? [LB393]

SENATOR BLOOMFIELD: I don't think probably in forward motion on the motorcycle that is apt to be a thing. [LB393]

SENATOR GLOOR: Well, I imagine I'll start getting a few e-mails that talk about the rock hitting my head did a lot more damage even with a helmet than I realized. But how about speed limits? Do you see speed limits as being one of those infractions on personal liberty while somebody is riding a motorcycle with glasses that we'll require but not with helmets that we wouldn't require if your bill passed? How about the personal liberty associated with speed limits? [LB393]

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SENATOR BLOOMFIELD: I'm old enough to remember when Iowa had no speed limits. (Laugh) [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR BLOOMFIELD: Montana went to no speed limits and for all practical purposes I don't know that it's done them a great deal of harm in Montana. [LB393]

SENATOR GLOOR: Well, that might another bill. And Senator Dubas listening is probably going, thank goodness I'm not going to be around for that discussion, chairing the committee. [LB393]

SENATOR BLOOMFIELD: Nor will I. [LB393]

SENATOR GLOOR: Thank you for your kindness in answering my questions. I have no further. Thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Gloor. Senator Lathrop, you're recognized. [LB393]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I think I'll use this opportunity to visit about or to talk about what we do here, and that's to make policy. When we make policy we have to have, I believe, a bigger world view. We need to look at things not from the point of view of one individual who has come before you or sent you an e-mail that said, I want to ride with no helmet on. That's important and those people need to be listened to. But when it gets right down to making policy, there are other considerations, right? I'm going to say this about the people that want to take their helmet off and ride a motorcycle: The one thing they all have in common, they don't think it's going to happen to them. Think about that. All the people who are interested in seeing this repealed--and it is a small sliver of society, but it's a lot of people that actually own a motorcycle, right, and they want to ride with no helmet on, which they're free to do in Iowa--those people never think it's going to happen to them. But when we make policy, we should start from this proposition: 525 people are going to be in an accident next year. We can do everything we want. We can...we have speed limits in place. We've done everything we can to make the roads as safe as they can be. But we're going to have, on average, about 525 motorcycle accidents a year and most of them won't be their fault, which is why it's easy to imagine it'll never happen to me. I can't tell you how many people I've represented over 33 years in the practice of law, but I've never had one that came in and said, I got up in the morning and I knew I was going to get in a wreck. Right? They don't. So it's easy to lobby somebody and say, let me take my helmet off, let me decide, because, they won't tell you this, but they don't think it's ever going to happen to them. No one signs up for a brain injury or to die in a

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motorcycle accident that probably isn't going to be their fault. But when we make policy in this body, I think we have to have a bigger view, a bigger view. We start with a proposition that we'll have 525 or so wrecks. It's trending upwards actually so it's probably going to be a little more than that. And we know from the experience of states that have gotten rid of their helmet law that they have increases in fatalities. I have some experiences. Arkansas saw a 21 percent increase in fatalities; Texas, 31; Kentucky, 50; and in Louisiana they had 100 percent increase in fatalities. These are real people. And I haven't even started talking about the increase in the number of brain injuries. In Pennsylvania, where they repealed their motorcycle statute at one time, they had a 138 percent increase in the brain injured. So should that be part of the policy discussion or does it stop as soon as we talk about an individual's liberty? I think we have to go further than that. I think as policymakers we look at the number of motorcycle accidents we can predict because we have the statistics. We can look at the number of brain injured... [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR LATHROP: ...and the number of fatalities and know with a certainty, the same as insurance companies and actuaries do, that we're going to have more brain injuries and more deaths if we repeal this bill. And you know what, each one of these people, because of a federal law, get to go into the hospital. Bergan Mercy, University of Nebraska Medical Center, Creighton, St. Joe, they can't turn these people down. When they roll in, insured or uninsured, they have to be taken in. We can't put that in the bill, not...we can't put that in the bill to say, you got to decide and if you get in a motorcycle accident and you have a brain injury the hospital doesn't have to take you. Nope. They've got to take you and we all have to pay for it. If you have insurance it's going to increase your insurance rates. If you don't and you're a taxpayer, it's going to increase what we spend. [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR LATHROP: Thank you. [LB393]

SENATOR COASH: Thank you, Senator Lathrop. Senator Dubas, you are recognized. [LB393]

