

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

Floor Debate
January 08, 2018

[LB17 LB105 LB146 LB295A LB347 LB350 LB368 LB399 LB439 LB565A LB611 LB681
LB682 LB683 LB685 LB687 LB690 LB712 LB718 LB735 LB807 LB823 LB829 LB857
LB871 LB876 LB877 LB878 LB879 LB880 LB881 LB882 LB883 LB884 LB885 LB886
LB887 LB888 LB889 LB890 LB891 LB892 LB893 LB894 LB895 LB896 LB897 LB898
LB899 LB900 LB901 LB902 LB903 LB904 LB905 LB906 LB907 LB908 LB909 LB910
LB911 LB912 LB913 LR270 LR271 LR272 LR273 LR274]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fourth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Pastor Jonathan Painter of the Lincoln Baptist Church, Lincoln, Nebraska, Senator Wishart's district. Please rise.

PASTOR PAINTER: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Painter. I call to order the fourth day of the One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections. (Corrections, Legislative Journal page 175.)

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

CLERK: Mr. President, Reference Report referring legislative bills LB668 through LB844, as well as three resolutions. In addition, a series of gubernatorial appointees have been referred to standing committee for confirmation hearing. Mr. President, Senator Hughes would like to withdraw LB823; that will be laid over at this time. And, Mr. President, pursuant to state law, I have the report regarding registration of lobbyist to be inserted in the Legislative Journal by the fourth legislative day. That's all that I had, Mr. President. (Legislative Journal pages 175-203.)
[LB823]

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Visitors introduced.) We'll now proceed to the agenda. First item on the agenda is a motion regarding permanent rules. Mr. Clerk.

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

Floor Debate
January 08, 2018

CLERK: Mr. President, Senator Hilgers, as Chair of the Rules Committee, would move for the adoption of the permanent rules as now in our possession.

PRESIDENT FOLEY: Senator Hilgers, you're recognized to open on the motion.

SENATOR HILGERS: Thank you, Mr. President; good morning, colleagues. The motion in front of us this morning is to adopt the rules as currently are in our possession critically without any proposed amendments. And I want to explain a little bit about how we got to where we are this morning and what the Rules Committee did, because the decision today to bring rules without any proposed amendments was the unanimous decision of the Rules Committee and I would like to thank them for their thoughtful consideration of the rules proposals that the committee received. This year we did receive eight proposals that the committee considered at a hearing last Thursday and in an Executive Session that occurred thereafter. And I want to thank my colleagues for...those colleagues who submitted proposals. We, I think, unanimously thought that they were very thoughtful and worthy of consideration. We received for instance a proposal from Senator Scheer to potentially have our rules be adopted for the entire biennium rather than for each individual session. We received a proposal from Senator Watermeier, for instance, that would help clarify the procedures that would apply in a qualification challenge. The committee didn't take any position on any of those proposals, and really there's sort of two reasons and both of them lead to just having a little bit more time. For the most part, the committee considered the proposals and thought that they were worthwhile for consideration, but at this time we just didn't feel that it was the right time to bring those to the floor for consideration. In regard to Senator Watermeier's proposal, that actually relates to a companion bill that's actually will be in front of the Legislature. And so we thought that at this time it was premature to consider that in front of the full body. In both cases however, the committee reserves the right and very well may meet later this session to consider, which is appropriate under our rules, consider any permanent changes to the permanent rules, we may very well might do that with regard to Senator Watermeier's change in particular. But at this time, all we have are the permanent rules that we are currently operating under this morning. Those will be, if this motion passes, that those are the rules that we'll operate for the rest of this session. Again, I'd like to thank the Rules Committee for their thoughtful consideration of the rules and their work so far. And I would ask for your green vote on this motion. Thank you very much.

PRESIDENT FOLEY: Thank you, Senator Hilgers. Mr. Clerk.

CLERK: Mr. President, Senator Brasch would move to amend. Copies of the Brasch amendment have been distributed to the members on their desk, hard copies. (Legislative Journal page 204.)

PRESIDENT FOLEY: Senator Brasch, you're recognized to open on your proposed amendment.

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

Floor Debate
January 08, 2018

SENATOR BRASCH: Good morning, Mr. President; good morning, colleagues; and good morning to our second house which may be watching today or following up at some point. It's been a privilege and continues to be a privilege to serve my District 16 and the state of Nebraska. We have a session ahead of us, a short session and I realize that we need to make time count. I attended the Rules hearing and I was surprised that there was not anyone of my colleagues that followed me, the other generation, that introduced the rules for open voting for committee Chairs. I was surprised and I gave it some thought and I wondered why. I talked to several colleagues. And they all had thoughts on it. They told me to introduce it because they had a few words to say. So I want to give these individuals the opportunity. I do believe it is important that we are completely transparent and that includes committees and the Chairs for committees. Today more than ever, individuals, our citizens, they are watching closely and they are following closely and they are becoming active in their communities and in their counties, in their districts, and throughout the state. We are here because of them, because of the majority that voted for us. I think they deserve to see the complete process from start to finish. I gave you a resolution...I gave you this rule change here for individuals to take time to speak. And the reason I did this was there was a vote taken by secret for Committee on Committees. Immediately, several individuals questioned my vote, my vote, my vote, when I've always been transparent. I've told every one of my colleagues my position; I've posted it, I'm public with it; I continue to do that and I will stand by it. When I read transcripts from last year, we talked about that it will ruin collegiality. It will poison the atmosphere. I think it's already done that. And I've seen it done in other sessions. I've seen a good senator choose to leave this body because he could not trust or believe his colleagues in their actions. And it was a good senator. This is not the first time someone was questioned or challenged. And I don't think we need that. We vote on major public policy on record vote and in daylight. I do intend to pull this. I do not want to continue this because I believe this is my last session. Others before me must make that decision. That I am just bringing this forward in principle and in clarity. For those who are watching today, that I have not abandoned that desire for us to have open voting, but our body has not expressed that to this point. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Brasch. (Visitor introduced.) Proceeding now to debate on the Brasch amendment, Senator Larson, you're recognized.

SENATOR LARSON: Thank you, Mr. President. I'll just start out saying I support the Brasch amendment. But that's not why I rise today. I rise today about an article that was published in this weekend's Omaha World-Herald about redistricting. And I wanted to enlighten some of those of you that weren't here in 2011, there were only a handful of us here, so I wanted to correct the record a little bit from what was in that article. Specifically, and I'll go into more detail on a number of things, but specifically moving Legislative District 49 from rural Nebraska to Sarpy County. Senator Krist said it was one of the most partisan things he had ever seen in the Legislature. Well, colleagues, nearly every map that was drawn had LD49 coming to Sarpy

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

Floor Debate
January 08, 2018

County, even our esteemed colleague at the time and now lobbyist for the University of Nebraska, Senator Mello, his map had Legislative District 49 moving to Sarpy County. So if Senator Mello, who was known to be the main Democrat on the redistricting committee, also had that moving to Sarpy County, how can that be one of the most partisan things that we have ever done in the Legislature? It seemed that most people agreed that 49 needed to move to Sarpy County. Now we can get into the rest of the redistricting, Senator Mello had his own questionable culls, we had a majority-minority district that was going to be District 7, but Senators Mello and Nordquist didn't want a majority-minority district because it would cut into their personal districts. So we scratched that idea. We don't need that majority-minority district. I'd say that's fairly partisan. Now let's drill down into Congressional District 2 because that was mentioned by a number of people. For the true history of Congressional District 2, we need to go back to 2001 because at that time, originally, Congressional District 2 did contain western Sarpy County. The Democrats in the body, mainly DiAnna Schimek at the time, decided that Congressional District 2 would be more competitive if they moved that part to the eastern part. So they did. They did the original partisan gerrymandering. What we did in 2011 was move it back as it originally was and if anybody wants, we can get a video of majority...many members of this body, including Senator Krist, standing up on the mike supporting the move of Congressional District 2 to the western part of Sarpy County. We kept communities together, and that was his main reason for supporting the move of the Congressional District 2 to the western part of Sarpy County. So I'd like to reiterate, if you guys have any questions about the legislative history of redistricting, I can try to answer them; or if I can't, I can try to get people that were part of the redistricting committee to help you answer those questions. But moving Legislative District 49 was not partisan and I don't know if it was just a smear to try to call Senator Murante partisan because he's running for another office, or if Senator Krist just forgot about Senator Mello's map, and a number of other maps that came that all moved 49 to Sarpy County. But, colleagues, it was not partisan. We even have Senator Harr in the World-Herald talking about how it wasn't partisan. So I just wanted to correct the record, give everybody a little bit of history. And thank you for your time.

PRESIDENT FOLEY: Thank you, Senator Larson. (Visitor introduced.) Continuing debate, Senator Morfeld.

SENATOR MORFELD: Thank you, Mr. President. And colleagues, good morning; good morning, it's so great to have my first time speaking on the floor this session about the rules. I appreciate what Senator Brasch is doing in bringing up this for discussion. It's an important discussion to be had. I also appreciate that she's going to pull the amendment as well. That being said, until she pulls the amendment, I'll continue to push my light and discuss the matter. First, I understand the need for transparency, I do. But I think what we need to do is look at the underlying policy rationale for transparency. When it comes to making laws, it should be as transparent as possible; there should be as much time for public comment and discussion and

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

Floor Debate
January 08, 2018

input as possible. But I will tell you right now that when it comes to some of the internal functions of the Legislature, whether it be this legislative body or the United States Congress or some other state's legislative body, it's important to maintain the systems that allow us to be nonpartisan, that allow us to be able to choose the right person and put aside party politics. That's what the secret ballot vote does. It allows us to honestly choose those who we wish to lead us without taking into consideration party loyalties, campaign contributions in some cases, and other factors that have no business in determining who is leading our committees, and in some cases the Legislature itself, in the case of the Speaker's Office. That is the function and the purpose of the secret ballot vote for leadership positions. That's why it's important to keep it secret, because it allows us to vote our conscience for those important positions. And I would say that that is the overriding public policy rationale behind keeping them secret is ensuring that we have a nonpartisan system, a system in which we can vote our conscience for our leadership. Now I can understand thoughts and beliefs to the contrary, I can. I can see the other side. But I will also tell you that in going and traveling to other legislatures and talking to people in Congress, that many of them tell me that this is one of the defining...defining aspects of our Legislature that allows for nonpartisanship, allows for the ability for our committees and the Legislature to function in a way that is in the interest of our constituents and not the interests of political power or partisans on both sides of the aisle. That is why it is so important for us to maintain the secret ballot leadership elections. And while I know Senator Brasch has already said on the mike that she is going to withdraw the bill, excuse me, the amendment, I oppose the amendment and I urge other people to oppose it as well, if it does in fact go to a vote. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Bolz.

SENATOR BOLZ: Thank you, Mr. President. It's good to be back in the nonpartisan Unicameral Legislature. I'm happy to be back to serve the people of District 29. And I'd like to start by thanking the Rules Committee; I appreciate your hard work, I appreciate your consideration and thoughtfulness about the rules that were proposed to you in committee, and I appreciate the wisdom and the collegiality that was represented by bringing the approach that we should adopt the temporary rules as is. I think that is a good way to move forward in partnership in this legislative session. And I would further thank Senator Brasch because I think her commitment to pulling this proposal illustrates that we do want to move on with the people's business. And I do appreciate her perspective about transparency in the role of the second house. I don't agree, I think that the rules as they stand protect the integrity of the nonpartisan Unicameral Legislature. I also rise because this piece of rules debate was not debated in our rules process this legislative session. And so the second house didn't have an opportunity to come in and testify. And in fact, when Senator Kintner brought a similar rules proposal last year, there was public testimony. And so I'm going to read just a little bit of that public testimony because that process didn't occur this year. These are some words from Charlyne Berens who is a professor emeritus from the

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

Floor Debate
January 08, 2018

University of Nebraska-Lincoln, she taught in the journalism college and has a Ph.D. in political science; she's an author who has written books about the Legislature. And it's her observation that the status quo allows us to vote for leaders, in her words, you vote for leaders that you believe have the best judgment, can be trusted, and have the most knowledge on the subject. Her concern, again in her words, is that this would result in a de facto partisan legislature and have long-term consequences that will far, far out weigh any benefits. She urges us--don't give up your independence and your ability to vote on the basis of your conscience and your experience and the hard work that you put into learning about the issues. So I'm inclined to agree with Professor Berens; I'm inclined to stand up in support of the history of our nonpartisan Unicameral Legislature, and in opposition to the Brasch rules proposal. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Groene, you're recognized.

SENATOR GROENE: Thank you, Mr. President. I stand in support of Senator Brasch's rule change proposal. It's a position I've held since I've been here. It's a position I've held when I ran for office. It's a position I promised my constituents I would take. I voted for Senator Halloran the other day; not against Senator Hilkemann. I voted for Senator Halloran. Now was that hard to do? Anybody mad at me? I was interested to see that two of the big proponents last year of the "gang of 27" had spoke; no mention of a "gang of 25." We had a gang of 25 the other day. A gang of 25 that stuck together and voted for Senator Hilkemann. What are we going to do about this gang, folks? We going to waste two weeks talking about the gang of 25? That's what we have here. I don't know who they are. It's quite apparent the gang of 27 don't exist anymore...or ever did exist. Funny, I had an article in my local paper claiming I was a part of a gang of 27, because these 27 voted for all the chairmanships. I won my chairmanship with 28 votes. How did that happen? Gang of 28. The open vote puts an end to that folks. Theories of gangs, rumors about who betrayed who; who traded what. I'm going to be watching real close on a couple of folks I think did not vote the way I would like them to and see how they vote on some other issues later in the session...trading votes, secret votes. Collegiality? Collegiality starts with honesty. It's in the definition. Supporting what your voters think? How do we stop petty votes to get even? With a certain party, certain individuals, because of something they did. Open vote stops that. It breeds maturity, honesty. There are things that I will agree with, and I think Senator Hilkemann should be involved in; I just happened to believe Senator Halloran was the right person for the Committee on Committees. That's not against anybody. The gang of 25, I'm wondering who they are. I want to see the editorial headlines that...Op-Eds coming out about the gang of 25. What about the Governor's folks? Senator Halloran is rumored to be one of the Governor's people; so is Senator Hilkemann. How did the Governor's crowd and his people vote? Open vote puts a stop to all of that. We need an open vote. It will come eventually with term limits in place, it will happen and we will know who votes for who and nobody will care the next day. I could probably list who I believe were the 21 votes who did not vote for me for Chairman of Education Committee. I hold no grudges. I understand it's policy and belief on what you

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

Floor Debate
January 08, 2018

believe in, what your political views are. I understand that. We need an open vote. So I agree 100 percent with Senator Brasch. She was abused. I heard the rumors. It was Brasch; it was Brasch that betrayed.

PRESIDENT FOLEY: One minute.

SENATOR GROENE: She did not. Now there's other names floating around about who traded votes, who did not vote the way they said they were going to vote, that's not good for the body. It lingers. All secret votes linger. It's like an infestation of a rumor floating around is what secret votes breed. It needs to end. And I wish it would end today. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Halloran.

SENATOR HALLORAN: Thank you, Mr. President. At the risk of sounding self-serving, that's not why I stand, because last year during the debate on the rules I stood in favor of fundamentally the same amendment that Senator Brasch is bringing forth now and that was dealing with transparency. I hear people say I'm for transparency, but I'm for transparency, but in this exception. And then I hear people say, well, I can vote my conscience if it's secret. Well my folks back home...and it isn't just on this last election, but my folks back home, long before I thought about running for Committee on Committees, my folks back home said what the heck is that all about? A secret ballot on committee chairs? They see through the fog, folks, and they question that. And I know it's...you all talk about the second house and how important that is, but they're questioning that and we need to listen to them. We can't be transparent, but this exception. I'm not going to consume the time. I am pleased to have spoken on this, but it's consistent with what I spoke on last year. Thank you.

PRESIDENT FOLEY: Thank you, Senator Halloran. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I feel profoundly disrespected this morning. This is the first session of the Legislature in decades where some rule change was not offered for the purpose of stifling me. And that not having been done this morning is a profound disappointment. But in all seriousness, and I was serious about that, I appreciate what the Rules Committee did. I appreciate the course that it, I wish, could set us upon this session. It indicates to me, and I might be overplaying it, a respect for the Legislature as an institution, respect for the integrity of the process, and I'm going to support what it is that they're doing. We have enough rules to get us through the session. For some of those who have expatiated free this morning, I want you to remember how far afield you went on this matter which really didn't require that kind of discussion. When I do what you consider going far afield throughout this session, you're making faces or expressing opposition will make

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

Floor Debate
January 08, 2018

me no difference whatsoever. But I do intend to adapt my approach to the way the Legislature as a whole conducts itself. There are cliques. There are cliques. There are cabals in this Legislature, in every legislature, thus it has always been, thus it will always be. So when people get sanctimonious on this floor, it just reminds me of why going to church is a waste of time; why talking about morality is so much hypocrisy, because I watch people's actions. Senator Hilgers did something this morning that allows me to hope for better things from him on other issues that will come up than what I got from him last session. I'm not going to carry us far afield, but I want to underscore once again, I believe what the Rules Committee is doing is in the benefit of the Legislature as an institution. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Brasch.

SENATOR BRASCH: Thank you, Mr. President. And thank you to my colleagues here this morning for sharing your views; for letting the second house know where you stand. I know other lights were on and I did ask that I speak following Senator Chambers and withdraw my bill. Mr. Speaker...Mr. Clerk, I would like to withdraw the AM.

PRESIDENT FOLEY: Thank you, Senator Brasch. Without objection, the motion...the amendment is withdrawn. Senator Hilgers, you're recognized to close on your motion. He waives closing. The question before the body is the adoption of permanent rules. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record vote has been requested by Senator Chambers. Record please.

CLERK: (Record vote read, Legislative Journal pages 204-205.) 40 ayes, 1 nay, Mr. President, on adoption of permanent rules.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Permanent rules have been adopted. Items for the record please.

CLERK: Mr. President, new bills: (Read LB876-LB898 by title for the first time.) That's all that I have, Mr. President. (Legislative Journal pages 205-209.) [LB876 LB877 LB878 LB879 LB880 LB881 LB882 LB883 LB884 LB885 LB886 LB887 LB888 LB889 LB890 LB891 LB892 LB893 LB894 LB895 LB896 LB897 LB898]

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Visitors introduced.) Proceeding now to the agenda, General File, 2017 carryover committee priority bills. Mr. Clerk.

