

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

Floor Debate  
March 23, 2015

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[LB31 LB32 LB70 LB89 LB89A LB242A LB242 LB343 LB511 LB547 LB581 LB586 LB634  
LB641 LR113 LR139 LR140]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FIFTIETH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR BRENT KUHLMAN, TRINITY LUTHERAN CHURCH, MURDOCK, NEBRASKA, SENATOR KINTNER'S DISTRICT. PLEASE RISE.

PASTOR KUHLMAN: (PRAYER OFFERED.)

SPEAKER HADLEY: THANK YOU. I CALL TO ORDER THE FIFTIETH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. RECORD, MR. CLERK.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

SPEAKER HADLEY: CORRECTIONS FOR THE JOURNAL, MR. CLERK?

CLERK: I HAVE NONE, MR. PRESIDENT.

SPEAKER HADLEY: MESSAGES, REPORTS, ANNOUNCEMENTS, MR. CLERK?

CLERK: EDUCATION COMMITTEE, CHAIRED BY SENATOR SULLIVAN, REPORTS LB511 TO GENERAL FILE; LB343, GENERAL FILE WITH AMENDMENTS. I HAVE NOTICE OF CONFIRMATION HEARING FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. AND I HAVE RECEIVED TWO APPOINTMENTS FROM THE GOVERNOR; WILL BE REFERRED TO REFERENCE FOR REFERRAL TO STANDING COMMITTEE FOR CONFIRMATION PURPOSES. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 941-943.) [LB511 LB343]

SPEAKER HADLEY: THANK YOU, MR. CLERK. THE SWEDISH FISH ARE FOR SENATOR LINDSTROM'S BIRTHDAY. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR113. MR. CLERK, WE WILL PROCEED TO THE CONFIRMATION REPORTS. [LR113]

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CLERK: MR. PRESIDENT, THE REPORT FROM THE BUSINESS AND LABOR AND COMMITTEE INVOLVES THREE APPOINTMENTS TO THE BOILER SAFETY ADVISORY BOARD. (LEGISLATIVE JOURNAL PAGE 897.)

SPEAKER HADLEY: SENATOR HARR, YOU ARE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR HARR: THANK YOU, MR. SPEAKER. MEMBERS OF THE BODY, GOOD MORNING. THE BUSINESS AND LABOR COMMITTEE CONSIDERED THREE APPOINTMENTS TO THE BOILER SAFETY CODE ADVISORY BOARD. THE BOARD ADVISES THE COMMISSIONER OF LABOR ON RULES AND REGULATIONS FOR METHODS OF TESTING EQUIPMENT AND CONSTRUCTION AND INSTALLATION OF NEW BOILERS REQUIRED TO BE INSPECTED BY THE BOILER INSPECTION ACT. ALL THREE NOMINEES TESTIFIED IN PERSON...OR, EXCUSE ME, APPOINTEES TESTIFIED IN PERSON. THE FIRST CANDIDATE IS STEVE BLEY. MR. BLEY HAS AN...HAS BEEN AN ENGINEER WITH OPPD SINCE 2002. HE HAS BEEN EMPLOYED FOR 13 YEARS IN THE AREAS OF OPERATION, MAINTENANCE, AND INSPECTION OF BOILERS. MR. BLEY IS A REGISTERED PROFESSIONAL ENGINEER AND RECEIVED A MECHANICAL ENGINEERING DEGREE FROM IOWA STATE UNIVERSITY. MR. BLEY IS A REAPPOINTMENT AND HAS SERVED ONE PREVIOUS TERM ON THE BOARD. THE SECOND CANDIDATE IS MR. ROBERT KIRKPATRICK. MR. KIRKPATRICK IS A REAPPOINTMENT AS WELL. HE HAS WORKED FOR THE NEBRASKA BOILER SINCE 1985 AS A COMPLIANCE MANAGER. HE RECEIVED A BOILER'S ASSOCIATES DEGREE IN 1971 FROM SOUTHEAST COMMUNITY COLLEGE AND HE SITS ON THE BOARD AT SOUTHEAST. MR. KIRKPATRICK HAS EXTENSIVE EXPERIENCE IN CONSTRUCTION, OPERATION, AND REPAIR OF BOILERS. AND OUR THIRD CANDIDATE, MR. THOMAS PHIPPS, IS ALSO A REAPPOINTMENT. MR. PHIPPS IS A CHIEF MECHANICAL INSPECTOR FOR THE CITY OF OMAHA AND HAS WORKED FOR THE CITY OF OMAHA SINCE 1993. IN THIS CAPACITY, MR. PHIPPS INSPECTS BOILERS AND SUPERVISES OTHER INSPECTORS. MR. PHIPPS RECEIVED HIS CERTIFICATE AS A STATIONARY ENGINEER AND STEAMFITTER. HE ATTENDED THE NATIONAL BOARD OF BOILER INSPECTOR SCHOOL. MR. PHIPPS SHOWS SINCERE ENTHUSIASM FOR SERVING ON THE BOARD AND FOR SERVING ALL THE PEOPLE OF THE STATE OF NEBRASKA. ALL THREE ARE VERY WELL QUALIFIED, IN THE OPINION OF THE BUSINESS AND LABOR COMMITTEE, TO SERVE ON THE BOILER SAFETY CODE ADVISORY BOARD. THE COMMITTEE UNANIMOUSLY SUPPORTED ALL THREE CANDIDATES, AND I WOULD ASK YOU TO APPROVE THESE APPOINTMENTS, AS WELL. THANK YOU.

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SPEAKER HADLEY: IS THERE ANY DISCUSSION ON THE REPORT? (MICROPHONE MALFUNCTION)...NONE, SENATOR HARR, YOU ARE RECOGNIZED TO CLOSE ON THE REPORT. SENATOR HARR WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE BUSINESS AND LABOR COMMITTEE. ALL IN THOSE FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 943.) 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE REPORT.

SPEAKER HADLEY: THE REPORT IS ADOPTED. MR. CLERK, WE WILL PROCEED TO THE NEXT CONFIRMATION REPORT.

CLERK: MR. PRESIDENT, THE EDUCATION COMMITTEE REPORTS ON THREE APPOINTMENTS TO THE EDUCATIONAL TELECOMMUNICATIONS COMMISSION. (LEGISLATIVE JOURNAL PAGE 909.)

SPEAKER HADLEY: SENATOR SULLIVAN, YOU ARE RECOGNIZED TO OPEN ON THE COMMISSIONER CONFIRMATION REPORT.

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I BRING FOR YOUR CONFIRMATION THE FOLLOWING THREE APPOINTMENTS TO THE NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION AS RECOMMENDED BY THE EDUCATION COMMITTEE. THE FIRST ONE IS DENNIS BAACK. THIS IS A REAPPOINTMENT FOR MR. BAACK, WHO SERVES ON THE COMMISSION AS A MEMBER REPRESENTING COMMUNITY COLLEGES. MR. BAACK IS CURRENTLY THE EXECUTIVE DIRECTOR FOR THE NEBRASKA COMMUNITY COLLEGE ASSOCIATION AND HAS BEEN IN THAT POSITION SINCE 1993. MR. BAACK PREVIOUSLY SERVED IN THE LEGISLATURE, FROM 1985 TO 1993, SERVING AS SPEAKER OF THE LEGISLATURE FROM 1991 TO 1993. THE SECOND INDIVIDUAL IS DR. MARILYN HADLEY. THIS IS A NEW APPOINTMENT, AND SHE WOULD COMPLETE THE TERM OF KIM DINSDALE AS THE REPRESENTATIVE FOR DISTRICT 3 ON THE COMMISSION. DR. HADLEY GRADUATED HIGH SCHOOL FROM RED CLOUD HIGH SCHOOL, OBTAINED HER BACHELOR OF SCIENCE IN EDUCATION DEGREE FROM THE UNIVERSITY OF NEBRASKA AND HER DOCTORATE IN SECONDARY EDUCATION FROM THE UNIVERSITY OF SOUTH DAKOTA-VERMILLION. DR. HADLEY SERVES AS PROFESSOR EMERITUS AT THE UNIVERSITY OF NEBRASKA-KEARNEY AFTER HAVING SERVED AS A PROFESSOR, DEPARTMENT CHAIR, ASSOCIATE DEAN, AND THE DEAN OF THE COLLEGE OF EDUCATION FROM 1992 TO 2006. THE THIRD INDIVIDUAL IS DARLENE STARMAN.

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THIS IS A REAPPOINTMENT FOR MS. STARMAN, WHO IS FROM LINCOLN AND SERVES AS THE REPRESENTATIVE FOR DISTRICT 1 ON THE COMMISSION. MS. STARMAN HAS SERVED ON THE NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION SINCE AUGUST OF 2008. SHE ALSO SERVES ON THE JUDICIAL RESOURCES COMMISSION. MS. STARMAN IS A LICENSED REALTOR IN LINCOLN AND IS AN ACTIVE MEMBER OF THE REALTORS ASSOCIATION OF LINCOLN, THE NEBRASKA REALTORS ASSOCIATION, AND THE NATIONAL REALTORS ASSOCIATION. ALL THREE OF THESE INDIVIDUALS WERE RECOMMENDED FOR APPOINTMENT BY THE EDUCATION COMMITTEE ON AN 8-0 VOTE. I RESPECTFULLY ASK FOR YOUR VOTE ON THESE APPOINTMENTS. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: IS THERE ANY DISCUSSION ON THE REPORT? SEEING NONE, SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE ON THE REPORT. SENATOR SULLIVAN WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE EDUCATION COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 944.) 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

SPEAKER HADLEY: THE CONFIRMATION REPORT IS ADOPTED. (DOCTOR OF THE DAY AND VISITORS INTRODUCED.) MR. CLERK, WE WILL NOW START WITH THE GENERAL FILE.

CLERK: MR. PRESIDENT, LB89A, A BILL BY SENATOR CAMPBELL. (READ TITLE.) [LB89A]

SPEAKER HADLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON LB89A. [LB89A]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, THIS IS JUST THE A BILL THAT ALLOWS US TO UTILIZE THE FEDERAL FUNDS FOR LB89. THANK YOU, MR. PRESIDENT. [LB89A LB89]

SENATOR CAMPBELL: SENATOR LARSON, YOU'RE RECOGNIZED. [LB89A]

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SENATOR LARSON: THANK YOU, MR. PRESIDENT. I'M SORRY I MISSED MY TURN ON THE EDUCATION...THE CONFIRMATION REPORT. AND I'M EXCITED BECAUSE I MISSED FRIDAY AND I DIDN'T GET MY DAILY DOSE OF TALKING ABOUT EDUCATION IN THE STATE OF NEBRASKA. OVER THE WEEKEND I WAS ABLE TO VIEW AN E-MAIL FROM A CONSTITUENT THAT HAD A CONTACT WITH THEIR SUPERINTENDENT REGARDING TEACHER CERTIFICATION. AND IT WAS A DIRECT QUESTION TO THIS INDIVIDUAL ON WHETHER OR NOT...YOU KNOW, IT KIND OF CIRCLES BACK INTO THE CONCEPT OF RELAXING TEACHER CERTIFICATES. AND PART OF THE ISSUE IS, IS THIS SCHOOL DISTRICT IS LOOKING FOR A NEW SPANISH TEACHER BECAUSE THE SPANISH TEACHER UP AND QUIT. SO THE QUESTION WAS, DO YOU SUPPORT, YOU KNOW, THOSE WITHOUT TEACHING DEGREES AUTOMATICALLY BEING ABLE TO COME IN AND POSSIBLY TEACH? OR IF THEY HAVE A BACKGROUND IN EDUCATION OR IF THEY'VE BEEN CERTIFIED BY...I KNOW THERE'S A NATIONAL CERTIFICATION BOARD THAT ORGANIZATIONS LIKE TEACH FOR AMERICA GO THROUGH. AND THE REPLY BACK FROM THIS SUPERINTENDENT WAS VERY DISHEARTENING. NOT ONLY DID HE SAY HE DIDN'T APPROVE OF IT, HE SAID, ESSENTIALLY, THAT HE KNEW SOME VERY GOOD, YOU KNOW, COLLEGE PROFESSORS THAT MIGHT KNOW A LITTLE BIT, YOU KNOW, HOW TO TEACH COLLEGE CLASSES, BUT THEY'D JUST BE TERRIBLE HIGH-SCHOOL TEACHERS BECAUSE THEY HAVEN'T TAKEN THE FEW CLASSES THAT ARE REQUIRED TO TEACH HIGH SCHOOL IN COLLEGE, THE COLLEGE...THE CLASSES THAT TEACH YOU HOW TO BE A TEACHER. COLLEAGUES, THIS IS JUST RIDICULOUS. THE CONCEPT THAT A FEW COLLEGE CLASSES ENABLE YOU TO TEACH HIGH SCHOOL, FRANKLY, I THINK IT HAS TO DO A LOT MORE WITH PASSION AND ENTHUSIASM AND WANT TO DO THE SUBJECT THAN SITTING THROUGH TWO OR THREE EDUCATION CLASSES IN COLLEGE THAT WILL DETERMINE WHETHER OR NOT YOU'RE GOING TO BE A SUCCESSFUL HIGH SCHOOL TEACHER OR NOT, NOT IF YOU'VE TAKEN A FEW CLASSES. IT IS FRUSTRATING, AS WE CONTINUE TO MOVE FORWARD, THAT WE CONTINUE TO STALL PROGRESS IN THE STATE OF NEBRASKA. THERE IS A NEED FOR TEACHERS IN COMMUNITIES SUCH AS SANTEE, WINNEBAGO, MULLEN, RURAL COMMUNITIES, UNDERSERVED COMMUNITIES, NORTH OMAHA. I SAY SANTEE FIRST BECAUSE SANTEE IS IN MY DISTRICT. [LB89A]

SPEAKER HADLEY: ONE MINUTE. [LB89A]

SENATOR LARSON: IT IS A SAD PLACE AND THEY'RE FIGHTING AND THEY'RE DOING GREAT TO PULL THEMSELVES OUT OF THE CYCLE OF POVERTY THAT THEY HAVE, AND THEY HAVE A NICE, NEW CASINO THAT IS HELPING. BUT THE TRUE PULLOUT OF POVERTY IS EDUCATION. AND THERE'S ORGANIZATIONS OUT

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THERE, SUCH AS TEACH FOR AMERICA, THAT WOULD LOVE TO SEND TEACHERS, YOUNG, IVY LEAGUE EDUCATED ADULTS TO GO INTO THESE SCHOOLS TO TEACH MATH, SCIENCE, PHYSICS, SUBJECTS THAT ARE HARD TO GET TEACHERS IN RURAL NEBRASKA ANYWAY, LET ALONE SANTEE, TO GO TEACH THERE. BUT ADMINISTRATORS ACROSS THE REST OF THE STATE AND THE NEBRASKA DEPARTMENT OF EDUCATION, WHICH WE'VE ALREADY GONE OVER THE "GREAT/GOOD/EXCELLENT/NEEDS IMPROVEMENT" CONCEPT THAT THEY'VE COME OUT... [LB89A]

SPEAKER HADLEY: TIME, SENATOR, AND YOU'RE NEXT IN THE QUEUE. [LB89A]

SENATOR LARSON: ...TO RANKING OUR SCHOOLS. THANK YOU. I'M NEXT IN THE QUEUE? THANK YOU, MR. PRESIDENT. WE'VE ALREADY GONE OVER THAT CONCEPT. BUT IT'S AMAZING TO SEE HOW INSULAR THE EDUCATION CONCEPT IN THIS STATE HAS BECOME AND HOW SUPERINTENDENTS, SUPERINTENDENTS, THAT ARE STRUGGLING IN RURAL COMMUNITIES TO GET TEACHERS--BECAUSE IT'S HARD TO GET PEOPLE TO MOVE BACK--ARE STILL UNWILLING TO EXPLORE OTHER AVENUES AND OTHER OPTIONS. YOU KNOW WHAT? THEY'RE LOOKING FOR A SPANISH TEACHER MIDYEAR. AND I'M WONDERING IF THEY'RE GOING BE ABLE TO FIND ONE THAT HAS A TEACHING CERTIFICATE OR IF THEY'RE GOING TO HAVE TO USE THE SPECIAL EXEMPTION IN WHICH THEY HIRE AN INDIVIDUAL THAT DOESN'T HAVE A TEACHING CERTIFICATE BUT HAS PROMISED THAT THEY WILL GET A TEACHING CERTIFICATE IN THE NEXT TWO YEARS THROUGH X CLASS AND Y CLASS AND HAVE SIGNED ALL THIS OTHER PAPERWORK THAT THEY MIGHT GET A TEACHING CERTIFICATE. THAT'S THE DEPARTMENT OF EDUCATION'S WAY OUT OF THIS WHOLE PROCESS, IS THERE'S WAYS TO GET PEOPLE IN THERE WITHOUT TEACHING CERTIFICATES. FRANKLY, I KNOW WHAT IT'S LIKE TO GET A TEACHING CERTIFICATE, A SUBSTITUTE TEACHING CERTIFICATE, ALBEIT. WHEN I MOVED BACK TO NEBRASKA I SAID, HEY, I'M INTERESTED IN EDUCATION, IF NONE OF YOU COULD TELL THUS FAR, AND I'M INTERESTED IN CHANGING EDUCATION AND UNDERSTANDING IT FURTHER. I WANT TO BE A SUBSTITUTE TEACHER SO I CAN HAVE A BETTER UNDERSTANDING. SO I LOOKED INTO WHAT IT TOOK TO GET A SUBSTITUTE TEACHING CERTIFICATE. HERE I WAS, DOUBLE MAJOR, MINOR FROM A UNIVERSITY, YET THE DEPARTMENT OF EDUCATION TOLD ME THAT, EVEN WITH TWO COLLEGE DEGREES AND A MINOR, I WAS UNQUALIFIED TO SUBSTITUTE TEACH--SUBSTITUTE TEACH--BECAUSE I DIDN'T HAVE THE REQUIRED TEACHING COURSES THAT THE DEPARTMENT OF EDUCATION REQUIRED. THEREFORE, I COULD NOT EVEN SUBSTITUTE TEACH. AND I HAVE MY OWN THEORIES ON WHY THE DEPARTMENT OF EDUCATION REQUIRES THESE EXTRA CLASSES, AND I CAN

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EXPOUND ON THAT IN A MINUTE. BUT I JUMPED THROUGH THEIR HOOPS. I TOOK THE EXTRA TWO OR THREE CLASSES THAT WERE REQUIRED TO GET MY SUBSTITUTE CERTIFICATE. IN THE END IT DIDN'T...OBVIOUSLY, I PROBABLY DIDN'T SUBSTITUTE ENOUGH TO PAY FOR ITSELF. I SUBSTITUTED SOME AND IT WAS A GOOD EXPERIENCE. AS I SAID, I HAVE A FATHER IN THE EDUCATIONAL SYSTEM AND A MOTHER THAT SITS ON A SCHOOL BOARD, SO I HAD A GOOD IDEA OF WHAT I WAS GOING INTO ANYWAY. BUT ALL IN ALL, IT WAS STILL A WORTHWHILE EXPERIENCE, YET IT BAFFLES ME ON THE CONCEPT THAT, NOT ONLY ARE WE STRUGGLING TO FIND TEACHERS IN RURAL NEBRASKA, WE ARE STRUGGLING TO FIND SUBSTITUTE TEACHERS IN RURAL NEBRASKA., YET OUR DEPARTMENT OF EDUCATION CONTINUES TO MAKE IT HARDER TO FIND PEOPLE TO DO THOSE... [LB89A]

SPEAKER HADLEY: ONE MINUTE. [LB89A]

SENATOR LARSON: ...THOSE JOBS. AND THEY VIEW THAT AS ACCEPTABLE, NOT EXCELLENT, GREAT, OR GOOD, ACCEPTABLE. I AM FRUSTRATED WITH THE DEPARTMENT OF EDUCATION. AND I CAN EXPOUND ON MY THEORY ON WHY THEY REQUIRE THOSE EXTRA CLASSES. IT GOES TO THE FACT THAT THE CLASSES THAT THEY REQUIRE ONLY A FEW INSTITUTIONS OFFER, I.E., THE UNIVERSITY AND A FEW STATE COLLEGES. AND WE KNOW THE KIND OF POWER THAT THOSE INSTITUTIONS HAVE, AND WE ALSO KNOW THAT THEY'RE ALWAYS IN FRONT OF OUR APPROPRIATIONS COMMITTEE ASKING FOR MONEY. IT IS A VERY EASY WAY TO PICK UP MONEY FROM... [LB89A]

SPEAKER HADLEY: TIME, SENATOR. [LB89A]

SENATOR LARSON: THANK YOU. [LB89A]

SPEAKER HADLEY: YOU'RE NEXT IN THE QUEUE, AND THIS IS YOUR LAST TIME. [LB89A]

SENATOR LARSON: I DO ENJOY WHEN IT'S ALWAYS ME NEXT IN THE QUEUE. IT LETS ME KEEP MY TRAIN OF THOUGHT GOING A LOT EASIER, COMPARED TO WHEN WE'RE ON MOTORCYCLE HELMETS AND I DON'T GET TO CONTINUALLY GO AND GO. STUDIES SHOW THAT TEACHERS IN TEACH FOR AMERICA WITH 1.7 YEARS' EXPERIENCE, WHEN COMPARED TO THEIR CONTEMPORARIES, I.E., TEACHERS THAT WENT THROUGH THE NORMAL EDUCATION CLASSES, EDUCATIONAL SCHOOLING, WITH 13.3 YEARS' AVERAGE EXPERIENCE IN GRADES

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4 THROUGH 12, THE TEACH FOR AMERICA TEACHERS GRADE SLIGHTLY HIGHER THAN THE AVERAGE EDUCATIONAL PROFESSIONAL. AND IN GRADES THREE AND BELOW, THE TEACH FOR AMERICA TEACHERS DO BETTER. YET HERE IN NEBRASKA WE HAVE SUPERINTENDENTS AND A DEPARTMENT OF EDUCATION THAT DOESN'T WANT ANY OF THOSE PEOPLE IN HERE BECAUSE THEY'RE NOT QUALIFIED. WELL, FOLKS, IT WOULD APPEAR THEY ARE QUALIFIED. STUDY AFTER STUDY SAYS SO. AND JUST BECAUSE YOU SAY IT'S NOT TRUE DOESN'T MEAN IT'S NOT TRUE. WE ARE MISSING THE BOAT. WE'RE MISSING OPPORTUNITIES TO HELP KIDS IN THIS STATE. WE'RE MISSING THE OPPORTUNITY TO HELP KIDS IN RURAL NEBRASKA. YES, THE DEPARTMENT OF EDUCATION IS GOING TO SAY THAT THERE'S A POSSIBILITY FOR THOSE GROUPS TO GET IN HERE NOW. WELL, FRANKLY, THAT'S NOT TRUE. I'VE HAD EXTENSIVE CONVERSATIONS WITH THE WONDERFUL LADY THAT STARTED TEACH FOR AMERICA. SHE ACTUALLY SPOKE AT MY COMMENCEMENT SPEECH WHEN I GRADUATED FROM COLLEGE. IT WAS QUITE AN ENLIGHTENING COMMENCEMENT SPEECH. IT WAS A REALLY HOT DAY IN WASHINGTON, D.C., AND THE SUN WAS OUT AND I WAS IN THAT BLACK GOWN, SO IT WAS HARD TO PAY ATTENTION TO ALL OF IT. BUT SHE BROUGHT UP GREAT POINTS WHEN IT COMES TO CHANGING EDUCATION. YOU KNOW, I REMEMBER THOSE FIRST CAMPAIGN SLOGANS THAT BARACK OBAMA USED, AT THAT TIME, U.S. SENATOR OBAMA: HOPE AND CHANGE. THAT'S WHAT I HAVE ENVISIONED FROM THE NEBRASKA EDUCATIONAL SYSTEM, HOPE AND CHANGE. BUT WE'RE NOT SEEING EITHER, NOR DO WE HAVE HOPE, NOR HAS THERE BEEN CHANGE. AND IT'S FRUSTRATING. KIDS IN NEBRASKA DON'T HAVE THE SAME TYPE OF HOPE AS KIDS IN NEW YORK, D.C., ILLINOIS, PLACES THAT ARE REFORMING THE EDUCATIONAL MODEL AND DOING GREAT THINGS. WE DON'T HAVE THAT HERE. THEY DON'T HAVE THOSE SAME TYPES OF HOPE. THEY HAVE WHAT SOME SUPERINTENDENTS... [LB89A]

SPEAKER HADLEY: ONE MINUTE. [LB89A]

SENATOR LARSON: ...OR WHAT WOULD SEEM A MAJORITY OF SUPERINTENDENTS AND THE DEPARTMENT OF EDUCATION GIVES THEM AND THE LACK OF WILLING FROM A LEGISLATURE TO WORK IN A BIPARTISAN NATURE, JUST AS WE'VE SEEN HAPPEN IN CONGRESS AND STATES ACROSS THIS COUNTRY WHEN IT COMES TO EDUCATIONAL REFORM, BUT NOT HERE. I'M JUST HOPING ONE OF THESE TIMES THAT I SAY, HEY, I AGREE WITH BARACK OBAMA, PRESIDENT OBAMA, ON THIS ISSUE; I AGREE WITH RAHM EMANUEL; I AGREE WITH CORY BOOKER; I AGREE WITH CHUCK SCHUMER; I AGREE WITH ARNE DUNCAN, PROBABLY ONE OF THE BEST EDUCATION SECRETARIES THAT THIS



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COUNTRY HAS EVER SEEN, AND HE'S A DEMOCRAT, BUT THEY'RE WORKING ACROSS THE AISLE... [LB89A]

SPEAKER HADLEY: TIME, SENATOR. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB89A]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I'M STILL TRYING TO DIGEST EVERYTHING THAT SENATOR LARSON JUST SAID. WILL SENATOR CAMPBELL YIELD TO A QUESTION? [LB89A]

SPEAKER HADLEY: SENATOR CAMPBELL, WILL YOU YIELD? [LB89A]

SENATOR CAMPBELL: YES. [LB89A]

SENATOR KINTNER: AND I APOLOGIZE FOR NOT GETTING OVER TO YOU FIRST TO LET YOU KNOW I WAS GOING TO ASK YOU A QUESTION; NO TRICK QUESTIONS THOUGH. ON THIS, ON LB89, THE MAIN BILL, HOW MANY YEARS OUT ARE WE SPENDING THIS MONEY? HOW LONG DOES THIS GO THAT WE'RE GOING TO SPEND THIS MONEY? IS IT...IS THERE A SUNSET ON IT OR DOES IT GO ON FOREVER AND EVER? [LB89A LB89]

SENATOR CAMPBELL: SENATOR KINTNER, THE FEDERAL GOVERNMENT DISTRIBUTES TO THE STATES BLOCK GRANTS ANNUALLY. THIS IS A BLOCK GRANT. [LB89A]

SENATOR KINTNER: RIGHT. [LB89A]

SENATOR CAMPBELL: AND SO WE GET AN ANNUAL APPROPRIATION, WHICH HAS BEEN \$57.7 MILLION. AND THESE...WE'RE BASICALLY TAKING THESE MONIES FROM THE MONEY WE HAVE IN RESERVE. [LB89A]

SENATOR KINTNER: RIGHT, WHICH IS KIND OF WHAT YOU TOLD US, THAT WE GET \$50 MILLION ANNUALLY. JUST REFRESH US, DOES THIS EAT UP ALL THAT CAN OF MONEY OR IS THERE A LITTLE BIT LEFT OVER FOR SOMETHING ELSE? [LB89A]

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SENATOR CAMPBELL: SENATOR KINTNER, WE HAVE \$50 MILLION OF UNUSED FUNDS. THIS WOULD TAKE APPROXIMATELY \$10 MILLION. [LB89A]

SENATOR KINTNER: AT ANY POINT DO WE SEE KIND OF RUNNING OUT OR DOES THAT INCOME STREAM OF \$50 MILLION LOOK PRETTY SAFE? [LB89A]

SENATOR CAMPBELL: AT THIS POINT, SENATOR KINTNER, TO MY KNOWLEDGE, THERE'S BEEN NO MOVEMENT TO CHANGE THAT ALLOCATION TO THE STATES. IT'S BEEN THERE SINCE 1996. [LB89A]

SENATOR KINTNER: ALL RIGHT. AND WHAT WE'RE DOING HERE IS WE'RE JUST APPROPRIATING FOR THE NEXT TWO YEARS. IS THAT CORRECT? [LB89A]

SENATOR CAMPBELL: THAT IS CORRECT. [LB89A]

SENATOR KINTNER: OKAY. I THINK I GOT IT. THANK YOU VERY MUCH. APPRECIATE IT. [LB89A]

SENATOR CAMPBELL: YOU'RE WELCOME. YOU'RE WELCOME, SENATOR KINTNER. [LB89A]

SENATOR KINTNER: ALL RIGHT. WELL, I JUST...YOU KNOW, I ALWAYS HAVE A CONCERN THAT WE WOULD SPEND THIS MONEY DOWN TO NOTHING, THAT WE WOULD SPEND IT AND NOT HAVE IT FOR A BETTER USE. AND TO REFRESH EVERYONE'S MEMORY, SHE DID SAY THAT SHE WANTS TO PUT TOGETHER A MASTER PLAN ON HOW TO SPEND THIS MONEY. AND SO WE KIND OF HAVE A PLAN GOING OUT, AND I FULLY ENDORSE THAT. I THINK THERE SHOULD BE A PLAN AS TO HOW WE WANT TO USE THIS TANF MONEY. AND WITH THAT, THANK YOU, MR. PRESIDENT. [LB89A]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON LB89A. SENATOR CAMPBELL YIELDS CLOSING ON LB89A. THE VOTE BEFORE US IS THE ACCEPTANCE OF LB89A. ALL IN FAVOR SIGNIFY BY VOTING YEA; OPPOSED, NAY. RECORD, MR. CLERK. [LB89A]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB89A. [LB89A]

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SPEAKER HADLEY: LB89A IS ADVANCED TO E&R. MR. CLERK. [LB89A]

CLERK: MR. PRESIDENT, LB242A, A BILL BY SENATOR STINNER. (READ TITLE.)  
[LB242A]

SPEAKER HADLEY: SENATOR STINNER, YOU'RE RECOGNIZED TO OPEN ON  
LB242A. [LB242A]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE  
LEGISLATURE, LB242A IS THE APPROPRIATIONS BILL THAT ACCOMPANIES LB242,  
WHICH IS THE DRY BEAN ACT CHANGES. IT IS A CASH FUND AND A CASH  
APPROPRIATION. IT DOES NOT IMPACT THE GENERAL FUND. SO I WOULD  
REQUEST THAT YOU VOTE GREEN ON LB242A. THANK YOU. [LB242A LB242]

SPEAKER HADLEY: SENATOR LARSON, YOU ARE RECOGNIZED. [LB242A]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. DON'T WORRY, GUYS, I'M NOT  
GOING OFF ON DRY BEANS THIS TIME. WE'RE STILL ON EDUCATION. SENATOR  
STINNER JUST HAD THE UNFORTUNATE OPPORTUNITY TO BE RIGHT AFTER MY  
LAST 15 MINUTES WHERE I GOT TIMED OUT AND DECIDED NOT TO USE MY  
OPPORTUNITY TO RECONSIDER AND BRACKET AND ALL OF THAT. SO AS I SAID,  
SENATOR STINNER, YOU CAN TAKE A DEEP SIGH OF RELIEF. WE'RE NOT GOING  
TALK ABOUT DRY BEANS RIGHT NOW, THOUGH I DO HAVE A PASSION FOR DRY  
BEANS, SOMETHING THAT I NEVER KNEW I WAS GOING TO HAVE A PASSION FOR.  
BUT HE...I HAVEN'T EVEN COOKED THE DRY BEANS THAT SENATOR STINNER  
GAVE ME LAST TIME. BUT BACK TO EDUCATION. I INTRODUCED A CHARTER  
SCHOOL BILL THIS YEAR. AND THROUGHOUT THAT HEARING I HEARD THE  
OPPONENTS OF THAT CHARTER SCHOOL BILL REFERENCE A CREDO STUDY A  
FEW TIMES. THE CREDO STUDY THAT...AND THAT CREDO STUDY TALKED ABOUT  
HOW CHARTERS NEEDED MORE WORK AND THEY NEEDED X AND THEY NEEDED  
Y AND THEY WEREN'T READY FOR PRIME TIME. WELL, FOLKS, THAT CREDO  
STUDY WAS FROM 2009--MIGHT HAVE BEEN 2010, BUT I THINK IT WAS 2009--AND  
IT DID SAY THAT. THEN THEY CAME OUT WITH A NEW STUDY IN 2012 OR 2013,  
CREDO, AGAIN, THE...WHAT WOULD BE CONSIDERED THE TOP EDUCATIONAL  
THINK TANK IN THIS COUNTRY, TALKING ABOUT HOW CHARTER SCHOOLS, NOT  
ONLY HAVE THEY MADE SIGNIFICANT PROGRESS, THEY'RE NOW  
OUTPERFORMING THEIR REGULAR PUBLIC SCHOOL COUNTERPARTS. THEY NEED  
TO HAVE A LITTLE BIT OF WORK TWEAKED HERE AND THERE, BUT THEY ARE  
STILL DOING WELL. THEY ARE SUCCEEDING. MORE STATES SHOULD ADOPT

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THEM. AND GUESS WHAT? THERE'S A BRAND-NEW CREDO STUDY OUT LAST WEEK. AND GUESS WHAT IT SAID, THAT CHARTER SCHOOLS ARE VASTLY OUTPERFORMING THEIR COUNTERPARTS, ESPECIALLY IN UNDERSERVED AREAS. AND NOT ONLY ARE THEY VASTLY OUTPERFORMING, IT'S TO THE TUNE-- DEPENDING ON THE AREA--BUT ON AVERAGE, 40 DAYS OF EDUCATIONAL TIME DIFFERENCE BETWEEN A CHARTER SCHOOL AND A REGULAR, PUBLICLY FUNDED SCHOOL IN THE SAME AREA. FORTY EDUCATIONAL DAYS WAS THE DIFFERENCE THEY SAW IN TEST SCORES, 40 DAYS. THIS ISN'T EVEN A CONTEST. THIS IS NOT EVEN CLOSE WHEN IT COMES TO EVEN THE TEACH FOR AMERICA STEPS THAT I BROUGHT UP, WHEN YOU HAVE TEACHERS THAT ONLY HAVE 1.7 YEARS' EXPERIENCE ON AVERAGE VERSUS 13.3, WHERE THEY'RE THE SAME OR ROUGHLY THE SAME. THE TEACH FOR AMERICA TEACHERS DID DO A LITTLE BIT BETTER; AND IN GRADES THREE AND UNDER, THEY DID DO BETTER, MEASURABLY. THIS IS CLEAR EVIDENCE THAT CHARTER SCHOOLS ARE SUCCEEDING AND OUTPERFORMING. YET HERE, NOT ONLY DO THEY MEET RESISTANCE, THE OPPONENTS REFERENCE A SIX- OR SEVEN-YEAR-OLD STUDY DONE BY A THINK TANK ORGANIZATION THAT HAS SINCE RELEASED... [LB242A]

SPEAKER HADLEY: ONE MINUTE. [LB242A]

SENATOR LARSON: ...TWO DIFFERENT ONES, SAYING, HEY, OUR FIRST ONE, YEAH, WE WERE KIND OF WRONG ON THAT. WE REALIZE THAT, BECAUSE AS THESE SCHOOLS COME THROUGH THEY'RE OUTPERFORMING. BUT THAT'S WHAT THE DEPARTMENT OF EDUCATION, MEMBERS OF THE COMMITTEE, USED AS THEIR EVIDENCE OF WHY CHARTER SCHOOLS DON'T WORK, AN OUTDATED STUDY FROM A GROUP THAT HAS ISSUED TWO SINCE THEN DISPLAYING HOW CHARTER SCHOOLS OUTPERFORM THEIR COUNTERPARTS. BUT WE DON'T NEED THOSE IN NEBRASKA. WE DON'T WANT ANY SCHOOL OUTPERFORMING ANOTHER. WHEN WE HAVE TO CREATE A LEVEL OF AVERAGE OR EXCELLENT, GREAT, GOOD, AND NEEDS IMPROVEMENT, THAT'S WHAT WE NEED. EVERYBODY JUST NEEDS TO BE RIGHT HERE BECAUSE, IF ONE KID'S GETTING A LITTLE BETTER EDUCATION, THAT'S NOT ACCEPTABLE. [LB242A]

SPEAKER HADLEY: TIME, SENATOR. YOU'RE NEXT IN THE QUEUE. [LB242A]

SENATOR LARSON: THANK YOU...BECAUSE IF ONE KID IS GETTING...HAS MORE OPPORTUNITIES, HE MIGHT...HE MIGHT GET BETTER AND WE CAN'T HAVE THAT. WE JUST NEED MEDIOCRITY. WE DON'T WANT TO HURT ANYBODY'S FEELINGS, CAN'T HAVE ANY GROUP OF KIDS HAVING MORE OPPORTUNITIES. AND THOSE

