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Floor Debate
March 14, 2017

[LB18A LB18 LB19 LB29 LB94 LB163 LB268 LB368 LB447 LR58 LR65 LR66]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-sixth day of the One Hundred Fifth Legislature, First Session. Our chaplain today is Senator Lindstrom. Would you please rise.

SENATOR LINDSTROM: (Prayer offered.)

SPEAKER SCHEER: Thank you, Senator Lindstrom. I call to order the forty-sixth day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

SPEAKER SCHEER: Thank you. Are there any corrections for the Journal?

ASSISTANT CLERK: No corrections this morning.

SPEAKER SCHEER: Any messages, reports, or announcements?

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review reports LB18 to Final Reading; LB18A, LB19, LB29, and LB94 all placed on Final Reading. Communication from the Governor regarding appointments to the Nebraska Power Review Board. Announcement that the Revenue Committee will meet today at 10:00 in room 2022. Business and Labor will meet this afternoon at 1:00 p.m. in 2022. New resolution: LR65--introduced by Senator Watermeier, that will be laid over. That is all I have this morning. (Legislative Journal pages 697-699.) [LB18 LB18A LB19 LB29 LB94 LR65]

SPEAKER SCHEER: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda. Mr. Clerk. Before we move to that, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR58. Now to the first item, Mr. Clerk. [LR58]

ASSISTANT CLERK: Mr. President, the first item for consideration this morning--LB368, introduced by Senator Lowe, (Read title.) The bill was introduced on January 13; referred to the Transportation and Telecommunications Committee. That committee placed the bill on General

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File with no committee amendments. We currently have pending an amendment from Senator Hilkemann, AM503. (Legislative Journal page 661.) [LB368]

SPEAKER SCHEER: Thank you, Mr. Clerk. We will first go to Senator Lowe and then to Senator Hilkemann. Senator Lowe, a brief explanation of LB368. [LB368]

SENATOR LOWE: Thank you, Mr. President. Colleagues, I am excited to be back in front of you today to discuss LB368. As you all know, LB368 would allow motorcycle riders, 21 and older, the freedom to ride a motorcycle without a helmet. It would also put an age limit on how young a child could be before they could ride on the back of a motorcycle. There is an amendment to change that age from 6 years old to 16 years old. And I ask the body to vote against that amendment. Arguments in favor of LB368 were presented by several of my colleagues, and individuals in favor of this bill are quite diverse. Support ranges across the political parties, ages, and types of districts. A key theme from the support of LB368 was simple--freedom. Now, we did hear some opposition on this bill. One of the key issues we heard from my colleagues who oppose this bill was in regards to the helmet law repeal in other states. In the last 20 years, one state has implemented a universal helmet law. That state is Louisiana, and sadly we have seen from Louisiana as even after enacting the universal helmet law, the motorcycle fatalities went up when comparing the five years prior before and after the law was implemented. There was also a lot of discussion about what people think about the helmet law repeal. While I did some research, and what I found was that this year 42 percent of the states have universal helmet laws and have had bills up in their Legislature to do away with that mandate. Since 1915, over 60 percent of the states with universal helmet laws have had bills to weaken or eliminate the mandate. We also heard from senators that brought up studies that looked at motorcycle data in Nebraska from back in the 1980s and 1990s. Now I realize that senators told us that this was the best available data they could find and that they could get...which I completely understand. But before we put too much stock into those studies, let us stop for a moment and consider that many of those studies are older than many of the staffers around here. Fellow senators, this debate is over helmet laws, has been going on for a long time, and yet the opponents of this bill have fought every time to prevent a simple up or down vote. I urge you all to allow this vote to go to a simple up or down vote. I ask you all for your vote for cloture on LB368 and I urge all of you others to vote green on the bill itself. Thank you, Mr. President. [LB368]

SPEAKER SCHEER: Thank you, Senator Lowe. Senator Hilkemann, would you like to review AM503, please. [LB368]

SENATOR HILKEMANN: Thank you, Mr. President. And welcome to the third day of this interesting debate that Senator Lowe and I have been having. I was particularly interested,

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Senator Lowe, in your opening this morning about the Louisiana bill that you brought up. And you are exactly right. During that first six-month period, they did actually experience even a slight increase in the number, but over the five-year period, I'd like to go that whole period up to 2004, we actually find that the survey...the report...I have it here if you really want to see the entire document indicates that...well, the first six months...after the first six months that report clearly shows that there were more fatalities and there were more serious injuries after; and that is why Louisiana is one of those states who has put the helmet law back in place. And I'll...another thing that you mentioned in here is that no state has added this back into place, and I want to just say that all states...the repeal was universal. That was why they called it the universal helmet repeal. And it was a national ban that was there. And so that has gotten changed over the course of time and states have, one by one, peeled away and we're seeing that there are more states now that have adopted modifications of that bill. What I think we need to go in this discussion is that I think we have to make one assumption--are there going to be any...if we pass this bill, are there going to be more motorcycle crashes than there were the year before? Probably not, hopefully not. Hopefully there's been more improvements in the technology and so forth on motorcycles than there had been in the past. We're not going to see...I hope we won't see more crashes. I don't want to see one more motorcycle crash, but that the fact of the matter they are going to occur because there are motorcycles out there. But what we are going to see and this is the evidence that we use, and you talk about dated, I brought Michigan data that was done just in 2012. The reports you're referring to, I don't even have those on my radar anymore because the data that I am using has all been done within the last...since 2000 or better. We are going to...in the crashes that we see, we will experience more deaths, and we will experience more severe head trauma. Why would Nebraska be different than any other state that has repealed the helmet law? Why would Nebraska statistics be any different? As we go through on this debate and we've got some time to go, I'm going to be reading letters this morning from healthcare practitioners sharing their personal experiences. This morning, I'm going to be sharing why this is such a personal thing for me. I've had the opportunity to share...to show some of you the helmet that I was wearing last summer. If I had not had that helmet on, I would not...most likely not be here debating this topic with you this morning. I will be forever grateful that a helmet protected me even though I had a severe concussion. Mine was a bicycle accident. I'm going 10 miles an hour or 12 miles an hour. So helmets do save lives. If you look at the American Motorcycle Association's, their own Web site will say that use of a helmet is advised. It does save lives. It saves serious injuries. We have not really talked about what brain injuries mean. We're going to talk about that this morning. We've got some data there. How families are broken up because of the fact of the matter is that these become so expensive and people have to...families actually have to get a divorce so they can get their spouse on Medicaid to cover these. These are the sort of things that we need...this will have a cost to society. It will have a cost to all of us in the state of Nebraska if we go through and repeal this bill. I just think we're not doing anything to stop people from enjoying riding motorcycles. All we're saying is that when you operate a motorcycle in the state of Nebraska, we want you to wear that helmet.

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Because every state that has repealed the helmet law, the use of helmets decreases by up to 50 percent within a matter of a year of the repeal. This to me is a commonsense...and I look at this body as a commonsense body. We're practical, we're pro-life, we're pro-family, and yet we are about to engage on something that we know is going to cost more lives, more personal pain than what we need to do as a society. And with that I would close. Thank you, Mr. President. [LB368]

SPEAKER SCHEER: Thank you, Senator Hilkemann. (Doctor of the day introduced.) Senator Chambers, you are recognized. [LB368]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Hilkemann a question if he will answer. [LB368]

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

SENATOR HILKEMANN: Yes, I'll yield to a question, Senator. [LB368]

SENATOR CHAMBERS: Senator Hilkemann, did I hear you say that Nebraska is a commonsense state or something to that effect? [LB368]

SENATOR HILKEMANN: Well, we certainly say that we're a commonsense people. [LB368]

SENATOR CHAMBERS: Okay. With that modification, I will leave that alone. Did you say that Nebraskans are pro-life? [LB368]

SENATOR HILKEMANN: Well, sir, we just went through a debate where we want to have a pro-life license plate. [LB368]

SENATOR CHAMBERS: Is that all of Nebraska or some Nebraskans? [LB368]

SENATOR HILKEMANN: That is some Nebraskans. [LB368]

SENATOR CHAMBERS: So you think there are some Nebraskans who are not in favor of life? [LB368]

SENATOR HILKEMANN: Oh, Senator, let me think about...I...no, Senator, I wouldn't go that way. I think everyone wants life. [LB368]

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SENATOR CHAMBERS: I just want us to be mindful of what we say in response to questions from somebody who will listen to your answer. Did you say Nebraskans are pro-family? [LB368]

SENATOR HILKEMANN: Yes, I think that we talk a lot...a lot of people talk about family values and pro-family, yes. [LB368]

SENATOR CHAMBERS: Are we...are Nebraskans in favor of healthy families? [LB368]

SENATOR HILKEMANN: Senator, I believe that we're in favor of healthy families in this state. [LB368]

SENATOR CHAMBERS: You're kind of...now you believe and you kind of hesitate between the words, and that could be for dramatic effect, but I have to pursue this line of questioning. In order to be healthy as a person, does that mean that if illnesses or ailments exist, there should be an attempt to cure, if they're curable, those ailments? [LB368]

SENATOR HILKEMANN: Yes, if they're curable. [LB368]

SENATOR CHAMBERS: And if they're not curable, does it mean to provide appropriate medical care even if the cure is not within reach? In other words... [LB368]

SENATOR HILKEMANN: Well, Senator, we have a situation in this...we have wonderful hospice care units for people who have reached that point where there is no available cures or further treatment. It's not necessary. [LB368]

SENATOR CHAMBERS: Or even if a person may have a form of cancer which does not put one into hospice, but the particular type of cancer is not curable, but there might be an appropriate treatment, medically speaking, nevertheless, would you agree with that? [LB368]

SENATOR HILKEMANN: I would agree with that. Senator, that is part of the reasons why I sponsored the "Right to Try" legislation. [LB368]

SENATOR CHAMBERS: And I am very pleased that you did that. Now, is there a cost in Nebraska that is attached to obtaining medical care? [LB368]

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SENATOR HILKEMANN: Senator, there is a cost to healthcare whether it's delivered in Nebraska or Iowa or anywhere in this country. [LB368]

SENATOR CHAMBERS: Do you think if there are people who are ill or their children are ill or both, should nevertheless have access to appropriate medical care? [LB368]

SENATOR HILKEMANN: We are very fortunate that we live in a country that provides healthcare to people whether they can afford it or not. [LB368]

SENATOR CHAMBERS: Would you be in favor of expanding the reach of Medicaid to those families where there are people working but they nevertheless cannot earn enough to provide medical care for their families? The question is, would you favor expanding the reach of Medicaid, which would be... [LB368]

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SENATOR KRIST: One minute. [LB368]

SENATOR CHAMBERS: ...primarily paid for with federal funds? [LB368]

SENATOR HILKEMANN: Senator, I do not like the expanded Medicaid program that has been presented for this state. [LB368]

SENATOR CHAMBERS: Well, whether you like it or not, are you in favor of it? [LB368]

SENATOR HILKEMANN: You know, Senator, that is one of the things that I struggle with. At some point down the line, as a society, we're going to have to make the decision of how we do have universal coverage for people. [LB368]

SENATOR CHAMBERS: But I don't want it to be a "we", I want it to be a "thee." Dost thou favor the expanded reach of Medicaid to help those families who otherwise cannot provide medical care for their families? [LB368]

SENATOR HILKEMANN: As I said earlier, I do not support the Medicaid expansion programs that have been brought to this. I would have liked to have seen the Affordable Care Act be...have been a better program that we could have embraced. [LB368]

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SENATOR KRIST: Time, Senators. [LB368]

SENATOR HILKEMANN: It did nothing to cost healthcare... [LB368]

SENATOR CHAMBERS: Thank you. [LB368]

SENATOR KRIST: Thank you, Senator Chambers and Senator Hilkemann. Senator Hilkemann, you are next. [LB368]

SENATOR HILKEMANN: Thank you, Mr. President. Wondering if Senator Lowe would be available for a question. [LB368]

SENATOR KRIST: Senator Lowe, would you yield to Senator Hilkemann, please? [LB368]

SENATOR LOWE: Yes, I will. [LB368]

SENATOR HILKEMANN: Senator Lowe, in your opening and in your comments that you've made, you have...your whole premise is that we should not be forcing people to wear a helmet. Is that correct? [LB368]

SENATOR LOWE: We should not have a law mandating that they wear a helmet if they are an adult. [LB368]

SENATOR HILKEMANN: So what you're saying is that we should not mandate that, is that correct? [LB368]

SENATOR LOWE: That is correct. [LB368]

SENATOR HILKEMANN: Well, Senator, then why do we mandate that if you have a motorcycle, that you have to have insurance for it? Should we eliminate that mandate as well? [LB368]

SENATOR LOWE: Would you like to bring that up? [LB368]

SENATOR HILKEMANN: No, I am asking you the question. Should we mandate... [LB368]

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SENATOR LOWE: That is not a bill I have considered yet. I may consider that next year. [LB368]

SENATOR HILKEMANN: So you're not for mandatory insurance on a motor vehicle or a motorcycle, is that correct? [LB368]