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

Floor Debate
January 08, 2018

CLERK: Mr. President, LB611 was a bill introduced by Senator Stinner. (Read title.) Introduced on January 18 of last year, at that time referred to the Appropriations Committee. The bill was reported to General File. There are committee amendments pending, Mr. President. (AM655, Legislative Journal page 769, First Session, 2017.) [LB611]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Stinner, you're recognized to open on LB611. [LB611]

SENATOR STINNER: Thank you, Mr. President and members of the Legislature. LB611 is a budget-related bill requiring state agencies to provide a federally funding inventory. It would require annual reporting of federal dollars received by agencies which are part of the state budgeting process. As part of this process, the bill ties the report into the budget mechanism included under the Department of Administrative Services budgeting forms. To give the Legislature a snapshot of Nebraska's growing liability, during the last fiscal year, federal receipts were approximately 30 percent of the state's total budget. Currently, federal grant applications are initiated and managed by each agency individually. For code agencies, the Governor's Policy Research Office may also have a role. While federal funds are identified in the budget bills, they are typically shown as estimates and the commitments incurred or other maintenance of effort requirements are typically only known to the agency and many times the fiscal analyst dealing directly with the funds. LB611 would standardize the reporting of federal funds and place Nebraska in a more aligned with its legacy of transparency. There is a number of items which are required under this report including: one, the aggregate value of the federal receipts and the ratio of federal to state funds; two, a summary of the state's matching requirements with the federal government; three, is an operating plan in the event federal receipts are reduced by 10 percent or more or by 25 percent or more; four, a detailed summary of obligations entered into between the budgeting agency and the federal government; and five, the statutory objective being met by accepting federal funds. It is important for agencies to examine their obligations, provide detail on whether those obligations are mandatory or optional, give an early warning as to sunset provisions, and reevaluate priorities from time to time ensure responsible stewardship of the agency's mission. I think we all understand that oversight measures must be in place to provide accurate reporting of obligations and give the Legislature a deeper understanding of the commitments made by each agency to ensure statutory compliance. The intent behind this legislation is to provide a more...a reporting mechanism to the state to hedge against fiscal stress further down the road. As legislators, it is imperative that we understand the complexities that often surround federal programs and foresee any unintended consequences, measuring the cost benefits of statutory compliance, and incorporating overall evidenced-based practices is critical. The Appropriations Committee also advanced AM655 to this bill which would exclude the University of Nebraska and state colleges from the provision. Keep in mind, this would reduce the fiscal note from \$760,000 and \$785,000 to \$130,000 and \$156,000. It was brought to my attention by the university and the colleges that much of the provision under the bills are already

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

Floor Debate
January 08, 2018

in place in these institutions and required reporting for each federal receipt could become onerous and burdensome. Due to the nature of these institutions, they receive hundreds, even thousands of federal grants, much of these tied to research or even to students themselves. This amendment is part of that compromise. And I do have for your review a copy of the University of Nebraska's schedule of expenditures of federal awards, and it is an independent auditors report on schedule of expenditures of federal awards plus the auditor does report on the compliance for each one. And as you can see, it's a rather...it's a rather extensive report. So we do have a reporting mechanism and we do have a compliance function going with the university and state colleges. LB611 continues the tradition of responsibility in Nebraska's Unicameral Legislature as envisioned by George Norris creating an open and transparent government. It allows for greater accountability for what has become nearly a third of Nebraska's budget and measures the impact of these federal programs. It gives elected officials more information at their disposal to review and understand federal grants being awarded and allows the measurement of federally funded programs. In addition to the benefits to the citizens and elected official, the bill also establishes a formal contingency plan for agencies when analysis is necessary to identify the root cause of various issues agencies will face, including disruption of federal funds. Before I end my presentation, I would like to note that our state has been blessed...has been blessed by two outstanding, competent, long-term employees: Gerry Oligmueller, head of our budget office; and Mike Calvert, head of our Fiscal Office. Due to their diligence and commitment to the state of Nebraska, 65 to 70 percent of what we're asking for is already completed. LB611 is an attempt to codify what is being done and to add some additional requirements. Presently, we have in a law that states the law allows an opportunity for the legislative fiscal analyst to recommend changes to the state budget director of administration or for additional forms to be utilized for the collection of budget information. Now, we can make those requests and they can be denied actually. And with the two that we have, Mike and Gerry, I'm very confident that we can request these reports and get them done. But this is for future generations; this is to codify, to put it into the statute to make sure that we have consistency. But I do acknowledge that there is embedded in a statute right now that allows us to request what we're trying to do is to codify it so that we make sure that these reports are being done. Gerry and Mike are not going to be around all the time, forever and ever; neither am I, neither are we, so by putting it into code, I think that we ensure future generations that they have these types of reports, they can measure the impact to some of these programs, and provide for contingency planning. On that I would ask for your green vote for LB611 and AM655. Thank you, Mr. President. [LB611]

PRESIDENT FOLEY: Thank you, Senator Stinner. As the Clerk noted, there is an Appropriation Committee amendment. Senator Stinner, did you need additional time to discuss that amendment? [LB611]

SENATOR STINNER: Yes, I can. Thank you, Mr. President, and members of the Legislature. AM655 is the Appropriations Committee amendment to LB611 which would exempt the

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

Floor Debate
January 08, 2018

University of Nebraska and state colleges from the provisions of the bill. As I mentioned in my opening comments, this would lower our fiscal note to \$130,000 to \$156,000. I have also demonstrated to you that they do have audit and compliance reports that they do already, so this would be a little bit of a duplication. Many of the provisions under the bill have already been done in these audit reports. And I would appreciate your green vote on AM655. Thank you, Mr. President. [LB611]

PRESIDENT FOLEY: Thank you, Senator Stinner. Proceeding now to debate on LB611 and the pending committee amendment. Senator Crawford. [LB611]

SENATOR CRAWFORD: Thank you, Mr. President. Good morning, colleagues. I stand in support of the Appropriations amendment, and LB611 is critical for us, for our planning to make sure that we understand the sources of funds and obligations of those funds, and know as we're making decisions about the best ways to use our own money. On that front in terms of considering how we as the state of Nebraska can make sure that we're getting the most bang for our buck in our investments, I think it's also important to recognize there's another side of this information that's important, and that is asking the question of whether or not we as a state are making the best use of federal funds that are available. It is critical, as Senator Stinner notes in LB611, to make sure we know what obligations we're facing when we accept federal funds, but it is also important for us to consider time to time whether or not we are taking full advantage of what federal funds may be available to address the needs in our state. On that front, I just call your attention to our information that we have in...per so many measures that's been provided to us and one of those measure that's in that booklet that we were provided from our own Council of State Government Federal Spending in the State measures in 2015 shows that we're 47th in the state in terms of federal spending. So that's per capita. So, again, the taxpayers in Nebraska are paying for these federal programs and we are 47th in terms of per capita of federal spending on those programs. So I talked to Senator Stinner off the mike and he agreed that this is also an important component of this decision making, to make sure that we are making sound decisions in terms of our spending and which federal programs we choose to participate in. And so we've talked together about the importance of having a legislative resolution to examine reasons why we may be lower per capita in terms of federal spending. So if Senator Stinner would yield to a question. [LB611]

PRESIDENT FOLEY: Senator Stinner, would you yield please? [LB611]

SENATOR STINNER: Yes, I will. [LB611]

SENATOR CRAWFORD: Thank you, Senator Stinner. I was just, on the record, wanting to confirm our conversation and your interest in a legislative resolution to have us examine our

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

Floor Debate
January 08, 2018

federal spending in areas where there may be opportunities to bring more money to the state.
[LB611]

SENATOR STINNER: Yes, I think you and I talked about Nebraska At-a-Glance, and on page 48 it does show federal spending, and Nebraska is 47th, and it gets \$8,898 per capita; where the top one is Maryland, for an example, gets \$16,900; Virginia, \$16,009; and I think it would be worth our effort to take a look at why we are low, if we're missing out on programs that we should be involved in. You know, the good news is Nebraska is a good steward of tax money; bad news is, is I don't want to have to subsidize some of these states ahead of us. So I think it's worth the effort. [LB611]

SENATOR CRAWFORD: Thank you. Thank you, Senator Stinner, I appreciate your effort and I appreciate your recognition... [LB611]

PRESIDENT FOLEY: One minute. [LB611]

SENATOR CRAWFORD: ...that this is something for us to consider as we're moving forward just to make sure that we're making the best and wisest decisions that we can. So I appreciate working with you on that in the future and will be in support of the amendment and the underlying bill. Thank you. [LB611]

PRESIDENT FOLEY: Thank you, Senator Crawford and Senator Stinner. Senator Kuehn.
[LB611]

SENATOR KUEHN: Thank you, Mr. President; thank you, colleagues. I do stand in opposition to AM655 and LB611. I did not support either the amendment or the bill in committee. And I wanted to explain to the body why I think this bill is unnecessary and also try to wrap our head around some of what seems to be the conflicting objectives of the legislation and this included amendment. So as Senator Stinner indicated, the vast majority of the information, as far as the federal funds inventory, is already readily available and provided and accessible for you as senators, as well as for the public. So if you have your computer handy, I encourage you to open up the Legislature's Web site. On the left hand side, under Legislative Offices, you will see Fiscal Office. Click on Fiscal Office and down at the bottom of the Fiscal Office page is a budget reports. If you look at the budget report and then if you actually go to page 105 of the current budget report, you will see every agency by number listed and you will see the appropriated amount of general cash and federal funds. So if you're just looking for a curious high-level overview of what federal funds are available, what federal funds are being spent by different agencies, you can find it very quickly in the matter of just a few key strokes. If you move on over to the Department of Administrative Services budget Web site and actually go into the individual

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

Floor Debate
January 08, 2018

budget request for each of the subprograms within each of these agencies, you can find even greater detail about maintenance of effort requirements, about overall requirements associated with funds, and others. So while I certainly believe we need to understand and have a clear line of sight with the amount of federal funds that are being expended by the state and its potential impact on our budget, I don't understand why we need legislation to do so when those reports are readily available, and aggregating them could be something that is simply as basic as asking for a request of that aggregation. My other concern with the amendment seems to be we're contradicting the very point of the bill. So if the point of the bill is that our largest spenders of federal funds should, albeit a plan, and account for how those federal funds are done by exempting the university, and I realize Senator Stinner indicated the university was already doing this, but I want to read from the fiscal note so that I don't confuse the issue: The University of Nebraska estimates the need to hire eight additional FTEs to address the bill's requirements. This is based on 2,000 federal awards, an average of 8 hours per award being expended at an average salary of \$60,000 per analyst. The total cost is estimated to be \$630,000 per year. There is no basis to disagree with this estimate. Later the fiscal note says: The Department of Health and Human Services estimates the need to hire two full-time equivalents to fulfill the bill's requirement; there is no basis to disagree with this estimate. So it looks to me like we have a lot of information which I can find in a matter of about five keystrokes and from there can identify who to ask for further clarity from all of the agencies responsible for administering these federal funds. And in turn, we're creating another layer of bureaucracy, but when the bureaucracy gets too big, one of the bigger spenders of federal funds, the university is just exempted; so I don't understand the principle. If it's good enough for Health and Human Services, if it's good enough for all of our other federal funds in state agencies, why exempt one that is utilizing a significant amount of federal funds? And if they're already doing it, why the need for eight additional FTE positions? So with that, I have so many questions about where we're really trying to get to; what this bill is really going to do that is of substance. I know there is significant fiscal note even with the amendment. I think we need to just take a moment and if we have interests and concerns about federal funds, let's get the inventories and find out what's available using existing statute before we continue to create yet another layer of bureaucracy, spend more precious General Fund dollars trying to aggregate information which is already available and already capable of being aggregated. So with that I, again, I am opposed to AM655 and opposed to LB611. Thank you, Mr. President. [LB611]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Senator McDonnell. [LB611]

SENATOR McDONNELL: Thank you, Mr. President. I rise in support of LB611. I appreciate state Senator Stinner's work on this. Transparency builds trust; that's what this bill does. It's more transparent, that builds trust with the people we're serving. Also, this is not an anti-government funds bill; that's not what this is about. Also, it forces us to be a little bit more clear with our planning and those "what ifs." Let's answer those "what ifs" before those possible federal monies

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

Floor Debate
January 08, 2018

are cut. So again, this is a bill that's pretty direct; and, really, transparency does build trust. I'd ask you to support LB611. Thank you. [LB611]

PRESIDENT FOLEY: Thank you, Senator McDonnell. Senator Schumacher. [LB611]

SENATOR SCHUMACHER: Thank you, Mr. President, and members of the body. I like a couple of provisions of this bill. And those are the provisions that the agency submit an operating plan in the event they get, in one case, 10-25 percent less money and another case more than 25 percent less money from the federal government. Federal government has just committed to \$1.5 trillion in less revenue. And we know that if sanity prevails in D.C. to any degree, they're going to try to mitigate that \$1.5 trillion loss by cutting money that is flowing to the states and are flowing to a lot of other programs. Now what happens if they do that? We need to be prepared and we need to have those operating plans in position to give us an idea how big of a cushion we need should those shock waves hit us and all of a sudden money we've counted on is cut by 10 to more than 25 percent. That's important, because we are going to be spending a lot of time this session talking about our reserves, how far we can draw them down until we are in real trouble; and I'm less concerned about that than you should be because I'm out of here in just a few weeks. But at any rate, those provisions are good. And now in my role as "professor of pickiness," before I hand that over to Senator Hilgers, I've got a question for Senator Stinner if he would yield. [LB611]

PRESIDENT FOLEY: Senator Stinner, will you yield please? [LB611]

SENATOR STINNER: Yes, I will. [LB611]

SENATOR SCHUMACHER: Senator Stinner, on page 2 in Section 2(a), the language is: The aggregate value of federal receipts...or something that should be included in this report, and then in (b) it says: The aggregate amount of federal funds. For purposes of the record and legislative history, what is the difference between the aggregate value and an aggregate amount or are those intended to be one and the same? [LB611]

SENATOR STINNER: I believe that the way that they wanted to put this in here, and the Bill Drafters did this, was receipts are something that you are receiving currently; aggregate value has to do over an extended period of time, that for an example if you had a grant that went over five, six, seven years, so you would have a value of that grant. [LB611]

SENATOR SCHUMACHER: So are you talking about discounting it over time, applying a discount rate? [LB611]

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

Floor Debate
January 08, 2018

SENATOR STINNER: No, no discounting. It's just to know how much of a grant that you have. Say you have a \$3 million grant that's going to last five years. Where the receipts you're getting \$600,000 today, the grant might be cut. You know that and I know that, so you understand how much is committed from the federal government on that grant in total, but then you also understand on an annual basis what those receipts look like. [LB611]

SENATOR SCHUMACHER: So aggregate value then kind of means the projected amounts to be received? [LB611]

SENATOR STINNER: We could say it that way, yes. [LB611]

SENATOR SCHUMACHER: Thank you very much, Senator Stinner. Thank you, Mr. President. [LB611]

PRESIDENT FOLEY: Thank you Senator Schumacher and Stinner. Speaker Scheer, you're recognized. [LB611]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, just a quick reminder, this bill does have an A bill attached. Just like last year, those that will have funding that is being utilized will be afforded the time on the floor; they can be passed on General File, but they will not move forward until the A bill disappears and we have a zero consequence on the financial portion to the state. So just refresh your memory, this is not a plug for or against this bill, this is the same thing I said last year. It's a good discussion to have, but as long as we're in the position where we are currently looking at reducing our budget approximately \$200 million again this year, I in good conscience cannot try to compound that by adding additional dollars to that deficit. Thank you, Mr. Lieutenant Governor. [LB611]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Seeing no other senators in the queue, Senator Stinner, you're recognized to close on the AM655. [LB611]

SENATOR STINNER: Thank you, Mr. President. Just to respond a little bit, I'm not trying to add any bureaucracy. I've talked to several states who have actually incorporated a lot of this without a fiscal note. I know that DHHS has put a fiscal note in this. They believe that it is a person and a half or maybe two people that they're going to need to comply with it. All that does is demonstrate they're not doing what we actually want them to do in totality here. So there are some agencies that we need to get to. I will, over the interim, kind of work on the fiscal note. I will work with Mike Calvert in trying to get as much information and as many reports as we can as what's in Section 2. But I appreciate the comments and the efforts out here; certainly the

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

Floor Debate
January 08, 2018

efforts of the Budget Office, as well as the fiscal staff. On that note, I do want to make just a small comment, and you're going to hear this from me about the budget and you're going to continue to hear from me, this budget is all...you know, we got \$200 million gap to solve. This budget is very much about what the constitution is, what federal mandates are, what federal laws are, and what statutes are. So we have to be cognizant when we start to cut and get to that \$200 million, we may be tripping over statutes, we may be headlong into federal programs, and I think we need to understand that as we move forward. So the budget is a matter of setting priorities and we've set priorities, but it also is a matter of cutting in areas that aren't priorities. So thank you, Mr. President. [LB611]

PRESIDENT FOLEY: Thank you, Senator Stinner. Members, you've heard the discussion on AM655 committee amendment. Those in favor of the amendment vote aye; those opposed vote nay. Record please. [LB611]

CLERK: 26 ayes, 10 nays, Mr. President, on the adoption of the committee amendments. [LB611]

PRESIDENT FOLEY: Committee amendments have been adopted. Seeing no senators wishing to speak on the amended bill, Senator Stinner, you're recognized to close on LB611. He waives closing. The question before the body is the advance of LB611 to E&R Initial. Those in favor vote aye; those opposed vote nay. Record vote has been requested by Senator Chambers. Have you all voted who care to? Record please. [LB611]

CLERK: (Record vote read. Legislative Journal page 209.) 28 ayes, 11 nays on the advancement of the bill, Mr. President. [LB611]

PRESIDENT FOLEY: LB611 does advance. Proceeding on the agenda, General File. Mr. Clerk. [LB611]

CLERK: Mr. President, LB17 is a bill by former Senator Craighead. (Read title.) It was introduced on January 5 of last year; at that time referred to the Banking, Commerce and Insurance Committee. The bill was placed on General File. I have no amendments to the bill, Mr. President. [LB17]

PRESIDENT FOLEY: Senator Erdman, you're recognized to open on LB17. [LB17]

SENATOR ERDMAN: Good morning. Thank you, Mr. Lieutenant Governor. As was said by Patrick there, this bill was introduced by Senator Craighead. Senator Craighead, after her