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OPPORTUNITIES INCLUDE LONGER SCHOOL DAYS, MORE STRICT SCHOOL DAYS. THOSE ARE THE OPPORTUNITIES THAT CHARTERS OFFER, YEAH. THERE WILL BE LONGER SCHOOL DAYS. THERE WILL BE MORE SCHOOL DAYS. THERE'S REQUIRED ATTENDANCE IN SUMMER PROGRAMS, THINGS LIKE THAT. WHY WOULD WE WANT OUR KIDS TO SPEND ANY MORE TIME IN THE CLASSROOM? THAT JUST SEEMS RIDICULOUS. THE 185-DAY CONTRACTS, THAT OUR CURRENT SCHOOLS HAVE ENOUGH; THAT'S PLENTY. IF A TEACHER WANTED TO DO MORE, NO, NO, WE DON'T WANT THAT. WE DON'T WANT SUMMER OPPORTUNITIES FOR OUR KIDS. WE DON'T WANT LONGER SCHOOL DAYS. WE'RE LETTING OPPORTUNITIES PASS US BY, AND IT'S FRUSTRATING. IT'S ONLY DAY 50 AND WE HAVE 90. IS THERE GOING TO BE ANYTHING DONE WITH TEACH FOR AMERICA OR CHARTER SCHOOLS THIS YEAR? I DOUBT IT. THERE'S ENOUGH PARTISANSHIP IN HERE THAT WILL MAKE SURE THAT THAT DOESN'T HAPPEN. BUT I DO HAVE 40 DAYS LEFT. IT WILL BE AN EXCITING 40 DAYS OF BROKEN RECORD, I AM SURE, BECAUSE I TRULY BELIEVE THAT WE ARE SELLING THESE CHILDREN SHORT. AND NOT ONLY ARE WE SELLING THESE CHILDREN SHORT, WE'RE SELLING THE STATE OF NEBRASKA AND ITS FUTURE SHORT, BECAUSE WE ARE ROBBING CHILDREN IN NORTH OMAHA AND RURAL NEBRASKA, PARTS OF LINCOLN, FROM BETTER EDUCATIONAL OPPORTUNITIES; ROBBING THEM, TAKING IT AWAY, STOPPING THEM FROM EVER EVEN HAVING THAT OPTION, BECAUSE WE DON'T LIKE CHOICES. WE DON'T LIKE OPPORTUNITIES FOR OUR CHILDREN. ADDED CHOICES? ADDED OPPORTUNITIES? NO, NO. THOSE...WHY WOULD WE GIVE PARENTS AN ABILITY TO CHOOSE WHERE THEY COULD POSSIBLY SEND THEIR KIDS TO SCHOOL, YOU KNOW, THOSE PARENTS THAT MIGHT NOT BE ABLE TO AFFORD A CREIGHTON PREP OR AN OMAHA MARIAN, A DUCHESNE, A BROWNELL-TALBOT, BECAUSE THEY DON'T HAVE THE MONEY? SO IT FORCES THEM INTO AN OMAHA NORTH, A CENTRAL, A SOUTH. OR THERE'S NO OPPORTUNITIES IN RURAL NEBRASKA. THIS IS A PROBLEM. SO IF YOU DON'T HAVE ENOUGH MONEY, YOU'VE JUST GOT TO GO TO YOUR LOCAL PUBLIC SCHOOL. WHO CARES WHAT ITS GRADUATION IS? WE'RE NOT GOING TO LET TEACH FOR AMERICA COME IN AND HELP EITHER. WE DON'T CARE IF YOU CAN'T FIND ENOUGH PEOPLE TO TEACH PHYSICS THERE. IT'S NOT OUR PROBLEM. WE DON'T CARE IF YOU HAVE A CLASS SIZE OF OVER 30. [LB242A]

SPEAKER HADLEY: ONE MINUTE. [LB242A]

SENATOR LARSON: NO, NOT A PROBLEM. WE JUST CAN'T FIND ENOUGH TEACHERS. BUT DON'T WORRY, EVERYBODY ELSE IS GETTING THE SAME EDUCATION THAT YOU ARE. IT WILL BE GOOD, MAYBE, EVEN. IT MIGHT EVEN CLASSIFY AS GOOD ACCORDING TO THE NEBRASKA DEPARTMENT OF

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EDUCATION, NOTWITHSTANDING "GOOD" IS RANKED NUMBER THREE ON THE SCALE. AND WE DON'T QUITE KNOW WHAT "GOOD" IS GOING TO BE. YOU KNOW, DO YOU HAVE TO GET A PERFECT SCORE TO GET EXCELLENT? OR IS EXCELLENT LIKE 90-100? IS GREAT 80-90, WHICH WOULD MAKE GOOD 70-80? YOU KNOW, I WOULD CONSIDER THAT AVERAGE, IF YOU WANT TO CALL IT THAT, AVERAGE. BUT AVERAGE WOULD HURT SOME SCHOOLS', POSSIBLY EVEN SUPERINTENDENTS', FEELINGS. [LB242A]

SPEAKER HADLEY: TIME, SENATOR. AND YOU'RE NEXT IN THE QUEUE AND IT'S YOUR LAST TIME. [LB242A]

SENATOR LARSON: I'M SURE EVERYBODY IS BREATHING A COLLECTIVE SIGH OF RELIEF WHEN THEY HEAR IT'S MY LAST TIME ON THIS BILL. MAYBE SENATOR KINTNER WILL GIVE ME TIME. HE DOESN'T LOOK TOO ENTHUSED ABOUT THAT PROSPECT. OR MAYBE HE WILL. FOLKS, IF WE DON'T MOVE WE ARE GOING TO CONTINUE TO GET STUCK IN THE PAST. WE'RE GOING TO COST OUR STATE MORE MONEY. WE JUST HEARD SENATOR KINTNER TALK ABOUT THE MONEY ISSUE OF LB89. I NEGLECTED THAT. I PROBABLY SHOULD HAVE SPENT SOME OF MY 15 MINUTES I TALKED ON THAT BILL A LITTLE BIT ABOUT THAT, BECAUSE IT WAS A LARGE CHUNK OF CHANGE. HOWEVER, IF WE DO NOT REFORM OUR EDUCATIONAL SYSTEM, WE ARE GOING TO CONTINUE THE CYCLE OF POVERTY AND, FROM THAT, WE WILL CONTINUE THE STATE IN WHICH SENATOR KINTNER SO APTLY TALKS ABOUT A MAJORITY OF HIS TIME AT THE MIKE. THAT IS NOT ACCEPTABLE. IT'S NOT ACCEPTABLE THAT WE WILL CUT PEOPLE SHORT, THAT WE WILL CONTINUE, ESSENTIALLY, TO PUSH THEM INTO CYCLES OF POVERTY. YOU KNOW, MAYBE PEOPLE ARE WORRIED ABOUT ELECTIONS. MAYBE IT'S THE POLITICAL EXPEDIENT THING TO DO, TO VOTE AGAINST CHARTERS, BECAUSE THERE'S INSTITUTIONS IN THIS STATE THAT DONATE TENS TO HUNDREDS OF THOUSANDS OF DOLLARS TO ENSURE THAT CHARTER SCHOOLS DON'T COME INTO EXISTENCE. THOSE INSTITUTIONS SPENT A LOT OF MONEY AGAINST ME, RIGHTLY SO, IT LOOKS LIKE, BECAUSE I CARE ABOUT THE ISSUE. THEY PROBABLY SPENT MONEY AGAINST A NUMBER OF YOU THAT ARE IN THIS BODY. I'M GUESSING THEY SPENT MONEY AGAINST SENATOR SMITH, SENATOR McCOY TWICE--THREE TIMES, ACTUALLY, IN SENATOR McCOY'S CASE; TWICE IN A LEGISLATIVE RACE AND ONCE IN A GOVERNOR'S RACE--GUESSING THEY SPENT MONEY AGAINST SENATOR GROENE. SENATOR FRIESEN, HE KIND OF WALKED INTO THIS PLACE FAIRLY EASILY, SO THEY PROBABLY WROTE HIM A CHECK. HE DIDN'T HAVE AN OPPONENT, SO THAT'S NICE. SENATOR McCOLLISTER IS IN MY SIGHT...EYE LINE. HE MIGHT...THEY MIGHT HAVE SPENT MONEY AGAINST HIM. HE SAYS YES. YOU KNOW, RAHM EMANUEL, HE'S GETTING READY TO BE

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ELECTED TO HIS SECOND TERM AS THE CHICAGO MAYOR, EVEN THOUGH THAT...THOSE SAME INSTITUTIONS WHO WOULD NORMALLY BE ON HIS SIDE HAVE WORKED AGAINST HIM OR FOUGHT AGAINST HIM IN THE LAST FOUR YEARS. YET WE ARE FINALLY STARTING TO SEE EDUCATIONAL IMPROVEMENT IN THE CHICAGO PUBLIC SCHOOL SYSTEM, ONE OF THE CITIES WITH THE HIGHEST MURDER RATES IN THE COUNTRY. [LB242A LB89]

SPEAKER HADLEY: ONE MINUTE. [LB242A]

SENATOR LARSON: AND I HAVE A SMALL SUSPICION THAT ONCE ANOTHER GENERATION MOVES THROUGH AND WE SEE HOW THE REFORMS THAT SENATOR...THAT MAYOR EMANUEL HAS IMPLEMENTED COME TO FRUITION, WE WILL SEE A DROP IN THE CRIME RATE. WE WILL SEE A DROP IN THE MURDER RATE, AND WE WILL SEE MORE PRODUCTIVE MEMBERS OF THE CHICAGO SOCIETY, WHICH, LUCKILY, MEANS MORE TICKET SALES FOR THE CUBS, WHICH HELPS MORE NEBRASKANS, OR A FEW NEBRASKANS. FOLKS, THIS ISN'T AN ISSUE WHERE REPUBLICANS ARE SAYING "X" AND DEMOCRATS ARE SAYING "Y." THIS IS AN ISSUE THAT WE HAVE WORKED ACROSS PARTY LINES, ACROSS THIS NATION, YET WE ARE STUCK AS ONE OF EIGHT STATES THAT CONTINUE TO BLINDLY IGNORE THE BENEFITS THAT THEY OFFER. [LB242A]

SPEAKER HADLEY: TIME, SENATOR. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB242A]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. I WAS LISTENING ABOUT THE CHARTER SCHOOLS, WHICH I HAVE A GREAT INTEREST IN, AND PROPERTY TAX RELIEF. SO I WOULD LIKE TO HEAR...LET SENATOR LARSON FINISH HIS THOUGHTS ON THAT. SO I'D YIELD MY TIME TO SENATOR LARSON. [LB242A]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE YIELDED 4:40. [LB242A]

SENATOR LARSON: THANK YOU, SENATOR KINTNER. VERY RARELY DO I GET A FOURTH TIME. I'M JUST...I THINK SENATOR STINNER IS JUST HAPPY I'M NOT GOING OFF ON DRY BEANS AT THIS POINT, EVEN THOUGH IT'S THE DRY BEAN BILL. I THINK THAT SHOWS THAT I CARE MUCH MORE ABOUT EDUCATION THAN I DO DRY BEANS, AND WE ALL KNOW HOW MUCH I REALLY CARE ABOUT DRY BEANS. AS WE MOVE FORWARD IN THIS BODY THIS LEGISLATIVE SESSION, I WILL CONTINUE TO TALK ABOUT THIS. WHEN I SEE NEWSPAPER ARTICLES, MY LIGHT WILL GO ON. WHEN I SEE NEW STUDIES THAT COME THROUGH, MY LIGHT WILL

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GO ON. WILL THAT CHANGE ANYTHING IN THIS BODY? NOPE. THE LINE HAS BEEN DRAWN. WE DO NOT BELIEVE IN SCHOOL CHOICE. WE DO NOT BELIEVE IN PARENTS HAVING THE OPPORTUNITY TO CHOOSE WHERE THEIR KIDS GO. IF YOU ARE TOO POOR, YOU DO NOT GET THAT OPPORTUNITY TO CHOOSE BECAUSE YOU CANNOT AFFORD PRIVATE SCHOOL. IF YOU ARE TOO POOR, YOU WILL GO WHERE YOU ARE TOLD. YOU DO NOT HAVE A CHOICE IN HOW YOUR KID WILL BE EDUCATED. YOU'RE GOING TO STRUGGLE TO INFLUENCE AND CHANGE THE EDUCATIONAL SYSTEM BECAUSE YOU PROBABLY DON'T HAVE THE MONEY TO GET ELECTED. YOU WILL BE SILENCED. WE ARE SILENCING ANOTHER GENERATION OF CHILDREN. WE ARE SILENCING THEIR PARENTS THAT DO WANT OPPORTUNITIES. AND THAT IS OKAY TO SOME MEMBERS OF THIS BODY. THAT IS NOT OKAY TO ME. IT IS THOSE INDIVIDUALS THAT ARE STUCK IN WHAT WOULD BE CALLED THE CYCLE OF POVERTY THAT SHOULD HAVE THE MOST CHOICES. IT IS THOSE INDIVIDUALS AND THEIR PARENTS, IF WE WANT TO TALK ABOUT LEGS UP, THEY SHOULD HAVE THE MOST OPPORTUNITIES. AND WE DO A LOT IN THIS BODY FOR THAT. I KNOW WE'VE INCREASED OR STAIRSTEPPED THINGS LIKE CHILDCARE PAYMENTS SO THEY DON'T LOSE ALL THE CHILDCARE ALL AT ONCE. YOU KNOW WHAT? THAT HELPS GET PARENTS BACK TO WORK. IT GIVES THEM AN INCENTIVE TO WORK BECAUSE THEY UNDERSTAND ONCE THE... THAT THEY'RE NOT GOING TO LOSE ALL THE CHILDCARE ONCE THEY HIT "X" DOLLARS. IT STAIRSTEPS DOWN. THAT'S... YOU KNOW, WE CAN TALK ABOUT THE SPENDING AND THE FISCAL NOTE AND WHETHER THAT'S SMART INVESTMENT BY THE STATE OF NEBRASKA OR... AND WE HAVE AND IT'S PASSED THIS LEGISLATURE ONCE, MAYBE TWICE. SO WE'RE GIVING THOSE INDIVIDUALS LEGS UP THROUGH PUBLIC FUNDS, YET WE WON'T GIVE THEIR CHILDREN AN OPPORTUNITY TO GO TO A NEW SCHOOL,... [LB242A]

SPEAKER HADLEY: ONE MINUTE. [LB242A]

SENATOR LARSON: ...OR AT LEAST EVEN HAVE THE OPTION OF THAT BECAUSE THEY'RE TOO POOR. THEY DON'T REALLY MATTER. I DON'T SUBSCRIBE TO THAT THOUGHT, AND I DON'T THINK MANY OTHER PEOPLE WOULD SAY THEY ACTUALLY SUBSCRIBE TO THAT THOUGHT. THEY'D JUST SAY THEY OPPOSE CHARTER SCHOOLS. AND THEY'D MENTION A SEVEN-YEAR-OLD CREDO STUDY ON WHY THEY DON'T AND IGNORE THE TWO NEW ONES. WE'RE SELLING NEBRASKA SHORT. WE'RE SELLING OUR FUTURE SHORT. WE'RE SELLING OUR CHILDREN SHORT. I HAVE 40 MORE DAYS. ON THURSDAY I TALKED ABOUT HOW I DIDN'T WANT TO TALK ABOUT EDUCATION. I LEFT THE FLOOR. I GOT A PHONE CALL FROM A RELATIVE IN... [LB242A]



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SPEAKER HADLEY: TIME, SENATOR. [LB242A]

SENATOR LARSON: THANK YOU. [LB242A]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE NEXT IN THE QUEUE.  
[LB242A]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I'M GOING TO HAVE A CONVERSATION OR TWO OFF OF THE MIKE HERE YET, SO I HOPE THAT SENATOR LARSON WILL ENTHRALL US WITH A LITTLE MORE INFORMATION ABOUT CHARTER SCHOOLS. I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR LARSON. [LB242A]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE YIELDED 4:38. [LB242A]

SENATOR LARSON: JUST KEEP IT COMING. SO ON THURSDAY I WAS...I CONTINUALLY SAID, I'M GOING TO TRY TO STAY OUT OF EDUCATION, WE'RE TALKING ABOUT THE HELMET LAW, WE'RE TALKING ABOUT THE HELMET LAW. AND FINALLY, WHAT DID I DO? I TALKED ABOUT EDUCATION, COULDN'T HELP MYSELF. IT'S LIKE A DOG WITH A BONE. I...WE GOT A LITTLE ITALIAN GREYHOUND THAT HE'S GOT ALL OF THESE SQUEAKY TOYS. AND HE CAN'T...HE GETS A NEW TOY AND HE HAS TO TEAR THE STINKING...THE SQUEAKER OUT. HE WILL JUST GO TILL THE SQUEAKER IS OUT, JUST TEAR IT APART, NEVER FAILS. YOU GET HIM A NEW TOY, THAT SQUEAKER IS GOING TO BE OUT BY THE END OF THE DAY. IT IS A MISSION. THE DOG'S NAME IS JUPITER. JUST GOT A NEW CAT TOO. ITS NAME IS MOON. SHE DOESN'T HAVE THE SAME PROBLEM WITH THE SQUEAKER BECAUSE, ACTUALLY, SHE'S KIND OF AFRAID OF THEM, SO NOT FACING THAT ISSUE. MY WIFE DOES WANT TO GET ANOTHER DOG THIS WEEKEND; I THINK WE'RE ADOPT ANOTHER ONE, MUCH TO MY OBJECTIONS. BUT SHE STAYS AT HOME IN O'NEILL WHILE OUR...MY STEPSON, WHO IS SEVEN, GOES TO SCHOOL AND I COME DOWN HERE TO TALK ABOUT EDUCATION REFORM. SO SHE GETS A NEW DOG, GOING TO KEEP HER HAPPY. AGAIN, I'M NOT A BIG FAN OF THE NO-DOG COMMENT. BUT BACK TO THE DOG WITH A BONE. THAT'S, I THINK, HOW I GOT OFF ONTO THAT TANGENT. I'M A DOG WITH A BONE AT THIS POINT. AND LAST WEEK I TRIED TO STAY OFF EDUCATION BUT, IN THE END, IT'S PROBABLY NOT GOING TO HAPPEN ON MOST DAYS. YOU KNOW, SOME DAYS IT MIGHT BE ONE TIME; OTHER DAYS IT MIGHT BE AN HOUR. BUT AS I SAID, WHEN I WAS COMMENTING HOW I'M NOT GOING TO TALK ABOUT EDUCATION TODAY AND IT WAS KIND OF A JOKE--I'M NOT GOING TO DO IT

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TODAY--FINALLY, I DID. I GOT A CALL FROM A RELATIVE THAT SAID, WELL, WHY DON'T YOU JUST MAKE IT YOUR GOAL TO TALK ABOUT EDUCATION EVERY DAY AT SOME POINT? CONSIDERING IT WAS ONE OF THE TWO INDIVIDUALS THAT RAISED ME, I TRY TO LISTEN TO THOSE INDIVIDUALS. MUCH TO WHAT SOME OF...SOME PEOPLE MAY THINK, I FEEL THEY DID A DECENT JOB. THEY TAUGHT ME TO TALK, AT LEAST, ARTICULATE MY POSITION. I SPEND A LOT OF TIME DOING THAT. SO IF YOU GUYS WANT TO BLAME SOMEONE, YOU CAN BLAME MY MOM AND DAD; EASY TARGET. BUT THEY HAD THE FINANCIAL OPPORTUNITIES. I WOULD CONSIDER MYSELF GROWING UP IN MIDDLE CLASS. THEY STILL HAD THE FINANCIAL OPPORTUNITIES TO GIVE ME CHOICES. NOW I DID GO TO THE LOCAL PUBLIC SCHOOL IN WEEPING WATER AND DID WELL, WELL ENOUGH. BUT THEY DID HAVE THE RESOURCES TO SEND ME TO UNIVERSITY, A FAIRLY PRICEY UNIVERSITY. I DO HAVE SOME... [LB242A]

SPEAKER HADLEY: ONE MINUTE. [LB242A]

SENATOR LARSON: ...STUDENT LOANS OF MY OWN, BUT IT'S AN ISSUE. BUT MY POINT IS, IS I HAD THOSE OPPORTUNITIES AND WE ARE CLOSING OFF THOSE OPPORTUNITIES FOR INDIVIDUALS AND UNDERSERVED AND IMPOVERISHED NEIGHBORHOODS. AND IT'S UNFORTUNATE. IT IS UNFORTUNATE THAT THOSE PARENTS, THOSE CHILDREN ARE GETTING CUT OFF. NOW I DON'T KNOW IF ANYBODY ELSE HAS THEIR LIGHT ON IN THE QUEUE. I DOUBT SENATOR HANSEN WILL TURN HIS ON FOR ME, SO MY TIME IS WINDING DOWN. HE SMILED. HE'S THINKING ABOUT IT. EVERYBODY ELSE IS JUST BEGGING HIM NOT TO. BUT AS WE MOVE FORWARD FOR THE NEXT 40 DAYS--SENATOR HOWARD IS GIGGLING, MAYBE SHE WILL--WE ARE GOING TO TALK ABOUT EDUCATION OVER AND OVER. AND NEXT YEAR, I'LL HAVE ANOTHER CHARTER SCHOOL BILL. I'M GUESSING THE EDUCATION COMMITTEE WILL ENJOY THAT ONE. [LB242A]

SPEAKER HADLEY: TIME, SENATOR. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB242A]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. I HAVE BECOME SO ENTHRALLED WITH SENATOR LARSON'S COMMENTS THAT I CAN HARDLY WAIT TO SEE WHERE HE'LL GO NEXT. SO I WOULD YIELD THE REMAINDER OF MY TIME. [LB242A]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE YIELDED 4:50. [LB242A]

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SENATOR LARSON: THANK YOU, SENATOR SCHEER. HOPEFULLY, SOMEONE ELSE WILL GIVE ME MORE TIME. I'M OUT. I WILL HAVE ANOTHER EDUCATION BILL NEXT YEAR, PROBABLY TWO OF THEM, MAYBE THREE, FOUR. WE HAD DEMOCRAT DAY IN THE GOVERNMENT COMMITTEE. IT WILL PROBABLY BE LARSON DAY IN THE EDUCATION COMMITTEE AT SOME POINT NEXT YEAR. I CAN SEE THE EXCITEMENT ON SENATOR SULLIVAN'S FACE ALREADY--LARSON DAY IN THE EDUCATION COMMITTEE, EVERY HAREBRAINED IDEA THAT JUST SO HAPPENS TO BE HAPPENING IN EVERY OTHER PART OF THIS NATION BROUGHT TO THE NEBRASKA EDUCATION COMMITTEE. CHARTER SCHOOLS NEED TO HAPPEN IN THIS STATE. WE NEED TO CONTINUE TO PROVIDE MORE EDUCATIONAL OPPORTUNITIES FOR OUR KIDS. MAGNET SCHOOLS, WHAT WE SEE NOW IN OPS, THOSE AREN'T TRUE CHARTERS. THOSE AREN'T WHAT...THEY ARE IMPROVEMENTS, I WILL SAY THAT. THEY ARE IMPROVEMENTS ON THE CURRENT SYSTEM, BUT THEY ARE NOT EVERYTHING THAT WE NEED. MY WIFE CAME TO ME THIS WEEKEND. WE WERE AT A CONFERENCE IN KEARNEY. AND IT WAS A...IT WAS A FOR-PARENTS-ONLY CONFERENCE WITH KIDS WITH DISABILITIES. OUR SEVEN-YEAR-OLD, MY STEPSON, HAS CHILDHOOD APRAXIA. HE'S ON THE AUTISM SPECTRUM. AND SHE ASKS ABOUT THE CONCEPT OF, WELL, COULD THERE POSSIBLY BE A, YOU KNOW, A CHARTER SCHOOL FOR HIGH-FUNCTIONING AUTISTIC KIDS TO WHERE THEY CAN LEARN TO SOCIALIZE AND WORK TOGETHER AND CREATE A SCHOOL OF THAT NATURE? I SAID, YOU KNOW, TRADITIONALLY, CHARTER SCHOOLS RUN MORE ON A LOTTERY BASIS, IN TERMS OF THEY ACCEPT EVERYONE--MUCH TO WHAT OPPONENTS MAY SAY--THEY ACCEPT ANYONE THAT'S IN THE LOTTERY AND GETS THEIR NUMBER PULLED. BUT, YOU KNOW, THAT'S AN INTERESTING CONCEPT, AND IT'S A CONCEPT I'M WORTH...I'M...I'D BE HAPPY TO LOOK INTO. NOW I DON'T KNOW HOW MANY KIDS THEY COULD HANDLE, HOW MANY WOULD NEED ONE-ON-ONE PARAS, THINGS OF THAT NATURE. I TOLD HER THERE WOULD BE A LOT TO WORK OUT. OBVIOUSLY, THE FUNDING FOR THOSE TYPES OF STUDENTS ARE, AT THE STATE LEVEL, ARE A LITTLE HIGHER. SO HOW WOULD WE WORK THAT OUT? THEY'D NEED PRIVATE DOLLARS, AS MOST CHARTER SCHOOLS DO RECEIVE, YOU KNOW, PRIVATE FUNDRAISING DOLLARS ON THE SIDE. BUT THAT IS SOMETHING THAT I SAID, THAT WAS A GREAT IDEA, NORMAL...WELL, IF YOU WANT TO CALL IT NORMALIZED SCHOOLING, BUT WITH THOSE THAT MAY HAVE LEARNING DISABILITIES. NOW, LIKE I SAID, I DON'T KNOW IF THAT'S A TRUE POSSIBILITY OR NOT. BUT WE SHOULDN'T LIMIT THAT OPTION. THAT'S JUST ONE TYPE OF CHARTER SCHOOL. IN 2005 OR 2004, WE SAW THIS LEGISLATURE GET RID OF CLASS I SCHOOLS. I'VE TALKED ABOUT CLASS I SCHOOLS. CHARTER SCHOOLS HAVE AN OPPORTUNITY TO BRING THOSE BACK IN RURAL NEBRASKA BECAUSE IT'S RIDICULOUS THAT A KINDERGARTNER HAS TO RIDE OVER AN HOUR TO

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SCHOOL OR GET PICKED UP AT 6:00 A.M. IN THE MORNING OUT BY MULLEN. THAT IS RIDICULOUS. AND IT'S ALSO RIDICULOUS THAT IF YOU DON'T HAVE ENOUGH MONEY AND CAN'T AFFORD A PRIVATE SCHOOL, THAT YOU DON'T EVEN HAVE AN OPPORTUNITY TO GO. NOW SOME WILL SAY THAT THE LEARNING COMMUNITY...YOU CAN MOVE WITHIN THE LEARNING COMMUNITY AND THEY'LL PROVIDE TRANSPORTATION. SO A KID IN NORTH OMAHA COULD VENTURE OUT CLEAR OUT TO MILLARD WEST. IT'S A POSSIBILITY. HOWEVER, WOULDN'T IT MAKE MORE SENSE TO HAVE A CHARTER SCHOOL IN THEIR BACKYARD? AND HOW MANY KIDS FROM NORTH OMAHA CAN ACTUALLY... [LB242A]

SPEAKER HADLEY: TIME, SENATOR. [LB242A]

SENATOR LARSON: THANK YOU. [LB242A]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR STINNER, YOU'RE RECOGNIZED TO CLOSE ON LB242A. SENATOR STINNER WAIVES CLOSING. THE QUESTION IS, SHALL LB242A BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB242A]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, TO ADVANCE LB242A. [LB242A]

SPEAKER HADLEY: LB242A IS ADVANCED TO E&R FOR ENGROSSING. MR. CLERK, ANY MESSAGES? [LB242A]

CLERK: MR. PRESIDENT, JUST ITEMS. SENATOR COASH OFFERS A NEW RESOLUTION, LR139. THAT WILL BE LAID OVER. I HAVE AN AMENDMENT BY SENATOR MORFELD TO BE PRINTED TO LB586. THAT'S ALL THAT WE HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGE 945.) [LR139 LB586]

SPEAKER HADLEY: MR. CLERK.

CLERK: MR. PRESIDENT, LB31 HAS BEEN DISCUSSED BY THE LEGISLATURE ON MARCH 19 AND MARCH 20. WHEN THEY LEFT THE ISSUE LAST, SENATOR HILKEMANN HAD PENDING AM939 AS AN AMENDMENT TO THE BILL. SENATOR HILKEMANN, I UNDERSTAND YOU WISH TO WITHDRAW AM939. IS THAT CORRECT? MR. PRESIDENT, THE... [LB31]

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SPEAKER HADLEY: WITHOUT... [LB31]

CLERK: ...NEXT AMENDMENT: SENATOR GLOOR, AM954. OH, EXCUSE ME, SENATOR. THAT'S TO THE BILL. SENATOR HILKEMANN, AM942, AS AN AMENDMENT TO THE COMMITTEE AMENDMENTS. (LEGISLATIVE JOURNAL 940.) [LB31]

SPEAKER HADLEY: SENATOR BLOOMFIELD, IF YOU WANT TO TAKE A MOMENT TO ENTER...TO TALK ABOUT LB31. [LB31]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, AS WE'RE ALL PRETTY WELL FAMILIAR BY NOW, LB31 WOULD SIMPLY GIVE PEOPLE OVER THE AGE OF 21 THE RIGHT TO DECIDE WHETHER OR NOT THEY CHOOSE TO WEAR A MOTORCYCLE HELMET WHEN RIDING IN THE STATE OF NEBRASKA. IT'S PRETTY CLEAN, PRETTY STRAIGHTFORWARD. AND THERE ARE STATISTICS ON BOTH SIDES OF THE ISSUE TELLING YOU HOW MANY PEOPLE WE'RE GOING TO KILL, HOW WE'RE GOING TO BANKRUPT THE STATE, AND OTHERS THAT SHOW THAT WE ACTUALLY SAVE LIVES AND SAVE THE STATE MONEY AND A BUNCH OF NEW REVENUE WOULD COME IN. YOU, THE MEMBERS OF THIS BODY, ARE GOING TO HAVE TO DECIDE WHERE THIS BILL GOES. IT LOOKS LIKE WE SHOULD GET TO A VOTE, I'M GUESSING, SOMEWHERE AROUND 3:30-4:00 THIS AFTERNOON, AND AT THAT TIME I GUESS WE'LL FIND OUT. THANK YOU, MR. PRESIDENT. [LB31]

SPEAKER HADLEY: SENATOR SMITH, YOU'RE RECOGNIZED TO...FOR A QUICK OPENING ON THE COMMITTEE AMENDMENT. [LB31]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. THE AMENDMENT, THE COMMITTEE AMENDMENT, RETAINS THE REQUIREMENT THAT OPERATORS AND PASSENGERS UNDER THE AGE OF 21 WEAR HELMETS WHILE RIDING MOTORCYCLES AND MOPEDS. THE OPERATORS AND PASSENGERS 21 YEARS OF AGE AND OLDER WOULD BE EXEMPT FROM THIS REQUIREMENT. ADDITIONALLY, THE COMMITTEE AMENDMENT REQUIRES THAT AN OPERATOR OF A MOTORCYCLE OR A MOPED SHALL WEAR EYE PROTECTION. THANK YOU, MR. PRESIDENT. [LB31]

SENATOR KRIST PRESIDING

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SENATOR KRIST: THANK YOU, SENATOR SMITH. SENATOR HILKEMANN, YOU ARE RECOGNIZED. SENATOR HILKEMANN, YOU'RE RECOGNIZED TO OPEN ON AM942 TO THE COMMITTEE AMENDMENT. [LB31]

SENATOR HILKEMANN: OKAY. THANK YOU VERY MUCH, MR. SPEAKER. WELL, WE'VE HAD A LOT OF CONVERSATION ABOUT THIS OVER THE LAST SEVERAL DAYS, FOR CERTAIN. AND I'D JUST LIKE TO...THERE WAS SOME TALK ABOUT WHAT HAPPENS IF STATES REMOVE THE HELMET BILL AND WHAT HAPPENS IF THEY REINSTATE IT, BECAUSE SOME STATES HAVE TAKEN IT OFF AND THEY'VE PUT IT BACK ON. ONE OF THOSE STATES THAT DID THAT IS THE STATE OF LOUISIANA. AND THE STATE OF LOUISIANA FIRST ADOPTED MOTORCYCLE HELMETS BACK TO 1968 AND THEN IT WAS AMENDED IN '76 AND '82. AND THE MOST RECENT NOW IS THAT THEY...IS THEY'VE REESTABLISHED IT HERE IN THE LAST SEVERAL YEARS. AND THE STUDY THAT WAS DONE BY NHTSA, THE NATIONAL HIGHWAY TRANSPORTATION SAFETY AUTHORITY (SIC), PART OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, WAS THAT WHEN THE STATE OF LOUISIANA WAS UNDER THE UNIVERSAL HELMET LAWS, VIRTUALLY ALL RIDERS WERE COMPLIANT WITH THE LAW AND WORE HELMETS. HOWEVER, DURING THOSE YEARS WHEN LOUISIANA HELMET LAW WAS REPEALED, HELMET USE DECLINED TO ABOUT 50 PERCENT. AND THAT IS A SIMILAR TREND THAT WE'VE FOUND IN OTHER STATES. THEY ALSO FOUND THAT THERE WAS A CONSISTENT INCREASE IN THE NUMBER OF MOTORCYCLE CRASHES IN LOUISIANA. THE STATEWIDE...THE NUMBER OF MOTOR CRASHES IN 1991, WAS 957, APPROXIMATELY DOUBLE...IT WAS DOUBLED IN THE YEAR 2005, 1,877. I'M GOING TO TRY TO CUT SOME OF THIS DATA OUT BECAUSE IT GETS KIND OF...BOTTOM LINE HERE, IN THE YEARS FOLLOWING WHEN WE PUT THE REPEAL, THE NUMBER OF MOTORCYCLES FATALITIES INCREASED. CRASH DATA SHOWED THAT THE ODDS OF WEARING A HELMET IN A CRASH AFTER THE LOUISIANA MOTORCYCLE HELMET (LAW) WAS REINSTATED WERE MORE THAN DOUBLE COMPARED TO THE PRELAW AREA. THIS INCREASE IN HELMET USE AFTER THE REINSTATEMENT OF THE UNIVERSAL HELMET LAW BY CRASH-INVOLVED RIDERS WAS ASSOCIATED WITH SIGNIFICANTLY LOWER PROPORTION OF FATALITIES, SEVERE INJURIES, AND MODERATE INJURIES DURING THE POSTREINSTATEMENT PERIOD, COMPARED TO THE PRELAW AREA. THE ANALYSIS INDICATED THAT THERE WERE ALSO FEWER SEVERE AND FATAL CRASHES WITH THE HELMET LAW IN PLACE. SO LOUISIANA EXPERIENCED THE FIRST REAL DECLINE IN MOTORCYCLE FACILITIES...FATALITIES IN SIX YEARS WHEN THE UNIVERSAL LAW WAS REINSTATED. THESE RESULTS SUPPORT THE SUPPOSITION THAT THE DECREASE IN FATAL MOTORCYCLE CRASHES IN LOUISIANA AFTER THE HELMET LAW WAS REINSTATED WAS DIRECTLY AFFECTED BY THE LAW CHANGE.