SENATOR LOWE: I didn't say that. I said I hadn't thought about it and I may bring that up next year. [LB368]

SENATOR HILKEMANN: So it's all right that we're going to mandate helmets...or not mandate helmets, but we will mandate that they have to have insurance. [LB368]

SENATOR LOWE: This is the bill I brought forward this year. [LB368]

SENATOR HILKEMANN: Okay. Well, Senator, do you know how many...even though we have this mandatory insurance bill that they're supposed to have, do you know how many people ride a motorcycle in the state of Nebraska that have been involved in accidents that have no insurance on their motorcycle? [LB368]

SENATOR LOWE: Probably fewer than cars. [LB368]

SENATOR HILKEMANN: No, do you know what the number is? [LB368]

SENATOR LOWE: I do not know the number off the top of my head, no. [LB368]

SENATOR HILKEMANN: Okay. Well, it's 9.7 percent. [LB368]

SENATOR LOWE: What's the number for the cars? [LB368]

SENATOR HILKEMANN: I do not know the number of the cars. Cars are not the discussion. The motorcycles are the discussion. Do you know what it is in Florida? [LB368]

SENATOR LOWE: No, I do not. [LB368]

SENATOR HILKEMANN: It's 15 percent. What happens when a person is involved...it doesn't make any difference, in fact, Nebraska, in my research of this, Senator, is actually one of the

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better states. I think we're 44th out of 50 states in that the people that actually follow through getting the mandatory insurance. But the fact of the matter is that we know people who get things, they have an insurance policy to get their motorcycle and then they cancel their insurance. We have no way of knowing that. And so that means that in the state of Nebraska, approximately 10 percent of the people who choose to ride a motorcycle, take the privilege of riding a motorcycle, if they're involved in an accident, they have really not the financial means to take care of that. Because we are a humanitarian society and we provide healthcare for everybody, whether they have the ability to pay or not in this country, they receive healthcare. [LB368]

SENATOR KRIST: One minute. [LB368]

SENATOR HILKEMANN: Who pays for the healthcare that an uninsured motorcyclist would incur? Who pays for that, Senator? [LB368]

SENATOR LOWE: I do. [LB368]

SENATOR HILKEMANN: You're right. We all pay for it as a society. We pay for it in the fact that hospitals have to increase the rate on people who have resources to pay for the people who do not have resources. If that person can get qualified for Medicaid, they will get qualified for Medicaid. That's how we pay for this. Again, I am not against motorcycling. I love the sport. I enjoy riding when I had my motorcycle. There is a response...if we give you the privilege to ride a motorcycle, the only responsibility we have is to do the best for society, which is to wear a helmet, which even the American Motorcycle Association says saves lives. [LB368]

SENATOR KRIST: Time, Senator. [LB368]

SENATOR HILKEMANN: Thank you. [LB368]

SENATOR KRIST: Thank you, Senator Hilkemann and Senator Lowe. Senator Chambers, you are next. [LB368]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Hilkemann is such an enjoyable person to have as a conversationalist partner that I would like to ask him a question or two if he is willing to yield. [LB368]

SENATOR KRIST: Senator Hilkemann, will you yield? [LB368]

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SENATOR HILKEMANN: I'd be happy to yield to you, Senator Chambers. [LB368]

SENATOR CHAMBERS: Senator Hilkemann, I observe with my eyes. And I put the word observe in quotes, I "observe" with my ears. And I think, to the extent that somebody my advanced age can, with my brain; whatever may be left of it that's operational. And that's open to question. Now, if I can just remember what it was that I was going to ask you, I will proceed. [LB368]

SENATOR HILKEMANN: I am glad I am not the only one that has that happen, Senator. [LB368]

SENATOR CHAMBERS: Okay, sonny, but you're kind of far down the line to let it to happen to you. It shouldn't happen to you, as young as you are. But I think it jogged my memory when you made that remark. You said that even people who cannot afford medical care are covered. I would like you to express how you said it so I won't seem to be putting words in your mouth. How did you say...what did you... [LB368]

SENATOR HILKEMANN: We do not...when an emergency occurs and you get healthcare at an emergency room in the state of Nebraska or anywhere in this country, we provide that care immediately. [LB368]

SENATOR CHAMBERS: Now, let's leave the word "emergency" out. That's not what I am talking about because the people who need the health coverage or healthcare that I am talking about are not faced with emergency situations. What about the persons who are not in an emergency situation, whose children nevertheless need healthcare, but these people cannot afford insurance. How do those people obtain healthcare for their children? Are there doctors that you know of who will treat them free? [LB368]

SENATOR HILKEMANN: Yes, there are. [LB368]

SENATOR CHAMBERS: And do you have a list of doctors that would be found throughout the state? Is that what you are telling me? [LB368]

SENATOR HILKEMANN: Yes, sir. Senator, there are doctors throughout this state who provide free care to people ever day of the year. [LB368]

SENATOR CHAMBERS: And do they provide enough care for all of those over 54,000 families who have no medical coverage? [LB368]

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SENATOR HILKEMANN: I'm sorry, I missed that...do they cover for all of those? [LB368]

SENATOR CHAMBERS: Yes. Would they be willing to provide medical care for all of those families that would be benefited if the reach of Medicaid were to be expanded to cover them? Currently, there are people who work. They make too much money to be covered by Medicaid. If Medicaid were allowed to take care of those working families who don't make enough to purchase insurance, are these doctors you are talking about prepared to provide free and adequate medical care to all of those families? [LB368]

SENATOR HILKEMANN: I think that many of my colleagues in the medical profession provide free care all the time to people who cannot afford it. We also have community health clinics such as OneWorld which are based upon your ability to pay, and if you have no ability to pay, OneWorld has an entire program for...or a complete medical care facility in multiple places that will provide that care. [LB368]

SENATOR CHAMBERS: Okay. Now let me ask you a question, and this will make CNN, MSNBC, FOX, ABC, CBS, and it will bring about interest on the part of the FBI, the CIA... [LB368]

SENATOR KRIST: One minute. [LB368]

SENATOR CHAMBERS: ...and all these other agencies. We, based on what you said, can abolish Medicaid all together, can't we, and have doctors who provide free medical care. That is what you're telling me, isn't it? We can just get rid of Medicaid, and there are doctors who will provide free coverage, isn't that what you just said? [LB368]

SENATOR HILKEMANN: Senator, you know, I did not say that. [LB368]

SENATOR CHAMBERS: And you're not going to say it either, are you? [LB368]

SENATOR HILKEMANN: I am not going to say that, that's correct. [LB368]

SENATOR CHAMBERS: Okay, I will turn my light on and I might have to find other opportunities to speak. Thank you, Mr. President. [LB368]

SENATOR KRIST: Thank you, Senator Chambers and Senator Hilkemann. Senator Hilkemann, you are next and this is your third time. [LB368]

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SENATOR HILKEMANN: Thank you, Mr. President. Let's talk about that Louisiana bill that we just...was referred to in Senator Lowe's opening. And I've got the actual document here; this was reported...this is not reported in 1980, this was reported actually in 2008. And here is basically the summary of this particular abstract. Louisiana has enacted and repealed motorcycle helmet laws many times. Louisiana first adopted an all-rider motorcycle helmet law in 1968. It amended it in 1976 to require helmet use only by riders under the age of 18 and reenacted a universal helmet law in 1982. In 1999, the state amended that law to require helmet use only by motorcyclists under 18, and riders over 18 who did not have a minimum of \$10,000 in medical insurance coverage. In 2004, Louisiana reinstated its universal helmet law that required all motorcyclists, riders, passengers to wear helmets all the time. Observed helmet use rose to 100 percent after reinstatement of the universal helmet law. Helmet use in motorcycle crashes during the period 1999-2003 without the helmet law was 42.3 pre-reinstatement and increased to 87 percent in 2004-2005, post-reinstatement. Motorcycle crashes increased from 1999 to 2004 in Louisiana. Fatal crashes decreased in 2004...this is what you were eluding to, Senator...for the first time since the 1999 repeal. Increasing slightly in 2005, but with fewer than before the law was reinstated in Louisiana, the national trend showed a steady increase in fatal motorcycle crashes during this time period. Kentucky, a comparison state, also showed steady increased fatal crashes. The drop in fatal motorcycle crashes in Louisiana was not replicated in a nearby state and is therefore likely attributable to the law change. Motorcycle fatalities had been accounting for a larger proportion of all motor vehicle fatalities in Louisiana, doubling between 1999 and 2003, from 4 percent to 9 percent, slightly decreasing for the first time. The proportion of fatal and serious injury motorcycle crashes to all motorcycle crashes declined after the helmet law was reinstated...declined after reinstated in the state of Louisiana. I don't know where this...where that interpretation has been different for you. But at either rate, the fact...I just...I'm looking for any kind of data that says contrary. I guess I'm just not getting the right type of data. I'm getting mine from the National Highway Transportation Safety Board, from the safety councils, from AAA, these are the people who evaluate this. I will say to you and... [LB368]

SENATOR KRIST: One minute. [LB368]

SENATOR HILKEMANN: ...and I agree that I was...when I went to look at the number of fatalities in all of our surrounding states on motorcycles, there certainly is not a uniform reporting system at all, and so it's kind of hard to interpret that data. But we're going to talk about some of those states as we go forward this morning. So, Senator, that will round up this time for it. Thank you, Mr. President. [LB368]

SENATOR KRIST: Thank you, Senator Hilkemann. Those still wishing to speak: Senator Chambers, Kolowski, Baker and Lowe. Senator Chambers, you are recognized and this is your third time. [LB368]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, for the first time I saw Senator Hilkemann stumble and fumble and bumble. Senator Hilkemann knows that Wilberforce, a man whom we both have a tremendous amount of respect for, would be disappointed. Senator Hilkemann does not want to speak the truth that he knows and understands. He knows precisely what I'm talking about when I mention the absence of medical care for families in this state, and who cannot afford it. And he knows that there are not doctors who will give free medical care because he knows of doctors as I and everybody else knows will not accept Medicaid patients, will not accept Medicare patients, because the reimbursement is inadequate. With the cuts that his Governor is talking about making in the reimbursement to Medicaid providers, children are going to be without medical care. Pro-family? Pro-life? What is life if you live it without dignity, without health, without a feeling of self-respect? Because you are stigmatized by the fact that you cannot even provide medical care for your own family. Pro-family? Hogwash. Pro-life? B.S. That means better stop and make a turn and do better. You know the difference between me and most people on this floor? I am concerned about the last, the lost, and the least. And those are the ones that I will speak for. I will never hesitate. I will never back away from that. I don't care what other issue we're discussing. Motorcycle helmets just will give me an opportunity to talk about other matters and bring things to the record. You all still have these prayers every morning. Why should Jesus or God or the Holy Ghost or whoever you all pray to, do what you're able to do yourself? The things that you all beg for in your prayers can largely be accomplished by this Legislature if we had the integrity, if we had the self-respect that we would like people to believe that we have. How in the world can a state like Nebraska, which boasts about being Republican, conservative, Christian oriented, to the point where you want people with religious garb, attire, and paraphernalia to stand in front of children in the classroom. You want to put religious arguments on the license plates of the state. But then you don't care about the citizens: our brothers, our sisters, our neighbors, even our enemies who cannot take care of their children's health. Are you going to say the fathers have eaten sour grapes, therefore, the children's teeth are set on edge? The children did not do anything to deserve the parents that they wind up with. George Bernard Shaw said parents are the very ones who ought not to have children. Why does the state go by that slogan in loco parentis? It stands in the place of the parent and provides for the child what the parents should provide but do not. We are the state. We should stand in the place of parents who cannot provide medical care for their children and it's through no fault of their own. You all talk about how hardworking Nebraskans are. Well, if they're working hard, and they nevertheless cannot make enough money to provide an essential, all you Catholics, I'm not a Catholic, but I went to a Catholic university. They talk about certain rights that every person is entitled to. That there is a level below which society ought not allow any of its members to fall below. What could be more essential than health? If you don't feel well, you cannot concentrate if you are a child in a classroom, you may not even be able to go to school. If you're a parent working, while you work, you think about your child. [LB368]

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SENATOR KRIST: Time, Senator. [LB368]

SENATOR CHAMBERS: Thank you, Mr. President. [LB368]

SENATOR KRIST: I apologize, I missed your one minute call. [LB368]

SENATOR KRIST: Senator Kolowski, you are recognized. [LB368]

SENATOR KOLOWSKI: Thank you, Mr. President. Also, I continue to stand in opposition to LB368 and I would yield the remainder of my time to Senator Hilkemann. Thank you. [LB368]

SENATOR KRIST: Senator Hilkemann, 4:40. [LB368]