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

Floor Debate
January 08, 2018

resignation, the Speaker asked that I take a look at this. I've been involved in real estate transactions before and he said this may be a fit for you. So I looked the bill up and read through the bill, what its intent was; read the committee statement and the information there as far as the information presented by Senator Craighead and others who testified. There was a...several questions asked about will this create more regulations, will this cost the taxpayers dollars, and the answer was no to both of those. Basically what the bill does, it's a cleanup bill to make us in compliance with the subcommittee under the credentialed certified appraisers. And of note, we need to make sure that we understand that those states participating in this, if they don't adhere to this by August 10, 2018, it may be that they will lose all credentials for their certified appraisers. And it goes on to say the following: If the state of Nebraska is found not to be in compliance with Title XI by the Appraisal Subcommittee, the Appraisal Subcommittee may remove all Nebraska credentialed appraisers from the federal registry resulting in no appraisers qualified to appraise real property in connection with federally related transactions. I don't believe we want to go there. Eighty percent of all transactions are federally regulated. I don't want to tie the hands of the real estate people and people who want to buy property, and so I think this is a no-brainer. A cleanup bill came out of committee 8-0, no opposition, no opposition spoke there. So I would encourage you to vote yes on LB17. [LB17]

PRESIDENT FOLEY: Thank you, Senator Erdman. Debate is now open on LB17. Seeing no senators wishing to speak, Senator Erdman, you're recognized to close on the advance...he waives closing. The question before the body is the advance of LB17 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please. [LB17]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB17. [LB17]

PRESIDENT FOLEY: LB17 advances. Next bill, Mr. Clerk. [LB17]

CLERK: Mr. President, LB105 is a bill by Senator Brasch. (Read title.) Introduced on January 6 of last year; referred to the Judiciary Committee. The bill was advanced to General File. At this time I have no amendments. [LB105]

PRESIDENT FOLEY: Senator Brasch, you're recognized to open on LB105. [LB105]

SENATOR BRASCH: Thank you, Mr. President; and thank you colleagues; good morning once more. I'm introducing LB105 to change provisions relating to personal property exemption, and this is relating to bankruptcy. This bill will have no fiscal note. LB105 received a hearing on January 20, 2017, and it was voted out of the Judiciary Committee 8-0. This bill is an exact copy of LB757, a bill I introduced also in 2016 and it also advanced to General File with the same consensus of the committee. Unfortunately, LB757 was not debated on the floor of the

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

Floor Debate
January 08, 2018

Legislature because we ran out of time. I hope I allowed time today. We also ran out of time last year and I'm hoping we will take the time to carefully consider this bill. Both bills, LB105 and formerly LB757 are a combination of two bills I introduced back in 2014, LB692 and LB693. I introduced them at the request of attorneys who practice bankruptcy law in Nebraska. Both of those bills were well-received by the committee and each time had advanced to General File. The...no dissenting votes came out of each session; however, we did have the trial attorneys oppose this and also an attorney in Omaha. And the reason I introduced this is that bankruptcy exemptions in Nebraska are outdated. They have not increased in over 20 years. The exemptions were last updated in 1997. LB105 seeks to modernize the amount for the bankruptcy exemption commonly referred to as the "wild card exemption." The wild card exemption allows debtors to exempt any type of property not exceeding that amount in statute. The wild card exemption was created as a safety net for personal property that may not otherwise be exemptable. LB105 proposes that the wild card exemption be increased from \$2,500 to \$5,000. Debtors should be able to exempt at least that much personal property as they did in 1997. The longer the Legislature goes without updating the exemption, the less the debtors will be allowed to keep for essential needs because of inflation. This inflationary deficit has lasted well over 20 years. LB105 also amends 25-1556 which has not been updated in 20 years. The changes proposed to this section by LB105 are straightforward. First, it increases the household items exemption from \$1,500 to \$3,000. The household items exemption includes household furnishings and goods, computers, books, musical instruments, and other similar items. Second, it increases the tools of the trade exemption from \$2,400 to \$5,000. The tools of the trade exemption applies to items used in the debtors principle trade or business and this bills adds language prohibiting a motor vehicle exemption as a tool of trade. Third, LB105 adds new language where the debtors can claim up to \$5,000 for a motor vehicle regardless of the intention of use. The reason we added this new exemption is because generally it is sufficient for debtors to be granted the motor vehicle exemption if they use the car to get to and from work. But the protection does not apply for those who are unemployed, retired, or may work as a stay-at-home parent. This is important for those with children, for doctor's appointments, and for other essential needs to conduct daily living. Again, LB105 has no fiscal note and it will not have any affect on taxation. However, changes made by this bill does allow a debtor to keep more household items and furnishings, as well as those items they must have to continue their job or carry out their trade. The bankruptcy must come with accountability, but bankruptcy should not become destitution. The ultimate goal here is to allow the debtor the wherewithal to put their lives back together again and begin anew. Thank you, colleagues. I ask you to vote green in support of this bill. [LB105]

PRESIDENT FOLEY: Thank you, Senator Brasch. Debate is now open on LB105. Senator Krist. [LB105]

SENATOR KRIST: Good morning, colleagues; good morning, Nebraska. I am on the Judiciary Committee; we did hear bills similar to this in the time that I've been on. I compliment Senator

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

Floor Debate
January 08, 2018

Brasch for bringing this back. It needs to happen. This is something that we can do to help people get back on their feet in a proper way, in a fair way. And so it's a good piece of legislation and I will vote green and invite you to do the same. Thank you. [LB105]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Schumacher. [LB105]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Will Senator Brasch yield to a couple of questions? [LB105]

PRESIDENT FOLEY: Senator Brasch, will you yield please? [LB105]

SENATOR BRASCH: I will yield. [LB105]

SENATOR SCHUMACHER: Thank you, Senator Brasch. Senator Brasch, from your opening statement, it seems to say what we're trying to do here is keep up with inflation. [LB105]

SENATOR BRASCH: Yes, and I do have the calculations from 1997 to today. Would you like me to recite them for you? [LB105]

SENATOR SCHUMACHER: Yes, because I have them too. [LB105]

SENATOR BRASCH: In 1997, \$1,500 was equal in 2016, is what I have, to \$2,243.06. In 1997, \$2,400 was equal to \$3,588.89 in 2016. In 1997, \$2,500 is equal to \$3,738.43. [LB105]

SENATOR SCHUMACHER: That's correct. So you're doing quite a bit more than adjusting for inflation, because you're taking it instead of to \$2,200-something, you're taking it up to \$3,000. [LB105]

SENATOR BRASCH: It...it is...it's not quite a bit more actually is what it stays within. It says household items will go from \$1,500 to \$3,000; and tools of the trade. [LB105]

SENATOR SCHUMACHER: Right. And otherwise it would be \$2,200-and something according to your numbers. [LB105]

SENATOR BRASCH: And then the other is the motor vehicle has increased from \$2,400 to \$5,000. And then...so, yes, it increases it, we believe, proportionately, but not excessively. [LB105]

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

Floor Debate
January 08, 2018

SENATOR SCHUMACHER: Okay. So if the...if it takes a long time to bring this kind of legislation and to get it passed and it lags along and you're overshooting it so that we don't have to do this all the time, why not just build in an inflation guide into this? [LB105]

SENATOR BRASCH: We did not build in an inflation guide primarily because of the work that we did with the bankruptcy attorneys, this was recommended. We did not...we had to work with certain individuals or groups also to ensure that creditors are not left, I guess, unheard on this bill. So it was a compromise. [LB105]

SENATOR SCHUMACHER: But if it's a good idea to keep up with inflation with these numbers, then let's keep up with inflation and so we don't have to worry about bills not making it to the floor and this kind of becomes automatic. [LB105]

SENATOR BRASCH: I believe that that would be another bill with another hearing. [LB105]

SENATOR SCHUMACHER: Why, what's the difference between...? It's a topic before us. These are questions that normally flow in this kind of discussion, why would it take another hearing? [LB105]

SENATOR BRASCH: Because it took three hearings just to get this far. [LB105]

SENATOR SCHUMACHER: That's my point. So why have three hearings when we can shoot two birds with one stone? [LB105]

SENATOR BRASCH: Your point is well-taken. [LB105]

SENATOR SCHUMACHER: Thank you, Senator Brasch. I would think that this is General File; we got some time to look at this on Select File. But I would think that if we're going to set a baseline, let's just throw an inflation adjuster into this and we won't have to be bothered with this bill in the future when some senator may not be as persistent as Senator Brasch in bringing it back and back again until she gets here. Thank you. [LB105]

PRESIDENT FOLEY: Thank you, Senator Schumacher and Senator Brasch. Senator Chambers, you're recognized. [LB105]

SENATOR CHAMBER: Mr. President, members of the Legislature, I think prayers in this place are blasphemous, I think they are sacrilegious, and I think they are an insult to the God that you

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

Floor Debate
January 08, 2018

all say you believe in. As members of this Legislature, I've listened to the prayers that you give. I have yet to hear a prayer the answer to which we cannot provide through our actions as legislators. I have on my desk a square piece of orange paper with a capital L and a small 3. That stands for the three Ls: the least, the last, and the lost. You all do all of this nonsensical praying. Jesus said, the hypocrites pray in public; your father knows what you have need of before you even ask, but you all disregard that. But then you invoke the name of Jesus and God suggesting that you have some kind of relationship with the two of them; which I don't believe based on my reading of what you all call the scriptures. What I do see is Jesus chastising people like you all. Why call you me Lord, Lord, and do not the things that I say? You all don't practice that. He also said, this wicked people draw nigh unto me with their mouth, but they deny me by their actions. So why don't you do the things that you're asking God to do? That's why God answers every prayer you all make every morning and the answer is no. You can do it. You all talk to young people about assuming responsibility. And those things that they can do something about they should be engaged in doing something about it. Why don't you hypocrites take that to heart? You talk about transparency. Hypocrisy. You're going to talk about freedom of speech at the university and how an employee of the university made a rude statement or gesture, but when one of your members of the Board of Regents, Hal Daub, condemned the football players for making a statement, you all didn't think anything was wrong with that. There was a court in California which said a high school football player cannot be compelled to stand for the national anthem. You all talk about free speech. You talk about the land of the free and the home of the brave. For a black person it's the land of the tree and the home of the slave. You stand up here and give that flag salute every morning...hypocritical...or however often you do it. First of all, there may not be a handful of you in here, because I watch you. Every breath you take, every move you make, every smile you fake, every claim you stake, I'll be watching you. And the group that sang that, ironically, for me to quote them is called The Police. That's the police talking to you all through me. See, God is using me today; I am God's pass-through vessel this morning. God has taken the simple things of this world to confound the wise and the wiseguys. So every time you pray, know that there is somebody here seeing the hypocrisy, and... [LB105]

PRESIDENT FOLEY: One minute. [LB105]

SENATOR CHAMBERS: ...you ought to just stop doing it. What do you do it for? You don't believe it. You pray to God in the morning, then spend the rest of the day doing the work of the devil. The least, the last, and the lost; your Jesus said, if you do it to one of these...the least of my brethren, what about the last? The last shall be first. What about the lost? That which was lost has been found. That's your "Bibble." It doesn't mean anything to you. This bill makes me think of something in what you all call "The Lord's Prayer." [LB105]

PRESIDENT FOLEY: Time, Senator. [LB105]

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

Floor Debate
January 08, 2018

SENATOR CHAMBERS: Thank you, Mr. President. [LB105]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Groene, you're recognized. [LB105]

SENATOR GROENE: Thank you, Mr. President. Just want to play a little devil's advocate here. I probably will support the bill, but, you know, when they did Dodd-Frank, they were going to help the poor with credit card industry with high interest rates. And what they ended up doing was hurting the poor; people who were trying to change their lives around could get a credit card with a high interest rate, 25 percent or so. A lot of those folks paid their credit cards off and got good credit again. They eliminated that; we created the same day loan industry because of that. Now they're getting charged huge amounts of money because they can't get a credit card...fees. What are we doing here? Somebody is trying to get their lives turned around, they go down to the corner used car shop and they want to buy a car. A lot of those used car lots finance them. Why would you finance a loan anymore if over \$5,000 or under that's what some of these cars sell for, a lot of them. You risk losing your collateral. Are we creating that? Are we helping the poor or hurting the poor? An awful lot of people when they're young get into trouble and they need a car and they will pay off their car because they turned their life around. Are we doing a small Dodd-Frank here? That's all I'm asking. Are we helping them or harming them? Remember, most people who get in trouble, usually when they're young, the second time around they pay their bills off and they mature and they become conservatives as they get older. This might be doing more harm than good; just throwing that out there. Thank you. [LB105]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Chambers. [LB105]

SENATOR CHAMBERS: Thank you, Mr. President. Resuming my homily, I feel so superior when I come here. I practice what I advocate. There was a philosopher who said--I think, therefore, I am. In the early days of philosophy, there were groups who said you can't know anything. They were anti-knowledge; they were agnostics, they didn't know anything. You couldn't know anything. There's no such thing as reality. The Gnostics were people who thought they knew everything. The Christians are people who talk a lot and do nothing about what they talk about, but they feel that saying the words is sufficient. So they become like the Puritans, better than everybody, meddling in everybody's business. I call the people in the Legislature those who are on crotch watch. You bring up something related to sexuality and their eyes light up; their ears stick straight up. They begin to pant, the blood runs hot through their veins and they begin to perspire because you're talking about sex. Crotch watch, they got their eye to somebody's keyhole, they got their ear to the bedroom wall and that's what takes up their interest. There are people like that in this Legislature. And you all know it and you know who you are. But that God you claim you pray to definitely knows who you are if that God is what you say.

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

Floor Debate
January 08, 2018

Why should I think there's anything to this so-called God when you who say you believe it show contempt. Isn't there a word or two in what's called The Lord's Prayer that says "forgive us our debt as we forgive our debtors?" Telling God do to us what we do to others. And you will be slain on the spot. Those words sound good, but they don't mean anything. And young people don't pay any attention to you because they watch you. Why do you think there's so much contempt for politicians? Because adults are politicians and now they're all Christians or pretend to be. Conservative to me means racist, means a backward looking jackass...jenny or Hanah...Hinny. You show me a conservative and I'll show you somebody that I watch very closely, because first of all they'll lie, like Donald Trump. And after he says something that's a lie, then he says, well, I didn't say it. And that's the lie. He said that he is a stable genius, didn't he? Isn't that the expression--I am a stable genius. You know what a stable genius is? Do you know what a stable is? It's where they keep animals. Do you know what a stable genius is? One who can rake and shovel manure better than anybody else. That is a genius in the stable. And you all follow him. And the problem is that programs are put in place that hurt the poor, that grind them down, that harm the widows, the orphans, the disabled. [LB105]

PRESIDENT FOLEY: One minute. [LB105]

SENATOR CHAMBERS: The mentally ill, the physically ill, and we on this floor do nothing, but every morning you want to come in here and pray. I tried to save you from yourselves by bringing a lawsuit to stop these hypocritical prayers. And some of the biggest hypocrites spoke against it. What do you need the prayer for? If I really wanted to show contempt, I'd come up here when you pray and I'd sit down and I'd turn my back on you. And when you salute that flag, one nation indivisible, even you conservatives admit this country is more divided now than it has ever been. Indivisible? It's a lie. Everything you say is a lie. But for white people you all go along with the lie. But there are black people such as me who will not. I applaud those young men who had the courage...and it shouldn't take courage to exercise free speech in a supposed democracy. [LB105]

PRESIDENT FOLEY: Time, Senator. [LB105]

SENATOR CHAMBERS: Thank you, Mr. President. [LB105]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Schumacher. [LB105]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Senator Brasch's bill raises kind of a big issue behind the scenes. One of the things I've done in my time is I'm a member of the Florida Bar and I had to learn something about Florida law in connection with becoming a member of the Florida Bar way back when. And I discovered that Florida holds very

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

Floor Debate
January 08, 2018

cherished, in fact, I think it's in its constitution, the principle that your home cannot be taken from you in bankruptcy. Now if you've got a first mortgage against it, and of course the bankers always get everything first, but they can still get their mortgage or their first deed of trust, but basically if you've got a home that's paid for up to I think it's a half acre, it cannot be taken from you. The reason I think that it's so guarded as a precious right in Florida is because you need things like that to spur entrepreneurship. If you know you have a secure home base, you're more inclined to take risk. And over the time that you're going to be here, you're going to hear about the fact that Nebraska really has a hard time with entrepreneurial spirit, is really lousy when it comes to risk taking; always takes the much too conservative path when it comes to risk, and we probably end up on the short end of the stick because of it. But that provision in Florida is something...we'll probably never get it passed here because the financial industry would oppose it, but think about that context, the difference between a state which is noted for a large growth; we won't talk about the difference in temperature, but large growth to one that is struggling to pay its bills and having to slash its budget, slash services, wrings its hands over taxes--look at the difference. Here we're talking about \$5,000; \$2,500; \$3,000; itty-bitty stuff. That's the difference in our attitude toward risk taking and the way that we would go about really promoting some of the things that we say we want. I call that to your attention; hold it in the back of your head. Maybe sometime in your time here, you'll find it of value. Thank you. [LB105]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Chambers, you're recognized; this is your third opportunity, Senator. [LB105]

SENATOR CHAMBERS: Thank you, Mr. President. Brothers, sisters, friends, enemies, and neutrals, I'm going to do a lot of this kind of discussing this session. We have 60 days; we're at the short session from the beginning. Last year we had to get rid of 30 days before we could get to what I call the short session. And I reminded you all of that the whole time we were debating and I was participating and taking time because I believe prevention is better than cure. Let's say this is a cliff and if you step over the edge of the cliff, you fall a distance and you die. So here's what I do; you conservatives would say, well, since he'll die, let's get hurt, let's build a hospital down there and a cemetery then we encourage entrepreneurship. The ones that don't die can go to the hospital and make money for the medical profession, and those who die, the undertakers will make some money. But I who am concerned about the least, the last, and the lost will say prevention is better than cure. I'm going to build a fence at the edge so nobody will fall over in the first place. That's the way we ought to be thinking. Your flag salute says--with liberty and justice for all, but you stop it, for all white people who are of a certain status. There is no liberty or justice for the LGBTQ community. There is no liberty or justice for black people. And see, you can't point to me and say I'm looking for somebody to do something for me. I've been in this Legislature where you all are for more than four decades. And I venture to say my brain is the match of anybody's brain who has ever served here. There are things I could have done with my life, things that you respect because they would have produced a large amount of money,

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

Floor Debate
January 08, 2018

acclaim, prestige, but there are things that need to be addressed and there are people who need help and they are not being done and the people are not being helped who need it. Those who are poor, those who are sick, those who have no voice, who have no friend, who are held in contempt need advocates. They need advocates who will advocate with a ferocity that will meet and match the attitudes on the floor of this Legislature which reflect that which...those who are better than you think ought to be kept in store for those who are of lesser worth. I've said the Governor owns some of you all, and he does and you know who you are. He mocks you. They joke about the Legislature. In the street there's an expression--if I say jump, you say how high. Here's the way the Governor does it with you all--he says jump and you jump and say is this high enough? I'm going to write a rhyme about you all who belong to the Governor. [LB105]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LB105]