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NATIONALLY, THERE IS A RELATIONSHIP BETWEEN THE PASSAGE AND REPEAL OF HELMET LAWS AND THE NUMBER OF MOTORCYCLE REGISTRATIONS. SO BASICALLY, WHAT IT BOILS DOWN TO, FOLKS, WE SEE STUDY AFTER STUDY THAT SAY, IF YOU REPEAL THE LAW YOU HAVE MORE PEOPLE WHO DON'T WEAR THEIR HELMETS, THE CRASHES STILL OCCUR, AND WE HAVE MORE PEOPLE WHO ARE KILLED. THE PURPOSE OF HELMETS IS VERY SIMPLE. IT IS TO PROTECT FROM...YOUR...AS MUCH AS POSSIBLE. IT'S...THE SAFEST WAY TO RIDE A MOTORCYCLE IS WITH A HELMET IN PLACE. THANK YOU VERY MUCH, MR. PRESIDENT. [LB31]

SENATOR KRIST: THANK YOU, SENATOR HILKEMANN. (VISITORS INTRODUCED.) THOSE THAT WISH TO SPEAK: SENATOR LARSON, SENATOR KEN HAAR, HADLEY, GLOOR, AND CRAWFORD. SENATOR LARSON, YOU'RE RECOGNIZED. [LB31]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I'M DONE WITH EDUCATION FOR NOW. WE'LL TALK ABOUT IT TOMORROW, I'M SURE, OR MAYBE LATER THIS AFTERNOON. OR IF SOMEONE SAYS SOMETHING AND SPARKS UP A THOUGHT, THEN I MIGHT TALK ABOUT EDUCATION. BUT FOR NOW, LET'S TALK ABOUT LB31, THE OPPORTUNITY FOR ECONOMIC INVESTMENT IN RURAL NEBRASKA. THAT'S WHAT LB31 WILL GIVE COMMUNITIES LIKE O'NEILL, BASSETT, VALENTINE, THEDFORD, BURWELL, KEARNEY. THAT'S WHAT IT'S GOING TO GIVE THOSE COMMUNITIES. AND TO TURN DOWN THAT ECONOMIC INVESTMENT IN GOTHENBURG IS DISAPPOINTING, TO TURN DOWN THAT ECONOMIC INVESTMENT IN KEARNEY IS DISAPPOINTING, OR TO TURN DOWN THAT ECONOMIC INVESTMENT IN HASTINGS IS EXTREMELY DISAPPOINTING, BECAUSE THAT'S WHAT THIS IS. IT IS PEOPLE FROM OUTSIDE THE STATE OF NEBRASKA TRAVELING THROUGH NEBRASKA, NOT ONLY YEAR-ROUND BUT, MORE SPECIFICALLY, DURING A TWO-WEEK TIME FRAME WHERE THE LARGEST MOTORCYCLE RALLY IN OUR WORLD HAPPENS JUST NORTH OF OUR BORDER. AND WE HAVE INDIVIDUALS THAT CIRCUMVENT THIS STATE AND TAKE THEIR MONEY TO IOWA OR WYOMING OR COLORADO, ON LONGER ROUTES, AND SPEND IT THERE. WE WENT OVER THE VERY RUDIMENTARY ESTIMATES THE OTHER DAY OF, IF THERE ARE 100,000 PEOPLE OF THE MILLION THAT GO TO STURGIS--SO 100,000 IS PROBABLY FAIRLY LOW--BUT IF THERE IS 100,000 PEOPLE THAT CIRCUMVENT THE STATE OF NEBRASKA AND THEY SPENT AN AVERAGE--WHICH IS NOT UNTRUE--OF \$100 A DAY AND THEY WENT...MISSED US TWICE, THAT'S \$200 AN INDIVIDUAL TIMES \$100,000, IS \$20 MILLION; TIMES THE 5.5 CENTS THAT THE STATE RECEIVES. THAT'S ROUGHLY \$1.5 MILLION, ROUGHLY. I'D HAVE TO GET MY CALCULATOR OUT TO DO THE EXACT NUMBERS. BUT THAT'S IN THE STATE COFFERS. AND WE ALSO SAW THAT IN 2013, THAT THE STATE SPENT A TOTAL OF

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\$1 MILLION IN MEDICAID TO 33 INDIVIDUALS THAT GOT IN ACCIDENTS OF ALL TYPES OF DIRT BIKE, MOTORCYCLE, ATV WRECKS. THOSE WEREN'T JUST MOTORCYCLE WRECKS ON THE HIGHWAY. THOSE WERE ALL WRECKS; \$1 MILLION TOTAL. AND WE ALREADY KNOW THAT \$1.5 MILLION, ROUGHLY--AND THAT'S A ROUGH ESTIMATE, BUT YOU COULD ACTUALLY, PROBABLY, ASSUME MORE--WOULD COME INTO THIS STATE. WE HEAR ABOUT ADDED PEOPLE ON... YOU KNOW, DRAINING THE SYSTEM. AND THAT'S WHAT SPILLED ME INTO MY EDUCATION DEBATE LAST WEEK ABOUT INDIVIDUALS CONTINUALLY ON THE SYSTEM AND HOW DO WE GET THAT OFF, HOW DO WE GET THEM OFF, HOW DO WE PULL THEM OUT OF THE CYCLE OF POVERTY. THERE'S A REAL OPPORTUNITY FOR ECONOMIC INVESTMENT IN THIS STATE, TOURISM DOLLARS THAT WE TURN AWAY. "NEBRASKA NICE" IS NOT HAPPENING ON LB31 BECAUSE WE DON'T WANT YOU HERE. IF YOU'RE NOT WILLING TO WEAR A HELMET, WE DON'T WANT YOU. GO AROUND US, BECAUSE WE KNOW BETTER HOW YOU SHOULD PROTECT YOURSELF. WE KNOW BETTER THAN YOU. [LB31]

SENATOR KRIST: ONE MINUTE. [LB31]

SENATOR LARSON: WE DON'T EVEN WANT YOUR DOLLARS. THAT IS WHAT WE'RE SAYING: KEEP YOUR DOLLARS; WE DON'T WANT THEM IN RURAL NEBRASKA. WELL, YOU KNOW WHAT? TO THE REST OF THIS COUNTRY, I WANT YOUR DOLLARS IN O'NEILL, I WANT YOUR DOLLARS IN BASSETT, AND I WANT YOUR DOLLARS IN HARTINGTON. I WANT YOUR DOLLARS IN LEGISLATIVE DISTRICT 40, AND WITH LB31 THAT'S GOING TO HAPPEN. AND NOT ONLY DO I WANT THE 5.5 CENT SALES TAX THAT'S COMING TO THE STATE, I WANT THE EXTRA SALES TAX THAT THE CITY OF O'NEILL IS GOING TO LEVY TO HELP BUILD THE NEW COMMUNITY COLLEGE. I WANT THOSE THINGS IN NEBRASKA AND LB31 GIVES US THAT OPPORTUNITY. I'M NOT STUBBORN ENOUGH TO TELL YOU THAT I KNOW BETTER THAN YOUR INDIVIDUAL CHOICES ON AN ISSUE OF THIS NATURE AND I DON'T WANT YOUR DOLLARS BECAUSE OF IT. WE ARE TELLING PEOPLE, DON'T COME TO NEBRASKA. THAT'S NOT NEBRASKA NICE. THANK YOU. [LB31]

SENATOR KRIST: THANK YOU, SENATOR LARSON. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB31]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I FEEL VERY STRONGLY THAT THE HELMET LAW AS IT EXISTS NOW IS IMPORTANT. HAD AN INTERESTING DISCUSSION THIS WEEKEND WITH MY GRANDSON WHO WILL BE TURNING 16 THIS WEEK. AND I WAS THE FIRST PERSON THAT GOT IN BEHIND



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THE...WELL, IN THE PASSENGER SEAT WITH ANDREW (PHONETIC) TEACHING HIM TO DRIVE. AND SINCE THEN HE'S DRIVEN A LOT. SO HE AND I HAD A DISCUSSION ABOUT INDIVIDUAL FREEDOM. AND ANDREW IS IN DEBATE AND HE'S A STRONG, OPINIONATED PERSON, WHICH IS VERY GOOD. I LIKE THAT ABOUT HIM. SO WE DISCUSSED THE ISSUE. AND ON THIS WE DISAGREE...I'M SORRY, WE AGREE. AND WE AGREE ON MANY OTHER ITEMS. BUT WE AGREE ON THIS ONE, THAT INDIVIDUAL FREEDOM IS LIMITED BY LIVING IN SOCIETY, LIVING WITH OTHER PEOPLE. AND IN A LEADERSHIP POSITION AS I AM, IT'S UP TO ME, THEN, TO DECIDE WHEN FREEDOM SHOULD BE LIMITED AND WHEN IT SHOULDN'T. AS AN EXAMPLE, IF WE JUST GO WITH THIS, WHY NOT SAY, LET THOSE WHO DRIVE DECIDE? AND SO LET CAR COMPANIES, FOR EXAMPLE, PRODUCE AUTOMOBILES WITHOUT AIR BAGS, THAT WOULD CERTAINLY SAVE MONEY. I DON'T KNOW, I'M GUESSING MAYBE \$500 PER CAR IF YOU COULD ORDER AN AUTOMOBILE, A BRAND NEW AUTOMOBILE WITHOUT AIR BAGS. SO LET THOSE WHO DRIVE DECIDE. NO, AS A SOCIETY WE'VE DECIDED THAT AIR BAGS IN NEW CARS ARE IMPORTANT. SO AS FAR AS I KNOW, IN THIS COUNTRY, YOU CAN'T ORDER A NEW CAR WITHOUT AIR BAGS. WE DON'T REQUIRE HELMETS IN AUTOMOBILES BECAUSE THERE'S THE SHELL AROUND PEOPLE IN A CAR. BUT WE DO REQUIRE SEAT BELTS. WE DO REQUIRE AIR BAGS. AND IT MAKES SENSE. WE'RE IN A SOCIETY...NOW, IF YOU GO OUT IN YOUR OWN PASTURE, I GUESS, IF YOU LIVE LIKE I DO ON AN ACREAGE, IF YOU GO OUTSIDE, YOU CAN DRIVE A CAR ON YOUR OWN PROPERTY, AS FAR AS I KNOW, WITHOUT A...EVEN WITHOUT A DRIVER'S LICENSE AND JUST ABOUT ANY AGE. BUT THAT'S YOUR PROPERTY, THAT'S WHERE YOU'RE DRIVING. YOU'VE MADE THAT DECISION. BUT ONCE YOU GET OUT ONTO A ROAD WITH OTHER DRIVERS THEN YOU'RE SHARING THAT ROAD. IT'S A PRIVILEGE AND IT REQUIRES A DRIVER'S LICENSE. LET THOSE WHO DRIVE DECIDE. WHY EVEN REQUIRE A DRIVER'S LICENSE IF WE'RE TALKING ABOUT FREEDOM? ANY TIME YOU GET OUT ON AN AUTOMOBILE OR A MOTORCYCLE OR ANYTHING LIKE THAT, THAT IT'S UP TO THE DRIVER TO DECIDE. NO, WE DO TAKE AWAY FREEDOMS. WE SAY IF YOU'RE GOING TO DRIVE ON A ROAD WITH OTHER VEHICLES, YOU'VE GOT TO HAVE A DRIVER'S LICENSE...YOU'RE SUPPOSED TO HAVE A DRIVER'S LICENSE. YOU BUY A NEW CAR, IT HAS AIR BAGS. YOU HAVE TO USE YOUR SEAT BELT. YOUR CAR HAS TO HAVE HEADLIGHTS. ALL KINDS OF THINGS LIKE THAT THAT YOU REALLY DON'T...AREN'T REQUIRED IF YOU SIMPLY DRIVE ON YOUR OWN PROPERTY. MY FATHER, WHEN WE MOVED TO LINCOLN WHEN I WAS 14, HAD A FILLING STATION AT 14th AND J STREETS...13th AND J, JUST A BLOCK FROM HERE. AND I LEARNED TO DRIVE ON THAT PARKING LOT. [LB31]

SENATOR KRIST: ONE MINUTE. [LB31]

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SENATOR HAAR: THANK YOU. I DIDN'T HAVE A DRIVER'S LICENSE BECAUSE IT WAS ON PRIVATE PROPERTY AND I LEARNED BY PARKING CARS. SO I DO BELIEVE--AND ANDREW AND I HAD A LONG DISCUSSION ABOUT THIS--WE BELIEVE THAT INDIVIDUAL FREEDOM GETS LIMITED WHEN YOU LIVE WITH OTHER PEOPLE, WHEN YOU LIVE IN SOCIETY. AND BEING ON THE ROAD WITH OTHER VEHICLES IS A PLACE WHERE INDIVIDUAL FREEDOMS HAVE TO BE LIMITED. AND I FEEL AND ANDREW FEELS WITH ME THAT WEARING A HELMET WHEN YOU'RE RIDING A MOTORCYCLE IN NEBRASKA MAKES SENSE. THANK YOU VERY MUCH. [LB31]

SENATOR KRIST: PRESIDENT, SENATOR HAAR. SENATOR HADLEY, YOU ARE RECOGNIZED. [LB31]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, I'D LIKE TO TALK ABOUT THE AMENDMENT FOR JUST A MINUTE. SECTION (1)(3): "A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE IS EXEMPT FROM SUBSECTION (2) OF THIS SECTION." I THINK WHAT IS MEANT IS THAT BASICALLY IF YOU'RE 21 YEARS OF AGE OR OLDER, YOU BASICALLY DO NOT HAVE TO WEAR A HELMET. WOULD SENATOR SCHUMACHER YIELD TO A QUESTION? [LB31]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD? [LB31]

SENATOR SCHUMACHER: AS LONG AS IT'S NOT TOO HARD. [LB31]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE ONE OF THE SMARTEST PEOPLE I KNOW HERE WHEN IT COMES TO DEALING WITH THE LAW, AND I THINK YOU SERVED AS A COUNTY ATTORNEY. IS THAT CORRECT? [LB31]

SENATOR SCHUMACHER: THE SECOND PART IS CORRECT. [LB31]

SPEAKER HADLEY: SOMETHING LIKE THIS, THAT IT PUTS IN THERE THAT IT SAYS AT LEAST 21 YEARS OF AGE IS EXEMPT FROM THE SUBSECTION, DOES THAT MAKE IT REALLY PROBLEMATIC AS TO WHETHER THAT IS REALLY ENFORCEABLE BY LAW ENFORCEMENT? [LB31]

SENATOR SCHUMACHER: I HAVEN'T FOCUSED ON THAT PARTICULAR ISSUE. BUT ON THE FACE OF IT, I DON'T THINK IT DOES. [LB31]

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SPEAKER HADLEY: THAT MEANS THAT ANYBODY WHO'S DRIVING WITHOUT A HELMET WHO LOOKS...WHO IN THE OFFICER'S MIND DOESN'T LOOK LIKE THEY'RE 21, THEY COULD PULL THEM OVER? [LB31]

SENATOR SCHUMACHER: THAT WOULD BE. I MEAN, THAT WOULD BE PROBABLE CAUSE IF THAT'S A PRIMARY OFFENSE. IF THEY LOOK LIKE THEY'RE LESS THAN 21, THEY COULD STOP THEM. [LB31]

SPEAKER HADLEY: SO IT WOULD BE UP TO THE JUDGMENT OF THE OFFICER AS TO WHETHER HE FEELS THEY LOOK LIKE THEY'RE UNDER 21. [LB31]

SENATOR SCHUMACHER: RIGHT. I MEAN, HE'D HAVE TO TAKE A GUESSTIMATE AS TO AGE. [LB31]

SPEAKER HADLEY: OKAY. THANK YOU. I JUST HAVE A CONCERN THAT...DOES THIS GIVE ANY LEEWAY TO LAW ENFORCEMENT FOR PULLING PEOPLE OVER BECAUSE THEY, QUOTE, DON'T LOOK LIKE THEY'RE 21 AND THEY DON'T HAVE A HELMET ON? I DON'T KNOW. WE SPENT A LOT OF TIME TALKING ABOUT WHETHER OR NOT SEAT BELTS WERE A PRIMARY OR SECONDARY OFFENSE, WHETHER TEXTING WAS A PRIMARY OR A SECONDARY OFFENSE. I GUESS I'M JUST NOT...I'M CERTAINLY NOT A LAWYER AND I'M NOT...TRAFFIC LAW I DO NOT UNDERSTAND. SO MAYBE SOMEBODY LATER CAN HELP ME ON THIS AS TO WHETHER THIS...IF YOU'RE NOT WEARING A HELMET AND YOU LOOK LIKE YOU'RE UNDER 21, IS IT PROBABLE CAUSE FOR A PATROLMAN TO PULL YOU OVER OR A POLICEMAN TO PULL YOU OVER? IS IT A PRIMARY OFFENSE IF YOU'RE NOT WEARING A HELMET? IS IT A SECONDARY OFFENSE? I GUESS I'D LIKE JUST SOMEBODY WHO KNOWS A LOT MORE ABOUT TRAFFIC LAW TO HELP ME ON THAT. THANK YOU, MR. PRESIDENT. [LB31]

SENATOR KRIST: THANK YOU, SPEAKER HADLEY. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB31]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, MEMBERS. I'D LIKE TO BACK UP TO LAST WEEK A LITTLE BIT AND OFFER AN APOLOGY TO SENATOR BLOOMFIELD. I'VE ALREADY TALKED TO HIM OFF THE MIKE BUT WANTED TO MAKE THIS COMMENT ON THE MIKE. I THINK MY STAFF CAME TO ME AFTER SOME OF OUR DISCUSSION LAST WEEK AND SAID I'D REFERRED TO HIM AS SENATOR "BLOOMQUIST" WHICH IS A TERM THAT I HAVE HEARD IN THIS BODY BEFORE BY ANOTHER SENATOR. BUT I HAVE A FRIEND AND CONSTITUENT,

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IN THAT ORDER, WHO IS A BLOOMQUIST. AND I FLIPPED INTO THE TRAP OF HEARING THAT TERM OR THAT REFERENCE UNDER THE CHAMBER. IT WAS NOT MY INTENT TO TEASE OR AGITATE SENATOR BLOOMFIELD AT ALL. ALL THE YEARS THAT I'VE KNOWN HIM I HAVE NOT SLIPPED INTO THAT TRAP, BUT I WANTED TO MAKE IT CLEAR THAT IT WAS JUST A SLIP OF THE TONGUE, NOTHING MORE. BUT I STILL DON'T LIKE LB31--THAT WON'T SURPRISE HIM, SENATOR BLOOMFIELD, THAT IS--AND WILL CONTINUE TO TALK ABOUT THE REASONS WHY I DON'T THINK REPEAL OF THE HELMET LAW IS GOOD POLICY. I ALSO WANT TO READ AN E-MAIL THAT CAME TO US IN THE BODY LAST THURSDAY BEFORE WE BEGAN OUR DEBATE, I BELIEVE. YOU WOULD HAVE ALL GOTTEN COPIES OF THIS. BUT I'D LIKE TO READ THROUGH IT BECAUSE THE PERSON THAT WROTE IT I THINK HAS SOMETHING TO SHARE WITH US THAT'S WORTH HAVING ON THE RECORD. DEAR SENATORS, THE HELMET BILL WILL BE DEBATED SOON AND I WANTED TO WRITE TO YOU IN ORDER TO MAKE SURE YOU UNDERSTAND WHAT WILL MOST LIKELY HAPPEN IF YOU VOTE TO CHANGE OUR STATE'S UNIVERSAL HELMET LAW. I'M A PRIVATE CITIZEN, A LIFELONG MOTORCYCLIST, AND A CONCERNED TAXPAYER. I HAVE ALSO WORKED AS A MOTORCYCLE SAFETY INSTRUCTOR SINCE 1992, SO I HAVE A SPECIAL INTEREST IN THIS LEGISLATION. OPERATING A MOTOR VEHICLE ON PUBLICLY FUNDED HIGHWAYS IS THE MOST HIGHLY REGULATED ACTIVITY THAT YOUR CONSTITUENTS ENGAGE IN ON A DAILY BASIS. I THINK THOSE ARE WORDS OF WISDOM FOR ANY OF US REGARDLESS OF WHETHER WE TRAVEL ON FOUR WHEELS OR TWO WHEELS; THAT'S MY COMMENT. THE VARIETY OF TRAFFIC LAWS THAT WE MUST FOLLOW ARE DESIGNED TO GET US QUICKLY AND AS SAFELY AS POSSIBLE FROM POINT A TO POINT B IN ORDER TO SHOP, WORK, VISIT FAMILY AND FRIENDS, TESTIFY BEFORE THE LEGISLATURE, ETCETERA. WITHOUT THESE LAWS, OPERATING ANY MOTOR VEHICLE WOULD BE A CHAOTIC, TRAUMATIC, AND EVEN MORE DANGEROUS ACTIVITY THAN IT ALREADY IS IN THIS AGE OF THE CELL PHONE. WHILE AUTO AND LIGHT TRUCK OPERATORS HAVE BENEFITED GREATLY WITH TECHNOLOGICAL IMPROVEMENTS IN VEHICLE CRASH PROTECTION--AND HE GIVES EXAMPLES: AIR BAGS, STABILITY CONTROL SYSTEMS, COMPUTER-AIDED BRAKING, VEHICLE CRUSH ZONES, ETCETERA--A MOTORCYCLIST BASICALLY HAS ONLY THE GEAR THAT THEY WEAR ON THEIR BODIES TO PROTECT THEM IN THE EVENT OF A CRASH. THE MOST IMPORTANT ELEMENT OF THIS GEAR IS A DOT-COMPLIANT HELMET. REPEALING NEBRASKA'S REQUIREMENT TO WEAR A HELMET WHEN OPERATING A MOTORCYCLE TAKES AWAY THE SINGLE MOST IMPORTANT PROTECTIVE GEAR WE WEAR. THIS WILL SURELY RESULT IN MORE FATALITIES AND MORE TRAUMATIC BRAIN INJURIES AND INEVITABLY INCREASE THE HEALTHCARE COSTS THAT OUR STATE AND ITS TAXPAYERS MUST PAY FOR UNHELMETED

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RIDERS WHO SIMPLY FALL SIX FEET TO THE GROUND AND STRIKE THEIR HEAD ON THE PAVEMENT. THIS IS A CERTAINTY THAT HAS OCCURRED IN THE LAST DECADE IN MICHIGAN, PENNSYLVANIA, FLORIDA, AND TEXAS AS THESE STATES HAVE DONE EXACTLY WHAT YOU ARE BEING ASKED TO DO AND SHOULD YOU VOTE IN FAVOR OF LB31. THIS LEGISLATION IS SIMPLY BAD PUBLIC SAFETY POLICY AND IS EXACTLY THE WRONG THING TO DO AS AMERICANS FIND LESS AND LESS REASON TO PAY ATTENTION WHILE OPERATING THEIR CARS AND TRUCKS AS THEY MOVE ABOUT THE ROADS OF NEBRASKA. NEARLY EVERY WEEKEND BETWEEN APRIL 1 AND OCTOBER 31, A STUDENT FALLS IN A PARKING LOT... [LB31]

SENATOR KRIST: ONE MINUTE. [LB31]

SENATOR GLOOR: ...DURING ONE OF OUR STATE'S MOTORCYCLE SAFETY TRAINING CLASSES AND STRIKES THEIR HEAD HARD ON CONCRETE OR ASPHALT. THEY ARE ALWAYS ABLE TO FUNCTION COGNITIVELY AS THEY DID PRIOR TO THAT CRASH BECAUSE OF OUR REQUIREMENT TO WEAR A HELMET DURING THEIR TRAINING CLASS. I SEE THIS FIRSTHAND EVERY WEEKEND. I ASK THAT YOU PLEASE DO NOT GIVE IN TO THIS SMALL, VOCAL ORGANIZATION WHO SIMPLY DOESN'T WANT TO FOLLOW THE RULES, AND INSTEAD, DO WHAT IS RIGHT FOR PUBLIC SAFETY AND IS ALSO RIGHT FOR TAXPAYERS. VOTE NO, PLEASE, WHEN THE TIME COMES TO DO SO ON LB31. I'M A MECHANICAL ENGINEER, EMPLOYED IN OMAHA AS WELL AS NEBRASKA'S CHIEF MOTORCYCLE SAFETY INSTRUCTOR--CHIEF MOTORCYCLE SAFETY INSTRUCTOR. I LOVE TEACHING FOLKS ON THE WEEKENDS HOW TO OPERATE MOTORCYCLES SAFELY ON THE STREETS. AND THAT SUMS UP THE LETTER FROM OUR STATE'S CHIEF MOTORCYCLE SAFETY INSTRUCTOR. GREAT WORDS SUMMARIZING A LOT OF THOSE OF US WHO ARE OPPOSED TO LB31 AND OUR CONCERNS ABOUT THIS BILL SHOULD IT GO FORWARD. THANK YOU, MR. PRESIDENT. [LB31]

SENATOR KRIST: THANK YOU, SENATOR GLOOR. SENATOR CRAWFORD, YOU ARE RECOGNIZED. [LB31]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I RISE IN OPPOSITION TO LB31. I HAVEN'T SPOKEN ON THIS BILL SINCE WE'VE STARTED DEBATE SEVERAL HOURS AGO. I'VE JUST BEEN SITTING AND LISTENING AND POURING THROUGH THE STUDIES THAT WE HAVE IN FRONT OF US FROM VARIOUS GROUPS LOOKING AT WHAT THE EVIDENCE IS ON EACH SIDE, WHAT THE ARGUMENTS ARE ON EACH SIDE. AND I THINK IN THE HOURS

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THAT WE'VE BEEN ON THIS DEBATE, ON THE ONE HAND YOU'VE HEARD QUITE A BIT ABOUT LIBERTY AND THE STATE'S INTEREST IN PROTECTING LIBERTY. ON THE OTHER SIDE, YOU HEAR QUITE A BIT ABOUT THE STATE'S INTEREST IN PREVENTING FATALITIES AND TRAUMATIC BRAIN INJURY, BOTH FROM THE HUMAN INTEREST PERSPECTIVE OF SAVING LIVES AND FROM THE ACTUAL STATE FINANCIAL INTEREST IN REDUCING OUR OBLIGATIONS TO DEAL WITH THOSE TRAUMATIC BRAIN INJURIES WHEN THEY OCCUR. AND THIS REMINDS ME OF A DISCUSSION I HAD WITH MY CLASS MONDAY NIGHT. WE TALKED ABOUT THE FACT THAT MOST COMPLEX PUBLIC POLICY ISSUES ARE REALLY ABOUT TRADE-OFFS AND COMPLEX MIXES OF VALUES. BUT OFTEN IN THE DEBATE, THE DEBATE KIND OF NARROWS DOWN TO MAYBE ONE OR TWO CORE VALUES THAT GET DEBATED AND DISCUSSED. AND SO YOU MIGHT THINK IF YOU WERE LISTENING, THAT SOME OF US IN THIS BODY CARE ABOUT PUBLIC SAFETY AND SOME OF US CARE ABOUT LIBERTY. BUT I KNOW, COLLEAGUES, THAT REALLY ALL OF US CARE ABOUT BOTH OF THOSE FUNDAMENTAL VALUES. AND SO THE REAL QUESTION AS WE DECIDE ABOUT LB31, IS HOW WE BALANCE...OR HOW WE BALANCE THOSE TWO VALUES THAT WE ALL CARE ABOUT. I BELIEVE WE ALL CARE ABOUT LIBERTY AND WE ALL CARE ABOUT PREVENTING DEATHS AND TRAUMATIC BRAIN INJURY IN OUR STATE. SO ONE OF THE TOOLS THAT WE USE IN MY POLICY CLASS WHEN WE TALK ABOUT THIS FACT WHEN YOU HAVE A POLICY DEBATE AND THERE ARE COMPETING VALUES, IS HOW YOU HANDLE THAT SITUATION. IT'S NOT AN EASY ONE TO HANDLE. AND WE TALK ABOUT A THREE-PRONGED TEST THAT YOU CAN USE IN THIS SITUATION. AND THE THREE PRONGS: ONE, IS YOU TALK ABOUT AS YOU'RE TRYING TO DECIDE IN THIS CASE WHETHER TO ALLOW AN INTERFERENCE WITH LIBERTY. YOU'RE USING THIS THREE-PRONGED TEST. AND THE FIRST QUESTION OF THE TEST IS THE GRAVITY OF THE PROBLEM. THE SECOND PRONG IS THE DEGREE TO WHICH THE ACTION WOULD SOLVE THE PROBLEM. AND THE THIRD PRONG TO CONSIDER IS THE DEGREE OF INTERFERENCE WITH LIBERTY AS THAT VALUE IN THIS CASE. SO I'M JUST BRIEFLY GOING TO GO THROUGH THAT TEST IN MY...AND WHY I BELIEVE THAT THAT, AGAIN, DEMONSTRATES THE IMPORTANCE OF VOTING AGAINST LB31. SO THE GRAVITY OF THE PROBLEM IN THIS CASE IS TRAUMATIC BRAIN INJURY AND DEATH. WE'VE SEEN QUITE A BIT OF EVIDENCE OF THAT. THE SECOND PRONG IS THE DEGREE TO WHICH THE ACTION--IN THIS CASE, RESTRICTING...REQUIRING MOTORCYCLE HELMETS--SOLVES THE PROBLEM. SO WE'VE SEEN OVER AND OVER AGAIN THAT IT ACTUALLY DOES SOLVE THE PROBLEM OF TRAUMATIC BRAIN INJURY AND DEATH. WE HAVE EVIDENCE THAT THERE'S A 65 PERCENT...IT DECREASES THE ODDS OF TRAUMATIC BRAIN INJURY BY 65 PERCENT. IT DECREASES THE CHANCE OF FATALITIES BY 37 PERCENT. THAT'S A PRETTY DRAMATIC DEGREE TO WHICH REQUIRING HELMETS SOLVES

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OUR PROBLEM. AND THIS IS NOT JUST...WE ALSO HAVE EVIDENCE THAT THIS IS TRUE IN OUR OWN STATE AS WELL. WHEN NEBRASKA REINSTATED THE HELMET LAW IN 1989, THERE WAS A 22 PERCENT REDUCTION IN SERIOUS HEAD INJURIES. SO I DO BELIEVE IT DEFINITELY DOES MEET THE TEST OF...THAT THIS RESTRICTION ON LIBERTY DOES INDEED... [LB31]

SENATOR KRIST: ONE MINUTE. [LB31]

SENATOR CRAWFORD: ...ADDRESS THE PROBLEM. THANK YOU. SO THEN THE LAST ISSUE THEN IS REALLY WHAT'S THE DEGREE OF INTERFERENCE WITH LIBERTY. AND THAT...THEN WE HAVE TO ASK WHAT IS THE INTERFERENCE WITH LIBERTY OF REQUIRING A HELMET? IS IT A FUNDAMENTAL RELIGIOUS LIBERTY OR EXPRESSIVE LIBERTY? NO. IS IT A FUNDAMENTAL CHALLENGE TO RIGHTS LIKE VOTING OR ENGAGEMENT? NO. IS IT A CHALLENGE TO YOUR RIGHT TO CONTRIBUTE TO THE ECONOMY AND SUPPORT YOURSELF AND FAMILY? NO. IS IT AN INFRINGEMENT ON PRIVACY OR INVASIVE PROCEDURE? NO. IT IS AN INFRINGEMENT ON A LIBERTY OF CONVENIENCE AND PREFERENCE. SO IT IS AN INFRINGEMENT TO SAY THAT WHEN YOU RIDE YOUR MOTORCYCLE ON OUR PUBLIC HIGHWAYS IN OUR STATE THAT REQUIRES US TO CARE FOR YOU IF YOU HAVE AN ACCIDENT AND HAVE A TRAUMATIC BRAIN INJURY, IN THAT CASE WE'RE SAYING, YES, WE WILL INFRINGE ON THE LIBERTIES IN SAYING THAT YOU MUST WEAR YOUR HELMET. AND THAT IS A REASONABLE INFRINGEMENT OF THAT LIBERTY, I BELIEVE, GIVEN THE GRAVITY OF THE PROBLEM AND THE DEGREE TO WHICH REQUIRING HELMETS SOLVES THAT PROBLEM. THANK YOU, MR. PRESIDENT. [LB31]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. (VISITORS INTRODUCED.) THOSE STILL WISHING TO SPEAK: SENATOR HILKEMANN, BOLZ, PANSING BROOKS, SCHILZ, AND OTHERS. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB31]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I WOULD LIKE TO ADDRESS ONE OF THE QUESTIONS THAT HAS COME UP HERE, AND THAT'S THIS WHOLE THING OF FREEDOM. I LOVE FREEDOM. I LOVE LIVING IN THIS STATE. YOU KNOW, ON FRIDAY MY...ONE OF OUR COLLEAGUES HERE SAID THEY'D LIKE TO JUST DO AWAY WITH MOTORCYCLES AND BIKES ON ROADS ENTIRELY. WELL, IF THAT WERE THE ISSUE HERE TODAY, I'D BE FIGHTING TOOTH AND NAIL FOR THE RIGHT TO RIDE A MOTORCYCLE ON THE STREETS AND THE ROADS OF NEBRASKA. I WOULD BE FIGHTING TOOTH AND NAIL FOR THE RIGHT TO RIDE A BICYCLE ON

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THE ROADS AND STREETS OF NEBRASKA. WE...THERE'S A...AS I'VE ALLUDED TO BEFORE, I AM PROBABLY ONE OF THE MOST FORTUNATE PEOPLE IN THE WHOLE WIDE WORLD; AT LEAST THAT'S HOW I FEEL. THAT'S HOW I WAKE UP EVERY MORNING. I'VE HAD THE FREEDOM TO OWN TWO AIRPLANES AND TO LEARN HOW TO FLY A PLANE. BUT WHEN I TAKE OFF FROM EPPLEY AIRFIELD, I HAVE TO REPORT INTO THE FAA THAT I'M TAKING OFF. I ACTUALLY HAVE TO REPORT IN BEFORE I EVEN TAKE OFF. IT'S A REQUIREMENT. I LOVE THE FREEDOM OF BEING UP IN THE AIR. BUT I BETTER BE IN CONTACT WITH THE FAA SO THAT THEY KNOW I'M UP THERE SO THAT THEY CAN WARN OTHER PEOPLE THAT I'M UP THERE BECAUSE MAYBE NOT EVERYBODY SEES ME. I MIGHT GO THROUGH A CLOUD. THAT'S THE REASON WHY WE HAVE SUCH REGULATIONS AS THE FAA, TO CONTROL FLIGHT. I HAVE THE FREEDOM TO RIDE A BICYCLE. I CAN RIDE THAT. NOW I'M VERY CAREFUL WHERE I RIDE AND I GET MORE CAREFUL ALL THE TIME BECAUSE DRIVERS ARE NOT ALWAYS CAUTIOUS. THEY DON'T ALWAYS SEE ME. BUT THE RULES SAY THAT I CAN RIDE ON ANY STREET OR ROAD AS LONG AS I STAY ON THE LEFT (SIC) THREE FEET OF THAT ROAD. YOU'RE SUPPOSED TO GIVE ME SOME PRIVILEGES OF THAT. AND I WOULD ALSO SAY THAT PRESENT LAWS DO NOT MANDATE THAT YOU WEAR A HELMET, BUT I WOULDN'T GET ON A BICYCLE WITHOUT A HELMET. I THINK YOU'RE CRAZY TO RIDE A BICYCLE WITHOUT A HELMET. AND SO I'VE OWNED TWO MOTORCYCLES OVER THE YEARS. I'VE LOVED RIDING MOTORCYCLES. I'VE HAD THE FREEDOM TO OWN MOTORCYCLES. BUT ONE OF THE REQUIREMENTS IS IN THE STATE OF NEBRASKA THAT YOU NEED TO WEAR A HELMET. I THINK THAT IT'S JUST ONE OF THE RESPONSIBILITIES. EVERY FREEDOM, EVERY LIBERTY HAS SOME RESPONSIBILITIES. AND, THEREFORE, I CAN'T BUY THIS FREEDOM BUSINESS BECAUSE WE'RE NOT HERE TO TAKE AWAY MOTORCYCLES. WE'RE NOT HERE TO KEEP CYCLISTS OFF OF THE ROAD. WE WANT THEM TO ENJOY IT. WE'RE JUST SAYING THAT JUST AS YOU CAN'T BUY A CAR TODAY THAT ISN'T EQUIPPED WITH AIR BAGS, AND WE ALL APPRECIATE THAT ONE TIME WHEN YOU HAVE AN ACCIDENT WHEN THAT AIR BAG GOES OFF AND SAVES YOUR LIVES. I WOULD ASK ANY MOTORCYCLIST HERE TODAY THAT IF THEY WERE GOING TO...IF THEY KNEW THAT THEY WERE GOING TO GET ON THEIR MOTORCYCLE--AND THEY DIDN'T HAVE TO WEAR ONE, LET'S SAY--AND AT 25 MILES DOWN THE ROAD THEY WERE GOING TO HIT SOMETHING AND THROW THEM... [LB31]

SENATOR KRIST: ONE MINUTE. [LB31]

SENATOR HILKEMANN: ...THAT THEY WOULDN'T WANT TO HAVE A MOTORCYCLE HELMET IN PLACE TO PROTECT THEMSELVES. WE DON'T KNOW WHEN THAT ACCIDENT IS GOING TO HAPPEN. WE DON'T KNOW WHEN SOME ANIMAL IS



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GOING TO RUN OUT IN FRONT OF US. THAT'S THE REASON WE PROTECT OURSELVES. THAT'S WHY WE PUT AIR BAGS IN CARS, JUST IN CASE. AND THAT'S WHY I THINK IN NEBRASKA WE HAVE THE FREEDOM TO RIDE A MOTORCYCLE, WE HAVE THE RESPONSIBILITY TO PROTECT OUR HEADS WITH HELMETS BECAUSE THERE'S A CERTAIN NUMBER OF PEOPLE THAT'S GOING TO FOREVER ALTER THEIR LIVES. AND THERE'S A CERTAIN NUMBER OF THOSE PEOPLE THAT ARE GOING TO FOREVER BE ON THE RESPONSIBILITY OF OUR STATE THROUGH THE MEDICAID PROGRAM TO FUND THEIR PRIVILEGE OF NOT THROWING OFF THAT...PUTTING ON THAT MOTORCYCLE HELMET. THANK YOU, MR. SPEAKER. [LB31]

SENATOR KRIST: THANK YOU, SENATOR HILKEMANN. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB31]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I'D LIKE TO SPEND A FEW MINUTES SPEAKING ABOUT THE INSURANCE PERSPECTIVE ON THIS ISSUE. AND I'M CERTAINLY SOMEONE WHO USES HER INSURANCE, SOMEONE WHO PURCHASES INSURANCE. I'M A CONSUMER OF INSURANCE. AND THE CONCERN I HAVE IS THE IMPACT OF THESE SEVERE TRAUMATIC BRAIN INJURIES ON THE INSURANCE SYSTEM AS A WHOLE AND ON MY PERSONAL INSURANCE BILL. AND WHAT WE CAN LOOK TO IS SOME RESEARCH THAT'S BEEN DONE IN BOTH MICHIGAN AND PENNSYLVANIA. WHAT WE FOUND IN MICHIGAN WAS THAT AFTER REPEAL OF THEIR HELMET BILL, CLAIM SEVERITY INCREASED BY MORE THAN 22 PERCENT COMPARED TO CONTROL STATES AFTER THE HELMET LAW WAS WEAKENED. THE LIKELIHOOD OF HAVING A CRASH THAT PRODUCED AN INJURY ALSO INCREASED, AS EVIDENCED BY INCREASE IN CLAIM FREQUENCY. SO BECAUSE THESE HIGH-COST INJURIES INCREASED, SO DID MEDICAL CLAIMS AND SO DID RELATED INSURANCE COSTS. AND IF YOU DIG DEEPER, YOU RECOGNIZE THAT THAT'S BECAUSE OF THE COST OF SIGNIFICANT BRAIN INJURIES. YOU HAVE AN OCCUPATIONAL THERAPIST THAT IS WORKING ON SOMEONE'S ABILITY TO SPEAK AND ADDRESS THEIR FUNCTIONS OF DAILY LIVING. YOU MAY HAVE A PHYSICAL THERAPIST THAT IS WORKING AN INDIVIDUAL'S MUSCLES AND DEALING WITH THEIR TONE AND MAKING SURE THAT THEIR LEGS AND THEIR ARMS CAN STILL MOVE IN SPITE OF THE DECREASED PHYSICAL CAPACITY. YOU HAVE HOME HEALTH AIDES WHO ARE THERE DEALING WITH THEIR FUNCTIONS OF DAILY LIVING, WITH BOWEL MOVEMENTS, WITH BATHING, WITH MEDICATION. THESE THINGS ADD UP AND THEY'RE INCREDIBLY COSTLY. SIMILARLY, WE FIND IN PENNSYLVANIA THAT, CONSISTENT WITH OTHER STATES, ANALYSIS SHOWED INCREASES IN THE NUMBER AND RATE OF DEATHS AND SERIOUS INJURIES FOLLOWING THE REPEAL OF THE MANDATORY UNIVERSAL