SENATOR HILKEMANN: Thank you, Senator Kolowski. I have been approached by numerous people, have sent me e-mails, people in my district. Here's one I received yesterday: I am contacting you to voice my strong opposition to LB368. I am one of your constituents and also an emergency department physician. I see the devastating consequences of trauma every day. Nebraska can't afford the increase in death and disability that this repeal would cause. I have no problem letting people do what they want to do when it doesn't affect me. But this repeal would impact more than just the cyclists. It would cost the state in terms of healthcare dollars, as well as years of productive life lost for some of its younger citizens. This would affect us all. Please ask for a financial analysis of the impact of this bill. The results would provide a powerful reason to vote no on this, even for those that have Libertarian tendencies. I would be happy to further discuss this with you. That was sent to me by Dr. Michael C. Wadman. Good evening, it has been brought to my attention that the current Nebraska helmet law may be repealed. As an emergency medicine physician at Nebraska Medical Center, I treat "many," and he highlights many, motorcycle accident victims. The thought of repealing a law that requires them to protect their brain by using a helmet is negligent and will be very harmful to both patients and the healthcare systems. Helmets are estimated to be 37 percent effective in preventing fatal injuries to motorcyclists. Motorcyclists that do not wear helmets are three times more likely to suffer brain injuries than those who do wear helmets. Not only do these patients suffer brain injury, many times they die due to the injury. Please do not repeal the current mandatory helmet law. This should be, in quotes, a no-brainer in my opinion. Thank you for your time and for protecting our motorcyclists--Cynthia Hernandez, M.D., Department of Emergency Medicine. Senator Hilkemann, I am writing in regards to LB368, the helmet repeal that is on the floor debate and eventual vote. I am vehemently opposed to the repeal of our current helmet law in the state of Nebraska. I am an occupational therapist and manager of the brain injury program at Madonna rehab hospitals in Lincoln and Omaha. I have been treating acute brain injury for ten years. I have seen the devastating effects of traumatic brain injury on those that survive the injury

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and those that care for these survivors. Many of my patients have been unhelmeted motorcycle riders. The proponent's argument is if you are in an accident without a helmet, that you will die. [LB368]

SENATOR KRIST: One minute. [LB368]

SENATOR HILKEMANN: This is false. Our superior trauma systems have allowed these catastrophic injuries to be survivable. Thus, those that survive a traumatic brain injury secondary to a motorcycle accident suffer from life-long disabilities. Many times they are in a prolonged coma and need multiple medical and surgical procedures to relieve the pressure on their brains. This leaves the individual with long-term deficits. These deficits can include the inability to speak or think for themselves, disabling paralysis, or spasticity of their muscles, leaving them unable to move their bodies, significant vision deficits that do not allow the individual to see or make sense of their world. The cognitive deficits are significant and long lasting. These survivors cannot remember information from one moment to the next, unable to demonstrate insight into their injury or deficits. [LB368]

SENATOR KRIST: Time, Senator. [LB368]

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

SENATOR KRIST: Thank you, Senator Kolowski and Senator Hilkemann. Senator Baker, you are recognized. [LB368]

SENATOR BAKER: Thank you, Mr. President. I would yield my time to Senator Hilkemann if he would like it. [LB368]

SENATOR KRIST: Senator Hilkemann, 4:50. [LB368]

SENATOR HILKEMANN: Thank you, Senator Baker. I will use that time to complete this letter that I am reading. And the inability to assess and react to safety concerns in an ever-changing environment. Thus, these survivors require 24-hour care and support for years after their injury. The long-term care costs and strain on community and state resources are significant, not only for the individual person and family, but for the state in Medicaid dollars. The psychological and emotional costs are even greater. Many times families are torn apart after a traumatic brain injury. The divorce rate is over 50 percent after a traumatic brain injury. Many times it is not financially feasible for the caregiver to stop work to care for their loved one 24 hours a day. The ultimate heartbreak is that the spouse, mom, dad, son, daughter that they once knew is gone

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forever. I plead for you and all state senators to vote against LB368 to protect and promote the health and financial well-being of all of your constituents. That was sent to me by Brooke Murtaugh, an occupational therapist at the Madonna rehab hospitals. Senator Hilkemann, I'm writing to voice our opposition to LB368, which would repeal our universal motorcycle helmet law. Should this bill pass, we are confident from what we have seen occur in other states that repealed their helmet law, Nebraska will see an increase in the number of motorcycle deaths and injuries. The cost to the taxpayer will increase as well. Below are some key reasons we are in opposition to LB368. Personal choice, this is not a personal choice issue when taxpayers bear the cost for these injuries and deaths. From 2008-2014, the total charges for all riders hospitalized as a result of motorcycle injury was over \$74 million. Eight percent of that \$74 million was paid by Medicare or Medicaid. This amount will increase if we repeal our helmet law, and we as taxpayers pay more. Repealing Nebraska's universal motorcycle helmet law will increase the deaths and injuries to motorcyclists or on our roads no matter how old the riders are. Thirdly, all states that have weakened or repealed helmet laws have experienced an increase in motorcycle fatality rates; and that's from the NHTSA. Fourth, unhelmeted motorcyclists are three times more likely to suffer brain injuries than helmeted riders in a crash. That is also NHTSA data. Nebraskans support our motorcycle helmet laws...their fifth, each year the Nebraska Safety Council... [LB368]

SPEAKER SCHEER PRESIDING [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR HILKEMANN: ...in conjunction with the Nebraska Department of Roads does a survey. That survey says 73 percent of Nebraskans support retaining our current motorcycle helmet law. This survey is conducted by the Research Associates and this letter comes from Laurie Klosterboer, the executive director of the Nebraska Safety Council. That comes from an individual whose entire purpose and life and mission is to keep Nebraskans safe. Senators, they're not just blowing smoke. These are the facts and we need to look at that before we make this very critical decision. Thank you, Mr. Speaker. And thank you, Senator, for your time. [LB368]

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

ASSISTANT CLERK: Thank you, Mr. President. Committee on Judiciary reports LB268 to General File with amendments. Amendment to LB163 from Senator Vargas to be printed. And a reminder that Revenue will meet today at 10:00 in room 2022. Mr. President, I do have a priority

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motion on LB368. Senator Chambers has moved to bracket the bill until March 15, 2017. (Legislative Journal pages 699-700.) [LB268 LB163 LB368]

SPEAKER SCHEER: Senator Chambers, you are welcome to open. [LB368]

SENATOR CHAMBERS: Thank you, Mr. President. This motion is a tactic. I have discussed it with Senator Lowe. I am going to support the bill. I need the opportunity to speak. People have been yielding time to Senator Hilkemann, and that's the way these things go. Nobody is going to yield time to me on this issue, so I have to find and create the opportunities. And the issues that I am discussing, I believe, grow out of what Senator Hilkemann and others have said about this bill. They have a narrow view, some of them. There are others who are opposed to this bill for the reasons that they've given. They're interested in trying to save lives, minimize to the extent possible the damage done when a person is unfortunate enough to be in a motorcycle accident. But whether there are people wearing helmets or not, motorcycle accidents littering the highways and streets of this country are a part of Americana. They are as American as apple pie. They will persist as long as people ride motorcycles. I'm going to support the bill because as I have stated, people have the right if they want to be a fool to be one and the constitution protects that right. On the other hand, going a step beyond what has been talked about by those who oppose this bill, there are families right now in this state who cannot provide medical care for members of their family. Senator Hilkemann did not want to talk about that. Nobody else wants to talk it because for political reasons they have determined that they are not going to take advantage of what the federal government makes available in cash to help provide medical care for those Nebraskans who cannot receive it. When you talk to me about these farmers and ranchers who are under a burden of property taxes, I don't even want to hear it. I don't care about that, but I care about their children who may be sick. Are they so burdened that they cannot provide medical care for their children? If so, then how can those who are so concerned about these ranchers and these farmers not be concerned about the medical aspect that I am talking about? And I'm going to talk about it again and again and again. The first thing, among other things that came out of Senator Hilkemann's mouth when I was talking about this, was the Affordable Care Act. He put a name to the system...or the origin of the system under which these Nebraska families could have medical coverage. They don't care about these families. You see, they hate Senator Obama...President Obama more than they love this Christ that they pray to every morning. If Christ could talk to you all, the next preacher, the next priest, the next senator that goes up there to pray to Christ, Christ would reach down with his hand and slap them upside the head and say, shut up, fool, and listen to me. I told you to be concerned for the widows, for the orphans, and especially for the poor. Pope Francis told you to be concerned about the poor. And you have it within your power to show concern for the poor. Yet you won't do it. Do you think I, this Jesus Christ speaking to you, am a fool? You think that I have given you the wherewithal to solve this problem and I'm going to solve it for you? I told you to be a moral being. I told you that you're like a city set on a hill, that people can observe. I told you to let your light shine so

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that men can see your good works and glorify your father and my father who is in heaven. And you're going to ignore all that. Then show disrespect for me and treat me like a fool by saying Jesus? Yes, you gave us the tool. But we want you to use the tool also and do the work. He says, I will tell you this--if you don't do better and if you fail to do those things I told you to do, the things I have given you, the wherewithal to do them, a day is coming when I'm going to tell you when you call on me, go to hell. You have been weighed in the balance and you have been found wanting. Why would I say that? Because I have brothers and sisters among the least, you know the ones that Chambers is concerned about--the least, the last, and the lost. I have brothers and sisters among the least. And if you didn't do it for the least of my brethren, you didn't do it for me. Now, go to hell. Would Jesus talk to you like that? I'm going by what the "Bible" that you all say you believe in tells me. But they are words that you all speak, but they don't have meaning. They're bloodless words. They are a corpse. You try to animate it like Dr. Frankenstein did with his monster, Adam. And you come up with a monster, a monstrosity. All of you all have education. All of you are intelligent. All of you all understand English. And all of you know what I'm talking about. And you know that you're moved more by politics than any belief in any religion you profess to have. Your religion teaches that you should take care of the poor. And if somebody gives you the instrumentality and you reject it for political reasons, you are the worst, you are the worst of the offenders. You worship a party. You worship a label. And you hate, and hate rests in the bosom of a fool. You're like a whited sepulcher when you're filled with hate. Hate kills the hater. And you all are dead. You hate one man, President Obama, former President Obama so much that you will withhold from your own kind that which Jesus said you ought to accept as a means to help your own kind. And you say, well, if Jesus was in Congress, he would be a Republican and he wouldn't vote for the ACA. How do you know? You don't know anything about Jesus. He told you in words so clear that a fool cannot err, and you reject what he said. And all this yow, yow about people not wearing motorcycle helmets, you know that any medical person is going to be against any practicing society that will make people ill or that will damage them or cause injury. That's not a surprise. That's what their stock in trade is. First, do no harm. We all understand that. Though we're not talking about this issue from the standpoint of medical people because they would tell you that if you have the wherewithal to provide medical coverage for sick children, you ought to do it, but you're not going to listen to the doctors when it comes to that. You're not going to listen to the pediatricians who try to appeal to your Governor and the rest of you to at least fight against cuts in Medicaid that's available now. You all won't listen and I get tired of the hypocrisy. It rolls like a mighty stream through this Chamber day after day after day and you ought to cut out those prayers. That's the first thing you ought to do. When God strikes this building with his righteous lightning, fueled by his righteous anger, it might fall on me. I don't want to be here when God punishes you all. [LB368]

SPEAKER SCHEER: One minute. [LB368]

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SENATOR CHAMBERS: Does he punish the innocent with the guilty like you all would do? If you all represent him, I can't be sure what he would do. And I would say he's touched with a bit of insanity also. I had told Senator Lowe that I was going to offer this motion to have an opportunity to speak and that I would withdraw it and reaffirm at the same time my intent to vote for the bill, although I don't like motorcycles, I think they ought to be banned. But again, the evolutionary process is to retain the genes that will help the species remain strong and survive. Motorcycle riders without helmets will eliminate some of those weak genes from the human gene pool so let evolution take it's course. Let them ride without a motorcycle--and let nature takes its course in the way you all will not follow your Jesus with these children. Mr. President, I want to withdraw that motion. [LB368]

SPEAKER SCHEER: Without objection, so ordered. Thank you, Senator Chambers. Senator Lowe, you're recognized. [LB368]

SENATOR LOWE: Thank you, Mr. President. Senator Hilkemann, you brought up the Louisiana helmet law and the repeal and then the replacement of it. I would just like to state some numbers here about that. The partial helmet law was implemented in 1999. Prior to that, the fatalities were few. And then after that, the numbers went up to...in 1999, 40, 57; in 2001, it was 65; 2002, was 68; and in 2003 it was 83. And at that time, they implemented universal helmet law. In 2003, I said the numbers were 83. In 2004, they dropped to 73; in 2005, 75; and in 2006, they went up to 95, more than with just a partial helmet. Now we can't take one year. So let's go up to 2007; they went up to 89; 2008, they were at 81. In 2009, they were at 103. In 2010, they were back down to 74; 2011, 80; 2012, 78; 2013, 85; 2014, 83; and in 2015, 91. These stats are from the National Highway Traffic Safety Administration. I would say that's a pretty reliable organization. What I'm saying is that it is not the helmet, it is education. And that's what we need to be focusing on is teaching our motorcyclists and our auto drivers, because motorcycles normally don't cause the accident. It's the left hand turn of a car turning in front of a motorcycle. That's what causes most of the accidents. We need to focus not on the helmets, it's on the education of our youth and our adults. It needs to be brought into the STOP classes. It needs to be taught in our traffic safety classes in high schools and in colleges. We need to teach everybody about the awareness of motorcycles and about how to safely drive a motorcycle. Awareness causes it. These numbers that I stated from Louisiana are numbers of people that passed away, not because of the helmet or not wearing a helmet; it's because awareness, awareness of the motorcycle. This does not...because they passed away doesn't mean they're on a highway, it was because they were on a motorcycle. Numbers can vary because...take the helmet off a motorcycle rider and we may get more motorcycle riders in Nebraska riding. I talked to many people that stated that they will not drive a motorcycle with a helmet on. That's their choice. They have stopped riding motorcycles years ago and they would now consider riding a motorcycle once again. Now that may have been only six or seven people I talked to, but that is six or seven more people on the road. So the