SENATOR CHAMBERS: And I'm going to refer to those people as bootlickers and they're going to deny it. And I'm going to say, but your lips give you away because they're smeared with the Governor's black boot polish. But I'm going to rhyme it up nice for you all. And I'll be condemning you all for not doing what you have the power to do. If you didn't have the power to do it, I wouldn't say anything because that would make me crazy, it would be me saying that a panther should fly when it has no wings; a turtle should run with the speed of a cheetah when a turtle is not built to do that. I will condemn you when you fail to do that not which only you can do but which you took an oath to do. Your oath requires you to do to the best of your ability the work that somebody in a legislature ought to do. We serve the people and you all talk about serving the people when you talk about carrying out the will... [LB105]

SPEAKER SCHEER: Time, Senator. [LB105]

SENATOR CHAMBERS: Thank you. And I'll continue this on the next go-round. Thank you. [LB105]

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no others in the queue, Senator Brasch, you're welcome to close on LB105. [LB105]

SENATOR BRASCH: Thank you, Mr. Speaker. And I want to thank my colleague, Senator Schumacher, for his thoughts; and also Senator Chambers for his thoughts on this and other matters that affect humanity. And this bill here, again, addresses those who are in a situation, however their lives took them there, and thank you, Senator Groene, for his watchful eye on

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

Floor Debate
January 08, 2018

wondering if this is on the up and up or who may gain an advantage. This bill will not gain an advantage. It's to help someone, someone who may have a family, someone who may be elderly, someone who has taken a turn in their life and what we don't want to see is that this individual, this family does not have the ability for some of the basic needs. Transportation may be taken for granted in the urban areas. If I drive a hundred miles north, there is no public transportation; there's no Uber; there's no taxi; there's no bus. I do see some people on the highways with their bicycles, but that's another bill. I ask for your support of this bill. If there are amendments that need to be made, let's look at them. But I'd ask for a green vote and this is not asking for too much. It's asking for some essentials. And it may not matter to you, but it matters to someone greatly today. Thank you colleagues. [LB105]

SPEAKER SCHEER: Thank you, Senator Brasch. The question before us is advancement of LB105 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all those that wish to vote voted? Mr. Clerk, please record. [LB105]

CLERK: 41 ayes, 0 nays on the advancement of the bill. [LB105]

SPEAKER SCHEER: LB105 does advance. Mr. Clerk, next item. [LB105]

CLERK: Mr. President, LB146, a bill introduced by Senator Hansen. (Read title.) Introduced on January 9 of last year; referred to the Judiciary Committee; advanced to General File. I have no committee amendments. I do have an amendment to the bill from Senator Hansen. (AM308, Legislative Journal page 535, First Session, 2017.) [LB146]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Hansen, you're welcome to open on LB146. [LB146]

SENATOR HANSEN: Thank you, Mr. President; and good morning colleagues. LB146 would allow for infractions to be set aside in the same manner as misdemeanors and felonies currently are in statute. A set aside is a limited restoration of civil rights following a conviction which is less scope than a full pardon. It is only available currently for misdemeanors and felonies for which fine or probation only was the sentence. This issue was brought to my attention by Professor Sullivan at the University of Nebraska College of Law, who is the supervising attorney for the school Civil Clinical Law Program. He sent some students to observe over 500 petitions of set asides for past cumulative convictions and found that a quarter of those were people seeking to set aside infractions who were summarily denied because our statutes don't allow for it. Consider this scenario as why it's important to include for fractions in the same statute we would for misdemeanors and felonies. A person A is convicted of a Class III misdemeanor and a sentence of probation and a fine, while person B is convicted of infraction which by nature is our

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

Floor Debate
January 08, 2018

lowest level of crime and only a fine. Person A who has a harsher punishment and a higher crime is eligible for the set aside currently, but a person of our lowest level is not. I believe that as we continue to work on issues facing our correction and justice system, it is important to make set asides an option for those who want to put their conviction behind them and move forward with their lives, much in the same way that we currently provide that opportunity to those convicted of other crimes. There was no opposition testimony in the hearing. There was no fiscal note. And I would appreciate your support on LB146 and its following amendment, which I'll introduce in a moment. [LB146]

SPEAKER SCHEER: Thank you, Senator Hansen. You're now recognized to open on your amendment. [LB146]

SENATOR HANSEN: Thank you. Thank you, colleagues. AM308 is an amendment to LB146. It is a white copy amendment that keeps the initial language of LB146 and adds a new paragraph that it makes it clear that this statute is retroactive. So in other words, people who have convictions for infractions before the effective date of this act would be eligible for those infractions to be set aside should this act be passed. I believe my bill had that intent originally and would have done that, but for clarity and legislative intent, adding this language is important to us. So with that I'll ask you to support AM308 and LB146. Thank you, Mr. President.
[LB146]

SPEAKER SCHEER: Thank you, Senator Hansen. Senator Krist, you're recognized. [LB146]

SENATOR KRIST: Thank you, Mr. President. Again, good morning colleagues and good morning Nebraska. If you listen to that introduction of the amendment, you heard clearly that it is important to have the legislative intent on the record. Several years ago, I introduced a bill that had to do with set backs on a funeral picketing by a particular organization that the Supreme Court has now upheld. Part of that opinion by the Supreme Court was based upon our legislative intent as it went to the courts for their consideration. I think it is very important that jurisdictions around Nebraska understand, as Senator Hansen eloquently said, and I'm going to give him an opportunity to repeat it again, the legislative intent of this bill is to make those conditions retroactive so that no judge and no jurisdiction should misunderstand that intent. With that, I'd yield the balance of my time, if he wants it, to Senator Hansen. But I'd like you to say that again in your own words, please. [LB146]

SPEAKER SCHEER: Senator Hansen, 3:50. [LB146]

SENATOR HANSEN: Thank you, Mr. President. Am I the only person in the queue? [LB146]

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

Floor Debate
January 08, 2018

SPEAKER SCHEER: I'm sorry? [LB146]

SENATOR HANSEN: Am I the only person in the queue? [LB146]

SPEAKER SCHEER: No. [LB146]

SENATOR HANSEN: Okay. Well, I'll move forward. I'll use this time and I'll resummarize my close. But yes, my intent of this bill is to make it retroactive so that anybody who has a conviction for an infraction before its enactment date would be eligible for a set aside following its enactment. Thank you, Mr. President. [LB146]

SPEAKER SCHEER: Thank you, Senator Krist and Senator Hansen. Senator Schumacher, you're recognized. [LB146]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. This bill and its language and the act that it's underlying and changing is a example of where our state agencies and institutions that we pay the money for, blow off the intent of the Legislature. I had a case within the last year, 14 months, where a young lady (recorder malfunction) store. (Recorder malfunction) Okay. This was when she was a freshman, I think, in college; went through the nursing program at the university; went through the nursing boards; went through the licensing procedure; became licensed; in the process, went before the court following these rules; successfully completed probation; had her conviction set aside, nullified, all of that; clearly, if you read this language before you in the green copy, the intent of the Legislature is to clear the slate. She was hired by one of our prestigious medical institutions paid for by the state. Shortly thereafter she got a letter saying she was unhired because of the lipstick conviction. Pointed out to the institution that, wait a minute, this was the kind of thing meant to start the clock over. We needed nursing people. We needed people who were willing to stay in the state and work. We didn't need to play these games with them. But today, they still have the same policy. So in spite of all of our good works in saying clean the slate, it's not cleaned. We're not listened to. She was told to go ask the Governor for a pardon. Can you imagine bothering the Pardon's Board with the lipstick case. I'm half tempted to introduce an amendment to this bill that says--and we really mean what we say. So maybe that institution, I think they know who they are, maybe they're listening. If you hear this again sometime in the next few years, I invite you to introduce that amendment to say--we mean what we say, clean the slate. Thank you. [LB146]

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Hansen, seeing no others in the queue, you're welcome to close on AM308. [LB146]

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

Floor Debate
January 08, 2018

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I'd appreciate your support on AM308 to ensure that my LB146 is retroactive. Thank you, Mr. President. [LB146]

SPEAKER SCHEER: Thank you, Senator Hansen. The question before us is, shall the amendment to LB146 be adopted? All those in favor vote aye; all those opposed please vote nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB146]

CLERK: 34 ayes, 0 nays on adoption of Senator Hansen's amendment. [LB146]

SPEAKER SCHEER: AM308 is adopted. Seeing no others in the queue, Senator Hansen, you're welcome to close on LB146. [LB146]

SENATOR HANSEN: Thank you, Mr. President; and thank you colleagues for that last vote. I would appreciate your continued support for LB146 to provide set asides for infractions. Thank you, Mr. President. [LB146]

SPEAKER SCHEER: Thank you, Senator Hansen. The question before us is the advancement of LB146 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB146]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB146. [LB146]

SPEAKER SCHEER: LB146 does advance to E&R Initial. Mr. Clerk. [LB146]

CLERK: Mr. President, new bills: (Read LB899-904 by title for the first time.) New resolution, Mr. President, LR270 provides for a constitutional amendment to Article VII, Section 1; that's offered by Senator Kolowski. Reference Committee will meet upon recess. Mr. President, new A bills: (Read LB565A and LB295A by title for first time.) I have amendments to be printed: Senator Kolterman to LB439; Senator McCollister, LB350; Senator Wayne to LB399. Mr. President, a series of name adds, with respect to members adding their names: Senator Watermeier to LB611; Crawford to LB681, LB682, LB683, LB685; Quick, LB687; McDonnell, LB690; Brewer, LB712; Erdman, LB718; Crawford, LB735; Blood, LB807; Vargas, LB807; Briese, LB829; Halloran, LB829; Howard, LB857; Watermeier to LB871. (Legislative Journal pages 210-213.) [LB899 LB900 LB901 LB902 LB903 LB904 LR270 LB565A LB295A LB439 LB350 LB399 LB611 LB681 LB682 LB683 LB685 LB687 LB690 LB712 LB718 LB735 LB807 LB829 LB857 LB871]

Mr. President, Senator Murante would move to recess the body until 1:30 p.m.

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

Floor Debate
January 08, 2018

SPEAKER SCHEER: Thank you, Mr. Clerk. You've heard the motion. All those in favor of recessing please say aye. Any opposed say nay. The ayes have it. We are in recess.

RECESS

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

PRESIDENT FOLEY: Thank you, Mr. Clerk. Do you have any items for the record?

CLERK: I do, Mr. President. A Reference report referring LB845 through LB875. That's all that I have. (Legislative Journal page 214.)

PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, consistent with our practice established last session, I'm going to instruct the pages to always clear the speaking queue in-between bills. And the queue will reopen when the Clerk announces the bill. So if you will clear that queue. And, Mr. Clerk, next bill, please.

CLERK: Mr. President. The first bill, LB368, introduced by Senator Lowe. (Read title.) The bill was introduced last January, referred to the Transportation Committee, the bill was advanced to General File, no committee amendments. I do have other amendments. And just for purposes of clarifying, Senator Larson, I had a motion to reconsider with respect to a cloture motion. I understand that's to be withdrawn, Senator. Mr. President, Senator Lowe, to open on his bill. [LB368]

PRESIDENT FOLEY: Senator Lowe, you're recognized. [LB368]

SENATOR LOWE: Thank you, Mr. President. We're back. Today we're going to talk about returning freedom to motorcyclists in our state. I am sure this will be a very good discussion between both sides of this issue and I look forward to it. I want to thank Senator Krist for helping me start this short session with such a spirited conversation. I also want to take a moment to thank all the senators who have brought similar bills in the past: Senator Bloomfield,

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

Floor Debate
January 08, 2018

who is here, was the most recent before me; Senator Krist also introduced this bill back in 2011. Senators Janssen, Rogert, Adrian Smith, Coordsen, and Moore have all brought bills since the universal helmet law was reinstated. Many of them brought a bill more than one time. So I just wanted to thank each and every one of them for helping to advance the cause for freedom. We are going to be talking about a lot of different elements of LB368 over the next few days, but right now I want to talk about why I introduced this bill last year. For me, it all starts with the freedom for adults to make their own choices. Freedom for adults to decide what kind of risks they are willing to accept for themselves. These freedoms that were initially taken away by a coercive power of the federal government but have been returned to citizens in 31 states. I would like to see Nebraska be the 32nd state on that list. The logic opponents use is that it costs taxpayers, has superseded the rights of the individual. If that is the logic we are going to use to determine whether the government should get involved in this issue or whether it is to stop, that line of thinking would allow the government to have a say in basically any area of life an elected official or bureaucrat decided needed to be regulated. Opponents speak of the societal costs and ask, when does the cost outweigh the need for personal liberty? And I say to them, personal liberty and the right for an individual to run their own lives as long as it does not direct harm to others is one of the fundamental tenets of our founding documents and something that I fight to retain. I urge you to allow a vote on LB368 and I urge you to vote yes on returning freedoms to your fellow citizens. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Lowe. Mr. Clerk. [LB368]

CLERK: Mr. President, I do have amendments pending to the bill. The first, Senator Hilkemann, I have what is AM503, Senator, that you had presented last year. That's the first amendment I have. (AM503, Legislative Journal page 661, First Session, 2017.) [LB368]

SENATOR HILKEMANN: Thank you. AM503 would change the age of a passenger on a motorcycle or a moped from 6 years--which is in here--years of age to 16 years of age. The addition of an age restriction for passengers as part of LB368, at a glance, it seems like a good and common sense idea. First, there should be an age restriction for passengers on motorcycles, but how do we decide what that age is going to be? And any child who hasn't grown to full adult size would be defenseless in a motorcycle accident, so that's why we have this amendment to change it from 6 years of age to 16 years of age. Senator Lowe, you said, here we go again and here we go again. It seems interesting that we would be discussing this, this year particularly, on a year when we've had so many motorcycle fatalities. We've had 25 percent more fatalities this year alone in the state of Nebraska than we have in other years. We've had multiple motorcycle fatalities, unfortunately, four in one accident out in western Nebraska and three of them near 72nd and Cass, tragic accidents all. So we discuss it again this year. What we're asking is, is that, let's make motorcycling in Nebraska less safe. Let's repeal the helmet law. Now it just doesn't make sense to me. What has changed? What has changed, that we should change our law? We

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

Floor Debate
January 08, 2018

are still selling...lots of motorcycles have increased sales this year. According to one of the articles I read we have more motorcycle miles than ever before. So certainly, having the helmet law is not keeping people from purchasing a motorcycle, it's not keeping people from riding the motorcycle. But we're going to talk about some statistics during the course of this afternoon that are irrefutable that people who ride with a helmet are safer than those who do not have a helmet on. And we will be talking about some of those statistics during the course of this afternoon. And we also need to take into consideration what the people of Nebraska...and if you've done any of the looks at the surveys--and we did this particular one in our own district--I always have the question, should we get rid of the motorcycle helmet law in the state of Nebraska or should we repeal that? In my district--and we had over 300 people respond to this question--in my district alone, 78 percent of the people strongly believe that we ought to keep helmets in place. I think there's reports here from the Safety Council that they've done this study across the state and they're getting something around the neighborhood of 75 percent of the people of the state of Nebraska want to keep the helmets in place. They're not asking to get rid of motorcycles, they're asking people with the responsibility of riding a motorcycle to ride it in the safest form possible and that includes wearing a helmet. I guess that people in my district--and I have a good portion of Dodge Street--they say these young people zipping up and down Dodge Street on these motorcycles or crotch-rockets at...I oftentimes are going 65 or 70 and they pass me like I'm standing still and they weave in and out of the traffic. Now I understand that does not represent all motorcyclists, but this law will represent them. I believe--and I tried to go back and find it, it's been a little bit too long--but I believe that the Omaha Police Department recently had a motorcyclist they clocked at 140 mile an hour on Dodge Street. Folks, I have a motorcycle license. I've owned two motorcycles. I loved the thrill of riding my motorcycle when I had it. I would never ride a motorcycle without a helmet. I think it's one of the responsibilities that we take when we have the ownership of the motorcycle that in the state of Nebraska you will wear a helmet. The reason you'll wear a helmet is because we know that it helps protect people in that instance. And we're going to talk about some personal stories of people today where a deer comes out, where a car in front of you stops, when a person does a left turn in front of you. That happens. And the one thing that we know about motorcycles that we can make them safer is to protect that occupant and to protect that occupant with a helmet. As I said earlier, I'm not against motorcycles. I'm not against motorcyclists. I was invited to attend the ABATE meeting at Bennington this fall, I think it was a Sunday afternoon in November. The chairman of that meeting called me and said, would you come to this? We're going to have our safety program. And I said, I would be happy to be there. I said, I'm not planning to speak. And he said, no, you can come without speaking. And I appreciated it. Now I'm not saying anything fancy, I'm just telling what the man said. He said that 19 senators were invited to that ABATE meeting and I was the only one who showed up. And I did have someone ask...challenge me about the helmet law. But what I heard from more of the people at that ABATE meeting is, they're concerned about that we're allowing texting. They said, do something about texting and driving. I listened to their debate, I listened to their program. I had one thing that I questioned a little bit and as I left I

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

Floor Debate
January 08, 2018

gave the speaker my card and I said, I would like...I'm really interested in where that research comes from, from this person I hadn't heard of. And I said, get me that research, if you would. I would like to read it. Well, I'm still waiting for that research. But folks, we need to address this. This has been in place in the state of Nebraska, it has served our state well, and I believe that we need to continue to keep the helmet bill in place at this time. Thank you. [LB368]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Debate is now open on LB368 and the pending amendment. Senator Krist. [LB368]