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MOTORCYCLE HELMET LAW AND RELATED INCREASES IN CLAIMS, HOSPITALIZATIONS, HEAD INJURIES, AND OTHER THINGS THAT INCREASE THE COST OF INSURANCE. AT THE END OF THE DAY, YOU CAN ALSO LOOK AT YOUR OWN LIABILITY AND HOW THAT IMPACTS THE OVERALL FINANCIAL PICTURE FOR THIS STATE. IF A RESPONSIBLE PARTY HAS A LOW LIABILITY INSURANCE LIMIT, SAY \$25,000, WHICH IS SOMETHING THAT IS A REASONABLE LIMIT TO HAVE, THE LIABLE PARTY MIGHT BE FORCED TO RELINQUISH THEIR SAVINGS OR CLAIM BANKRUPTCY. AND WHEN WE HAVE PEOPLE IN OUR STATE CLAIMING BANKRUPTCY, THAT IMPACTS ALL OF US. LIABLE DRIVERS MIGHT EVEN LOSE THEIR JOB OR FACE PRISON TIME AS THE RESULT OF A FATAL CRASH. SO ALL OF THESE THINGS HAVE RIPPLE EFFECTS. ALL OF THESE CHOICES IMPACT THE BROADER SYSTEMS THAT WE PARTICIPATE IN AND THAT WE RELY ON TO PROTECT US, TO PROTECT OUR FINANCIAL INTERESTS, TO PROTECT OUR HEALTH AND SAFETY, AND TO PROTECT OUR COMMUNITIES AND SOCIETY AS A WHOLE. AND SO I REMAIN STAUNCHLY OPPOSED TO LB31. I DON'T THINK IT'S A GOOD FISCAL CHOICE NOT ONLY FROM THE INSURANCE PERSPECTIVE, BUT ALSO FROM THE MEDICAID PERSPECTIVE AND FROM MY PERSONAL PERSPECTIVE AS SOMEONE WHO DOESN'T WANT TO HAVE TO THINK ABOUT WHETHER OR NOT BANKRUPTCY CLAIMS AND LIABILITY INSURANCE CLAIMS AND MEDICAL CLAIMS ARE GOING TO INCREASE THE COSTS OF THE CHECKS THAT I WRITE ON A REGULAR BASIS TO BE A RESPONSIBLE CITIZEN. SO I URGE YOUR CONTINUED OPPOSITION TO LB31. THANK YOU, MR. PRESIDENT. [LB31]

SENATOR KRIST: THANK YOU, SENATOR BOLZ. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB31]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I JUST RISE IN OPPOSITION TO LB31. THERE ARE JUST A COUPLE OF THOUGHTS THAT I WANTED TO BRING UP THAT AAA HAD BROUGHT FORWARD IN THE COMMITTEE HEARING. FIRST OFF, THERE ARE A NUMBER OF LARGE MOTORCYCLE RALLIES IN STATES THAT REQUIRE HELMETS. THE HOLLISTER RALLY, WHICH HAPPENS IN CALIFORNIA AND IS THE BIRTHPLACE OF THE AMERICAN BIKER, OCCURS IN CALIFORNIA WHICH DOES REQUIRE HELMETS. THE ROLLING THUNDER RALLY, WHICH IS A TRIBUTE TO THOSE MISSING IN ACTION AND POWs, HAPPENS IN D.C. EVERY YEAR AND ATTRACTS OVER 500,000 PEOPLE. ALSO, IN NEBRASKA, OUR REGISTRATION FOR MOTORCYCLES HAS INCREASED IN THE LAST 20 YEARS, EVEN THOUGH WE DO HAVE A HELMET LAW. SO IT DOESN'T SEEM AS IF THE HELMET LAW IS CAUSING ANY KIND OF DISRUPTION TO THE NUMBER OF PEOPLE WHO ARE CHOOSING TO GET MOTORCYCLES AND BE REGISTERED TO RIDE THEM. SENATOR LARSON MENTIONED THAT WE WANT THE BUSINESS AND THE

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MOTORCYCLISTS HERE AND I WOULD TOTALLY AGREE. THAT'S TRUE. WE WANT EVERYBODY TO VISIT OUR STATE AND SEE OUR BEAUTIFUL STATE AND RIDE THROUGH IT. BUT I WOULD ALSO ADD THAT BECAUSE WE WANT YOU, WE DON'T NECESSARILY WANT TO ASSUME YOUR RISK THAT YOU'RE WILLING TO ASSUME, WHICH THEN WOULD COST OUR STATE A GREAT DEAL OF MONEY. WE DO WANT TO WELCOME ALL PEOPLE. FURTHER, AAA ALSO GAVE SOME INFORMATION FROM ROSE WHITE WHEN SHE TESTIFIED AND TALKED ABOUT THE TRAVEL IMPACT OF THE STURGIS RALLY WHICH IS, OF COURSE, DUE NORTH OF NEBRASKA. AND THEY TALKED ABOUT THAT THE STURGIS RALLY ATTENDANCE IN 2014 WAS ABOUT 420,000 PEOPLE AND THAT THE PERCENTAGE OF THOSE WHO WERE TRAILERING MOTORCYCLES WAS ABOUT 210,000. AND MANY PEOPLE DO TRAILER THEIR BIKES AND PUT THEM ON LITTLE TRAILERS BEHIND THEIR CARS DUE TO DISTANCE OR UNCERTAIN WEATHER CONDITIONS OR THE DESIRE TO USE A MOBILE HOME FOR LODGING, THE AGE OF THE RIDER, THE FATIGUE. AND SOME ESTIMATES WERE EVEN HIGHER. SO IF YOU TAKE THE 420,000 AND SUBTRACT 210,000, THEN YOU HAVE ANOTHER 210,000. AND THEN THE PERCENTAGE OF RIDERS WHO WEAR HELMETS IS ABOUT 50 PERCENT. THE NHTSA ESTIMATES THAT ON AVERAGE, 50 PERCENT WEAR HELMETS IN THE NO-HELMET STATES AND 99 PERCENT WEAR THEM IN THE HELMET STATES. SO THAT'S ABOUT 105,000. AND THEN THE GEOGRAPHIC LOCATION OF THE MAJOR TRAVEL ROUTES TO STURGIS, GENERALLY IF YOU'RE TRAVELING FROM MOST AREAS OF THE COUNTRY, THE UNBIASED MAPPING SERVICES SUCH AS MAPQUEST BASICALLY REQUESTS...RECOMMEND THAT YOU TAKE ROUTES THAT YOU BYPASS NEBRASKA BECAUSE THERE ARE NO NORTH-SOUTH ROUTES OTHER THAN I-29, REALLY. SO THAT TAKES OFF ANOTHER 94,500. SO THE ESTIMATED NUMBER THAT MIGHT BE IMPACTED ON TRAVEL IMPACT THE STURGIS RALLY IS FEWER THAN 10,500. AND OUT OF THAT, YOU WOULD EVEN NEED TO SUBTRACT THE NEBRASKA RIDERS FROM THAT TOTAL. SO I DON'T THINK THAT THIS IS A BIG ISSUE NECESSARILY. IT'S NOT A BIG ECONOMIC ISSUE... [LB31]

SENATOR KRIST: ONE MINUTE. [LB31]

SENATOR PANSING BROOKS: ...TO OUR STATE. THANK YOU, MR. PRESIDENT. THE OTHER POINT THAT AAA MADE WHEN THEY CAME AND TESTIFIED IS THAT MANY MOTORCYCLES ARE EQUIPPED WITH FUEL TANKS THAT HAVE ABOUT A 3.5 TO 6 GALLON CAPACITY. AND MANY HARLEY MOTORCYCLES HAVE A 50 MILE PER GALLON RATING ON AVERAGE. SO MOTORCYCLISTS FILLING THEIR FOUR GALLON TANK IN NEBRASKA WILL CONTRIBUTE AS THEY PASS THROUGH THE STATE ABOUT \$1.06 IN STATE GASOLINE TAXES. BUT THINK OF THE COST THAT WE'VE DISCUSSED TODAY OF THE RISK THAT WE HAVE IF THEY HAVE A

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TRAUMATIC BRAIN INJURY OR SOME OTHER HORRIFIC INJURY. SO, AGAIN, I RISE IN OPPOSITION TO LB31 AND AM942. SO THANK YOU VERY MUCH, MR. PRESIDENT. [LB31]

SENATOR KRIST: THANK YOU, SENATOR PANSING BROOKS. SENATOR SCHILZ, YOU ARE RECOGNIZED. [LB31]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, I SAT HERE THIS MORNING AND LISTENED TO EVERYONE TALK. I HEARD FOLKS TALK ABOUT THIS AS A SOLUTION TO A PROBLEM THAT'S OUT THERE. AND WHILE THAT MAY BE, WE SHOULD ALWAYS REMEMBER THAT SOME SOLUTIONS CAUSE OTHER PROBLEMS. WE TALK ABOUT HOW THERE'S RALLIES IN OTHER STATES THAT GO ON, PLACES LIKE CALIFORNIA, PLACES LIKE WASHINGTON, D.C. WELL, I HOPE A LOT OF PEOPLE DON'T SEE NEBRASKA AS BEING LIKE EITHER OF THOSE TWO PLACES. I REALLY DON'T. AND I'LL SAY THIS. WHEN YOU LOOK AT WHAT YOU COMPARE AS TO WHAT GOES ON AROUND PLACES, YOU LOOK TO YOUR NEIGHBORS, YOU LOOK TO SEE WHAT THEY ARE DOING SO THAT YOU CAN BE COMPETITIVE WITH THEM. SO LET'S LOOK AROUND TO OUR NEIGHBORS. ALMOST ALL OF THEM ALLOW FOLKS TO RIDE MOTORCYCLES WITHOUT HELMETS. I LOOK AT THE ECONOMICS OF THE SITUATION. I LOOK AT THE ECONOMICS AND THE OPPORTUNITY COSTS THAT WE HAVE AND IT MAKES ME REALLY WONDER WHAT WE THINK. EVERY ONE OF OUR CONSTITUENTS HAS TALKED ABOUT PROPERTY TAXES. SO LET'S TALK ABOUT GROWING THE PIE BIGGER OR CUTTING SPENDING. WELL, THIS IS AN OPPORTUNITY TO GROW THE PIE BIGGER. AND THE AVERAGE MOTORCYCLE ENTHUSIAST IF THEY GO ON VACATION, SPENDS BETWEEN 10 AND 14 DAYS ON VACATION AND THEY'LL SPEND AN AVERAGE OF \$150 A DAY. AND OUR NEIGHBORING STATES AND US HAVE ABOUT HALF A MILLION, 500,000 MOTORCYCLES REGISTERED. MOST OF THOSE FOLKS ARE BABY BOOMERS THAT DON'T MIND SPENDING SOME MONEY ON ENTERTAINMENT AND TRAVEL AND TOURISM. IF YOU COULD ONLY ATTRACT 10 PERCENT OF THOSE AND HAVE THEM SPEND A DAY OR TWO IN NEBRASKA, FOR EACH DAY THEY SPEND AT THIS \$150 MARK, THAT'S \$7.5 MILLION COMING INTO SOMEBODY'S BUSINESS PER DAY. IF YOU COULD JUST GET THEM TO SPEND A WEEK OR TWO WEEKS, IT STARTS ADDING UP TO A LOT OF MONEY. BUT WE DON'T NEED MONEY IN NEBRASKA, DO WE? NO, BECAUSE WE'RE SAFE. OKAY, WELL, THAT CHANGES IT, DOESN'T IT? BUT IT DOESN'T. THE ECONOMY RUNS ON PEOPLE SPENDING MONEY. AND THAT'S THE ONLY WAY IT RUNS, FOLKS. AND IF THE MONEY DOESN'T COME IN, WE CAN'T TAKE CARE OF OUR HEALTHCARE SYSTEMS. WE CAN'T TAKE CARE OF THESE PEOPLE THAT GET HURT AND THAT'S IMPORTANT TOO. SO, YES, THERE ARE RISKS EVERY SINGLE DAY. THOSE RISKS

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CAN BE MITIGATED. AND IF THAT'S THE CASE, IF WE THINK HELMETS ARE SUCH A GOOD IDEA, LET'S TALK ABOUT HORSES BECAUSE THOSE ARE ANIMALS THAT ARE UNPREDICTABLE AND PEOPLE RIDE THEM HERE IN NEBRASKA. SHOULD WE ALLOW THAT? RIDING A BICYCLE WITHOUT A HELMET. I DON'T THINK, SOMEBODY CAN CORRECT ME, BUT I DON'T THINK THERE'S A LAW AGAINST THAT. SO AS I LOOK AT THIS AND AS I START TO REALLY THINK ABOUT IT, I WONDER. AND THEN THE LAST THING THAT I'LL SAY IS EVERY SINGLE PERSON HERE...LET'S EQUATE THIS BACK TO WHAT YOU DO FOR A LIVING. I DON'T KNOW IF YOU'RE A FARMER, A LAWYER, A BANKER, A RANCHER, WHATEVER IT IS, YOU WANT THE ABILITY TO BE ABLE TO RUN YOUR BUSINESS AS YOU SEE FIT. [LB31]

SENATOR KRIST: ONE MINUTE. [LB31]

SENATOR SCHILZ: THANK YOU. ON A PERSONAL LEVEL, PEOPLE WANT TO BE ABLE TO RUN THEIR AFFAIRS AS THEY SEE FIT. PERSONAL RESPONSIBILITY, FOLKS, THAT'S THE KEY HERE AND THAT SHOULD BE OUR KEY EVERY DAY IN THE STATE OF NEBRASKA BECAUSE THAT TEACHES PEOPLE HOW TO DO THE RIGHT THING MOVING FORWARD WITHOUT HAVING SOMEBODY HOLD THE HAMMER OVER THEIR HEAD. LB31 IS THE RIGHT WAY TO GO, GUYS. IT'S THE DIRECTION THAT WE SHOULD BE HEADED IN. THANK YOU VERY MUCH. [LB31]

SENATOR KRIST: THANK YOU, SENATOR SCHILZ. MR. CLERK. [LB31]

CLERK: MR. PRESIDENT, I HAVE AN AMENDMENT TO LB547 TO BE PRINTED, BY SENATOR CAMPBELL. (LEGISLATIVE JOURNAL PAGES 946-947.) [LB547]

SENATOR KUEHN WOULD MOVE TO RECESS UNTIL 1:30 P.M.

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. WE ARE RECESSED UNTIL 1:30 P.M.

RECESS

SENATOR SULLIVAN PRESIDING

SENATOR SULLIVAN: GOOD AFTERNOON, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER. THE AFTERNOON SESSION

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IS ABOUT TO RECONVENE. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MADAM PRESIDENT.

SENATOR SULLIVAN: THANK YOU, MR. CLERK. DO YOU HAVE ANY ITEMS FOR THE RECORD?

CLERK: I HAVE NOTHING AT THIS TIME, MADAM PRESIDENT.

SENATOR SULLIVAN: THANK YOU, MR. CLERK. I WOULD NOW LIKE TO RECOGNIZE THE SPEAKER FOR AN ANNOUNCEMENT.

SPEAKER HADLEY: YES, I WILL BE HANDING OUT A MEMO ON THE CONSENT AGENDA. AND I JUST WANTED TO STRESS SOME OF THE ITEMS THAT ARE IN IT. FIRST OF ALL, WE'RE CHANGING THE PROCESS A LITTLE. THE INDIVIDUAL SENATOR NEEDS TO SEND ME A LETTER ASKING FOR CONSENT ON ONE OF THEIR BILLS. IN THE PAST, IT'S GONE TO THE COMMITTEE CHAIRS, BUT IT SHOULD GO DIRECTLY TO ME ASKING. REMEMBER, THE BILL MUST BE NONCONTROVERSIAL. IT OPENS UP ITEMS THAT ARE NONCONTROVERSIAL. BILL DOES NOT INCLUDE A LOT OF CHANGES AND DOES NOT HAVE A GENERAL FUND IMPACT AND THE BILL HAD TO BE REPORTED TO GENERAL FILE BY TODAY. SO BASICALLY, YOU HAVE THE INFORMATION. IF YOU'LL GET THOSE IN TO ME, I WILL THEN BE HAVING A CONSENT AGENDA SOMETIME IN THE MIDDLE OF APRIL. THANK YOU, MADAM PRESIDENT.

SENATOR SULLIVAN: THANK YOU, MR. SPEAKER. WE WILL NOW PROCEED TO THE FIRST ITEM ON THIS AFTERNOON'S AGENDA. MR. CLERK.

CLERK: MADAM PRESIDENT, THE LEGISLATURE RETURNS TO CONSIDERATION OF LB31. COMMITTEE AMENDMENTS ARE PENDING AS IS AN AMENDMENT FROM SENATOR HILKEMANN, AM942, AS AMENDMENT TO THE COMMITTEE AMENDMENTS. (LEGISLATIVE JOURNAL PAGE 940.) [LB31]

SENATOR SULLIVAN: SENATOR BLOOMFIELD, A REVIEW OF LB31. [LB31]

SENATOR BLOOMFIELD: COLLEAGUES, THE REVIEW HASN'T CHANGED. WE'RE STILL TRYING TO GET PEOPLE THE RIGHT TO DECIDE WHETHER OR NOT THEY

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CHOOSE TO WEAR A HELMET. AND IT'S NOT ALL PEOPLE. THIS IS ADULT, MATURE PEOPLE OVER THE AGE OF 21 WOULD BE ALLOWED THE DECISION AS TO WHETHER OR NOT TO WEAR A HELMET. THANK YOU. [LB31]

SENATOR SULLIVAN: THANK YOU, SENATOR. AND YOU ARE THE FIRST ONE IN THE QUEUE, IF YOU WOULD LIKE TO PROCEED WITH YOUR COMMENTS. [LB31]

SENATOR BLOOMFIELD: THANK YOU, MADAM PRESIDENT. AGAIN, COLLEAGUES, WHAT WE'RE TALKING ABOUT HERE TODAY AND FOR THE LAST FEW DAYS IS IMPORTANT TO THE STATE OF NEBRASKA, NOT JUST TO THE PEOPLE THAT RIDE. WE'VE DISCUSSED THE ECONOMIC FREEDOM. WE'VE DISCUSSED THE DECISION TO MAKE UP YOUR OWN MIND WHAT'S BEST FOR YOU INSTEAD OF HAVING THE LONG ARM OF THE GOVERNMENT COME IN. I MENTIONED BEFORE THAT I'VE BEEN CHASING A MOVING GOALPOST. JUST A REMINDER OR TWO OF WHERE WE'VE BEEN AND HOW I CAN'T SEEM TO GET THERE TO PEOPLE. WE'VE HAD THE OPPOSITION COME AROUND AND SAY--IF WE COULD GET A SAFETY COURSE, IF EVERYBODY HAD TO TAKE THE SAFETY COURSE, I COULD SUPPORT THIS. I SAID I DON'T HAVE A PROBLEM WITH THAT. THE BIKER GROUPS DON'T HAVE A PROBLEM WITH THAT. THE INDIVIDUAL BIKE RIDERS I'VE TALKED TO DON'T HAVE A PROBLEM WITH THAT. LET'S DO IT. WELL, THAT WENT AWAY. THAT WASN'T GOOD ENOUGH ANYMORE. I HAD A SENATOR COME OVER HERE AND SAID, I DROPPED AN AMENDMENT ON YOUR BILL THAT CREATES A BRAIN TRUST. I SAID, FINE. HOW MUCH MONEY YOU NEED IN IT? THE BIKERS HAVE ALREADY AGREED TO HELP FUND IT. TEN DOLLARS PER LICENSE ENOUGH? DO YOU NEED \$15? DO YOU NEED \$20? WHAT DO YOU NEED? THE BIKERS HAVE ALREADY AGREED TO DO IT. THAT AMENDMENT WAS PULLED. THAT WASN'T GOOD ENOUGH ANYMORE. WE CAN'T GO THERE. HE SAID, HOW ABOUT WE PUT A SUNSET CLAUSE ON IT? I SAID FINE, LET'S GO TEN YEARS. OH, NO, THAT'S WAY TOO LONG. WELL, THAT'S WHAT IT TAKES FOR THE INFORMATION TO ROLL AROUND AND BE ACCURATE, IS TEN YEARS. BUT I SAID FINE, LET'S GO FIVE. SUDDENLY NOW THAT AMENDMENT IS SETTING THERE, BUT WE CAN'T GET TO IT BECAUSE WE CAN'T EVEN GET A VOTE ON THE COMMITTEE AMENDMENT. SO THAT'S BEEN REMOVED. THERE IS NOTHING YOU CAN DO TO CATCH A MOVING GOALPOST. I REFERRED TO IT AS BEING DOUBLE CROSSED. ONE OF THE LOBBYISTS TOOK GREAT OFFENSE TO THAT. WELL, THEY CAN GO AHEAD AND TAKE OFFENSE, I REALLY DON'T CARE. THAT'S WHERE WE'RE AT. I'VE REACHED EVERY GOAL THEY PUT IN FRONT OF ME WITH THE EXCEPTION OF VOTING FOR MEDICAID EXPANSION TO TRY TO GET ALONG WITH THEM AND THEY KEEP MOVING THE GOALPOST. I'M TIRED OF PLAYING THIS GAME. I'VE LOST A LOT OF FAITH IN A LOT OF THE PEOPLE I USED TO TRUST IN THIS BODY. BUT WE'RE

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GOING TO TAKE THIS OUT TO WHERE IT GOES. WE'LL SEE WHERE THE VOTES COME IN. UNFORTUNATELY, TWO OF THE PEOPLE THAT SIGNED ON TO THE BILL ARE NOT HERE TODAY. I ASKED IF WE COULD POSSIBLY HOLD THE VOTE UNTIL THEY COULD BE HERE. I WAS TOLD THERE IS NO WAY TO DO THAT ANYMORE. IT'S BEEN DONE IN THE PAST, BUT WE CAN'T DO IT NOW. SO COLLEAGUES, AS I CIRCULATED AROUND...I JUST HAD HANDED OUT TO YOU A SHEET OF PAPER WITH REAL NUMBERS ON IT, NOT THE "WHAT IF" NUMBERS, NOT THE MAKE BELIEVE NUMBERS, NOT NUMBERS THAT WE'VE CHASED IN MICHIGAN AND FLORIDA AND GOD ONLY KNOWS WHERE TO GET. BUT IF YOU TAKE A LOOK AT THAT SHEET OF PAPER THAT I JUST HAD CIRCULATED OUT AFTER LUNCH, GO TO THE BOTTOM LINE, BECAUSE THAT'S WHAT WE'RE LOOKING AT, IS BOTTOM LINE HERE. [LB31]

SENATOR SULLIVAN: ONE MINUTE. [LB31]

SENATOR BLOOMFIELD: THANK YOU, MADAM PRESIDENT. AND COMPARE THE PERCENTAGE OF INJURIES AND DEATHS IN NEBRASKA WITH OUR MOTORCYCLE HELMET LAW IN FULL EFFECT, VERSUS IOWA THAT HAS NONE, AND SOUTH DAKOTA THAT HAS AN INTERMEDIATE, AND YOU WILL FIND THAT WE, WITH FULL HELMETS, INJURE AND KILL MORE PEOPLE PER LICENSED OPERATOR THAN DOES IOWA WITH NO HELMET LAW WHATSOEVER. COLLEAGUES, THESE NUMBERS ARE NOT FROM OUT IN SPACE SOMEWHERE. THESE ARE FROM OUR OWN DEPARTMENT OF MOTOR VEHICLES, OUR OWN HEALTH AND HUMAN SERVICES DIVISION, THE IOWA DEPARTMENT OF TRANSPORTATION, AND THE SOUTH DAKOTA DEPARTMENT OF PUBLIC SAFETY. LOOK AT THE NUMBERS. [LB31]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: TIME, SENATOR. THOSE IN THE QUEUE ARE SENATORS GLOOR, CAMPBELL, CRAWFORD, GROENE, AND OTHERS. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB31]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I'M GLAD I FELL IN BEHIND WITH THESE NUMBERS. I SUPPOSE YOU CAN COMPARE NEBRASKA AND IOWA AND OTHER STATES, BUT COMPARING THEM YOU NEED TO KNOW HOW DOES THAT RELATE TO MILES TRAVELED? HOW DOES THAT RELATE TO THE PERCENTAGE OF INJURIES VERSUS HEAD...AND WE'RE NOT JUST TALKING ABOUT DEATHS HERE. WE'RE ALSO TALKING ABOUT PEOPLE WHO ARE DEBILITATED. I MEAN, THE



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NUMBER THAT'S MEANT THE MOST TO ME OVER THE YEARS HAS BEEN THE ONE THAT COMES FROM THE PACKET THAT WAS HANDED OUT BY SENATOR HILKEMANN WHEN WE BEGAN THIS DEBATE AND THE ONE THAT I REPLICATED AGAIN, AT LEAST A PORTION OF IT, THAT I REPLICATED AGAIN LAST FRIDAY. AND THAT SHOWS WHAT HAPPENED WITH MOTORCYCLE FATALITIES IN THE STATE OF NEBRASKA WHEN WE IMPLEMENTED THE HELMET LAW; HOW DRAMATIC THAT INCREASE WENT FROM 31 IN '87 TO 13 BY THE TIME WE GOT AROUND TO FULL IMPLEMENTATION IN 1989, TO 6 IN 1990, AND STAYED RELATIVELY LEVEL UNTIL THE EARLY 2000s WHEN THE NUMBER OF MOTORCYCLE RIDERS IN THIS STATE BEGAN TO DOUBLE OVER THE NUMBER THAT USED TO BE OUT THERE BEFORE. I HAVE NO IDEA WHAT IOWA'S MOTORCYCLE USAGE IS. I HAVE NO IDEA WHAT NUMBER OF MILES THEY TRAVEL. I HAVE NO IDEA WHETHER THOSE FATALITIES CAME AS A RESULT OF BAD RIDING BY THE MOTORCYCLISTS OR BAD DRIVING BY PEOPLE IN MOTOR VEHICLES OR TRUCKS. DON'T KNOW WHAT HAPPENED OVER IN IOWA, BUT WE DO KNOW WHAT HAPPENED IN NEBRASKA ONCE WE IMPLEMENTED THE HELMET LAW, AND IT WAS DRAMATIC. IT WAS DRAMATIC. LET ME GO BACK TO SOME INFORMATION HERE FROM THE NATIONAL TRANSPORTATION AND SAFETY BOARD: NATIONAL TRANSPORTATION AND SAFETY BOARD TODAY ISSUED RECOMMENDATIONS OF STATES TO REQUIRE ALL MOTORCYCLISTS AND THEIR PASSENGERS TO WEAR DEPARTMENT OF TRANSPORTATION FEDERAL MOTOR VEHICLE SAFETY STANDARD COMPLIANT HELMETS. CURRENTLY, 20 STATES, THE DISTRICT OF COLUMBIA, AND FOUR TERRITORIES HAVE UNIVERSAL HELMET LAWS REQUIRING ALL RIDERS TO WEAR A HELMET. TWENTY-SEVEN STATES AND ONE TERRITORY HAVE PARTIAL LAWS THAT REQUIRE MINORS AND THEIR PASSENGERS TO WEAR HELMETS. THREE STATES HAVE NO HELMET LAWS WHATSOEVER. THE FACTS ARE VERY CLEAR. HEAD INJURIES ARE A LEADING CAUSE OF DEATHS IN MOTORCYCLE CRASHES, SAID AT NTSB CHAIRMAN MARK V. ROSENKER. THE MOST IMPORTANT STEP RIDERS CAN TAKE IN TERMS OF PROTECTING THEMSELVES AND STAYING ALIVE IS TO WEAR A D.O.T. COMPLIANT HELMET EVERY TIME THEY RIDE. EXCUSE ME. FMVSS-218 COMPLIANT HELMETS ARE DESIGNED WITH A HARD OUTER SHELL, AN IMPACT ATTENUATING LINER, AND A RETENTION SYSTEM TO PROTECT THE HEAD, ESPECIALLY THE BRAIN IN A VARIETY OF IMPACT SCENARIOS. UNIVERSAL HELMET LAWS HAVE PROVEN EFFECTIVE IN THE MITIGATION OF INJURIES AND THE PREVENTION OF FATALITIES. IMPLEMENTING THESE RECOMMENDATIONS WILL TAKE STRONG LEADERSHIP IN THE STATES, ROSENKER SAID. I HOPE THAT THE GOVERNORS AND LEGISLATIVE LEADERS IN THE STATES WILL ACT PROMPTLY AND DECISIVELY TO IMPLEMENT THE UNIVERSAL HELMET LAWS RECOMMENDED TODAY BY THE BOARD. SINCE 1997, MOTORCYCLE FATALITIES HAVE INCREASED 127 PERCENT. LAST YEAR, 4,810

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MOTORCYCLISTS DIED IN CRASHES AND ACCOUNTED FOR MORE THAN 10 PERCENT OF ALL MOTOR VEHICLE CRASH FATALITIES. THAT'S AN INTERESTING NUMBER, THAT 10 PERCENT OF ALL MOTOR VEHICLE CRASH FATALITIES RELATED TO MOTORCYCLES WHEN YOU CONSIDER HOW MUCH WE HAVE REGULAR CARS, TRUCKS, COMMERCIAL VEHICLES THAT ARE OUT THERE ON THE ROADS. AND YET, 10 PERCENT OF ALL FATALITIES IN OUR COUNTRY COME FROM MOTORCYCLE DRIVERS. LAST SEPTEMBER, THE SAFETY BOARD HELD A PUBLIC FORUM AND GATHERED INFORMATION ON ONGOING MOTORCYCLE RESEARCH... [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT...AND INITIATIVES, AS WELL AS COUNTER MEASURES THAT MAY REDUCE THE LIKELIHOOD OF MOTORCYCLE ACCIDENTS AND FATALITIES. THE MEETING INCLUDED PARTICIPANTS REPRESENTING GOVERNMENT, MOTORCYCLE MANUFACTURERS, MOTORCYCLIST ASSOCIATIONS, STATE MOTORCYCLE RIGHTS ORGANIZATIONS, RESEARCHERS, TRAUMA PHYSICIANS, LAW ENFORCEMENT, AND INSURANCE COMPANIES. AS A RESULT OF TODAY'S MEETING, THE NATIONAL TRANSPORTATION SAFETY BOARD ISSUED THE FOLLOWING RECOMMENDATIONS... AND I WILL END WITH THAT AND THE NEXT TIME I'M ON THE MIKE, WE'LL FINISH UP THE RECOMMENDATIONS THAT CAME AS A RESULT OF THAT MEETING. THANK YOU, MR. PRESIDENT. [LB31]

SPEAKER HADLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED. OTHERS IN THE QUEUE ARE SENATORS CRAWFORD, GROENE, HAAR, HILKEMANN, BLOOMFIELD, AND GLOOR. SENATOR CAMPBELL. [LB31]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. IT SEEMS STRANGE TO BE IN THE CHAMBER IN THE AFTERNOONS, BUT WE ALL WILL GET USED TO IT QUITE QUICKLY, I THINK. I HAD INDICATED TO YOU THAT I WANTED TO CONTINUE SHARING STORIES, BECAUSE I THINK TO SOME EXTENT WE DO LOOK AT THE STATISTICS. I REALIZE HOW IMPORTANT THEY ARE AND EVERY ONE OF US IS TRYING TO POINT OUT THE DIRE STATISTICS THAT ARE APPARENT IN THE REPORTS THAT WE ARE READING. BUT SOMETIMES IT'S ALSO IMPORTANT TO STEP BACK AND TO HEAR FROM PEOPLE WHO HAVE CARED FOR SOMEONE WHO HAS HAD A MOTORCYCLE ACCIDENT. AND I WAS REVIEWING ALL OF MY E-MAIL THIS WEEKEND, IN PARTICULAR THE E-MAILS I RECEIVED ON LB31, AND CAME ACROSS THIS ONE THAT I FELT WAS IMPORTANT

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TO SHARE. AND IT SAYS: GOOD MORNING, KATHY. I AM A REGISTERED NURSE AT MADONNA REHAB HOSPITAL, WORKING PRIMARILY ON THE TRAUMATIC BRAIN INJURY UNIT. I HAVE SEEN THE EFFECTS OF RIDING A MOTORCYCLE WITHOUT A HELMET FIRSTHAND. ONE EXAMPLE IS A YOUNG MAN IN HIS EARLY '30s, HOME ON LEAVE FROM THE NAVY. HE FLEW FIGHTER JETS OFF OF CARRIERS; THE BEST AND THE BRIGHTEST AMERICA HAS. HE WAS RIDING HIS MOTORCYCLE AND HAD AN ACCIDENT AND CAME TO NEBRASKA, AND THUS TO MADONNA FOR REHAB. HE WAS FROM A STATE THAT DOESN'T REQUIRE A HELMET. WHEN HE DISCHARGED, HE WENT HOME TO A SKILLED NURSING FACILITY TO LIVE OUT THE REST OF HIS LIFE. I HAVE SEEN FIRSTHAND THE EFFECTS OF NOT WEARING A HELMET; HOW HORRIBLE. PLEASE COME AND VISIT OUR UNIT AND SEE. IT IS AWFUL. MARRIAGES, FAMILIES, LIVES ARE DEVASTATED, DESTROYED, RUINED DUE TO NOT WEARING A HELMET. PLEASE VOTE AGAINST REPEALING THE HELMET LAWS. WE HAVE SEAT-BELT LAWS. WE REALLY NEED TO CONTINUE THE HELMET USE. I THINK IT'S IMPORTANT OFTENTIMES FOR US TO PAY ATTENTION TO THE MEDICAL PEOPLE WHO ADVISE US ON ISSUES BEFORE THE LEGISLATURE BECAUSE THEY ARE THE FIRSTHAND, THEY'RE THE FIRST LINE. AND IN THE PACKET THAT SENATOR HILKEMANN DISTRIBUTED TO US LAST WEEK, THE VERY LAST PAGES--AND I MENTIONED THIS ONCE BEFORE, BUT I THINK IT'S IMPORTANT ENOUGH TO REPEAT--IS THAT THERE IS NEARLY THREE PAGES, FULL PAGES OF PEOPLE WHO HAVE COME TOGETHER AS A COALITION, MEMBERS OPPOSING LB31. I WOULD SAY THAT PROBABLY EVERY MAJOR MEDICAL ASSOCIATION OF SOME SORT IS ON THAT LIST, AS WELL AS A NUMBER OF HOSPITALS ACROSS THE STATE OF NEBRASKA BECAUSE THEY SEE THE PATIENTS WHO COME INTO THEIR ERS, WHO THEY WORK IN THEIR SPECIALIZED UNITS WHEN THEY GO TO A REHAB HOSPITAL. AND YOU MAY GET YOUR COST PAID FOR WHEN YOU'RE IN THE HOSPITAL, AND YOU MAY GET SOME OF YOUR REHAB PAID, PROBABLY THE PHYSICAL THERAPY PART OF IT FOR A PERIOD OF TIME. BUT THEN MANY OF THESE FOLKS GO TO A NURSING CARE FACILITY. AND I DON'T KNOW WHETHER YOU'VE LOOKED INTO NURSING CARE FACILITY, MANY OF US DID FOR OUR PARENTS, WHICH CAN RUN ANYWHERE FROM \$5,000 TO \$7,000... [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT...A MONTH. YOUR RESOURCES WOULD SOON BE DEPLETED, AND THEREIN COMES THE NEED FOR MEDICAID. THIS IS AN IMPORTANT QUESTION TO THE STATE. I HOPE THAT YOU ALL GIVE SERIOUS CONSIDERATION TO THE QUESTION BEFORE US. THANK YOU, MR. PRESIDENT. [LB31]

