

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 07, 2014

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LB505 LB513 LB514 LB597 LB656 LB657 LB658 LB659 LB661 LB725A LB725 LB823
LB838 LB884 LB977 LR425 LR426 LR428 LR436]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the twenty-second day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Senator Dubas. Please rise.

SENATOR DUBAS: (Prayer offered.)

SPEAKER ADAMS: I call to order the twenty-second day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Mr. Clerk, please record.

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

SPEAKER ADAMS: Are there any corrections for the Journal?

ASSISTANT CLERK: No corrections this morning.

SPEAKER ADAMS: Any messages, reports, or announcements?

ASSISTANT CLERK: Oh, there are, Mr. President. Your Committee on Enrollment and Review reports LB725 and LB725A to Select File. Your Committee on Nebraska Retirement Systems reports LB977 to General File. In addition, a report of a gubernatorial appointment from the Retirement Committee. I have a list for the current week of registered lobbyists and an announcement that reports that have been filed during the previous week are available through the Legislative Web site. That's all I have. (Legislative Journal pages 471-472.) [LB725 LB725A LB977]

SPEAKER ADAMS: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. We will move to Final Reading. Members, you should return to your seats in preparation for Final Reading. Mr. Clerk, the first bill is LB656. [LB656]

ASSISTANT CLERK: (Read LB656 on Final Reading.) [LB656]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB656 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB656]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 473.) The vote is 42

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ayes, 0 nays, 7 excused and not voting, Mr. President. [LB656]

SPEAKER ADAMS: LB656 passes. We'll now proceed to LB657. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB656 LB657]

ASSISTANT CLERK: 35 ayes, 4 nays to dispense with the at-large reading, Mr. President. [LB657]

SPEAKER ADAMS: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB657]

ASSISTANT CLERK: (Read title of LB657.) [LB657]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB657 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB657]

ASSISTANT CLERK: (Record vote read. Legislative Journal page 474.) The vote is 42 ayes, 0 nays, 7 excused and not voting, on the final passage of LB657, Mr. President. [LB657]

SPEAKER ADAMS: LB657 passes. We'll now proceed to LB658. [LB657 LB658]

ASSISTANT CLERK: (Read LB658 on Final Reading.) [LB658]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB658 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB658]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 475.) The vote is 42 ayes, 0 nays, 7 excused and not voting. [LB658]

SPEAKER ADAMS: LB658 passes. We'll now proceed to LB659. [LB658 LB659]

ASSISTANT CLERK: (Read LB659 on Final Reading.) [LB659]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB659 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB659]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 475-476.) The vote is 41 ayes, 0 nays, 1 present and not voting, 7 excused and not voting, Mr. President.

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[LB659]

SPEAKER ADAMS: LB659 passes. We'll now proceed to LB33, and, Mr. Clerk, the first vote will be to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB659 LB33]

ASSISTANT CLERK: 36 ayes, 3 nays to dispense with the at-large reading, Mr. President. [LB33]

SPEAKER ADAMS: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB33]

CLERK: (Read title of LB33.) [LB33]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB33 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB33]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 476-477.) The vote is 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President. [LB33]

SPEAKER ADAMS: LB33 passes. We'll now proceed to LB76. [LB33 LB76]

ASSISTANT CLERK: (Read LB76 on Final Reading.) [LB76]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB76 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB76]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 477-478.) The vote is 43 ayes, 0 nays, 6 excused and not voting, Mr. President. [LB76]

SPEAKER ADAMS: LB76 passes with the emergency clause attached. We'll now proceed to LB174. [LB76 LB174]

ASSISTANT CLERK: (Read LB174 on Final Reading.) [LB174]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB174 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB174]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 478.) The vote is 40

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ayes, 2 nays, 2 present and not voting, and 5 excused and not voting, Mr. President. [LB174]

SPEAKER ADAMS: LB174 passes. We'll now proceed to LB215. [LB174 LB215]

ASSISTANT CLERK: (Read LB215 on Final Reading.) [LB215]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB215 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB215]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 479.) The vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB215]

SPEAKER ADAMS: LB215 passes. We'll now proceed to LB272. [LB215 LB272]

ASSISTANT CLERK: (Read LB272 on Final Reading.) [LB272]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB272 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB272]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 479-480.) The vote is 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting, Mr. President. [LB272]

SPEAKER ADAMS: LB272 passes. We'll proceed to LB278. [LB272 LB278]

ASSISTANT CLERK: (Read LB278 on Final Reading.) [LB278]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB278 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB278]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 480.) The vote is 44 ayes, 0 nays, 5 excused and not voting. [LB278]

SPEAKER ADAMS: LB278 passes. We'll now proceed to LB403. [LB278 LB403]

ASSISTANT CLERK: (Read LB403 on Final Reading.) [LB403]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB403 pass? All those in favor vote aye; all those opposed

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vote nay. Record, Mr. Clerk. [LB403]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 481.) The vote is 34 ayes, 6 nays, 4 present and not voting, 5 excused and not voting, Mr. President. [LB403]

SPEAKER ADAMS: LB403 passes. We'll now proceed to LB446. [LB403 LB446]

ASSISTANT CLERK: (Read LB446 on Final Reading.) [LB446]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB446 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB446]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 482.) The vote is 44 ayes, 0 nays, 5 excused and not voting. [LB446]

SPEAKER ADAMS: LB446 passes. We'll now proceed to LB470. [LB446 LB470]

ASSISTANT CLERK: (Read LB470 on Final Reading.) [LB470]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB470 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB470]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 482-483.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB470]

SPEAKER ADAMS: LB470 passes with the emergency clause attached. We'll now proceed to LB513. [LB470 LB513]

ASSISTANT CLERK: (Read LB513 on Final Reading.) [LB513]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB513 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB513]

CLERK: (Record vote read, Legislative Journal page 483.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB513]

SPEAKER ADAMS: LB513 passes. We'll now proceed to LB514. And, Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those

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opposed vote nay. Record, Mr. Clerk. [LB513 LB514]

CLERK: 37 ayes, 4 nays, Mr. President, to dispense with the at-large reading. [LB514]

SPEAKER ADAMS: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB514]

CLERK: (Read title of LB514.) [LB514]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB514 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB514]

CLERK: (Record vote read, Legislative Journal page 484.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB514]

SPEAKER ADAMS: LB514 passes. We'll now proceed to LB597. [LB514 LB597]

CLERK: (Read LB597 on Final Reading.) [LB597]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB597 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB597]

CLERK: (Record vote read, Legislative Journal page 485.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB597]

SPEAKER ADAMS: LB597 passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB656, LB657, LB658, LB659, LB33, LB76, LB174, LB215, LB272, LB278, LB403, LB470, LB513, LB514, LB597. Also LR425, LR426, and LR428. [LB656 LB657 LB658 LB659 LB33 LB76 LB174 LB215 LB272 LB278 LB403 LB470 LB513 LB514 LB597 LR425 LR426 LR428]

SENATOR COASH PRESIDING

SENATOR COASH: (Doctor of the day introduced.) Mr. Clerk, next item.

CLERK: Mr. President, still on Final Reading. Senator Larson would move to return LB56 to Select File for a specific amendment, AM1835. (Legislative Journal page 465.) [LB56]

SENATOR COASH: Senator Larson, you're recognized to open on your motion. [LB56]

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SENATOR LARSON: Thank you, Mr. President. AM1835 would add an emergency clause to LB56 so that it changes...and the changes made by this bill can be implemented this upcoming election year. During the Select File process there was a miscommunication on the issue between the interested parties and since I have discussed the addition of an emergency clause with Senators Avery and Mello and have received confirmation that the Secretary of State's Office is, in fact, supportive of the emergency clause as well. There's also support from the majority of the county clerks' offices across the state with no opposition voiced by those who would be the ones being asked to implement LB56. So I'd ask for your support to return it to Select File and on AM1835 after. Thank you. [LB56]

SENATOR COASH: Thank you, Senator Larson. Members, you've heard the motion to return to Select File. Senator Chambers, you're recognized. [LB56]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I support this motion. And a message on the record for young Senator Larson: Senator Larson, at this time, you won't get an answer, but Monday, you'll have it in a rhyme. Thank you. [LB56]

SENATOR COASH: Thank you, Senator Chambers. Seeing no other members wishing to speak, Senator Larson, you're recognized to close on your motion. Senator Larson waives closing. The question for the body is, shall LB56 be returned to Select File for a specific amendment? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB56]

CLERK: 40 ayes, 1 nay, Mr. President, on the motion to return the bill. [LB56]

SENATOR COASH: The motion is successful. Mr. Clerk. [LB56]

CLERK: Mr. President, Senator Larson would offer AM1835. [LB56]

SENATOR COASH: Senator Larson, you're recognized to open on AM1835. [LB56]