SENATOR DUBAS: Thank you very much, Mr. President and colleagues. You know, when I came into the Legislature I was kind of on the fence about this issue. You know, I kind of thought, you know, there was this personal freedom, choice issue, but then I also saw definitely kind of from the mom's perspective of safety and concerns from that. And so I guess I came in with sort of an open mind on this issue, willing to listen to both sides and then trying to decide where I was going to be on this particular issue. And as I continued to listen, the thought that kind of rose to the top for me was we aren't talking

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about implementing a helmet law, we aren't talking about putting something new in place, we're talking about taking something that already exists and something that has proven to be effective, we're talking about removing that. I mean, it's not uncommon for us in the Legislature to come back and revisit legislation; oftentimes, we have unintended consequences that we have to come back and repair because there has been obvious damages or things just haven't gone the direction that we had intended them to go. But to come back and revisit something that we can see and know has proven positive results as far as the health and safety and well-being of our citizens, it makes it that...when it became clear to me that, you know, it makes it kind of hard to support removing a law that is actually effective under the guise of personal freedom. We have a lot of things that we would like to have personal freedom about, but there's that fine line was, where does my personal freedom start to impede on other people's lives and impacts from those decisions? So that's when I became a pretty firm believer in the helmet law and willing to stand up and oppose LB393. We have among the lowest fatality rates in the country and I think that, you know, there's probably a lot of reasons for that in regards to motorcycle riders. I think there's probably training and other things that come into play there. But I believe helmets play a large part in that. Helmets reduce fatal head injuries by 40 percent. They are the only proven strategy to actually reduce fatalities. Sitting on the Transportation and Telecommunications Committee and now as Chair of that committee I've had several opportunities to hear this issue. And we hear quite often from the medical profession and we've had doctors come in, professionals come in from the Omaha Med Center and the Trauma Center, and they're kind of in a unique position because, while they're in Nebraska, they're on the border so they...it's not uncommon for them to have injured patients come to them from Iowa. Iowa doesn't have a helmet law. Nebraska does. And so they've done some tracking of data. Over the last five years they have shown an average 6 percent of those brought in of mortality rate, those who were wearing helmets, 20 percent without helmets, and that traumatic brain injury is the most prevalent. To me, listening to law enforcement, EMS professionals, doctors, nurses, they're the ones who are imploring us not to repeal this. They are the ones that go out and pick up the pieces. They are the ones that try to put the pieces back together. They are the ones that have to go and speak to the families. They are the ones who are saying, this is working, we can see the positive results from this. They are the ones who are coming forward, among others, but for me their professionalism and their involvement up close and personal with this issue carries a great deal of weight. They're asking us not to repeal this because they see the positive effects, how it helps with safety, how it reduces the severity of the injuries and the fatalities. [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR DUBAS: I don't...thank you, Mr. President. It's hard to negate these people coming in and sharing their experiences with us. You know, it is hard to protect ourselves from every little thing that we do. You know, getting out of bed in the morning

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can be considered dangerous. But we do take a lot of steps, whether it's in sports--I know that's been brought up on the floor--we make sure that especially our young people have some types of protections on. We're hearing more and more and more professional football players, concussions are becoming...we're realizing the long-range effects of concussions on these athletes and the types of equipment that we have believed has been safe for them up until now is starting to show us that maybe it isn't. But yet we still want to make sure that they have those types of equipment available to them to minimize as much as possible. [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR DUBAS: Thank you. [LB393]

