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Floor Debate
March 09, 2017

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the forty-fourth day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Senator Vargas. Please rise.

SENATOR VARGAS: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Vargas. I call to order the forty-fourth day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

PRESIDENT FOLEY: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT FOLEY: Thank you, sir. Are there any messages, reports, or announcements?

CLERK: Enrollment and Review reports LB447, LB447A and LB195 to Select File. Priority bill designations: the Transportation Committee to LB263 and LB339; Senator Bolz, LB173; Senator Hansen, LB259; Senator Briese, LB265. Mr. President, Banking, Commerce and Insurance Committee has selected or reported LB641 to General File with amendments attached. New resolution: LR61 by Senator Pansing Brooks. That will be laid over. Priority bill designation, Senator Crawford, LB225. I also have agency reports acknowledgement of receipt available to

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members on the legislative Web site, and finally, the lobby report as required by state law. That's all that I have, Mr. President. (Legislative Journal pages 673-676.) [LB447 LB447A LB195 LB263 LB339 LB173 LB259 LB265 LB641 LR61 LB225]

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following five legislative resolutions: LR51, LR52, LR53, LR54, and LR55. (Doctor of the day and visitors introduced.) We'll now proceed to the first item on the agenda. (Legislative Journal page 676.) [LR51 LR52 LR53 LR54 LR55]

CLERK: Mr. President, LB407, a bill introduced by Senator Pansing Brooks relating to public health. It creates and provides duties for a task force and provides for termination. Introduced on January 13 of this year. Referred to the Executive Board for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President. (AM140, Legislative Journal page 533.) [LB407]

PRESIDENT FOLEY: Senator Pansing Brooks, you're recognized to open on LB407. [LB407]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Well, colleagues, I rise today very pleased to be able to do some good in our state. And I thought it was very appropriate that Senator Vargas in his prayer today spoke about helping the voiceless in our community and helping those in our state that are in need and in trouble. So, LB407 creates the Whiteclay Public Health Emergency Task Force, the intent of which is to examine the public health implications of alcohol sales in Whiteclay that are contributing to the genocide of a community of an indigenous people on our northern border. During my LR567 interim study last year, we examined the sale of alcohol in Whiteclay, the inadequacy of law enforcement in the area and the public health problems taking place there. To be clear, this bill does not address the law enforcement problem in Whiteclay, Nebraska. The Liquor Control Commission, as a result of information provided by county officials during our interim study, is examining the lack of law enforcement in the area and related issues and will have an evidentiary hearing next month related to the propriety of the licenses of the four liquor stores in Whiteclay. The Whiteclay Public Health Emergency Task Force will more fully examine the healthcare emergency resulting from alcoholism, the absence

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of detox and treatment facilities, the lack of available jobs and training programs, and other factors which are contributing to the alcohol problems and resulting from them. At our hearing in October, and during my two trips to Whiteclay over the interim, it became obvious to me that we do have a public health emergency in Nebraska. As I speak to you right now, there are people lying passed out in the street in Whiteclay, Nebraska. The first time I visited this unincorporated census area, I talked to one native woman who told me about her experience selling sex for alcohol. She said trafficking was common there. I saw mattresses and clothes scattered about the landscape where people sleep. I even saw a pair of tiny baby moccasins lying amidst the squalor and makeshift outdoor sleeping areas in the fields. When I visited Whiteclay the second time with my interim study cosponsor, Senator Lindstrom, and was joined by our colleagues, Senator Baker and former Senator Cook, the people on the streets of Whiteclay told us they have been given beer by the liquor store owners in exchange for cleaning things up and helping to stand up and get people off of the streets in preparation for our visit. This is a violation of the Liquor Control Act, but in the census area with no municipal ordinances, no one really worries about the law. In August, Sherry Wounded Foot was found beaten behind an abandoned building in Whiteclay, Nebraska, and later died from the wounds that were inflicted there. I did not realize it at the time, but I had met Sherry Wounded Foot on my first trip to Whiteclay. She was in a KETV video coverage of my first visit, and I realized it once I saw it again. Four years ago, Sherry Wounded Foot's brother was found in a similar condition, and no one was ever charged in his death. These unsolved murders happen far too frequently. I tell you this because we hear that this is a South Dakota problem, or a Pine Ridge problem, but all these things that I have mentioned are happening right here in Nebraska in our own backyard. Our actions and our inactions in Nebraska are having devastating consequences on the people of Pine Ridge. More than one in four babies born on Pine Ridge Reservation, where alcohol sales are illegal, are born in a bath of alcohol and suffer from fetal alcohol syndrome which has debilitating physical and mental disabilities which are irreversible. One in four babies. The alcoholism rate is as high as 80 percent. The infant mortality rate is three times our national average, and teen suicide is more than four times the national average. Since we as Nebraskans are contributing to these problems through alcohol sales on our border, we as Nebraskans must address what I believe is the genocide and the severe health impact to a vulnerable people. And I believe that we can do it while benefiting Nebraska and Sheridan County. This is why last May, Senator Lindstrom and I unveiled a multifaceted approach to the problem as part of our interim study. This approach

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includes, one, establishment of Nebraska State Patrol substation and/or enhance patrol hours in Whiteclay to enforce laws. Two, condemnation and removal of abandoned buildings where crime and trafficking occur. Three, the creation of a drug and alcohol detox and treatment center combined with a job training program. Four, expansion of economic development opportunities in Whiteclay and Sheridan County, and five, the establishment of wireless broadband for enhanced public safety, telehealth, and distance learning opportunities, which is something we've already started to address as you can read in the news release that I've handed out to you from September 28. It is important to note that the Governor's task force on Whiteclay came out in August with their own recommendation that were almost identical to the proposals that we have suggested in our multifaceted approach. LB407 set the framework to keep the ball rolling on these ideas. It does not directly address the closing of the liquor stores, which I ultimately support. And I want to acknowledge the significant efforts of Mr. Frank LaMere who has been working on closing the stores for two decades which has allowed it to be...allowed us to focus on this issue today and have the awareness that we have today of the problems in Whiteclay. But regardless of what happens with liquor establishments, I am determined that we must...that we have to help the people who are being harmed by this public health emergency. We must not continue to turn a blind eye to the devastation of a vulnerable people which we have been complicit in causing. I want to thank the Executive Board for advancing this bill without opposition to General File, and I want to thank Senator Brewer and the Tribal Relations Committee for prioritizing it. And before I yield some time to Senator Brewer in this introduction, I want to take this opportunity to say what an honor it has been to be able to work with Senator Brewer on this issue. When I first met Senator Brewer, I instantly felt that his presence in the Legislature as our first Native American senator is a true blessing. It was meant to be. The fact that Senator Brewer not only represents Sheridan County where Whiteclay is located, but is also a member of the Oglala Lakota Nation and grew up on the edge of Pine Ridge in Nebraska, provides a unique and powerful perspective that is unmatched. I ask you to listen to him, and to learn from him and then act with compassion to help us heal the hideous public health crisis that is in Whiteclay, Nebraska. And with that, I will yield to my friend, Senator Brewer. [LB407]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Brewer, about 2:00.
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SENATOR BREWER: Thank you, Mr. President. And thank you, Senator Pansing Brooks. I am standing in support of LB407 and cosponsored it because, well, quite frankly, Senator Pansing Brooks beat me to the punch on this one. It is needed. I want to share just a little. Obviously, growing up there, literally just a few miles from Whiteclay, changes your perspective on what right looks like. It is an area that has suffered for 75 years with this blight of alcoholism, and there's not many here that can go back 75 years...well, one, I guess. The issue is, for one, a quick thank you to Senator Pansing Brooks because she's never going to receive a vote from Sheridan County. She will not benefit other than the fact she likes to help other human beings in need from what she's doing and the fact that the champion for this hasn't been the representative from this district disappoints me. [LB407]

PRESIDENT FOLEY: One minute. [LB407]

SENATOR BREWER: Thank you, sir. I guess I want to stress to everyone is that this is a chance to start the process. I was in Whiteclay a few weeks ago. There is an opportunity to bring in a Dollar General store. There is an opportunity to bring in a new gas station there, other businesses, but a lot of it depends on the closing of the four liquor stores. That is critical for Whiteclay to have a future. So I would ask that you support this bill and understand the first step in a combat casualty is to stop the bleeding, and that's what this does. It isn't an end-all, be-all, but it starts us down that path to fix the crisis which is Whiteclay. I cannot tell you how disappointing it is to not see any more passion or interest in fixing Whiteclay than I've seen because there are literally an entire generation that has been lost and another one that's in the process of being lost, and it's hard to find people who care. So with that said, I will ask you to support LB407. Thank you, Mr. President. [LB407]

PRESIDENT FOLEY: Thank you, Senator Brewer. As the Clerk indicated, there are amendments pending to the bill. The first amendment is from the Executive Board. Senator Watermeier, as Chair of the Executive Board, you're recognized to open on the committee amendments. [LB407]

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraska. I bring today to you a committee amendment for LB407 that came from the Executive Committee through

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discussions with Senator Brooks and Senator Brewer. As drafted, LB407 provides for a task force to be comprised of an Executive Committee and an Advisory Committee that would include members of the Legislature and non-Legislature members. Special committees with members from the public and private sector would also be appointed to advise and assist the task force. The committee amendment, AM140, strikes the Executive Committee, the Advisory Committee, and the special committee leaving a task force that would include only members of the Legislature. The task force would still consult with necessary experts to assist them with the study. The amendment also adds an additional member of the State-Tribal Relations Committee to the task force and authorizes the appointment of a designee by the named committee chairs of Health, Appropriations and the Judiciary. I would ask for your support of the committee amendment, AM140. Thank you, Mr. President. [LB407]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Mr. Clerk for an announcement. [LB407]

CLERK: Mr. President, the Health Committee will meet now in room 2022. Health Committee immediately in 2022. Thank you. [LB407]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Debate is now open on LB407 and the committee amendment. Senator Pansing Brooks, you're recognized. [LB407]

SENATOR PANSING BROOKS: Yes, thank you, Mr. President. I wanted to yield some more time. I thought I had...I was using five minutes on my part and then Senator Brewer was going to get five, so I'd like to yield time now to Senator Brewer, please. [LB407]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Brewer, about 4:45. [LB407]

SENATOR BREWER: Thank you, Mr. President. Well, the part that I didn't share with you earlier was that you have to visualize for a moment Whiteclay, and if you've never been there, from where you stand on the edge of Whiteclay to the South Dakota line is about from here to the Rotunda. From Whiteclay to Pine Ridge is from here to the parking lot where we park our

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vehicles. And most of you are aware, but for the ones that aren't, imagine 4.9 million cans of beer a year that's sold. Now what that equates to is 13,000 a day and I don't know how many of you are familiar with the population of Pine Ridge, but it's roughly just north of 10,000 people, so more than one can per day for the population. That's man, woman, and child on that reservation. So it's not hard to understand why there is a problem there. And we have provided this pipeline for the booze to go from Nebraska into South Dakota. So for us to relinquish any responsibility to help fix this, I struggle with. I understand that they're independent businesses, but we are taking that \$300,000-plus a year that the state of Nebraska gets back for those sales. Now imagine that over 75 years, it's north of \$22 million. And how much have we given back to help fix the alcoholism problems, detox, youth education, the things that should be dealt with to fix that problem? Virtually nothing. The only thing this body has done is given a small bit of money to help with the law enforcement which doesn't fix anything. The reason we have the law enforcement problems is the amount of alcohol that's being sold. So my challenge to you is to just for a moment help us to start this process. This bill, like I said, is not the end-all, but it does give us a chance to get a snapshot of what the problems are both with the adults and with the children. It also gets things moving forward in a positive motion to have a solution that will help to not only address the safety issues, and that's twofold because the other part of that safety issue is cleaning up the town, destroying the buildings that are hazards, and then having an environment where people will want to build businesses and rejuvenate instead of simply having a weigh station for people to buy booze and continue to kill one generation after another. So I would ask also that you read the bill and understand it. It's not that complicated. It is simply a way for us to have an understanding of those health problems. The situation in Whiteclay has been a long time in getting to the point where it's at, so we won't fix it right away. But as I said a few weeks ago, I sat on the street, talked to the businesses, talked to the people who were in the center of this storm, and they expressed to me their desire to have a life again, but breaking that bond, that dependence on chemical addiction is where they can't make that leap. This goes a long ways to helping us do that. So with that said, I would like to yield the remainder of my time back to Senator Pansing Brooks. [LB407]