SENATOR LARSON: As I said, members, all interested parties have been talked to and discussed on AM1835. It just adds an emergency clause to LB56 so it can take effect for this current election cycle. I'd appreciate everybody's green vote on AM1835. Thank you. [LB56]

SENATOR COASH: Thank you, Senator Larson. Members, you've heard the opening to AM1835. Senator Avery, you're recognized. [LB56]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. As Chair of

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the Government Committee I think that I owe it to you to comment on this bill. Regardless of the substance of the underlying bill, adding an E clause will allow this to take effect immediately. It is customary that we in the Government Committee do not change election law after the election cycle has started. Candidates enter an election cycle with a set of rules. They start out with those rules, they know what those rules are, and customarily we do not change the rules in the middle of the cycle. I just give you that information for your consideration. You can make up your own mind what you want to do. Thank you. [LB56]

SENATOR COASH: Thank you, Senator Avery. Senator Bloomfield, you're recognized. [LB56]

SENATOR BLOOMFIELD: Thank you, Mr. President. The body, or whatever you call it, I opposed this from the get-go. I call it the "hide the candidate" bill. I don't believe it's an emergency that we hire the candidate bill...hide the candidate, so I will be opposing this amendment. Thank you. [LB56]

SENATOR COASH: Thank you, Senator Bloomfield. Seeing no other members wishing to speak, Senator Lathrop...or Senator Larson, you're recognized to close on your amendment. Senator Larson waives closing. The question for the body is, shall AM1835 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB56]

CLERK: 33 ayes, 6 nays, Mr. President, on the adoption of the Select File amendment. [LB56]

SENATOR COASH: The amendment is adopted. Senator Murante for a motion. [LB56]

SENATOR MURANTE: Mr. President, I move to advance LB56 to E&R for engrossing. [LB56]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB56 does advance. [LB56]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB446. Mr. Clerk, is there a motion? Members, we are modifying today's agenda in order to take up this rules suspension motion. [LB446]

CLERK: Mr. President, Senator McGill would move to suspend Rule 3, Section 14, so as to permit cancellation of the public hearing scheduled for LB823 next Tuesday,

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February 11. [LB823]

SENATOR COASH PRESIDING

SENATOR COASH: Senator McGill, you're recognized to open on your motion. [LB823]

SENATOR MCGILL: Thank you, Mr. President and members of the body. This motion is to reschedule the hearing for LB823 which was supposed to be Tuesday, the 11th. This is the bill dealing with...from Senator Lautenbaugh dealing with the sale of MUD. He now has a conflict. I think I see his light on and so he plans to speak on why it is that he cannot be there, but would really like to be present for this hearing and I am very happy to accommodate that and move it back a week, but need to suspend the rules to do it. Thank you, Mr. President. [LB823]

SENATOR COASH: Thank you, Senator McGill. Members, you've heard the opening to the motion. Senator Lautenbaugh, you're recognized. [LB823]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. Simply put, I was advised of a matter yesterday that requires that I be in Omaha Tuesday afternoon. This hearing was set for Tuesday afternoon. Considering the bill, it was not something I was comfortable having staff open on, so I'd requested and I contacted Senator McGill last night and advised her of the problem, and I appreciate her cooperation in bringing this motion. And we're just postponing the hearing for a week or two until whenever it's convenient for the committee. I had already contacted representatives of MUD and let them know of the issue as well in all fairness so they would not be blindsided by this. I really don't what more I could do. It's just one of those things. So I appreciate, again, Senator McGill's assistance with this and I'd appreciate the body's support of this motion to suspend the rules. Thank you, Mr. President. [LB823]

SENATOR COASH: Thank you, Senator Lautenbaugh. Seeing no other members wishing to speak, Senator McGill is recognized to close. Senator McGill waives closing. The question for the body is, shall the rules be suspended to cancel the hearing? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB823]

CLERK: 33 ayes, 0 nays, Mr. President, to allow for the cancellation of the public hearing. [LB823]

SENATOR COASH: The motion is adopted. Mr. Clerk. [LB823]

CLERK: Mr. President, a few items, if I might. Senator Mello, an amendment to be printed to LB371; Senator Murante, a motion with respect to LB661. I have hearing notices from the General Affairs Committee and the Government, Military and Veterans

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Affairs Committee signed by their respective Chairs. Education Committee chaired by Senator Sullivan offers an education confirmation report. That will be laid over at this time. An announcement that the Revenue Committee will meet in Exec Session at 10:30; Revenue Committee, 10:30, in Room 2022. That's all that I have, Mr. President. (Legislative Journal pages 486-487.) [LB371 LB661]

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

CLERK: Mr. President, LB393 originally offered by Senator Bloomfield and others. (Read title.) The bill was introduced in January of last year, referred to Transportation, discussed yesterday. Committee amendments were offered, subsequently divided pursuant to a request for division. When the Legislature adjourned, pending was committee amendment component number one, AM1838. Senator Lathrop had pending to that committee amendment, AM1813. Mr. President, I have a priority motion. Senator Gloor would move to bracket LB393 until April 17 of 2014. [LB393]

SENATOR COASH: Senator Gloor, you're recognized to open on your motion. [LB393]

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. Well, for the majority of us, I think the overwhelming majority of us, we've discussed this bill in the past, in the past years. And although there may be components of it that are entertaining to the public, I also don't think there's a lot new that they're going to hear one way or the other. I'm not sure our continued debate will sway our votes. It may educate us a little better, but more than likely it's going to entrench us in how we feel about this particular bit of legislation. We either have issues of personal freedoms and personal liberty, the wind blowing through our hair, or we have concerns from a public policy standpoint about this as a public safety issue. And the hazard associated with traveling without helmets on, that fit into the same category of a lot of other public health issues, safety issues. Whether it's texting, whether it's seat belts, whether it's tinted windows, there are things that we disallow in this state in the interest of public safety. And that's clearly a driving issue behind a lot of us. I come at this issue a little differently given my experience in healthcare and seeing the huge expenses associated with motor vehicle accidents, the huge expenses especially associated with those that involve head trauma and head injury. And for those of us who recognize that huge expense, find ourselves shaking our head over those who are concerned about the Affordable Care Act, Medicaid expansion, the fact that there may be added dollars associated with that, and yet something that clearly, if you talk to the experts, clearly could save Nebraska taxpayers large sums of money by maintaining helmet laws, doesn't seem to connect. And if it doesn't connect now, I'm not sure that hours and hours of further discussion and debate are going to change anybody's minds. So let's do a count. Let's either move forward knowing where we sit, or put this behind us at least for one more year. Who knows, maybe two more years. I'm pretty adamant about

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saying I can't imagine in my wildest dreams changing my mind when it comes to the helmet law. I just can't. It's a pretty straightforward issue and there may be economic development arguments as relates to people traveling through this state headed up to South Dakota. But the kind of money we're talking about, if people traveled through this state for a hundred years, can't come close to the kind of expense we could be talking about by someone who becomes a ward of the state for the rest of their life as a result of the medical injury sustained and the cost associated with that from not wearing a helmet. Pretty straightforward to me. So I introduced the bracket motion. Now let's have a little more discussion and see where we sit. Thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Gloor. Members, you've heard the opening to the motion to bracket. Those in the queue wishing to speak: Senators Lathrop, Bloomfield, Harms, and others. Senator Lathrop, you're recognized. [LB393]

SENATOR LATHROP: Thank you, Mr. President and colleagues. It should come as no surprise that I stand in support of the motion to bracket. We have spent an awful lot of time in the early days of this session on a small number of bills and while I appreciate this is Senator Bloomfield's priority bill, it seems to me pretty evident that it's probably not going to make it across the finish line. And as a consequence we have an opportunity to interrupt a long and drawn-out process and bring this bill to the fate I think it's headed for early. The bill as written...and this goes to the entire bill. The bill as written would change and allow or require only that people under 21 wear a motorcycle helmet or an approved helmet and that everybody over that could choose. And this is not...we're not reinventing the wheel again. This is something they did down in Florida. And you should know that even among the people under 21 compliance with the law went way down. And why is that? Because when you say everybody over 21 can decide for themselves and everybody under 21 should have to wear a helmet, law enforcement can't tell who they are and our constitution doesn't allow them to pull them over and just ask and say, well, son, you look like you're under 21. You can do that, of course, before they buy a drink in a bar, but you can't do it on the road and so it becomes...it turns the entire motorcycle helmet law into an unenforceable statute providing protection to exactly no one, and then we have all the consequences that you've heard described. Yesterday I talked about some of the personal costs to families that have a loved one die or sustain a brain injury or other very significant injury. And I think it's important to talk about the cost to the taxpayer because as we make policy, and Senator Gloor referred to this, as we make policy, it is a legitimate argument, Senator Bloomfield, to talk about one's freedom to make a decision. That is a fair argument. We must, on the other hand, weigh that against what it costs society. And these injuries cost society a great deal and we pay in lost productivity, we pay with people who can no longer work, we pay with the cost of the care which is significant for the traumatically brain injured, we pay through Medicaid and we pay through our own health insurance because, colleagues, when someone has this kind of an injury and they show up at the emergency room, we can't turn them down. They are making a decision and it's not just