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SPEAKER HADLEY: SENATOR CRAWFORD, YOU ARE RECOGNIZED. [LB31]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I WAS GOING TO RISE INITIALLY TO TALK ABOUT THE COMMITTEE AMENDMENTS, AND I STILL WILL DO SO IF I HAVE A CHANCE, BUT I JUST DID WANT TO MAKE A COMMENT ABOUT THE NUMBERS THAT WERE PROVIDED BY SENATOR BLOOMFIELD. AND I APPRECIATE SENATOR BLOOMFIELD'S PASSION FOR THIS ISSUE AND I DO APPRECIATE HIS WILLINGNESS TO ENGAGE OTHER PEOPLE IN THIS TOPIC. HE IS A PASSIONATE ADVOCATE AND ALWAYS IS, I THINK, VERY OPEN TO HAVING A DISCUSSION WITH PEOPLE WHO ARE ON THE OTHER SIDE AND OPEN TO HAVING THAT DIALOGUE AND OPEN TO SEEING IF THERE ARE WAYS WE CAN FIND AGREEMENT AND I RESPECT HIM FOR THAT AND APPRECIATE HIS WORK ON THAT FRONT. AND IN THAT VEIN, I DID TALK TO SENATOR BLOOMFIELD A BIT BEFORE THIS BILL HIT THE FLOOR AND HE SHOWED ME THESE NUMBERS AND SO IT WAS INTERESTING TO ME. AND I SAID: WELL, THAT'S VERY INTERESTING, SENATOR BLOOMFIELD. I'M GOING TO HAVE TO GO BACK AND LOOK AT THOSE STUDIES, LOOK AT THOSE NUMBERS AGAIN. SO I APPRECIATE HIM BRINGING THEM TO THE FLOOR. WHEN I DID GO BACK, BACK TO THE STUDIES AND TRIED TO GO BACK WITH A VERY OPEN MIND TO WHAT I SAW IN THE STUDIES, A COUPLE THINGS WERE APPARENT TO ME AS I WENT BACK AND LOOKED OVER THE STUDIES AGAIN. ONE OF THEM IS THAT WHEN WE'RE LOOKING AT DIFFERENCES IN FATALITIES OR INJURIES, THERE ARE THREE KEY FACTORS THAT APPEAR TO BE IMPORTANT IN STUDIES WHEN WE LOOK AT FATALITIES AND INJURIES. SO ONE IS HELMET USE OR NOT, AND THAT'S KEY. ANOTHER KEY ISSUE IS ALCOHOL USE. AND I THINK THAT MAY HELP EXPLAIN PERHAPS THOSE HIGH SOUTH DAKOTA NUMBERS THAT YOU SEE IN THIS TABLE. THAT'S SOMETHING THAT SENATOR BLOOMFIELD AND I BOTH AGREED ON, THAT THAT'S PROBABLY WHAT'S HAPPENING IN THE SOUTH DAKOTA NUMBERS. SO ONE IS HELMET USE, ONE IS ALCOHOL USE. ANOTHER KEY ISSUE IS MILES DRIVEN. AND THAT WAS THE POINT, I THINK, THAT SENATOR GLOOR WAS RAISING THAT IN OUR STATE, WE HAVE A LOT MORE DISTANCE TO COVER AND SO PEOPLE MAY BE DRIVING MORE MILES. BUT ANOTHER KEY FACTOR IS SPEED. AND I SUSPECT THAT'S ALSO PART OF WHAT'S GOING ON AND WHY OUR FATALITIES AND INJURIES PER LICENSE ARE LOWER THAN IOWA IS THAT WE HAVE HIGHER SPEED LIMITS AND, AGAIN, MORE OPEN ROADS, SO IT IS A GOOD CHANCE THAT MORE OF OUR MOTORCYCLISTS ARE GOING FASTER AND THUS MAY HAVE MORE LIKELIHOOD OF INJURY AND FATALITY WHEN THEY HAVE AN ACCIDENT. SO FUNDAMENTALLY, AGAIN, WHEN WE'RE LOOKING AT CAUSES AND STATISTICAL PATTERNS, ONE QUESTION WHEN WE SEE A PATTERN IS TO ASK, ARE THERE OTHER CAUSES AT PLAY? AND I WOULD ARGUE THAT IN THIS CASE, LIKELY

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SPEED AND MILES TRAVELED ARE OTHER FACTORS THAT ARE AT PLAY IN NEBRASKA, WHICH IS WHY THE EVIDENCE FROM NEBRASKA ABOUT WHAT HAPPENED WHEN WE CHANGED OUR POLICY IS VERY CRITICAL. AND THAT EVIDENCE DID SHOW A REDUCTION IN INJURIES WHEN WE CHANGED OUR POLICY. THEN ANOTHER FACTOR TO CONSIDER IS WHEN THERE IS A VARIABLE-- IN THIS CASE, HELMET USE--THAT YOU'RE WONDERING ABOUT AND WHY IS THE DIFFERENCE BETWEEN IOWA AND NEBRASKA, WHAT IT IS IN THIS TABLE, GIVEN THE DIFFERENCE IN HELMETS? YOU GO INTO IOWA ITSELF AND YOU LOOK TO SEE HOW DO HELMETS WORK IN IOWA. AND WHEN YOU DO SO, COLLEAGUES, YOU FIND OUT THAT IN THE STATE OF IOWA IN 2014, 76 PERCENT OF THE FATALITIES THAT HAPPENED IN IOWA WERE BY PEOPLE NOT WEARING A HELMET. IN 2013, 83 PERCENT OF THE FATALITIES IN IOWA WERE PEOPLE NOT WEARING A HELMET. AND IN 2012, 75 PERCENT OF THE FATALITIES IN IOWA WERE PEOPLE NOT WEARING A HELMET. AND IN 2011, 84 PERCENT OF THE FATALITIES IN IOWA WERE PEOPLE NOT WEARING A HELMET. NOW GRANTED, YOU HAVE TO RECOGNIZE... [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR CRAWFORD: PARDON? [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. THERE'S SOME SELF-SELECTION GOING ON IN THAT PEOPLE WHO DON'T WEAR HELMETS PROBABLY ALSO ENGAGE IN RISKY BEHAVIOR. BUT I THINK EVEN ALLOWING FOR THAT EXCEPTION, THE FACT THAT IT'S OVER 75 PERCENT OR OVER 75 PERCENT OF THE FATALITIES IN IOWA IN THE PAST FOUR YEARS ARE PEOPLE NOT WEARING HELMETS SUGGEST THAT HELMETS DO, IN FACT, SAVE LIVES AND IT'S IMPORTANT FOR US TO KEEP OUR REQUIREMENT THAT YOU WEAR A HELMET WHEN YOU'RE ON THE HIGHWAY. THANK YOU, MR. PRESIDENT. [LB31]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LB31]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. LAST FRIDAY WHEN I SPOKE AT THE CLOSE, JUST BEFORE I WAS RAN OUT OF TIME, I WAS MAKING A POINT, A SARCASTIC POINT IN JEST THAT HOW FAR DO YOU WANT TO TAKE THE NANNY STATE KIND OF MENTALITY? THE FACT, MOTORCYCLE ACCIDENTS YOU HAVE A HIGH INJURY RATE, YOU HAVE A HIGH DEATH RATE. YOU ALSO HAVE THAT

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WHEN YOU'RE...WITH BICYCLES. I BROUGHT UP MOTORCYCLES AND BICYCLES. WOULDN'T WE ALL BE SAFER IN THE CONFINES OF A CAR OR A PICKUP WITH AN AIR BAG AND A SEAT BELT? THE REALITY IS, WE'RE JUST...WE WANT TO BE PRACTICAL. WE'RE ALL GOING FROM POINT A TO POINT B. SO WHY SHOULD WE BE ON THE HIGHWAYS WITH MOTORCYCLES OR BICYCLES? SO HOW FAR DO YOU WANT TO TAKE THIS RATIONALE? PEOPLE ARE A LOT SAFER. I TRAVEL THE ROADS OF WESTERN NEBRASKA, AND I'M NOT PICKING ON MY NEIGHBOR HERE, SENATOR HILKEMANN. DID I GET IT RIGHT? [LB31]

SENATOR HILKEMANN: GREAT! YOU GOT IT. [LB31]

SENATOR GROENE: FELLOW GERMAN, I OUGHT TO BE ABLE TO GET THAT RIGHT. BUT ANYWAY...BECAUSE HE LIKES TO RIDE BICYCLES. BUT THE POINT IS, IT'S NOT A PRACTICAL USE TO GET SOMEWHERE OUT ON THE HIGHWAYS. AND I TRAVEL THOSE HIGHWAYS AND THERE IS NO SHOULDERS ON A LOT OF THEM; IT'S REALLY DANGEROUS. I COME OVER A HILL ON HIGHWAY 23 OR HIGHWAY 26 OR HIGHWAY 20 AND IN THE SUMMERTIME AND I RUN ACROSS PEOPLE ON BICYCLES. A LOT OF THEM DON'T HAVE HELMETS ON. DID YOU KNOW THAT YOU CAN HAVE A BICYCLE ON OUR STATE HIGHWAYS AND NOT WEAR A HELMET? THERE IS NO LAW. MAYBE WE OUGHT TO ADD THAT HEAVY HELMET WITH THE VISOR THAT IF YOU'RE ON A BICYCLE, THAT YOU NEED TO BE WEARING THAT ALSO. BUT ANYWAY, IT'S JUST ONE OF THOSE THINGS, IF WE'RE GOING TO LOOK AFTER OUR NEIGHBOR, WE'RE GOING TO BE OUR NEIGHBOR'S KEEPER, HOW FAR DO YOU WANT TO GO? TO ME, IT'S FREEDOM. IT'S TOURISM IN OUR AREA. LIKE I TOLD YOU BEFORE, IN MY TRADE AREA, I TRAVEL WESTERN COLORADO AND...EASTERN COLORADO, WESTERN NEBRASKA AND EASTERN WYOMING. IN THE SUMMERTIME, THE HOTELS ARE FULL, FULL OF MOTORCYCLISTS. AND THEY'RE NOT GOING TO CALIFORNIA. A LOT OF THEM SOMETIMES COMING THE OTHER WAY ARE GOING DOWN TO FORT LAUDERDALE BECAUSE THEY HAVE A HUGE MOTORCYCLE RALLY AND THEY DON'T HAVE A HELMET LAW THERE EITHER, I DON'T BELIEVE. NO, THEY DO. NO, THEY DON'T. THEY GOT ONE LIKE WE DO. NO, THEY'VE GOT ONE LIKE...WHERE IT'S LIMITED...EXCUSE ME. I GOT THE MAP HERE. SO ANYWAY, THEY'RE GOING THAT DIRECTION. BUT OUR PEOPLE GO TO STURGIS. THAT'S WHERE THEY COME THROUGH, THAT'S THE ONE THAT EVERYBODY TALKS ABOUT, THAT'S THE GRANDDADDY OF THEM ALL. AND BESIDES, WE GOT BEAUTIFUL COUNTRY OUT WEST, HUGE OPEN ROADS, BEAUTIFUL SANDHILLS WHERE PEOPLE WANT TO TAKE A RIDE. AND IT'S OPEN HIGHWAY WHERE WE DON'T HAVE A LOT OF DANGER OF ACCIDENTS. I WAS GOING TO CHECK, BUT I HAVEN'T HAD A CHANCE TO, IF DOUGLAS COUNTY, LANCASTER COUNTY, WANTED TO HAVE A HELMET LAW, I DON'T SEE ANY

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REASON THEY CAN'T DO THAT. THEY COULD DO THAT TO THEIR CITIZENS AND PROTECT EACH OTHER FROM EACH OTHER. NO, NOT FROM EACH OTHER, I GUESS FROM THEMSELVES, BECAUSE IT SEEMS TO BE A BIG CONCERN WITH THAT AREA, MORE POPULATED AREAS THAT THEY...I GUESS THAT'S WHY I LIVE OUT WEST IN THE OPEN AREAS, BECAUSE I REALLY DON'T WANT MY NEIGHBOR TAKING CARE OF ME AND I DON'T WANT TO TAKE CARE OF THEM. I WANT THEM TO BE AS FREE AS THEY CAN POSSIBLY BE. BUT THERE IS A DIFFERENT ATTITUDE OUT THERE WHERE I COME FROM. AND WE WANT FOLKS TO ENJOY OUR SCENERY, OUR TOURISM BUREAU WANTS THE MOTORCYCLISTS TO BE ABLE TO COME THROUGH OUR AREA WITHOUT BEING JUDGED BY THEIR NEIGHBOR THAT BY GOSH, THEY'RE NOT TAKING CARE OF THEMSELVES BY WEARING A HELMET. [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR GROENE: SO ANYWAY, THIS IS WHAT THIS IS ALL ABOUT, FOLKS. IT'S NOT STATISTICS. AND I ADMIRE MY...THE PROPONENTS OF THIS BILL BECAUSE I LOVE FACTS. WHEN I DID DEBATE I HAD...I DON'T LIKE EMOTION, BECAUSE LIFE IS DANGEROUS. LIVE IT FULLY, YOU'RE GOING TO HAVE RISK. WITHOUT RISK, DON'T GET OUT OF BED IN THE MORNING. BUT THEY HAVE USED SOME GOOD MEDICAL EVIDENCE AND ACCIDENT EVIDENCE AND I SAY, SO WHAT? LIFE IS A RISK. YOU WANT TO ENJOY IT? SOME PEOPLE CLIMB MOUNTAINS; SOME PEOPLE GO TOO FAST; SOME PEOPLE LIVE DANGEROUS LIVES WITH THEIR SEX LIVES WITH CAUSING DISEASES THAT AFFECT OUR MEDICAID, BUT WE DON'T PASS LAWS ON THEM, BUT THEY LIVE A WITH HIGH RISK. SO LET'S HAVE SOME COMMON SENSE, FOLKS, AND LET'S LET PEOPLE BE FREE. IT'S ONE OF THE FEW PLACES IN THE WORLD WHERE WE GOT A LITTLE BIT OF THAT LEFT. MANDATING THINGS TO YOUR NEIGHBOR IS NOT WHAT FREEDOM IS ALL ABOUT. [LB31]

SPEAKER HADLEY: TIME, SENATOR. [LB31]

SENATOR GROENE: SO THANK YOU. [LB31]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB31]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, AS I THINK THIS DEBATE POINTS OUT, THERE IS A LOT OF PASSION ON BOTH SIDES AND NOBODY WILL BE SURPRISED THAT I'M OPPOSING THIS BILL. I'VE OPPOSED IT EVERY YEAR I'VE BEEN HERE WHEN IT'S BEEN INTRODUCED AND I'M STILL THERE. I

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RODE A MOTORCYCLE FOR A LONG TIME AND IT IS A GREAT FREEDOM. IT IS A GREAT FREEDOM TO BE OUT RIDING, ESPECIALLY ON A SUMMER DAY. I REMEMBER ONE TRIP I TOOK WHEN I WAS...MY ONE SON WAS ABOUT 8 YEARS OLD AND THE OTHER SON WAS 12. AND I GAVE THEM EACH A ONE WEEK TRIP WHEREVER THEY WANTED TO GO ON THE MOTORCYCLE AND WE HAD A GREAT TIME. SO THE YOUNGER SON CHOSE TO GO TO THE OZARKS. AND THE NEAT THING ABOUT THE OZARKS IS THE CURVY ROADS AND WE HAD A GREAT TIME. AND ONE NIGHT...WE HAD A TENT AND EVERYTHING ALONG, AND ONE NIGHT WE PULLED INTO A PARKING LOT TO CAMP OUT FOR THE NIGHT AND IT WAS TOTALLY EMPTY. AND ABOUT AN HOUR LATER, I SMILE WHEN I SAY THIS, BECAUSE ALL OF A SUDDEN THE CAMP SITE STARTED TO BE FILLED BY GUYS WHO REALLY LOOKED LIKE THEY WERE MOTORCYCLE RIDERS, HELL'S ANGELS, AND TATTOOS, AND ALL THOSE KINDS OF THINGS AND THEY WERE THE NICEST PEOPLE. THEY INVITED US, MY YOUNG SON AND I, OVER TO SPEND AN EVENING AT THE CAMPFIRE AND WE HAD A GOOD TIME. SO ALL OF THAT IS... YOU KNOW, I HAVE GREAT MEMORIES OF RIDING A MOTORCYCLE. BUT WHEN I RIDE A MOTORCYCLE ON THE PUBLIC ROADS, I'M NOT THERE BY MYSELF. AND WE MAKE ALL KINDS OF RULES WHEN WE'RE IN THE SAME PLACE TOGETHER. WE DO ALL THE TIME SET RULES AND IT DOESN'T MAKE US A NANNY STATE. IT MAKES US A SOCIETY, MAKES A SOCIETY. AND FRANKLY, WHEN JUST ABOUT EVERY MEDICAL ASSOCIATION I KNOW ABOUT, INCLUDING THE ONE WE GOT TODAY, THE HANDOUT FROM...THIS IS FROM THE NATIONAL CENTER FOR INJURY PREVENTION AND CONTROL, WHICH IS A DIVISION OF THE CDC, THE CENTER FOR DISEASE CONTROL, AND THEY ENCOURAGE US TO KEEP OUR...THEY ENCOURAGE STATES TO HAVE A MANDATORY HELMET LAW. MAYBE THE CDC IS A NANNY STATE KIND OF THING, BUT I DON'T THINK SO. WITHOUT THE CDC, WE'D HAVE A LOT OF DISEASE THAT WE DON'T HAVE AND THAT IS REASONABLE. WE MAKE DECISIONS IN THIS BODY, AS LEADERS, ABOUT REASONABLE REGULATION. AND THAT'S GOING TO BE SOMETHING WE DISAGREE ON. AND SO WE HAVE TO DEBATE IT AND WE HAVE TO VOTE ON IT. IN MY JUDGMENT, IT'S A REASONABLE RESTRICTION OF INDIVIDUAL FREEDOM AND I REALIZE THAT. I HAVE NO PROBLEM WITH PEOPLE DRIVING AROUND ON THEIR OWN PROPERTY WITHOUT A HELMET IF THEY WANT TO DO THAT. I DON'T HAVE ANY TROUBLE WITH PEOPLE ON THEIR OWN PROPERTY DRIVING WITHOUT A DRIVER'S LICENSE. BUT ONCE WE GET ON THE STREETS, IT SEEMS TO ME, IN MY JUDGMENT--AND I'VE BEEN ELECTED TO EXERCISE MY JUDGMENT--THAT THIS IS REASONABLE LIMITATION OF INDIVIDUAL FREEDOM TO REQUIRE MOTORCYCLE HELMETS, BECAUSE WE'RE IN ALL THIS TOGETHER. IF I HIT A MOTORCYCLE OR A MOTORCYCLE HITS ME, WE'RE IN THIS TOGETHER. WE'RE DRIVING ON THE SAME ROADS AND... [LB31]



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SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR HAAR: THANK YOU. AND SO AGAIN, I HOPE THIS DOESN'T SURPRISE ANYBODY THAT I AM OPPOSED TO LB31. I HAVE BEEN IN THE PAST. I WILL BE IN THE FUTURE. I FEEL THAT A HELMET SAVED MY LIFE AND I THINK IT'S A REASONABLE RESTRICTION ON INDIVIDUAL FREEDOM. WE LIVE IN A SOCIETY; WE ELECT REPRESENTATIVES TO MAKE THESE KIND OF DECISIONS, AND THIS IS MINE. SO, THANK YOU VERY MUCH. [LB31]

SPEAKER HADLEY: SENATOR HILKEMANN, YOU ARE RECOGNIZED. [LB31]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. SENATOR BLOOMFIELD, WOULD YOU YIELD TO A COUPLE OF QUESTIONS, PLEASE? SENATOR BLOOMFIELD? MAYBE HE'S NOT HERE. [LB31]

SPEAKER HADLEY: I DO NOT SEE SENATOR BLOOMFIELD. [LB31]

SENATOR HILKEMANN: OKAY, ALL RIGHT. I JUST WANTED...I'LL WAIT ANOTHER TIME TO ASK HIM THOSE QUESTIONS REGARDING HIS DATA SHEET. LET'S JUST LOOK AT...ONE OF THE QUESTIONS I ASKED RIGHT OFF THE BAT LAST THURSDAY WAS--SHOW ME ONE STUDY WHERE WEARING HELMETS DOESN'T SAVE LIVES. AND I HAVEN'T SEEN THAT YET. AND I DON'T EXPECT TO SEE IT. LET ME JUST SHARE AN ARTICLE THAT IS IN A PUBLICATION THAT MANY OF US LOOK AT OVER THE COURSE OF TIME, IT'S ACTUALLY CALLED CONSUMER REPORTS. AND THEY HAVE A 2013 ARTICLE WHICH REVIEWED THE MICHIGAN MOTORCYCLE ENTRIES THAT THEY'VE HAD SINCE THE HELMET LAW WAS REPEALED. AND HERE IS WHAT IT SAYS: ONE YEAR AFTER RELAXING ITS MOTORCYCLE HELMET LAW, MICHIGAN HAS SEEN A 22 PERCENT RISE IN MEDICAL INSURANCE CLAIMS COST ASSOCIATED WITH CYCLE CRASHES. THE DATA IS CLEAR, WHEN HELMETS ARE OFF, INJURIES AND DEATHS INCREASE. THE AVERAGE MEDICAL CLAIM ROSE \$7,257 IN THE WAKE OF THE CHANGE, ACCORDING TO A NEW STUDY BY THE HIGHWAY LOSS DATA INSTITUTE, AN AFFILIATE OF THE INSURANCE INSTITUTE FOR HIGHWAY SAFETY. THE REVISED RULE ELIMINATED THE HELMET REQUIREMENT FOR RIDERS OVER 21, AS LONG AS THEY HAD COMPLETED A RIDER SAFETY COURSE AND CARRIED SUFFICIENT INSURANCE COVERAGE; IN THIS CASE, \$20,000 IN MEDICAL COVERAGE. HELMET USE IMMEDIATELY DECLINED AS A RESULT OF THE PASSAGE OF THAT LAW. UP UNTIL THE LAW WAS CHANGED, A UNIVERSITY OF MICHIGAN TRANSPORTATION RESEARCH INSTITUTE STUDY FOUND THAT 98 PERCENT OF RIDERS INVOLVED IN CRASHES

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WERE WEARING HELMETS. THAT NUMBER DROPPED TO 74 PERCENT AFTER THE LAW WAS CHANGED. WHILE MANY STATES HAVE RELAXED HELMET LAWS UNDER PRESSURE FROM MOTORCYCLE RIDER GROUPS, THIS IS THE FIRST STUDY TO MAKE A DIRECT CONNECTION BETWEEN HELMET USE AND MEDICAL COSTS. WEAKENING THE HELMET LAW SEEMS TO HAVE MADE IT SOMEWHAT MORE LIKELY THAT RIDERS WILL SUSTAIN INJURIES, BUT THE BIG IMPACT HAS BEEN ON THE SERIOUSNESS OF THE INJURIES, SAID DAVID ZUBY, CHIEF RESEARCH OFFICER FOR THE DEPARTMENT OF HIGHWAY SERVICES. HELMETS CAN'T PROTECT AGAINST ALL INJURIES, BUT THEY DO HELP PREVENT DEBILITATING AND OFTEN FATAL HEAD TRAUMA. MOTORCYCLE FATALITIES HAVE BEEN ON THE RISE NATIONWIDE IN RECENT YEARS, PARTLY DUE TO INCREASED NUMBERS OF RIDERS, DRIVER DISTRACTION, AND OTHER FACTORS, ALTHOUGH DEBATE CONTINUES ABOUT THE EFFECTIVENESS OF HELMETS IN MOTORCYCLE SAFETY, THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HAS ESTIMATED THAT HELMET USE CAN CUT THE RISK OF MOTORCYCLE FATALITIES BY 37 PERCENT. [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR HILKEMANN: ORLY AVITZUR, AN M.D. FROM THE...WHO WRITES FOR THE CONSUMER REPORTS SAYS HE HAS WITNESSED THE RESULTS OF NOT WEARING A HELMET IN AN EMERGENCY ROOM SETTING. AS A NEUROLOGIST, IT IS ABSOLUTE INSANITY TO REPEAL HELMET LAWS, HE SAID, AND TO EXPOSE THE SKULL AND THE BRAIN TO POTENTIAL TRAUMA THAT COULD OTHERWISE BE MITIGATED. I HAVE SEEN HELMETS THAT HAVE SUSTAINED ACCIDENTS IN THE EMERGENCY ROOM THAT ARE BROKEN IN HALF. YOU WANT SOMETHING OTHER THAN YOUR SKULL TO SUSTAIN THE FIRST IMPACT OF THE TRAUMA. WELL, WE'VE BEEN TRYING TO PRESENT THE FACTS, FOLKS. THANK YOU VERY MUCH, MR. SPEAKER. [LB31]

SPEAKER HADLEY: THOSE IN THE QUEUE INCLUDE: SENATORS BLOOMFIELD, GLOOR, KOLOWSKI, BOLZ, CRAWFORD, AND OTHERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB31]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I PASSED AROUND ANOTHER PAPER TO YOU THAT HAS MEDICAID INFORMATION ON IT. I INVITE YOU TO STUDY THAT. YOU KNOW, THIS GREAT, HORRIBLE FEAR THAT WE'RE GOING TO BANKRUPT THE STATE OF NEBRASKA. GO TO THE BOTTOM LINE AGAIN OF THE FIRST SECTION, \$1 MILLION IS WHAT WE SPENT LAST YEAR FOR

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MEDICAID ON MOTORCYCLISTS. COLLEAGUES, IF WE DOUBLE THAT, WHICH I DON'T THINK EVEN MY MOST DEVOUT OPPONENTS HERE WOULD THINK WE WOULD DO, WE'RE LOOKING AT A TOTAL OF \$2 MILLION. I DON'T BELIEVE THAT'S GOING TO BREAK THE GREAT STATE OF NEBRASKA. BUT DENYING PERSONAL RIGHTS WILL INFLICT A GREAT DEAL, AND HAS INFLICTED A GREAT DEAL OF PAIN AND COST TO THE STATE OF NEBRASKA. IF YOU DON'T THINK WE'D BRING IN MORE THAN A MILLION DOLLARS WORTH OF TAXES, EXTRA TAXES, OVER WHAT WE HAVE NOW, YOU'RE LIVING IN AN ALTERNATIVE UNIVERSE. IF YOU GO ON DOWN TO THE BOTTOM LINE AGAIN AND SEE WHAT WE SPENT ON MEDICAID FOR PEOPLE IN AUTOMOBILES--\$43 MILLION VERSUS \$1 MILLION. COLLEAGUES, REALLY? FORTY-THREE TO ONE, WE PAY MORE TO AUTOMOBILE OPERATORS. YET, WE'RE NOT GOING TO INFRINGE ANYTHING MORE ON THEM. WHAT WE'RE DOING HERE, WHAT WE'VE BEEN DOING SINCE 1989 SIMPLY DOES NOT MAKE SENSE. AGAIN, WE CAN QUOTE STUDIES FROM MICHIGAN THAT MAY BE SEVEN OR EIGHT YEARS OLD. WE CAN LOOK AT STUDIES FROM FLORIDA WHERE THEY RIDE YEAR ROUND. BUT LET'S LOOK AT THE NUMBERS WHERE WE LIVE, WHERE PEOPLE RIDE THAT WILL AFFECT NEBRASKA. LOOK AT THE DATA FROM OUR OWN DEPARTMENTS AND FROM THOSE OF OUR NEIGHBORING STATES. WE DON'T HAVE TO RELY ON OLD INFORMATION FROM A THOUSAND MILES AWAY. WE DON'T HAVE TO RELY ON INFORMATION FROM CALIFORNIA, WHERE, AGAIN, THEY RIDE YEAR ROUND. WE HAVE THE NUMBERS RIGHT HERE, THESE TWO LITTLE PIECES OF PAPER THAT SHOW EVEN IF WE DOUBLE THE MEDICAID EXPENSE, WE'VE GONE TO A GRAND TOTAL OF \$2 MILLION. UNFORTUNATELY, THIS BODY WILL FRITTER THAT AWAY A DOZEN TIMES OVER DURING THIS SESSION. AND SENATOR HILKEMANN, HOW YOU CAN SAY NOBODY HAS EVER SHOWED YOU A STUDY THAT SAYS MOTORCYCLE HELMETS DON'T SAVE LIVES, WHEN PER LICENSED OPERATOR IN IOWA, THEY KILL .022; IN NEBRASKA, WE'RE ONLY A HAIR HIGHER AT .0251. BUT IF GO TO THE INJURIES, WE'RE ONLY HALF PER LICENSED OPERATOR. AND THAT, LADIES AND GENTLEMEN, IS IN GREAT PART BECAUSE THE HELMETS ALSO CAUSE ACCIDENTS. VISIBILITY IS... [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR BLOOMFIELD: ...GREATLY REDUCED, HEARING IS GREATLY REDUCED, AND ACCIDENTS HAPPEN WHEN THOSE TWO THINGS GO AWAY. I REALIZE WE'VE REACHED THE POINT WHERE FACTS DON'T MATTER TO A LOT OF PEOPLE AND THAT'S TOO BAD BECAUSE THE FACTS ARE CLEARLY ON THE SIDE OF NEBRASKA'S MOTORCYCLE OPERATORS. AGAIN, WE CAN QUOTE STATISTICS FROM ACROSS THE NATION AND HOW GRIM AND HOW DIRE THINGS ARE GOING TO BE, BUT, COLLEAGUES, LOOK AT THE NUMBERS FROM HERE AT HOME AND

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REALIZE ALL THESE GRIM STATISTICS. AS SOMEONE ONCE SAID, IT JUST AIN'T SO. THANK YOU, MR. PRESIDENT. [LB31]

SPEAKER HADLEY: SENATOR GLOOR, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB31]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, MEMBERS, AGAIN. I'M LOOKING AT THIS HANDOUT THAT SENATOR BLOOMFIELD HAS REFERENCED. AND I DON'T KNOW THAT...CLEARLY IT WAS HIS INTENTION TO MAKE THE CASE SOME OF US ARE MAKING ABOUT MEDICAID EXPENDITURES. BUT IF YOU TAKE A LOOK AT THE MOTORCYCLE ACCIDENT VICTIMS WHO WERE MEDICAID ELIGIBLE AND THE DOLLARS SPENT ON THEM, THIS IS WEARING HELMETS. AND THE ARGUMENT HERE IS, WHATEVER MULTIPLIER YOU'RE COMFORTABLE USING, IF PEOPLE AREN'T WEARING HELMETS, THE INJURY AND DEBILITATION TO THEM AS A RESULT OF NOT WEARING HELMETS, ALSO CLEARLY THE DEATH AND WHATEVER ADDED EXPENSE THAT BRINGS TO SOCIETY WITH A LOSS OF PERHAPS A BREAD WINNER TO A FAMILY, ADD THAT ON. BUT I'M HAPPY TO LOOK AT THESE NUMBERS. AND THEN I'M HAVING A HARD TIME TRYING TO DECIDE WHAT TO MAKE OF THE COMPARISON OF MOTORCYCLE VICTIMS TO AUTOMOBILE ACCIDENT VICTIMS SINCE THE NUMBER OF PEOPLE WHO DRIVE AUTOMOBILES OF ANY KIND--TRUCKS, COMMERCIAL VEHICLES, FAR, FAR, FAR OUTWEIGHS THE NUMBER OF PEOPLE WHO ARE OUT THERE RIDING MOTORCYCLES. SO COMPARING THESE TWO IS AN APPLES AND ORANGES COMPARISON. BUT IT CERTAINLY DOES MAKE THE POINT THAT WITH HELMETS, WE HAVE NOT A SMALL AMOUNT OF MEDICAID EXPENSE. WITH NOT WEARING HELMETS, THESE PEOPLE ARE GOING TO HAVE MEDICAL EXPENSES THAT FAR EXCEED THE NUMBERS THAT ARE PRESENTED TO US IN THIS HANDOUT. I'M STILL TRYING TO MAKE THE CONNECTION WITH IOWA. BUT CLEARLY, WE ARE TALKING ABOUT AN ADDED EXPENSE TO MEDICAID, ADDED EXPENSE TO SOCIETY. AND THAT'S JUST TO THAT SMALL SUBSECTION OF THE PEOPLE IN NEBRASKA WHO RIDE MOTORCYCLES WHO HAVE SOME OTHER KIND OF INSURANCE, MAY HAVE MEDICARE; MAY HAVE A GOODLY NUMBER OF THEM, WE EXPECT, NO INSURANCE. AND CERTAINLY THAT'S THE CONCERN WE HAVE ABOUT THE COST OF THOSE MOTORCYCLE RIDERS WHO TRAVEL ACROSS OUR STATE FROM OTHER STATES WHO THEN ALL OF A SUDDEN, BECAUSE THEY'RE INJURED HERE, BECOME OUR RESPONSIBILITY TO CARE FOR THEM, BECOME OUR RESPONSIBILITY TO PAY FOR, HOWEVER WE'RE GOING TO PAY FOR IT. AND FAR TOO OFTEN, WE TAXPAYERS OR WE PREMIUM PAYERS ARE THE ONES THAT PICK UP THAT DIFFERENCE. I'M GOING TO GO BACK TO WHAT I WAS TALKING ABOUT EARLIER THROUGH THE NATIONAL TRANSPORTATION SAFETY BOARD,

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THEIR ISSUANCE OF RECOMMENDATIONS TO THE STATES BACK IN 2007. AND AMONG OTHER RECOMMENDATIONS, THEIR RECOMMENDATION TO THE FEDERAL HIGHWAY ADMINISTRATION FOLLOWING THE 2007 MOTORCYCLE TRAVEL SYMPOSIUM, DEVELOPED GUIDELINES FOR THE STATES TO USE TO GATHER ACCURATE MOTORCYCLE REGISTRATION, MOTORCYCLE VEHICLES MILES TRAVEL DATA. AND THE IMPORTANCE OF THAT IS, AS WE TRY AND DO THESE COMPARISON TO OTHER STATES, WE DON'T KNOW EXACTLY HOW MANY MILES PEOPLE ARE TRAVELING IN SOME STATES ON MOTORCYCLES. HOW THAT'S DONE, I'M NOT SURE. WHETHER THEY EVENTUALLY GOT THAT COVERED OR NOT, I DOUBT BECAUSE WE'VE CERTAINLY NOT SEEN ANY NUMBERS GIVEN BY EITHER SIDE THAT TALK ABOUT ACCIDENTS PER MILES TRAVELED, INJURIES PER MILES TRAVELED IN HELMETED STATES VERSUS NONHELMETED STATES. THAT CERTAINLY WOULD BE FAR BETTER INFORMATION AND DATA, AS SENATOR GROENE POINTS OUT, THAT ALLOWS US AN OPPORTUNITY TO BE A LITTLE BIT MORE SCIENTIFIC AS WE DEBATE THIS ISSUE. AGAIN, BACK TO THE RECOMMENDATIONS, TO THE NATIONAL HIGHWAY AND TRAFFIC SAFETY ADMINISTRATION, THE RECOMMENDATIONS TO THE THREE STATES WITH NO MOTORCYCLE HELMET LAWS, THEY'RE ASKING THAT THEY REQUIRE ALL PERSONS WEAR DEPARTMENT OF TRANSPORTATION, FEDERAL MOTOR VEHICLES SAFETY STANDARD 218-COMPLIANT MOTORCYCLE HELMET. [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR GLOOR: SO THE RECOMMENDATION IS TO THOSE STATES--WEAR HELMETS; HAVE A HELMET LAW. TO THE 27 STATES AND ONE TERRITORY WITH PARTIAL MOTORCYCLE HELMET LAWS: AMEND CURRENT LAWS TO REQUIRE THAT ALL PERSONS SHALL WEAR A DEPARTMENT OF TRANSPORTATION FEDERAL MOTOR VEHICLE SAFETY STANDARD 218-COMPLIANT MOTORCYCLE HELMET WHILE RIDING OR OPERATING OR AS A PASSENGER ON ANY MOTORCYCLE. AND, FINALLY, TO THE EIGHT STATES WITH UNIVERSAL MOTORCYCLE LAWS AND REGULATIONS THAT DO NOT SPECIFICALLY REQUIRE SPECIFIC TYPES OF HELMETS, AMEND CURRENT LAWS TO SPECIFY THAT ALL PERSONS SHALL WEAR A DEPARTMENT-COMPLIANT MOTORCYCLE HELMET WHILE RIDING AND OPERATING. WHAT I'M TELLING YOU IS, THE FEDERAL ORGANIZATIONS THAT OVERSEE THIS HAVE MOVED BEYOND ASKING THE STATES MOVE FOR HELMET LAWS TO REQUIRING SPECIFIC TYPES OF HELMETS TO ENSURE MAXIMUM SAFETY. [LB31]

SPEAKER HADLEY: TIME, SENATOR. [LB31]

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SPEAKER GLOOR: THANK YOU, SENATOR. [LB31]