PRESIDENT FOLEY: Thank you, Senator Brewer. Senator Pansing Brooks, about one minute.
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SENATOR PANSING BROOKS: Okay. Well, I just want to add a little bit more information. Thank you, Mr. Lieutenant Governor. And again, I'm so grateful to be able to work with Senator Brewer on this. His perspective is amazing, and, of course, it's such a perfect collaboration to be able to work with him on this important matter for the people of Whiteclay and Pine Ridge. Again, I want to offer some more details. I think I'll wait until the next time I'm up. So, thank you, Mr. Lieutenant Governor. [LB407]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Krist, you are recognized. [LB407]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I know you get tired of hearing about it, but back in 2009, back in the old days, we started a Whiteclay initiative that fell flat on its face. It was a cooperative effort. I actually went to Pierre, South Dakota, met with representatives in South Dakota, and tried to express to them...can I get a gavel, please? Tried to express to the Legislature in South Dakota that the Legislature in Nebraska wanted to take aim at this problem collectively. The problems were many. The money was not enough to do what we needed to do. And more than that, the local communities really did not want to see this problem erupt or erode into the local communities other than Whiteclay. I think you can understand how a small village or a city around the Whiteclay area would be leery of closing the four liquor stores because the dependency then would flow to other communities around there. So there is an unintended consequence to doing what we said we would want to do. That's why this task force is so important because it needs to collect the data, it needs the buy-in from the local community, and I will say at risk of being politically incorrect, it needs the buy-in of the elders in the tribe on the reservation. There are many who have said if they legalize alcohol and open their own stores, they would have the taxation and the revenue capability of fighting the chemical addiction and potentially controlling some of that flow. I don't know if that's the right answer. I'm not suggesting that it is the right answer. I'm suggesting that it's a huge problem. Many of you know I fly for the Corps of Engineers and we are in and out of that area all the time. I've been there as a guest parading the senators down the street, and none of this debauchery exists because they have cleaned it up for us as a show. I've been there as a pilot walking around grabbing a vehicle and just driving down the street myself, and I have seen what Whiteclay actually looks like. There's a gross difference,

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a broad difference between what I saw as an invited guest, a senator from the state of Nebraska, and what I saw as an independent, hey, just a guy driving down the street. It's horrible. It is horrible. But here is what I would say about the Liquor Commission. We had an issue with them involving craft brewers and distribution, and you know what they did? They had a hearing in the last few days, and everyone was happy with the action that they took. Everyone on both sides of the issue were not exactly satisfied, but that's what that comprise would do. I do see Senator Stinner and I do see many members of the Appropriations Committee, and I will say this. What we have done in cutting the money for the Liquor Commission this year and taking the reappropriation away puts them on the ragged edge of not doing their job, Senator Stinner. And at this time with Whiteclay and this Liquor Commission, they need to be funded and they need to do the job that they need to do, and we need to help them do that job. This task force is critical to getting to the bottom line again because we have reinvented this wheel, Senator Brewer, so many times. In just the time that I've been here, the focus that we are taking this year is essential. Let's not let the next group of legislators try to tackle this issue. [LB407]

PRESIDENT FOLEY: One minute. [LB407]

SENATOR KRIST: Thank you, Senator Pansing Brooks, for bringing it forward, and for the intensity that Senator Brewer puts into this. I, for one, cannot believe that I've been a part of something that has had no progress during the eight years that I have been here. I'd like to see this show some progress, some great progress, this year. Vote for AM140 and any other amendment that comes up that does not fracture LB407, but more importantly, LB407. Thank you. [LB407]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Quick, you're recognized. [LB407]

SENATOR QUICK: Thank you, Mr. President. And I rise in support today of LB407, and amendment 140...AM140. And I thank Senator Pansing Brooks and Senator Brewer for bringing this forward, and I also know Frank LaMere on a personal level, and he has put in so much work into this over the years, and we really need to try to do something to help them out up there at Whiteclay. I don't know if many of you know this, but I have Cherokee in my family ancestry, my great-great-grandmother was a full-blooded Cherokee, and so with that, I urge everyone to

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support LB407, and I would give the remainder of my time to Senator Brewer if he wishes to have it. [LB407]

PRESIDENT FOLEY: Thank you, Senator Quick. Senator Brewer, 4:00, if you care to use it. [LB407]

SENATOR BREWER: Thank you, Mr. President. I want to start by thanking Senator Krist for what he had to say, but let's take it a little bit beyond that because that's the theme that you hear that I struggle with and even back home when I go back. If we close those four stores, then they're going to go get millions of cans of beer somewhere else. And I try not to act angered when I hear this because, for one, if you can walk to get that, it's a whole lot easier, and that's literally what they can do with the current situation. And the second part of that is, what they're saying is, the situation is horrible. People are dying, and we're poisoning a group of people that we have forced on to a piece of land, and the answer is, it's too hard to change it, or let's not do it because there's potential for a different situation or a worse situation. So the answer is not to sit on our hands and do nothing. I'm not saying that closing all four of those liquor stores is the end-all, be-all, but I guarantee there will be less alcohol on that reservation. There will be less of a problem with the infant fetal alcohol syndrome, and people don't understand that this is a chain reaction that happens. And it isn't just a cost to Nebraska, it's a cost to the whole country because Indian Health Services is being paid for by the whole country. And when we're spending millions on children that we probably should be spending just a minute amount on because the problems become so severe with the conditions that they have and the birth defects they have, but it is insulated. It's away from what people see because people don't come on to the reservation. It's a no man's land where if you don't feel comfortable, you know I can go there, I can speak enough Lakota to where I'm comfortable and the people that I see, I know. You have enough family there to where it's a place that you can go to and it may not be...you know, it may not be where you grew up exactly, but there's enough friends and family there that you feel good, but for most people that isn't. But again, ignoring the problem and ignoring the people and just accepting that that's the inevitable end they're going to have because of the situation we put them in, is not the right answer. So, if we can rejuvenate the businesses that are interested in staying and the ones that want to come to Whiteclay, and we have options to understand how severe this problem is, and that's what the bill does, it is a huge step forward and it's an opportunity to fix

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some things that we've ignored. So, again, Senator Krist, thank you for those comments because that is something that was maybe left out of the earlier conversation that there are those out there saying, if we do this, it's only going to change the problem. And it will change the problem, but it's the potential to change it in a positive way. Thank you, Mr. President. [LB407]

PRESIDENT FOLEY: Thank you, Senator Brewer. Senator Pansing Brooks, you are recognized. [LB407]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. So, I want to go into a few of the details about Whiteclay for those unfamiliar with the area. Senator Brewer talked about the 3.5 to 4.9 million cans of high alcohol content malt liquor sold annually in this census area of eleven. In Lincoln if we had that many, there would be over 90,000 liquor stores in Lincoln alone if we had the same proportions. A report in the Lincoln Journal Star from January 2 shows, quote, it's easy to get drunk on a few bucks in Whiteclay where beer is cheaper than water. Most of the Lakota drink big cans of high gravity malt liquor such as Hurricane and Camel Black Ice for about \$1.50 and each 24-ounce can delivers the equivalent of a six-pack of beer or four shots of whiskey. That's about 38 cents a shot. And I want to add that I bought one of those beers because I've never seen one before, and I tried it. And the other interesting thing is it has a lot of sugar in it. So, of course, the sugar is also addictive and makes it more palatable to drink it down. To get a glimpse of the suffering this flood of alcohol creates, I urge you to read the article that I passed around titled A Day in the Life and Death of Whiteclay. The snapshots in my memory of my visits to Whiteclay, Nebraska, are emblematic of the despair, the misery and the human suffering and the poverty that is nurtured and fed by that sale of alcohol in Whiteclay, Nebraska. The dangerous abandoned buildings serve both as a squalid shelter for the desperate, addicted Natives and as a haven for abuse, human trafficking, and other criminal activities. Those buildings stand mocking our good life. They stand in contempt of our state slogan, Nebraska Nice. But Whiteclay doesn't have to be a place of despair. It can be a place of hope and healing. In fact, there are good things that are already starting to happen in Whiteclay. There's the establishment of a nursing home up there, and a recent grant through Grow Nebraska has allowed artisans to sell art and work. Lakota Health Center is helping as well. There are positive actions taking place to help bring jobs and opportunities to the area. Last September, a wireless tower was established bringing wireless broadband access to the Whiteclay area that carries

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over...and the tower carries over 15 miles over into the Pine Ridge Reservation. When we worked to get that to happen, somebody said, well, great, so they can watch Netflix. No, great, so that there can be distance learning, so there can be telehealth connections. When we met with the hospital in Pine Ridge, we went with people from UNMC and people from the Public Service Commission and people from Viaero Wireless. And Charles Sitting Bull, the head of...the director of Behavioral Health and Mental Health at Pine Ridge, said the tower opens incredible opportunities for us. They had tried in the past for decades to connect to the Mayo Clinic to have supplemental support for their healthcare issues. And they were only able to do it on a wired line. They said, now, we're able to connect via Skype and have telehealth access. And it's an access that's opened up already to the University of Nebraska Medical Center. UNMC is eager to be involved in this task force as they have already started to coordinate with the Pine Ridge Hospital on telehealth opportunities. [LB407]

PRESIDENT FOLEY: One minute. [LB407]

SENATOR PANSING BROOKS: So having turned coordination as part of the task force is bought...having their continued participation is vital to our efforts to help transform Whiteclay into a place of hope and healing. Also, there's an important need for job training and skills for the region that will...for that region, because it will not only benefit Whiteclay but also all of Sheridan County. Providing detox and treatment are vital. The people must have opportunities once they go back to the reservation. There was a state-of-the-art treatment center in Gallup, New Mexico, between two tribes and that treatment center closed last year and that was because people would get treated and then go back to the reservation and go back to be mired in the hopelessness there, the poverty, the lack of opportunity, the lack of jobs. That's why it's important that we tie this together to a positive economic development plan that will help bring jobs to Sheridan County and will help treat the demands that's necessary there. [LB407]

PRESIDENT FOLEY: Time, Senator. [LB407]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. [LB407]

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PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Chambers, you're recognized. [LB407]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I think it's very good that some background information has been given to show why this task force is justified, but I want us to focus on what this bill will do, and I'm hoping that enough of my colleagues are aware of that, therefore, there has not been the kind of ongoing, wide-ranging discussion among all of us on an issue as serious as this. I want to believe that to be the fact because nobody sees this as an extravagance or a waste of time. All that this bill will do is create a task force that will look into the public health implications of the sale of liquor at Whiteclay. A preliminary report will be due in December of next year, 2017. The entire task force sunsets two years later, December 19, and that is also the date of a final report. There are a lot of...well, a relatively lot of pages, many words, to try to make it clear precisely what is being done, but to grasp the essence of what we're doing is quite simple. And I think I have summed it up. I do not want to say anymore than would be necessary, and I think I've just about reached that point. I was pleased to see that Senator Brewer would participate in the way that he did. It is always helpful when somebody with direct knowledge, experience, and understanding will speak on a subject that the rest of us don't have those things on. So, it would behoove us as a Legislature to offer whatever expertise, or if you don't want to call it that, whatever knowledge or information may exist in the area where you spend your time. You have no way of knowing whether a casual word, casual to you, dropped into the debate, may be the spark that will ignite enough interest in somebody else to take some action. This is the kind of issue where I can make these relatively neutral comments. What we're doing today is what I think a legislative assembly ought to do. We have a clearly defined problem. We can see the boundaries, roughly speaking, of that problem. We are taking a step to get the kind of information that will equip the Legislature to take corrective action aimed with laser-like focus on that problem and to be able to show that the remedy being offered will alleviate the problem if not solve it 100 percent. So I'm in favor of this bill, and I'm glad that Senator Brewer and Senator Pansing Brooks have collaborated on this effort as they did on the Standing Bear reading. That was very, very meaningful to me. And Mr. President, I am hoping that there will be enough votes to move this bill which I think will happen, but I would like to see because of the people who will be benefited and the general neglect that has occurred for so many decades,... [LB407]

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PRESIDENT FOLEY: One minute. [LB407]

SENATOR CHAMBERS: ...generations, that there would be a unanimous vote. We've had resolutions not nearly as significant as this bill, and there would be a call of the house and the request would be made that there be unanimity to show the people who are to be benefited that the Legislature is strongly behind this, we take it seriously, it is not just a token gesture. And that's all that I have to say. Thank you, Mr. President. [LB407]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Lowe, you are recognized. [LB407]

SENATOR LOWE: Thank you, Mr. President. Many of you know me as a businessman and I'm always in favor of business opportunities and that's what we have in Whiteclay, is we have these liquor stores that are in business. But with that is also a liquor license, and with that liquor license comes responsibility to its customers. And I think it's being overabused right now in Whiteclay. These are people that are in trouble, and I believe it is up to us to make that decision on whether business is more important or people. There is nothing more important in the state of Nebraska than small business, except for our people. So let's think about the people today and let's give a green light to this. Thank you, Mr. President. [LB407]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Watermeier, you're recognized to close on the committee amendment. He waives closing. The question before the body is the adoption of committee amendment, AM140. All those in favor...there's been a request for a call of the house. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, please, Mr. Clerk. [LB407]

CLERK: 28 ayes, 0 nays to place the house under call, Mr. President. [LB407]

PRESIDENT FOLEY: 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. Senators Hughes, Morfeld, Wayne, Groene, please check in. Senators Hughes, Morfeld, and Groene, please return

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to the Chamber and record your presence. The house is under call. Senator Pansing Brooks, may we proceed? Thank you, Senator Pansing Brooks. The question for the body is the adoption of AM140, the committee amendments to LB407. All those in favor vote aye; those opposed vote nay. Record, please, Mr. Clerk. [LB407]

CLERK: 45 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB407]

PRESIDENT FOLEY: AM140 is adopted. I raise the call. Mr. Clerk. [LB407]