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for themselves. Their decision is, I'm going to ride with no helmet and you, society, are going to pay the cost. And while they may not think they're ever going to be in an accident, we know the number of people that will be in an accident next year. It's the law of large numbers which we observe as we make policy and we know how many people will be in an accident, we know what their cost is, and it runs into the millions of dollars' unnecessary expense passed along to policyholders and taxpayers and I think that is evident from the information and the statistics that you've heard to this point in time. [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR LATHROP: And finally, let me talk about one other group who doesn't think it's ever going to happen to them and that's the person who unknowingly pulls out in front of or turns left in front of a motorcyclist and kills someone on a motorcycle. In a motorcycle accident they end up getting charged, colleagues, with motor vehicle homicide. They are charged with motor vehicle homicide if they haven't been drinking or drag racing or being willfully reckless, it's a Class I misdemeanor. They can do a year in jail. If they are over the limit, they're going to the big house. We are creating unnecessary death on the road. We are creating unnecessary brain injuries. We are... [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR LATHROP: Thank you. [LB393]

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

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, it will equally come as no surprise that I oppose this bracket motion. We have barely started this debate. Two hours is what we have into it. I don't believe that is fair and full debate of an issue of this importance. If this were a flyby bill that had not presented itself several times before the body, I'd say maybe we have had full and fair debate. We went eight hours on cigarette lighters. We went eight hours on amber lights. Are we going to cut off debate at two hours on motorcycle helmet repeal? I certainly hope not. I believe we need to talk some more about this bill. There's much information to be laid out, and what we have done so far has not scratched the surface. I'm not going to belabor the point. I've spoken on this now. I don't know that I will speak again on it. I just call on the body to reject this early bracket bill (sic). Thank you. [LB393]

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

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SENATOR HARMS: Thank you, Mr. President. I rise in support of the bracket. When you look at all the data and all the information and all the research that we've shared just in the two hours we've debated or however long it's been, it's overwhelming, colleagues, no matter if you stretch this out for a total of eight hours. That's up to you. It's your choice. But it's really overwhelming about how the public feels. We know the danger of it. We've seen the research. We've given you the data, and there's more data and more research that we can continue to bring out that simply supports the position of that not wearing a helmet is dangerous. It causes death. It causes long-term disability. It disrupts the families. And as it disrupts the families, as it destroys an individual's life and a family's life, who picks up that cost, which we talked about yesterday? The cost is picked up by you and me and the rest of the taxpayers of Nebraska. It's extremely expensive for us. And the thing that I would like to point out in a letter that we received or an e-mail that we received from a gentleman who, by the name of Dave Halen, who is a motorcycle safety instructor, talks about what he has observed and what his thoughts are. And the point that he brought out that I thought was really critical, I hadn't given it much thought but I should have, that it's not a right, colleagues, to put the motorcycle on the street. It's not a right. It's like driving an automobile. It's not a right, which most people think. It's a privilege. And because of the fact that it is a privilege, because of the fact that we know that it damages and destroys families and lives, we have every right to make requirements to this. You know, one thing that caught my attention as I was kind of reading through the research and doing the research, that what the courts have said in regard to a lot of challenges in other states in regard to having a helmet law, let me just share this with you. The courts have repeatedly upheld motorcycle helmet use laws under the U.S. Constitution. In 1972, a federal court in Massachusetts told a motorcyclist who objected to the law, and I quote: The public has an interest in minimizing--can't say that--the resources directly involved. From the moment of the injury, society picks up the person up off the highway, drives them to the municipal hospital and a municipal doctor, provides him with unemployment compensation if after recovery he cannot replace his lost job, and if the injury causes a permanent disability may assume responsibility for his and his family's subsistence. We do not understand a state of mind that permits plaintiff to think that only he himself is concerned. The U.S. Supreme Court affirmed this decision without even hearing arguments in the case. I guess that pretty much spells it out for me when our own courts, U.S. Supreme Court, won't even get into the argument. They've already said that it's dangerous. They've already said all the things you've heard today. They've looked at the research themselves. Highest court in the land has not got in this whole argument about freedom of choice. It's not a freedom of your choice. It's not a right; it's a privilege. And, Mr. President, I would just urge my colleagues to vote for this and let's just end this debate now and go on to other issues that I think are extremely important beyond this particular issue we're addressing now. So thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Harms. Senator Schumacher, you're recognized. [LB393]

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SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I rise in opposition to the bracket motion. I spent eight years as a county coroner in connection with the duties of county attorney, and back in the mid-'80s we averaged probably one coroner call a month for people who were injured in automobile accidents. In a good number of those accidents, had the passenger in the automobile been wearing a motorcycle helmet, they would have been saved. And as I listened to the arguments that have been presented so far regarding motorcycle helmets, I keep asking myself, why aren't the same arguments applicable to cars? Certainly there are far more people in vegetative states; far more people who have been crippled; far more people who have died, leaving families behind; far more people on Medicaid; far more people on the state rolls because of head injuries in automobile accidents than in motorcycle accidents. Why does this limit the requirement for helmets to motorcycles and mopeds when there's far more carnage in automobiles that could be prevented by wearing helmets? And the reason, I think, for that discrimination is because it's somebody else's right to liberty that we're taking away. If we were serious about the carnage arguments that we've been hearing, we would be expanding this bill to cover all motor vehicle traffic. Oh, yes, it would have an impact on interstate commerce. People would drive around Nebraska. Well, we see that with motorcycles too. At a certain point, we have got to leave adult decisions to adult decisions. Or if we say this is a special area because of the use of the motor vehicles on the road, then why not expand it to everybody? This is an element of personal choice, an element of personal freedom, and if we're going to take that away in one context then we need to take it away in the other context. Far more expense because of the motor vehicle situation. And I'm still waiting to hear the data that we say is there that shows that Nebraska, with a helmet law, is materially different from those states without a helmet law. That data has yet to be presented, may be persuasive. We'll never get to it if we pass this bracket motion. But really, as you listen to the arguments of carnage and of expense and of head injuries and people lying incapacitated, ask yourself, why aren't we requiring helmets for everybody riding in a motor vehicle in Nebraska? There is no logical distinction. You may have a little higher risk on a motorcycle, but you have so much more incidence to apply the risk for in automobiles that the net loss to society is higher by not applying it to all automobile and vehicle traffic than by just focusing on somebody else's privilege, somebody... [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR SCHUMACHER: ...else's right, somebody else's ability to seek the pursuit of happiness. This is one that needs more discussion because we are infringing on the rights of a few when, if the argument for that is valid, we should be also infringing on the rights of the many. Thank you. [LB393]

SENATOR COASH: Thank you, Senator Schumacher. Senator Kintner, you're

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recognized. [LB393]

SENATOR KINTNER: Well, thank you, Mr. President. Senator Scheer, would you submit to a question? [LB393]

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

SENATOR SCHEER: Yes, I will. [LB393]

SENATOR KINTNER: It's been said that we've debated this many times. I think it's been up four times. Have you ever debated this issue on the floor here? [LB393]

SENATOR SCHEER: No, this is the first time. [LB393]

SENATOR KINTNER: Thank you very much. Will Senator Johnson yield to a question? [LB393]

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

SENATOR JOHNSON: Yes. [LB393]

SENATOR KINTNER: Senator Johnson, it's said we've debated this many, many times. Have you ever debated this or heard an argument for or against on the floor? [LB393]

SENATOR JOHNSON: No, I've not been a senator in a debate on it. You're correct, I've not debated this on the floor. [LB393]

SENATOR KINTNER: Well, thank you, Senator Johnson. So you know this has been debated I guess a number of times. It's been debated four times. It's not passed. It's been filibustered every time. You know, we're going to...if it doesn't pass this year, we're going to debate it probably next year. And we're going to debate it next year, and we're going to debate it the next year, because you know what? The time of regulating everybody's life, you know, the great progressive era in the '60s and '70s and on into the '80s is over. It's in Washington, but it's not here in our state. And the people in our state don't want to be told how to live. They can make decisions about what's right and what's wrong for themselves. You know, we regulate lighters. I mean it's almost a no-brainer that we're going to tell you, you have to wear a helmet. And you know it's...you know it never stops--helmets, lighters, seat belts. It's almost to the point where, you know what...and the other thing we also do is we love to spend money. So if there's money out there we'll spend it. If something moves we'll regulate it. And you know what? If it stops moving we'll probably subsidize it. I mean I just think there's people at home watching this going, are you kidding me, really? They want their taxes cut. They just want us to stay out of their lives. They want to live their own life. They don't need us