SENATOR COASH: Thank you, Senator Dubas. (Visitors introduced.) Senator Krist, you are recognized. [LB393]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. I do hope that this eight hours of debate is civil and I'd like to continue the framework of a civil discussion. I am in support of LB393. I was in support of the helmet law repeal the last time it was on this floor. It is a matter of personal choice and I believe that personal choice has been taken away. I know the horror stories. I've heard them. And most of you know I've lived through one very bad accident through my LA. But you know what, that was in a car. So if we're concerned with traumatic brain injury, let's just put everybody in a vehicle in a helmet. But I want to go one step further. When we make this choice for people, how far will we go? Where will we stop? I'm not advocating that everybody in a car needs to wear a helmet. But if we're going to protect everyone from themselves, how far are we going to go? Equestrian? You need to wear a helmet or you can't ride a horse. Rodeo? How about a WaveRunner? I made these arguments last year and then I was told by Senator Lathrop at the time, yep, let's do it, and it was not in a civil format that that was said, but it was, let's protect people from brain injury. I don't know that we can protect everybody from everybody else or anybody from themselves. But if we do, I want to applaud Senator Harms for his efforts because we need to protect ourselves from the people who are talking on their cell phones and texting and we need to have everybody that's in a car wearing a seat belt. I have tried the whole time I've been here to try to get a seat belt law out that requires everyone who is riding in a vehicle to have a seat belt on. Did you know the people in the back seat of our cars don't have to wear seat belts, it's not law? Does that make sense to you? How about people riding in the back of a pickup truck? We had seven accidents in the last few years where a young man or a woman was thrown out of the back of a pickup truck. One of them was killed. A good friend of mine in Bellevue lost his son because they were out on the farm in a pickup truck and he got thrown out. How far are we going to go? And I would contend that there is a happy medium. If this bill doesn't pass, in terms of what Senator Lathrop told us, there will be

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500-and-some-odd people that will have accidents and some of them will live because they had helmets on. I'm not going to argue with that. If you recall my argument a couple of years ago, I said the same thing: Life is tough; it's tougher when you're stupid. You should be wearing a helmet when you're riding a motorcycle. But is it up to us to tell them to do that? Is there a compelling reason for us to say, don't text and drive, don't talk and drive? How about driving and driving? That would be a good concept--pay attention to driving the vehicle when you're driving it. If this discussion or this dialogue has taken you...anyone has taken offense to it, I'm sorry. But my point is this: How far will we go? I'd like to see a bill go into Transportation and come out next year or the year after or the year after that, that requires everyone who is riding in a motor vehicle to wear a seat belt, and then I will tell you that we should keep the helmet law in place. I'd like to see one that comes out of Transportation that says no texting and driving; the only thing you can do is Bluetooth connectivity or wireless connectivity in a car. [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR KRIST: I'd like to see that happen, and then I will withdraw my support for any further repeal of helmet bills. Until then, I will support this and I will participate in eight hours of discussion and we'll go to some kind of a vote. Thank you, colleagues. [LB393]

SENATOR COASH: Thank you, Senator Krist. Senator Avery, you're recognized. [LB393]

SENATOR AVERY: Thank you, Mr. President. I have heard now--it's a couple of times or more--on the microphone the argument that this is really about personal freedom. I think Senator Krist mentioned that. It is not. It is not. It's not about the personal freedom to behave in a way that serves your interest at the expense of the public interest. The Federalist Papers and writings on private interest clearly make it the...make it crystal clear that the founding fathers intended that private interest could...should be preserved, but that it ends where the public good begins. It ends where the public good begins, and the public good here is to protect public safety, to protect we ratepayers from undue burdens of having to pay for long-term care, catastrophic injuries, including brain damage. Who picks up the tab when the resources of the injured run out? We do. Medicare does. Medicaid does. So your right to ride with the wind, your hair blowing in the wind, ends when that impinges upon the public interest. As citizens in a democratic society we have an obligation to behave in ways that promote the public good, not just our selfish, narrow, private interests. I want also to make some comments here and observations about the restrictions on motorcycle use in military environments. The...we have here in the state of Nebraska we have a very, very rigid code that governs military personnel in their use of motorcycles when they are on duty or off duty, on base or off base. And it involves Department of Defense-approved requirements on personal protective equipment. For example, the Department of Transportation requires...the

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military requires a Department of Transportation-approved helmet properly fastened under the chin anytime a soldier is riding a motorcycle. They must have impact or shatter-resistant goggles or full-face shield properly attached to the helmet; a windshield or eyeglasses alone are not proper eye protection. They must have sturdy footwear, leather boots, or over-the-ankle shoes, long-sleeved shirt or jacket, long trousers, full-fingered gloves or mittens designed to be used on motorcycles and it...the list goes on. We're not asking for that. We're talking about the most important piece of apparel that you can wear to protect your health and then to protect the public interest and that is the helmet. This is pertinent to our debate. The military knows the dangers of severe injury. They know that they are real and they know that the Department of Defense is responsible for treatment of these injured soldiers. They know that the costs are high, often leading to long-term care obligations by the Veterans Administration. [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR AVERY: The military understands the importance of helmet use and they require it that they...helmets be used, and more, as I was just indicating. They also regulate civilians while they're on military property. You can't just drive your motorcycle into Offutt Air Force Base without a helmet or without the protective gear that they require of the military personnel. Now they understand this need. Why can't we? Why can't we stay with what we have in law now that has proved itself to be in the public interest? It may not serve everybody's individual desire to ride with the hair blowing in the wind, but it's in the public interest. And we must always, every time we consider a bill in this body, ask ourselves, what is the public interest being served here? [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR AVERY: If you can't find one, there is not one. Thank you. [LB393]