CLERK: Senator Pansing Brooks would move to amend with AM528, Mr. President.
(Legislative Journal page 639.) [LB407]

PRESIDENT FOLEY: Senator Pansing Brooks, you're recognized to open on your amendment.
[LB407]

SENATOR PANSING BROOKS: Yes, and thank you, Mr. Lieutenant Governor. I hope this goes rather quickly. Given a request we received from the Department of Economic Development and the Department of Health and Human Services, it has become necessary for me to introduce this amendment to the bill which removes the Department of Health and Human Services and the Department of Economic Development from the task force. I do this with deep sadness as I believe it serves our state and our people well when leaders come together to solve problems. And I know there are many good people in the Department of Health and Human Services and the Department of Economic Development who could bring expertise to this issue. In fact, I met over the interim with both the Governor and Courtney Dentlinger, the director of Economic Development, to discuss Whiteclay, Nebraska, and was really hopeful that we could work together collaboratively. As I said earlier, the Governor's own task force on Whiteclay produced many of the same ideas that Senator Lindstrom and I initially proposed. So I think there is a lot of common agreement on many of the things that need to be done in Whiteclay, but as with anything, the success of the task force is dependent on the quality of work put into it. I work closely with Nebraska Human Trafficking Task Force and its coordinator Glen Parks, as well as Attorney General Doug Peterson and his staff to increase penalties on human traffickers. As a result, we have before us in this session LB289 which has been prioritized by the Judiciary

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Committee as priority legislation which would increase penalties on traffickers. So, I just want to point this out to say that task forces sometimes get a negative rap, but they often lead to real, positive, change whether through legislation or through private sector engagement, or through a combination of both. So I want to remind you again that trafficking is part of one of the problems we are trying to solve in Whiteclay, Nebraska. I've heard about it firsthand and tangentially as I walk the streets of Whiteclay. Therefore, I would hope that the Department of Health and Human Services and the Department of Economic Development will be in a position to provide information and expertise to our task force. So as disappointed as I am that we must remove the code agencies from this task force, which also removes the fiscal note, by the way, I remain excited about the work ahead. I ask you to support my amendment and the underlying bill. Thank you, Mr. President. [LB407 LB289]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Debate is open on the amendment. Senator Krist. [LB407]

SENATOR KRIST: Thank you, Mr. President, and again, good morning, colleagues, and Nebraska. You don't have to vote yes for AM528. You need to think about whether or not you're going to vote yes or no. What we're being told by the executive branch is they do not want to participate in this task force. Does that mean that the same information that would be available to us if they were sitting members on that task force will still be available to us? My experience says, no. How do we go forward and solve problems in the state of Nebraska that are the best for all 1.9 million people-plus in this state, which the Governor is proud to say in his sesquicentennial speech, we've gone over 1.9? How do we do what we need to do without all branches of government weighing in, showing support, and moving forward? What kind of message does this send? I had a bill...I have a bill that may or may not get to the floor this year, and I was asked repeatedly by the Department of Health and Human Services that they did not want the chief medical officer of this state to chair a study committee, a committee that would look at a health issue that is critical to the health and safety of the citizens of this state. And I said, are you kidding? That was a quote. Are you kidding? You don't want the chief medical officer involved with that kind of a study, with that kind of issue? You can do what you want to do with this one. This is to me politics. And if they want us to make the decision and if they want us to move forward, and they want us to withhold funds, or fund a particular issue, then you can

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do that because, remember, you legislate, you appropriate, and you apply oversight. I, for one, am voting no for this amendment. I want the total cooperation of the state of Nebraska to try to solve this problem together. I don't expect anybody to stand up and say anything different because I know you all have different loyalties and different subject matters that you want to say, but I, for one, will not stand by and allow, again, a department to say, no, we don't want to play. We don't...what this tells me is, they don't think it's important enough. Are you kidding me? It's not important enough? Consider it. Just consider what we're doing here and consider your vote carefully. I will vote red on AM528 and a strong green on LB407, and I think we need to go forward and solve this problem collectively as a state, all three branches of government, all codes, all noncodes, and the legislative branch. Thank you, Mr. President. [LB407]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, you're recognized. [LB407]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I wholeheartedly, well, since I have a heart, let me give a different expression. I totally agree with what Senator Krist has said. The Legislature is one of the three branches of government, but I have said from the first day that I came here and had something to say, the Legislature of the three branches has paramountcy because we exercise oversight, but we control the purse strings. The Governor's Office is never hesitant about telling us how we ought to spend money. Threaten that if you don't spend it the way he says, he will line item veto. Our remedy is to simply override that. But there has been little, if any, cooperation from the executive branch, not only under Governor...under Governor Ricketts. Sometimes people as old as I am have what are called senior moments. I just had one. Not just under current Governor Senator Heineman...Governor Ricketts, but under previous governments...governors, there is to be a natural tension and the three branches of government were created for that purpose. A natural tension between and among the branches to provide oversight, checks, and balances. We write the checks. We balance the budget. The Constitution requires us as a Legislature to do that. No Governor can take credit for balancing the budget. The Constitution imposes it as a responsibility, but this tension should not be based on hostility or disrespect or one branch minimizing the significance of the other, even if we don't like the individuals who are members of those branches, I have never been in this Legislature without having had contention between me and whoever was the Attorney General--to a lesser extent when Bob Spire was the Attorney General--and the Governor. But

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there were times in the past when Governors and I have actually cooperated. There is available in statute now what is known as the medical diet. A doctor from UNMC had called me. There was a child very, very ill. If the child were fed carbohydrates, sugar, and salt, the child might not survive. He put in it those terms because he described the kinds of foods that are available to poor families. They purchase that which allows them to obtain a large amount of whatever it is for the relatively small amount they have to spend on food. He asked me, would I offer legislation--the session was going on, Exon was the Governor--to provide what are called medical diets which could be prescribed. And the state would underwrite the cost of these and Governor Exon and I had... [LB407]

PRESIDENT FOLEY: One minute. [LB407]

SENATOR CHAMBERS: ...a lot of falling outs, but on that we were joined, not just at the hip, but from forehead to toenail. He said, Ernie, he called me that. Jim, I called him that. In public he was Governor Exon, or old razor blade tongue. He said, after I explained it to him, if you get that bill on my desk, put the emergency clause on it, and I will sign it the day it comes to my desk. The legislators accepted what I told them as the truth. We suspended the rules to offer a bill outside of the regulated time under the rules for a bill to be introduced. A hearing was scheduled as soon as it could be scheduled under the rules and the Constitution. We complied with all of the constitutional requirements... [LB407]

PRESIDENT FOLEY: Time, Senator. [LB407]

SENATOR CHAMBERS: ...and in less than a week, certainly not much more than a week... [LB407]

PRESIDENT FOLEY: Time, Senator. [LB407]

SENATOR CHAMBERS: That's it? Thank you, Mr. President. [LB407]

PRESIDENT FOLEY: Thank you, Senator Chambers. Continuing debate, Senator Pansing Brooks, you're recognized. [LB407]

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SENATOR PANSING BROOKS: Well, I thank my colleague, Senator Krist, for bringing up that really good idea of voting red, but again, colleagues, I am going to continue to offer this. You know, it is disappointing. The letter said it's the opinion of the current administration that the inclusion of the executive branch, members on a legislative task force violates the separation of powers requirement contained in Article II, Section 1 of the Nebraska Constitution. I do want to point out that they did participate in the Intergenerational Poverty task force, so this is new. And as I said before, it's disappointing. I certainly don't want to force people to address a problem in our state that don't want to. We have a broad range of support that have been helping on this. Nebraska Family Alliance, the Catholic Conference, all sorts of people on both sides of the aisle have been working to focus attention on this really problematic area of our state, where people are lying in the street. So I'm...I really appreciate my colleague, Senator Krist, but, again, I don't want to lose the whole bill or have it by chance vetoed because the executive branch doesn't want to participate. They can deal with the fact in the state of Nebraska that they aren't interested in participating with that, and they can answer the questions about why this is not something they're interested in. Again, colleagues, I think it's something we need to be interested in. I think that we can garner the information and the help from many important people in our state beyond the executive branch that will be helpful and beneficial in helping to find solutions in this devastating area. So, again, with sadness, I ask you to support AM528. I don't want it to be railroaded and all of a sudden people deciding they're not going to vote for the underlying bill. It is important that we move forward. Thank you, Mr. President. [LB407]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Chambers, you're recognized. [LB407]

SENATOR CHAMBERS: Thank you. I'm going...Mr. President, I'm not going to drag out that I was telling you, but I wanted to give you a little context. We got the bill to the Governor's desk, he signed it immediately, the doctor was pleased, the family was pleased, and it was really a good piece of cooperation between the executive and the legislative branches, even during a period when there was that tension to a marked degree between the executive branch and the legislative branch. But not everybody in the executive branch was in contention against everybody in the legislative branch. Senator Clements raised a good question to me and I will touch on it while I'm speaking. These two departments that are asking to be withdrawn would

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not violate the separation of powers requirement in the Constitution because they're ex-officio members. They are not participating in a legislative function which only legislators ought to participate in. The problem is not a violation of the separation of powers, it's just that two entities don't want to be bothered with one of the most embarrassing matters affecting this state and the attempt to do something about it in a formalized, responsible way. This bill is designed to get information of a kind that can be relied on, and I would like to ask Senator Krist a question, if he is available. [LB407]

PRESIDENT FOLEY: Senator Krist, would you yield, please? [LB407]

SENATOR KRIST: Absolutely. [LB407]

SENATOR CHAMBERS: Senator Krist, I don't want to open old wounds between us and them and so forth, but are you aware of times when representatives from the executive department, and I mentioned the Attorney General's Office for sure, who would complain when we're dealing with the bill for not having been invited to sit down at the table while we were putting the bill together and arriving at our conclusions? [LB407]

SENATOR KRIST: Yes. [LB407]

SENATOR CHAMBERS: Thank you. They complained because they were not invited to sit at the table. This is a respectful invitation for them to sit at the table. To solve this problem will take more than just the Legislature. Even if we enact laws, the executive branch carries out the laws. Should the executive branch not act, there is a writ known as mandamus which could be resorted to, so those are side issues. I'm going to join Senator Krist in voting red. All of you have children, I believe, or grandchildren, but you understand that you do not always give a child what the child asks for. Even if the child throws a tantrum, you are the parent because you are the caretaker of that child, and you do what is in the best interest of that child. We as the Legislature have an obligation to do what's in the best interest of this state and its citizens. I'm going to vote, no. I think HHS and this other department that deals with economic development, or whatever they're called, ought to participate. So I'm going to vote no, and I believe that when the law is passed that... [LB407]

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PRESIDENT FOLEY: One minute. [LB407]

SENATOR CHAMBERS: ...they will participate. Now, they can drag their feet if they want to, they can try to obfuscate, but I think once the legislative decision has been taken, they will do what they ought to do, and will get that information. Thank you, Mr. President. [LB407]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Albrecht, you're recognized. [LB407]

SENATOR ALBRECHT: Thank you, President Foley, and good morning. Would Senator Pansing Brooks take a question? [LB407]

PRESIDENT FOLEY: Senator Pansing Brooks, would you yield, please? [LB407]

SENATOR PANSING BROOKS: Yes, I will, happily. [LB407]

SENATOR ALBRECHT: Well, thank you. I actually...District 17, I have the Winnebago Reservation and the Omaha Reservation in my district, and I do know that it is...they are their own sovereign nation, and I need to just ask you, does the Santee Reservation act in the same capacity? [LB407]

SENATOR PANSING BROOKS: You mean the Pine Ridge Reservation? [LB407]

SENATOR ALBRECHT: Well, yes. You're showing the...yes, I'm sorry, the Pine Ridge. [LB407]

SENATOR PANSING BROOKS: The Pine Ridge is a sovereign nation, yes. [LB407]

SENATOR ALBRECHT: So, I know you talked earlier, that you have to get the buy-in of the elders, but if they are their own sovereign nation, I mean the way it is in my district, it appears that they do take care of their own, and not that I wouldn't, you know, feel like we needed to help out in any way, but would the federal government also become part of this task force? [LB407]

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SENATOR PANSING BROOKS: Thank you for asking that, Senator Albrecht. You know, it's so funny because people come to me and said what could you possibly do? Why are you, a white woman from Lincoln, interested in working on this? We've worked on it for years. Nothing ever happens. Nothing works. And there have been efforts to include all the sovereign bodies that are affiliated with this situation. The state of South Dakota, the Oglala Lakota Nation, the federal government, and Nebraska. And the problem is, it's very difficult to get all of those bodies to agree to what is happening. So, when I went up there, I looked at the matter and thought, there is an issue that's happening in Nebraska. We have people lying in a drunken stupor on the streets of Nebraska. We also know that 3.5 million beers could not be sold to the 11...to 30 people who are lying on the streets in a year. So that means bootlegging is going on. So those are illegal activities that are going on in our state. And, furthermore, the Oglala Lakota Nation does reach into Nebraska because if you look at the map which I meant to mention to you, the map that you have, you can see where the Pine Ridge Reservation moves down into Nebraska. So, yes, there are things that could be done with the federal government, there are things that could be done with the state of South Dakota. I can't control that. All I can control is the fact that there are hideous atrocities going on here, and I'm going to work...and I have intended to work from the beginning on what I can do about our state. [LB407]

SENATOR ALBRECHT: Okay, I appreciate that. So here's one other question. Tell me about law enforcement on...in the Pine Ridge area. And the reason I'm asking that question is because I understand Governor Heineman cross-deputized, and we have in Winnebago Omaha Reservation, they have their own law enforcement as well. Do they have law enforcement, or does the State Patrol go on those... [LB407]

SENATOR PANSING BROOKS: I think you're talking about when Governor Johanns did cross-deputize at one point. [LB407]

SENATOR ALBRECHT: I thought it was Senator...or Governor Heineman. [LB407]

SENATOR PANSING BROOKS: No, no, and maybe Senator...or Governor Heineman did too, but I think it was Governor Johanns. But they do have their own law enforcement, that is correct.