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to protect them, to tell them how to live. To tell them, you know, you really can't make good decisions about your own health and your own body and your own life, so we're going to do it for you. The arrogance of our Legislature at times is mind-boggling, I think, to the great majority of people in our state. And you know the other thing is, well, we have to do this because if they hurt themselves and they're in a coma and their insurance runs out, we're going to have to pay for it. Oh, so now we create a huge welfare state and now we have to clip your liberties so we don't bankrupt the welfare state. Well, I got a better idea. Let's start clipping the welfare state and restoring the liberties. I support Senator Bloomfield's bill. I oppose this bracket motion, as do the majority of people in our state. Thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Kintner. Senator Dubas, you're recognized. [LB393]

SENATOR DUBAS: I rise in support of the bracket motion. I think an issue that Senator Lathrop brought up dealing with enforcement, we have some bills in Transportation and Telecommunications right now dealing with texting and seat belts, and one of the concerns about putting the bill out is enforcement and how will law enforcement be able to determine if a person is texting and wearing their seat belt. And moving it from a secondary to a primary offense makes that enforcement issue even more relevant, so to speak. But as Senator Lathrop mentioned, I think we have a similar concern with this motorcycle helmet repeal when we're requiring those under the age of 21 to wear a helmet and we're asking law enforcement to make a judgment call then as a motorcycle is zipping by them maybe at 60, 70 miles an hour, as to are they 21, are they over 21, or are they under 21. So I think we can apply that same kind of logic or concern to enforcement issues on this bill as we have with some others. I'm going to go back to the points that I made yesterday about we're not talking now about implementing a new law. We're not talking about implementing a helmet law. We are talking about repealing a helmet law, a law that has been in place for decades and a law that there are statistics, and I think we can pull them up pretty easily, that show that helmet laws not only in Nebraska but across the country do make a difference in either reducing the severity of injuries or reducing fatalities. And some of those statistics come from our own medical professionals as well as medical professionals from across the country. But I found it interesting, when you look in the statutes and, you know, quite often we have legislative findings or legislative intent that goes along with legislation that we pass, and the legislative finding that was put in place when we passed the helmet law was: The Legislature hereby finds and declares that head injuries that occur to motorcyclists and moped operators which could be prevented or lessened by the wearing of helmets are a societal problem and that the financial and emotional costs of such injuries cannot be viewed solely on a personal level. It is the intent of the Legislature to prevent injuries and fatalities which occur due to motorcycle and moped accidents and to prevent the subsequent damage to society which results due to the cost of caring for injured people, the pain and suffering which accompanies such injuries and fatalities, and the loss of

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productive members of society from such injuries. So I think that legislative intent is just as real and relevant today as it was when this legislation was passed several decades ago. You know, and I would agree with some of the comments that Senator Gloor made. There are those subjects that come to the floor of the Legislature that there isn't any amount of discussion, debate, people pretty much know where they're at. This is not something that people tend to be sitting on the fence about. They've got their feelings and they feel pretty strongly about them, and that's great. That's the way things...that's the way things work in our society. We have those opportunities to take those positions. But when we're looking at trying to make decisions on the floor of the Legislature, move along through our agenda, trying to get things done to the best of our abilities, sometimes these types of issues where there isn't a lot of possibility to sway people's decisions, you know, it's time to take that vote and just see where everybody is at. Thank you, Mr. President. [LB393]

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

SENATOR CAMPBELL: Thank you, Mr. President and colleagues of the Legislature. I thought that I might spend a little time reviewing and looking at the question that Senator Schumacher posed in terms of helmets and cars, and I found a very interesting study in the highway safety research and communications of the Highway Transportation Department that was published in May of 2013. And the question was, why is it important for motorcyclists to wear helmets? Compared with cars, motorcycles are especially dangerous form of travel. The National Highway Traffic Safety Administration estimates that, per mile traveled, the number of deaths on motorcycles in 2011 was more than 30 times the number in cars. Motorcycles often have excessive performance capabilities, including especially rapid acceleration and high top speeds. They are less stable than cars in emergency braking and less viable to other motorists and less visible to other motorists. Motorcyclists are more prone to crash injuries than the car occupants because motorcycles are unenclosed, leaving the riders vulnerable to contact with hard road surfaces, other vehicles, and fixed objects such as trees. This is why wearing a helmet, as well as other protective clothing, is so important. Helmets decrease the severity of head injuries, the likelihood of death, and the cost of medical care. Helmets are highly effective in preventing brain injuries, which often result in excessive treatment and may result in lifetime disability. The Highway Safety Transportation Administration estimates that in the event of a crash, unhelmeted motorcyclists are three times more likely than helmeted riders to suffer traumatic brain injuries and that motorcycle helmets reduce the likelihood of a crash in 37 percent. In that same report that was issued, again, I repeat, per vehicle mile traveled, motorcyclists are over 30 times more likely than passenger car occupants to die in a traffic crash. In that report, it estimated that the average age of a motorcycle fatality is age 42, and yet the amendment says, well, let's just have this for our youth under the age of 21. A great study published by the Pediatrics journal in 2011 stated that in states

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with youth-specific laws requiring helmet use, risk of serious traumatic brain injury among the young was 38 percent higher than found in states with laws requiring all motorcyclists to wear helmets. And it goes back to the point that Senator Lathrop made. When people are traveling down the highway, it's very difficult to say over 21, under 21. And realize that we are putting young people at risk should we adopt this bill and its intent for only under 21. The same group of researchers in the Pediatrics medical journal... [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR CAMPBELL: ...also noted...thank you, Mr. President,...also noted and spent time taking a look at the disabilities in youth that are caused by motorcycle accidents. I point all these studies out to you because study after study and medical journals and all that we can bring to bear on an issue clearly says to us we need to retain the helmet 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've listened carefully to this debate and I have heard the same things being repeated over and over. And one of them that surprised me was Senator Schumacher's comment that he had not heard any convincing comments about data that show that this is costly to the public interest. That's particularly interesting to me because I spent my five minutes on the microphone at least one time yesterday going over these numbers. They're staggering numbers. For example, the Nebraska Department of Roads reports that the cost estimate for motorcycle accidents in Nebraska total about \$49,913,000. That's almost \$50 million. Those are real numbers, folks. And these are not superstitions. They're not made-up numbers. These are numbers from a reputable organization. They're not based on guesses. They're not based on conjecture. They are empirical facts. That means they're based upon factual observation. And our deliberations in here, I believe, should be informed by rational, logical arguments. And if we are not willing to face the issues in a factual manner, if we're not willing to base our decisions on rational, logical arguments, then we're in trouble, because we are making public policy and that public policy must be very carefully considered. I also heard that the personal freedom issue trumps the public interest. Nobody actually said it like that, but that's essentially what it means. If you're saying that an individual has the right to behave essentially any way they want and the public interest is not important enough to take into account, then that is, in my opinion, irresponsible thinking. The...everybody's personal freedom ends where the public interest starts. Well, what is the public interest in this case? The public interest in this case is that society should be protected from having to pick up the tab for these costly injuries that are associated with motorcycle accidents. And Senator Campbell did a good job of talking about that. I have some numbers here that estimate the costs,

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monetary costs, associated with traumatic brain injuries in Nebraska to be over \$413 billion in one year, both fatal and nonfatal injuries, medical costs, and productivity losses. It is estimated that the lifetime costs per individual with brain injuries are: for a mild brain injury, \$85,000; for moderate brain injury, \$941,000; and for severe brain injury, \$3 million. Those are real costs, folks. If you are a fiscal conservative, you ought to care about this. If you really are concerned about spending, as Senator Kintner says almost every time he gets on the mike, then take a look at this. [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR AVERY: These are real numbers. And I have one more point to make here before I sit down. If we are concerned about personal freedom, and I've heard that argument over and over, then tell me, how do you justify requiring eye protection? How do you justify that in the bill? Is that not an infringement on personal liberty? You say, oh, it's okay to splatter your brains all over the highway, but let's protect the eyes. Well, they aren't going to do you much good if you don't have a brain. So I'm asking you to step back a bit and be rational, logical. Think about this in terms of the costs to the state, to the taxpayers in this state, and think about it in terms of rational thought with respect to what is the public good. The public good here is to protect the population of Nebraska from these exorbitant costs, not to say, well, listen, we've got to give... [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR AVERY: ...all these people personal freedom on this issue. Thank you, Mr. President. [LB393]