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numbers will go up. The fatalities will probably go up. But that's because the numbers are there. [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR LOWE: Numbers are the key and numbers can be moved around. It's all on how we look at it and from which study we look at. Thank you, Mr. President. [LB368]

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

SENATOR QUICK: Thank you, Mr. President. And I am opposing LB368. I'm going to explain my reasons for it. And I also...I kind of talked about it the other day when I spoke at one point. I know I'll have several of my union brothers upset with me, but I look at it from a little different angle. As a union rep and negotiating different issues, safety was one of the things that we usually talked about and wearing your personal protective equipment was a big part of that. I know also there are employers that look at that as well to reduce their costs; if you're wearing your personal protective equipment to work it reduces the workplace injuries and reduces the cost of any work comp insurance. So on the same level, I would look at wearing a motorcycle helmet on that same level, trying to reduce costs. And then also protecting that rider, protecting the individual in the workplace is important as well. I would also say I've gone to several conferences, and usually at most every conference we would go to they'd have someone there who had a workplace injury that would testify on the effects on their family and how devastating it was. I know some of them ended up in divorce over that injury. I've seen it within my own family, it wasn't a workplace injury, but we had an issue within our family where someone had died of an accident and it was devastating to the family and resulted in a divorce in that family as well. I also would like to talk a little bit about the seat belts. I compare, really, wearing a motorcycle helmet to also our seat belt laws in this state and I think it is very important that we all wear our seat belts. And if we would happen to repeal this and then go on and repeal the seat belt law, I just see us going in reverse, having more accidents, more fatalities, more injuries, and those things. And the last thing I kind of want to talk about is, you know, when I was a child, I would watch my parents and learn from them. They taught me by example. I know my children watch me and they learn by example. And I know that my grandchildren are watching me, they're watching their parents and they learn by example. If they see someone doing something, they think they can do it as well. And it's just, it just passes down that way. So I think we should be careful what we do, just to make sure that we're not sending the wrong message to our children and that they will, you know, would see the fact that they should wear helmets as well when they're riding anything, anything from skateboards on up to motorcycles. So that's my reasoning for opposing LB368. And I would yield the rest of my time to Senator Hilkemann if he wishes. [LB368]

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SPEAKER SCHEER: Senator Hilkemann, 1:35. [LB368]

SENATOR HILKEMANN: Thank you, Senator. I appreciate that, Senator Quick. Boy, you hit on a really...I appreciated your thoughts, particularly on the message that we're sending to our young people about the helmets, because I'm an avid cyclist, I ride on...mostly trails. I liked riding on roads as well. It just...when I see young people out there on these little...on these bikes and parents without having their helmets on their kids, I think... [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR HILKEMANN: ...what are you thinking? You know, it's also...I haven't been skiing for a number of years, but I understand many of the people now at ski resorts are wearing helmets when they ski because we learned the devastation that happens with a brain injury. And if I'm given some more time on the mike down the line later, we'll talk about that. And I want to address also Senator Lowe is up there; we've got more discussion to go, Mr. Speaker. And with that, thank you, Senator Quick for your time. Thank you. [LB368]

SPEAKER SCHEER: Thank you, Senator Quick and Senator Hilkemann. (Visitors introduced.) Senator Kolowski, you're recognized. [LB368]

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

SPEAKER SCHEER: Senator, 4:53. [LB368]

SENATOR HILKEMANN: Thank you, Senator Kolowski. I appreciate that. You know, I'm going to get a little personal here on this time at the mike and why this is such an important issue to me. It's a story of two helmets. It's a story of two crashes. It's a story that had different endings. In September, 2013, my brother, Larry, from Geneva, Illinois, who I've done the BRAN ride with a couple of times, was planning to come to Omaha to go door to door with me. I got a call from him and he said Robert, he said, I'm...I...I took a fall this morning on my bike. And I said, oh no; and I said, are you okay? And he said, yeah, I think I am; he said, I'm a little disoriented. And I said, well you better get in and get a bone scan...or a brain scan. And he said, yeah; he said, my wife just thinks I should probably not drive out to Nebraska today. And I said, absolutely, you shouldn't drive out to Nebraska today. And so my brother followed my advice. I said, what happened? He said, well, I was just on this trail and I hit some road trash; and he said, I didn't think it was a big deal but it threw me and I went over the handle bars and I was knocked out a little bit; but he said, I think I'm doing okay. Well, they did a brain scan and the initial brain

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scan was reported as normal. Over the subsequent several weeks during the campaign and time together, my brother called me and he kept saying, you know, he said, I'm not doing just right. And I said, well, you better get back into the doctor again and get some things checked out. And after the election, we spent a weekend down in San Antonio, our families, my wife...my brother and I married sisters so it's easier to get along, I guess, as traveling companions, and anyway, that weekend, we didn't know it at the time, what was going to be the very last weekend I would ever spend with my brother because the following Friday morning...or Sunday morning, he woke up and he didn't know where he was. And they took him to the hospital and they discovered that he had a tiny brain bleed and he had a subdural hematoma. He underwent immediate surgery. That surgery didn't go particularly well. And two days later, they had to do surgery again and he had a stroke, and my brother never woke up again. After ten days of no brain activity, the decision was made to remove his life support. And my brother went to be with the Lord within a matter of an hour. He was wearing a bike helmet. He had a simple injury, hit his head, even though he had a helmet on. [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR HILKEMANN: And the injury that had happened, the changes that I saw in my brother...when I have another time I'll tell you a second injury from a helmet. And I tell that story because in my brother's case, it didn't make a difference. But there are stories that repeat over and over again where the helmet did protect people from an injury. And that was on a bicycle, folks; that wasn't on a motorcycle. He was probably going 12 or 14 miles an hour on just a bike trail. Thank you, Mr. Speaker. And thank you, Senator Kolowski, for your time. [LB368]

SPEAKER SCHEER: Senator Kolowski and Senator Hilkemann. Senator Pansing Brooks, you're recognized. [LB368]

SENATOR PANSING BROOKS: Thank you, Mr. President. Well, I'm rising to support Senator Hilkemann's amendment, AM503, and opposing my colleague, Senator Lowe's, LB368. I do want to give a nod to my colleague, Senator Chambers' use of Darwinian Theory and the survival of the fittest, which I thought was slightly humorous, because, you know, the heck with those that are stupid enough to ride a motorcycle, if they want to kill themselves, go ahead and kill themselves and the better our society. But I want to go on and talk about some of the issues that I've heard from the Nebraska Safety Council and as regarding personal choice, and I know that some people are saying this is a personal choice issue. I believe, and they believe, that this is not a personal choice issue because the state has to...and the taxpayers have to bear costs for the injuries and the deaths that occur from these motorcycles. And I have a statistic that from 2008 to 2014, the total charges for all riders hospitalized as a result of motorcycle injuries was over \$74 million; 8 percent was paid by Medicare or Medicaid. And the data source was the Nebraska

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Vital Statistics and Nebraska hospital discharge data. So to say that our state isn't paying for this and that we don't have costs incurred, you know, there are all types...there are all sorts of laws where we protect people from themselves and from acting stupidly on behalf of themselves. And I understand the fun of riding a motorcycle without a helmet. I also understand the fun of riding a bicycle without a helmet. Again, as a parent, I didn't want our charges and our costs on insurance to go up so we demanded that our kids wear helmets. And then people will say oh, well that's the nanny state, we're forcing people to do things that are infringing on their liberty. And again, I would say that's fine, do what you want as long as it's not going to affect me or my pocketbook. So again, repealing Nebraska's universal motorcycle law will increase deaths and injuries, it's a given. All states that have weakened or repealed helmet laws have had an increase in motorcycle fatalities, and helmeted motorcyclists are three times more likely to suffer brain injuries than helmeted riders in a crash. And I just want to speak a little bit, I know that we've tried to soften it by adding that those under six can't ride on a motorcycle. When I was five years old, I fell off a diving board, a 12-foot-high diving board, and I know people are going to go-- there's what happened to her. But I fell off and had a concussion and the split in my skull was so large that normally they have to take a magnifying glass to look at it, but it was clearly visible in the x-rays. So for that whole year, I was unable to participate in any activities. I wasn't supposed to go swimming, I couldn't go...do any of the normal activities. I wasn't supposed to ride a bike that year. But they said I was really lucky because I was five and my brain, the portions of the skull that are still soft... [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR PANSING BROOKS: ...were still growing...thank you...were still growing together. So I was really fortunate because it did grow together and I haven't had any problems since. But clearly the chances of significant damage were there. And anytime you fall and hit your head on something hard, it's a significant increase. My parents had to pay insurance and hospital costs for that fall and it only relates in that I think it is important to know that we will be bearing costs as taxpayers for these...the increase of death and the increase of injuries that we will have because people want to practice their liberty. Practice liberty at your own expense; that what I would say. Thank you, Mr. President. [LB368]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. (Visitors introduced.) Senator Quick, you're recognized. Not seeing Senator Quick, Senator Baker, you're recognized. [LB368]

SENATOR BAKER: I would yield my time to Senator Hilkemann if he would like it. [LB368]

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

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SENATOR HILKEMANN: Oh, thank you, Senator Baker, for your time; I appreciate it. Let me continue on and tell you a second story and why this is such a personal issue for me. Many of you know that last summer I...we all have bucket lists that we like to do. And on my bucket list is I want to ride my bicycle across the entire United States. And last summer things worked out for me to begin that quest. And on the first week of June, 40 of us, with the Fuller housing foundation riding, met in Seattle, Washington. And we began the quest from riding from Seattle, Washington, to Washington, D.C. This was going to be an eight week trip and I knew that I was not going to be able to do, because I was planning to go to Midwest CSG and I wanted to go to NCSL, so I had decided that this was the perfect ride because we were coming right through Lincoln, Nebraska. And so I said, I'm going to ride at least from Seattle to Lincoln. Then as things would have it, we decided...I wasn't able to go to Lincoln because we were going to have the internment of my brother's ashes on that Saturday and so I was going to stop at York. So I had five absolutely magnificent weeks of riding; 2,100 miles, and I had no...I knew there were the Rockies and I knew there were a few mountains in Washington, D.C., but I did not realize that almost every mile that I would ride until I got back to Nebraska contained rather significant climbs each day. According to my Garmin, I ended up climbing 91,000 feet during the course of the five weeks riding. And anyway, it was the most, one of the most meaningful times in my life to be out in nature and realizing that the only responsibility I had from one day to the next was to ride my bike from point A to point B and enjoy nature and enjoy the people that had surrounded me and were also on that journey with me. It was in mid-July, I had stayed overnight with Speaker Hadley at his home in Kearney, and on the way to the...taking me to the church that my group had stayed with, we saw this large bank of clouds to the west, and so there was...I said to the Speaker, I said looks like we might have some rain. And he said, well, he said, I think they're going to go to the north. I said that would be fantastic. And so we headed out on Highway 30. We're riding. We get about three miles from Shelton and all heck broke loose, a cloud burst. We got into Shelton, protected ourselves. I got in the Sag wagon at Shelton and I rode in the Sag wagon up to Grand Island. And a good friend of mine was riding with me. He's become...he's a brother to me at this point, he's such a good friend, and we got to Grand Island and he said, Robert, I'm going to ride again. And I said, well, if I can find some dry clothes, I'll ride with you. And I was able to get back into the Sag wagon and find some dry clothes and I got some dry clothes and we got riding to Grand Island. [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR HILKEMANN: We got three miles from Aurora and it started to rain a bit, and I do not know what happened. I do not know what happened and I'm relating only what Paul has told me. The only thing I remember is they were putting me into an ambulance and I was heading to Grand Island. I do not remember anything why; I had a concussion. I have my helmet. I've shown it to some of you. That helmet is crushed. I fell directly into the lane of traffic. Fortunately, Paul was there and stopped the car or I may have been hit. I'm alive today, I'm here.