SPEAKER HADLEY: SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB31]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, FELLOW SENATORS. I STAND IN OPPOSITION TO LB31 THAT'S BEFORE US AT THIS TIME. AND I WANT TO GO THROUGH A LITTLE BIT OF A BACKGROUND AS TO WHY AND WHAT MY OWN HISTORY HAS BEEN ON SOME OF THIS. AS WE ALL WALKED IN THE SUMMERS FOR OUR CAMPAIGNS, IN THE SUMMER OF '12, THE SPRING, FALL, AND SUMMER, WE ALL WALKED A LOT OF DOORS. WHILE WALKING THOSE DOORS, I CAME ACROSS A LOT OF FAMILIES THAT MIGHT HAVE HAD THEIR GARAGE DOOR OPEN WASHING THE CAR. AND THEY HAD MOTORCYCLES IN THEIR GARAGE OR MOTORCYCLES THAT THEY WERE CLEANING AT THE TIME, AND IT'S A NICE WAY TO SPARK A LITTLE CONVERSATION WITH SOMEBODY WHEN YOU'RE GOING DOOR TO DOOR. AND I SAW MORE HONDAS AND HARLEYS AND EVERY OTHER LETTER OF THE ALPHABET THAT YOU CAN IMAGINE. AND I'D ALWAYS COMMENT, NICE BIKE. AND THAT WOULD START A CONVERSATION AND USUALLY THE INDIVIDUAL I'M TALKING TO WOULD USUALLY BRING UP THE HELMET LAW. HOW DO YOU STAND ON THAT PARTICULAR ISSUE IF YOU WERE GOING TO THE LEGISLATURE? AND I WOULD ALWAYS ANSWER IN THE SAME WAY, AND THAT IS, I'M SURE THAT YOU ARE SAFE AND WELL TRAINED AS A MOTORCYCLE RIDER. YOU'VE HAD THE CLASSES, AND YOU'VE GOT A GOOD RECORD, NOTHING'S EVER HAPPENED TO YOU AND I THINK THAT'S FANTASTIC. YOU HAVE A LOT OF JOY IN RIDING YOUR MOTORCYCLE. NINETY-EIGHT PERCENT OF THE TIME YOU'RE OKAY WHEN YOU'RE OUT THERE. IT'S THE 2 PERCENT I WORRY ABOUT WHERE THE CAR, THE TRUCK, OR THE SEMI USUALLY DOESN'T SEE YOU AND I WANT YOU TO SURVIVE. I WANT YOU TO COME HOME TO YOUR FAMILY EVERY NIGHT. I WANT YOU TO BE ABLE TO WORK AND PLAY WITH YOUR KIDS AND HOLD YOUR GRANDKIDS SOMEDAY IN YOUR OWN LIFE. I WANT TO GIVE YOU A FIRST RESPONDER'S VIEW THAT WAS SHARED WITH ME AND THAT COMES FROM MY BROTHER. HE SPENT 20 YEARS WITH THE ILLINOIS STATE PATROL, A STATE TROOPER IN ILLINOIS. MOSTLY IN THE "CHICAGOLAND" AREA. AND THOSE EXPERIENCES WERE VERY DEEP AND VERY VIVID TO ME AS HE TALKED MANY TIMES ABOUT THE SITUATIONS HE FOUND HIMSELF IN WITH THE ACCIDENTS IN THAT AREA WITH ALL THE TRAFFIC AND CONGESTION THEY HAD IN THE "CHICAGOLAND" REGION. NUMBER ONE, THE CONSTANT WAS THE HORRIFIC DAMAGE WHEN ANYTHING HITS A MOTORCYCLE. HORRIFIC DAMAGE, NOT JUST, OH, THEY HAD A BUMP, THEY HAD A BRUISE OR SOMETHING LIKE THAT, BUT ABSOLUTELY DEVASTATING RESULTS. HE WAS SERIOUS WHEN HE SAID, AND WAS NOT JOKING,

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YOU NEEDED THREE ITEMS TO HELP CLEAN UP A MESS WHEN YOU CAME UPON A SCENE LIKE THAT OF A HORRIBLE DEATH, COMBINATION OF DEATHS, OR WHATEVER ELSE TOOK PLACE. AND IT'S A...I DON'T MEAN THIS IN A NEGATIVE WAY, BUT HE SAID YOU BASICALLY NEEDED A SHOVEL, A RAKE, AND A MOP BECAUSE IT'S THAT BAD WHEN SOMEONE IS HIT BY A VERY QUICK-MOVING VEHICLE AND TAKES OUT A MOTORCYCLE AND MAYBE OTHERS AROUND THEM AT THE SAME TIME. TO TAG, TO BAG, AND REMOVE THE REMAINS IS WHAT FIRST RESPONDERS DO; STATE TROOPERS, MEDICAL PERSONNEL, HOSPITAL OFFICIALS, AND ALL THE REST THAT ARE AT THE SCENE OF THE ACCIDENT. AND THEN THEY HAVE TO TAKE THAT AND DEAL WITH IT AND THE SURVIVING FAMILIES. THE SECOND ITEM WITH THE FIRST RESPONDERS THAT YOU DON'T THINK ABOUT AND IT IS PART OF THE WHOLE, IS KNOCKING ON THE DOOR TO TELL A FAMILY THEY'VE LOST SOMEONE. IT'S A KNOCK ON YOUR DOOR YOU NEVER WANT TO HAVE. IT'S A KNOCK ON YOUR DOOR THAT YOU HOPE YOU'LL GO YOUR WHOLE LIFETIME WITHOUT HAVING TO HAVE HAPPEN. [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR KOLOWSKI: THOSE ARE THE THINGS WE DON'T THINK ABOUT WHEN WE THINK ABOUT THE JOY OF MOTORCYCLE RIDING AND HAVING THE WIND BLOW THROUGH YOUR HAIR AND ALL THE GOOD TIMES ON THE ROAD THAT WE ALL WOULD LIVE FOR AND ENJOY VERY MUCH. BUT THERE IS ANOTHER SIDE THAT YOU NEED TO THINK ABOUT WHEN YOU DON'T HAVE THE SAFETY HELMET ON AND THE DISASTERS THAT DO HAPPEN WHEN THERE ARE ACCIDENTS THAT WILL HAPPEN. AGAIN, IT'S NOT THE 98 PERCENT THAT I'M WORRIED ABOUT. IT'S THAT 2 PERCENT OF THE TIME, PERHAPS WHEN THEY DO NOT SEE YOU AND THEY TAKE YOU OUT. THANK YOU, MR. PRESIDENT. [LB31]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATORS BOLZ, CRAWFORD, EBKE, HANSEN, PANSING BROOKS, AND OTHERS. SENATOR BOLZ, YOU'RE RECOGNIZED...SORRY, MR. CLERK, YOU'RE RECOGNIZED. [LB31]

CLERK: VERY QUICKLY, MR. PRESIDENT, THE APPROPRIATIONS COMMITTEE WILL HAVE AN EXECUTIVE SESSION IN ROOM 2022 AT 2:30, APPROPRIATIONS, 2:30, 2022. [LB31]

SPEAKER HADLEY: SENATOR BOLZ, YOU'RE RECOGNIZED. [LB31]

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SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I WANT TO TALK JUST A LITTLE BIT ABOUT THE BRAIN AND ABOUT WHAT IT IS THAT WE ARE WORKING TO PROTECT. THERE ARE OTHER WAYS IN OUR GOVERNMENT FUNCTIONS THAT WE INVEST IN THE BRAIN AND THAT WE PROTECT IT AND REHAB IT WHEN IT'S BEEN HURT. I WASN'T AWARE UNTIL I STARTED DOING RESEARCH ON THIS ISSUE THAT UNL HAS A CENTER FOR BRAIN BIOLOGY AND BEHAVIOR, WHICH IS A MULTIDISCIPLINARY INITIATIVE OF UNL FACULTY BRINGING SOCIAL, BIOLOGICAL, AND BEHAVIORAL SCIENCES TOGETHER. SO IN OUR UNIVERSITY SYSTEM, WE ARE USING FACULTY RESOURCES TO BETTER UNDERSTAND THIS AMAZING THING THAT IS THE BRAIN. AND SO I THINK THAT WE'VE RECOGNIZED AS A SOCIETY THAT THIS IS SOMETHING PRETTY INCREDIBLE THAT WE WANT TO PROTECT. WE'VE ALSO TALKED ABOUT EARLY BRAIN DEVELOPMENT AND THE IMPORTANCE OF INVESTING IN EARLY CHILDHOOD EDUCATION BECAUSE THAT'S WHEN LANGUAGE DEVELOPMENT HAPPENS. THAT'S WHEN SOCIAL AND EMOTIONAL DEVELOPMENT HAPPENS IN THE BRAIN. IT'S REALLY AN INCREDIBLE ORGAN OF THE BODY. SOME OF THE THINGS THAT I HAVE THOUGHT WERE KIND OF INTERESTING WERE THAT THE BRAIN ACTUALLY TAKES UP 25 PERCENT OF THE BODY'S BLOOD. YOUR BRAIN IS SUCH AN INCREDIBLE ORGAN THAT IT NEEDS A QUARTER OF THE BLOOD IN YOUR BODY TO KEEP IT NOURISHED AND KEEP IT ROLLING. AND WHAT HAPPENS WHEN YOU INJURE YOUR BRAIN HAS SIGNIFICANT EFFECTS ON YOUR ABILITY TO FUNCTION AS A HUMAN BEING. YOUR FRONTAL LOBES ARE LOCATED BEHIND YOUR FOREHEAD. THEY'RE INVOLVED WITH SPEECH, THOUGHT, LEARNING, EMOTION AND MOVEMENT. SO EVERY TIME YOU PUSH YOUR BUTTON AND YOU SPEAK ON THIS MICROPHONE, YOU'RE USING YOUR FRONTAL LOBE. THE PARIETAL LOBES PROCESS YOUR SENSORY INFORMATION, YOUR OCCIPITAL LOBES HELP YOU SEE, YOUR TEMPORAL LOBES ARE INVOLVED WITH MEMORY. SO WE'RE NOT TALKING ABOUT A PART OF THE BODY THAT IS EASY TO ADAPT WITHOUT. WE'RE TALKING ABOUT THE MOST IMPORTANT PIECE OF YOUR PHYSICAL SELF, THE THING THAT MAKES YOU YOU, AND THE THING THAT SEPARATES US AS HUMANS. THE BRAIN IS EXTREMELY SENSITIVE AND DELICATE AND IT REQUIRES MAXIMUM PROTECTION. THE BRAIN STRUCTURE ITSELF INCLUDES TOUGH MEMBRANES CALLED MENINGES THAT HELP PROTECT THE BRAIN FROM EVEN THE JOSTLING IN YOUR OWN SKULL CAVITY. AND THAT'S WHY I DID BRING A PIECE OF LEGISLATION THIS YEAR THAT WOULD CREATE A BRAIN INJURY TRUST FUND THAT WOULD ESSENTIALLY CODIFY INTO LAW SOME OF THE WORK THAT WE'RE ALREADY DOING AROUND BRAINS AND BRAIN INJURY RESPONSE. AND I'M GLAD YOU BROUGHT IT UP, SENATOR BLOOMFIELD. AND I'M SORRY IF THERE WAS ANY MISCOMMUNICATION, BUT WE DID THINK ABOUT BRINGING THIS AS AN AMENDMENT TO THE BILL, BUT DECIDED THAT IT WAS REALLY AN IMPORTANT



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PIECE OF LEGISLATION THAT NEEDED DISCUSSION ON ITS OWN. AND LET ME TELL YOU SOME OF THE THINGS THAT THE BILL DOES. THE BILL WOULD CREATE A BRAIN INJURY COUNCIL THAT HELPS BRING TOGETHER DIFFERENT PEOPLE WHO HAVE EXPERTISE IN SERVING PEOPLE WITH BRAIN INJURY. WHEN WE'VE DONE SURVEYS AND STUDIES OF WHAT PEOPLE WHO HAVE BRAIN INJURIES NEED, ONE OF THE MOST IMPORTANT THINGS THAT THEY NEED IS INFORMATION, INFORMATION ABOUT HOW TO COPE WITH THEIR INJURY AND HOW TO TAKE THE NEXT STEPS. IN FACT, THERE WAS A SURVEY DONE BY THE BRAIN INJURY ASSOCIATION OF NEBRASKA THAT SAID: CASE MANAGEMENT, ACCESS TO RESOURCES, AND INFORMATION WERE THE MAJOR CONCERNS OF INDIVIDUALS WHO HAVE BRAIN INJURIES. SO BRINGING TOGETHER THIS COUNCIL ON BRINGING TOGETHER DIFFERENT SYSTEMS AND RESOURCES IS REALLY AN EFFECTIVE STRATEGY TO HELP PEOPLE WHO HAVE HAD AN INJURY TO THIS VERY IMPORTANT PART OF THE BODY WHICH IS YOUR BRAIN. [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR BOLZ: CURRENTLY, NEBRASKA HAS A BRAIN INJURY FUND THAT HELPS TO FUND SOMETHING CALLED RESOURCE FACILITATION, WHICH IS THIS CONNECTING OF PEOPLE TO RESOURCES, PARTICULARLY THOSE FOLKS WHO HAVE HAD AN INJURY TO THE BRAIN. BECAUSE, AS I WAS SAYING PREVIOUSLY, YOUR BRAIN IS YOUR EXECUTIVE FUNCTION--IT'S YOUR MEMORY, YOUR PROCESSING, YOUR ORGANIZATIONAL CAPACITIES--AND WITHOUT THOSE ORGANIZATIONAL CAPACITIES YOU HAVE GREAT DIFFICULTY IN MANAGING NOT ONLY YOUR DAILY LIFE, BUT IN ACCESSING THE SYSTEMS AND SERVICES THAT WE HAVE DESIGNED TO SUPPORT YOU. SO FOLKS WITH BRAIN INJURIES NOT ONLY NEED THE SYSTEMS AND SUPPORTS, BUT THEY NEED THE NAVIGATIONAL ASSISTANCE, WHICH WOULD BE CREATED BY THIS BRAIN INJURY TRUST FUND. WE ALSO SAY THAT WE WOULD CREATE A BRAIN INJURY REGISTRY, PUBLIC AWARENESS CAMPAIGNS, AND PEER SUPPORT STRATEGIES. AND WE ARGUE IN THIS LEGISLATION THAT THIS IS NECESSARY BECAUSE OF THE PROFUNDITY OF HAVING A BRAIN INJURY. [LB31]

SPEAKER HADLEY: TIME, SENATOR. [LB31]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. [LB31]

SPEAKER HADLEY: SENATOR CRAWFORD, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB31]

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SENATOR CRAWFORD: GOOD MORNING, MR. PRESIDENT AND...I GUESS GOOD AFTERNOON, MR. PRESIDENT. I'M NOT USED TO BEING HERE IN THE AFTERNOON AS WELL. I RISE IN OPPOSITION TO AM9...THE COMMITTEE AMENDMENTS, EXCUSE ME, TO THE COMMITTEE AMENDMENTS TO THIS BILL. AND I THINK THAT ACTUALLY SPEAKER HADLEY RAISED SOME INTERESTING QUESTIONS WHEN HE WAS OUT HERE ON THE FLOOR ABOUT THOSE COMMITTEE AMENDMENTS. SO WHEN WE'RE IN THIS ROOM, IN THIS BODY MAKING POLICY, IT'S VERY CRITICAL FOR US TO THINK ABOUT HOW THAT POLICY WILL ACTUALLY GET CARRIED OUT IN OUR MUNICIPALITIES, IN OUR COUNTIES, ACROSS THE STATE. SO I THINK IT IS VERY CURIOUS THAT WE WOULD SET THE AGE OF 21 AS AN APPROPRIATE AGE IN TERMS OF DECIDING WHEN SOMEONE NO LONGER IS REQUIRED TO WEAR THE HELMET. I CAN UNDERSTAND PERHAPS WHERE THAT ARGUMENT WOULD COME IN PHILOSOPHICALLY, ESPECIALLY GIVEN SOME OF THE DISCUSSIONS WE'VE HAD ON OTHER ISSUES ABOUT BRAIN DEVELOPMENT AND THE TENDENCY OF PEOPLE...INDIVIDUALS TO HAVE DIFFICULTY WITH RISK ASSESSMENT BEFORE THEY REACH THE AGE OF 21. SO FROM A PHILOSOPHICAL AND SCIENTIFIC PERSPECTIVE, I CAN UNDERSTAND WHERE THE AGE OF 21 MIGHT HAVE COME FROM. BUT I THINK IT'S VERY DIFFICULT TO SEE HOW THAT WOULD ACTUALLY WORK IN PRACTICE. WHEN SOMEONE IS SPEEDING ALONG 55 MILES AN HOUR OR FASTER, HOW ARE YOU GOING TO HAVE ANY IDEA HOW OLD THEY ARE? AND SO HOW ARE YOU GOING TO DECIDE TO ENFORCE THAT? ARE YOU GOING TO PULL OVER ANYONE WHOSE HAIR STREAMING BEHIND IS NOT GRAY? THEN WHAT WOULD BE YOUR RULE TO DECIDE HOW TO ENFORCE THIS? OR ARE YOU GOING TO PULL OVER EVERYONE AND CHECK THEIR I.D. FOR HOW OLD THEY ARE? THAT WON'T BE VERY GOOD FOR TOURISM, I CAN ASSURE YOU. SO IT RAISES ALL KINDS OF ISSUES ABOUT HOW YOU WOULD ACTUALLY ENFORCE THAT RULE IN PRACTICE. AND ACTUALLY, THAT'S SIMILAR...WE HAD SOME DISCUSSION ABOUT A SAFETY COURSE AND HOW THAT WOULD WORK IF YOU ACTUALLY TRIED TO DO THAT OPTION. AND, AGAIN, IT CAME BACK TO, WELL, IF EVERYBODY HAD TO TAKE THE SAFETY COURSE, THEN THAT PERHAPS MADE SENSE. BUT IF ONLY THE PEOPLE WHO AREN'T GOING TO WEAR HELMETS WERE GOING TO TAKE THE SAFETY COURSE, WE CAME BACK TO THAT ISSUE OF HOW WOULD YOU KNOW WHEN SOMEBODY IS DRIVING BY WHETHER THEY'D HAD THE SAFETY COURSE UNLESS YOU MADE THEM WEAR A BIG ORANGE PATCH OR SOMETHING? SO I'M HAVING TROUBLE FIGURING OUT HOW YOU WOULD ENFORCE THE AGE 21 POLICY THAT'S IN THE COMMITTEE AMENDMENTS. IT SEEMS TO ME THAT ADDS EXTRA BURDEN AND POSSIBILITY OF UNINTENDED CONSEQUENCES IN TERMS OF PROFILING AND OTHER ISSUES THAT MIGHT OCCUR IF WE USE THAT AGE OF

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21 IN THE POLICY AS REFLECTED IN THE COMMITTEE AMENDMENTS. SO I RISE IN OPPOSITION TO THE COMMITTEE AMENDMENTS TO LB31. THANK YOU. [LB31]

SPEAKER HADLEY: SENATOR EBKE, YOU'RE RECOGNIZED. [LB31]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. AS I MENTIONED LAST WEEK, I GUESS IT WAS, WHEN WE WERE TALKING ABOUT THIS, I THINK IT'S A GOOD IDEA FOR EVERYONE TO WEAR A HELMET. I THINK THEY OUGHT TO WEAR A HELMET. BUT I'M NOT REALLY SURE THAT WE SHOULD MANDATE THAT EVERYBODY WEAR A HELMET. REASONABLE LIMITS TO OUR FREEDOM ARE IN THE EYE OF THE BEHOLDER. WHAT'S REASONABLE TO ME MAY NOT BE REASONABLE TO YOU. AND SO I ASK MY FRIENDS WHO SAY WE SHOULD PUT REASONABLE LIMITS ON IT, IF I DECIDE THAT I DON'T WANT TO SEE SOMEBODY PROTESTING OUTSIDE OF THE CAPITOL--THEY'RE IN A PUBLIC SPACE--SHOULD I PUT LIMITS, SHOULD WE BE ABLE TO PUT LIMITS ON THEIR FIRST AMENDMENT RIGHTS? I THINK THAT THAT'S A PROBLEM FOR US. LIFE IS FULL OF RISKS. AND IF WE ARE ALL ADULTS, FOR THOSE OF US WHO ARE ADULTS, WE OUGHT TO BE ABLE TO ASSESS THOSE RISKS AND DECIDE WHETHER OR NOT TO TAKE THEM. SENATOR GROENE MENTIONED EARLIER THE PROBLEM WITH BICYCLISTS ON MAIN THOROUGHFARES, ESPECIALLY WHEN THERE IS NO PAVED SHOULDER ON THE SIDE. I DRIVE A NUMBER OF THOSE KINDS OF ROADS, AND DROVE A LOT MORE OF THOSE KINDS OF ROADS WHILE I WAS OUT CAMPAIGNING. AND I'LL TELL YOU, WHEN I RUN UP AGAINST A BICYCLIST, IT NEVER FAILED. THERE WAS BICYCLISTS ON MY SIDE OF THE ROAD AND THERE WAS ANOTHER CAR OR A BIG TRUCK COMING AT ME ON THE OTHER SIDE OF THE ROAD, AND IT GETS KIND OF "SQUEEZY" THERE BECAUSE YOU DON'T NECESSARILY KNOW HOW YOU'RE GOING TO GET PAST THAT BICYCLIST OR AVOID HITTING THE BICYCLIST WITHOUT GETTING HIT YOURSELF AS YOU MOVE OVER INTO THE OTHER SIDE OF THE ROAD. SO IF WE WANT TO TAKE THIS TO THE GREATEST EXTREME, I THINK WE COULD CERTAINLY ARGUE THAT BICYCLISTS OUGHT NOT BE ALLOWED TO RIDE ON ANY MAJOR THOROUGHFARES THAT DON'T HAVE A PAVED SHOULDER. I WOULDN'T ARGUE THAT. I THINK THEY HAVE THE RIGHT TO BE THERE, BUT I THINK THAT THAT'S SOMETHING WE COULD CERTAINLY CONSIDER. MAYBE WE OUGHT TO REQUIRE PEOPLE TO GIVE UP SKY DIVING BECAUSE I DO BELIEVE SKY DIVING IS DANGEROUS AND IT HAS A CERTAIN AMOUNT OF RISK. THE LINCOLN SKYDIVING CLUB ACTUALLY...THIS IS A LITTLE KNOWN FACT, THE LINCOLN SKYDIVING CLUB ACTUALLY DOES THEIR SKYDIVING OUTSIDE OF CRETE, FROM THE CRETE AIRPORT. AND SO, LOOKING FROM THE EAST SIDE OF MY HOUSE ON A NICE, SUNNY DAY, I CAN SEE THE SKYDIVERS JUMPING OUT OF THE PLANE AND LANDING ABOUT A MILE AWAY FROM MY HOUSE. I THINK IT'S

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IMPORTANT FOR US TO REMEMBER AS WELL THAT THERE ARE ECONOMIC FACTORS INVOLVED HERE. WE'VE TALKED A LOT ABOUT STURGIS. BUT IT'S NOT JUST ABOUT THAT ONE MONTH OF STURGIS OR SIX WEEKS OF STURGIS, AS PEOPLE ARE TRAVELING. AND IT'S ALSO ABOUT PEOPLE WHO ARE LICENSED HERE IN NEBRASKA, BEING ABLE TO STAY HERE IN NEBRASKA. MY DISTRICT BUTTS UP AGAINST KANSAS. KANSAS DOESN'T HAVE A HELMET LAW. AND I'VE HAD PEOPLE TELL ME THAT THOSE...THAT THE TEN MILES OR THE FIVE MILES BETWEEN THEIR HOUSE AND KANSAS, THEY ALWAYS HAVE TO THINK ABOUT THIS: OKAY, DO I RIDE WITH OR WITHOUT MY HELMET? BECAUSE THEY'RE GOING TO KANSAS SO THAT THEY CAN RIDE WITHOUT THEIR HELMET. LIKEWISE, THERE ARE PEOPLE FROM KANSAS WHO HAVE TOLD ME THAT IT IS A REAL CONUNDRUM FOR THEM WHEN THEY WANT TO JUST CROSS THE BORDER, JUST OVER A MILE INTO HUBBELL, NEBRASKA, SMALL LITTLE TOWN THAT HAS A GREAT RESTAURANT DOWN THERE. AND THEY WONDER, WELL, CAN THEY GET AWAY WITH RIDING THAT LITTLE BIT OVER THE STATE LINE WITHOUT PUTTING THEIR HELMET ON? IT IS ABOUT ECONOMIC IMPACT IN A LOT OF THESE TOWNS. [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. AND I WOULD YIELD BACK THE LAST MINUTE I'VE GOT TO SENATOR BLOOMFIELD IF HE'D LIKE IT. [LB31]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE YIELDED 50 SECONDS. [LB31]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR EBKE. COLLEAGUES, WE'VE HEARD REPEATEDLY NOW THIS HUE AND CRY ABOUT HOW WOULD THE COPS KNOW WHETHER OR NOT YOU'RE 21? IT'S NOT THAT TOUGH. THE SAME WAY THEY KNOW WHETHER YOU'RE 16 OR NOT NOW IF YOU'RE IN A CAR ZIPPING BY AT 60 MILES AN HOUR. OUR HIGHWAY PATROL KNOWS THE DIFFERENCE BETWEEN A TEN-YEAR-OLD AND A 16-YEAR-OLD. THEY WOULD ALSO BE ABLE TO DISCERN WITH FAIRLY DECENT ACCURACY THE DIFFERENCE BETWEEN AN 18-YEAR-OLD AND SOMEBODY MY AGE. COLLEAGUES, THEY'RE GRASPING AT STRAWS. ANY LITTLE THING THAT MIGHT SCARE YOU A LITTLE BIT, OH, MY GOD, THE WORLD IS GOING TO COME TO AN END IF WE DO AWAY WITH THIS HELMET. [LB31]

SPEAKER HADLEY: TIME, SENATOR. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB31]

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SENATOR HANSEN: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I RISE AGAIN TODAY TO KIND OF CARRY ON A TRAIN OF THOUGHT THAT HAPPENED THE LAST TIME I SPOKE LATE ON FRIDAY MORNING. ONE OF THE MAIN ISSUES THAT WE'RE FOCUSING ON OR DEALING WITH IN THE HELMET LAW IS THE RIGHTS OF INDIVIDUALS TO...AND RIGHTS AND RESPONSIBILITIES, I SHOULD SAY, OF INDIVIDUALS ON OUR PUBLIC ROADS AND OUR PUBLIC HIGHWAYS. IT WAS NOTED EARLIER TODAY, THAT TODAY ON A PRIVATE PIECE OF LAND YOU CAN DRIVE A MOTORCYCLE WITHOUT A HELMET, YOU CAN DRIVE A MOTORCYCLE WITHOUT A LICENSE, YOU CAN DO THE SAME WITH A...YOU CAN RIDE A CAR WITHOUT SEAT BELTS, YOU CAN RIDE A CAR WITHOUT A LICENSE, SO LONG AS YOU'RE ON PRIVATE LAND. BUT WHEN THE ROADS OF OUR STATE ARE SOMETHING THAT WE AS A STATE PAY FOR, WE AS A STATE MAINTAIN, WE AS A STATE CREATE FOR OUR CITIZENS, THAT DOES BEAR SOME RESPONSIBILITY OF THE STATE. SO THEREFORE, BEING ABLE TO DEBATE WHAT PROPER SAFETY MECHANISMS ARE ON THOSE ROADS ARE INHERENTLY WITHIN THE PURVIEW OF THE LEGISLATURE. THERE'S BEEN TALK TODAY AND TALK PREVIOUS DAYS ABOUT OTHER DANGEROUS ACTIVITIES. I KNOW IT'S BEEN MENTIONED THAT MANY, MANY ACCIDENTS HAPPEN IN THE HOME OR IN A FALL OR IN A BATHROOM, AND ARE WE GOING TO MAKE GRANDMA WEAR A HELMET WHEN SHE'S GETTING IN AND OUT OF THE SHOWER? WELL, UNDOUBTEDLY, YOU KNOW, GRANDMA WEARING A HELMET IN AND OUT OF THE SHOWER MAY REDUCE SOME INJURIES, BUT I DON'T THINK THAT'S NECESSARILY THE PURVIEW THAT'S SOMETHING THAT WE'LL TALK ABOUT, BECAUSE THAT'S IN THE PRIVACY OF THE HOME. THAT JUST IS A FUNDAMENTAL RIGHT, I THINK DIFFERENT THERE, TO DO SOMETHING IN YOUR OWN PERSONAL HOME, IN YOUR OWN PRIVATE PROPERTY THAN SAY WALK DOWN THE STREET. IF GRANDMA HAULED HER SHOWER OUT INTO THE MIDDLE OF THE INTERSTATE HAD IT GOING 60 MILES AN HOUR NEXT TO A SEMI, I WOULD SUGGEST SHE WEAR A HELMET WHILE GETTING IN AND OUT OF THE SHOWER, BUT THAT'S NOT THE SCENARIO WE'RE TALKING ABOUT. ANOTHER THING THAT COMES UP TIME AND TIME AGAIN IS WE'RE SEEING ALL SORTS OF NUMBERS FROM ALL SORTS OF DIFFERENT SIDES AND JUST, YOU KNOW, A MEASURE OF CAUTION FROM EVERYONE WHEN DEALING WITH THOSE NUMBERS. I THINK ABOUT THE ONE LIST, FOR EXAMPLE, THAT SENATOR BLOOMFIELD PASSED OUT ABOUT THE MEDICAID EXPENDITURES, COMPARING MOTORCYCLE ACCIDENT VICTIMS TO AUTOMOBILE ACCIDENT VICTIMS. AND HE NOTED IT IS ROUGHLY 40 TIMES HIGHER, AT LEAST IT WAS IN 2013, FOR AUTOMOBILE ACCIDENTS VICTIMS. WELL, IN ADDING TO MY PREVIOUS STATEMENT OF YOU HAVE TO BE CAUTIOUS OF NUMBERS. THROUGH SOME QUICK GOOGLING, WE HAVE AT LEAST 10, IF NOT 15 TIMES MORE DRIVER'S LICENSES IN THE STATE. SO THAT'S ALREADY ACCOUNTS FOR A BIG NUMBER OF

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PORTIONS. THEN LET'S NOT FORGET THAT CARS CAN CARRY MORE PASSENGERS. A MINI VAN MIGHT HAVE TWO ADULT PASSENGERS AND FOUR CHILDREN IN THE SAME WAY THAT A SINGLE MOTORCYCLE WOULD CERTAINLY HOPEFULLY NOT. SO THEY'RE GOOD AND EXPLAINS SOME OF THAT DIFFERENCE. AS WE DEBATE IT, WE CAN CERTAINLY DEBATE WHETHER OR NOT WE WANT TO BE LIKE IOWA, WHETHER OR NOT WE WANT TO BE MISSOURI, WHETHER OR NOT WE WANT TO BE LIKE KANSAS, COLORADO, WYOMING, SOUTH DAKOTA OR EVERY OTHER STATE IN BETWEEN. BUT I JUST WANT US TO BE CAREFUL AND MAKE SURE WE TALK ABOUT NUMBERS, WE TALK ABOUT...TALK ABOUT AND CAUTION THEM. THERE'S ALL SORTS OF CONTRIBUTING DETAILS AND CONTRIBUTING FACTORS EVERY TIME YOU SEE A STUDY PUBLISHED IN A JOURNAL, THEY WILL LIST OFF A DOZEN OR SO FACTORS THAT THEY EITHER CONSIDERED OR DIDN'T CONSIDER, THOUGHT MIGHT CONTRIBUTE, THOUGHT DIDN'T CONTRIBUTE AND WHATNOT. AND THAT'S SOMETHING WE, AT THE VERY MINIMUM IN THE BACK OF OUR MIND SHOULD DO... [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT...WHEN CONSIDERING STATISTICS AND WHATNOT PRESENTED TO US. AS WELL AS, AGAIN, GOING BACK TO MY EARLIER POINT, THESE ARE OUR ROADS; THESE ARE OUR HIGHWAYS. THESE ARE SOMETHING THAT WE AS A STATE HAVE DECIDED THAT YOU HAVE TO BE OF A CERTAIN AGE, YOU HAVE TO HAVE INSURANCE, YOU HAVE TO HAVE A CERTAIN AMOUNT OF TRAINING AND EDUCATION. AND SO, FROM THERE WE CAN CERTAINLY DECIDE WHAT LEVEL OF SAFETY PRECAUTIONS IT IS. WE'VE MADE THE COMPARISON TO SEAT BELTS. WE'VE MADE THE COMPARISONS TO AIR BAGS. WE OBVIOUSLY ARE TALKING FOR A CONSIDERABLE AMOUNT OF TIME ON HELMETS. AND SO, I FEEL LIKE THIS HAS BEEN A VERY LIVELY, ENTERTAINING DEBATE. THANK YOU, MR. PRESIDENT. [LB31]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB31]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I WAS JUST WANTING TO ASK SENATOR BLOOMFIELD A QUESTION, IF HE'D YIELD. I WAS HOPING TO GET SENATOR BLOOMFIELD... [LB31]

SPEAKER HADLEY: SENATOR BLOOMFIELD, WOULD YOU YIELD TO A QUESTION? [LB31]

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SENATOR BLOOMFIELD: YES. [LB31]

SENATOR PANSING BROOKS: OKAY, THANK YOU, SENATOR BLOOMFIELD. I GUESS I'M INTERESTED IN THE REASON YOU PASSED THAT SHEET OUT, BECAUSE FROM WHAT I SEE, IT SHOWS THE DIFFERENCES BETWEEN MOTORCYCLE ACCIDENT VICTIMS AND AUTOMOBILE ACCIDENT VICTIMS. AND IF YOU TAKE JUST THE YEAR 2013 AND TAKE THE \$1,085,000,000 AND DIVIDE IT BY 33, YOU GET ABOUT \$32,897 PER INCIDENT. AND THEN IF YOU GO DOWN TO LOOK AT THE AUTOMOBILE PART AND DIVIDE 43,579,015 BY 3,108, THE NUMBER OF AUTOMOBILE ACCIDENT VICTIMS, YOU GET 14,021. SO WITH HELMETS, WE'RE AT 32,897, AND IN A CAR, IT'S 14,021. SO WERE YOU JUST SHOWING THAT IT WAS MORE SAFE IN A CAR OR...? [LB31]

SENATOR BLOOMFIELD: NO. SENATOR, THE \$1 MILLION NUMBER, THE \$1,085,000, I THINK YOU QUOTED AS \$1 BILLION, IT'S \$1 MILLION. [LB31]

SENATOR PANSING BROOKS: OH, YEAH. YES, IT'S \$1 MILLION, YES. SORRY. ONE MILLION (DOLLARS). [LB31]

SENATOR BLOOMFIELD: I THINK THAT WILL TAKE CARE OF YOUR ISSUE. [LB31]

SENATOR PANSING BROOKS: ONE MILLION (DOLLARS.) BUT I STILL DID IT THAT WAY. I'M SORRY, AND DID NOT MEAN...I MEANT \$1 MILLION. SORRY, SENATOR. [LB31]

SENATOR BLOOMFIELD: OKAY. [LB31]

SENATOR PANSING BROOKS: I MEANT \$1 MILLION. SORRY, SENATOR. [LB31]

SENATOR BLOOMFIELD: OKAY. AS THE GOOD SENATOR OVER HERE JUST SAID THAT...THE 15 TIMES AS MANY CARS? [LB31]

SENATOR PANSING BROOKS: WELL, YEAH, ALMOST TEN TIMES AS MANY CAR ACCIDENTS AS MOTORCYCLE ACCIDENTS. AND THE COST, OF COURSE, IS WAY LESS FOR THOSE ACCIDENTS PER INJURY. SO THAT'S WHY I WAS... [LB31]

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SENATOR BLOOMFIELD: I DON'T KNOW THAT THERE ARE 43 TIMES AS MANY.  
[LB31]

SENATOR PANSING BROOKS: FORTY-THREE. NO, TEN TIMES, BECAUSE 3,100  
AUTOMOBILE... [LB31]

SENATOR BLOOMFIELD: TEN TIMES OUR MILLION, SENATOR, WOULD BE 10  
MILLION INSTEAD OF 43 MILLION. [LB31]

SENATOR PANSING BROOKS: NO. I'M TALKING ABOUT...LOOK AT UNDER THE  
SECOND LINE OF YOUR...IF YOU LOOK AT IT, IT SAYS 3,108, SO THAT'S 3,108 WHICH  
IS ALMOST TEN TIMES THE 33 ACCIDENTS. SO I'M JUST TRYING...I WAS TRYING TO  
FIGURE OUT WHAT... [LB31]

SENATOR BLOOMFIELD: JUST WHERE ARE YOU FINDING THIS NUMBER AT? [LB31]

SENATOR PANSING BROOKS: OKAY. LOOK AT 2013 UNDER BOTH THE  
MOTORCYCLE AND THE AUTOMOBILE. AND IF YOU GO OVER TWO COLUMNS, IT  
SAYS AUTOMOBILE ACCIDENT VICTIMS FROM THAT YEAR AND MOTORCYCLE  
ACCIDENT VICTIMS FROM THAT YEAR. SO THE NUMBER OF CAR ACCIDENT  
VICTIMS IS ALMOST TEN TIMES THE NUMBER OF CAR ACCIDENT VICTIMS, YET  
THE COST IS OVER DOUBLE FOR THE MOTORCYCLE ACCIDENT VICTIMS. AND  
THAT'S WITH HELMETS. THAT DOESN'T EVEN...THAT ISN'T EVEN WITHOUT  
HELMETS. SO I WAS JUST TRYING TO FIGURE OUT WHY YOU WERE SENDING  
THAT FORWARD TO US? [LB31]

SENATOR BLOOMFIELD: OKAY. MY COMPARISON WAS IF YOU GO UP TO THE LAST  
COLUMN IN THE FIRST SECTION, THE TOTAL AMOUNT SPENT VERSUS THE LAST  
COLUMN IN THE BOTTOM SECTION VERSUS THE TOTAL AMOUNT MET, THERE'S A  
43 TIMES... [LB31]

SENATOR PANSING BROOKS: YES, BUT... [LB31]

SENATOR BLOOMFIELD: ...BEING SPENT FOR THE AUTOMOBILE. [LB31]

SENATOR PANSING BROOKS: BUT PER INCIDENT IT'S \$14,021 VERSUS \$32,897. SO  
ANYWAY IT'S CLEAR... [LB31]