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

SENATOR LATHROP: Thank you, Mr. President, colleagues. I am pleased that Senator Kintner has joined us in this discussion and is engaged in this debate. As I mentioned last week, when a debate includes the rhetoric and the labels that are often associated with our national politics, it presents an opportunity for the rest of us. And I think that's what happened. Talk about a welfare state, talk about the arrogance of a Legislature that would engage in a policy discussion and pass laws, maybe I'll just focus for a moment on two things. And let me start with this. You can talk about how this is arrogance to even suggest that we should consider leaving the helmet law in place and the bill imposes two new mandates. Now how does that work? If it's wrong, how can someone advocate for the repeal of a helmet law and at the same time insist that someone wear protective goggles? You make the case for me. The protection...the requirement of eye protection is for the safety of the person riding the motorcycle. We don't want them to get in accidents. They'll get in an accident if they get hit in the eye

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with a June bug or some other insect or rock. So we're going to impose a requirement. Why do we not let them decide whether they're going to wear goggles or not wear goggles? And what about the requirement that only people of a certain height can ride on the back? So the bill would change...get rid of one mandate and put two more in place. The question is whether it's good policy. We will kill ten more people a year. We will kill ten more people a year. We will have 30 or 40 more brain injuries a year and those people will end up drawing against our Medicaid dollars for their care, short term and long term, and believe me it is long term when you have a significant brain injury. They are no longer providing for their families. We cannot dismiss the cost of these injuries and the costs of these deaths by saying it is a matter of personal choice. That doesn't...that's not responsive. It doesn't address the people who will die and the people who will have brain injuries and the cost to Medicaid and the cost to Blue Cross Blue Shield and UnitedHealthcare and all the other insurance policies you and I pay premiums to, because they're going to go up. This is a serious policy discussion and a serious policy discussion has to talk about both sides of the issue. We have to talk about the costs, human and the costs to our Medicaid Program. There ought to be a fiscal note with this. [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR LATHROP: There ought to be a fiscal note with this that says how much more are we going to spend on the brain-injured and the people that roll in to receive care at the hospital before they die. That ought to be in the fiscal note. The problem is it's staggering and it's hard to calculate. But we do know about the experience of other states, like Florida, who have done this same thing, and their costs go up dramatically for the deaths, the brain injuries that could have been avoided. You know, I feel strongly about this because every year I meet two people that I know full well don't have brain injuries, don't have brain injuries because we have a helmet law, people who are launched... [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR LATHROP: ...from their motorcycles. Thank you. [LB393]

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

SENATOR JOHNSON: Thank you, Mr. President. I'll comment on the question that Senator Kintner asked me a little bit ago, if I had debated this, and I said not as a senator. But I debated it as a candidate, because as I would go around I had people on both sides lobby. It's not that this concept of repeal is new to me. I've read most of the debate. I've not heard a lot today that's different. I've heard some statistics that maybe are fresher in my mind now. One of the statistics that I do remember the proponents of

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the repeal used to talk about was the economic impact of \$1,000 cost to the state for every rider. If that rider is going from Kansas to Sturgis, South Dakota, I doubt they're going to spend \$1,000 in Nebraska unless they've got a lot of troubles with their bike. In the interest of time, I like the bracket bill (sic) because I don't know that in the next six hours, if that's what we have left, that we're going to learn a lot of new information. To comment on Senator Lathrop's comments about improving a bill, I looked at an amendment that I thought maybe would make the bill a little bit better, would be to require a person that got a motorcycle license for the first time that they have to wear a helmet for the first year. Well, that's profiling if they're going to try to investigate that and enforce that. So that one I threw in the trash because I learned last year if it's a bad bill don't try and improve it. And I've looked at this several times and I've looked at the effect on the person involved on the bike, the rider. I think it's true that it increases the risk of injury, brain injury, if the person doesn't have a helmet. Then I think of the family or the caretakers that are involved in helping that person after an accident. Then I go to the insurance cost and if there's not insurance or the insurance is exceeded, then I go to the cost to the public. I'm also interested in Senator Harms's bill on texting while driving and I think that's probably another restriction on some of our freedoms, but I think that's an increasing issue and I will support...listen and support the discussion on that bill. Hopefully it gets here. And also if I'm going to be consistent then I believe that we need to stick with the helmet bill. From a personal perspective, ten years ago this August a classmate, college classmate of mine, her husband went up to Sturgis--he's from Nebraska--went up to Sturgis to their event. And up there you don't have to wear the helmet. Riding relatively slow through town and I guess swerved a little bit, lost control, the cycle went over. And took him to the hospital and he was dead on arrival. I don't know but I truly believe that the helmet there would have saved that person's life. Now it didn't injure him for life and we didn't have that expense, but I know the burden and the heartache that it has caused that... [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR JOHNSON: ...family. Getting back to the bracket bill (sic), what are we going to learn in the next six hours on this? A lot of times if we don't have anything new to say, we start talking about everything else. And I still go back to my feeling that we need to stay on the subject. With that in mind, I will support the bracket bill (sic). Thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Johnson. Senator Kolowski, you're recognized. Excuse me, Senator Kolowski, we have an announcement first. [LB393]

ASSISTANT CLERK: Mr. President, thank you. The Education Committee will hold an Executive Session in Room 2022 now. [LB393]

SENATOR COASH: Senator Kolowski, you're recognized. [LB393]

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SENATOR KOLOWSKI: Thank you, Mr. President. I will try to be brief so I can get to that meeting as well. I stand in support of the bracket motion and also against LB393. I'd like to go over a few reasons why, because I had my light on yesterday when we were finishing up the session and didn't have a chance to talk about these at that time. Two of the reasons I want to give you are personal. My younger brother had 20 years as a state trooper in Illinois and he had many of those years on the road in northern Illinois, around the Chicagoland area. And I can't even begin to tell you the stories that he passed on to family members about bikers and the deaths of bikers on the road not wearing helmets and the situation they found themselves in as far as mopping up the mess from a serious accident when a biker and a truck or a vehicle, a car have a collision. Not many survivors from those situations and terrible, terrible injuries to say the least. Secondly, walking the district in the campaign mode 18 months ago, I saw about every kind of bike you could imagine, every large Honda or Harley or anything else of any brand name. And when I talked to those voters, many times the point of the helmet law came up and my response was always the same--I'm for the helmets. And I said, I have every assurance and confidence that you're a very good bike rider, but the vast majority of the injuries and the accidents occur because others don't see the bike or the biker and the accident occurs and the damage is done. I said, that's my main concern, is that you're usually hit by someone else. And the statistics usually are backing that up if you check the records on that. A couple of days ago...excuse me, in his introduction, Senator Bloomfield talked about those in the military who had served and they know and they can make up their own minds as far as wearing a helmet or not wearing a helmet. I thought that was an interesting comment because all service people, when they go through training, they're required to wear helmets. And if they're in a war zone they're wearing a helmet just for that same purpose, and that's protection from either bullets or shrapnel or anything else that would happen. So they know the value of what that does to save their...themselves from injury and accidents. Senator Schumacher made the comment about the cars versus the bikes that has been addressed, and perhaps the reason why the car injuries dominate as far as the number of people who survive them. And the idea of putting helmets on people in a car is a little far-fetched. But they probably survived because the bikers don't survive, and that's the truth from statistics we've seen and from the personal experiences I've had related to me. Perhaps the one thing in common we ought to do when a biker is licensing his particular bike is to make sure an organ donor card is also filled out at the same time, and that would be a radical move, to say the least. Again, I back this bracket move and I am against LB393. And I will give the rest of my time to Senator Lathrop, if he would like to use it. [LB393]

SENATOR COASH: Senator Lathrop, one minute. [LB393]

SENATOR LATHROP: Well, thank you. And thank you, Senator Kolowski. I think it's important to appreciate, colleagues, that the bill that is before us that would allow or

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require only that people under 21 wear an approved helmet, they've done this in Florida and they had 40 percent compliance by the people under 21. And so what happens with this, it looks like you're doing something thoughtful, okay? It looks like you're doing something thoughtful. You're saying let's let the people who are 21 or older make this decision for themselves, and then we have the adults making the decision for themselves, and the youthful rider is going to be required to wear the helmet. The problem is, you can't tell a youthful rider...you can't tell an 18-year-old... [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR LATHROP: ...from a 20-year-old. Did you say time? [LB393]

SENATOR COASH: Time. [LB393]

SENATOR LATHROP: Okay. [LB393]