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I don't know how serious it could have been. All I know is I have one smashed helmet and I'm here to tell that story. I would never, ever... [LB368]

SPEAKER SCHEER: Time, Senator. [LB368]

SENATOR HILKEMANN: ...get on a bicycle without a helmet. Thank you, Mr. Speaker. [LB368]

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

SENATOR CRAWFORD: Thank you, Mr. President; good morning, colleagues. I rise in opposition to LB368. But I recognize this is a tough issue and I have constituents on both sides of this issue and it really is an important issue for us to wrestle with in terms of the appropriate public policy and how we make our decisions about when and how the government has a policy such as wearing helmets. It is the case that we're talking about a policy that we do have empirical evidence showing that this policy does save human lives. And I believe that we do value life, we do value human lives. And so it is important to recognize that when we look at the evidence, we can see that this policy makes a difference. And that when the most convincing evidence on this front are the studies that show the evidence before a policy change and after the policy change, because that's the opportunity that you get a chance to see with all the other factors being the same, what happens when we make this policy change. And we've seen convincing evidence from multiple states, including Florida, that when a state changes this policy, when a state goes in the direction of repealing this helmet law, you do see fatalities increase. And on another turn, I'll get to that in terms of some of the evidence that we've been discussing so far in this debate. But let me put the evidence aside for a moment. So it is the question of if we have, in a general rule, we have an opportunity to make sure that we're saving lives. Then the question is at what cost to personal freedom? And that's the question that we really raise with the motorcycle helmet bill is asking someone to wear a helmet an obstruction of their freedom that is inappropriate given our policy aim of saving lives. So I think that is a fundamental question of this issue. I think there is ample evidence to show that it does save lives and it is the case that to get to that result is the case that the government is going to ask people to wear helmets and we're going to require you to wear helmets. Now this comes down, and as many people have made the case, that this issue about saving a life is not just about that one individual, because that one individual impacts the rest of us as well. We've had all kinds of conversation about medical costs and the impact on all of us for choices that someone would make in terms of whether to wear their helmet or not. But let's get away from those financial costs for a moment and just talk about the other costs that happen in our state when someone dies needlessly, the children they leave behind, the families they leave behind, the ways that other people in the state will need to help

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pick up the pieces when someone loses their life needlessly. We have a lot of public safety, public health laws that we have in place to protect health and safety because we recognize how important it is that people are able to live to their full potential and it's not just about that one person. [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR CRAWFORD: Thank you. It's about everyone else in the community as well. We try to make sure that people have safe water to drink. And we make sure that we have all kinds of safety laws. And so the question always is, is what is the limitation that we're asking for, what's the restriction we're asking for, and is that an undue cost, is that an undue restriction of freedom given the public purpose; and in this case, the public purpose is saving lives. And so in this case in the balance, I believe that the restriction of freedom of asking someone to wear a helmet, acknowledging it is a restriction on their freedom, but it is not an undue burden in the face of the public purpose of saving lives, saving Nebraskans, and so I think that in this case it is appropriate. [LB368]

SPEAKER SCHEER: Time, Senator. [LB368]

SENATOR CRAWFORD: Thank you. [LB368]

SPEAKER SCHEER: Thank you, Senator Crawford. Senator Kolowski, you're recognized. [LB368]

SENATOR KOLOWSKI: Thank you, Mr. Speaker. I, again, yield my time to Senator Hilkemann. Thank you. [LB368]

SPEAKER SCHEER: Thank you, Senator Kolowski, and that was your third time at the mike. Senator Hilkemann, 4:50. [LB368]

SENATOR HILKEMANN: Well, thank you, Senator Kolowski. Thank you, Senator Crawford, for that very...I appreciated your...what you said. And I think we need to...there's no question this whole wrestling thing with what's an individual freedom, what do we have in society, and I think it's one that we consistently need to wrestle with. Is Senator Lowe still on the...oh, would he yield to several questions? [LB368]

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

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SENATOR LOWE: Yes, I will. [LB368]

SENATOR HILKEMANN: Senator, did you bring this bill for any organization? [LB368]

SENATOR LOWE: No, I did not. As a matter of fact, I went and I talked to the organization and I told them that I thought I was going to carry it. [LB368]

SENATOR HILKEMANN: I'm sorry, I missed that. [LB368]

SENATOR LOWE: No. I decided I was going to carry it and then I went and talked to an organization. [LB368]

SENATOR HILKEMANN: Okay. Okay. What was the name of that organization you talked with? [LB368]

SENATOR LOWE: It was ABATE. [LB368]

SENATOR HILKEMANN: Can you tell me what does ABATE stand for? [LB368]

SENATOR LOWE: No, I can't. They stand for freedoms. [LB368]

SENATOR HILKEMANN: Okay. It's not their...is not one of the terms that the "E" in that stand for training and education? [LB368]

SENATOR LOWE: Yes, it does. [LB368]

SENATOR HILKEMANN: Okay. So, you mentioned education...is that correct...that we need to educate people...earlier in one of your testimonies? [LB368]

SENATOR LOWE: That is correct. [LB368]

SENATOR HILKEMANN: Are you aware at one time that we had a motorcycle education program in this state? [LB368]

SENATOR LOWE: You know, out at the Nebraska Safety Center in Kearney, we still do. [LB368]

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SENATOR HILKEMANN: Did you know that we used to have a motorcycle education fund to help pay for that here in the state of Nebraska? [LB368]

SENATOR LOWE: No, I did not. [LB368]

SENATOR HILKEMANN: I learned about that just yesterday from one of the persons who was here, and I guess it was about when we had one of the budget crises in 2007 and 2008 that they took the funding away from that. Were you aware of that? [LB368]

SENATOR LOWE: I would assume that's how it happened. [LB368]

SENATOR HILKEMANN: Do you know who did not fight to keep that budget in place? Who is not there to protest that decision? [LB368]

SENATOR LOWE: Well, I wasn't here. [LB368]

SENATOR HILKEMANN: Neither was I, Senator. [LB368]

SENATOR LOWE: So I'm not really sure who was. [LB368]

SENATOR HILKEMANN: But I understand that ABATE, which has education in their term, was conspicuously absent in that debate over which they claim that they are trying...and you mentioned the education. I thought that was rather an interesting observation that was made to me. And I'm repeating that, but that was...one of a constituent brought that to me yesterday. So I certainly agree that we need to consider the education. And, believe me, as a bicyclist and having ridden those miles and seeing how people wantonly...you're almost think that you're almost a target for some people when you go around some of those hills. It is a concern and we need to have more public education for motorcyclists. We need more public education regarding bicyclists. We need to learn to share the road together. And I would applaud any efforts, and I know that there are some of the states that actually have a requirement... [LB368]

SENATOR HUGHES PRESIDING [LB368]

SENATOR HUGHES: One minute. [LB368]

SENATOR HILKEMANN: ...that people need to take a motorcycle education course. And that probably helped some, but, unfortunately, I'm sure you would agree, and I'm sure the cyclists that

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are here would agree that the people that ought to take that are the people that we're trying to share the road with. And I think, Senator, before I begin any additional comments, thank you for answering those regarding that. I just thought that was kind of interesting that an organization that is supposed to be educational did not fight losing that appropriation which was helping to fund motorcycle education in the state of Nebraska. Thank you, Mr. President. [LB368]

SENATOR HUGHES: Thank you, Senators Kolowski, Hilkemann and Lowe. Mr. Clerk for items. [LB368]

ASSISTANT CLERK: Thank you, Mr. President. A new resolution, LR66, offered by Senator Scheer, that will be laid over. An amendment to LB447 from Senator Halloran, that's to be printed. (Legislative Journal pages 700-701.) [LR66 LB447]

SENATOR HUGHES: Senator Lowe, you're recognized. [LB368]

SENATOR LOWE: Thank you, Mr. President. We've been talking today about the costs that are going to incur if we remove the motorcycle helmet law. If you get injured in any state in this country, you're going to come home and we're going to incur the costs whether it is in a car or a motorcycle. If you have an accident riding to Sturgis, and you get injured in either Iowa, Wyoming or South Dakota, and you're wearing a helmet or you're not wearing a helmet, you're going to come home and we're going to incur those costs. It doesn't matter. If you are injured, you're going to come home and Nebraska will pay the costs whether it is in a car, a bicycle, a tricycle, walking, crawling, swimming; we in Nebraska will take care of our own. That's the way we are. We are Nebraskans. So by removing the helmet really doesn't do much. It may save a life, yes. But when you brought up, Senator Kolowski, about going to accidents and seeing people and having to take a broom and a rake, that helmet wouldn't have done much for those people either. This is a choice by people. This bill was not brought to me by anybody. This bill is sponsored by people that don't have a budget. They don't have a big lobbying firm. They are people. They're the people that want this. And that is important to me. It is the people of Nebraska that come to me and say we want this for ourselves. This doesn't involve somebody else. It doesn't involve a teacher that doesn't ride a motorcycle. It doesn't involve anybody else except for the people that want this bill. And it is for them that I brought the bill. Thank you, Mr. President. [LB368]

SENATOR HUGHES: Thank you, Senator Lowe. Senator Pansing Brooks, you are recognized. [LB368]

SENATOR PANSING BROOKS: Thank you, Mr. President. Well, I was just going to read some other information where other states...other states have proven that we don't...I'm going back to

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the tourism argument now, and there are all sorts of other states that do have tourism and big bike things. I know that the AAA has distributed a map that shows that all roads do not lead to Sturgis through Nebraska. So I think the arguments that we're missing tourism dollars is not exactly correct. And there was, number one, there is a list of...sorry, just one second...in 2014, the Sturgis rally attendance was 420,000. Half of those people, 210,000, were trailering bikes. And of those that rode, 50 percent wore helmets. Number one, I don't think that some of these issues are exactly true about people not coming through Nebraska or not that we will be losing tourism dollars because it just doesn't even apply on the numbers. And again, I think this is such an interesting issue and it's good for us to have this discussion. I think it's really good for, you know, the one positive thing if this does go forward is that we won't have a third year or a fourth year of filibustering this because, you know, we have heard this. But I think it's important for the freshmen to understand and hear all the arguments and know what is going on. I appreciate those of you who are here listening, and I think it is positive to see that we can have reasonable discussions and that reasonable people can differ. And my opinion is that it costs the state more when there are accidents. I understand Senator Lowe who said they're going to come back into Nebraska to be treated. But again, I would say that there are way more costs when the accident happens here and that mostly people are injured closer to their homes. So again, I think the issues of liberty and the discussions of the ability to do what you want when there are tax issues and cost issues to the other members of the state is a good discussion to have. I think it's positive to be going on with this discussion. I want to also say that there are a number of advocates who have opposed this for years: The Advocates for Highway and Auto Safety, AAA Nebraska, Brain Injury Association of Nebraska, EMC Insurance Company, Lancaster County Medical Society, the Lincoln Medical Education Partnership; Madonna Rehabilitation Hospital, who of course treats all of those people that have the brain injuries; Mothers Against Drunk Driving, Metro Omaha Medical Society, The National Safety Council of Nebraska, the Nebraska Academy of Eye Physicians and Surgeons, the Nebraska Academy of Otolaryngology, I hope I said that right; Nebraska Chapter of the American College of Cardiology, Nebraska Chapter of the American Academy of Pediatrics, Nebraska Chapter of the American College of Physicians, Nebraska Dermatology Society, Nebraska Fire Chiefs Association, and then the Nebraska Hospital Association; and I will save you the trauma of listening to me read 96 hospital names across the state that also oppose getting rid of the... [LB368]

SENATOR HUGHES: One minute. [LB368]

SENATOR PANSING BROOKS: Thank you, Mr. President,...96 hospitals that oppose getting rid of the helmet law; the Nebraska Insurance Information Service, the Nebraska Medical Association, the Nebraska Medical Directors Association, the Nebraska Oncology Society, Nebraska Orthopedics Society, the Nebraska Regional Council, and American Academy of Child and Adolescent Psychiatry, The Nebraska Rural Health Association, the Nebraska Safety Council, the Nebraska State Volunteer Firefighters Association, the Public Health Association of

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Nebraska, and State Farm Insurance, among others. And continually the statistics show...they did a poll in 2014 and it was done across the entire state and a large proportion of the people in that poll were supportive or were against repealing the law. [LB368]

SENATOR HUGHES: Time, Senator. [LB368]

SENATOR PANSING BROOKS: Thank you very much. [LB368]

SENATOR HUGHES: Thank you, Senator Pansing Brooks. Senator Williams, you are recognized. [LB368]