SENATOR COASH: Thank you, Senator Avery. Senator Harms, you are recognized. [LB393]

SENATOR HARMS: Thank you, Mr. President and colleagues. You know, as policymakers, colleagues, it's amazing to me to learn that Nebraska and Iowa rank two states that are the worst in the nation in traffic laws. I want to repeat that: two of the worst states in traffic laws. I don't think that bodes very well with our public. I don't think it sits very well with people who want to see safe highways. And if we continue to walk this pathway of getting rid of the use of helmets, we just get worse. And what they were talking about in the actual study that was done was simply that we have seat belts that are secondary; we have texting that's secondary; we have a graduated driver's license that is for teenagers that's secondary; and we are unwilling to address the issue of bus drivers in our public schools and the use of cell phones and texting. So when you put all that together it adds up, and this is just one more opportunity for people to look at us

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and to continue to criticize this great state. And I think as policymakers we have a responsibility to not allow this to happen, not to be looked at as a state that's unsafe on the highways. What does that do when we argue on this floor about economic development? What does this do with people wanting to move to our great state and they see these kind of articles in the World-Herald and other papers throughout the nation? I don't think it sits very well with me. I don't know how you feel about it. But when you look at the crashes in 2012 of motorcycles, 32 percent of those ended up with injuries; 7 percent just was property damages. But 61 percent, colleagues, were death; 61 percent of those people died in a motorcycle accident. And what I find really interesting about that is that we continue to want to argue about whether or not helmets are safe, whether or not they can provide any kind of assistance. Let me just talk to you a little bit about the question, are helmets drawbacks...are there any drawbacks to the use of helmets? And let me just share what the research shows us. Claims that have been made that helmets increase the risk of neck injury--which we've heard today, by the way--reduced peripheral vision and hearing, but there is no--there is no--credible evidence to support these arguments. A study done by J.P. Goldstein often is cited by helmet opponents as evidence that helmets cause neck injuries allegedly by adding a head mass in crashes. My point is that there is a lot of evidence that brings us down the pathway that this is not the appropriate thing to do. It's not the right thing to do. When you have a state that is already addressing the issue of being one of the worst states in traffic laws, I don't think it sits very good with a lot of people. [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR HARMS: Thank you, Mr. President. One of the other things I wanted to share with you this morning is that almost one out of four motorcycle riders in fatal crashes in 2011 were operating their vehicle with an invalid license, and I'm guessing that many of these individuals may also not have health insurance. And the one issue that we know that I think was cited earlier in 2011 was the actual cost of people not having health insurance, what it cost the state. Let me just tell you what it does for 2012. The total dollar which...that deals with death, injury, and property damages is now \$51 million, a little over \$51 million it costs this great state--this great state--with motorcycle injuries and deaths. Mr. President, how many more times do I have on this? Am I...is this it for me or...? [LB393]

SENATOR COASH: This was your third time. [LB393]

SENATOR HARMS: Okay. Thank you, Mr. President. [LB393]

SENATOR COASH: Okay. Thank you, Senator Harms. Senator Ken Haar, you're recognized. [LB393]

SENATOR HAAR: Mr. President, members of the body, I rise to oppose LB393. And I'll