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

SENATOR HARMS: Thank you, Mr. President. I still stand and rise against. I support the bracket. I'm against the bill. One of my concerns is that I'm hoping that we're wise enough in this Chamber not to make the same mistakes that I've seen being made on the national level, and that is we're not listening to what the public is telling us. And when I look at all the data and the research, one of the most recent studies that was done showed that they did a survey of 2,000 people nationally in regard to the helmet law. What they found was that 81 percent of the people still opposed the seat belt. And what I found when we looked at Nebraska this year, 2013, it's surprising that we had the same figure that was 81 percent of the people said they opposed the removal of this, of the helmet, and this law. And it's hard for me to understand when we see all the data, we see all the research that leads us down the pathway that simply says very clearly that it is going to destroy an individual's life, it's going to destroy a family's life. And just the fear of the head injuries and neck injuries and the cost that it's going to place upon our taxpayers is staggering. And it's hard for me to realize, as I listen to some of my colleagues talk about this, we just seem to be wanting to ignore what the facts are telling us, what the truth of this whole matter is. To me, that's a tragedy in itself. And I really believe very strongly that if you remove this use of helmets in Nebraska, you will see just what Texas saw, you'll see just what other states have found when they removed it, the increase in head injuries. The increase in serious injuries goes up. And as taxpayers and as citizens, you will be held responsible eventually for the cost. It's hard for me to imagine why you'd walk away from this, why you'd duck underneath the radar screen and let a minority group drive this particular issue. This is a major concern for a lot of people and a lot of families. Have you had the opportunity to talk to families who have gone through this experience when their husband or their father had such a

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severe head injury that they could not provide for their family? It destroys a family. It creates chaos in a family. And we know by wearing helmets, colleagues, it's the most effective way. It's the most effective way to protect people from serious injuries. Is it going to solve it? No, it's not. Anytime you ride a motorcycle there's not much between you and highway but your skin. But most deaths, most serious injuries are caused from head injuries. I've had the fortunate opportunity when my aunt was in a nursing home that I would see her on a regular basis. And I always would walk by, going out... [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR HARMS: Thank you, Mr. President. Going out the door, there was a young man that I always noticed that was in this...with oxygen and looked like he was pretty well beat up. So I finally asked them. I said, what's the deal with this young man? What happened to him? And it was an injury. It was a motorcycle injury. And I said, well, is there any chance that he will ever recover? They said, no, there's no hope for him. What you see in the vegetative state is exactly where he's going to be until it's time for him to grow his wings and leave. And that's what it boils down to. So do you want to be a part of this? Do we want to make sure that our public is safe? As I said earlier on the mike that this is not a right, colleagues. This is a privilege. And with a privilege, we have the opportunity to make that decision. And where are you in regard to all the cost that takes place with... [LB393]

SENATOR COASH: Time, Senator. [LB393]

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

SENATOR COASH: Senator Bloomfield, you're recognized. [LB393]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I had passed out to you a couple sheets of paper, and these are injuries based on license and registration. These are not statistics from the sunshine state of Florida or the sunny state of Texas. These are from our neighboring states--Iowa and South Dakota. If you look at these, you will see one of the numbers in the two right columns is a little bolder than the others. That is the percentage of injuries, in the last column, based on registration. The column prior to that is the number...percentage of injuries based on license. If you look at that, from 1993 through 2012, in most cases Nebraska is the highest. That's with our beloved helmets. We are higher in incident of injury per license and per registration than Iowa that has no helmet and South Dakota that has restricted helmet use. We can find again statistics to tell us whatever we want them to tell us. We can go to Iowa, South Dakota, that are close by; we can go to Florida if that's where the most gruesome numbers are. Have we checked Alaska? I don't know what the percentage is in Hawaii. But I do know, based on these numbers, and I have the numbers downstairs--I don't have them condensed yet to this form--on fatalities also. We are higher than Iowa in

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most cases, based on registration and license, in fatalities. These are from the Department of Motor Vehicles from Iowa, South Dakota, and Nebraska, as is mentioned on the bottom of the second page. If we're going to compare numbers, let's look at our neighbors, not some far away little piece of paradise where they had more problems. Again, we can travel all over and get statistics. If Senator Kintner is available, I'd like to ask him a question. [LB393]

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

SENATOR KINTNER: Yes, I will, Mr. President. [LB393]

SENATOR BLOOMFIELD: Senator Kintner, do you enjoy an occasional cigar? [LB393]

SENATOR KINTNER: Yes, I do. [LB393]

SENATOR BLOOMFIELD: Have the experts not told you that's bad for you? [LB393]

SENATOR KINTNER: Yes, they have. [LB393]

SENATOR BLOOMFIELD: Do you think we should outlaw them? [LB393]

SENATOR KINTNER: Well, you know, I've looked at the risks and I thought that was an acceptable risk for me to take, so I decided to smoke cigars. [LB393]

SENATOR BLOOMFIELD: Thank you. Senator Gloor, would you yield for a question, please? [LB393]

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

SENATOR GLOOR: Certainly. [LB393]

SENATOR BLOOMFIELD: Senator Gloor, do you enjoy a piece of beef every now and then? [LB393]

SENATOR GLOOR: Do I enjoy a piece of beef every now and then? [LB393]

SENATOR BLOOMFIELD: Yes. [LB393]

SENATOR GLOOR: Absolutely. [LB393]

SENATOR BLOOMFIELD: Have you not been told by the experts that that could be harmful to your heart and the rest of your body? [LB393]

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SENATOR GLOOR: Actually, what I've been told is moderation in everything is an okay thing. And so... [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR GLOOR: ...a little beef is not a problem. It's eating beef breakfast, lunch, and dinner, that I would love to do, that I don't do. [LB393]

SENATOR BLOOMFIELD: But you think we should outlaw the option for you to do that? [LB393]

SENATOR GLOOR: Well, if you're going to eat it while you're on a motorcycle not wearing a helmet, yes, I think we should. (Laughter) [LB393]

SENATOR BLOOMFIELD: That was not the question, Senator Gloor. But speaking of that, we do allow people to eat beef while driving in their cars. We haven't really cracked down on that yet, so. [LB393]

SENATOR GLOOR: Actually, we have. That's illegal. That would be...I forget what the exact traffic violation is but somebody who's swerving... [LB393]

SENATOR BLOOMFIELD: But I believe it's a secondary offense. [LB393]

SENATOR GLOOR: Correct. Correct, Senator. [LB393]

SENATOR BLOOMFIELD: Okay. Ladies and gentlemen, we're flailing at windmills here. Let these people make up their own mind. We did not... [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR BLOOMFIELD: ...ban smoking. [LB393]

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

SENATOR CAMPBELL: Thank you, Mr. President and colleagues of the Legislature. I want to go back and pick up some of the statistics that I mentioned, but I'm with Senator Bloomfield. At some point, you have to begin analyzing what those statistics tell you and what information is important to policymakers as we make these kinds of decisions. Unhelmeted motorcycles are three times more likely to suffer from brain injuries than helmeted riders in a crash. 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 unhelmeted riders involved in crashes are less likely to have insurance and more likely to have higher hospital costs than

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helmeted riders in similar crashes. We've spent a lot of time talking about statistics in terms of fatalities and the crashes. But what we need to spend some thoughtful time is what happens for the rest of the life of a person who may be involved in a motorcycle crash in which they are left with disabilities for the rest of their life. Colleagues, as many of you know, my daughter is in a rehabilitation hospital in Chicago recovering from a viral disease and she is in the spinal unit of that rehab because her disease is related to the spinal area. And while I spent the month of December in Chicago, much of it, and then at the rehab hospital at the end, I went around and visited with some of the people who were on that ward and went to classes, because part of the therapy that all these folks on our daughter's ward do is go to classes. And one of the things that...one of the classes that I attended was how to deal with your disability for the rest of your life and helping the folks that were there. My daughter's prognosis is very good from the disease she had. She should recover almost 100 percent. But for most of the people who are on the rehabilitation ward with her, they are not going to ever recover from being in a wheelchair for the rest of their life. It is that lifetime cost, folks, that we need to start thinking about and paying attention to. I talked with you about a study that was done in the medical journal, Pediatrics, and the two researchers there, one a physician and one a Ph.D. researcher, decided that a lot of data had been done on the fatalities and the immediacy of the issue for motorcycle accidents of people not wearing helmets, but they decided to start looking at the long-term disability of this. And they found that in 2006, among 12- to 20-year-olds, motorcycle-related crashes accounted for 5,662 discharges from hospitals, representing 3 percent of an injury of a hospitalization. And then they went on to say one-third of those motorcycle-related hospitalizations involve traumatic brain injury. Among patients with traumatic brain injury, the probability of long-term disability was 24 percent. That's high. Patients with traumatic brain injury were 3 point... [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR CAMPBELL: Thank you, Mr. President,...6 times more likely to be discharged to a rehabilitation facility and more than 10 times more likely to die in the hospital than were patients admitted following a motorcycle-related crash without traumatic brain injury. It is the long-term cost, and at some point that cost comes back in many cases to Medicaid. We're going to be talking about Medicaid, hopefully, at some point in this session. All of us who work and care and advocate and have committed ourselves to being very vigilant in the healthcare area do not want to spend any more money than we need to, but we want to make sure that people are cared for. And a long-term disability at some point returns to needing... [LB393]