SENATOR KRIST: Thank you, Mr. President. Good afternoon, colleagues, good afternoon, Nebraska. I will be brief on this time on the mike. I feel that it's necessary for me to bring my background into perspective. I am not doing this for any other reason than for the ten years that I have been here I have been consistent on this issue every year, regardless of what other things have happened. I believe that I watched Senator Rogert present as I was thinking about running for the Legislature and was participating in my approach or my confirmation and swearing in and being appointed as a senator. I watched the debate and participated in the debate with Senator Janssen on the floor. I introduced the bill, as it was stated earlier, myself and fought for it vigorously on the floor. I watched and helped Senator Bloomfield, who is with us today in the balcony, fight this issue when he brought it up. And I am proud to support Senator Lowe again this year. Civil liberties and the ability for the government to regulate common activity is my sole reason for being here today and speaking--well, besides the fact that I'm compelled to be here for my job--but speaking on this issue for certain. I've probably heard in that ten years--you can add it up because it's gone the full measure of debate every year--have heard every plausible argument on both sides. The most articulate of those arguments came from Senator Steve Lathrop, who right now is hating me for prioritizing this bill, but he'll get over it as he has in the past. I believe in civil liberties. And I asked several times on the floor, what's next? Do all you that participate in rodeo want the bull riders to all have to wear helmets? Do all of you who ride a WaveRunner want to be told to ride with a helmet? It's been brought up so far that we have had one of the highest years in fatalities. And I will mark my word to say, and they've all been wearing helmets. They've all been wearing helmets. An accident...I was looking it up in the law dictionary in Black's before I was called to the mike and I'll probably come back up and read the definition of accident again. But an accident is an accident. You don't intend to go out and ride into a brick wall or have somebody hit you, either in your vehicle or your car. I've been asked also, and Senator Hilkemann brought it up on his time on the mike--why aren't we doing something about texting? I have introduced that bill five times in Transportation, having to do with seat belts--which Senator Baker is introducing this year, which I believe in--and the difference, folks, is a seat belt will hold you in place so the airbag doesn't kill you on an impact these days. So there's a big difference. I again this year am introducing a bill on texting, because I think distracted driving is something that we need to get away from. In short, I believe that I am not making these statements because I believe that our economy is going to turn around and get

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

Floor Debate
January 08, 2018

better or because people won't bypass the state to ride someplace else or because I want some fatality to prove that a seat belt or a helmet or texting is right or wrong. [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR KRIST: I'm introducing this or I'm talking about this bill today and I prioritized it, because I believe it is a matter of civil liberty. Many of you are not going to change your mind to vote yes or no for cloture, yes or no for the bill. But I ask you to keep an open mind. And if you haven't heard all the discussion--and we have at least one senator in here who has not heard any of these discussions--I ask you to listen and make up your own mind and vote accordingly. I'll be back to visit with you later. For right now, that's all I have. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Erdman. [LB368]

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. Good afternoon. I listened to Senator Hilkemann's comments and I would ask him a couple of questions if he would yield. [LB368]

PRESIDENT FOLEY: Who did you want to yield, Senator? [LB368]

SENATOR ERDMAN: Senator Hilkemann. [LB368]

PRESIDENT FOLEY: Senator Hilkemann, would you yield please? I don't see him on the floor at this moment, Senator Erdman. [LB368]

SENATOR ERDMAN: Okay. Well, maybe he'll return. Anyway, one of the things I spoke about last year and I looked up what the cost was to those people who are being treated by Medicaid because they didn't have insurance. And if my memory serves me correctly, it was a large percentage of those people who have automobile accidents don't have health insurance. The number was about 6 percent of those who ride motorcycles. I live in western Nebraska. Sturgis is not far from my place. If I ride my motorcycle in South Dakota without a helmet and I get injured, once they've treated me for the criticalness of my injury, they'll return me to Nebraska and the rest of my healthcare costs will be born by those people that live in the state. So just thinking, because we don't have a helmet law or we do have a helmet law is going to prevent us from paying for healthcare for those who are injured in motorcycle accidents is a fallacy, it's not true. We are infringing on people's rights. We do that every day here, because for some reason the 49 of us are smarter than anybody else in the United States, because we can tell people how to live, how to be safe, what to do, what not to do. As Senator Krist so aptly said, what else can

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

Floor Debate
January 08, 2018

we do? What else can we regulate? Things are dangerous out there. If you want to be safe, stay on the porch. Okay? I had a brother-in-law 36 years ago last September was riding his motorcycle west of Scottsbluff, Nebraska, on a beautiful September afternoon. He had his helmet hanging on the back of his motorcycle. It was harvest time in western Nebraska. A lot of dust is created by harvest out there. Didn't see the truck in front of him was turning into a field. He ran into the back of the motorcycle (sic--truck), they estimated going 60 miles an hour. His motorcycle helmet was on the back. He chose that. He was killed. That was his decision that day. He had that choice. Had he had the helmet on, his face would have looked a lot better in the casket, but at 60 miles an hour there's not much of a chance you survive. Senator Hilkemann made a comment about the four people that were in western Nebraska that got killed. Those four people were on two motorcycles near Ogallala. Someone crossed the center line and hit them head on, hit them head on. They had helmets on, it didn't save their life. Helmets are not going to save your life if you're in an accident, as Senator Krist said. Is Senator Hilkemann back?

[LB368]

PRESIDENT FOLEY: Senator Hilkemann, would you yield, please? [LB368]

SENATOR ERDMAN: Would you yield to a question? [LB368]

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

SENATOR ERDMAN: How many deaths were there last year to motorcycle accidents? [LB368]

SENATOR HILKEMANN: In the state of Nebraska? [LB368]

SENATOR ERDMAN: Yes, sir. [LB368]

SENATOR HILKEMANN: 27. [LB368]

SENATOR ERDMAN: And the year before? [LB368]

SENATOR HILKEMANN: 20. [LB368]

SENATOR ERDMAN: Okay. So do you know what happened in that accident in western Nebraska that I just described? [LB368]

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

Floor Debate
January 08, 2018

SENATOR HILKEMANN: I certainly do. I remember exactly that a person crossed the center line. [LB368]

SENATOR ERDMAN: I got a call from the family, from the brother of those people...one of the riders of the motorcycle asking if we could get their bodies released before the one-week examination period so they could have a funeral. So we worked with them to try to get that accomplished. So you mentioned driving down Dodge Street. What is the speed limit on Dodge Street? [LB368]

SENATOR HILKEMANN: Sixty-five or fifty-five, depending on what part of Dodge Street or forty-five at some points. [LB368]

PRESIDENT FOLEY: One minute. One minute. [LB368]

SENATOR ERDMAN: So could I conclude from your comments you may have been speeding? [LB368]

SENATOR HILKEMANN: That at some point I may have been speeding? Yeah, I've been guilty of that, Senator. [LB368]

SENATOR ERDMAN: Well, the point is, some people who ride motorcycles speed as well. So just because you drive a motorcycle doesn't mean you speed. And not everybody who drives a motorcycle speeds and not everybody who drives a car speeds. There are people who ride motorcycles very safely and they're in danger out there because people who drive automobiles don't watch for them. This is an infringement on the motorcycle riders' rights and I believe once and for all we need to settle this and repeal the helmet law. So I am for LB368, I'm not voting for AM503, so please vote green for LB368. Thank you. [LB368]

PRESIDENT FOLEY: Thank you, Senators Erdman and Hilkemann. Senator Hughes, you're recognized. [LB368]

SENATOR HUGHES: Thank you, Mr. President. Good afternoon, colleagues. I rise in opposition to AM503 and in support of LB368. Senator Erdman did a very good job of explaining four of those motorcycle deaths in western Nebraska. There were two couples riding, automobile driver crossed the center line and hit them head on. You know, those things happen. They are accidents. There were several other accidents in the state that cost motorcycle drivers their lives when they were struck by automobiles through no fault of the motorcycle rider's own. With Senator Krist this is a matter of civil liberty. For me, I have always supported this bill and

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

Floor Debate
January 08, 2018

will continue to support it. Every day our liberties are being limited and it would be nice if one time we could turn that around, we could give the people back some of their civil liberties. We talk a lot about the social costs of riding without a helmet, the social costs of riding with a helmet. We have social costs for a lot of things in our state, in our communities. If we want to avoid the social cost of things that harm us, we probably should ban alcohol. We should be banning tobacco. We probably should be banning anything that goes more than 15 miles an hour. All of those things kill us, kill our fellow citizens. The great thing about this country is the choices that we get to make for our lives. That's what makes this country so unique and such a great place to live and, quite frankly, I get goose bumps when I think I get to represent and be part of the discussion of making the laws. We have a chance to give back some civil liberty to the people of the state of Nebraska. We've had this discussion every year since I've been here, we've gotten very close at times. I don't know that there's many of us are going to change our minds, but it is an opportunity for us to remind our colleagues and our fellow citizens that civil liberty is one of the greatest things that we got and we get to have in this country. And to stop the slow erosion of those liberties, the things that make this country great, is something we need to do. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Hughes. Senator Halloran. [LB368]

SENATOR HALLORAN: Thank you, Mr. President. Senator Krist is correct. Senator Hughes is correct. Senator Erdman is correct. Senator Lowe is correct. It is a civil liberty issue. We have 49 people here and many of you are very intelligent people. I would not say otherwise of any of you. But to think that we should be able to micromanage the choices that people make in their lives at some level the question is, and I think Senator Hughes used the word, that it's an erosion of civil liberty. And the funny thing about erosion, for those of you that aren't that close to an agrarian lifestyle, erosion is a very slow, subtle thing. The Grand Canyon was a case of erosion. They speculate that that started off as a small gully. So where does it stop? Who knows. But I'm not much into micromanaging our liberties. They are liberties that we cherish our constitution to protect. We could go so far to say...maybe I should make an amendment and suggest that we need to have bubble-wrap suits for motorcyclists, you know, just to take it to that next degree of lack of comfort along with the helmet, take away absolutely all the joy of riding a motorcycle. But that would be absurd, I understand that. So I do stand...I'm opposed to AM503 and in support of LB368, as I was last session. And just because a motorcyclist has a helmet on, that car that accidentally...and it was an accident, to Senator Krist's point. Accidents are what they are. They're an accident. It wasn't intentional. That car goes across the center line and they see someone with a helmet on they say, well, I don't feel so bad, I can hit this dude. No, it won't make any difference at 60 miles an hour head on. Accidents are a tragedy. Helmets won't stop that much. There's data. I don't want to go through it at this point in time, but I can later, on Louisiana's history with the helmet law. And it seems as though that data would suggest that it was of very little benefit to force people to wear helmets. Thank you, Mr. President. [LB368]

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

Floor Debate
January 08, 2018

PRESIDENT FOLEY: Thank you, Senator Halloran. Senator Bolz. [LB368]

SENATOR BOLZ: Thank you, Mr. President. Here we go again. This is another debate about motorcycle helmets. And I've risen every year that I've been on the floor to talk about an organization that is close to my heart, it's Madonna Rehabilitation Center. Not only is it in the heart of District 29, it is also the place where my older sister, Kelly Bolz, has spent her career. And she spent her career as an occupational therapist fixing people up, fixing people up after serious incidents and after their experiences with brain injury. And when this bill was introduced this last session, Dr. Terryberry-Spoehr, who is another consummate professional at Madonna Rehabilitation Center, testified in opposition to the repeal of the motorcycle helmet bill. And she cited a number of statistics that I think are particularly compelling. The first that stuck with me and still sticks with me is that national statistics illustrate that four years after an experience with a brain injury, a majority of individuals are neither working nor back in school. And, colleagues, that has a significant economic and social impact for our society. The second statistic that has stuck with me all along is older, but it is the only statistic that I have available on this particular issue. And that is that a majority of individuals with motorcycle licenses do not have insurance and so the cost of those medical incidences fall on Medicaid, fall on state coffers, fall on state and federal coffers, fall on us as Appropriations Committee members. And if anyone would like to see those statistics, I have them right here at my desk. They're a little bit older, as I mentioned, but they are the only statistics that I have available. And the last piece is the amount of money that we pay for the cost of trauma care, for the amount of money that we pay when someone has a brain injury, ranging from the moment that they enter emergency response services, to their hospitalization services, to their acute rehabilitation services, to the services that they access through the aged and disabled waiver, and through social service programs as they need the support to put their lives and their bodies and their memories and their minds back together. One of the unfortunate things about brain injury is that sometimes it can take longer than a physical injury to recover from. Years later, folks are not at full capacity and years later they are still struggling to recover and struggling to build back their lives. So colleagues, as an appropriator, as a social worker, and as a person who really, truly, genuinely is working to represent the interests of her district and the interests of people who serve at Madonna Rehabilitation Center and in other areas in health and human services in District 29 and across the state, I implore you to keep this bill in place. If it comes to a vote, to vote against it. But if nothing else, to rise and articulate your questions, comments, and concerns about repealing a bill that I believe is in the interest of public safety. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Lowe. [LB368]

SENATOR LOWE: Thank you, Mr. President. As I've already said, the way I see it this bill is about two things: personal freedoms and riding on the roads the riders already know. I previously touched on personal freedom argument, but let me do it again. Individuals who choose to ride a

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

Floor Debate
January 08, 2018

motorcycle should be allowed to choose whether or not they wear a helmet. We, as a state, cannot regulate all personal conduct and we should not be regulating this personal choice. Motorcycle riders' freedoms were taken away by a coercive power of the federal government, but has been restored in other states. There are 31 states without universal helmet laws. And when we look a little closer to home, Colorado, Wyoming, South Dakota, and Kansas all repealed their helmet laws no later than 1983. Iowa had a universal helmet law for less than a year before they repealed it in 1976. Nebraska riders prefer Nebraska roads that they know well and also want the freedom to choose whether they should wear a helmet, as they can do so in almost all the surrounding states. Motorcyclists often opt for states where helmets are not required and right now that means they will go and ride on the roads they are not familiar with. This is one of the main reasons why I brought this bill last year. Let's keep our riders riding on our roads, roads that they know well and where their friends are close. My opponents speak of the cost of traumatic brain injuries and how much it costs our state. I say it already does. When you have an accident, no matter where you are on a motorcycle, in a car, truck, or dune buggy, or walking down the street in a state surrounding Nebraska, let alone anywhere in the United States...let's even go outside the United States and anywhere in the world you get treated and stabilized there and then. Then you go back home for further care near family and friends. I say this because if a Nebraska rider chooses to ride in Wyoming for a weekend or Colorado or one of the other states surrounding Nebraska where they can ride without a helmet because they choose to do so and is involved in an accident--not because of the way they were driving, but the way another vehicle was driving--and they receive a TBI, he will be treated in that state where the closest hospital--that hospital may be over the state line in Nebraska--and doctors will care for him. He will then be transported back home to Nebraska where his family or friends are and the TBI doctors will take care of him here. That accident did not happen in Nebraska, that accident happened to a Nebraskan in another state. Nebraska is already treating "helmetless" riders, Nebraska riders, even though their accidents were not here. And this has been going on for decades, since we have had the universal helmet law. Let's put our riders back on our roads, the ones they know well, and let's keep them safe. I said I'm not going to bring this bill to help solve our budget problems with tourism. [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR LOWE: I will continue later. [LB368]

PRESIDENT FOLEY: You've got one minute, Senator. [LB368]

SENATOR LOWE: Okay. But we cannot ignore the fact that we do have Interstate 80 running the length of our state, one of the major tourism routes and thoroughfares in our country during the spring, summer, and fall. Since I have been elected I have been talking to riders across the

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

Floor Debate
January 08, 2018

state with foreign license plates. The only reason why they are here is to visit somebody in Nebraska. They do not choose Nebraska as a tourist place. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Groene. [LB368]

SENATOR GROENE: Thank you, Mr. President. I stand in support of Senator Lowe's legislation and Senator Krist's support, as his priority bill. I will start off by economic activity. North Platte sits smack in the middle of the route that motorcyclists take to the Dakotas, to the Rockies, to Wyoming, but our hotels are not full of motorcycles in the summer. For a living, I travel Kansas down I-70, I-80, I-76, Colby, Goodland, Burlington, Colorado, and some of those hotel parking lots are full of motorcycles. And I visit with those folks because I am a friendly person. They are not your average rider, doctors, lawyers, businessmen, farmers. These are the type of people you want in your state to see how beautiful it is, that they might decide that this state has a future in their business. We deny them access because they want to enjoy the open road. I called my tourist...Lincoln County Tourism Bureau again today and they are fully in support of repeal. It's economic development. It's happening all around us. We are denying ourselves that opportunity. It would be different if we were the only one, but we aren't. Thirty-one states have full or partial repeal of the helmet law. There's not an academic of debts from motorcycle accidents any more than with a helmet or without a helmet. It is what it is. Freedom involves risk. I think there's an old saying about give me freedom or give me death. It doesn't apply here, but it describes what America is all about. How can we possibly start restricting freedoms? Where does it stop? One of my doctors sent me an e-mail asking me to not support the repeal--and I replied to him--because he had one patient one time that stuck into his mind about had head injuries. I sent back a reply: I am sure you have had patients who have died young from sclerosis of the liver due to alcohol abuse. Do we ban alcohol? Adult diabetes due to uncontrollable diet. Do we ban certain foods? Sexual transmitted diseases due to sexual addictions. Do we ban certain activities of sexual behavior? I told him, I hope you get my point. If we limit freedom of personal behavior for one, we have no excuse when they come back and try to control our personal behavior that we enjoy as a free person in a free society. Playing college football is a risk. Bicycle riding along highways is the one that I don't get. That is the most dangerous thing I've ever seen of risk taking I've seen of a human being in my life. If you've seen some rural highways...but there are some people who love that activity and they do it and they shake their fist at you when you don't give them enough room. Do we ban that, because that is dangerous? Rock climbing, water skiing. I know a couple individuals who had major, major problems with water skiing. And I'm not a water sport person, but I still know of a couple who have head injuries. Do we ban water skiing? Where do we stop? I know of two personal instances where people tell me they were saved by a helmet, one good friend who is a farmer out in my district, but he still promotes repeal, said it was my fault. Yes, I got a scratched up helmet and I probably would have been hurt bad. He survived. I know of another one who survived, but I also have two personal acquaintances that were taking left turns on motorcycles with helmets on--full helmets--and were killed. Other

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

Floor Debate
January 08, 2018

members of that group that were with them said he'd never seen the car coming. Helmets stop peripheral vision. Would they have lived, because if there's no better example of needing your peripheral vision than taking a left turn in traffic. We could argue all day long about safety and insurance rates and Medicaid. This is about America. This is about freedom. [LB368]

PRESIDENT FOLEY: Time, Senator. Time, Senator. [LB368]

SENATOR GROENE: Thank you. [LB368]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Hilkemann. [LB368]

SENATOR HILKEMANN: Thank you, Mr. President. How many folks are still in the queue? [LB368]

PRESIDENT FOLEY: Ten. [LB368]

SENATOR HILKEMANN: Thank you. Liberty. I'm for liberty too. If we were talking about taking away the rights of a person to ride a motorcycle I would be fighting as hard to get that back for the motorcyclists as any, but I'm also talking about responsibility. And one of the responsibilities that we have, we do know that we require seat belts in cars. And by and large people obey that law. I'm always startled...not startled, but always surprised by how many still today will ride without seat belts and the number of people that are reported to have been thrown from the car and to be hit or to have the car roll over them, when if they had stayed inside it was preventable. We do that...we require people to wear a seat belt because it does keep them in place in the car and prevents injuries and possible death. Senator Krist, would you be available for a question? [LB368]