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But that doesn't have anything to do with the state of Nebraska, the fact that they've got people that are... [LB407]

SENATOR ALBRECHT: But does the Nebraska State Patrol go on those grounds at this time? [LB407]

SENATOR PANSING BROOKS: No. [LB407]

SENATOR ALBRECHT: They do not? [LB407]

SENATOR PANSING BROOKS: On to the grounds of the Pine Ridge? [LB407]

SENATOR ALBRECHT: Yes. [LB407]

SENATOR PANSING BROOKS: No. That's another jurisdiction. [LB407]

SENATOR ALBRECHT: It... [LB407]

SENATOR PANSING BROOKS: It's across our state line. [LB407]

PRESIDENT FOLEY: One minute. [LB407]

SENATOR PANSING BROOKS: Can they go into it in the Whiteclay area? Yes, they can. [LB407]

SENATOR ALBRECHT: And do they? [LB407]

SENATOR PANSING BROOKS: I think they do. I don't know that for sure, but again I'm not dealing with law enforcement in this issue. We're letting the Liquor Control Commission deal with the law enforcement issue right now which is pursuant to... [LB407]

SENATOR ALBRECHT: Okay, thank you. This is my time, thank you. [LB407]

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SENATOR PANSING BROOKS: ...to the statement the commissioner made. [LB407]

SENATOR ALBRECHT: Okay, I just wanted to try to be clear, because if we are dealing with a state issue to help people, you know, in our state, I'm all in, but there's a lot to be studied and you have put a lot of time into it, and I appreciate that, but I just wanted to clarify on law enforcement and if they're their own sovereign nation, it's very difficult for us to go in and suggest to them what they should be doing. Thank you. [LB407]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Krist, you're recognized. [LB407]

SENATOR KRIST: Thank, Mr. President. Senator Albrecht, I was getting up for a different reason, but I wanted to give you some background information. The Bureau of Indian Affairs, the state of South Dakota, and the state of Nebraska all kicked in an appropriate amount of money trying to have law enforcement...additional law enforcement officers who would be part of the reservation police on the res, that they would be Indian, or Native Americans who qualified. That program never took off because the qualification requirement for a law enforcement officer, someone to carry a gun, couldn't find enough people on the res to qualify to use that grant money. That's a problem and part of it comes from the high criteria, the high bar that is set by a federal officer, and the Bureau of Indian Affairs. I agree with you, it is a problem on the res, it's a problem in the state of South Dakota, and it's a problem in Nebraska, and we can't try to solve everybody's problems, but collectively a joint task force like this, particularly the person I met with most was representative Noem, who is now a Congressman, U.S. Congressman in the state of South Dakota when I met with South Dakota representatives. And we were all in. We all had a plan, and it was just impossible to execute the plan because the grant money couldn't be used for what we had purposed it for, and that needs to be looked at in the joint task force as well. But I just wanted to add those two cents' worth of information in terms of historical perspective. Now, back to AM528, don't follow me down this rabbit hole. The introducer of the bill and Senator Brewer both have concerns that by voting on this amendment the wrong way, that the Governor may take other action. Leave it at that. I'm making a statement. I'm voting red. I'm not advocating for anybody else to follow me down the rabbit hole. I'm just saying it's important enough to me in the eight years that I've been here to understand that if you don't have the buy-in and you don't have access to the information that you need and you don't

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have the experts at the table, when it all gets solved or it all goes awry, there will be people saying, see, I told you so, and those that are saying, yeah, we helped with that process without ever really being there at the table. And the only way to sure make that that doesn't happen, in my mind, my experience, is to make sure that everybody is invited to the party at the beginning and that everybody has input. But once again, you have another consideration here, and that is what will be the final outcome if AM528 is voted on. It won't be the first time I've had the only red on the board. So do what you need to do, but don't consider that Senator Pansing Brooks is asking you as introducer of the bill to vote a certain way and I would be the last person to interrupt that request. Thank you. [LB407]

PRESIDENT FOLEY: Thank you, Senator Krist. (Visitors introduced.) Continuing debate, Senator Chambers. [LB407]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Albrecht raised some very interesting and essential questions, but the thing to keep in mind, we are not voting to take any action of any kind today. We're going to set up a task force and among other things, all of those jurisdictional, procedural, and other matters can be looked at, but this task force will do it in an organized, systematic, authoritative, competent manner. And when that is the approach that's being taken, my view is that everybody who is in an official capacity and can offer some assistance ought to be there to offer it. This is being initiated in the Legislature because when it comes to establishing a policy for the state, the Legislature does it. But that does not mean it cannot or should not include members of the other branches. We have the power to enact the bill the way it would be enacted if these two agencies were left as members. I'm not following Senator Krist down the rabbit hole. I'm walking arm in arm with him, and I don't think we're going down a rabbit hole. I think we are strolling the high ground. And it's one of those situations where a tension exists now with reference to how at least Senator Krist and I will vote, and what the will of those who are offering the bill would have you vote for practical reasons. The only way I could have any semblance of self-respect is to be not voting. But if I don't vote, I would have no self-respect. I'm going to have conflicts with the Governor on numerous issues anyway. We all are familiar with the attempt of some of the tribes to not allow the Washington football team in the NFL use that demeaning term--and I'm going to go ahead and say it for the record--Redskins, and these white people want to fight tooth and nail to be able to do that.

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Making a play on that demeaning word to try to impart a bit of dignity to it because of the way Senator Krist and I intend to stand on this important issue. What you will see today is a black man and a white man become the only red men when it comes to voting on that board. I will not fault anybody for voting the way you've been asked to vote on this amendment. This is one of those times when we show the complexities of functioning in a legislative body. Sometimes you do things that you would rather not do. I don't see this as a moral issue where if you vote to excuse these two agencies you're doing anything immoral. [LB407]

PRESIDENT FOLEY: One minute. [LB407]

SENATOR CHAMBERS: I don't think it is that type of situation. We are dealing strictly with a political issue, but all the things that I do are informed by what my personal convictions are. The only thing I have of value, as I see it, is my self-respect. And I cannot give that up for a mess of pottage. So I will vote no, not because I'm following Senator Krist, but he and I happen to have reached the same conclusion, so we're walking the same path together. Thank you, Mr. President. [LB407]

PRESIDENT FOLEY: Thank you, Senator Chambers. Speaker Scheer, you're recognized. [LB407]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. I just wanted to rise and just say a few things regarding LB407 and AM528. In perspective, AM528 is removing them as members, but I certainly believe and anticipate and would expect that both of those agencies would be involved in the discussion and help with information and material and any other type of data that the committee would need. In relationship to LB407 itself, I just want to remember, have everyone remember, all those committees trying to come up with a solution. And I personally believe that we do have a moral obligation to do something, and, in this case, the only thing that we're doing, the something we're doing is trying to come up with perhaps a solution to one of the many problems. Lord knows they have more than one problem up there, and maybe they come up with a solution for a couple that can be remedied fairly simply. I don't know. That's why we're forming the committee. But at least it's a step in the right direction, at least we're acknowledging that there is a problem, which has not been done for quite a while, so I would encourage

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everyone to please vote green on AM528 as well as LB407. Thank you, Mr. Lieutenant Governor. [LB407]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Pansing Brooks, you're recognized to close on AM528 and she waives closing. The question for the body is the adoption of AM528. All those in favor vote aye; those opposed vote nay. Senator Pansing Brooks calls the house. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record please, Mr. Clerk. [LB407]

CLERK: 44 ayes, 0 nays to place the house under call. [LB407]

PRESIDENT FOLEY: 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 Pansing Brooks, for what purpose do you rise? [LB407]

SENATOR PANSING BROOKS: We could take call-ins, Mr. Lieutenant Governor. [LB407]

PRESIDENT FOLEY: We're going to pause for just a moment, Senator. Thank you. [LB407]

SENATOR PANSING BROOKS: Okay. [LB407]

PRESIDENT FOLEY: Senators McCollister, Baker, Williams, Harr, Lindstrom, Riepe, Schumacher, please return to the Chamber and record your presence. The house is under call. Senator Pansing Brooks, we're still lacking two or three senators. Would you like us to proceed with the roll call now, or do you want to wait for all members to be here? We'll proceed with the vote. A roll call vote in reverse order has been requested. The question for the body is the adoption of AM528. Mr. Clerk, please call the roll. [LB407]

CLERK: (Roll call vote taken, Legislative Journal pages 676-677.) 27 ayes, 10 nays on the amendment, Mr. President. [LB407]

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PRESIDENT FOLEY: AM528 is adopted. I raise the call. Returning now to debate on LB407. Seeing no members wishing to speak, Senator Pansing Brooks, you're recognized to close on LB407. [LB407]

SENATOR PANSING BROOKS: Well, I want to thank everybody for your votes on that amendment, and, again, it was one where we were...we were torn. It is good to work with the executive branch. It is good that we would all work together. They've chosen to pull out, that's their choice. I still think it's so important to work on Whiteclay and looking at the public health crisis that is occurring in our state, that I felt that it was necessary to go forward. So, thank you all for your votes and for your thoughtful consideration of this. I just want to remind you that when I visited Whiteclay, Nebraska, I have visited India, Egypt, Vietnam, seen some of the most...the highest forms of poverty and degradation. I have not seen anything higher than in our own state in Whiteclay, Nebraska. I would suggest that each of us go up there to see what's happening. I've never seen the treatment of people as I've seen in Whiteclay, Nebraska. It's a census area, so it has no local governing body, no local ordinances, no public safety personnel, no public bathrooms. It has decaying and unsafe buildings, no police or fire protection, and until recently, no wireless broadband to be able to connect. They were truly isolated. It has remained for 112 years as an isolated outpost of misery and hopelessness. It popped up the minute the 50-mile buffer zone was taken away by President Roosevelt in 1904 which protected the Pine Ridge from the ability to sell alcohol to them in Nebraska. Whiteclay popped up the minute that that buffer zone was removed. It exists for the sole purpose of perpetuating the predatory sales to a vulnerable people of our native American brothers and sisters. In short, it presents a human tragedy, a moral tragedy, a legal tragedy, and a public health tragedy. While we cannot control, as Senator Albrecht said, South Dakota or the Pine Ridge Reservation or the federal government, we can control what happens in our own state. We can affect what is happening in Nebraska. So I ask you to pass LB407 to start to heal Whiteclay and when I think heal, I think of all the letters, heal. H, health; e, education; a, access; and l, love. I ask you to embrace the people of Pine Ridge and to help Senator Brewer and I work to heal Whiteclay. And in the words of the great Lakota Chief Sitting Bull, quote, let us put our minds together and see what life we can make for our children, unquote. Thank you, Mr. Lieutenant Governor. [LB407]

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PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Members, you've heard the debate on LB407. The question is the advance the bill to E&R Initial. All those in favor vote aye; those opposed vote nay. Record vote has been requested from Senator Chambers. Have you all voted who care to? Record please, Mr. Clerk. [LB407]

CLERK: (Record vote read, Legislative Journal page 677.) 42 ayes, 0 nays on the advancement of the bill. [LB407]

PRESIDENT FOLEY: Thank you, Mr. Clerk. LB407 advances. (Visitors introduced.) Items for the record, Mr. Clerk. [LB407]

CLERK: Thank you, Mr. President. Urban Affairs reports LR16CA to General File and LB597 indefinitely postponed, those signed by Senator Wayne as Chair. Priority bill designations: Senator Morfeld, LB641; Senator Brasch, as Chair of Agriculture, LB276; Senator Kolowski, LB484; Senator Larson, LB291; Senator Scheer, LB233...I'm sorry, Senator Stinner, LB233; Senator Smith, LB217 is one of the Revenue Committee priorities; Senator Schumacher, LB268; Senator Murante, LR1CA; Government Committee, LB644 and LB451; Senator Groene, LB595; Senator Brasch, LB338. I have an amendment to be printed, Mr. President, to LB350. That's offered by Senator McCollister. And, Mr. President, the Judiciary Committee will meet now in room 2022, Judiciary Committee in room 2022 immediately. That's all that I have. (Legislative Journal pages 677-678.) [LR16CA LB597 LB641 LB276 LB484 LB291 LB233 LB217 LB268 LR1CA LB644 LB451 LB595 LB338 LB350]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Continuing now with the agenda, General File, 2017 Senator priority bills.