SENATOR WILLIAMS: Thank you, Mr. President, and good morning, colleagues. And for the third year in a row, I stand in opposition to this legislation. And I would like to...you know, you can continue to look at statistics and find different things on different sides of every issue, but we just heard a little bit ago about the fact that motorcycle riders, as those in cars that have accidents, do come home. But I'd also like to just point out that according to the National Highway Traffic and Safety Administration about vehicle accidents: Of all collisions that's occur in the United States, approximately 52 percent occur within a five-mile radius of home, while an astounding 69 percent occur within ten miles of home. So even though we talk about the longer trips of people traveling to Sturgis and other places, the plain fact is that 70 percent, roughly, of the miles that are ridden are in your home area. I'd also like to point out something that I don't think has actually been talked about so far on this issue. We've talked about when we get to the dollars and cents; we've talked about the potential increase in tourist dollars and what that could mean for our state. And I would remind us all that we're sitting here today in this session in the middle of a budget shortfall. We're talking about taxes; we're talking about income taxes; we're talking about property taxes; and we're, more importantly, talking about ways to continue providing benefits to the most vulnerable citizens in our state. I would like to point out though that if we do pass LB368, I have no doubt, with the evidence that we have heard of medical costs, that insurance costs for health insurance will go up. That will happen, it will happen gradually, as we see things happen with that, but it will go up. And I would remind you that our state is a business-friendly state and we have many small businesses that depend on providing health insurance to their employees that will be damaged with an increase in health insurance cost...in our business. One of the major top three costs to our business is the cost of employee benefits and the largest single cost in that factor is the cost of health insurance. It is significant. And it's also something vitally important in our business, and in particular our industry that I am in, we have tried to take very good care of our employees, providing them with those kinds of coverages irregardless of their wages. But I have no doubt that the cost of business in our state will increase. I suspect it will increase at a rate that will offset any economic benefit that we derive from tourism in general in our state; in particular, in certain areas of our state which will

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not benefit from the increase in tourism. So I remind people of that. And again, we go back, this is the never-ending choice that we as legislators have to make between personal liberty and trying to put dollars and cents and costs on things that make sense and make sense as far as public policy. We make public policy for 1.9 million people in our state. That public policy affects 1.9 million people in our state. [LB368]

SENATOR HUGHES: One minute. [LB368]

SENATOR WILLIAMS: Thank you, Mr. President. It does not only affect those people that choose to ride motorcycles or those that choose to ride motorcycles without wearing helmets. I therefore continue to stand in opposition to LB368 and look forward to having a vote soon. Thank you, Mr. President. [LB368]

SENATOR HUGHES: Thank you, Senator Williams. Senator Baker, you're recognized and this is your third time. [LB368]

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

SENATOR HILKEMANN: Thank you, Senator Baker. Senator Lowe, are you available? [LB368]

SENATOR HUGHES: Senator Lowe, will you yield for a question? [LB368]

SENATOR LOWE: Yes, I will. [LB368]

SENATOR HILKEMANN: Thank you, Senator Lowe. Your comments that you made that people return home for their injuries, you're exactly correct, that occurs. However, Senator, I want to take...I want to explore that a little bit. Let's just say that...and I know that everybody says we don't go through Nebraska, but I have to think that once in a while a rider will go through Nebraska on their way to Sturgis. And let's just say they're near North Platte, they're coming up from Texas and they're heading up to Sturgis and get to North Platte and they have a serious accident and they're taken in the...taken by an emergency vehicle to North Platte. Then we discover that that person is kind of living on the lame and has no insurance. And the North Platte hospital takes x-rays, maybe they do a brain scan, as they did in my case, maybe they do some emergency surgery, and then we discover that that person has absolutely no insurance and no resources. Who pays for that? [LB368]

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SENATOR LOWE: Well, sir, you're the doctor. You would have more experience than I would with that answer, so I'm going to toss that back to you. [LB368]

SENATOR HILKEMANN: Senator, the North Platte hospital does what we call "eats it." You can't go after money that people don't have. And, you know, we had this little conversation earlier here about healthcare and who provides that. That's why I say doctors provide free healthcare every day in this state, sometimes quite frequently unknowingly that we're providing healthcare for free, but that's what happens. And so at North Platte hospital, and I would guess it's a nonprofit organization. That's why it is a nonprofit organization because it eats that cost. But that cost has to be paid by somebody and that cost is paid by you and me who happen to go to the North Platte hospital and we have insurance to care for that and that's why aspirins can cost \$3 a pill because they have to get their resources from somewhere down the line. And that happens more frequently than it should. And so while it may be true that people will go back to get their healthcare, that initial care is oftentimes eaten by the initial providers, the people who provided the EMT services. You cannot get blood out of a turnip. And so I just wanted to make that clarification on the comments that you had made. Thank you, Senator. Well, let's...we...we've been talking...you know, one of the things, and I think Senator Lowe would agree with me on this, because he has probably studied this... [LB368]

SENATOR HUGHES: One minute. [LB368]

SENATOR HILKEMANN: ...I went to the Web site...every department of motor vehicles, trying to find out the number of fatalities, the helmeted, the unhelmeted, and I mean to tell you if we have anything that needs to have some standardized data and done in the same manner, you're shaking your head yes, every state sort of reports this differently, and so it's hard to compare state to state. And so that's why it's important to report the data as compared to the same state. Part of this, one season there may be more accidents or another season, it has to do with the weather, it has to do with how many people are out riding, so it's very hard to say that one year we had this number of fatalities and the next year we had that number of fatalities, and if I'm given some time on the mike, I'm going to, down the line, I'll go through some of those states. I thought it was kind of interesting because I have the data from every state for 2015... [LB368]

SENATOR HUGHES: Time, Senator. [LB368]

SENATOR HILKEMANN: ...of our neighboring states. Thank you. [LB368]

SENATOR HUGHES: Thank you, Senator Baker, Senator Hilkemann, and Senator Lowe. Those in the queue are Senators Crawford, Scheer, Hilgers, and Bolz. Senator Crawford, you are recognized. [LB368]

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SENATOR CRAWFORD: Thank you, Mr. President. And again, I rise in opposition to LB368. And I just wanted to come back and talk about some of the data. We have, again, the best way to try to assess the impact of a change in the helmet law is to look at evidence from a state that looks at a period before the policy change and then a period after the policy change. That is the before/after comparison and that gives us the best opportunity to take into account all of the different factors that may be going on in that state. It might be the speed of the roads, the amount of traffic on the roads, the number of drivers, and the quality of the roads, all of those factors are factors that may impact how many fatalities and also how much medical costs and serious injuries occur and the impact of the government requiring people to wear helmets on those numbers and on those costs. And so what I have seen in reviewing the evidence that I've seen in terms of those studies where it is a careful study of a period before the helmet change law and a period after the helmet change law and not a carefully selected single year but really trying to look at a pattern before and a pattern after, and particularly what we see are in studies of Arkansas and Texas and Louisiana and Florida we see a clear impact in terms of the helmet laws saving lives and fatalities differing. And there are several studies that show that impact on healthcare costs as well. So I wanted to bring that up to then come back to some of the data that we haven't...the data that we have in front of us that was distributed about differences in fatalities comparing Nebraska and Iowa, Nebraska, South Dakota and Iowa, because this was distributed on, I believe, the first day of the debate and the conversation was--hey, you don't need to worry about repealing LB368 because, look, Iowa and South Dakota have fewer fatalities in several of these years per 10,000 registered riders, so you don't need to worry about fatalities because we have more fatalities so it must be the case that if we just get rid of our helmet law it won't have an impact on fatalities, or maybe we'll have less fatalities. So it's important to recognize that, again, the studies that look at the impact before and after a helmet law clearly and repeatedly show that the helmet law impacts lives, and if you repeal the helmet law you see more fatalities, or if you impose a helmet law, you see fewer fatalities. So that brings us back to what to make of this evidence we have in front of us that suggests for several years that the fatalities per 10,000 registered cyclists are higher in Nebraska. What are we going to make of that number? Well, colleagues, unfortunately what we're to make of that number is that there are factors in Nebraska that are dangerous for cyclists. And so despite the fact that cyclists in Nebraska are wearing helmets, we still see this higher rate of fatality. And so, colleagues, I would expect that we would see a multiplier effect because of that more dangerous atmosphere in Nebraska so that if we repealed our helmet law we would definitely see this maybe even in a higher increase in fatalities in our state than some of the states have found because we must already have risk factors in Nebraska that are operating. [LB368]

SENATOR HUGHES: One minute. [LB368]

SENATOR CRAWFORD: Thank you. And so it's important to recognize that we have risk factors in Nebraska that are making our fatalities higher even while wearing a helmet. And that

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poses even greater risks for saying that we should remove that helmet requirement, because, colleagues, I suspect that one of those key risk factors that's different in Nebraska perhaps than in Iowa and South Dakota may be speed, maybe in terms of the roads where people are riding motorcycles. It's a good question of what those factors are that are creating that difference between Nebraska, Iowa, and South Dakota. But because of what we've seen in plenty of other states in terms of before and after, it's important to recognize that there are risk factors in Nebraska that are making motorcycle riding more dangerous. [LB368]

SENATOR HUGHES: Time, Senator. [LB368]

SENATOR CRAWFORD: So that would only be compounded by removing the helmet requirement. Thank you, Mr. Speaker...Mr. President. [LB368]

SENATOR HUGHES: Thank you, Senator Crawford. Speaker Scheer, you're recognized. [LB368]

SPEAKER SCHEER: Thank you, Mr. President. Again, I find myself on the same side as my good friend Senator Chambers. He has more to say about this than I, so I would yield my time to Senator Chambers. [LB368]

SENATOR KRIST PRESIDING

SENATOR KRIST: Senator Chambers, 4:40. [LB368]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Scheer. The day of miracles is not passed. Members of the Legislature, I've been on the floor for all of this debate. I venture to say I've spent more time on the floor than any other senator, because that's the way I view my responsibility, but others have other things to do. Now, Senator...oh, he's watching, Senator Krist who is not in a position to respond made me think of something. I would like to ask Senator Pansing Brooks a question or two if she would respond. [LB368]

SENATOR PANSING BROOKS: Oh, boy...yeah...I will be...yes, I would be happy to. [LB368]

SENATOR KRIST: Senator... [LB368]

SENATOR CHAMBERS: These are easy. [LB368]

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SENATOR PANSING BROOKS: We'll see. [LB368]

SENATOR CHAMBERS: Senator Pansing Brooks, are there other activities in which citizens of Nebraska participate which may be dangerous and even could be fatal? [LB368]

SENATOR PANSING BROOKS: Yes, there are, Senator Chambers. [LB368]

SENATOR CHAMBERS: And without asking you to name them, are there laws mandating certain types of attire or protective gear that must be worn when these activities are participated in under pain of being charged with a crime if such gear is not worn? [LB368]

SENATOR PANSING BROOKS: Seat belts is one. So some...there are some, but not very...not a lot. [LB368]

SENATOR CHAMBERS: Could swimming in very deep water, a great distance from a shore, be dangerous? [LB368]

SENATOR PANSING BROOKS: It certainly could. There are sharks out there. [LB368]

SENATOR CHAMBERS: In Nebraska? [LB368]

SENATOR PANSING BROOKS: Oh, not in Nebraska. [LB368]

SENATOR CHAMBERS: Are there any bodies of water in Nebraska of sufficient depth for a person to drown if he or she were too far from the shore and did not know how to swim? [LB368]

SENATOR PANSING BROOKS: Yes, and you can even drown in your bathtub. [LB368]

SENATOR CHAMBERS: Is there a law that...in the bathtub? Is there a law that requires a person to wear safety gear when taking a bath? [LB368]

SENATOR PANSING BROOKS: (Laugh) Sorry. Well, that depends, Senator. [LB368]

SENATOR CHAMBERS: I'm sorry, I didn't hear you. [LB368]

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SENATOR PANSING BROOKS: That depends. [LB368]

SENATOR CHAMBERS: Well, I heard you, but I didn't understand you. [LB368]

SENATOR PANSING BROOKS: Are there laws, did you say, or are there rules? [LB368]

SENATOR CHAMBERS: Yes, a law that requires you to wear protective gear...safety gear when you're taking a bath? [LB368]

SENATOR PANSING BROOKS: None that I know of, Senator. [LB368]

SENATOR CHAMBERS: Are there lakes at various parks in Nebraska in which a person who does not know how to swim could drown? [LB368]

SENATOR PANSING BROOKS: Yes, there are, Senator. [LB368]

SENATOR CHAMBERS: At those locations, do laws apply that require such a person to wear safety gear or appliances to avoid drowning? [LB368]

SENATOR PANSING BROOKS: There may be rules, but not laws. [LB368]

SENATOR CHAMBERS: Laws that would make it a crime if you don't. [LB368]

SENATOR PANSING BROOKS: No. No, Senator Chambers. [LB368]

SENATOR CHAMBERS: So there definitely are dangerous activities where no law requires a person to take precautions through the wearing of certain gear to avoid becoming a fatality. There are such places, correct? [LB368]

SENATOR PANSING BROOKS: Yes, there are. [LB368]

SENATOR CHAMBERS: Why are motorcycles singled out? I know automobiles, but in this case we're talking about motorcycles and wearing something on your head. Why? Is it because it's deemed...well, I won't... [LB368]

SENATOR KRIST: One minute. [LB368]