PRESIDENT FOLEY: Senator Krist, would you yield please? [LB368]

SENATOR KRIST: I'd be glad to. [LB368]

SENATOR HILKEMANN: Senator Krist, you've made this your priority bill and as I understand it you are a rather highly decorated retiree from the military. Is that correct? [LB368]

SENATOR KRIST: I'm retired but I won't admit to being highly decorated. I think we've got a guy down here that's been through more than I have. [LB368]

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

Floor Debate
January 08, 2018

SENATOR HILKEMANN: Okay. Military...I was doing some research, Senator, and am I correct in the fact that military personnel at any time on or off the Department of Defense installation are required to wear personal protective equipment when riding or operating or as a passenger of a motorcycle? [LB368]

SENATOR KRIST: That's correct. [LB368]

SENATOR HILKEMANN: And is it also the responsibility if they're just doing as the Department of Defense civilian personnel in a duty status on or off of the Department of Defense installation are required to wear a helmet? Is that correct? [LB368]

SENATOR KRIST: I'm not sure about off the base or off of an installation if you are a civilian. I'm only acquainted with the requirements by command staff to allow uniformed members to have to wear a helmet and protective gear on the base. [LB368]

SENATOR HILKEMANN: Okay. Well, this according to the Army personnel is that civilian personnel in a duty status are required to wear that. And I went a little further in researching of that and there's a reason that they've done that. And according to the Army Personnel Code it says, helmets must meet the Department of Transportation standards and be properly fastened under the chin. Full-face helmets offer the best protection. The National Highway Transportation Safety Administration estimates that helmets reduce the likelihood of a... [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR HILKEMANN: ...crash fatality by 37 percent and brain injury by 67 percent. The Department of Transportation sets minimum standards that helmets sold for motorcycling on public streets must adhere to. Senator, it's interesting to me as someone who has been part of that, if we repeal this helmet law, from what you understand, will military personnel be allowed to ride a motorcycle on a Nebraska road without a helmet? [LB368]

SENATOR KRIST: I'll tell you the same thing I told Steve Lathrop when he asked me this line of questioning before, when he called me out on this issue. I gave away a lot of personal liberties and freedoms to serve this country and anyone who is in uniform is held to a different standard than a civilian is. So we can talk about personal liberty... [LB368]

PRESIDENT FOLEY: Time, Senators. [LB368]

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

Floor Debate
January 08, 2018

SENATOR KRIST: ...in uniform and out of uniform, if you'd like to carry on this conversation. [LB368]

PRESIDENT FOLEY: Time, Senators. Senator Hilkemann, thank you. [LB368]

SENATOR HILKEMANN: Thank you. [LB368]

PRESIDENT FOLEY: Senator Ebke. [LB368]

SENATOR EBKE: Thank you, Mr. President. Thank you, Senator Lowe, for carrying this bill and bringing it to us. And thank you, Senator Krist, for making it your priority this year. I am the wife of a medical doctor and we have lots of discussions about things like this, about what should the government require people to do? What should be the requirements? And I'm quite heartened by the rampant libertarianism that I see flowing through this body today. It's a great thing to see everybody talking about liberty and I thank my colleagues for that. The big question we have is, what shall the state require of us as individuals? Shall the state require us, from our own improper behavior? For our own stupidity, if you will? I would never get on a...I'm not a motorcyclist, but I would never get on a motorcycle without a helmet. I would never allow my children who are still on my health insurance plan to get on a motorcycle without a helmet. But perhaps adults who are adults ought to be allowed to make those decisions for themselves. And sometimes they'll make the bad decision, but I still think that it's a good thing from the standpoint of liberty for us to return a little bit of freedom to the individual rather than continue to take it away. So will everyone stop wearing helmets? That's the thing that we seem to hear time and time again, this assumption that if we give up on the mandatory helmet that all sorts of people are going to quit wearing helmets and we're going to have all sorts of nasty accidents. I don't really believe that's going to be the case. There are a lot of things that we do out there over the course of years. We haven't stopped smoking, we haven't banned cigarettes, but cigarette usage is down, tobacco usage is down. We have fewer and fewer people who are getting in trouble because they're driving while intoxicated. The bottom line is that if you educate people well enough...we have to start treating people like adults. We have to treat people like they're smart enough to make decisions for themselves. And this is where I come down on this. You have the right, you have the liberty to make mistakes. You also have the right or the liberty and the responsibility to try to make good decisions. So I will...I am rising in opposition to AM503 and, of course, in support of LB368. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Ebke. Senator Morfeld. [LB368]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise in support of LB368 and opposition to Senator Hilkemann's amendment. I've been consistent on this position for many

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

Floor Debate
January 08, 2018

years now...for at least the last three years that I've been in the body. I am in support of allowing people to make the personal choice on whether or not they want to use a helmet. Now, in terms of the cost of some of these accidents, I understand where people are coming from, from that perspective. That being said, I don't find the costs to be all that compelling to me, because there's a lot of other things that are also costly that I believe that the state has a responsibility to ensure a certain quality of life for people, even when they do make choices that result in accidents that could have been better or worse. And so for me, the cost argument is not compelling. That being said, many of my colleagues that support LB368 I think should also support common sense things like Medicaid expansion and other things that a vast majority of them often oppose. So I hope that they take that into consideration as they vote in support of this bill and they look at ensuring that we have affordable healthcare for everyone and that we take advantage of some of the federal resources, in particular, that we could be taking advantage of. In the end, colleagues, I truly believe that this is something that comes down to personal responsibility, that adults should be able to make this choice as to whether or not they want to wear a helmet. If it were me on a motorcycle, I would definitely wear a helmet. But that being said, I do not think that the state should be forcing others to do so as well. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Quick. [LB368]

SENATOR QUICK: Thank you, Mr. President. I don't know where I'm at on AM503, I'm still torn on that. And LB368, even last year I was torn on that as well. I look at some of that and I look at the helmets almost like seat belts. Seat belts have saved so many lives and I've got my children and grandchildren that ride in the vehicles and I would never want to take that away to ever threaten their lives in any way. And so that's where I kind of have that opinion about helmets in that way as well. I know I've heard a lot of people talk about the deaths from motorcycle accidents. And maybe, I don't know if I missed it, but if there's any information on accidents that have happened between motorcycles and maybe vehicles that these riders, that their lives have been saved because they've worn a helmet. I don't know what the statistics are on those. And it could also be preventing brain injury, as well, on those issues. I do have a personal story that's not actually mine, but one that happened to someone that I used to work with in Grand Island and someone I know personally. He was actually riding to work, the road he took every day to work. A car pulled out in front of him. I don't remember how fast he was going. I'm guessing he was going the speed limit, which probably was 50 or 55 on that road. He went through both a passenger and a driver's side window. He had a helmet on. He is very fortunate he didn't bleed to death. He had several broken bones, but because he was wearing his helmet it did save his life and it did prevent him from having any brain injury as well. And I know that his wife and children were very happy that he survived that accident. I think it's devastating for families when that happens to them. Of course, you know last year when I spoke on this I talked a lot about safety in the workplace. I used to work in the power plant, we used to wear our personal protective equipment. In our work place if you didn't wear your helmet, your safety

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

Floor Debate
January 08, 2018

glasses, all those different things to prevent you from being harmed, you could be at the very most fired and at the very least, at least be disciplined if you didn't wear your personal protective equipment. And so in the work place we are held to that standard. And we want to go home with all of our fingers and our toes and make sure we go home alive each and every night. And with that, I don't know where I'll be at, but at this point I probably won't be supporting LB368. Thank you. [LB368]

PRESIDENT FOLEY: Thank you, Senator Quick. Senator Krist. I do not see Senator...Senator Krist, you're recognized. [LB368]

SENATOR KRIST: I apologize. Good afternoon again, colleagues. And good afternoon, Nebraska. A couple of quick points and then I'll wait for the next time I'm asked any questions. First of all, when you survey people who think that people should wear helmets, I'd like you to think about how many people were surveyed that are actually motorcycle riders, because I have asked them. And to a person--and I'll say this again, I've said it every year that I've been involved in this debate...it's an old John Wayne saying, and if someone can dispute that let me know, but I attribute it to him. Life's tough. It's tougher if you're stupid. Now there are points at which proper apparel, whether it be motorcycle helmets, whether it be knee pads, whether it be a bicycle helmet are appropriate, but that is an individual choice. And I will still go back to the point of personal liberty. Item two, we're always comparing ourself in the helmet discussion to seat belts. If seat belts are good, why aren't helmets good? Well, the two do not have the same purpose. The helmet...and in my time in the military I did wear a helmet when I flew a jet. And they told us, this isn't going to save your life but it will make you a beautiful corpse at the end of the day. So not making fun of it, but that's what was told us in the military about our helmets that we wore when we flew jets. Seat belts are entirely different. A seat belt in a jet holds you into an ejection seat that allows you to get out safely and ride a parachute to safety. A seat belt in a car in today's technology--this is not a '65 Mustang, folks--a seat belt holds you in place so all those great airbags will save your life and it's been proven statistically time and time again. If you're not wearing your seat belt and your car is equipped with airbags, you'll do more damage with the bag nine times out of ten. The last thing I'll mention while I'm on the mike this time is, I, too, have attended...I won't say...I would say near 30, 30, 35 ABATE meetings in the time that I have been in the Legislature. Some of those members are up in the balcony, some of them are out in the Rotunda, some of them have taken the time to talk to you about it. It's all about the education process. So when those of you are talking about statistics, about motorcycle riders being killed, look in the mirror, folks, because if you're not riding a motorcycle, most of those accidents are caused by someone who didn't pay attention to their fellow vehicle rider. Those were four-wheel drivers that basically ran through a light or had an issue, were not paying attention, were distracted, they were texting while they were going down the road. And you know as well as I, it's incredibly easy to miss a two-wheeler. A lot of them have a lot of lights and I think that's a great thing. I wear a helmet when I'm riding off-road. I would wear a helmet in most conditions

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

Floor Debate
January 08, 2018

if I were riding on the road these days. Very soon I'll be riding on the road again, because I've been challenged to get my endorsement back and stop riding illegally. Oh, did I say that on the mike? Oh-oh. But I will. I don't want to make light of the subject and I certainly don't want to put a doubt in your mind about what my true ambition is with results or with the aim to this particular subject. [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR KRIST: And it is and always has been our own personal freedoms and our decision to make choices for ourself, which is why it's important that it's over 21, 21 and over in the state, as this bill would apply. And I thank Senator Ebke for thanking us for all being libertarians. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Bolz. [LB368]

SENATOR BOLZ: Thank you, Mr. President. My previous time on the mike I referenced some testimony from an individual representing Madonna Rehabilitation Center as well as some statistics related to this issue. And I wanted to continue that dialogue a little further and share some of the words directly from Dr. Terryberry-Spoehr. She says: In the over 20 years that I have worked with patients with brain injury, I've seen thousands of times the catastrophic impact of brain injury on patients and their families. Although most of the time when we discuss this issue we tend to focus on the acute healthcare costs, so much more is needed to consider the costs of brain injury. A recent study of nearly 3,000 serious head trauma cases found that 52 percent of survivors were moderately to severely disabled at one year. Many patients never recover full social independence, even though they have no physical disabilities and a normal life expectancy. At four years post injury, most survivors lived with their families and neither worked nor attended schools, imposing a significant psychological burden on families who cared for injured relatives. Close relationships are at risk and many marriages and partnerships breakdown, increasing the risk of social isolation and subsequent psychological distress to the survivor. Mood disorders are common, there's little evidence of improvement in psychological problems between two and seven years post injury and survivors remain largely dependent on family support, thereby potentially imposing a lifelong burden on relatives. She goes on to say that there are things we can do and wearing and requiring helmets is one of those things. She further articulates some perspectives from the National Safety Council, which estimated in 2015 that the average death due to a motorcycle fatality cost \$1.5 million, while the average disabling injury cost \$88,500. If we consider that in Nebraska, she says, since we reimplemented the universal helmet law we have seen our rate of injury cut to less than one-third of the previous rate. If we return that rate, we can afford over \$100 million in additional economic costs. Further, previous research indicates that 41 percent of motorcyclists injured in Nebraska lacked health insurance or

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

Floor Debate
January 08, 2018

received Medicaid or Medicare. These costs are born by all of us, not just those who choose to ride without a helmet. The Advocates for Highway and Auto Safety also share a number of compelling statistics. For example, there were 11.5 times as many unhelmeted motorcycle fatalities in states without universal helmet laws as in states with universal helmet laws. Motorcycle helmets are currently preventing \$17 billion in societal harm annually, but another \$8 billion in harm could be prevented if all motorcyclists wore helmets. Helmets are currently saving \$2.7 billion in economic costs annually. And motorcycle helmets reduce the risk of head injury by 69 percent and reduce the risk of death by 42 percent. Colleagues, not only is there a personal argument to be made here, there's also an economic argument and a data-driven argument. And as policymakers, I think it's incumbent upon us to look at the fiscal impacts, to look at the data and the statistics, and to make a sound, prudent, financial, economic and policy decision. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Lowe. [LB368]

SENATOR LOWE: Thank you, Mr. President. I will continue where I left off, even though I said I wasn't going to talk about tourism. And I last stated that since I had been elected I've talked to riders from outside the state, almost all of them visiting a Nebraska resident. They are not here just for a ride through Nebraska. Now take a look at that same map and just north of Chadron lies Sturgis, one of the largest and biggest rallies in the country of any kind. If you continue to look at that map you will notice Iowa, Kansas, Oklahoma, Texas, and Arkansas. These riders will be able to leave their homes in those states and travel all the way to Sturgis without a helmet and back again if Nebraska eases up its universal helmet law. And truly, that's all we're doing is easing it up, because we're still requiring those under the age of 16 to wear a helmet and those 6 and under not to be allowed on the motorcycle at all. Senator Hilkemann, would you yield to a question? [LB368]

PRESIDENT FOLEY: Senator Hilkemann, would you yield, please? [LB368]

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

SENATOR LOWE: I believe you and I have something in common, that is I own a convertible and do you own a convertible? [LB368]

SENATOR HILKEMANN: My wife owns a convertible. [LB368]

SENATOR LOWE: That's kind of the way it is in my family too. Are you required to wear a helmet while driving your convertible? [LB368]

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

Floor Debate
January 08, 2018

SENATOR HILKEMANN: No, we're not. [LB368]

SENATOR LOWE: All right. Is your head open to the elements? [LB368]

SENATOR HILKEMANN: Yes, but I think that her car is equipped with special roll bars specifically designed for convertible-type vehicles. [LB368]

SENATOR LOWE: Okay. But your head is still open to the elements? [LB368]

SENATOR HILKEMANN: It is. [LB368]

SENATOR LOWE: Much like a motorcycle, only you're protected by steel and a roll bar and I assume air bags because yours is much newer than mine. You have protection, but you are not required to wear a helmet, even though your head is open to the elements. Is that correct? [LB368]

SENATOR HILKEMANN: That's correct. [LB368]

SENATOR LOWE: If a law was to be passed for those with convertibles, because they are open to the elements, to wear a helmet, would you consider getting rid of your convertible because it would not be as much fun to ride? (Inaudible) to have a convertible. [LB368]

SENATOR HILKEMANN: Well, now, I would probably do the same thing my wife did when I sold my motorcycle, she did cartwheels in celebration. If we couldn't drive that convertible, I would finally get into a car that I could actually fit into and so I'd probably do the cartwheel, Senator. [LB368]

SENATOR LOWE: So many people did when this helmet came into effect. They got rid of their motorcycles because they had to wear a helmet. This...thank you, Senator. And that is why the rates dropped so drastically when the helmet law came into effect. It wasn't because it was saving so many more people and the helmets were being so much more effective, it was less riders on the road. The registrations went down. Registrations are now creeping back up again because there are more people. And that is why the deaths are coming back up. If this new laws passes... [LB368]

PRESIDENT FOLEY: One minute. [LB368]

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

Floor Debate
January 08, 2018

SENATOR LOWE: ...there will probably--I'm not going to say there will be--but there will probably be more deaths on the road with motorcycles or TBIs just because of numbers. When you increase your numbers, no matter whether it's in a car, in a boat, in anything else, the chances of something happening will happen. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Chambers. [LB368]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I've heard this discussion framed in terms of civil liberties. I wonder if Senator Halloran could take one question and there will be no follow-ups. First of all,... [LB368]

PRESIDENT FOLEY: Senator Halloran, would you yield, please? Senator Halloran, would you yield, please? [LB368]

SENATOR HALLORAN: Yes. [LB368]

SENATOR CHAMBERS: When I was down in my office I was talking to somebody and I heard you mention civil liberties are being eroded. Did I hear you make a statement to that effect? [LB368]

SENATOR HALLORAN: Yes. [LB368]

SENATOR CHAMBERS: Okay. And that's not my question. I wanted to be sure you were the one saying it. And you see this as a matter of civil liberties--I'm preparing for the question--is that correct? [LB368]

SENATOR HALLORAN: It's certainly a form of civil liberty, yes, freedom of choice. [LB368]

SENATOR CHAMBERS: And you feel that the person, when it's a civil liberty, should be allowed to make the choice, even if there's some hazard that might be faced as a result? [LB368]

SENATOR HALLORAN: Personal hazard? Yes. [LB368]

SENATOR CHAMBERS: Would you agree or disagree that a person in the privacy of his or her own home should be allowed to smoke marijuana and it not be violation of the law? It's not a trick question, I'm not going to follow-up however you answer it. [LB368]

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

Floor Debate
January 08, 2018

SENATOR HALLORAN: It is a trick question. Come on, Senator. [LB368]

SENATOR CHAMBERS: Well, if it's a civil liberty. [LB368]

SENATOR HALLORAN: But there are... [LB368]

SENATOR CHAMBERS: It's not hurting anybody. [LB368]

SENATOR HALLORAN: Well, I understand. No, I understand your line of thinking. I understand your line of questioning, but it does break the law because there is a law against that. [LB368]

SENATOR CHAMBERS: Thank you. Just like it's against the law to ride without a helmet. Here's what I'm getting at. These people talking about civil liberties don't mean that at all. Senator Lowe would not agree that a woman has the right to make the choice whether to carry a pregnancy to term. He would say, no, she shouldn't have that right. I have a bill that says a person terminally ill and with other complications with six months to live should have the right to make the choice to obtain assistance from a doctor to die with dignity. And the majority of the people here would say, no, that should not be. The person should not be allowed to make that choice. So civil liberties is a term that's used to buttress an argument, but there's no discussion of what constitutes a civil liberty in the first place. There was a king who supposedly said, my kingdom for a horse. Were I a king and I could trade my kingdom for something, I would say, my kingdom for nuanced thinking. A legislative assembly is not where nuanced thinking occurs. There are assertions, there are denials, there are support statements, there are opposition statements, but the thinking does not occur. We never reach a consensus on what we're even talking about. We label things. If we're for it, we label it a civil liberty. If we're against it, it's not. And these kind of discussions I don't really get into because nobody's mind is going to be changed because minds...and when I say mind, I mean that thinking part of the brain, not where you think in cliches and you speak in slogans, but where you come to an understanding of what the basic issue is and then develop an opinion based on other considerations that take the circumstances that surround that into consideration. There are just people saying, yes, ride without a helmet, others saying, no, don't ride without a helmet. And I say, if you let people ride without a helmet even if they don't know how to ride well and they would promise not to involve anybody else in an accident, it just reduces the population of fools. That's all that does. But a person could be a on a motorcycle... [LB368]

PRESIDENT FOLEY: One minute. [LB368]

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

Floor Debate
January 08, 2018

SENATOR CHAMBERS: ...be in an accident and cause harm to others and that's not generally discussed. I'm not talking about insurance, I'm not talking about brain injuries, I'm not talking about any of that, and I'm not going to have a lot to say on this issue. But I think it's a misuse of the term "civil liberties" and the federal government is not overreaching or else you would reject federal money for roads and bridges and other things. So right there, there's hypocrisy among the so-called conservatives too. That's all I'll have to say, though. Thank you, Mr. President.