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SENATOR BLOOMFIELD: I DON'T THINK, SENATOR, THAT ANYBODY IS DENYING YOU'RE MORE LIKELY TO GET HURT IN AN ACCIDENT ON THE BIKE. [LB31]

SENATOR PANSING BROOKS: OKAY, THANK YOU SO MUCH. I APPRECIATE THAT, SENATOR BLOOMFIELD. I ALSO WANTED TO ADD, I RAN OFF SOME INFORMATION FROM THE CENTER FOR DISEASE CONTROL BECAUSE I FIGURED THEY MIGHT HAVE SOMETHING... [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR PANSING BROOKS: ...ABOUT MOTORCYCLE ACCIDENTS. DR. THOMAS FRIEDEN, THE CDC DIRECTOR, SAID OUR ROLE IS TO IDENTIFY WAYS TO PREVENT INJURY AND DEATH, AND RIGOROUSLY CHECK WHAT WORKS AND WHAT DOES NOT WORK. FOR MOTORCYCLE SAFETY, THE RESEARCH SHOWS THAT UNIVERSAL HELMET LAWS ARE THE MOST EFFECTIVE WAY TO REDUCE THE NUMBER OF DEATHS AND TRAUMATIC BRAIN INJURIES THAT RESULT FROM CRASHES. AGAIN, THAT STUDY SHOWS THAT THE ECONOMIC BURDEN IN THE UNITED STATES TOTALED \$12 BILLION. THEY TALKED ABOUT THE FACT THAT YOUNG PEOPLE ARE NOT THE ONES DYING IN THE MOTORCYCLE CRASHES. IN 2010, HALF THE PEOPLE KILLED WERE 40 OR OLDER, UP 25 PERCENT SINCE 1995. AND WHILE ONLY 10 PERCENT OF RIDERS KILLED IN MOTORCYCLE CRASHES IN 2010 WERE WOMEN, ALMOST ALL PASSENGERS, 89 PERCENT, KILLED IN MOTORCYCLE CRASHES WERE WOMEN. ALSO ON LOCATION, MORE PEOPLE ARE KILLED IN MOTORCYCLE CRASHES ON RURAL ROADS NOW THAN 20 YEARS AGO. [LB31]

SPEAKER HADLEY: TIME, SENATOR. [LB31]

SENATOR PANSING BROOKS: SO ROUGHLY HALF OF ALL CRASHES TAKE PLACE ON RURAL ROADS. THANK YOU, MR. PRESIDENT. [LB31]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZE AND THIS IS YOUR THIRD TIME. [LB31]

SENATOR HAAR: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE BODY, FOR ME, THIS IS NOT JUST A MATTER OF MONEY. I DON'T CARE IF YOU COULD SHOW THAT NEBRASKA WOULD GARNER 50 TIMES WHAT IT'S GOING TO COST US TO KEEP HEAD INJURIES, I WOULD STILL NOT BE FOR LB31. I CAN THINK OF QUITE A

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NUMBER OF OTHER THINGS IF WE'D LEGALIZE THEM IN NEBRASKA THAT WOULD BRING MORE MONEY TO THIS STATE THAN GETTING RID OF MOTORCYCLE HELMETS. WHAT I WANT TO TALK ABOUT THIS TIME THOUGH IS WE HEAR ABOUT NANNY STATE. WE HEAR ABOUT WE'RE TAKING AWAY PEOPLE'S FREEDOMS. WELL, WE DO THAT AND THERE IS GOOD REASON. AND WE HAVE TO BE JUDICIOUS ABOUT THAT. WE HAVE TO THINK ABOUT IT CAREFULLY. BUT THERE IS A ROLE OF GOVERNMENT IN TERMS OF REGULATION AND TAKING AWAY PERSONAL FREEDOM. FOR EXAMPLE, LET'S JUST SAY...TAKE ANY DRUG YOU WANT. AND THE DRUG THAT ALWAYS COMES TO MY MIND IS THALIDOMIDE. THALIDOMIDE, WHICH IS, ACTUALLY, CURRENTLY SOLD AS IMMUNOPRIN, TALIDEX, TALIZER, OR THALOMID IS AN IMMUNOMODULATORY DRUG AND IT'S ACTUALLY SOLD. AND WE'LL TALK ABOUT THAT IN A MINUTE. TODAY IT'S SOLD AS CELGENE, MAINLY AS A TREATMENT OF CERTAIN CANCERS AND OF A COMPLICATION OF LEPROSY. BUT THALIDOMIDE WAS FIRST MARKETED IN 1957 IN WEST GERMANY AND THE GERMAN DRUG COMPANY DEVELOPED AND SOLD THE DRUG PRIMARILY DESCRIBED AS A SEDATIVE OR HYPNOTIC, BUT IT WAS ALSO USED EARLY ON TO ALLEVIATE MORNING SICKNESS IN PREGNANT WOMEN. AND I'VE NEVER BEEN PREGNANT. SO I DON'T KNOW HOW THAT FEELS, BUT APPARENTLY IT'S VERY UNCOMFORTABLE. AND SO THERE WAS GREAT PRESSURE ON THE UNITED STATES TO MAKE THALIDOMIDE LEGAL IN THIS COUNTRY BECAUSE IT CURED MORNING SICKNESS. HOWEVER, WHEN IT BECAME AN OVER-THE-COUNTER DRUG IN GERMANY OCTOBER 1, 1957, IT WAS NOT YET APPROVED BY THE UNITED STATES GOVERNMENT. SHORTLY AFTER THE DRUG WAS SOLD IN GERMANY BETWEEN 5,000 AND 7,000 INFANTS WERE BORN WITH MALFORMATION OF THE LIMBS. CHILDREN WERE BORN WITHOUT ARMS, WITHOUT LEGS, AND ONLY 40 PERCENT OF THESE CHILDREN SURVIVED. THROUGHOUT THE WORLD, ABOUT 10,000 CASES WERE REPORTED OF INFANTS WITH THIS MALADY CAUSED BY THALIDOMIDE. ONLY 50 PERCENT OF THE 10,000 SURVIVED. AND THOSE SUBJECTED TO THALIDOMIDE WHILE IN THE WOMB EXPERIENCED LIMB DEFICIENCIES IN A WAY THAT THE LONG LIMBS EITHER WERE NOT DEVELOPED OR PRESENTED THEMSELVES AS STUMPS. AND SO BABIES, 10,000 BABIES WERE BORN AROUND THIS WORLD, INSTEAD OF HAVING DEVELOPED LIMBS, THEY HAD STUMPS INSTEAD OF ARMS AND LEGS. OTHER EFFECTS INCLUDED DEFORMED EYES AND HEARTS, DEFORMED ELEMENTARY AND URINARY TRACTS, BLINDNESS, AND DEAFNESS. THE NEGATIVE EFFECTS OF THALIDOMIDE LED TO THE DEVELOPMENT OF MORE STRUCTURED DRUG REGULATIONS AND CONTROL OVER DRUG USE AND DEVELOPMENT. THAT WAS APPROVED IN GERMANY. THERE WAS GREAT PRESSURE TO APPROVE IT IN THE UNITED STATES BECAUSE IT HAD SPECTACULAR RESULTS FOR MORNING SICKNESS. BUT THE FDA SAID NO, IT HASN'T BEEN TESTED. AND THANK

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GOODNESS, BECAUSE IN THE UNITED STATES--ALTHOUGH THERE WAS SOME WOMEN WHO TRAVELED TO EUROPE TO GET THE DRUG--IN THE UNITED STATES IT WAS NOT LEGAL AND SO WE DIDN'T HAVE ALL OF THESE PROBLEMS WITH THAT DRUG. AND SO ANYTIME... [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR HAAR: ....YOU SAY, YOU KNOW, THE GOVERNMENT IS JUST A NANNY STATE AND WE'RE TAKING AWAY EVERYBODY'S FREEDOMS, I THINK WE HAVE TO LOOK AT THE FACT THAT THERE ARE VERY LEGITIMATE TIMES WHEN THE UNITED STATES GOVERNMENT NEEDS TO STEP IN WITH REGULATION AND TAKING AWAY PEOPLE'S FREEDOMS TO DO JUST WHATEVER THEY WANT TO DO. WE HAVE TO BE CAREFUL. WE HAVE TO BE THOUGHTFUL. WE HAVE TO DEBATE. AND IN MY OPINION, LB31 IS A FREEDOM THAT EXISTS IN THE CURRENT LAW THAT WE'VE TAKEN AWAY THE FREEDOM THAT YOU CAN'T RIDE A MOTORCYCLE ON PUBLIC STREETS AND ROADS WITHOUT A HELMET IS A GOOD LAW. IT'S A GOOD EXAMPLE OF THE UNITED STATES AND THE GOVERNMENT REGULATING AND TAKING AWAY A PERSONAL FREEDOM. THANK YOU VERY MUCH. [LB31]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED, AND IT'S YOUR THIRD TIME. [LB31]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I WANT TO GO BACK FOR A MINUTE TO HOW ARE THE PATROL GOING TO RECOGNIZE THESE PEOPLE AND WHAT ARE WE GOING TO DO WITH THE FOLKS THAT MIGHT SNEAK BY WITHOUT BEING RECOGNIZED. THE PERCENTAGE OF YOUNG RIDERS ISN'T THAT HIGH. IF YOU TAKE A LOOK, AGAIN, NEBRASKA LICENSED DRIVERS BY TYPE OF LICENSE ON THE MOTORCYCLE HELMET OR MOTORCYCLE LICENSE, 41.79 PERCENT FALL IN THE 50 TO 54 AGE BRACKET. HALF OF THE RIDERS ARE BETWEEN 50 AND 54. I DON'T BELIEVE IT'S REAL LIKELY THAT THE PATROL IS GOING TO CONFUSE THEM WITH AN 18-YEAR-OLD. THE NEXT GROUP IS 65 TO 69, IT'S 16.5 PERCENT. I DON'T BELIEVE THERE'S MUCH DANGER OF THEM BEING MISTAKEN FOR BEING 16. WE EVEN HAVE ONE LICENSED OPERATOR YET THAT'S IN EXCESS OF 100 YEARS OLD. I BET HE'D JUST LOVE TO HAVE A PATROLMAN PULL HIM OVER AND ASK HIM IF HE WAS 21 OR NOT. THIRTY TO THIRTY-FOUR, 14 PERCENT. SO WHERE DOES THAT LEAVE US FOR THE YOUNG RIDER? AND WE'RE STILL TRYING TO LEAVE THE HELMET ON THEM EVEN THOUGH THERE AREN'T ALL THAT MANY OF THEM. THEY'VE GOT SOME LEARNING TO DO. COLLEAGUES, AGAIN, WE LOOK AT ANY STATISTIC YOU WANT TO LOOK AT. I GO BACK TO THE

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ONES CLOSEST TO HOME, THE ONES FROM THE PEOPLE THAT WE DEAL WITH ON A DAILY BASIS. YOU KNOW, WE'RE NEARING THE BEWITCHING HOUR HERE. I'M TOLD WE'RE GOING TO CLOTURE AT AROUND 3:15. AND WE WILL BE DONE WITH THIS AND WE CAN MOVE ON TO DRY BEANS. ARE YOU SURE YOU WANT TO MOVE FORWARD OR SHOULD WE STAY WHERE WE'RE AT AWHILE OR SHOULD WE, BETTER YET, JUST GO TO A VOTE? BUT, COLLEAGUES, LOOK AROUND. USE YOUR HEADS. LET'S DECIDE WHAT'S BEST FOR NEBRASKA, AND WHAT'S BEST FOR NEBRASKA IS NOT LIMITING THE RIGHTS OF THESE RIDERS. YOU KNOW, I MENTIONED THE AMENDMENTS BEFORE THAT WE HAD TALKED ABOUT. THE POSSIBILITY OF A SAFETY COURSE; GOOD IDEA. FUNDING THE BRAIN TRUST; NOT A BAD IDEA. WE COULD GET THERE, I THINK. MAYBE A SUNSET CLAUSE. YEAH. LET'S SEE WHAT THE NUMBERS TELL US. BUT NO, WE'RE NOT GOING TO GET TO VOTE ON THAT UNLESS--UNLESS--WE GET TO SELECT FILE. AND THAT'S WHAT YOU'RE GOING TO HAVE TO DECIDE IS WHETHER OR NOT WE MOVE ON TO SELECT FILE. THESE THINGS CAN BE AMENDED ON BETWEEN GENERAL AND SELECT. IF WE DO NOT PASS THE CLOTURE VOTE AND THE BILL, THE BRAIN TRUST WILL NO DOUBT GO UNFUNDED ANOTHER YEAR OR MAYBE ANOTHER 20, WHERE THE MOTORCYCLISTS HAVE AGREED TO FUND IT. COLLEAGUES, WHAT DO WE WANT AND WHAT DO WE WANT THIS GROUP OF PEOPLE TO DO? [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR BLOOMFIELD: THEY'VE AGREED TO EVERYTHING THAT HAS BEEN PUT BEFORE THEM AND THE GOALPOSTS KEEP MOVING. I DON'T KNOW WHERE THEY WANT US TO GO. IF THEY WOULD TELL US, IF YOU DO THIS WE CAN GET THERE. AND THEN WHEN I AGREE TO DO IT, THEY STAY THERE WE COULD GET SOMETHING DONE. BUT THAT'S NOT BEEN THE HISTORY OF THIS BILL. SO I GUESS WHAT I'M DOING RIGHT NOW, I'M ASKING YOU TO: OPPOSE AM942; PASS THE TRANSPORTATION COMMITTEE AMENDMENT; GIVE ME A CLOTURE VOTE ON THIS BILL; AND LET'S PASS THIS BILL TO SELECT FILE WHERE WE CAN GET TO SENATOR SCHUMACHER'S AMENDMENT TO PUT A SUNSET ON IT. MAYBE WE COULD FUND A BRAIN TRUST AND IF NOT, WE COULD COME BACK NEXT YEAR AND I WOULD HELP GET THAT DONE. [LB31]

SPEAKER HADLEY: TIME, SENATOR. [LB31]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. [LB31]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB31]

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SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER AND MEMBERS OF THE BODY. COUPLE OF THINGS, SENATOR KOLOWSKI KIND OF LIT ME UP A LITTLE BIT WHEN HE TALKED ABOUT THE GRIM REAPER KNOCKING ON THE DOORS WITH THE BAD NEWS. FOR EIGHT YEARS, I WAS THE GRIM REAPER AND I WAS ON THE OTHER SIDE OF THE DOOR AND THREE OCCASIONS IT WAS INVOLVING A MOTORCYCLE ACCIDENT. TWO OF THOSE THREE OCCASIONS THE PERSON WAS WEARING A HELMET. IN ONE CASE, IT WAS 4:00 IN THE MORNING, CITY STREET--WHO KNOWS IF THE GUY HAD BEEN DRINKING--ROARING DOWN THE STREET. DEAD END. HITS A CURB, EJECTED INTO ABOUT A FOUR-FOOT BASE OF A TREE. HELMET DID NO GOOD. ANOTHER CASE IT WAS FOUR-LANE ROAD, GUY LOST CONTROL, WENT SLIDING DOWN THE ROAD. YOU COULD SEE WHERE THE BODY HAD CLEANED THE GRAVEL OFF THE PAVEMENT AS HE SLID TOWARD A POLE, WRAPPED HIMSELF AROUND THE POLE. HELMET DID NO GOOD. THIRD CASE WAS A COUNTRY ROAD. COUNTRY ROAD WAS OUT IN THE COUNTRY, GRAVEL ROAD. HE MUST HAVE HIT SOME GRAVEL OR SOMETHING AND HE WENT ROLLING DOWN THE ROAD. HELMET DID NO GOOD. THERE WAS NO WAY A RESCUE UNIT COULD BE THERE. I THINK IN THAT CASE, IF MY MEMORY SERVES ME CORRECT, HE WAS NOT WEARING A HELMET, BUT IT WOULDN'T HAVE DONE HIM ANY GOOD IF IT WAS. TALK ABOUT PICKING UP BODY PARTS OFF THE ROAD. ONCE I DID PICK A BRAIN OFF THE ROAD. IT WAS A VERY, VERY, VERY COLD NIGHT. GOT THE CALL ABOUT MIDNIGHT. AND GOT OUT TO THE SCENE AND THE TROOPER WAS THERE. PARTY WAS CLEARLY DECEASED. APPARENTLY HE HAD ROLLED DOWN THE WINDOW IN THE CAR FOR SOME REASON AND LOST CONTROL OF THE VEHICLE. THE VEHICLE ROLLED AND SOME WAY THE PERSON'S HEAD WAS HALFWAY OUT THE WINDOW WHEN THE ROOF CAME CRASHING DOWN ON IT, EJECTING THE BRAIN. IT WAS REALLY COOL THAT NIGHT, AND THE TROOPER AND I WERE WAITING FOR THE FUNERAL HOME TO COME AND PICK UP THE BODY. AND THE BRAIN WAS IN THE MIDDLE OF THE ROAD, AND WE WERE NOT TERRIBLY COMFORTABLE LEAVING IT THERE BUT WE DIDN'T HAVE ANYPLACE TO PUT IT. THE TROOPER'S EVIDENCE BAG WAS NOT BIG ENOUGH FOR THE BRAIN AND WE HAD SOME CONSTERNATION OF WHAT WE WERE GOING TO DO. WE TRIED TO BE RESPECTFUL. WE TRIED TO HAVE SOMETHING WE COULD PUT IT IN, AND THE BEST WE COULD FIND WAS A 32-INCH POP CAN. IT FIT. THOSE ARE SAD THINGS. BUT THEY ARE ALSO THINGS THAT HAPPEN REGARDLESS OF HELMETS. I'VE ASKED THAT THE AMENDMENT I HAD FILED THAT WOULD PUT A FIVE-YEAR SUNSET BASICALLY ON THIS BE MOVED TO SELECT FILE IN THE CASE THIS GETS THERE. AND I WOULD MAKE THE ARGUMENT IN MY FINAL MINUTE OR TWO HERE TO SAY THIS: THIS CAN BE TURNED INTO A VEHICLE FOR SAFETY, BECAUSE UNLIKE A STRAIGHT REPEALER, IF WE SAY THAT THIS THING REACTIVATES...THE HELMET LAW REACTIVATES UNLESS THE STATISTICS ARE

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GOOD, THEN IN FIVE YEARS WE WILL HAVE IT BACK WITHOUT HAVING TO FEAR A FILIBUSTER OR 17 PEOPLE STOPPING IT. AND IT BECOMES QUITE AN INCENTIVE FOR THE BIKERS TO DRIVE SAFELY. BIKERS COMING TO OUR STATE KNOW THAT THEY SLOW DOWN A FEW MILES AN HOUR, GO A LITTLE SLOWER ON A GRAVEL ROAD, DON'T RUN INTO CURBS WITH TREES ON THE OTHER SIDE, THAT THEY WILL BE CONTRIBUTING TO THE CAUSE OF FREEDOM AND THE ABILITY OF PEOPLE TO RIDE HELMET-FREE IN NEBRASKA. INDEED, THERE MAY BE A NEW SLOGAN OR MANTRA PROMULGATED AMONG THE BIKING COMMUNITY... [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR SCHUMACHER: ...PROMULGATED AMONG THE BIKING COMMUNITY IN NEBRASKA AND IT MAY PROMOTE SAFETY BY SAYING, "DRIVE SAFELY. STAY FREE." NOT A BAD SLOGAN. NOT A BAD INCENTIVE. THEY REALLY, REALLY, REALLY DO NOT LIKE WEARING THESE HELMETS OR AT LEAST BEING TOLD THEY HAVE TO WEAR THE HELMETS. AND IF THEY DRIVE SAFELY AND HOLD THOSE STATISTICS DOWN, MAYBE HELMETED AND NONHELMETED AND BODY INJURY DEATHS WILL GO DOWN BECAUSE THEY KNOW THAT THERE IS THIS HEAVY HAND HOLDING OVER THEM. SO LET'S HAVE THAT BE OUR SLOGAN AS PEOPLE COME INTO THIS STATE TO ENJOY OUR PREMISES. DRIVE SAFELY. STAY FREE. THANK YOU. [LB31]

SPEAKER HADLEY: SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB31]

SENATOR SCHNOOR: THANK YOU, SIR. IT'S KIND OF IRONIC WE'VE BEEN HERE TALKING FOR, I DON'T KNOW, SIX OR SEVEN HOURS, AND WE'RE PROBABLY STILL AT THE SAME STAGE THAT WE WERE WHERE EVERYBODY HAS THEIR MIND MADE UP. SO I AM STILL IN FAVOR OF THIS BILL. HOWEVER, I STILL WILL BE ONE THAT WILL ALWAYS WEAR MY HELMET. AND THAT'S ALL I HAVE TO SAY. AND WITH THAT, I WOULD LIKE TO GIVE THE REST OF MY TIME TO SENATOR BLOOMFIELD. [LB31]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE YIELDED 4 MINUTES AND 25 SECONDS. [LB31]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. THIS IS NOT ALL ABOUT STURGIS AND THE MONEY WE'D BRING IN FROM THERE. BUT SIX MONTHS OUT OF THE YEAR THE PEOPLE WOULD PASS THROUGH NEBRASKA. IT'S NOT THE TWO WEEKS FOR STURGIS, ALTHOUGH THAT WOULD BE A GREAT, GREAT

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BENEFIT TO NEBRASKA. BUT IT'S THE FULL RIDING SEASON THAT WE WOULD SEE INCOME FROM. IT'S THINGS LIKE SENATOR SCHILZ TALKED ABOUT YESTERDAY WHERE WE CAN MAYBE GET A RALLY OF OUR OWN GOING THAT PEOPLE WOULD ACTUALLY COME AND ATTEND IF THEY DIDN'T HAVE TO WEAR A HELMET. IT ALSO ENCOURAGES NEBRASKANS TO STAY IN NEBRASKA. ONE-THIRD OF NEBRASKA'S POPULATION LIVES WITHIN ABOUT 15 MINUTES OF IOWA. WHERE DO YOU SUPPOSE THESE RIDERS SPEND THEIR MONEY? IT'S A QUICK HOP ACROSS THE RIVER TO WHERE THEY CAN RIDE FREE, RIDE THE WAY THEY WOULD LIKE TO. DO YOU THINK THEY'RE SPENDING THEIR MONEY OVER HERE WHEN THEY CAN GO OVER TO IOWA, LESS THAN 15 MINUTES AWAY AND SPEND THEIR MONEY? NO, THEY'RE NOT. YOU KNOW, IT'S A TERRIBLE, TERRIBLE AMOUNT OF MONEY GETTING AWAY. I KNOW SENATOR SCHUMACHER WILL TELL YOU THE SAME THING ABOUT THE GAMBLING AND PROBABLY THAT IS TRUE TOO. BUT IT'S JUST WRONG THAT WE CONTINUE TO SEND THESE PEOPLE OUT OF THE STATE, THAT WE DISCOURAGE PEOPLE FROM COMING INTO THE STATE. YOU KNOW, IT'S JUST...IT'S NOT A PLACE WE SHOULD GO. AGAIN, I ASK YOU, COLLEAGUES, LOOK AT THE NUMBERS. LOOK IN YOUR HEART. THINK WHERE WE OUGHT TO BE. THESE PEOPLE SHOULD HAVE THE OPPORTUNITY TO MAKE UP THEIR OWN MINDS ABOUT WHAT'S BEST FOR THEM. YOU KNOW, WE HAVEN'T OUTLAWED SMOKING YET. WE HAVEN'T OUTLAWED EATING TOO MUCH BEEF. THESE THINGS WE'RE TOLD AREN'T GOOD FOR US EITHER, BUT WE HAVEN'T OUTLAWED THEM. WE HAVEN'T... WE HAVEN'T YET, ANYWAY, BUT IT MAY COME GIVEN THE WAY THINGS ARE GOING IN WASHINGTON. WE HAVE YET TO HAVE THE FOOD POLICE COME IN AND TELL US THAT WE CAN ONLY EAT THREE OUNCES OF BEEF A DAY BECAUSE ANY MORE THAN THAT IS NOT GOOD FOR US. BUT IT COULD HAPPEN. COLLEAGUES, THIS HELMET THING, IT WAS A BAD LAW IN 1989 AND IT HASN'T GOTTEN ANY BETTER. WE TALK ABOUT HOW MANY...HOW FAR THE NUMBERS WENT DOWN AND HOW MANY PEOPLE WERE HURT IN '89 WHEN WE PASSED THE HELMET LAW. I WISH YOU'D ALSO TAKE A LOOK AT THE REGISTRATIONS. THEY WENT DOWN BY ROUGHLY THE SAME PERCENTAGE. WE DIDN'T SAVE LIVES BECAUSE THE HELMET WAS SO PROTECTIVE. PEOPLE DECIDED NOT TO RIDE. THEY DECIDED NOT TO BUY A NEW BIKE FROM THE NEBRASKA... [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR BLOOMFIELD: ...MOTORCYCLE DEALER BECAUSE THEY NOW HAD TO WEAR A HELMET WHERE THEY DIDN'T BEFORE. THE ECONOMIC DAMAGE THAT THIS BILL DOES TO NEBRASKA IS INCALCULABLE. YOU KNOW, AGAIN, IF WE CAN GET TO SELECT FILE, WE CAN LOOK AT SOME OF THESE THINGS THE OTHER

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SIDE CLAIMS THEY WANT. BUT WE CAN'T EVEN GET TO VOTE ON THE COMMITTEE AMENDMENT. SO I GUESS WE'LL...LOOKS LIKE WE HAVE TIME MAYBE FOR ONE MORE SPEAKER, AND THEN WE'LL GO TO CLOTURE. THANK YOU, MR. PRESIDENT. [LB31]

SPEAKER HADLEY: SENATOR KOLOWSKI, YOU'RE RECOGNIZED. SENATOR KOLOWSKI WAIVES. SENATOR GARRETT, YOU'RE RECOGNIZED. [LB31]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. IT'S WITH GREAT RELUCTANCE-- I LOVE SENATOR BLOOMFIELD...TRULY ENJOY WORKING WITH HIM ON NUMEROUS ISSUES--BUT THIS IS ONE BILL I JUST CANNOT SUPPORT. I SPOKE EARLY ON THIS, AND I'VE STEPPED ASIDE FROM STEPPING UP TO THE MIKE. BUT SOME OF THE THINGS I'VE HEARD OVER THE LAST THREE DAYS HAVE JUST...I CAN'T STAND IT ANYMORE. THE ARGUMENTS, THE SPECIOUS ARGUMENTS ABOUT THE ECONOMICS OF THIS ARE JUST BEYOND ME. NEBRASKA MAKES MORE IN TOURISM THAN WYOMING AND SOUTH DAKOTA COMBINED JUST CURRENTLY. I THINK THE AMOUNT OF TOURISM THAT WE ARE GOING TO LOSE BECAUSE PEOPLE RIDE AROUND THE STATE TO GO TO STURGIS, I'M JUST NOT BUYING IT. SENATOR PATTY PANSING BROOKS MENTIONED A NUMBER WHICH I THINK PROBABLY A LOT OF PEOPLE DON'T KNOW AND KIND OF A DIRTY LITTLE SECRET, THAT THE VAST MAJORITY OF THE RIDERS THAT GO UP TO STURGIS, THEY TOW THEIR MOTORCYCLES UP THERE. I'VE BEEN ON A MOTORCYCLIST SINCE I WAS NINE YEARS OLD. A GOOD NUMBER, GOODLY NUMBER, OVER HALF OF THE PEOPLE TOW THEIR BIKES UP TO SOUTH DAKOTA. SO IT REALLY WOULDN'T BE AN ISSUE FOR THEM RIDING AROUND NEBRASKA IF THEY'RE TOWING THEIR MOTORCYCLES. AND I GOT TO TELL YOU, THE AMOUNT OF MONEY WE LOSE BECAUSE SOME RIDER MAY DECIDE TO DRIVE AROUND NEBRASKA PALES BY COMPARISON TO THE AMOUNT OF MONEY THAT WE'RE GOING TO SPEND ON PEOPLE WHO ARE FOREVER LAID UP WITH A TRAUMATIC BRAIN INJURY OR, EVEN WORSE, DIE FROM THIS. SO I GUESS IF WE'RE LOOKING TO INCREASE THE BUSINESS FOR OUR FUNERAL HOMES, THAT WOULD BE ONE THING, BECAUSE I'M TELLING YOU, YOU DON'T NEED TO BE AN INSURANCE ACTUARY TO FIGURE THIS OUT. MOTORCYCLE RIDING IS INHERENTLY DANGEROUS. I'VE DONE IT ALL MY LIFE, ALMOST. IT'S INHERENTLY DANGEROUS. AND THERE ARE A LOT MORE FATALITIES ON MOTORCYCLES, TRAUMATIC BRAIN INJURIES. EVEN, YOU KNOW, SENATOR SCHUMACHER GETS UP AND TALKS ABOUT HAVING TO NOTIFY PEOPLE THAT THEIR LOVED ONE HAD PASSED BECAUSE OF A MOTORCYCLE ACCIDENT AND THEY HAD HELMETS ON. WELL, HOW MANY TIMES DID YOU NOT HAVE TO DO THAT WHEN THERE WAS A MOTORCYCLE CRASH AND THE PERSON JUST GOT BANGED UP BUT SURVIVED



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BECAUSE THEY WERE WEARING A HELMET? THE ARGUMENTS THAT HELMETS CAUSE MORE ACCIDENTS, I'M SORRY, THAT'S JUST NOT TRUE. IT'S...EVERY FORM OF MOTORCYCLE SPORT FROM THE SLOW-SPEED TRIALS RIDERS TO FLAT TRACKERS, TT, MOTORCROSS, GRAND PRIX, DRAG RACING, EVERY SINGLE ONE OF THOSE MOTORCYCLE RACERS WEAR A HELMET AND THEY WEAR IT FOR A REASON. IN RACING, WHEN YOU'RE LOOKING TO SAVE EVERY OUNCE YOU CAN POSSIBLY SAVE SO YOU CAN BE LIGHTER AND YOU CAN GO FASTER, IT'D BE A LOT EASIER TO TAKE A FIVE-POUND HELMET OFF YOUR HEAD TO GO FASTER. BUT THEY WEAR HELMETS FOR A REASON, BECAUSE THEY SAVE LIVES. ONE OF THE PROPONENTS WAS TALKING ABOUT HOW EVEL KNEIVEL BROKE EVERY BONE IN HIS BODY TWICE, THE MOTORCYCLE STUNT RIDER. WELL, GUESS WHAT? YEAH, HE DID THAT. HE BROKE EVERY BONE IN HIS BODY TWICE, BUT HE LIVED. AND IT'S BECAUSE HE ALWAYS WORE A HELMET WHEN HE MADE HIS JUMPS. YOU KNOW, YOU THINK ABOUT WHAT WE ARE CHARGED WITH IN THIS BODY, AND ONE OF THE THINGS THAT WE'RE CHARGED WITH IS PUBLIC SAFETY. AND HERE WE WANT TO REPEAL A BILL THAT HAS DEMONSTRATED THAT THEY SAVE LIVES. IT JUST DOESN'T PASS THE GIGGLE TEST. WE TALKED ABOUT LESS GOVERNMENT. I HAD ONE OF MY COLLEAGUES THE OTHER DAY MENTIONED, DO THE MOST AMOUNT OF GOOD FOR THE GREATEST NUMBER OF PEOPLE. OKAY. SO LET'S DO THE GREATEST AMOUNT OF GOOD FOR THE...THE MOST AMOUNT OF GOOD FOR THE GREATEST NUMBER OF PEOPLE. THAT WOULD BE KEEPING PEOPLE OFF THE MEDICAID ROLLS WITH TRAUMATIC BRAIN INJURIES AND GOING TO BE LAID UP FOR LIFE AND PEOPLE DYING. THE BOTTOM LINE IS THAT MOTORCYCLES (SIC) SAVE LIVES. JUST...I'M TELLING YOU, I FEEL THIS SINCERELY IN THE MY HEART. [LB31]

SPEAKER HADLEY: ONE MINUTE. [LB31]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. IF WE REPEAL THIS LAW, THERE ARE GOING TO BE MOTORCYCLISTS THAT DIE IN NEBRASKA BECAUSE OF THIS REPEALED...YOU KNOW, YOU CAN THROW THESE NUMBERS OUT ALL YOU WANT, YOU KNOW, ABOUT HOW WE COMPARE TO IOWA AND EVERYTHING. WELL, HOW MANY OF THOSE RIDERS THAT ARE INJURED WITH HELMETS WOULD HAVE BEEN ACTUALLY DEAD HAD THEY NOT HAD A HELMET ON? AND THIS IS NOT OVER MELODRAMATIC. IF WE REPEAL THIS LAW, THIS LEGISLATURE, THIS BODY WILL HAVE BLOOD ON OUR HANDS THE FIRST TIME A MOTORCYCLIST DIES WITHOUT A HELMET ON. I SINCERELY BELIEVE THAT. AND SO I'M IN STRONG OPPOSITION TO LB31. APPRECIATE YOUR NEGATIVE VOTE ON THIS. THANK YOU. [LB31]

SPEAKER HADLEY: MR. CLERK, YOU HAVE A MOTION ON THE DESK. [LB31]

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CLERK: MR. PRESIDENT, SENATOR BLOOMFIELD WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7 SECTION 10. [LB31]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE TO LB31. WHAT PURPOSE DO YOU RISE, SENATOR BLOOMFIELD? [LB31]

SENATOR BLOOMFIELD: MR. SPEAKER, I'D LIKE A CALL OF THE HOUSE. [LB31]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB31]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB31]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR WILLIAMS, SENATOR BURKE HARR, SENATOR CHAMBERS, AND SENATOR KINTNER, THE HOUSE IS UNDER CALL. SENATOR BURKE HARR, WOULD YOU PLEASE CHECK IN? SENATOR BLOOMFIELD, HOW WOULD YOU WISH TO PROCEED? [LB31]

SENATOR BLOOMFIELD: LET'S GO WITH A MACHINE VOTE. [LB31]

SPEAKER HADLEY: MACHINE VOTE. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH TO VOTE? YES. [LB31]

SENATOR BLOOMFIELD: REQUEST A ROLL CALL VOTE IN REVERSE ORDER. [LB31]

SPEAKER HADLEY: MR. CLERK, THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. [LB31]

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CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 948.) 24 AYES, 18 NAYS, MR. PRESIDENT, ON THE MOTION TO INVOKE CLOTURE. [LB31]

SPEAKER HADLEY: THE MOTION TO INVOKE CLOTURE IS NOT ADOPTED. RAISE THE CALL. MR. CLERK. [LB31]

CLERK: MR. PRESIDENT, A FEW ITEMS IF I MAY. SELECT FILE REPORTS LB89A AND LB242A TO SELECT FILE. YOUR COMMITTEE ON NATURAL RESOURCES REPORTS LB581 TO GENERAL FILE WITH AMENDMENTS AND LB634, GENERAL FILE WITH AMENDMENTS. AND A NEW RESOLUTION, LR140 BY SENATOR McCOY. THAT WILL BE LAID OVER. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 949-952.) [LB89A LB242A LB581 LB634 LR140]

SPEAKER HADLEY: MR. CLERK, WE WILL START GOING TO SELECT FILE.