CLERK: Mr. President, LB368, a bill introduced by Senator Lowe. (Read title.) Introduced on January 13 of this year, at that time referred to the Transportation Committee. The bill was advanced to General File. I do not have committee amendments. I do have other amendments to the bill. [LB368]

SPEAKER SCHEER: Senator Lowe, you're recognized to open on LB368. [LB368]

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SENATOR LOWE: Thank you, Mr. President. I am here today to bring LB368, an attempt to remove the requirement for individuals 21 and older from having to wear a helmet when they are operating motorcycles. This bill will allow riders the alternative of wearing eye protection instead of wearing a helmet. This bill will also prohibit children from under the age of six from being passengers on motorcycles. As a policy, that reflects child safety seat requirements in Nebraska. Before I get too far into my opening statements, I want to thank the previous senators that have done so much work on this in the past, the most recent, Senator Bloomfield. Thank you, Senator Bloomfield. The way I see it, this bill is about two things: personal freedom and tourism revenue. The personal freedom arguments on this bill are pretty straightforward. Individuals who choose to ride a motorcycle should be allowed to choose whether or not they wear a helmet. We as a state cannot regulate all personal conduct, and we should not be regulating this personal choice. Arguments have been presented against this bill stating potential cost to taxpayers supersede individual liberties. I ask everyone here today to really think about what that means. If that is the logic we're going to use to determine whether or not the government should get involved in an issue, where does it stop? That line of thinking would only allow government to have a say in basically any area of life an elected official or bureaucrat decided needed to be regulated. There are 31 states without the universal helmet law. And of our neighbor states, only Missouri has the same laws as the state of Nebraska. Colorado, Wyoming, South Dakota, and Kansas have all repealed their universal helmet laws by no later than 1983. Iowa has never had a helmet requirement. Compared to the 31 states without universal helmet laws, LB368 has as strict or stricter requirements than all but three states. Since most of our neighboring states do not have a universal helmet laws, we are actively discouraging tourism revenue from coming through our state. This is especially true considering the Sturgis rally in South Dakota brings in roughly \$1 billion a year to that state economy and many riders choose alternative routes to Sturgis to avoid Nebraska. That is a significant number of individuals who might otherwise buy hotel rooms, gas, merchandise, or food in our state. When I speak about tourism, it is important to remember I'm not speaking only for tourists who may come through Nebraska. No, I am speaking for all our constituents. I am speaking for the small-business owners who have put long hours into their restaurants, motels, gas stations, to the men and women who own their own businesses, whether it be in our big cities like Omaha or little towns like Henry in the far western part of the state, to the individuals who need that extra shift work in Valentine or down south by Superior, and everywhere in between. And I am speaking to all the

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people out there who have helped build this magnificent state. They work the land. They've built our technology, our hospitals, our government, our commercial buildings, our homes. They grow our food, clean our air, scrub our water, and make our rubbish go away. They come from all varieties of lifestyles, races, colors, and creeds. They are a true cross-section of Nebraska. This bill will help them and all of these people. What we as a body can do for our riders, our small-business owners, and all of our constituents is to make Nebraska the greatest home for freedom. The riders in our communities don't ask much. They're willing to work to make Nebraska a safer place to ride, which is what we all want. The riders want the ability to ride on the roads that they know well and to be able to do this while choosing whether or not they should wear a helmet as they do in almost every state surrounding our state. Riders will ride where helmets are not required, and right now that means they will be riding on roads that they are not familiar with. This policy change would respect the freedom of Nebraskans, help our businesses and encourage potential, significant tourism revenue, all while requiring one of the strictest helmet laws in our region. I urge to you vote green on LB368. [LB368]

SPEAKER SCHEER: Thank you, Senator Lowe. (Visitors introduced.) Mr. Clerk. [LB368]

CLERK: Mr. President, the first amendment I have, Senator Hilkemann. Senator, I have AM503. (Legislative Journal page 661.) [LB368]

SPEAKER SCHEER: Senator Hilkemann, you're welcome to open on your amendment. [LB368]

SENATOR HILKEMANN: Thank you, Mr. President. It was good to see Senator Bloomfield here. He just offered and he said you and I have to go out and have a drink. And I have to say that would be the first time that I'd have to do that, Senator Bloomfield. But at either rate, we're talking about AM503. My amendment would change the age of the passenger on a motorcycle or a moped from 6 years of age to 16 years of age. The addition of the age restriction for passengers as part of LB368 at a glance seems to be good. We've dealt with this now...I've been here three years. We're dealing with it now a third time, and we've always had just a little different tweaks in this particular bill. It seems like good, common sense. However, I have some reservations about that. First, there should be an age restriction for passengers on motorcycles, but how do we

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decide at what age that will be? Any child who has grown to near adult side would be defenseless in a motorcycle accident. AM503 proposes that the age be set at the age of 16, and that's what I'd like the discussion to be about this morning. Senator Lowe, I'm wondering if you would yield to a question. [LB368]

SPEAKER SCHEER: Senator Lowe, would you please yield? [LB368]

SENATOR LOWE: Yes, I will. [LB368]

SENATOR HILKEMANN: Senator Lowe, how did you come to the determination of the age of 6 for passengers on motorcycles in this bill? [LB368]

SENATOR LOWE: Well, you have to be under the age of six years old to ride safely in a car. Under six years old, you have to be in a car seat or a restraining device. [LB368]

SENATOR HILKEMANN: So that's where you came up with the...you're using that as the criteria? [LB368]

SENATOR LOWE: Well, it's hard to put a restraining device on a motorcycle. So I believe that 6 years old is a nice age to break that off. [LB368]

SENATOR HILKEMANN: Okay. Thank you very much. Senator Lowe, this is enforceable, then, by secondary action or primary action? [LB368]

SENATOR LOWE: This would be probably a secondary action. [LB368]

SENATOR HILKEMANN: So if you have someone under 6 years of age on your motorcycle, there would really be no offense to that...there would be no...you wouldn't have any problem with that as far as the responsibility of the driver of that motorcycle? [LB368]

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SENATOR LOWE: No, not really, not really, because they should not be on a motorcycle if they're under six years old, because they should not be in a regular car seat under six years old also. [LB368]

SENATOR HILKEMANN: So if a police officer sees a three-year-old on the back of a motorcycle, and there's no...what enforcement would an officer have on that point? [LB368]

SENATOR LOWE: Okay, under that point, yes, it should be a primary offense. [LB368]

SENATOR HILKEMANN: In your bill, is it a primary offense? [LB368]

SENATOR LOWE: It just does not allow anybody under the age of six years old on a motorcycle. [LB368]

SENATOR HILKEMANN: But if it...you say it doesn't allow it, and there's no teeth to it, and what can happen with it? In other words, is there any...if I were to...I have grandchildren that I could put on the back...I'm a motorcycle rider. I don't have a motorcycle now, but I've had motorcycles in the past. I have grandchildren that I could put on the back of my motorcycle under the age of six. And if I were caught with them on the back of my motorcycle, the police officer could pull me over and say...but there's no offense is that correct? [LB368]

SENATOR LOWE: No. [LB368]

SENATOR HILKEMANN: Okay. So what would be the...what could an officer...what would be the penalty then if I were riding on a motorcycle with my four-year-old grandson? [LB368]

SENATOR LOWE: That is a good question. I think we need to take that up. [LB368]

SENATOR HILKEMANN: Okay, I think that would be a good discussion. First of all, that's why we're talking about this bill. It needs...thank you for that, Senator. I think that just pointing out that this bill has some issues that we need to discuss, and that's the purpose of this body, and so we're going to have a nice, long discussion about your bill and how this is going to go forward. I

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know...Senator, one more question. It's my understanding that this bill, LB368, is your priority bill, is that true? [LB368]

SENATOR LOWE: That is correct. [LB368]

SENATOR HILKEMANN: Okay. And I have to say, Senator, that it is my priority that maintaining the helmet law that we've had in place that served the state of Nebraska very well over these years is my priority as well. So we'll have some discussions about this. [LB368]

SENATOR LOWE: Sounds great to me. [LB368]

SENATOR HILKEMANN: Okay. Thank you. You know, as I mentioned earlier, I have my motorcycle license. I've enjoyed two motorcycles over the course of time. My son, when he was about 25 years of age, called me one day. We were actually out of town. And he said, Dad, what would you think if I bought a motorcycle? And I said, well, Son, you're 25 years of age, you're out of college, you're not married, you have no dependents. If you're ever going to own a motorcycle, this is the perfect time to own a motorcycle. So about an hour later, I got a call from my son, he said, Dad, I've located a Honda such and such, what do you think about it? I said, well, you know, I'm in Colorado and you're back in Omaha. It's a little hard for me to see it from that distance. And so I had him call a good friend of mine that was a motorcyclist. And I said...he was a doctor friend of mine and I said, you call up Bill and Bill will go look at that motorcycle with you and they'll make some decisions. Well, within a few more hours, I got a call back, he said, Dad, I really like this motorcycle, but I don't know how I'm going to get it to the house. And I said, well, Son, I said, I'll be happy to help you with motorcycle when you get it there. So we made an arrangement that the person that he bought it from drove it to our house. And so I hadn't been on my motorcycle for quite some time. And so when I got back from Colorado, I put my son on the motorcycle, and we went out to the parking lot... [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR HILKEMANN: ...at Boys Town. I was going to try to help him... [LB368]

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SPEAKER SCHEER: One minute, Senator. [LB368]

SENATOR HILKEMANN: One minute, okay. So we got on that motorcycle, and I thought I hadn't even gotten to Boys Town. I thought I've gotta have one of these. And so dad had one within about a week after that. I found a used one as well. And we had a wonderful about three years of riding motorcycles together and I can tell you that I never would even have considered a thought of ever getting on that motorcycle without my helmet in place because as a podiatrist, I never treated...I was not in an emergency room to see these people come in with head injuries. But as a podiatrist, I worked up at QLI. I worked at different facilities and saw the results of these head injuries that... [LB368]

SPEAKER SCHEER: Time, Senator. [LB368]

SENATOR HILKEMANN: Thank you, Mr. Speaker. [LB368]

SPEAKER SCHEER: Thank you, Senator Hilkemann and Senator Lowe. Senator Brasch, you're recognized. [LB368]

SENATOR BRASCH: Thank you, Mr. Speaker, and good morning, colleagues. Good morning to our second house, and a welcome back to Senator Bloomfield and his wife Dee this morning. I know this has been a very passionate bill. In the past I've been here six years, it has come repeatedly to the floor, and I was also a former member and Vice Chair of Transportation and Telecommunications where we'd heard this bill, and at one point I was compelled to support this bill on a certain condition. And that condition was to prevent children, small children, from being passengers on the back of a motorcycle. I've not heard this entire debate because the bill that I'm introducing this afternoon has become a magnet for lobbyists to pull me out and object to the bill, so stay tuned for LB67 if it should advance out of committee. But on this bill in specific, my awareness of how problematic it is for children on the back of a motorcycle wasn't because of the motorcycle bill itself. It was because of a bill that followed that was introduced by former Senator Bill Avery, a good colleague, a friend, my former professor of political science at the university. The testimony was extremely compelling, of the individuals that came forward and talked about incidents with children on the back of a motorcycle. Their feet don't reach.

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There are no helmets that fit. Children will fall asleep, that it is a problem to have kids on the back of motorcycles. Sometimes there are separated parents, where out of vengeance, one parent knows the other has hostilities toward motorcycles so they deliberately put that child and that story stuck with me. So I have honored that I will support this bill as long as it keeps kids off the back of it. It's unsafe. We do a lot of things unsafe. We will fall down and perhaps hit our heads. You know, there's head injuries playing sports, contact sports. You know, I look at this bill and I think if I can save one child from an accident on the back, it's worth the fight. I would like Senator Hilkemann to yield to a question. [LB368 LB67]

SPEAKER SCHEER: Senator Hilkemann, would you please yield? Senator Hilkemann, would you please yield? [LB368]

SENATOR HILKEMANN: Oh, yes, I'll yield. [LB368]

SENATOR BRASCH: Senator Hilkemann. [LB368]

SENATOR HILKEMANN: Yes. [LB368]

SENATOR BRASCH: I believe you came at one point and asked me my support for a seat belt law on school buses, did you not? [LB368]

SENATOR HILKEMANN: I did. [LB368]

SENATOR BRASCH: And what did I do? Did I support that bill? [LB368]

SENATOR HILKEMANN: I believe you did. [LB368]

SENATOR BRASCH: I did. I believe that we have an obligation once we put our children in that car seat, the minute we take them home from the hospital, putting them safely on a school bus, and not putting them on the back of a motorcycle until they are equipped to be properly fitted with all of the safety tools, and that's why you brought up the question. And I apologize. I was back behind the glass and only heard pieces, but I am compelled that I know the second house

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has spoken repeatedly that they want the ability to make that decision as an adult if they are going to wear a helmet or not, they will take that risk, they will take that liability. But I stand firm on making sure that that child who is on the back of a motorcycle by the judgment of their parents, adult person... [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR BRASCH: ...is protected. And so that is my intention on this bill. And I do know that every year over six years, the requests get larger and larger from the second house on I will decide how to be safe and I may use that helmet because I want to. Thank you, Mr. President. Thank you, Senator Hilkemann, and thank you, Senator Lowe, for introducing this bill. Thank you. [LB368]