[LB368]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Albrecht. [LB368]

SENATOR ALBRECHT: And thank you, President Foley. Good afternoon, colleagues and Nebraska. I rise in support of LB368 for the second year and certainly leaning on AM503, Senator Hilkemann's bill...his amendment. You know, during the interim I was invited by ABATE to become educated on how they feel people should actually need to know a little bit more about their riders and why they do what they do. And I know they're very active and very astute when it comes to helping people understand what their plea is and why. I just wanted to share with you some of the steps that they had taken when they heard those numbers of July 23, that they had 22 fatalities. ABATE took action and went down to the Nebraska Department of Transportation and the Nebraska Motor Vehicle Department on July 24. They met with the Nebraska Department of Transportation and the division of the Motor Vehicle...the Department of Motor Vehicles and they made it very clear that they were not there to talk about helmets, but simply the alarming numbers of fatalities in our state to that date. They approached them to see what they could do jointly to improve awareness. They discussed the approach to the motorcycle safety and the "Share the Road" program and the "Look Twice" banners, billboards, yard signs, and radio advertising. It was agreed that these were all good and many of the nonriders in the meetings mentioned that they, too, had seen them and felt it was effective. They brought the idea forth and the idea to run traveling billboards using grant money that they had showing the "Look Twice"--this is the Nebraska Department of Transportation--the "Look Twice," they have it on their Facebook page if you want to see more details. But they stepped up the radio and the billboard presentation across the state and jointly it resulted in only a handful of deaths since that date. Whether that's a coincidence or not, they did note that 17 of the 22 fatalities, 13 of those were due to distracted or inattentive drivers. So I do believe the program ran for ten weeks, it was sponsored by the state Department of Transportation, law enforcement, and ABATE of Nebraska. And you need to be aware that ABATE had a very heavy hand in helping prevent crashes in this state. They've made a difference and they will continue to work with these departments in hopes of next year's numbers falling drastically and I hope for that for them. Have I ever been on the back of a motorcycle? No. Do I choose to be? No. But you know what? I do believe they have a choice and it should be for them to decide. I do believe if this passes you'll still have people who ride every day and they'll still continue to have a helmet on. Again, it's a choice and I support that. I really believe that children...it makes me very nervous to see a child

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

Floor Debate
January 08, 2018

on the back of a four-wheeler, three-wheeler, moped, anything like that, because they don't know the dangers and holding on and doing what they need to do. But again, I do rise in support of LB368 and definitely considering supporting AM503. Thanks for your time. [LB368]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Groene. [LB368]

SENATOR GROENE: Thank you, Mr. President. I want to reiterate, I think...I pushed my button because I hadn't heard it yet, but I think Senator Ebke spoke on it. This bill does not deny anybody the right, the right, to wear a helmet. It just gives you a choice. And I would think most people when they're in heavy traffic will wear a helmet. It's just common sense, because that's where your life can be saved, when you're running 20, 30 miles an hour in the city with a helmet if you have an accident. It just gives the choice. It does not limit. It does not tell you can't. It doesn't even tell you what size of helmet or how big a helmet or no helmet or the rider having to wear a helmet. It's your choice of freedom to decide if you want to wear one. And that was the point I wanted to make. I go back to the economic benefits of it. We need more people in this state. We need more people to see our beautiful state and we need those people coming through this state driving Highway 2. I don't know if any of you have ever been on Highway 2 across the Sandhills. It used to be considered one of the 20...10 top scene routes in the United States. That's where the motorcyclists want to be. That's the road that takes them right to the Black Hills and that's where we need for rural economic development, those folks to see the true Nebraska, the western half of it, the central part, the northern part, as they enjoy Nebraska, stop in our small towns, visit them, go to our restaurants. They're doing it somewhere folks. They are doing it in South Dakota, they are doing it in Kansas. These are folks who are riding presently with no helmet on. They are just not doing it in Nebraska. You understand that? They are not doing it in Nebraska. Other states are getting that economic benefit that's going to be spent. I talked to some of the motorcycle clubs; my son-in-law is involved in one. Weekends they get together, a beautiful weekend they head down into Kansas, out into Colorado, up to South Dakota. That's where they go to the restaurants. We're not only losing the economic benefit of visitors, we're losing our own citizens' dollars because they are not spending their weekends on their joyrides in Nebraska. So we have a very safe state. We have very good roads. We have shoulders on our roads, our major roads. We have a good police force. I will bet we are helping these "helmetless" motorcyclists to travel the roads in Nebraska. We'll save lives because they're not bumping around the bad roads in Colorado and Kansas and South Dakota, a little bit of reverse logic. But these "helmetless" riders need to be riding in Nebraska and spending their money in Nebraska to help our economy. Just remember that. We're not creating more "helmetless" riders; we are with the local folks but not the tourists. So I stand in support and always will of LB368. It's a personal choice. Do I support seat belts? Yes, because sometimes you can harm somebody else without seat belts on. But remember, seat belts even in Nebraska is a secondary law. You have to be pulled over for another infraction or another cause before they can write you a ticket for seat belts. [LB368]

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

Floor Debate
January 08, 2018

PRESIDENT FOLEY: One minute. [LB368]

SENATOR GROENE: I agree with drunk driving laws, because you can harm other folks. The reality is this, if you don't wear a helmet you are taking a personal risk, you are harming no one else. It's personal freedom. We pass laws...and the only reason we were supposed to pass laws is to protect one person from the behavior of another. A helmet does not do that...a helmet law does not do that. So I encourage a vote...a no vote on AM503 and a yes vote on LB368. Thank you. [LB368]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Pansing Brooks. I do not see Senator Pansing Brooks. Senator Hilkemann. [LB368]

SENATOR HILKEMANN: Thank you, Mr. Lieutenant Governor. I just want to...I've been listening to this debate quite closely today. I just want to make a couple of clarifications. And one of the things that Senator Ebke mentioned was again this whole choice thing. One of the things I want to point out is, is that statistics show that in every state, every state where the helmet law has been repealed the rate of usage of helmets goes down by as much as 50 percent. And in every state that has repealed their helmet law they have an increase in the number of head injuries or deaths. Those are some of the statistics that are out there. But I want to put more of a...I'm going to start talking more about on some personal level. How did I get interested in this? I have to shout out to a good friend of mine who might be listening today because he's very...been involved with this for many, many years, Dr. Jim Manion. Dr. Manion is from Creighton, Nebraska, up in northeast Nebraska. He's an anesthesiologist that worked at Saint Joe's (sic--Saint Joseph) Hospital for years and now is with the CHI system. And when he first was working with this helmet bill he would do some work at the Omaha Surgical Center where I was doing a lot of my work. And he talked about the hours and hours that he spent coming down here to work to get this helmet law in place in Nebraska. He shared with me what he sent to the Omaha World-Herald and it didn't get published today so it will probably be in tomorrow's, "Death, Taxes, Yearly Challenge to the Helmet Law." He said, I've used that line before. Here we go again. It's Senator Krist this time who wants to repeal the present helmet law that applies to all motorcyclists. Nebraska has had the law for 29 years. It has been a great law. Many lives have been saved. Many injuries have been prevented or lessened. Many families have been spared the grieving process and many taxpayer dollars have been saved. It's curious that Senator Krist, a military man, is working for the repeal. I believe the rule is still in effect on all military bases that all motorcyclists must wear helmets. I would venture he had no objection to that rule. There are many issues that our Unicameral faces, such as the budget, prison reform, Health and Human Services, education, infrastructure. Why spend time debating the proven helmet law. It's from Dr. Jim Manion. I have the greatest deal of respect. Part of the reason he was so passionate about the helmet law is that he was at Creighton University for all those years. It was one of the number one Level trauma I facilities at the time that he worked there and it was until it just moved over

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

Floor Debate
January 08, 2018

to Bergan. He saw firsthand the number of people who were brought into Creighton University, many without insurance. They would spend hours in surgery trying to save their lives. [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR HILKEMANN: So I'm going to be talking more at this point about the personal aspects of this, because let's put a face on this. We can look at statistics, but every family, every family that has had one of these tragedies, it affects them deeply, personally, and forever. And if it's something we can do to prevent, anything that we can do to prevent, I think we need to continue that law into effect. Thank you, Mr. Speaker. [LB368]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Senator Kolowski. [LB368]

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

PRESIDENT FOLEY: Thank you, Senator Kolowski. Senator Hilkemann, five minutes. [LB368]

SENATOR HILKEMANN: Thank you, Senator Kolowski. The Nebraska Hospital Association has contacted me and I'll read exactly what Andy Hale, their vice president, has said to me. The Nebraska Hospital Association is the unified voice for Nebraska's hospitals and health systems, providing leadership and resources to enhance the delivery of quality patient care and services to Nebraska's communities. Our hospitals employ over 42,000 people across the state and provide care for more than 11,000 patients each day. As healthcare professionals we clearly recognize that motorcycle helmets have been proven to save lives, prevent serious head trauma and lower medical care costs. For these reasons we strongly oppose any attempt to weaken our current state law that requires all riders to wear protective headgear. LB368 as introduced by Senator Lowe of Kearney and prioritized by Senator Krist, threatened to significantly weaken our law by removing the protective headgear requirement for any rider over the age of 20 in Nebraska. Fewer than 1 percent of all licensed motorcycle operators are age 20 or younger. Those who survive motorcycle crashes often rely on state and federal programs to cover expensive, long-term care costs. Studies have shown unhelmeted riders involved in crashes are less likely to have adequate insurance coverage and more likely to have higher hospital costs than helmeted riders. From 2008 to 2014 the total charges for all Nebraska riders hospitalized as a result of a motorcycle injury was over \$74 million. Our hospitals are continually focused on the education and prevention of injuries. Requiring all motorcyclists to wear a helmet is a simple preventative law that makes a proven difference in the cost and type of care necessitated by brain injury patients. We urge our senators to vote no on any legislative action that would weaken our current universal or all rider motorcycle helmet law. In addition to the loss of quality of life that can be

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

Floor Debate
January 08, 2018

expected if our laws changed and the emotional and financial strain on the injured party's family, our policy leaders must consider the additional burden this would place on our healthcare system, our state, and the taxpayers who ultimately bear the cost. That's from the vice president of the Nebraska Hospital Association. I wanted to mention, Senator Bolz has been good to talk about Madonna Research (sic: Rehabilitation) Center. I have a Madonna Research Center that's right one block from my home in Omaha and I saw that go from ground up. It's amazing, absolutely amazing what we have available for treatment of people with disabilities and injuries, including head injuries, and I salute the folks at Madonna for their wonderful work. [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR HILKEMANN: I was talking to one of their social workers this morning and she said, one of the first things that we do when a patient comes in with those head injuries...we do two things. Number one, we get them set up for disability; and number two, we get them to apply for Medicaid because we know very few people have the personal resources, the millions of dollars that it costs for one head injury. Does this cost economic development? Maybe, but does it cost \$74 million, as the Hospital Association states? Folks, we're about safety in Nebraska. [LB368]

PRESIDENT FOLEY: Time, Senator. [LB368]

SENATOR HILKEMANN: Thank you. [LB368]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Senator Brewer. [LB368]

SENATOR BREWER: Thank you, Mr. Speaker, colleagues. I'd like to rise in support of LB368 and in opposition to AM503. I've got the numbers on the accidents in South Dakota, Iowa, and Nebraska. And if you look at them, we actually have slightly higher numbers if you take the number of licensed drivers and the number of fatalities. I am a bit torn because I could not agree more with Senator Bolz on the issue of Madonna. Unlike probably most in this room, Madonna, I've had a chance to spend most of two years of my life in and out of and was treated for traumatic brain injury. Now the traumatic brain injury experience I had was overseas, so it wasn't as a result of a motorcycle accident, but their work is amazing in many areas. But to the point that Senator Krist made as far as the military, when you wear the uniform, when you take the oath, you are the property of the Department of Defense and they have rules. If you're a pilot, you wear flame-retardant uniforms. We wear body armor and other things. So I do not think it's fair to use that as an example on this issue. While serving as a commander over 36 years, I lost three soldiers to motorcycle accidents. All three were wearing helmets. All three were killed as a result of catastrophic injuries and they resulted because of the four-wheel drivers, not the two-

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

Floor Debate
January 08, 2018

wheel drivers, another good point that Senator Krist made. The issue I think needs to also be "reitified" that the issue of western Nebraska and the number of individuals that avoid going through Nebraska, especially in western Nebraska, is significant. So in an area where economics are really struggling right now, I believe this would be an issue to help us. And, of course, the personal choice issue I think is a factor that we should consider. Thank you, Mr. President.
[LB368]

PRESIDENT FOLEY: Thank you, Senator Brewer. Senator Lowe, you're recognized. This is your third opportunity, Senator. [LB368]

SENATOR LOWE: Thank you, Mr. President. I keep on reiterating freedoms. Freedom for adults to do something that is perfectly legal in 31 other states, perfectly legal for somebody riding in a convertible, perfectly legal for somebody riding on a jet ski, perfectly legal for somebody in a car, perfectly legal for somebody walking down the street. Almost all these have more counts of traumatic brain injury than the motorcycles do. Riding in a car is much more dangerous, because there are more traumatic brain injuries. Walking down the street is more dangerous. If you are 65 years of age or older, you should wear a helmet in your home because you are more likely to get a traumatic brain injury from a fall in your home if you're 65 years of age. We do not pass laws on these people or these activities. We only pick on the motorcycle rider, only these people. If there was ever a segregation this would be it, because there are not many and they are hard to defend themselves. They're good people. They're good Nebraskans. We need these people in our state. We need them to support us and they do. I am not a motorcycle rider. This bill was not brought to me by a lobbyist, it was not brought to me by a large organization. This bill was brought to me by the people of Nebraska, who it affects. It doesn't affect those driving in a car. It doesn't affect anybody else. It just affects this small group of people. And I think we owe it to them to give them what they ask for, because they are being cheated. Senator Hilkemann, will you answer a question for me? [LB368]

PRESIDENT FOLEY: Senator Hilkemann, would you yield, please? [LB368]

SENATOR HILKEMANN: Yes. [LB368]

SENATOR LOWE: Thank you. You stated your AM503, you wish to move that up to my six years old not being allowed on a motorcycle because you should be in a car seat or child restraint up until that age. You wish to move it up to 16 years old, is that correct? [LB368]

SENATOR HILKEMANN: That's correct. [LB368]

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

Floor Debate
January 08, 2018

SENATOR LOWE: As of this time, do we restrain 12-year-olds in car restraints? [LB368]

SENATOR HILKEMANN: We do not. [LB368]

SENATOR LOWE: Do we restrain 15-year-olds? [LB368]

SENATOR HILKEMANN: Well, let me go back. Yes, we do. We do require 12-year-olds to have seat belts. [LB368]

SENATOR LOWE: Do we require motorcycle riders to wear seat belts? [LB368]

SENATOR HILKEMANN: We do not. [LB368]

SENATOR LOWE: So let's stay on point. Do we require ten-year-olds to have restraints? [LB368]

SENATOR HILKEMANN: We do. [LB368]

SENATOR LOWE: Just the seat belt, the same thing that require everybody else? We do not require motorcycle riders to wear seat belts. Is there a reason for that? [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR HILKEMANN: I've not seen a motorcycle equipped with a seat belt. [LB368]

SENATOR LOWE: All right. You stated that you believe it would be better that 16-year-olds or between 6 and 16, it would be...they are not prepared for an accident on a motorcycle, when you originally stated your amendment. [LB368]

SENATOR HILKEMANN: Yes. It concerns me that we would let someone as young as six years of age ride behind on a motorcycle, yes. [LB368]

SENATOR LOWE: Up to 16. So is an adult prepared for an accident on a motorcycle? You stated... [LB368]

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

Floor Debate
January 08, 2018

SENATOR HILKEMANN: I think if an adult is wearing an approved Department of Transportation helmet they are as prepared as they possibly can be on a motorcycle for an accident, should it occur. [LB368]

PRESIDENT FOLEY: Time, Senators. Thank you, Senator Lowe and Senator Hilkemann. Senator Bolz, you're recognized. This is your third opportunity. [LB368]