CLERK: MR. PRESIDENT, SELECT FILE. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL. (ER49, LEGISLATIVE JOURNAL PAGE 852.) [LB242]

SPEAKER HADLEY: SENATOR HANSEN, YOU'RE RECOGNIZED. [LB242]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB242 BE ADOPTED. [LB242]

SPEAKER HADLEY: ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB242]

CLERK: MR. PRESIDENT, SENATOR BLOOMFIELD, AM356, SENATOR. [LB242]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU ARE RECOGNIZED TO OPEN ON... [LB242]

CLERK: AND I UNDERSTAND, SENATOR--EXCUSE ME, MR. SPEAKER--YOU WANT TO WITHDRAW AM356 AND OFFER AM851. [LB242]

SENATOR BLOOMFIELD: I WANT TO WITHDRAW THE FIRST ONE. [LB242]

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CLERK: YES. [LB242]

SENATOR BLOOMFIELD: AND GO WITH THE SECOND ONE. [LB242]

CLERK: YES, SIR. MR. SPEAKER, AM851. (LEGISLATIVE JOURNAL PAGE 867.)  
[LB242]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED TO OPEN ON  
YOUR AMENDMENT. [LB242]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I KNOW YOU'VE HEARD ABOUT ENOUGH OUT OF ME THIS MORNING, BUT BEAR WITH ME A LITTLE WHILE LONGER. THE REASON THAT I PULLED THE FIRST AMENDMENT IS BECAUSE THERE WERE SOME CHANGES MADE EARLIER IN THE BILL THAT MOVED THE LINE THAT THE AMENDMENT WOULD HAVE APPEARED ON. THE AMENDMENT VERY SIMPLY REDUCES THE AMOUNT WHICH THE DRY BEAN BOARD WOULD BE ABLE TO INCREASE TO WITHOUT COMING BACK TO THE LEGISLATURE. THEY CAME IN I BELIEVE AT A DIME AND WANTED TO GO TO 15 CENTS RIGHT AWAY WITH THE RIGHT TO GO TO 24 CENTS WHENEVER THEY FELT LIKE IT. MY AMENDMENT WOULD REDUCE THAT DOWN TO A MAXIMUM OF 20 CENTS THEY COULD GO TO. THIS IS NOT INTENDED TO HARM THE BILL WHATSOEVER. THEY GET THEIR INCREASE NOW, BUT BEFORE THEY CAN DOUBLE IT AGAIN THEY WOULD HAVE TO COME BACK IN AND SHOW THE LEGISLATURE WHY. THIS BOARD IS A CREATURE OF THE LEGISLATURE AND THE STATE GOVERNMENT. I BELIEVE IT ONLY PROPER THAT THEY COME AROUND EVERY ONCE IN A WHILE SO THAT WE CAN LOOK AT WHAT THEY'RE DOING AND HOW MUCH MONEY THEY'RE SPENDING. SO ALL I AM SIMPLY ASKING YOU TO DO IS LOWER THAT TOP THRESHOLD FROM 24 CENTS PER HUNDREDWEIGHT DOWN TO 20 CENTS. IT'S NOT ALL THAT COMPLICATED. I'M NOT GOING TO DRONE ON AND ON. I'M NOT GOING TO SPEND EIGHT HOURS. IN FACT, I'M NOT GOING TO SPEND EIGHT MINUTES. COLLEAGUES, PLEASE HOLD THEM TO 20 CENTS. NOT EVERY DRY BEAN GROWER OUT THERE IS IN LOVE WITH THAT BIG OF AN INCREASE, SO YOU'D CUT THEM A LITTLE SLACK. THANK YOU, MR. PRESIDENT.  
[LB242]

SPEAKER HADLEY: SENATOR LARSON, YOU ARE RECOGNIZED. [LB242]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I CARE VERY LITTLE ABOUT  
AM851. THOUGH I WILL...I HAVE DECIDED THOUGH I HAVE A NUMBER OF

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AMENDMENTS PUT ON DRY BEANS AND I REALLY DON'T LIKE IT, I CARE ABOUT OTHER THINGS MORE. LIKE EDUCATION. AND I DECIDED THAT THAT'S PROBABLY GOING TO BE...IF I'M GOING TO WASTE TIME FOR THE NEXT 40 DAYS, IT'S GOING TO BE ON THINGS LIKE EDUCATION. SO AS MUCH AS I DISAGREE WITH THE CONCEPT OF LB242 AND WHAT HAPPENED AND THE TAXATION WITHOUT REPRESENTATION AND MY CONCERNS ABOUT THE CONSTITUTIONALITY OF IT, I WILL BE DONE WITH IT AT THIS POINT. AND HOPEFULLY SENATOR STINNER WILL BE WILLING TO WORK WITH ME THIS SUMMER, THE AG COMMITTEE, AS WE LOOK AT REFORMING ALL THE CHECKOFF PROGRAMS, BECAUSE I THINK THEY ARE IMPORTANT PROGRAMS AND PROGRAMS THAT NEED TO BE LOOKED AT, ESPECIALLY MOVING FORWARD. I HONESTLY BELIEVE THAT PEOPLE SHOULD HAVE THE RIGHT TO A REFUND IF THEY CAN'T ELECT THEIR BOARD MEMBERS, BUT I CARE MORE ABOUT THE KIDS IN UNDERSERVED AREAS AND THE FACT THAT THEIR PARENTS DON'T HAVE A CHOICE. SO I WILL SPEND MY TIME ON THAT. I'VE TOLD SENATOR STINNER THAT I CAN'T SUPPORT LB242 AS IS. I KNOW I'VE HAD...DOESN'T COME AS A SURPRISE. YOU KNOW, SENATOR FRIESEN HAS SEEN ME WITH MY STRUGGLES WITH THE CORN BOARD AND THEIR INABILITY TO REQUEST A REFUND OF A MANDATORY CHECKOFF TO UNELECTED BOARD MEMBERS. AND HE WAS ONE OF THOSE UNELECTED BOARD MEMBERS AND I'M GUESSING HE WOULD HAVE PREFERRED THAT HE'D BEEN ABLE TO HAVE THE OPPORTUNITY TO BE ELECTED. I WAS LOOKING FOR A HEADSHAKE OR A HEAD NOD OR SOMETHING FROM UP FRONT, BUT ALL I SEE IS LAUGHING, SO. BUT WITH THAT, I WILL LET SENATOR STINNER'S BILL GO UNENCUMBERED FROM NOW ON EVEN THOUGH IT'S DIFFICULT FOR ME TO LET IT GO, BUT I DO HAVE TO PICK MY BATTLES. AND I'M GUESSING OUT OF THE NUMEROUS AMENDMENTS THAT I HAVE PUT ON SELECT FILE, THEY'LL COME UP RIGHT AFTER THIS. AND I'VE NOTIFIED THE CLERK THAT I WANT TO WITHDRAW THOSE. I'LL LEAVE MY SELECT FILE AMENDMENTS UP JUST IN CASE SOMETHING GOES...SOMETHING HAPPENS. PLUS, IT WILL GIVE ME ANOTHER OPPORTUNITY TO TALK. BUT THANK YOU, MR. PRESIDENT, AND WON'T HAVE TO HEAR FROM ME ON DRY BEANS TODAY EVEN THOUGH I DO HAVE A STRONG PASSION. I'M STILL GOING TO GROW A FEW DRY BEANS. SENATOR HUGHES HAS PROMISED ME THAT, SO THANK YOU. [LB242]

SPEAKER HADLEY: MR. CLERK. [LB242]

CLERK: MR. PRESIDENT, VERY QUICKLY, AN ANNOUNCEMENT. JUDICIARY IS HOLDING AN EXECUTIVE SESSION NOW IN ROOM 2022.

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LB242]

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SENATOR GROENE: THANK YOU, MR. PRESIDENT. I SUPPORT SENATOR BLOOMFIELD'S AM851. I HAVE A LOT OF BEAN GROWERS I DO BUSINESS WITH. I'VE HAD SOME OF THEM CALL ME--EVEN THOUGH THEY'RE NOT IN MY DISTRICT--THAT ARE FOR IT AND A FEW ARE NOT FOR IT, LB242. AND IT'S BASED ON THE SAME TENETS EITHER WAY THAT I BELIEVE IN. I'M A PROPONENT OF FREE ENTERPRISE. I JUST HAVE A PROBLEM WITH...I DON'T UNDERSTAND WHY FREE MARKET INDIVIDUAL GROUPS THAT GATHER TOGETHER, THAT HAVE THE SAME INTERESTS AND BEAN GROWERS IS ONE OF THEM, CANNOT DO THIS ON THEIR OWN, WHY THEY NEED THE GOVERNMENT INVOLVEMENT. YOU KNOW, I ALSO COVER COLORADO AND PARTS OF WYOMING AND KANSAS AND THERE'S PROBABLY MORE BEANS GROWN OUT THERE, EDIBLE BEANS, THAN THERE IS IN NEBRASKA. ALL THOSE FOLKS HAVE ORGANIZATIONS TOO. THERE'S A NATIONAL ONE, AND THE REALITY IS THE MARKET IS MOSTLY AFFECTED BY THE MEXICAN MARKET. NORTH DAKOTA RAISES A LOT MORE THAN WE DO. THEY WAIT TO SEE WHAT THE PRICE IS. THEY HAVE A LATER GROWING SEASON. THEY JUMP INTO THE MARKET. THAT SAID, I UNDERSTAND MARKETING. I UNDERSTAND THE EFFECTS ADVERTISING DOES, SO I UNDERSTAND THEIR POINT. BUT I JUST WISH THEY'D DO IT AS A FREE MARKET ORGANIZATION AND NOT DRAG GOVERNMENT INTO IT. I ALSO HAVE A PROBLEM WITH THEM NOT BEING...ONCE YOU TAKE THE OPT-OUT OPTION OUT OF THIS PREVIOUS LEGISLATION, IT IS NO LONGER A CHECKOFF. IT IS NOW A TAX. I HAVE A PROBLEM WITH THE FACT THAT IF YOU DON'T PAY YOUR INCOME TAXES OR YOUR PROPERTY TAX, YOU STILL CAN FARM AND YOU CAN STILL SELL YOUR PRODUCTS. IF YOU WOULD NOT PAY THIS TAX, THEY WOULD TAKE YOUR LIVELIHOOD AWAY FROM YOU. THEY WOULD SAY YOU COULD NOT SELL YOUR PRODUCT. SO I HAVE A REAL PROBLEM WITH THAT. AND I ALSO HAVE A REAL PROBLEM WITH THE ABILITY OF AN UNELECTED BOARD TO INCREASE A TAX, BECAUSE NOW IT IS A TAX BECAUSE THERE IS NO OPT-OUT OPTION. THIS BOARD CAN RAISE IT FROM 15 CENTS. I'VE GOT NOTHING AGAINST THE 15 CENTS BECAUSE IT'S BEING ACTED...THAT IS BEING RAISED BY AN ELECTED BODY, THE UNICAMERAL. I OBJECT TO THE FACT THAT YOU CAN GO TO 24 CENTS WITHOUT AN ELECTED BOARD MAKING THAT DECISION OR AN ELECTED BODY. DO I SUPPORT THE BEAN GROWERS? YES, I DO. AND DO I SUPPORT SENATOR STINNER'S LB242? I JUST...YOU WILL FIND ANY TIME YOU PUT AN AUTOMATIC INCREASE INTO A BILL, IT'S WHY WE'RE BROKE NATIONALLY, FOLKS. IT'S WHY MEDICAID AND MEDICARE, SOCIAL SECURITY, AND THOSE TYPES, THE FEDERAL RETIREMENT IS BREAKING OUR COUNTRY, BECAUSE THE ELECTED BODY THROWS THEIR HANDS IN THE AIR AND SAYS, WE CAN'T DO ANYTHING ABOUT IT. I DON'T WANT THIS BODY, THIS STATE TO CATCH THAT DISEASE AND START PUTTING AUTOMATIC INCREASES INTO OUR LEGISLATION. AND I WILL FIGHT ANY TIME I SEE THAT IN LEGISLATION. IT'S NOT RIGHT. WE

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NEED TO DO OUR WORK. WE NEED TO LEAVE THE NEXT ELECTED GROUP THAT FILLS THESE SEATS THAT WE SIT IN, IN TEN YEARS, TO DECIDE THAT DECISION TO RAISE THE RATES. SO I STAND HERE AND I SUPPORT SENATOR BLOOMFIELD'S ATTEMPT TO LIMIT THAT POWER OF AN UNELECTED BOARD BY LOWERING IT TO 20 CENTS. WE PUSH TOO FAR SOMETIMES. WE GET INTO THE IDEA OR A MENTALITY THAT OUR OCCUPATION IS WHO WE ARE AND WE...AND THE BEAN GROWERS, I'VE GOT GOOD FRIENDS, THEY PUT THAT BEAN GROWER HAT ON AND THEY START ACTING LIKE WE NEED TO DO THIS, WE NEED TO DO THAT. BUT THEY FORGET THAT THEY ARE TAKING ON TENETS OF FREEDOM WHEN THEY MAKE THEIR NEIGHBOR AGREE WITH THEIR OPINION. WE JUST WENT THROUGH THAT FOR EIGHT HOURS ON ANOTHER ISSUE. BUT THAT SAID, I'M GOING TO SUPPORT THE BEAN GROWERS, IF THAT'S WHAT THEY WANT, MOST OF THEM. LIKE I SAID, I'VE HAD PEOPLE CALL ME... [LB242]

SPEAKER HADLEY: ONE MINUTE. [LB242]

SENATOR GROENE: ...AND TELL ME THAT THEY DO NOT WANT THIS LB242 TO PASS. BUT SENATOR STINNER IS GOING TO GET MY VOTE AT THE END OF THE DAY. SO THANK YOU. [LB242]

SPEAKER HADLEY: SENATOR STINNER, YOU ARE RECOGNIZED. [LB242]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I'M GOING TO TRY TO BE AS CONCISE AS I POSSIBLY CAN ABOUT THIS, BUT AS I'VE STATED IN THE PAST, THIS IS THE DRY BEAN GROWERS ASSOCIATION BILL. THE 500 FARMERS IN WESTERN NEBRASKA BELIEVE THAT THEY KNOW BEST. NUMBER TWO IS, SEVERAL RESEARCH PROJECTS HAVE BEEN RESTRICTED OR CUT. I QUOTE FROM THE BEAN BAG ARTICLE IN THE WINTER EDITION BY DAVID HOWELL, WHO'S A BOARD MEMBER. ONE OF THE MAIN REASONS FOR INCREASING THE CHECKOFF IS THAT INFLATION HAS DECREASED THE BORROWING POWER AND ERODED THE BUDGET OF THE CHECKOFF DOLLARS OVER TIME. AS A RESULT, THE DRY BEAN COMMISSION HAS HAD TO MAKE DIFFICULT CUTS IN IMPORTANT AREAS SUCH AS BOB WILSON'S WORK ON BEAN HERBICIDES. NUMBER THREE, AFTER MY LENGTHY DISCUSSION ON THE MERITS OF THE DRY BEANS IN YOUR DIET--THAT WAS DURING THE AG COMMITTEE TESTIMONY--CONCERNS WERE REGISTERED THAT THEY WEREN'T SPENDING ENOUGH MONEY ON MARKETING. WELL, IT TAKES MONEY, IT TAKES CHECKOFF DOLLARS TO EXECUTE A MARKETING PLAN. I THINK WE ALL KNOW THAT. THE COMMISSION ALSO NEEDS FLEXIBILITY TO CARRY OUT ITS STATED

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MISSION. AND IF YOU LOOK AT THE FUND, IT'S BEEN DISSIPATED AND IT HAS AN ADVERSE TREND TO IT. THEY NEED THAT FLEXIBILITY. AND THE LAST POINT IS, LET'S LOOK AT PROPORTIONALITY. ONE CENT ON THE CHECKOFF EQUAL \$25,000. THEY'RE GOING TO CUT \$100,000 OF FLEXIBILITY OUT OF THAT WITH THIS BILL. I STRONGLY URGE YOU TO VOTE AGAINST AM851. IT INHIBITS AND RESTRICTS THE ABILITY OF THE COMMISSION TO DO ITS MISSION. THANK YOU. [LB242]

SPEAKER HADLEY: SENATOR HUGHES, YOU'RE RECOGNIZED. [LB242]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I, TOO, RISE IN OPPOSITION TO AM851. TO ME, THIS IS JUST THE MICROMANAGEMENT OF THIS BODY OF OUR STATE AGENCIES. NOT HAVING SERVED ON THE DRY BEAN BOARD BUT ON OTHER COMMISSIONS, THOSE PEOPLE UNDERSTAND A LOT BETTER THAN WE DO THE AMOUNT OF MONEY THAT THEY NEED TO DO THEIR JOB. AND THEY'RE ASKING US TO IMPOSE A TAX UPON THEMSELVES. THESE ARE NOT GENERAL FUND DOLLARS. THESE ARE...THEY'RE TAXING THEMSELVES. ALL THEY WANT IS FOR US TO GIVE THEM THE TOOLS TO DO THE JOB THAT THEY FEEL IS NECESSARY TO PROMOTE THEIR INDUSTRY. AND I HAVE BEEN AT A LOT OF DIFFERENT PLACES AND I UNDERSTAND HOW IMPORTANT IT IS TO PROMOTE YOUR INDUSTRY. IT DOESN'T HAPPEN BY ITSELF. YOU LOOK AT ALL THE COMMERCIALS WE HAVE ON TV. YOU KNOW, YOU DON'T GO TO McDONALD'S JUST BECAUSE THAT'S THE BEST PLACE TO EAT. YOU GO THERE BECAUSE THAT'S WHERE YOUR KIDS WANT TO GO OR YOUR GRANDKIDS WANT TO GO. THAT'S ADVERTISING. SO I WOULD ASK YOU TO VOTE AGAINST THE AMENDMENT AND IN FAVOR OF THE BILL. THANK YOU, MR. PRESIDENT. [LB242]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB242]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. I, TOO, STAND UP IN NONSUPPORT OF THE AMENDMENT. AS SENATOR HUGHES WAS TALKING ABOUT, THIS IS A MARKETING TOOL, AND A MARKETING TOOL THAT'S IMPOSED BY THE GROWERS THEMSELVES. AND THIS MARKETING TOOL IS WHAT THEY HAVE AVAILABLE TO GO OUT THERE, BUILD NOT ONLY NEW MARKETS, BUT ALSO DO THE KIND OF RESEARCH AND STUFF THAT THEY WERE TALKING ABOUT WITH HERBICIDES AND THINGS LIKE THAT. IT MAKES A BIG DIFFERENCE HAVING THAT MONEY THERE AND BEING ABLE TO USE THAT TO DO THESE CERTAIN THINGS, BECAUSE WITHOUT THAT, WITHOUT THAT, THEN WE'RE JUST STUCK. AND THOSE BEAN GROWERS ARE JUST STUCK WITH NO ONE FROM THE



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STATE OF NEBRASKA WORKING ON THEIR BEHALF. SO IT IS IMPORTANT. AND IF YOU LOOK AT DRY BEANS IN NEBRASKA, WESTERN NEBRASKA, IT'S ONE OF THE HIGHEST VALUE CROPS WE HAVE OUT THERE. AND IT MAKES SENSE THAT WHERE THESE ARE PLANTED AND WHERE THESE ARE BRINGING BACK GOOD PROFITS AND GOOD REVENUES--MAYBE NOT PROFITS, BUT GOOD REVENUES--WE NEED TO CONTINUE TO HELP THAT. AND WE NEED TO CONTINUE TO HELP ALL THOSE COMMODITIES SO THAT THEY CONTINUE TO ADD VALUE AND PUT MONEY IN OUR PRODUCERS' POCKETS HERE IN THE STATE OF NEBRASKA, BECAUSE OUR PRODUCERS ARE IMPORTANT. OUR PRODUCERS ARE THE ECONOMY OF RURAL NEBRASKA, AND WE NEED TO SUPPORT THEM WHENEVER AND HOWEVER POSSIBLE. THEY ARE THE LIFEBLOOD OF THIS STATE. SO IT MAKES SENSE, LB242 MAKES SENSE. AND I THINK WE NEED TO PASS IT JUST AS IT WAS WRITTEN AND AS IT WAS MOVED OUT OF THE AGRICULTURE COMMITTEE. THANK YOU VERY MUCH. [LB242]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB242]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I'D SIMPLY LIKE TO GET UP AND SPEAK FOR A MOMENT SINCE I'M ONE OF THE PEOPLE THAT HAS ONLY TWO YEARS...WELL, A YEAR AND A HALF LEFT IN THE LEGISLATURE, AND ONE OF MY CONCERNS IS THAT IF WE START TO MICROMANAGE ALL THESE VARIOUS FEES AND SO ON, WHAT YOU GOT TO REMEMBER, IT TAKES A PRIORITY BILL TO CHANGE SOMETHING LIKE THIS. SO IF WE CAN PUT REASONABLE PROCESSES IN PLACE FOR INCREASING RATES, IT MAKES A LOT MORE SENSE THAN TRYING TO MICROMANAGE RATES THAT WILL REQUIRE A SENATOR TO USE THEIR PRIORITY BILL TO MAKE THIS KIND OF CHANGE. AND I GOT ONE MORE...WELL, I'VE GOT THIS YEAR'S PRIORITY BILL STILL IN COMMITTEE, HOPE TO GET IT OUT. BUT AFTER THAT I WILL HAVE ONLY ONE MORE PRIORITY BILL. AND I DON'T WANT TO USE IT TO INCREASE A FEE FROM 20 TO 25 TO 35 CENTS, WHATEVER. THANK YOU VERY MUCH. [LB242]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB242]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I SAID I WASN'T GOING TO TAKE EIGHT MINUTES ON THIS. I THINK I BURNED UP ABOUT THREE THE LAST TIME, SO I'VE A LITTLE TIME HERE. BUT I'M NOT GOING TO USE IT ALL. ALL WE'RE ASKING IS THAT YOU REDUCE THE AMOUNT OF MONEY THAT THEY WANT TO SPEND IN THE FUTURE BY 4 CENTS PER HUNDREDWEIGHT, FROM 24 (CENTS)

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DOWN TO 20 (CENTS). THEY WOULD HAVE TO COME BACK AND TALK TO US AGAIN IF THEY WANT AN INCREASE IN THAT. I DON'T BELIEVE THAT WOULD BE A GREAT BURDEN ON THEM SINCE THEY SAY THAT 15 CENTS IS REALLY ENOUGH. SO LET'S GIVE THEM ANOTHER 5 CENTS PER HUNDREDWEIGHT THAT THEY CAN EXPAND AND GROW ON. COLLEAGUES, IF WE KEEP LEAVING THESE NUMBERS HIGH, WHY NOT GIVE THEM \$5? THEY TELL US THEY'RE NEVER GOING TO GET THERE ANYWHERE. WE'LL NEVER GET TO 24 CENTS. WELL, THAT'S WHAT THEY SAID ABOUT THE DIME A FEW YEARS BACK. AND GRANTED IT'S BEEN A FEW YEARS BACK, BUT THOSE LIMITATIONS OF HAVING TO COME TO THE BODY, TO THE LEGISLATIVE BODY, WERE PUT THERE FOR A REASON. LET'S KEEP THEM COMING BACK BEFORE THEY SPEND EVERYBODY'S MONEY THAT GROWS A FEW DRY BEANS. THANK YOU, MR. PRESIDENT. COLLEAGUES, PLEASE VOTE FOR AM851. [LB242]

SPEAKER HADLEY: THE QUESTION IS, SHALL AMENDMENT TO LB242 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH TO? RECORD, MR. CLERK. [LB242]

CLERK: 4 AYES, 22 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT. [LB242]

SPEAKER HADLEY: THE AMENDMENT FAILS. [LB242]

CLERK: MR. PRESIDENT, SENATOR LARSON, I HAVE AM765. SENATOR, WITHDRAW? ALL OF THEM? ALL RIGHT. YES, SIR. SENATOR LARSON HAD AM765, AM758, AM757, AND AM756, AND I UNDERSTAND HE WISHES TO WITHDRAW ALL OF THOSE AT THIS TIME. MR. PRESIDENT, I HAVE NOTHING FURTHER ON THE BILL. [LB242]

SPEAKER HADLEY: SENATOR HANSEN. [LB242]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB242 BE ADVANCED TO E&R FOR ENGROSSING. [LB242]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB242 IS ADVANCED. MR. CLERK. [LB242]

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CLERK: LB70. I HAVE ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL, SENATOR. (ER27, LEGISLATIVE JOURNAL PAGE 486.) [LB70]

SPEAKER HADLEY: SENATOR HANSEN. [LB70]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB70 BE ADOPTED. [LB70]

SPEAKER HADLEY: ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED SAY NAY. E&R AMENDMENTS ARE ADOPTED. [LB70]

CLERK: SENATOR SCHUMACHER WOULD MOVE TO AMEND WITH AM945. (LEGISLATIVE JOURNAL PAGE 911.) [LB70]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB70]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. LB70 IS A LAW ENFORCEMENT MEASURE THAT PLACES A HIGH TAX ON THE OPERATION OF AN ILLEGAL SLOT-MACHINE-LIKE DEVICE IN NEBRASKA. IT WAS ADVANCED TO SELECT FILE WITH SOME ISSUES LINGERING THAT SENATOR HARR HAD RAISED REGARDING HOW WOULD YOU SEPARATE A LAWFUL MACHINE FROM AN ILLEGAL MACHINE. AND I WORKED WITH SENATOR HARR IN ORDER TO RESOLVE THOSE ISSUES. ALSO WHEN IT WAS ADVANCED FROM GENERAL FILE TO SELECT FILE, THERE WERE SOME ALLEGATIONS MADE THAT SOMEHOW IT LEGALIZED SLOT MACHINES OR LEGAL GAMBLING IN NEBRASKA. SENATOR SMITH ASKED THE ATTORNEY GENERAL TO REVIEW THE DOCUMENT TO MAKE SURE THAT THAT WAS NOT THE CASE. AND THE ATTORNEY GENERAL FILED A LETTER, A COPY OF WHICH YOU ALL HAVE. AND I CALL YOUR ATTENTION PARTICULARLY TO PAGE 5 IN THE FIRST FULL PARAGRAPH FROM THE BOTTOM. THE ATTORNEY GENERAL'S OPINION WAS NO, THAT IT DOES NOT. AND IT'S PARTICULARLY INTERESTING HOW HE SAID THAT. THERE WERE NO WHEREASES, NO BUT FORS, NO HEDGE LANGUAGE, NO HEMS, NO HAWS, NO WEASEL WORDS. THE ATTORNEY GENERAL GAVE A SIMPLE, DIRECT, AND UNDERSTANDABLE ANSWER. AND THAT MUST BE AGAINST SOME BAR REGULATION FOR SURE TO BE THIS SIMPLE. BUT WHAT THE ATTORNEY GENERAL SAID WAS, WE UNDERSTAND YOUR FINAL QUESTION AS ASKING IF IMPOSITION OF THE ADDITIONAL OCCUPATION TAX WOULD SANCTION OR LEGALIZE THE MACHINES OR DEVICES THAT ARE SUBJECT TO THE TAX. EVEN IF

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THOSE MACHINES OR DEVICES MAY CONSTITUTE GAMES OF CHANCE OR ILLEGAL GAMBLING. SIMPLE, CLEAR, UNEQUIVOCAL ANSWER FROM THE ATTORNEY GENERAL. FOR SEVERAL REASONS, THE BILL DOES NOT AND CANNOT HAVE THAT EFFECT. I THINK THAT SHOULD PUT TO REST THAT PARTICULAR ISSUE. WHAT THE AMENDMENTS DO DO IS FOLLOW A SUGGESTION MADE BY THE ATTORNEY GENERAL IN HIS OPINION IN WHICH HE SUGGESTS HOW WE MIGHT BE ABLE TO MAKE THE BILL BETTER. AND HE SAYS, ON PAGE 7 THE BILL COULD BE AMENDED TO PERMIT THE OPERATOR OF A MACHINE OR DEVICE TO MAKE A SHOWING TO THE TAX COMMISSIONER THAT A DEVICE IS LEGAL AND, THUS, SHOULD BE EXEMPT FROM IMPOSITION OF THE ADDITIONAL TAX. IT IS FOLLOWING THAT SUGGESTION THAT RESOLVED THE ISSUES THAT SENATOR HARR HAD AS TO HOW TO NOT TREAT UNFAIRLY SOMEONE WHO HAD A LEGAL DEVICE. AND THAT PARTICULAR LANGUAGE IS THE LANGUAGE OF AM945 WHICH BASICALLY PROVIDES THAT THESE MACHINES, WHICH ARE MACHINES WHICH TAKE MONEY IN, PAY REWARDS OUT, ARE PLAYED BY A TOUCHSCREEN INTERACTING WITH THE SOFTWARE ON THE MACHINE, AND WHICH HAVE NOT BEEN CLEARED BY A COURT TO BE LEGAL. AND IT ADDRESSES THE ISSUE OF HOW YOU GO ABOUT RECEIVING AN EXEMPTION AND THE PROCEDURE WHICH THE TAX COMMISSIONER IS TO GO THROUGH. AND ESSENTIALLY INFORMATION THAT THE TAX COMMISSIONER REQUIRES IS TO BE PRESENTED TO THE COMMISSIONER. THE COMMISSIONER AND STAFF ARE TO LOOK AT THE PARTICULAR APPLICATION AND MAKE A PRELIMINARY AND INITIAL REVIEW. AND IF THEY FIND THAT THE MACHINE IS LEGAL, THEY'RE TO RUN IT BY THE ATTORNEY GENERAL BEFORE THEY SAY SO. IF THEY FIND THAT IT'S ILLEGAL OR FIND THAT...OR THE ATTORNEY GENERAL HAS AN ISSUE, THEN IT GOES INTO A FULL-BLOWN ADJUDICATION UNDER THE ADMINISTRATIVE PROCEDURE ACT WHICH OF COURSE IS SUBJECT TO APPEAL. AND THAT PARTICULAR APPEAL WOULD GET IT INTO THE COURTS IF IT NEEDS TO GO THAT FAR. THIS IS A VERY SIMPLE MEASURE. IT RECOGNIZES A PROBLEM THAT EXISTS IN LAW ENFORCEMENT, A PROBLEM OF REALLY, REALLY HARD TO PROSECUTE THESE THINGS UNDER THE CRIMINAL LAW, BECAUSE THERE'S BURDEN BEYOND A REASONABLE DOUBT. AND IF THE ATTORNEY GENERAL SEIZES THE MACHINE, HE'S GOT TO PROVE ON A MACHINE-BY-MACHINE BASIS THAT THE MACHINES SEIZED ARE, IN FACT, ILLEGAL BEYOND A REASONABLE DOUBT. AND THAT IS WHY THERE IS SUCH LITTLE ENFORCEMENT OF THIS LATEST OUTBREAK OF ILLEGAL GAMBLING MACHINES INTO NOT ONLY BARS, BUT CONVENIENCE STORES, AND ALL KIND OF PLACES WHERE MINORS AND PEOPLE WHO SHOULDN'T BE PLAYING THEM HAVE ACCESS TO THEM. AND THIS PARTICULAR TAX WOULD DO WHAT HAS EFFECTIVELY BEEN DONE IN MANY, MANY CASES IN OTHER AREAS OF THE ECONOMY BY GIVING LAW ENFORCEMENT AN

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ADDITIONAL TOOL IN WHICH TO ENFORCE THE LAW. IT PLACES THE BURDEN ON THE ILLEGAL GAME OPERATOR TO PROVE THEIR MACHINES ARE OKAY. THERE IS A DOWNSIDE TO THE AMENDMENT. I AM TOLD THAT THERE IS SOME DISCUSSION, WHETHER IT'S \$10,000 OR \$50,000 OF REVIEW COSTS THAT MIGHT BE INCURRED BY THE TAX COMMISSIONER IN REVIEWING THESE PARTICULAR MACHINES. BUT UNDOUBTEDLY THAT COST WOULD BE SUBSTANTIALLY CHEAPER THAN THE PROCESS OF SEIZURE, EXAMINATION, AND CRIMINAL PROCEEDINGS OR SEIZURE PROCEEDINGS TO ENFORCE THE LAW. IT'S INTERESTING TO NOTE THAT THE ATTORNEY GENERAL IN HIS OPINION REFERS TO THE INTRODUCER'S STATEMENT OF INTENT WHERE I OUTLINE THE DIFFICULTY THAT IT IS TO ENFORCE THE LAW, GIVEN THIS GRAY LINE THAT HAS TO BE DETERMINED BY THE COURTS OR THE LAW ENFORCEMENT PEOPLE BEYOND A REASONABLE DOUBT. AND IT IS INTERESTING TO NOTE THAT THE GENERAL OVERALL TONE OF THE OPINION IS TO BE HELPFUL AND TO SUGGEST HOW, EVEN UNAMENDED, THE BILL WORKS AND TO SUGGEST AN AMENDMENT WHICH ADDRESSES THE ISSUE OF HOW WE MIGHT SEPARATE SOME OF THE CHAFF FROM THE GRAIN TO MAKE THINGS EASIER AND MORE JUST. I ENCOURAGE THE ADOPTION OF AM945 AND LB70 AS AN IMPORTANT ADDITION TO OUR LAW ENFORCEMENT ARSENAL. THANK YOU. [LB70]

SPEAKER HADLEY: SENATOR SMITH, YOU'RE RECOGNIZED. [LB70]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I WILL STAND IN SUPPORT OF THIS AMENDMENT AND THE UNDERLYING BILL. AS SENATOR SCHUMACHER MENTIONED, I DID REQUEST AND RECEIVE AN ATTORNEY GENERAL'S OPINION EARLIER THIS MONTH. I HAVE SHARED THAT ATTORNEY GENERAL'S OPINION WITH SENATOR SCHUMACHER AND SENATOR HARR, AND I BELIEVE THE RESPONSE HAS BEEN HELPFUL WITH PREPARATION OF AMENDMENTS TO THE BILL. REGARDLESS, I UNDERSTAND THAT THE BILL IS OBVIOUSLY...HAS CONTAINED SOME AMBIGUITIES THAT COULD HAVE BEEN MADE CLEARER VIA AMENDMENTS, BUT THAT'S A POLICY DECISION FOR THE LEGISLATURE. I DO WANT TO POINT BACK AGAIN TO THE COMMENT THAT SENATOR SCHUMACHER MADE IN REGARDS TO THE ATTORNEY GENERAL'S OPINION. THERE WERE THREE QUESTIONS I ASKED THE ATTORNEY GENERAL AND THE FINAL QUESTION I ASKED WAS: FINALLY, ARE THERE ANY LEGAL RAMIFICATIONS WITH REGARD TO THE STATE'S ABILITY TO LITIGATE FUTURE CASES INVOLVING GAMING DEVICES BY ADOPTING THE LANGUAGE IN LB70. SIMPLY PUT, WOULD LB70 IMPEDE THE LEGISLATURE'S ABILITY TO REGULATE GAMING IN THE STATE? AND THE RESPONSE THAT SENATOR SCHUMACHER READ...I WILL READ IT AGAIN, I THINK IT'S WORTH NOTING. THE

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ATTORNEY GENERAL RESPONSE READS: WE UNDERSTAND YOUR FINAL QUESTION IS ASKING IF IMPOSITION OF THE ADDITIONAL OCCUPATION TAX IMPOSED UNDER LB70 AS AMENDED WOULD SANCTION OR LEGALIZE DEVICES OR MACHINES WHICH ARE SUBJECT TO THE TAX, EVEN IF THOSE DEVICES OR MACHINES MAY CONSTITUTE GAMES OF CHANCE OR ILLEGAL GAMBLING DEVICES UNDER SECTION 28-1101. BUT THEIR LEGALITY HAS NOT BEEN JUDICIALLY DETERMINED. FOR SEVERAL REASONS, THE BILL DOES NOT AND CANNOT HAVE THAT EFFECT. AND I THINK AS SENATOR SCHUMACHER POINTED OUT, IT'S VERY CLEAR, AND I'M VERY SATISFIED WITH THE RESPONSE I RECEIVED FROM THE ATTORNEY GENERAL'S OFFICE. AND I APPRECIATE SENATOR SCHUMACHER HOLDING UP THIS BILL A LITTLE TIME WHILE WE WERE ABLE TO GET THAT RESPONSE BACK FROM THE ATTORNEY GENERAL'S OFFICE. THANK YOU, MR. PRESIDENT. [LB70]

SPEAKER HADLEY: SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB70]

SENATOR HARR: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. I WANT TO START BY THANKING SENATOR SCHUMACHER FOR THE HARD WORK HE DID ON THIS BILL. AS SOME OF YOU MAY RECALL, AT GENERAL FILE I HAD SOME CONCERNS THAT THERE WASN'T A PROCEDURE ON WHAT TO DO IF, IN FACT, THERE IS A BILL OR A MACHINE IN QUESTION. AND WORKING DILIGENTLY WITH SENATOR SCHUMACHER, HE WENT ABOVE AND BEYOND WHAT I WOULD HAVE EXPECTED TO WORK WITH ME ON THIS. I WANT TO THANK HIM. WE WOULD COME UP WITH A PROPOSAL AND I WOULD THINK IT'D BE A GOOD PROPOSAL. AND HE WOULD DO RESEARCH ON HIS OWN AND SAY, WELL, HERE'S HOW WE NEED TO FIX THAT. SO I WANT TO THANK HIM FOR THAT. I THINK THIS IS A GOOD AND FINE AMENDMENT. I WANT TO THANK SENATOR SMITH FOR REQUESTING THE AG OPINION. WHENEVER WE'RE DEALING WITH THE AREA OF GAMBLING, IT CAN BE TOUCHY AND CONTROVERSIAL. AND SO I WANT TO THANK SENATOR SMITH FOR GETTING THE AMENDMENT AND THE AG'S OFFICE FOR PRODUCING A THOROUGH, THOUGHTFUL OPINION AS FAR AS WHAT LB70 DOES. I DON'T WANT TO KILL THIS BILL WITH KINDNESS, SO I'LL MOVE ON. BUT I DO FULLY SUPPORT AM945. AND, AGAIN, I WANT TO THANK SENATORS SCHUMACHER AND SMITH. [LB70]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT TO LB70. WAIVES CLOSING. ALL...THE VOTE IS ON THE AMENDMENT TO LB70. ALL THOSE IN FAVOR SIGNIFY BY VOTING YEA; ALL THOSE OPPOSED, NAY. RECORD, MR. CLERK. [LB70]

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CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SCHUMACHER'S AMENDMENT. [LB70]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB70]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB70]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO CLOSE ON LB70. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB70]

SENATOR HANSEN: YES, MR. PRESIDENT. I MOVE THAT LB70 BE ADVANCED TO E&R FOR ENGROSSING. [LB70]

SPEAKER HADLEY: ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL IS ADVANCED TO E&R FOR ENGROSSING. MR. CLERK, FOR AN ANNOUNCEMENT. [LB70]

CLERK: MR. PRESIDENT, TWO AMENDMENTS. SENATOR BAKER WOULD LIKE TO PUT AN AMENDMENT FOR LB343; SENATOR GARRETT TO LB641. THE APPROPRIATIONS COMMITTEE REPORTS LB32 TO GENERAL FILE WITH AMENDMENTS ATTACHED. (LEGISLATIVE JOURNAL PAGES 952-954.) [LB343 LB641 LB32]

MR. PRESIDENT, A PRIORITY MOTION. SENATOR COASH WOULD MOVE TO ADJOURN THE BODY UNTIL TUESDAY, MARCH 24, AT 9:00 A.M.

SPEAKER HADLEY: ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION CARRIES.