SPEAKER SCHEER: Thank you, Senator Brasch and Senator Hilkemann. Senator Erdman, you're recognized. [LB368]

SENATOR ERDMAN: Thank you, Mr. Speaker. Good morning, Nebraska. As I stand today, I stand in support of LB368. I live near the border with Wyoming. And I see all the motorcycles that go from the southern part of the United States to Sturgis last year. Just last year I was in Torrington, Wyoming, one day to fill with gas and there were 37 motorcycles waiting to fill gas. And I asked why they went up Highway 85 in Wyoming instead of going up the better roads in Nebraska, and they said because of the helmet law. So people pass our state because of that. I'm in favor of repealing it. And I would like to ask Senator Hilkemann a question if he would yield. [LB368]

SPEAKER SCHEER: Senator Hilkemann, would you please yield? [LB368]

SENATOR ERDMAN: Senator, you stated in your amendment, I believe, that you want children or young people who are up to 16 not to ride on a motorcycle, did I understand that correctly? [LB368]

SENATOR HILKEMANN: That's correct. [LB368]

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SENATOR ERDMAN: Do you know what the current law says? What's the status of young people riding on a motorcycle under the current law as it is written? [LB368]

SENATOR HILKEMANN: I do not know what the current law says. [LB368]

SENATOR ERDMAN: That would be a good idea to find out what it is. I don't think there is a restriction now on those people that want to ride on a motorcycle no matter what their age is. So consequently we're asking to do something that is not even in the current law now. And so I believe it would be important to understand what the current law is before we want to make adjustments and why we want to make those. Thank you for answering. So as we move along, I hear this comment all the time from the medical people, how much this is going to call. So you have a person riding their motorcycle in South Dakota, Wyoming, Colorado, or Iowa or Kansas and they have a severe wreck, they have an accident. Generally speaking, those people are probably going to come back to Nebraska to be treated. So Nebraska has a helmet law and they say we're going to avoid all these extra expenses that we have for treating people who are injured and they come back and Nebraska pays for it anyway. And so consequently as we look at the number of people killed on motorcycle in motorcycle accidents, the information I looked at back in '14, there were 16 people killed in the state of South Dakota; South Dakota has no helmet law. There were 19 people killed in the state of Nebraska; we have a helmet law. There are probably millions more miles traveled in South Dakota. And most people who go to Sturgis do other things than just go there to see the scenery when they drive their motorcycle, so they may be impaired somewhat. And they have 16 people killed and we have 19. So we look at that and we always say, well, it's a safety measure. So I look back at the years, the five years before we had a helmet law, and then I looked at the last five years of the death toll from accidents on motorcycles, and they're very similar. It hasn't changed much at all. But this bill is restrictive. I'm against restrictions. I don't think we ought to tell our citizens how they should live their life. Life can be dangerous. If you want to be safe, stay on the porch. So I believe we need to remove this bill...we need to pass LB368 so people can have a decision whether they choose to wear a helmet or not. Thirty-eight years ago my brother-in-law was riding his motorcycle on a nice, sunny September afternoon and he ran into the back of a truck. He had his helmet on the back of the motorcycle. He chose to not wear his motorcycle helmet that day. He was killed in that accident. Whether he would have had his helmet on, I don't know whether it would have saved his life not.

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But he was over 21 years of age, and he made the decision not to wear his helmet. And the consequences are the consequences. And so I believe we should give Nebraskans a chance to make decision on how they want to live their life... [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR ERDMAN: ...because I don't believe when we come in through those glass doors back there that we become one of the 49 smartest people in the world and can tell people when to wear a helmet, we can tell people if they should have an open beer can on Lake McConaughy, and we can tell people whether they should have lead-based paint on their crib for their child. And we can do all these things that we decide as government because we need to protect everything, everybody from everything. That's not exactly how we should do this. So I am in favor of LB368 and I very much support this bill. Thank you. [LB368]

SPEAKER SCHEER: Thank you, Senator Erdman and Senator Hilkemann. Senator Friesen, you're recognized. [LB368]

SENATOR FRIESEN: Thank you, Mr. President. I stand in support of LB368. I do think it's a good bill. I think it is time to address it again and I'm looking forward to the extended debate that we've gone in the past and I hope Senator Lowe enjoys the dialogue. Some of the questions that were brought up as far as enforcement of carrying that passenger on the back, I just want to clarify I guess that it would be considered a primary offense. So if a Patrolman would spot somebody that he thought was under age, he could stop them, check, make sure they were of age. And then if they were not there would be a traffic violation and he would issue them a ticket. And then there would be a fine accordingly. So it is considered a primary offense. It's not a secondary. But you could have the you know the question of whether or not that Patrolman could identify a six-year-old from an eight-year-old or a four-year-old. But it is up to the discretion of the Trooper, I think, to pull him over. It would be a primary offense. So I stand in support of the bill and hopefully we can get this moved. Thank you, Mr. President. [LB368]

SPEAKER SCHEER: Thank you, Senator Friesen. Senator Hilkemann, you're recognized.
[LB368]

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SENATOR HILKEMANN: Thank you, Senator Friesen...thank you, Mr. President, and thank you, Senator Friesen, for clarifying that as far as being a primary offense. So then it's...since it is a primary offense, then I think we need to have more discussion because at the present time the question came in. We did some checking and at the present time there is no age restriction. So you can put anybody on the back of a motorcycle at the present time and it not be a restriction. So, Senator Brasch, would you be willing to...would you be available for a question? [LB368]

SPEAKER SCHEER: Senator Brasch, would you please yield? [LB368]

SENATOR BRASCH: I will yield. [LB368]

SENATOR HILKEMANN: Senator Brasch, we've just learned now that indeed it would be a primary offense. And so now we need to talk about the age. So do you think the age of six is proper for a child to be on the back of a motorcycle? [LB368]

SENATOR BRASCH: There were different ages across the country with some restrictions. I did not work with Senator Lowe on this. My only really vivid memory now is the fact that we had...and Senator Bloomfield just reminded me that there was a two-year-old whose father put a two-year-old on the back. They did a wheelie, took off, the child did not live. And so six-year-olds, I don't know if that is tied into what other states have to be consistent, if it's tied into what age is on certain entertainment parks. But from seeing children the age of six, you know, our 4th graders that come in here, they're about nine years old. I would trust the judgment of Senator Lowe and perhaps other states. [LB368]

SENATOR HILKEMANN: Okay, so you're...at this point you're thinking this is something we really ought to have a discussion about as far as what age we should let these be on the back of a motorcycle, is that correct? [LB368]

SENATOR BRASCH: I believe six is a good age. I would hope that some parents would not even choose a six-year-old, but definitely younger than six is probably bigger problem. [LB368]

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SENATOR HILKEMANN: So as Senator Lowe has it in his bill, six years of age, you're comfortable with that? [LB368]

SENATOR BRASCH: I'm comfortable with six. [LB368]

SENATOR HILKEMANN: Okay. Thank you, Senator Brasch. One of the comments that was made earlier about us earlier is that we need to do the will of the people. And, Senator Erdman, would you be available for a question? [LB368]

SENATOR ERDMAN: Gladly. [LB368]

SENATOR HILKEMANN: Senator, have you seen any of the surveys or the polls that have been done regarding to whether a person should have a helmet on while driving a motorcycle? [LB368]

SENATOR ERDMAN: When you say the public, what are you describing? [LB368]

SENATOR HILKEMANN: I am talking about the general public of people who...the majority of the people who live in your district, if you asked them the question, should we have a helmet on a motorcycle rider, what do you think that survey would show? [LB368]

SENATOR ERDMAN: I believe that survey would probably show people are against regulations and they would be in favor of this bill. [LB368]

SENATOR HILKEMANN: Well, Senator, I am going to say that I actually put that question to my voters. We did a survey. We had over 300 people return that survey in my district, very random. And we had 75 percent... [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR HILKEMANN: ...of the people in my district want to have motorcyclists wear a helmet. That's what I found in my district. As this discussion goes forward, and I will be

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bringing more data for you, and national surveys have reported similar type numbers: between 75 percent to 80 percent of the people of the general public believe that motorcyclists, we're giving them the right to ride a motorcycle. The one request that we have is that they keep a helmet in place. And about 80 percent nationally believe that motorcyclists should be...have a helmet. Thank you, Mr. Speaker. [LB368]

SPEAKER SCHEER: Thank you, Senator Hilkemann, Senator Brasch, and Senator Erdman. (Visitors introduced.) While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR48, LR49, and LR50. Senator Kolowski, you're recognized. [LB368 LR48 LR49 LR50]

SENATOR KOLOWSKI: Thank you, Mr. Speaker. I stand before you today looking at this particular bill, and I'm in opposition to LB368. I think it's a very important discussion that we can and should have, and we are having that, as we have this opportunity to again debate this bill on its merits and what it does as far as the safety and security of Nebraska citizens. I'm going to repeat the same story I repeated for the last couple of years on this topic, and it deals very simply with my brother's experience. My brother was an Illinois State Trooper for 20 years. When you go through the police...the trooper academy, the state police academy in Illinois and other states, one of their first job placements in the state of Illinois is in the Chicagoland area. After 6 to 12 months in the Chicagoland area, they are then placed around the state in various districts depending on where they have lived or would like to live or where assignments are open in the slots of those troopers that are available. My brother's experiences over those 20 years involved many motorcycle accidents. It's hard to describe what he described as you come upon an accident scene after a motorcycle has been hit or in collision with the car, a truck, a bus or an 18-wheeler. Any way you do that, you lose. The tools you need when you come upon one of those scenes are very simple. A rake, a shovel, and a broom because that's about all that's left from the motorcycle rider or passengers after one of those major collisions. Very sad, very difficult to work with and clean up and to witness. But that's their job, and he did that many times over his 20-year career as a state trooper in Illinois. We have several of our own several State Troopers here in this room. If you have the time, I suggest you might want to talk to them about the experiences they've had while they've been serving us and the state of Nebraska in this particular location. My opposition to this bill will be unwavering. Perhaps when you have a motorcycle

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license that you have pick up after you pass your test, they should also attach a donor card because that could be saving a lot of time and energy for some of these people with the future of what they might be facing on the road. Thank you very much. [LB368]

SPEAKER SCHEER: Thank you, Senator Kolowski. Senator Quick, you are recognized.
[LB368]

SENATOR QUICK: Thank you, Mr. President. I rise in...I'm opposed to LB368, and I know I'll probably make a lot of my union brothers a little mad at me--but they've talked to me a lot about wanting to ride without their helmets--but I also want to talk to them specifically and maybe members of the Legislature about the fact in the workplace we always promote safety. We're always wearing our hard hats. We all want to go home safe every single day and make sure we have all of our body parts. And I think from that standpoint, my union brothers could understand where I'm coming from. Another thing I'd like to talk about is seat belts. I mean I've heard talk that we don't want any regulation. So would the next thing be we're going to say we don't have to wear seat belts anymore? And I think everybody would be opposed to that. I think it has proven to save lives and I think that that's proof enough in that. I would talk about, also, every morning I drive to work and during the motorcycle season, I had friends that rode to work right along beside me on Highway 281. And once in a while they would talk about somebody cutting them off or somebody not paying attention and watching out for them. But then the next thing I'm watching is when they are riding with...down the highway with me, they'll zoom between two cars right down the white line and pull in the other lane. So there's also, from the standpoint of people watching out for them, they need to watch out for themselves as well and make sure they ride responsibly. I would say also, one day I was driving in town and I want to talk a little about that because I'm looking...I'm driving in one lane. I look to see if there's anybody beside me. So I start to pull over and there was a motorcycle in my blind spot. And I barely happened to see them and it was a gentleman with his daughter on the motorcycle with him. I'm going to guess she was probably eight or nine years old. And I tell you what, it scared the life out of me. And they both...of course, they would have been wearing helmets, but without those helmets and had I hit them, I can't imagine how I'd feel hurting or killing either one of them. I would also like to say my wife works in the medical profession. She's a nurse. And I can't specifically about things, but she has told me she's seen motorcycle accidents come into the hospital, and it's devastating to

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have to work on someone after that kind of experience. So with that, I don't know how much time I have left, but I would yield that to Senator Hilkemann if he wants it. [LB368]

SPEAKER SCHEER: Senator Hilkemann, 2:11. [LB368]

SENATOR HILKEMANN: Thank you, Senator Quick. And thank you for sharing that experience. We talk in this body...frequently I've heard some people talk about evidence-based data. And through the course of this discussion, I will certainly be bringing you numerous data that has been obtained by the National Safety Council, by the National Highway Transportation Safety Board. We're definitely going to have the data here. For fun, I hit on Google last night. I put down the word: Why we should repeal helmet laws. And I thought what's gonna come up. And actually nothing came up. There is no reason to be repealing the helmet bill that we have in place... [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR HILKEMANN: ...in Nebraska. We heard earlier in the opening comments by Senator Lowe that it's a matter of personal freedom and that we...for some, we're going to have this wonderful economic development if we were to reduce this bill. As I have read this data, and I have read this data several years now in a row, every time I read it I think one of the greatest freedoms is...when you start looking at the data on a motorcycle, the best freedom is that we allow motorcycles on the road. I am...I've ridden motorcycles. I am a pilot. I ride my bike for probably more miles and I should--my cycling bike. That is my freedom and I enjoy that. I would never consider riding... [LB368]