SENATOR COASH: Time, Senator. [LB393]

SENATOR CAMPBELL: ...public care. Thank you, Mr. President. [LB393]

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

SENATOR AVERY: Thank you, Mr. President. It's no surprise to anybody here who's listened to what I've said so far on this bill that I intend to support the bracket motion, even though I know that my amendment that I divided yesterday would go down with it. And I'm willing to make that sacrifice because I think that to repeal the helmet law is very bad policy, very bad policy. Why is that? Because if we repeal this law, it does serious harm to the public interest. And I've had my time on the microphone to talk about that. Doesn't make any sense to me that we can make the argument that you have to protect private interests by repealing the helmet law at the same time we put in that law or that bill a requirement to wear eye protection. What's the difference? If you are going to require people to wear eye protection then what's wrong with the helmet law? It doesn't make any sense. It's very inconsistent. It is in the public interest to preserve this law. I admit that it might not promote the private, personal interests of individual motorcycle riders. I don't know many motorcycle riders that want to wear helmets. My son-in-law is a Harley enthusiast, but he lives in a state that requires him to wear a helmet. And he goes to Sturgis and loves it because he doesn't have to wear one there. But that does not persuade me that this is a good thing for us to repeal. It is...here's the question to ask: Is it unreasonable to require cyclists to give up some of their personal freedom to promote the public interest? Every citizen in a just society is required in some...at some point to surrender a portion of their personal liberty in order to create a public good that otherwise would not be created. Now that is not just some fuzzy philosophical argument. It is at the very foundation of a just society. And I would like to think that we are trying to create a just society here. The public good created here is protection of the public from unnecessary health costs; the freedom of the individual population, the nonriding public, from unnecessary negative impact on their health insurance and on the budget of the state. The rest of us ultimately end up paying the additional costs of traumatic brain injuries because most of the time the riders do not have sufficient health coverage to take care of their cost. When I was on the microphone last time I indicated that the cost for a severe brain injury in the state of Nebraska is \$3 million over the lifetime of the individual that suffers a severe brain injury. And even a mild brain injury costs \$85,000 over the course of a lifetime. How many of these motorcyclists are going to have that kind of money or that kind of insurance to cover it for the long haul? I would say they will not. We have to...as I said, in a just society rights never exist without some element of duty. Rights are always matched up with duties. If we decide to repeal the law requiring bikers to wear head protection,... [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR AVERY: ...we're saying that riders are somehow different; that they don't have to step up and provide their contribution to a just society. I think that we need to be

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very careful how we view these things. The repeal of this law would be, I think, great harm to the public interests in this state, and I hope that you would join me in opposing this bill and supporting the bracket. Thank you, Mr. President. [LB393]

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

SENATOR BOLZ: Thank you, Mr. President. I think Senator Bloomfield and Senator Kintner have a point: This bill hasn't been debated by this particular body. And so as a new senator to the body, I stand in opposition to repeal of the helmet law. I simply can't get comfortable with the costs associated with this bill that have been articulated very clearly on the floor already. So in the name of full and fair debate, I add my voice to those in opposition to this bill. Thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Bolz. Senator Wightman, you're recognized. [LB393]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I can't add a lot to what's been said. I think Senator Campbell has had some good statistics. I know there are some. And certainly Senator Kintner and Senator Bloomfield have indicated that there are no increased costs. I don't believe that for a minute. But I thought I would tell you about one of my first meetings with a hopeful constituent, because I hadn't been elected to this office yet. And I was meeting...or went around campaigning, handing out my stickers and various brochures, and one of the first people I met I noticed later had a motorcycle jacket on, so he asked me almost immediately what my position was on requiring motorcycle helmets. And I saw his jacket at that time and I said, I'm guessing I just lost your vote because I think that we should have a motorcycle helmet law in place. And he immediately said, you sure as hell have. So it goes to show you how strongly some of those people feel. But with all of that in mind, I think there is no question that the costs to the state are going to go up substantially if we allow them not to wear helmets. I think we've heard those figures on the floor and I am going to vote in favor of the bracket motion and also in opposition to LB393. Thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Wightman. Senator Christensen, you're recognized. [LB393]

SENATOR CHRISTENSEN: Thank you, Mr. President. I guess I want to get up and maybe put a little different spin upon this. I used to wear a helmet every time I got on an ATV and I'd done it for the safety reason. But you know, I will not put a helmet on. I about lost my life over it. When do you ride cycles most of the time? Summertime. I was riding an ATV. What happened to me was the helmet was making me sweat profusely, and I took my hand off the handle wheels to wipe the sweat off my eye and I hit a rock. It sent me into the ditch on the highway. I got stopped just before it went over an

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embankment to a creek. And I think it's more important that you work on ways of prevention. I was on a highway, not even concerned about a rock being on there. You guys need to think about prevention. We all know accidents are going to happen, but how can we prevent most of them? That's the key thing. I've said before in these debates, if they would put air conditioners, air movement, or something in them helmets, they'd change my view. But my peripheral vision is affected by them helmets. Maybe I got a bad helmet, I don't know. It was an approved one, but I don't see out of it as well. That concerns me. And the less coverage you have, the less protection you're going to have at exactly what you're wanting in preventing this bill. So I get concerned on the other side. For me, the safety...safest way for me to run was without the helmet. I've now went to a UTV instead of an ATV because I have a seat belt, it's a wider base, things this way. I realize you're talking motorcycles, but they apply to them too. And now I don't have to worry about the sweat in my eyes. Run that UTV, side-by-sides they're called, I can wear sunglasses and take care of the glare and down the road I go. But when you're on that motorcycle, anything that causes you to take your hands off the wheel just increased the amount...chance of having a wreck. But you're wiping sweat out of your eyes because they're burning or you can't look straight ahead because of the sweat in your eyes, that's as big a hazard, probably worse of a hazard, than if...than taking the chance of having the wreck. So before you jump into this and just say the debate is over, I was working on something I got to get back to in my office, but fact is before you vote to kill this and listen to all this debate, think about all sides of this thing, because until you take care of the issue of... [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR CHRISTENSEN: Thank you...taking, making sure that your vision is never affected, you're not taking your hands off of the wheels for some reason. You know, whether I'm rubbing by eyes, blinking my eyes, or whatever to get the saltwater out of them, or I'm wiping off my forehead, it's an issue. And I think about that, and that, to me, is a larger danger. I'd rather prevent the wreck and that's the direction I look here. I do not support the bracket. Thank you. [LB393]

SENATOR COASH: Thank you, Senator Christensen. Senator Garrett, you're recognized. [LB393]

SENATOR GARRETT: Thank you, Mr. President. Members of the house, I appreciate that the debate the last two days has been pretty compelling with the numbers. You can't hardly argue with the numbers. And Senator Bloomfield provided us with this two-page summary of a percentage of injuries based on registration, and it seems like Nebraska at lot of times leads the way in percentage of injuries. But one number sticks out, just jumps out at me on that, is the number of fatalities. That first row there, in 1993 we led the way in percentage of injuries but we only had 6 fatalities; Iowa had 39. There's not one time that we have more fatalities in Nebraska as...you know, we may

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lead the way in percentage of injuries. Tells me we probably need a better motorcycle safety program. But the number of fatalities on this two-page...that just...that in and of itself is compelling. I'm a limited government conservative. I stated during the novelty lighter debate about, you know, where do you draw the line on safety, because we're worried about little children catching things on fire with lighters. Where do you draw the line on safety? Well, this is where I draw the line on safety with motorcycles. The statistics are there; the numbers are there. Helmets prevent traumatic brain injury, they prevent death. Senator Avery yesterday talked, you know, I'm...I had 26 years in the Air Force. I rode motorcycles while I was in the Air Force. We required DOT helmets, eye protection, gloves, reflective dress, boots, the whole nine yards. We're not asking for that. Our esteemed colleagues prior to us that originally passed the helmet law, they did it for a reason and I think we need to keep the law. And I'm opposed to LB393 and I support the bracket. Thank you, Mr. President. [LB393]

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

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I know we've heard all the same things over and over, and I'm sure we will. And I don't know that anyone is going to change their mind. Senator Garrett talked about the number of fatalities, and he's correct that Iowa had more, but they also have many, many more registrations and licenses. So if you do the math, I think it still comes out--and not looking back at 1993 but a little more recent--that Nebraska still is not much different than the others. I have some knowledge that states do not experience increased healthcare costs when no helmet law is in place. Of the 12 most-expensive states for inpatient hospital expenses, 7 of those had mandatory helmet laws. Of the 12 least-expensive states for daily inpatient hospital expenses, 8 of them had no helmet law. So to say we know that this is going to cost us more money, I don't think that's a fact. It may; it may not. The main thing that I wanted to talk about was the eye protection. We have people saying, well, that just doesn't make sense to make them wear eye protection. Then put in an amendment to take it out. I think the eye protection came into this bill as a compromise years ago. If you think that that is that...if that's your hang-up, put an amendment to take it out. I guarantee that no one is going to do that, so let's stop that. If I recall, about maybe eight years ago in this debate that was a compromise and that's why I think it's still in there. I don't think that we should have the mandatory eye wear either, so take it out. I know we're going to hear the same things over and over. I hope that we get a vote on this before we break for the day and for the week. Thank you, Mr. President. [LB393]