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use a personal story: I was a motorcycle rider for many years. I had a CX500 air...water-cooled, shaft-driven motorcycle. I put about 50,000 miles on that bike and there's nothing better than a...especially on a spring day or even a hot summer evening to get on the bike and go riding. You go down those little valleys and you feel the cool air. It's really great being out there. I was a safe driver. I took a course in safe driving. I was always looking out for cars because most of the time it's cars hit motorcycles and not the opposite, of course. I also had built a trunk on the back of my motorcycle to carry stuff and to put my helmet in when I wasn't on my bike and it was bright yellow. Some people called me a bumblebee. My bike was really very visible, in other words. Again, a safe driver, I thought, a very...always aware of what was going on and so on. And I enjoyed it a great deal. And then I'd like to go to Senator Lathrop's point. I was pretty sure that because I was a safe driver in the motorcycle I was driving and the visibility of that motorcycle that I was never going to be in an accident. And then one night about dusk I was driving to a meeting and somebody had had a let's-get-divorced discussion with their mate and they came plowing through a yield sign and hit me, broadsided me. Luckily, I was wearing a helmet. But looking at the scratches on that helmet, if it hadn't have been for that helmet, I probably wouldn't be here today. That helmet saved my life and so I have a hard time accepting the argument that we ought to let those who ride decide. The helmet saved my life. It saves lives. I think there's a lot of evidence for that. And so again I rise in opposition to LB393. The helmet...especially in this situation where we're talking about repealing the helmet law, the discussion might be going somewhat differently in this body if we were talking about installing a helmet law. But we're talking about repeal. And as long as I am in the Legislature, I will vote to repeal...I'm sorry, to not repeal because this bill keeps coming up again and again, which is the right of state senators to bring things that they feel strongly about. And I just want it to be known that I think we need helmets. It's not an onerous kind of requirement. It saves lives. It saves money. It saves money for the rest of us because we are compassionate people. You know, there's...obviously, if somebody is in an accident, I don't care what kind, we don't run up and say, do you have an insurance card, and then decide whether or not to leave them lay on the street or take them to the hospital. We take people...we take care of people. [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR HAAR: Thank you. We are compassionate people and that's the way it's going to be. And so it is a cost to society to...you know, we can put all the requirements we want on about you have to have insurance, you have to have this and that, but if there is an accident, we are going to take care of those people. It is going to be a cost. And it's just like with almost anything else--the chances of surviving without injury or serious injury are much better wearing a helmet. And we've got to recognize that and I do and I will vote against LB393. And I'll have a few more times at the mike. Thank you very much. [LB393]

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SENATOR COASH: Thank you, Senator Haar. Senator Hadley, you are recognized.
[LB393]

SENATOR HADLEY: Mr. President, members of the body, we've talked about a lot of things. I appreciate Senator Bloomfield bringing the bill and feeling passionate about it. It's been a good discussion and in this discussion we're going to talk about a lot of other things. I want to bring up a point. I took an insurance class many years ago at the university from Dr. George Rejda, a great professor of insurance. And one day in class he asked the students, what kind of insurance should you really have? What is...you know, if you could only have one kind of insurance, what would that insurance be? And we had a lively discussion and of course most every student said, well, life insurance, you know, I've got to have life insurance, you know, that's what I really need. And after a little while Dr. Rejda would sit there and finally said, you know, when you have life insurance it's good, but once you die you're no longer a financial burden to your family. He says, when you go out and get married and have a young family, you want to make sure that you have some kind of disability insurance, some kind of insurance that covers that you're still here and you might become a burden on your family and on society because you might have to be put into a nursing home, you might need disability benefits. And it made the students stop and think a little bit. And I see this bill in a little bit of the same way. The thing I'm worried about are the costs that go on among the people that have these horrific accidents. And we all pay for that. Earlier we talked about we pay it through our hospital bills. Emergency rooms are...hospitals just don't give away emergency care for nothing. We pay through higher insurance rates. Thirdly, we pay for it by Medicaid and Medicare costs that we all pay. And I realize...if you remember earlier this session I talked about one of the hard decisions and one of the things that I learned when I came down here is individual rights. We talk about that a lot in this body. And where do we draw the line between an individual's right to do something versus society's right to say that you can't do it? That's a tough decision. I respect everybody who is on the other side of this issue. I think that, you know, they believe that that line is one place. I happen to believe in this instance the line is in a different place. Learned people--I leave myself out--can be...have differences where that line is and have honest-to-goodness beliefs on both sides. With that, I would yield any remaining time I have to Senator Harms. [LB393]

SENATOR COASH: Senator Harms, 1 minute and 45 seconds. [LB393]