SPEAKER SCHEER: Time, Senator. Time, Senator. [LB368]

SENATOR HILKEMANN: Thank you, Mr. Speaker. [LB368]

SPEAKER SCHEER: Thank you, Senator Quick and Senator Hilkemann. Colleagues, before we adjourn for the long weekend, I'd like to remind everyone that Monday, March 13, we will be starting session at 10:00 a.m. to accommodate the Justice Reinvestment Steering Committee's

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briefing for the senators. The briefing will begin at 9:00 a.m. in Room 1023. It's my intent that we'll be...by moving the session back to 10:00 every office would be represented at this briefing. It's my hope that all 49 senators will be in attendance. However, if you are not able to attend please make sure that your legislative aide is there. Justice Reinvestment is an extremely important issue that all branches of the state government along with CSG have been working on for several years. I would like to ensure that every senator is provided with the least a basic level of background information to work with as we move forward. Please RSVP to my office, to Patty, Spencer, or Laurie up by 5:00 tomorrow so that we can have an accurate count. Thank you again. Senator Lowe, you're recognized. [LB368]

SENATOR LOWE: Thank you, Mr. President, and thank you, Senator Hilkemann, for bringing up statistics. I would like to point out that in 2015, per 10,000 riders, Nebraska had 4.6 fatalities; South Dakota, who does not have a helmet law, was 3.48; and Iowa, who has never had one, had 2.15. That was last year. Two thousand fourteen: Nebraska, 3.61; South Dakota, 2.17; Iowa, 2.72. I can go back and per 10,000 riders, the average, Nebraska with its helmet law has more fatalities than states that have more riders. The fatalities go back further and Nebraska leads all but three years with our helmet law. With this helmet law, right now children that are two years old can ride on a motorcycle with our current law. I'm increasing it to children that are six and above...children below the age of six cannot be on a motorcycle. That is safety. This is a safer bill than what we have currently. I would urge the senators to vote no on this amendment because six years old and over is safer now than what we have. Thank you. [LB368]

SPEAKER SCHEER: Thank you, Senator Lowe. Senator Hilkemann, you are welcome to speak. [LB368]

SENATOR HILKEMANN: Thank you, Mr. Speaker. Senator Lowe, could you yield to a question? [LB368]

SPEAKER SCHEER: Senator Lowe, would you please yield? [LB368]

SENATOR LOWE: Yes. [LB368]

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SENATOR HILKEMANN: I think...did you...I was writing down the statistics that you were giving me there. And did initially report those opposite of what you wanted to make? I thought initially you said that Nebraska was 2.6 and South Dakota was 3.4. And then on the flip side you came back and said it was the other way around, and Iowa is at 2.15. [LB368]

SENATOR LOWE: No, Nebraska leads with 4.68 in fatalities per 10,000. [LB368]

SENATOR HILKEMANN: Four point...now I didn't even write down 4.68. That's a new number. Where did that number come from? [LB368]

SENATOR LOWE: That is the number of deaths per 10,000 registered motorcyclists. [LB368]

SENATOR HILKEMANN: And can you cite the source of that report? [LB368]

SENATOR LOWE: I will get the source to you shortly. [LB368]

SENATOR HILKEMANN: Is that from like the National Safety Council? Is that from the National Highway Transportation Safety Board? [LB368]

SENATOR LOWE: That comes from each state's department of motor vehicles, each of these three states. [LB368]

SENATOR HILKEMANN: Now you keep referring to the fact that Iowa...I know that Iowa does not have any kind of a helmet law at the present time. That's actually...it's not...I think in...before 1967 they had a helmet law, is that correct? [LB368]

SENATOR LOWE: That I don't know. [LB368]

SENATOR HILKEMANN: Because every state in the Union had a universal helmet law prior to 1967. [LB368]

SENATOR LOWE: Iowa just has no helmet law at all at this time. [LB368]

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SENATOR HILKEMANN: I understand. Iowa doesn't have any kind of at the present time. But there was a time and in...prior...in 1967, every state in the Union, it was required federally to have a...in order to get highway federal funds. And that changed over the years. And so this is why some states have selectively taken away the helmet law. We've had states that have taken away the helmet law and have now returned the helmet law, are you aware of that? [LB368]

SENATOR LOWE: Yes. [LB368]

SENATOR HILKEMANN: So this is some of the discussion that we're going to have over the next few days. And we need be very thorough about this...this because this is a major change in legislation. We talk about what's the court of public opinion. And I just distributed--thank you, Senator Lowe--we just distributed an editorial that occurred in the Omaha World-Herald just this week encouraging and taking a position on this bill that we're discussing this morning. And I'll take just a couple of minutes and I will read that editorial to you. "Nebraska lawmakers should save the state's helmet law, since so many of them seem to bang their heads against the same wall year after year. For two decades, before and after term limits were enacted for state senators, the Legislature has debated the costs and potential tourism..." [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR HILKEMANN: "...benefits of motorcycle riders' exposed noggins. But the concrete fact remains: Riders without helmets are more likely to be seriously injured and require taxpayer-funded health care. They're also more likely to die, a tragic loss of life that also strains family budgets and leads more people to state assistance programs. Additionally, that freedom could lead to increased taxes and costlier car, motorcycle, and health insurance premiums. Here's what's at stake, based on hearing testimony about the latest attempt to repeal the helmet law, Legislative Bill 368". And in bullets it said: "Helmeted motorcyclists are about 70 percent less likely to suffer severe head trauma in a crash and about 40 percent more likely..." [LB368]

SPEAKER SCHEER: Time, Senator. [LB368]

SENATOR HILKEMANN: Thank you, Mr. Speaker. [LB368]

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SPEAKER SCHEER: Thank you, Senator Hilkemann and Senator Lowe. Senator Erdman, you're recognized. [LB368]

SENATOR ERDMAN: Thank you, Mr. Speaker. I have never been involved in a filibuster before. It's kind of fun. So we heard Senator Kolowski say that if you have a motorcycle wreck they're gonna scoop you up with a broom and a shovel. But if you're wearing a helmet they won't. Helmets don't protected from those kind of accidents. He also stated that people have given them the right to ride a motorcycle. That's the problem. We think that as government we grant people certain rights and that is not the case. And so when Senator Hilkemann asked me about what do my people think in my district and then he shared what his people thought because he ask them, 300 of them, some kind of question about helmets. But, Senator Hilkemann, I can tell you as I visited with perhaps 10,000 people this last year in District 47, I found 1 person, 1, that thought the helmet law was a good idea. I found hundreds of people that they asked me the question, what is your opinion on the helmet law? So in my district can you ask, do I know what those people's opinion is? The answer is yes I do because I asked them what it was and they told me what their opinion was. And so we have a situation where some think that government is always the answer and always will be. And then we have other people think that seldom government is the answer and maybe not often it is. And so we want to restrict people in certain things and we want to make them wear a helmet and make them do whatever. And we do surveys and we look up information on the internet and we have all these things that we present as being fact when we have no idea whether true or not. But I can tell you when I knocked on their doors, those people looked me right in the eye and they said we do not care for the helmet law. So I didn't have to do any scientific research or have somebody dream up what kind of question to ask. I found that out by asking what you think. So moving forward you can do whatever you want and you can continue to filibuster which I think is pretty good idea. And you can read articles out of the Omaha World-Herald or wherever else. But if you read something on internet it's got to be true because there's some kind of screening on there that you can't put it on the Internet unless it's true, and especially in the newspaper. When you see things in the newspaper, that's absolutely true. And so you based on your information and the decisions you make on hearsay from somebody else. The point is we need to get over what we're doing. We need to vote against AM503 and vote for LB368 and move on. Thank you. [LB368]

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SPEAKER SCHEER: Thank you, Senator Erdman. Senator Quick, you're recognized. [LB368]

SENATOR QUICK: I will yield my time to Senator Hilkemann. [LB368]

SPEAKER SCHEER: Senator Hilkemann, 4:55. [LB368]

SENATOR HILKEMANN: Oh, thank you, Senator Quick. This will give me an opportunity to finish up this editorial that occurred in the Omaha World-Herald. I guess from what I just heard maybe we're not supposed to read newspapers or some of these that journals and articles and things of that sort. But at either rate, I'm gonna go ahead and finish up that particular article. So "40 percent more likely to survive, according to federal crash data and a related study by the University of Nebraska Medical Center. Nearly a third of American motorcyclists who crash suffer head injuries, according to National Highway Traffic Safety Administration data." Now that's not...that's not data that's coming off the Internet. That is National Highway Transportation Safety data. "Unhelmeted riders are more likely to die at accident scenes. Those who survive are more likely to spend longer in intensive care and more likely to stay longer on life support, a study after Michigan repealed its helmet law in 2012 showed." And that's an interesting study. And as we continue this extended discussion and debate on this issue, we will talk about that University of Michigan study and the whole thing that happened at Michigan after that repeal occurred there. "Unhelmeted riders in Michigan, which make up about a quarter of the state's registered motorcyclists, make up half of its motorcycle fatalities. The average disabling motorcycle injury costs \$88,500, according to a 2015 study by the National Safety Council", another institution I think that we should trust. "The average death: \$1.5 million. Repealing Nebraska's helmet law could add tens of millions of dollars a year in economic costs in exchange for a questionably rosy estimated annual boost to tourism spending of \$1.7 million" has been reported. Now it's interesting, in Florida in 2015 which repealed its helmet law, it had the nation's highest number of motorcycle fatalities--550. California, despite having 256,000 more registered motorcyclists than Florida, reported 61 fewer deaths. And so that's when I...when we had that data that we were sharing up here earlier, I need to find out and research that out myself. "Nebraska reinstated its helmet law in 1989, before the federal government used highway funds to coerce other states to change. The state's hospitals saw total acute medical charges decline by 38 percent and serious head injuries fall 22 percent after helmets were again required. It's true

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that more motorcyclists might choose to ride in Nebraska if they had the personal freedom to go without helmets. Many other states have seen bumps in motorcycle registrations and ridership when they repealed state helmet laws. But, as the Nebraska Medical Association's Nick Bruggeman said during his testimony,..." [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR HILKEMANN: "...At some point we must decide what cost are we willing to accept to preserve the liberty of these individual riders, which is important." These costs are high. So the article ends: "Reject LB368, and hope the next crop of state senators gets the message." Well, that's what we're here to discuss over these next few days is that particular message and LB368 which I will be opposing. And right now we're having this discussion on the age. So thank you very much, Mr. Speaker, and thank you again, Senator Quick. [LB368]

SPEAKER SCHEER: Thank you, Senator Hilkemann and Senator Quick. Senator Howard, you're recognized. [LB368]

SENATOR HOWARD: Thank you, Mr. President. I'd like to start off with a question for Senator Lowe if he would yield. [LB368]

SPEAKER SCHEER: Senator Lowe, would you please yield? [LB368]

SENATOR LOWE: Yes, Senator, I'll answer. [LB368]

SENATOR HOWARD: Thank you, Senator Lowe. I wanted to ask you for individuals and just sort of going into the language of the legislation, for individuals who decide not to wear a helmet, do we have a requirement that they have to have health insurance? [LB368]

SENATOR LOWE: Not in this bill. [LB368]

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SENATOR HOWARD: So should the federal government remove the individual mandate, there's a possibility or a probability that an individual who's not wearing a helmet wouldn't have any health insurance at all, is that correct? [LB368]

SENATOR LOWE: No. If...to be registered operator of a vehicle, you need to have insurance. [LB368]

SENATOR HOWARD: Health insurance? [LB368]

SENATOR LOWE: Not health insurance. [LB368]

SENATOR HOWARD: So there's a possibility if the federal government removes the individual mandate portion of the Affordable Care Act, which is the portion that says that every person in America has to have some type of health insurance, if that is removed during the congressional process, there is not just a possibility but a probability that an individual who isn't wearing a helmet also would not have health insurance? [LB368]

SENATOR LOWE: I would not say there is a probability. That would be a wild guess, I believe. But there would be that same probability that the person driving a car would not also have health insurance. [LB368]

SENATOR HOWARD: Certainly. [LB368]

SENATOR LOWE: Or walking down the street. [LB368]

SENATOR HOWARD: Right, absolutely. Although in an ideal world, we would want everybody to have health insurance. Who pays if a person doesn't have health insurance? [LB368]

SENATOR LOWE: The people. [LB368]

SENATOR HOWARD: Who are the people? [LB368]

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SENATOR LOWE: The taxpayers. [LB368]

SENATOR HOWARD: The taxpayers. So if an individual doesn't have health insurance, and they get into some type of accident, then presumably their health care costs are... [LB368]

SENATOR LOWE: It could also be a private citizen just paying for his own medical costs, too. [LB368]

SENATOR HOWARD: Certainly. Tell me a little bit about health care costs in Nebraska when you have some type of surgery. Are those affordable costs? What are the range of costs for that type of thing? [LB368]