SENATOR COASH: Thank you, Senator Karpisek. Senator Lathrop, you're recognized. This is your third time. [LB393]

SENATOR LATHROP: Okay. Thank you, Mr. President. You know, I was listening to

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Senator Bloomfield ask Senator Kintner if he liked to...if he enjoyed a cigar, and Senator Kintner said, well, yeah, I've looked at the risk and I've decided I like a cigar and I'm going to go ahead and do that. And what it illustrates...and I want to talk about the difference between someone making a decision and us making policy, right? Because if you look at the numbers, and maybe you have the sheet here, there were 55,461 registered motorcycles in 2012 and 588 motorcycle accidents, so you got about a 1 in 100 chance that you're going to be the guy that gets in a wreck. And what's that mean to the guy who's trying to decide whether to put a helmet on or not? He's going to say, I like those odds; I'm leaving the helmet off because I only have a 1 in 100 chance that I'm going to get in a wreck. That might be a rational decision for that person: 1 in 100. That's to the point where they're thinking, it's never going to happen to me. But as policymakers, it's a different question. It isn't, is that a rational decision for one person to make, because we know, colleagues, we know that there are going to be 525...it was 588 motorcycle accidents in 2012, it's going to be somewhere between 500 and 600 motorcycle accidents. So the difference isn't weighing my chances of a crash because when we make policy the question is, what do we do with the risk? And what we know actuarially, using the averages, using the law of large numbers, we know what's going to happen. There's going to be a certain number of accidents on our roads that involve motorcycles, probably between 525-600. We know that. And we know that a certain number of them will die and get brain injuries, and we know those numbers will nearly double if we repeal the helmet law. And we also know, we also know, and no one is even arguing with us about this, we also know that Medicaid is going to pick up a lot of those costs. Because as soon as you blow through that liability coverage you have, which most of the time is \$25,000, some of the time is \$100,000...and I can tell you, because I see the bills, that isn't enough. You get launched from a motorcycle with no helmet and, assuming you survive, your bills will be \$100,000 before the time the sun comes up twice. Two days, your bills will be higher than \$100,000. They'll probably be higher than \$100,000 by the time you get out of the emergency room and they take you up to the intensive care unit. We know those things and that's the difference between saying whether we should let somebody decide whether a 1 in 100 is a fair risk to take and whether we should say there is a 100 percent chance, 100 percent chance, as policymakers, that we will have twice as many deaths, twice as many brain injuries, and Medicaid is going to pick up the tab. That's the difference between making policy and turning it over to somebody who's not worried about the other people who are going to be killed. You see,... [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR LATHROP: ...that's the thing about the folks that are lobbying this. They think it's never going to happen to them and they don't care about the people it's going to happen to. Think about that one. We know how many wrecks there's going to be. We know how many more people are going to die without a helmet and how many more people will have brain injuries. And we know, we know, as policymakers, that Medicaid

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is going to pick up a substantial, in the millions, of the cost. I sure hope you'll support the bracket motion and that we can kill LB393 and move on to something else. Thank you. [LB393]

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

SENATOR GLOOR: Thank you, Mr. President. Good morning again, members. There was a little bit of discussion about this issue of why not helmets on everybody in a car, which is an amusing visual picture, I think, as we think about it. But in reality, technology has taken care of that need for us in many ways. It's hard to buy a new car now, if not impossible to buy a new car, that doesn't have air bags in it. And the day will come when I believe every car on the road will be equipped with air bags, not just front collision protection but side protection. Don't need helmets when you're surrounded by air bags. Seat belts, the very basic safety equipment, nobody argues with anymore or very, very rarely does anybody argue with it. And we have seat belts and seat belt laws that we require that also protect people and keep them from flying through windshields. That reduces injury to heads. But it's hard to put, if not impossible to put, air bags on motorcycles. I have a visual image of inflated air bags on somebody who goes over on a motorcycle and somebody bouncing down the road like a basketball for about 100 miles before it finally comes to a stop and deflates. Seat belts on a motorcycle really don't do you any good because you're strapped to the very vehicle that's going to cause you some harm. And so what's happened with technology as relates to motorcycles? And my staff got me an Esurance blog, and let me read a little bit from the Esurance blog: Motorcycle safety used to be something of an oxymoron. After all, motorbikes and bikers have a certain reputation for rebelliousness and daring. Would people have gone to see the films if they'd been called "The Reasonable One"? And for those of you who this may date a little bit, it's called The Wild One. "Safety-Conscious Rider," that would be Easy Rider. Or would Evel Knievel have had much of a career if he had been called "Amicable" Knievel? We don't think so. In real life, no one wants to be the victim of a motorcycle accident. So while manufacturers have been working on performance, power, and style, they've also been working on perfecting motorcycle safety features, including adapting many that were first developed for cars. And then they go on and talk a little bit about it, but they get to the point of high-tech helmets. Interesting numbers and some statistics in here that I'd relate. To helmet or not to helmet? For many bikers, that's a big question. Helmets seem to go against the wind-in-your-hair spirit of freedom that riding is all about. But according to the National Highway Traffic Safety Association (sic), that's our federal association, a federal association, wearing a helmet reduces the risk of a fatal accident by 37 percent. And when Michigan made it legal last year for riders over 21 to go without helmets, the severity of injury claims went up 22 percent. It's a pretty strong argument for donning the old "brain bucket." And I like that term, the "brain bucket." Turns out helmet manufacturers have been experimenting with air bags. Starting in Europe last year, a Swedish company took the air bag helmet concept one

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step further by getting rid of the neckwear aspect because they are experimenting with ones that go around your neck that will inflate during an accident to protect your head. The one that the Swedish company is experimenting with uses sensors similar to the APC. [LB393]

SENATOR COASH: One minute. [LB393]

SENATOR GLOOR: Thank you, Mr. President. There's an invisible, inflatable device within a helmet that deploys to form a collar to give you even more protection than your helmet. So in this case it isn't a replacement. It's to give you even more protection. You know, it may be that one day we'll figure out some sort of a high-tech replacement for a helmet and won't need helmet laws, but that day appears to not be right around the corner. And therefore, as far as I'm concerned, especially with some statistics from the National Highway Traffic Safety Administration as well as the very, very recent experience Michigan has had when they made the bad mistake of eliminating their helmet law, we can't do this. We shouldn't do this. And I would urge you to support the bracket motion. Thank you, Mr. President. [LB393]

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

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, Senator Garrett recently quoted the statistics on the number of deaths. What he did not look at was the number of bikes involved. Iowa had five times the number of bikers as Nebraska did. And just look at the final percentage. The numbers do not bear out the grim statistics that have been laid before us today and yesterday and will probably be laid before us again on Monday and more than likely Tuesday. We seem to want to gloss over the element of freedom here. I have a tough time doing that. I have too many relatives that have served to defend the freedoms that I'm trying to protect here. I have too many of those relatives that have scars left from that attempt to defend our freedom. I know too many people that have paid the final price to defend that freedom. And what piece of freedom is worth defending? We should ask our forefathers that. Every smidgen, every little piece of freedom is very, very dear. Let us not travel down the road of trading freedom for a few dollars. Thank you. [LB393]

SENATOR COASH: Thank you, Senator Bloomfield. Items, Mr. Clerk? [LB393]

ASSISTANT CLERK: Mr. President, I do, thank you. The bills that were read on Final Reading this morning have been presented to the Governor. (Re: LB656, LB657, LB658, LB659, LB33, LB76, LB174, LB215, LB272, LB278, LB403, LB446, LB470, LB513, LB514, LB597.) I have a notice of committee hearing from Urban Affairs. New resolution: LR436 from Senator Karpisek; that will be laid over. Your Committee on Education reports LB838 to General File. Committee on Agriculture reports LB884 to

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General File with amendments. And Urban Affairs reports LB48 to General File with amendments. Name adds: Senator Dubas to LB505, and Senator Nordquist to LB505. (Legislative Journal pages 488-491.) [LB656 LB657 LB658 LB659 LB33 LB76 LB174 LB215 LB272 LB278 LB403 LB446 LB470 LB513 LB514 LB597 LR436 LB838 LB884 LB48 LB505]

And finally, a priority motion: Senator Karpisek would move to adjourn until Monday morning, February 10, 2014, at 10:00 a.m.

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