SENATOR HARMS: Thank you, Senator Hadley. That's very kind of you. I appreciate that. One of the things I wanted to kind of bring to your attention is some of the data and statistics that shows, in regard to fatalities, in 1997 we had only five accidents...deaths. In 2011 we had 23. In 2012 we had 12. Injuries in 1997 were 296, and in 2012 we had 548, which shows that there's an increase in people using motorcycles; there's an increase in people wanting to, I think in many cases,... [LB393]

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SENATOR COASH: One minute. [LB393]

SENATOR HARMS: ...thank you...conserve in regard to the cost of gas, you're finding a lot more people are going to it, to using motorcycles, and I think that's one of the reasons why we're beginning to see more accidents. And a lot of people who get started just don't have the experience to be on the road. They really don't know how to handle that sort of situation. And I had in the...in my previous world had a board member who rode a motorcycle and came to the board meeting one day and he was really all skinned up, looked like he'd gone through a wringer. And he'd put his bike down, hit the gravel, and he couldn't control his bike, put it down, and he hung up his bike. That was it. He came this close, had a fairly large family, and he said, it's time to give it up, I came close to losing my life, it would not have been for the helmet I would not be here today. So I know there's a lot of stories that go on like that, that we have and we've heard. And so I hope as you mull this over... [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR HARMS: Thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Harms. Senator Gloor, you are recognized. [LB393]

SENATOR GLOOR: Thank you, Mr. President. Good morning again, members. Senator Bloomfield and I both served on Health and Human Services Committee for a couple of years together. He was a dutiful member and I think he would tell you, as any member of that committee would tell you, it's hard work in part, and in large part, because the sorts of bills that come to us generate hearings that bring people forward with stories that are hard to hear hour after hour after hour. And yet we find ourselves in a position of still having to make decisions as relates to public policy based upon a host of issues and not just the pain in people's voices when they share their stories. And I know Senator Bloomfield, like any of us who have served or currently serve on Health and Human Services, if we sat there and listened to those injured in bike accidents, motorcycle accidents, presenting themselves to the committee looking for better care, assistance from the state to take care of the needs that they had as a result of their injuries or family members begging for additional help and aid to take care of those injuries, I know that he...we would give serious consideration to that regardless to the topic of whether they should wear helmets or not wear helmets, and that's where this whole dialogue becomes a challenge for us. We have the issue of personal liberties on one side and we have the issue of public interest and good public policy on the other side because there is a cost associated with a decision of focusing on personal freedoms, at least to those of us who feel strongly about it. It was interesting in our discussion on eyewear and windshields, whatever you may describe. It's a good idea. Everybody seems to think it's a good idea and that's the reason that's in the original bill

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and nobody is arguing that. If this passed, we all know--that being we senators know who have dealt with this for a while now--that there would be an advocacy group that would spring up that would say, no eyewear protection, I don't want a windshield, I don't want to have to wear some kind of specialty eyeglass, goggle, sunglasses, I want to feel the June bugs bounce of my eyes, it's my decision. I mean, we know there would be an advocacy group that would spring up along those lines and there would be pseudo eyewear, you know. People would say, yes, these are safety glasses, when in fact they were designed to look like safety glasses but were nothing more than a relatively inexpensive piece of eyewear or knockoff windshields that didn't meet even the basic criteria to deflect rocks and June bugs and everything else out there. It's what happens when we make policy decisions. And when it comes to the helmet law and enforcement, this is a pretty easy one to enforce. Zipping down the interstate at 75 miles an hour or cruising through a town at 35 miles an hour, you can tell whether somebody is wearing a helmet or not. I mean, it's an awful bad haircut that looks like a helmet. I'm sure, I'm sure, from an enforcement standpoint, this will be an easy one to enforce, currently is an easy one to enforce. We have laws about seat belts--hard to enforce. We talk about texting--hard to enforce. [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR GLOOR: Thank you, Mr. President. So we talk around this policy a lot and come down to, ultimately, it's still a numbers game and it's a numbers game about what the cost is to the taxpayer when it comes to making bad public policy decisions, and helmet fits into that category for me, plain and simple. And having been in healthcare for all the years, you don't have to wow me with numbers. I know what the numbers are. I've seen the impact of those numbers. I think at some point in time we'll have an opportunity to talk about another important public policy decision made some years ago and it had to do with seat belts. And we know people don't wear seat belts still. We know that as a result of investigations done at accident sites. But next time up, hopefully I'll get a chance to talk about the seat belt experiment and how we felt it important to restrict that part of people's individual privacy and that... [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR GLOOR: Thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Gloor. Senator Dubas, you are recognized. [LB393]