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SENATOR CHAMBERS: That's all right, think about it. I may get a chance to speak again, but if Senator Krist were not up in that chair, the question I would ask him, and I know the answer, is there any law that makes it a crime for a person to jump out of a flying airplane without a parachute? No law. You can jump out of an airplane that's flying high enough for you to be smashed if you land, and you can jump out of it without a parachute. You don't have to wear a helmet or anything. And even if you survive, unless you fall on somebody, then I don't know if that's a crime, maybe it's civil liability. But if I get the opportunity to speak again, I want to start addressing some of the matters that have been raised in opposition to this bill, and I think they're not really pertinent and they certainly are not persuasive. Thank you, Mr. President. [LB368]

SENATOR KRIST: Thank you, Mr. Chambers and Senator Pansing Brooks. (Visitors introduced.) Mr. Clerk with an announcement. [LB368]

ASSISTANT CLERK: Mr. President, the Performance Audit Committee will meet in Room 2022 at 11:15. [LB368]

SENATOR KRIST: Thank you, Mr. Clerk. Those still wishing to speak: Senator Hilgers, Bolz, Erdman, Scheer, and Lowe. Senator Hilgers, you are recognized. [LB368]

SENATOR HILGERS: Thank you, Mr. President; good morning, colleagues. I rise for two reasons. The first is to reiterate my strong support for LB368. And to put it in context of this greater debate that we're having, which is this notion that we balance liberty versus cost. And this is actually a question that we face in a whole variety of human activities. Senator Chambers just listed, I think, several excellent examples: swimming in deep water, jumping out of a plane without a parachute, taking a bath. Senator Krist, yesterday, had some excellent examples: participating in a rodeo, riding on a waver runner. I'll give you a couple of other examples of activity that could be harmful to society that we don't ban or mandate, and those relate to what we eat. I read a book the other day called the Case Against Sugar trying to tie the impact of the increased intake of sugar to Type II diabetes in the great societal social cost that comes with that. We don't ban sugar. We don't ban fast food restaurants. For the wide variety of human activity when we are faced with this liberty versus cost equation, we side on the side of liberty. Now, there are some exceptions, but I think those exceptions, frankly, prove the rule. The primary exception that's been talked about is seat belts; and I talked about this in detail yesterday. I won't go over many of those arguments. But seat belts, we've decided as a society, that the impact of...the impact on our freedom is so small, it's so de minimis compared to the outsize shown demonstrable benefits of wearing seat belts, that we've decided, okay, that's something that we can accept. That consensus is not here with helmets. So on the policy, it's been a good debate, but it's a debate that we have on a lot of other types of areas of human activity, and it's a debate that we err on the side of liberty and freedom. And so for that reason I'm in favor of LB368. The

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second reason that I rise this morning is to urge you, even if you disagree with me on the policy, to urge you to vote for cloture. And I've had a lot of constituents call, stop in, e-mail, trying to understand this notion of cloture and filibuster and what it means in context of the rule debate. Well, I'll tell you what it means today. It takes 25 votes to pass a bill. Well, you can talk and debate a bill until it...basically postpone a vote. Well, at some point debate can be cutoff. Now it used to be the case, back when Senator Chambers was here, back in the 80s and 90s, there wasn't a vote for cloture, we had to suspend the rules. But now, you file what's called a motion for cloture. And for those watching at home, what that means is it now takes 33 votes to cut off debate to actually then just get a vote. So to get a vote on the policy, we first have to cross a 33-vote threshold. Well that's 33 votes is two-thirds of this body; it's a very high threshold. And what happens on a day like today is that you...when you have maybe a snowstorm and maybe some folks are gone you might only have 47 senators voting, 48; maybe some decide to be present, but not vote; so maybe you only have 46, or 45; well that 33 numbers remains the same. So 33 senators have to vote, no matter if there's only 40 that are ultimately voting; that's an incredibly high percentage. And so I would urge my colleagues, even if you disagree on the policy of LB368, to give it an up or down vote. And if I could take a moment on a personal note, I will tell you that I know many of the proponents of LB368. These individuals have fought for years to try to get this bill passed. They aren't high-powered lobbying group. They have day jobs. Several of them are here today. They're in the balcony. They took time out of their paying jobs, they took money out of their pocket to be here to fight for something that they care dearly about, something to give them the freedom to operate as they choose, to be able to be on that side of the equation that we allow so many other people to do for so many other activities. [LB368]

SENATOR KRIST: One minute. [LB368]

SENATOR HILGERS: Thank you, Mr. President. Those individuals deserve a vote. They may lose that vote. I don't know what the vote count ultimately is. They deserve a vote. So I urge my colleagues, even if you disagree with LB368, register that disagreement by voting red when it comes to the vote on that bill. But I urge you to vote green on the motion for cloture that I think will come here shortly around 11:45, vote green. Give those folks a vote that they deserve. Thank you, Mr. President. [LB368]

SENATOR KRIST: Thank you, Senator Hilgers. Mr. Clerk for an announcement. [LB368]

CLERK: Mr. President, previously the Performance Audit Committee was going to meet in 2022. They now will meet in room 2102, Performance Audit in Room 2102. [LB368]

SENATOR KRIST: Thank you, Mr. Clerk. (Visitors introduced.) Senator Bolz, you are recognized. [LB368]

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SENATOR BOLZ: Thank you, Mr. President. There are certain things that are done in a community or public context that have different expectations and responsibilities, and I think driving is one of them. Another, colleagues, is hunting. And there's been discussion on the floor today about the expectation of what we rely on individuals to do or to wear when they are engaging in certain activities. And so I want to read to you Nebraska Revised Statute 37-527, which says: "hunter orange display required; exception; violation; penalty. For purposes of this section, hunter orange means a daylight fluorescent orange color with a dominate wave length between 595 and 605 nanometers, with an excitation of purity of not less than 85 percent and a luminance factor of not less than 40 percent. Any person hunting deer, antelope, wild turkey, elk, or mountain sheep during an authorized firearm season in this state shall display on his or her head, chest, and back a total of not less than 400 square inches of hunter orange material except as exempted by rules and regulations of the commission. Any person who violates this section shall be guilty of a Class IV (sic-V) misdemeanor. This section shall not apply to archery hunters hunting during a non-center-fire firearm seasons." So, colleagues, there is a statutory expectation of hunters to wear certain gear; very, very specific gear during hunting season so that they can safely and appropriately engage in the public and community activity of hunting. And I think that motorcycle helmets fall in the same category. In order to share the road, certain gear is appropriate and required. And one of the reasons, colleagues, that I think it's appropriate, when we are sharing activities, to ask for certain safety gear to be required is that the consequences of not being safe have fiscal consequences for our state. So I also wanted to share with you the Nebraska cost estimate for motorcycle crashes in 2014. And this is from the National Safety Council injury facts from the Nebraska Office of Highway Safety. The cost of each type of motor vehicle crash includes wage and productivity losses, medical expenses, administrative expenses, motor vehicle damage, and employer costs. The information that I'm going to share includes the average economic cost for both death and non-fatal disabling injury. So the total cost of all types of death crashes was \$30 million, and injury crashes was \$14 million. Property damage crashes were \$3.4 million, and the total projected costs were \$48.2 million. So make no mistake, colleagues, that when we are not safe on the road it does cost the state money. It costs the state money not only in terms of emergency response and hospital costs and insurance costs, but also in terms of Medicaid and Medicare. In 2013, the total charges for all riders hospitalized as a result of a motorcycle injury was over \$11 million, and 9 percent of that was paid for by Medicare or Medicaid. So about \$1 million was paid for in Nebraska by Medicaid for those types of injuries as a result of a motorcycle crash. So, colleagues, I don't think it's unreasonable to ask motorcyclists, like hunters, to wear appropriate protective gear in order to make sure that roads and communities are safer and that we are less likely... [LB368]

SENATOR KRIST: One minute. [LB368]

SENATOR BOLZ: ...to incur state expenditures. Thank you, Mr. President. [LB368]

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SENATOR KRIST: Thank you, Senator Bolz. Senator Erdman, you're recognized. [LB368]

SENATOR ERDMAN: Thank you, Mr. President; good morning, Nebraska. Just for the record, I want to share with Senator Hilkemann that ABATE stands for American Bikers Aiming Toward Education, that's what it stands for. It seems like this morning we're into telling stories about when we hit our head, and some of you may understand what my problem is after I tell you this story. When I was nine years old we used to ride bicycles without a helmet, if you can believe that, and we were racing down a hill and I hit a rock and fell off the bicycle, hit my head on a rock; passed out, knocked me out. I was out from 3:00 to approximately 3:00 on a Sunday afternoon until 6:00 on Wednesday night. And now you all say, yep, that's what happened to him; but I made it, I'm here. We did a lot of activities when we were growing up on the farm. We rode in the back of the pickup. We did other things that were dangerous and we still made it. But accidents do happen, and those kind of things are sometimes unpreventable and sometimes they are. And I thought Senator Hilgers explained it very well what we were trying to do here. It's about liberty, it's about choice, we need to make a choice. These people have been debating this for years. I wasn't here before when they debated it. I would make a guess, I would guess this that the debate today is very similar to what it has been for the last five or six years. I'm not quite sure why this bill reaches to the point of a filibuster, I've not understood that. It is very important to those people who this affects, and I appreciate their coming today, I appreciate your efforts. And I do think that we need to not vote for AM503, vote against AM503, and vote for LB368. And I'm going to do something very peculiar at this time, I'm going to yield the rest of my time to Senator Chambers. [LB368]

SENATOR KRIST: Senator Chambers, 3:00. [LB368]

SENATOR CHAMBERS: Thank you, Mr. President; thank you, Senator Erdman. And maybe what he just did is a delayed action based on that fall that he described having earlier, but I appreciate it. Members of the Legislature, I listen to what Senator Bolz read to us, and what she talked about was a coloration of garment so that you could be distinguished from a wildlife critter who is being hunted. But we're not saying that people on motorcycles are not clearly seen, but if that's what was determined to be part of the problem, say wear a jacket or some garment of the same coloration that hunters wear. But I'm making it clear that I'm voting for this bill, not as a favor to people who ride motorcycles. Many people who ride motorcycles have been very hostile toward me. In fact, I know one of those people when I find out they belong to the church of HD. You all may know what that stands for. It's the church of Harley-Davidson, and they believe in a trinity just like the Christians--Colt, Smith and Wesson. They can be dangerous people, not just when they're riding a motorcycle. But the issue for me does not have any bearing directly on the people who ride motorcycles and do things of which I disapprove, other than riding the motorcycle. This bill, I will vote for. And I don't want those motorcyclists with whom I may have had some conflict in the past to think that I've changed or that I've forgotten what

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they've shown themselves to be. In the Legislature, we deal with large issues, we deal with small issues. [LB368]

SENATOR KRIST: One minute. [LB368]

SENATOR CHAMBERS: We deal with important issues, we deal with unimportant issues, and that's because those issues reflect the constituency comprising this state. The people in this state do not give all of their time to big issues, important issues, and so forth. Anybody can bring any bill he or she pleases. Now, the arguments that have been made carry no persuasion to my mind. Persuasion occurs when you move a mind from point A closer to point B if that's where you want that mind to wind up. I'm curious to see what the vote will be if a cloture vote is taken. And if I get a chance to speak again, I'm going to explain, and I hope people will understand that the cloture vote requiring 33 votes is a recognition of how important the work of the Legislature is. [LB368]

SENATOR KRIST: Time, Senator. [LB368]

SENATOR CHAMBERS: Thank you, Mr. President. [LB368]

SENATOR KRIST: Thank you, Senator Chambers. Speaker Scheer, you're recognized. [LB368]

SPEAKER SCHEER: Thank you, Mr. President. I was spellbound listening to Senator Chambers. I'd like to let him finish his thoughts, so I would yield my time. [LB368]

SENATOR KRIST: Senator Chambers, 4:50. [LB368]

SENATOR CHAMBERS: Thank you, Mr. President; thank you, Speaker Scheer. I'm responsible for there being a cloture motion. I would load a bill up with amendments when I didn't like it. A motion could be made to suspend...well, to call the question. But that wouldn't end the total debate on the issue. You'd call it on each of those amendments. If you wanted to stop the debate entirely, you had to suspend the appropriate rules so there could be no debate, no amendment, and so forth. That motion, once put together, was not divisible as other compound questions are, but it had to take its place along with other motions. It was clear that they were trying to find a way, even back then, to shut me up, and they did not succeed in doing it. So they went toward what Congress was talking about in terms of a cloture motion; because cloture would end all activities in which a deliberative body should engage. It could not be done with a simple 25-vote majority. When you talk about 30 votes to override the Governor, that is not even a valid comparison. First of all, you give the Governor 29 votes to begin with, and he or she only needs