SENATOR LOWE: I am not an expert on medical costs, but they range wildly from a Band-Aid to anything else. [LB368]

SENATOR HOWARD: What is the cost of a Band-Aid? [LB368]

SENATOR LOWE: Depends on which hospital you go to. [LB368]

SENATOR HOWARD: And the cost of brain surgery? [LB368]

SENATOR LOWE: It depends on which hospital you go to. [LB368]

SENATOR HOWARD: Even a range. Is it \$5? Is it...? [LB368]

SENATOR LOWE: That I am not familiar with on how much brain surgery costs. My wife would like me to find out, though. [LB368]

SENATOR HOWARD: See, John Lowe, the reason I rise with concerns but also rise during our conversation in opposition to LB368 which I hate to do because as I've told you before, you are one of my favorite freshmen and I asked you not to tell the others in case they'll get jealous. [LB368]

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SENATOR LOWE: I won't tell them. [LB368]

SENATOR HOWARD: And so in that regard, it pains me to rise up against LB368. My concern is really around the cost of healthcare because when an individual doesn't have insurance, and they go to the hospital and then they subsequently have costs they can't afford, they eventually go bankrupt. And the hospital has to write off that cost. And often that cost goes back into their contracts with insurance companies who are paying for the items. And then the insurance company has to pay more to the hospital. And, you know, it's a great idea to have the insurance company then absorb those costs. But what really happens is then the insurance company turns around and raises our premiums. [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR HOWARD: So when an individual comes in and is uninsured and doesn't pay their bill the hospital raises the rates for the insurance company, the insurance company raises our premiums. And so when we're talking about premiums going up and up and up, part of that is because people are uninsured. Now if there's a possibility that somebody would ride on a motorcycle uninsured, no helmet, have to go to the hospital, can't pay for it call for bankruptcy, end up on a state program, we will ultimately all be paying more either through our insurance premiums or through our taxes. And so in that regard, while I appreciate what Senator Lowe has brought to us today, I unfortunately rise in opposition to LB368. Thank you, Mr. President. [LB368]

SPEAKER SCHEER: Thank you, Senator Howard and Senator Lowe. Senator Kolowski, you're recognized. [LB368]

SENATOR KOLOWSKI: Thank you, Mr. Speaker. I'm sitting here thinking about the impact of the costs that were just discussed, the impact of lots of different issues that spin off of an accident scene that would fall back on the public as we've been talking about. And I think that's something that really isn't looked at very closely. I'll mention something else about costs and taxes and all the rest in just a minute. But I wondered if I should have an amendment put on this that we should try to look at the University of Nebraska or any football program in the country

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and try to remove helmets. How would we do if we didn't have helmets? Let's take the helmets away from all the football teams and let's see how we do on the field. It'll kinda look like rugby, but that's okay. That's a foreign sport. It's not one of our own. But that's all right and we can see what the difference might be playing it with or without helmets. We can set up different groups, test it out, and see how that would work. But do you know how ridiculous that sounds? Of course we're going to wear helmets. As a high school principal, I paid hundreds of dollars per helmet over many years out of our activities budget to help our players be as safe as they possibly could be as they are playing their sport of choice if they were out for football. Senator Lowe, one of the mentions you had, you talked about the taxes and savings that we might have as people could ride across Nebraska. I have been on the road when the gatherings have been taking place in South Dakota. And much to my surprise, not everyone rides their motorcycle to South Dakota. In fact, I saw more trailers pulling bikes than I saw anything else. So I think we have a real questionable issue there about what are we missing in gasoline taxes or whatever else as far as people riding their motorcycles to South Dakota, to Sturgis, or wherever they be going. And that money isn't lost. It just doesn't exist. They gas up, they get there, they gas up, and they ride over Sturgis or in that area. And then they ride back to the state they came from because a car is a lot more comfortable in that time a year with air conditioning compared to wiping bugs out your teeth or whatever else you're doing as far as motorcycle riding. So those are the...some of the issues that I don't have the facts on that. I don't know what the difference is compared to not having a helmet law compared to help having a helmet law. So those are kinda hard things to find out. If you have any information on that, Senator Lowe, I'd love to hear that and I'd ask you that question if I may.

SPEAKER SCHEER: Senator Lowe, would you please yield? [LB368]

SENATOR LOWE: Yes. Can you ask me the question again? [LB368]

SENATOR KOLOWSKI: Yes, do you have any facts or figures as to the number of riders that we are missing out on compared to those who pull their bikes up to, say, Sturgis, as one example? [LB368]

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SENATOR LOWE: Not at this time, I don't have those facts and figures, but I will try to get them to you. [LB368]

SENATOR KOLOWSKI: I'd be surprised if they are even available. I think it's one of those almost impossible things unless you have every road across Nebraska and surrounding states identified and taped 24 hours, 48 hours or days or weeks ahead of time to see who you're missing out on... [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR KOLOWSKI: ...concerning motorcycles. So I think we are dealing with a lot of things that come down to your personal opinion, the safety and security that you feel you're able to handle a bike compared to the reality of what takes place. It's not worried...I'm not worried about some people and their biking abilities. I'm worried about something that might hit them. And that's how a lot of things take place, because they're not just an error on the part of the biker. It's an error on the part of someone else who didn't see the bike, the bikers, or whatever else might have taken place. Thank you very much for your time. [LB368]

SPEAKER SCHEER: Thank you, Senator Kolowski and Senator Lowe. Senator Albrecht, you are recognized. [LB368]

SENATOR ALBRECHT: Thank you, Speaker Scheer. Senator Hilkemann, I must say I would be supporting your AM503. I am a grandmother of ten little ones under the age of eight and I would not want to see any of them on a back of a motorcycle. That's my personal view, but I will say I am one of seven children and my father never allowed us on the back of a motorcycle. He, too, was a volunteer firefighter and we certainly had that message loud and clear in our home. But that does not preclude me from supporting LB368 as I do believe it is a choice and should be for a rider. I want to give you just a little bit of background. When this helmet bill started, it was...universal helmet laws were enforced by state governments in the late sixties after the federal Department of Transportation informed states that the state would not receive portions of federal road funds unless they had universal helmet laws. In 1976, Congress stopped this policy and outright repealed or partially repealed all helmet laws followed in a majority of states. Since

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2000, Michigan, Pennsylvania, and Florida have removed their universal helmet law requirements. In that same time frame, only Louisiana has introduced universal helmet law. Since introducing the universal helmet law, Louisiana has seen an increase of the percentage of motorcycle fatalities in comparison to the total road fatalities. So what does LB368 do? It would make changes to the Nebraska helmet law for those 21 and older, making it similar to all other 28 states that do not have the universal helmet law coverage. Everyone 21 and older would be required to wear eye protection instead of wearing a helmet. Everyone under the age of 21 would still be required to wear a helmet. This would give Nebraska one of the strictest set of nonuniversal helmet laws in the country. Again, I do support Senator Hilkemann's changing it from 6 to 16. I do believe...I'm very concerned about our children getting on school buses that do not have seat belts. That drives me crazy and I'd be happy to work through that with whoever. But also, just for the record, I know that Senator Kolowski said that rugby isn't one of our sports. It is in Wayne, by the way, and we are national champions several years in a row. Also I'd like to congratulate us so far are Winnebago basketball team at state has gone just one round, right? But they're on the way to success and I'm excited for them. And just a shout out to the South Sioux City Cardinals girls basketball team that did take state. So thank you for your time. I'm sure we'll be discussing this for a while. But Senator Bloomfield I did follow in District 17 as the new state senator and I did hear this bill talked about quite often on the campaign trail. And I can tell you that most people...I mean if you're 21 years and older you know the risk that you're going to take no different than if you're on a four-wheeler where they don't ask you to wear a helmet or a horse that you can fall off of. We shouldn't stop playing all sports because they do wear helmets and still get a concussion and brain injuries. So I will tell you that a lot of people asked my opinion on it when I ran and I let them know that I was standing firm that it should be their choice. And I would like to see LB368 go forward and AM503. Thank you. [LB368]

SPEAKER SCHEER: Thank you, Senator Albrecht. Senator Quick, you're recognized and this is your third time at the mike. [LB368]

SENATOR QUICK: Thank you, Mr. President. And I would yield my time to Senator Hilkemann. [LB368]

SPEAKER SCHEER: Senator Hilkemann, 4:55. [LB368]

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SENATOR HILKEMANN: Oh, thank you, Senator Quick. There's been some interesting conversation which has evolved and I knew it would during the course of the morning. And, Senator Howard, I am so grateful that you brought up the Affordable Care Act because last year's discussion we talked about that with the Affordable Care Act being in place that this would...it was actually used as a reason why we could do this because more people would be insured. But I think if I remember right in the last 48 hours of conversation, I don't get to hear a lot of the national news, but I do believe there is a movement afoot to eliminate the Affordable Care Act. And therefore, we really need to have a discussion about who is going to pay for that. But now this bill right now that we're talking about, we're talking about, what's the proper age that a child can ride on the back of a motorcycle. And so I really appreciated your, Senator Albrecht, that you're agreeing with this amendment because I think that we need to...when I think...you have those wonderful grandchildren. I have ten wonderful grandchildren as well. And I can...I don't think any one of their grandparents would like it very much if I put them on the back of a motor cycle. They'd say, Grandpa, perhaps your head injury that you had last year was a little more sever than we thought because you've lost that thing called common sense. And so we're going to talk about what that proper age...I don't know whether we'll end up having a vote on this one this morning or not. We may have some additional amendments. But I think that we really do need to have that conversation. And one of the other things that we really haven't gotten taken care of...Senator Lowe, would you yield to a question? [LB368]

SPEAKER SCHEER: Senator Lowe, will you please yield? [LB368]

SENATOR LOWE: Yes, I will. [LB368]

SENATOR HILKEMANN: If you were riding on your motorcycle and you had...I don't know whether you have a grandchild under the age of six or seven or eight, and a Patrolman pulled you over, how would you prove the age of your grandchild? [LB368]

SENATOR LOWE: First of all, I'd have to explain to my wife why I have a motorcycle. [LB368]

SENATOR HILKEMANN: (Laugh) Your wife and my wife agree together on that one. [LB368]

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SENATOR LOWE: And then I'd have to explain to my wife why I have a grandchild. (Laughter)
[LB368]

SENATOR HILKEMANN: Well, let's just say that you....let's not use grandchildren. Let's use...you had child on the back. How are we going to...are we going to start requiring children on the back of a motorcycle that we have to have some kind of age type of thing to prove their age? So if an officer of the law pulls them over and creates a...stops you and says how old is that? How is that officer supposed to know? Is that child six? Are they seven? Are they five? Do you see where that could be a possible problem? [LB368]

SENATOR LOWE: Yes, I could see where that might be a problem, but don't we also have that problem in car seats? [LB368]

SENATOR HILKEMANN: You know, the car seat issue is there. I could agree with you on that.
[LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR HILKEMANN: We have age and one of the things that we have with the car seat is that we have height and weight. We also have age use a little bit in there. But we do have...the child seats are rated for actually the weight more even so than their age. But the bill here, we're talking different...that is motor vehicle. We're talking about motor cycle. There's a difference since the last that I...and there's a whole difference in how much safer it is to ride inside a car than it is to be on a motorcycle. And most likely most Patrolman are not going to be pulling over someone because they have a child in a child seat. But at either rate, that was a very good...I think the same question, are we going to have to be carrying our birth certificates for our children to prove their age and this sort of a thing down the line? [LB368]

SPEAKER SCHEER: Time, Senator. [LB368]

SENATOR HILKEMANN: But I think...thank you, Senator. Thank you, Mr...(microphone malfunction). [LB368]

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SPEAKER SCHEER: Thank you, Senator Hilkemann and Senator Lowe. Mr. Clerk for announcements. [LB368]

CLERK: Mr. Speaker, Senator Geist offers LR62. That will be laid over at this time.
Amendments to be printed: Senator Williams to LB140; Senator Hilkemann to LB368. Priority bill designations: Senator Stinner, LB611 as one of the Appropriations Committee's; and LB356, the other Appropriations Committee designation; Health and Human Services, LB333 and LB335. Senator Riepe, personal selection of LB417; Senator Hilkemann, LB91; Senator Linehan, LB651; Senator Erdman, LB432; Senator Schumacher as Chair of the Planning Committee, LB373. Senator Bostelman LB144; LB9 is selected by Senator Krist; Senator Wayne, LB75; Senator Vargas, LB427; Senator Friesen, LB640. I have a hearing notice change with respect to convening time by the Health and Human Services Committee. LB40 has been reported as indefinitely postponed by the Transportation Committee, signed by Senator Friesen. Name adds: Senator Briese to LB518. (Legislative Journal pages 679-683.) [LR62 LB140 LB368 LB611 LB356 LB333 LB335 LB417 LB91 LB651 LB432 LB373 LB144 LB9 LB75 LB427 LB640 LB40 LB518]

And, Mr. President, a priority motion. Senator Howard would move to adjourn until Monday, March 13, at 10:00 a.m.

SPEAKER SCHEER: You heard the motion made by Senator Howard. All those in favor say aye. All those opposed say nay. The ayes do have it. We are adjourned for the weekend.