SENATOR DUBAS: Thank you, Mr. President. I would yield my time to Senator Lathrop. [LB393]

SENATOR COASH: Senator Lathrop, 5 minutes. [LB393]

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SENATOR LATHROP: Thank you, Mr. President and colleagues. I'll give you something to think about tonight when you go home and you sit down with your family or you talk to them on the phone perhaps and they say, what did you do today, and you say, well, we took up the helmet repeal bill. What was that about? Why don't we just do that or how come somebody wants to do that? I want to throw something out because this bill...this has been the law for 24 years since I think 1989. And if it had not been in place since 1989--I saw some statistic; I expect that that's right--if it had not been in place, we would have had 24 years go by with twice as many brain injuries at least. If we had the experience of Pennsylvania, they had a 138 percent increase in brain injuries after they repealed their statute. Let me just use 100 percent. And if our average, even with the helmet law, it doesn't protect them all, probably diminishes the extent of a lot of brain injuries even for people that get one in a manner that I'll describe tomorrow. That's about 480 people that don't have a brain injury that would have. And if we saved 10 people a year, which is a conservative estimate, given the experience of Louisiana, Texas, Arkansas, and Kentucky, we'd probably save 10 lives a year, 240 people. The people we are talking about...and I appreciate Senator Krist's remarks, right? At what point do we regulate and at what point do we leave it to someone's individual decision? At what point? How many bodies do we need before we act? One? Maybe we let one guy make up his own mind if we only lost one Nebraska citizen a year to these motorcycle accidents because they weren't wearing helmets. But ten? In over 24 years we could fill the galleries in here. Think about that. You've seen people, the groups, come here and fill these. I don't know what the capacity is, and maybe the Fire Marshal has that figured out already. But I'm guessing that if we took the brain injured who are not injured because of the helmet bill and we took the people who would be dead except for the helmet bill and filled the gallery, the place would be full. You'd have hundreds of people, hundreds of families affected because they never thought it was going to happen to them. So they didn't wear a helmet and no one told them they had to and the brain injury happened or the death happened. It's going to happen with motorcycles even when they wear helmets, but it's going to practically double the brain injuries and it'll double the deaths and it's unnecessary. I don't know where the line is for when we act and when we don't act because of one's individual liberties should trump. But I do know that these numbers suggest it's appropriate to act. And it would be inappropriate in my judgment to step back and allow our roads to become a place of greater carnage,... [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR LATHROP: ...filling up our emergency rooms with the brain injured who then go to the rehab hospitals in this state, who then end up at Quality Living and places like that and ultimately home, no longer working, no longer providing for their family, their potential as young people snuffed out with a brain injury or with death. That's what's at stake. I get the individual liberty argument. I respect the individual liberty argument

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Mr...Senator Bloomfield is advancing. I get it. I respect it. But I think when you talk about the numbers we're talking about and what this bill has done to save lives, to prevent brain injuries, to diminish the extent of brain injuries and save money, we can't ignore that fact when we make the policy decision. [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR LATHROP: Thank you. [LB393]

SENATOR COASH: Thank you, Senator Lathrop. Mr. Clerk. [LB393]

CLERK: Mr. President, items: New A bill, LB371A by Senator Mello. (Read LB371A by title for the first time.) Urban Affairs Committee, chaired by Senator McGill, reports LB702 and LB801 to General File with amendments attached. Senator Scheer has selected LB682 as his priority bill. An amendment to be printed to LB393 by Senator Lathrop. Name adds: Senators Chambers, Nordquist, Ashford, Schumacher, Cook, Conrad, Howard, Bolz, Karpisek, Lathrop, McGill, and Dubas to LB1075; Senator Watermeier to add his name to LB785; Senator Coash to LB551. (Legislative Journal pages 468-469.) [LB393 LB371A LB702 LB801 LB682 LB1075 LB785 LB551]

Senator Schumacher would move to adjourn the body until Friday morning, February 7, at 9:00 a.m.

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. We are adjourned.