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one more to wipe out everything the Legislature did. There ought to be a requirement of 33 votes to overturn what the Legislature has done. But because the purpose of cloture is to shut off those who oppose something that's being done, to end every single legislative act the Legislature's capable of, it took a super, super majority. That's how you got the 33 votes. So when people talk about reducing it to 30, reducing it to 25, it exposes once again the ignorance that people have of what a legislative assembly comprises. They look at the emotion of the moment, the convenience for these forces outside the Legislature, trying to compare what we do here on a day-to-day basis to formulate policy with what the Governor does when he can derail something the Legislature did. It shows ignorance. Ignorance that seems to be invincible. Invincible ignorance is that which cannot be overcome even with the presentation of argument and facts to the contrary. Now, vincible ignorance can be overcome, but the Legislature seems to be about to fall into the throws of invincible ignorance because of outside forces that want to have their way in this Legislature. That's why there's a cloture motion. And the one they aimed it at to shut up, they're not going to be able to shut me up, and you all will not be able to shut me up. So don't be foolish. Don't be foolish like the people of this state were who voted in term limits to get rid of me. Look at all the white Senators they got rid of, the black man they wanted to get rid of was gotten rid of, but I came back. I'm like Dracula, I'm like Jesus, resurrected like the phoenix that rises from its own ashes to live again. And as far as people in this Legislature are concerned, to plague again... [LB368]

SENATOR KRIST: One minute. [LB368]

SENATOR CHAMBERS: ...because I try to make people think and look at it a different way. And that can be painful, it can be uncomfortable, and especially when the one trying to do it is also highly unlikable. But sometimes the medicine which is most effectual has the most unpleasant taste, so you try to mask it with something else, and that masking has nothing to do with the curative or healing quality and ability of that medicine. It makes it easier to swallow. Maybe that's why they make...hmm, that might be why they make antifreeze sweet, so that anybody in a home where they have somebody there they don't like, instead of putting sugar into the tea or the coffee, put in a little antifreeze. [LB368]

SENATOR KRIST: Time, Senator. [LB368]

SENATOR CHAMBERS: Thank you, Mr. President. [LB368]

SENATOR KRIST: Thank you, Senator Chambers. Senator Lowe, you're recognized, and this is your third time. [LB368]

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SENATOR LOWE: Thank you, Mr. President. Today we've been talking about a lot of safety, and safety is very important. And that's why they put safety devices in our vehicles. Not long ago they started putting air bags in our vehicles for safety, to keep us from flying through the windshield, and when they did that they found out the air bags were deadly. If they went off accidentally, they would actually do more damage than what was going to happen. So what they had to do was redesign our seat belts so we would be kept safe from the air bags. So that's why we have the seat belt law is to keep us safe from the air bag. It's not from the accidents, it's the air bag. We are being safe from safety. As far as the hunting gear, and I appreciate you bringing that up, Senator Bolz, I'm an avid hunter and I like to hunt. I like to be safe, and I wear the orange because it keeps me safe, and it doesn't encumber me. It's made so it can look like camouflage. It's made very well, and I'd be wearing something anyway. I normally don't go hunting without a shirt on, and definitely without pants. So it is safety clothing we're wearing and a helmet is something extra. I'm going to do something now I never thought I'd ever do, but I'd like to yield my time to Senator Chambers. Don't have a heart attack. [LB368]

SENATOR KRIST: Senator Chambers, 3:00. [LB368]

SENATOR CHAMBERS: Thank you, Mr. President; thank you, Senator Lowe. We are reciprocating. You have seen this morning how people on different locations on the political spectrum can come together for a common purpose. Those who have yielded me time have their own reasons for doing it, but they know clearly the position I take on this bill. In a Legislature, it could not function the way it should if everybody had exactly the same point of view. If that were the case, all you'd need is one person, and that one person would be me, because you'd have somebody who thinks, who reasons, who understands, and always does what is right according to his view. But that's not the way things are done, and I just wish that what I've said before could be taken seriously. That however long a time or short a time you've been here, whatever aspect of life you came from, you'll know things that the rest of us may not know. You should share that with us so if the knowledge in the Legislature could be compared to what is put into a kettle to make soup, the more that's put into it, the greater the variety; the seasonings, the better product we're going to have, and that's one example where too many cooks will not spoil the broth. Too few cooks keep the broth from having the quality it ought to have. This bill is what I call a pee wee because it doesn't make that much difference in the broader scheme of things. People are going to do unsafe things. They're going to be looking at these gadgets and walk across the street in front of a car and get run over. [LB368]

SENATOR KRIST: One minute. [LB368]

SENATOR CHAMBERS: There are all types of things that can cause a person's life to end. This particular legislation is what I would call busybody, nosiness, meddlesome legislation where

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some think they know better than the person involved, what is in that person's best interest. There can be differences of opinion. We often hear the expression, live and let live. There's a song, "Live and Let Die." If somebody chooses to die, let the person die in the way the person chooses to. Some people want to crawl out with a whimper. Some want to go out with a bang. The man named Evel Knievel, that's what he called himself, he had many broken bones during the... [LB368]

SENATOR KRIST: Time, Senator. [LB368]

SENATOR CHAMBERS: ...performances he gave...thank you, Mr. President. [LB368]

SENATOR KRIST: Thank you, Senator Chambers. Senator Bolz, you're recognized. [LB368]

SENATOR BOLZ: Thank you, Mr. President. I wanted to use this opportunity to discuss some of the gaps in our services for individuals with brain injury currently. And part of the point that I'm making here is that we currently lack capacity to serve individuals who has experienced dramatic brain injury as a result of unfortunate circumstances that we can't protect them from, as opposed to wearing a motorcycle helmet which is something that is a choice that could be made to protect someone from a traumatic brain injury. And so this report is the 2010 Nebraska Traumatic Brain Injury Needs and Resources Assessment, which was done by Schmeeckle Research. And they do identify some strengths in Nebraska in terms of serving individuals with brain injury related to primary healthcare services and acute hospital-based rehabilitation. But there are significant service needs and gaps. Overall, the research indicates that there's a system gap in long-term residential and community-based services for some populations in Nebraska. Some of the most important services listed may be provided to satisfaction, and some of the largest gaps may involve relatively unimportant services for the individuals utilizing them. But analyzing these results collectively we see that there are gaps in significant services including: cognitive training, counseling, behavioral support, community skills training, employment support, and educational services. There's a significant need in neurobehavioral services, which are limited both due to the availability of funds and the lack of brain injury training among professionals that results in people who need those services the most not being able to access them. So, colleagues, the point that I'm making this morning is that we shouldn't promote policy that would increase the prevalence of traumatic brain injury when the existing systems and supports available to individuals who suffer from traumatic brain injury aren't available. The research tells us that we need additional professionals. We need additional service providers; we need to fill in community-based gaps. Specifically, we need to expand our traumatic brain injury waiver to include community-based services because currently our waiver only covers individuals who are served at QLI in Nebraska, which is an incredible campus-based service provider, but doesn't serve people in their own communities. So if you are an individual who has

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survived a traumatic brain injury and you are in need of traumatic brain injury waiver services, the only place in Nebraska you can get them is on a campus in Omaha. We need to expand our current traumatic brain injury waiver in order to better serve people in their communities through those cognitive supports, through those neurobehavioral health supports, through better training and more service provision. And so, colleagues, I would encourage us to focus our time and energies on making sure that individuals who need healthcare in Nebraska get it versus promoting public policies that could increase the prevalence of traumatic brain injury and only exacerbate the existing needs that we can see as articulated in the 2010 Nebraska Traumatic Brain Injury Needs and Resources Assessment. Thank you, Mr. President. [LB368]

SENATOR KRIST: Thank you, Senator Bolz. Senator Pansing Brooks, you're recognized. [LB368]

SENATOR PANSING BROOKS: Thank you, Mr. President. I just had to rise, because, you know, if you stay here and listen to the debate, it's wonderful, because not only...today we've heard the survival of the fittest argument, the Darwinian Theory of Evolution. We've also heard that seat belts protect people from air bags. That's one of my favorite arguments that my friend, Senator Lowe, has given today. And so I just want to make sure that those of you who are just coming back have not missed some of the fun on the floor. So with that I want to give the rest of my time to Senator Hilkemann. [LB368]

SENATOR KRIST: Senator Hilkemann, 4:30. [LB368]

SENATOR HILKEMANN: Thank you, Senator Pansing Brooks. Well, we're getting close to the end of this discussion. And we're going to be taking a vote on my amendment in a few minutes, and then we're going to come up to a cloture vote. Many of you, and there's still not a lot here in this room, but I would hope that you would have heard through this extended debate, I can't imagine that you don't realize that if we move this bill forward, it is going to be at a cost to society, to our state, and to our healthcare system. There's going to be more personal tragedies, probably more widows, probably if we're...unless we're different than every other state that has ever done this, we're going to have more brain injuries. Now, let me talk just a little bit about cloture. If you are at all...if you say, well, I'm really not...I think we ought to keep the helmet, but I'm going to give them a vote for cloture because they deserve a vote. Folks, cloture is a tool that we have in this body, and it can be used at this time to move this bill forward. That's their whole...that's...if we don't give the cloture vote, this bill is over; the debate is done. If we give them the cloture vote it will come up for Select File and we'll probably have another extended discussion at that time. So I would just encourage that if you're...if you're not in favor...if you think we ought to keep those helmets on motorcycle riders, as I do, then please, do not vote for cloture...do not vote for cloture. Because if you do, even if you don't vote for the underlying and

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this bill moves forward, you have as much responsibility for the results of what this may make in our state down the line as the person who is the strongest proponent for it. So I would encourage you, don't just...this is a time not to just be a nice person and give the cloture vote, even though you're not for the bill. This is an important piece of legislation. Just yesterday in the Appropriations, and I appreciate Senator Bolz bringing out... [LB368]

SENATOR KRIST: One minute. [LB368]

SENATOR HILKEMANN: ...how much we have not been funding in our health and human services. This bill will add cost to our health and human services. It will come at a cost to the state and to our society. The last thing that this budget needs is to have more demands placed on it, particularly demands that we know that we can prevent. The key factor that we have in medicine is trying to prevent. Can we prevent motorcycle accidents? No. We can't. Is this going to increase the number of motorcycle accidents? Hopefully not. But we do know, and the American Motorcycle Association and their...you are safer riding a motorcycle with a helmet in place. And before you vote that cloture vote... [LB368]

SENATOR KRIST: Time, Senator. [LB368]

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

SENATOR KRIST: Thank you, Senator Hilkemann. Senator McCollister, you're recognized. [LB368]

SENATOR MCCOLLISTER: Thank you, Mr. President; good morning, colleagues. The helmet bill is like an old friend that I see once a year, and here we're at it again. At any event, I opposed Senator Bloomfield's helmet bill the last two years, and felt comfortable in that position. However, this year that opinion was shaken by some of Senator Lowe's statistics that seemed to indicate that there's no significant increase in deaths or injuries without a helmet. But I went back and looked at some additional statistics, so I'm returning back to that original position that I held earlier. The personal freedom argument is a potent one, I agree, that is a good one. And we...the state shouldn't infringe upon any of the rights and opportunities for people to make their own mistakes. But, but when the state is obligated to come up with money to pay for those mistakes, those mistakes and poor judgment, that's what changes my opinion on this situation. If that's the case, then the state has a legitimate right to limit those rights of an individual. So with that I am going to support AM503 and oppose LB368. Thank you, Mr. President. [LB368]

SENATOR KRIST: Thank you, Senator McCollister. Mr. Clerk. [LB368]

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CLERK: Mr. President, I have a priority motion from Senator Lowe. He would move to invoke cloture pursuant to Rule 7, Section 10. [LB368]

SENATOR KRIST: It is the ruling of the Chair that there has been full and fair debate afforded LB368. Senator Lowe would request a call of the house. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye, opposed vote nay. Please record, Mr. Clerk. [LB368]

CLERK: 30 ayes, 0 nays, Mr. President, to place the house under call. [LB368]

SENATOR KRIST: The house is under call. Senators please record your presence. Those unexcused senators please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Vargas, could you check in, please. Thank you. Senator Craighead, check in. Thank you. Senator Walz, please check in. Thank you. Senator Smith, Brasch, Lindstrom, Schumacher, Murante, Friesen, and Groene, please return to the Chamber, the house is under call. Senators Murante and Groene, please return to the Chamber, the house is under call. Senator Murante, please return to the Chamber, the house is under call. Everyone is now present and accounted for...or accounted for. Members, the first vote is the motion to invoke cloture. Just to remind you, this vote requires 33, and there's been a request for a roll call vote in reverse order by Senator Lowe. Mr. Clerk. [LB368]

CLERK: (Roll call vote taken, Legislative Journal pages 701-702.) 32 ayes, 12 nays, Mr. President, on the motion to invoke cloture. [LB368]

SENATOR KRIST: The motion to invoke cloture fails. Raise the call. Next item, Mr. Clerk. Items. [LB368]

CLERK: I do have a few items, Mr. President. Actually just one, Business and Labor Committee will have an executive session today at 1:00 p.m., Business and Labor in room 2022 at 1:00 p.m.

Mr. President, priority motion: Senator Smith would move to adjourn the body until Wednesday, March 15, at 9:00 a.m.

SENATOR KRIST: You've heard the motion. All those in favor say aye. Opposed, nay. Okay, all those in favor say aye. Opposed, nay. Well, it was close, but the ayes have it.