SENATOR BOLZ: Thank you, Mr. President. And it's a good opportunity because it gives me the chance to say something that I always say on this debate and I rather enjoy discussing, which is to provide an alternative perspective to Senator Lowe's point of view that only motorcyclists are required to...by statute to wear safety gear and that they are being singled out. I'd like to cite what has become one of my favor statutes, 37-527, which is the requirement that hunters wear hunter orange on display while they are participating in hunting. So motorcyclists are not the only people participating in an activity that are required by statute to provide protective gear. In fact, it says, "For purposes of this section, hunter orange means a daylight fluorescent orange color with a dominant wave length between five hundred ninety-five and six hundred five nanometers, with an excitation purity of not less than eighty-five percent, and a luminance factor of not less than forty percent." So not only are they required to wear a certain type of safety gear, they're required to wear a very specific type of safety gear. It further goes on to say that, "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." Further: someone not participating in this, someone who violates the section shall be guilty of a misdemeanor. So not only are other people participating in other public activities required for the public safety to wear protective materials, they also have consequences if they don't wear such materials. And it brings me to an e-mail that we received last year from an individual who is a motorcycle safety instructor in favor of helmet laws. His name is Dave Halen, and I appreciate David for corresponding with me and my office. I think he makes some really good points, so I'll read you a few of his comments here. He says, operating a motor vehicle on publicly funded highways is the most highly regulated activity that your constituents engage in on a daily basis. The variety of traffic laws that we must follow are designed to get us as quickly and safely as possible from point A to point B in order to shop, work, visit family and friends, testify before the Legislature, etcetera. Without these laws, operating any motor vehicle would be chaotic, traumatic, and even more dangerous activity than it already is in this age of the cell phone. While auto and light truck operators have benefited greatly with technological improvements in vehicle crash protection, such as air bags, stability control systems, computer-aided braking, vehicle crash zones, etcetera, a motorcyclist basically has only the gear that they wear on their bodies to protect them in the event of a crash. The most important element of this gear is a DOT-compliant helmet. Repealing Nebraska's requirement to wear a helmet when operating a motorcycle takes away the single most important protective gear we wear. He goes

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

Floor Debate
January 08, 2018

on to talk about that when he is instructing motorcycle safety courses a student falls in their practice area on a regular basis. They are always, he says...his words, they have always been able to function cognitively as they did prior to the crash. And he attributes that to that DOT-approved helmet. He explains that he's a mechanical engineer... [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR BOLZ: ...and Nebraska's chief motorcycle safety instructor. And he loves teaching people on the weekends and appreciates our work to protect the people that he trains, because not only is he working to teach them how to be safe motorcycle riders, to follow the rules of the road, he appreciates our partnership that if we provide the rules and the policy and the expectations regarding equipment and safety gear and proper functioning of machinery, then he can complement that work by teaching people the safe laws of the road and how to safely operate their motor vehicle. So I would reiterate that the motorcycle helmet is not the only piece of safety equipment required by law and I would reiterate that those who partner with us in protecting the safety and well-being of people riding motorcycles on the road, at least Nebraska's chief motorcycle safety instruction officer does support this legislation. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Howard. [LB368]

SENATOR HOWARD: Thank you, Mr. President. Usually when I get up, I yield my time to Senator Chambers. But today is not one of those days. I usually don't get up and talk about this bill. I have been in opposition since I first got to the Legislature, carrying on a broad family...Howard family tradition of not supporting this bill, even though John Lowe is my favorite freshman senator. So I got a little pushback, because somebody said to me, well, how can you oppose this bill, you have never ridden on a motorcycle? To which I responded, oh yes, indeed I have. And I'm glad I came up at 3:18 because I know for sure that my husband is busy right now, so he's not watching us, so I can tell this story. But when I lived in Chicago, I went on a lot of dates. Some of them were good, some of them are worth writing some terrific blog posts about them, they were so bad. And I went on a second date with a fella, we met at a coffee shop, and he said this will be fun. We'll go on a motorcycle, we'll cruise along the lake, and...I love my motorcycle. And I said, okay, I can do this. I'm adventuresome. I was terrified. I wore a helmet the whole time, which was great. It blocked out the sound of the air, so that I could start thinking about the words that I wanted in my last will and testament and I could think about who should take care of my cats upon my demise, which I was sure was going to happen. We got to the north shore, had a coffee. I was fine. I survived, obviously, I'm here, to the chagrin of motorcycle helmet repeal advocates. But I think it's important to know that you don't have to experience something to know that it's sometimes not safe or sometimes scary. You know, my mother

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

Floor Debate
January 08, 2018

always told the story about how she was coming home from Lincoln one day, and it was one of those long days, which we have all had, where there was a lot of fighting and she was very, very tired. And her assistant was driving her, and they saw a motorcycle kind of weaving between the cars, and the person had a helmet on. And my mother looked at Dave and said, you know, something is going to happen to that person because they're weaving between the cars and they're going really fast. And I'm sorry, Mr. President, could I get a gavel? Thank you. And they are weaving between the cars. And not 10 minutes later, they saw the motorcycle hit the back of a truck and the person flew across multiple lanes of traffic. And this is what she saw on her way coming home from work from here. And so maybe a helmet didn't make a difference in that instance, maybe it did. We don't know. But I know that I'm glad that that person had a helmet on at that time. And just one more story, because I feel like statistics don't matter, right? We all have the same statistics in front of us, we all know the same things. But in my family, highway safety is incredibly important, because my father, David Howard, who passed away three months before I was born, was actually killed in a car accident outside of Grand Island. He was a traveling salesmen, he worked very, very hard. My sister was at home, she was five, my mother was pregnant. And so when we think about what it means to be safe on the road, when we think about what these helmets mean, these helmets can often mean somebody coming home, right? They can mean somebody coming home to a woman who is 6 months pregnant with a future senator, obviously, which is great. But I try to think about that difference and that tension...
[LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR HOWARD: ...because it's important to me that every Nebraskan has the opportunity to come home to their families. And Senator Groene asked if any of us had been on Highway 2. I have been on Highway 2, it Is amazing and beautiful. Gorgeous with a capital G. But when my husband and I were traveling across the state, we saw a lot of motorcycle riders. And we got into thIS habit, and it's so nerdy, but we would say a Hail Mary for them when we were in the car. And I remember us doing it on Highway 2, because we saw quite a lot of motorcycle riders. And we would say, oh, there's a group, and we would start to say the Hail Mary. Just to make sure that they got to where they were going. And they all had motorcycle helmets on, so hopefully that helped them. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Howard. Senator Krist. This is your third time, Senator. [LB368]

SENATOR KRIST: Thank you, Mr. President. Good afternoon again, colleagues and Nebraska. Oftentimes, when there are contentious issues that come up on the mike, we feel compelled to demonize the person who believes in something and gives testimony to what he believes in. In

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

Floor Debate
January 08, 2018

this particular case, as has happened earlier today, my integrity has been called out in terms of: what are you thinking? Well, I have told you what I'm thinking and I told you how I thought about it in the last 10 years. And so I won't apologize for that. In fact, I would like to make a point. And Senator Brewer can make that point as well as I, but I will make it and he can shake his head and let you know that he's affirmed it. I don't think you should emulate the justice system that we who served in the military signed up for, because in that justice system you are guilty until proven innocent. And there's that head shake that I wanted, thank you, Senator Brewer. Don't emulate the things that are not civil liabilities or civil justice. When we signed on the bottom line, we signed to do a different job and to obey a different master, the orders of the President of the United States, against all enemies, foreign and domestic. And the last thing we wanted to do was to give up one of our troops, so we in essence overprotect our troops in many, many ways. So don't try to emulate it, and certainly don't call out my integrity for believing what I do. With that, I will yield the balance of my time to Senator Lowe, should he use it. [LB368]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Lowe, 3:15. [LB368]

SENATOR LOWE: Thank you, Senator Krist. And once again, I would like to thank the senators who carried this bill before I did. They did a fine job, and we wouldn't be here today if things had turned out different a year ago. But unforeseen circumstances happened. I hate putting the senators through this again, but I love doing it for the people I'm fighting for. We hear senators today talk in numbers. Numbers can be tracked one way or another. It all depends on input, on what you want the output to be. What I'm tracking is constituents, constituents of each one of us, constituents from across this state. They're a small number. They are good people. These are people that come in here year after year, and we won't let them have what they want. It's the same thing that each one of us that drive a car, because I do not drive a motorcycle...ride a motorcycle, excuse me. I have cars and pickups. I had a motorcycle, but then I got married. And my wife basically said I should not be riding a motorcycle, and I do whatever my wife tells me. I hope she's not listening to that. But, you know, I'm doing it for the men and women that are up in the balcony, for the men and women outside, I'm doing it for the men and women watching us on TV today. I am doing it for those people that brought the bill to us. [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR LOWE: To me, to Senator Krist, to Senator Bloomfield, to the others. Thank you once again for all those senators who have triumphed this bill for the people. And it is the people that are requesting this. It's not the chambers of commerce, although they would benefit, I believe, from this bill. It is not the Restaurant Association, who I believe would benefit this bill. It is not the you-gas-them shops, who will probably also benefit from this bill. It is not anybody but the people. Thank you, Mr. President. [LB368]

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

Floor Debate
January 08, 2018

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator McCollister. [LB368]

SENATOR MCCOLLISTER: Thank you, Mr. President. Good afternoon, colleagues. I want to compliment Senator Lowe on the quality of this debate. I'm sure Dave Bloomfield up in the balcony would be proud of the great job that you're doing. For me, this is a gray issue. A gray issue. I'm sympathetic to the personal rights issues, but I'm also sympathetic to the countervailing social rights issue as well. I had a motorcycle in college, I understand that Senator Williams and I had the same kind of motorcycle. But any event, you know, I did take a couple of spills on that motorcycle. Fortunately, I didn't hurt my head or anything else, because I wasn't smart enough to wear a helmet in college. Many would argue maybe things haven't changed. But no, I didn't wear a helmet. And finally, after a short time, I sold that motorcycle and moved on. It was a close call, and I think many of us can understand there are inherent dangers in operating a motorcycle. But the bottom line for me is that you are likely to be...more likely to be saved from a motorcycle helmet than not. And a lot of those social costs revert back to society when you allow people to operate motorcycles without a helmet. So I'm in favor of the Hilkemann amendment, AM503, and would vote against LB368. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator McCollister. Speaker Scheer. [LB368]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. I would yield my time to Senator Hilkemann, thank you. [LB368]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Hilkemann, 5:00. [LB368]

SENATOR HILKEMANN: Thank you, Mr. Speaker. And thank you, Lieutenant Governor. I want to read two stories if I can. Both of these were letters that were sent to me by e-mail in the last day. First one comes from Brenda Peterson. She said, "I wanted to give a quick e-mail to you and the senator regarding my story and my intent request for the helmet law to remain in place for this state. On Memorial Day weekend in 2017, my husband and I traveled to Colorado with a group of about ten friends on our bikes. We spent the entire weekend at a large charity fund-raising event there and spent the entire weekend riding without our helmets. Fast-forward to our return trip to Nebraska on May 29th. We of course stopped at the border and put our helmets back on and continued toward our homes in North Platte. We all stopped for a late lunch about 45 minutes from home in Paxton." She doesn't say Ole's, but I would guess it would be Ole's. "And after a fun-filled weekend and a final meal all together, the group began to disperse. My husband and I and another couple were among the last to leave and opted to get on I-80 to drive the 25 miles to Hershey, where we would split up and head our separate ways. We did not even make it to the Sutherland exit, which is less than 10 miles away, when a deer bolted out of the median on the Interstate, and we all went down. I was life-flighted to CHI in Kearney and spent

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

Floor Debate
January 08, 2018

the next 10 days in a trauma-induced coma. I had a terribly broken shoulder, the ball socket was in about nine pieces; a severely broken wrist that required plating; and broken knees, not to mention road rash on everywhere my leathers were not able to cover. My husband was also hurt and was treated here in North Platte. He had an elbow completely rebuilt, a four-inch plate placed in his arm, and his wrist was so damaged it had to be screwed into one place so it wasn't able to move. Just recently, seven months later, he has been able to return to work on limited duty. The other couple also experienced very traumatic injuries, and Michelle, the passenger, is still having surgeries to repair damage in her legs as recently as last week. I share all of those gory details with you because what I want to say is this: up until May 29th, 2017, my opinion regarding helmets was it should be the choice of the individual rider. However, I now look back and realize that my personal choice would have been to ride without a helmet, and if that had occurred, my adult children would not have received a call telling them that we were in critical condition, but rather that we were dead. I know without a doubt that our helmets saved our lives. And I know that without this law in place, we would have been riding without them. I am a liberal-minded person and believe in each person's right to choose. But my opinions have been swayed in this area, and many others, following this life-changing event. We both would have died. [LB368]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LB368]

SENATOR HILKEMANN: And that certainly would not have been our choice. It was not our choice to hit the deer, it was not our choice to spend the past seven months under doctor's care, and those two realizations have helped me see that there is a great necessity for this law to be in place. Thanks, and please let me know what else I can do to assist in this venture. I will be in Lincoln tomorrow and Sunday, but will be returning home." So thank you, Mr. Speaker, for your time. And thank you for listening to that story from Dr. Brenda Peterson. Thank you. [LB368]

SPEAKER SCHEER: Thank you, Senator Hilkemann. You are next in line, so and this is your third time at the mike. [LB368]

SENATOR HILKEMANN: All right. And then I will have a close on my amendment after that, Mr. Speaker? [LB368]

SPEAKER SCHEER: Yes, you will. [LB368]

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

Floor Debate
January 08, 2018

SENATOR HILKEMANN: Let me share another story that was shared with me this morning. "My name is Patrick Lang. May 13th of 2010, I was involved in a motorcycle accident. I was not wearing a helmet and neither was my passenger. We were in South Dakota on our way home from our honeymoon, when we blew a tire going down the Interstate. My wife was killed. I spent 46 days in ICU and 54 days in a coma. I had to work very hard to make a partial recovery. I had to learn to dress myself, feed myself, stand up and walk by myself. My doctor bills added up to \$1.7 million. How important are helmets? Not only do you depend on them to keep you safe, your family and your friends depend on them to keep you safe. I was previously married and had four children, my new wife had a son, so our five children had to attend my wife's funeral and wonder if dad was going to wake up out of his coma. As a rider, I always wonder what would have happened if we would have had our helmets on." From the Advocates for Highway and Auto Safety, someone had talked about motorcycles and safety, and talked about cars being...well, the fact of the matter is motorcycles are the most hazardous form of motor vehicle transportation. In 2016, over 5,286 motorcyclists were killed. That's the highest number since 2008. Additionally, 88,000 were injured on our nation's road in 2015. And the most recent year injury data is...that's debatable. NHTSA estimates that helmets saved the lives of 1,859 motorcyclists in the year 2016, and that 802 more lives in all states could have been saved if all motorcyclists had worn helmets. The number of motorcycle crash fatalities has more than doubled since a low of 21,016 motorcycle crashes in 1997. All rider helmet laws increase motorcycle helmet use, decrease deaths, injuries, and save taxpayer dollars. According to...in 2012 the Government Accounting Office, or the GAO, report states that laws requiring all motorcyclists to wear helmets are the only strategy proved to be effective in reducing motorcyclists fatalities. They don't have seat belts, they don't have airbags...at least not that I'm aware of. That's the only thing that helps to reduce those injuries. [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR HILKEMANN: There are 11.5 times as many unhelmeted motorcyclist fatalities in states without the universal helmet laws--1923 unhelmeted fatalities, as in states with the universal helmet law, 166 unhelmeted fatalities in 2016. Annually, annually motorcycle crashes cost \$12 billion in economic impacts and \$66 billion in societal harm, as measured by comprehensive costs based on 2010 data. Compared to other motor vehicle crashes, these costs are disproportionately caused by fatalities and serious injuries. Well, when we have more time I will maybe read some more of the statistics from that report. One more--that motorcycle helmets are currently preventing \$17 billion in societal harm annually. [LB368]

PRESIDENT FOLEY PRESIDING

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

Floor Debate
January 08, 2018

PRESIDENT FOLEY: Time, Senator. Thank you, Senator Hilkemann. Senator Halloran. [LB368]

SENATOR HALLORAN: Thank you, Mr. President. Would Senator Bolz yield to the question, please? [LB368]

PRESIDENT FOLEY: Senator Bolz, would you yield, please? I do not see Senator Bolz on the floor at the moment. [LB368]

SENATOR HALLORAN: Did she step out? Okay. Well, I was going to ask Senator Bolz to clarify, if I heard correctly, I believe she said something to the effect that the majority of motorcycle accidents are taken care of through Medicaid. And I was hoping that she would be here to clarify that, because my wife says I have selective hearing. And sometimes I think I hear something that I don't. But if that's correct, I was going to ask her where she sourced her information. I have in my hands from the Department of Health and Human Services, and this is a little bit dated, 2013, because it was data gathered last year in an effort to carry on the debate last year on the same subject. But for motorcycle accidents in 2013, there were 555 victims, there were 33 that were on Medicaid. That's 5.9 percent. My understanding of a majority is something over 50 percent. So I think it's very important that when we throw out statistics, that we have them sourced accurately, and that they are meaningful. Because if they are not accurate, obviously they are not meaningful. Let's relate that to cars in 2013. In 2013, there were 14,796 auto accidents, and 3,108 of those were cared for through Medicaid, which is 21 percent. So it's an argument that I think is unfounded to say it suggests that Medicaid has to pick up a huge percentage of those people who have accidents with motorcycles. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Halloran. Senator Friesen. I don't see Senator Friesen. Senator Crawford. [LB368]

SENATOR CRAWFORD: Thank you, Mr. President. Good afternoon, colleagues. I have sat through most of this debate just listening, and I think we have had a lot of the statistics laid out. And there are...one of the things about policymaking at the state level is that we do have the opportunity to have a laboratory of democracy where we get to see what happens in other states, and so we do get to see what happens when other states have repealed their helmet laws. And we have seen rises in deaths in many of those states. But I want and I know that we also have the question about civil liberties. Or what decisions do we make as a state? So I want to add a different angle and element to this debate, because I want us to recall what the statute is that we are amending if we were to pass LB368. It's important for us to realize that as a state, we make choices of certain kinds of activities that we license. And when we decide that this is an activity

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

Floor Debate
January 08, 2018

for which one must get a license, we say this is an activity that we recognize needs to meet a higher level of scrutiny. There's something about this activity that means that we have a state interest in being attentive to the conditions and criteria for engaging in this activity. So this makes it very different than in many other kinds of civil liberty issues, where it's simply a question of why is the government getting involved in my choice here? This is a case where we have identified driving on a motorcycle and we have identified and recognized that being able to drive a motorcycle on our public roadways is a privilege, and a privilege that requires us to think carefully about who and under what conditions can someone exercise this privilege. And so in that vein, and many of these issues and debates over licensure, and what are the appropriate rules for licensure, the question of public safety is a very important and relevant topic for this question. What are we going to require for licensure? What are we going to require to say that someone is qualified and has met the criteria and conditions that we're going to apply to exercising this activity, that we as a state have determined requires that scrutiny of being a licensed activity. So in our state, we have determined that riding a motorcycle requires this level of scrutiny. Now, I'm not convinced that AM503 is at an appropriate level of scrutiny. I do understand the concern about children riding on a motorcycle, but the age of 16, I haven't heard yet and I'm willing to listen if there is some other evidence to decide to set that rate at 16 instead of 6. But I haven't heard that evidence, and so I'm skeptical about whether that's criteria that makes sense to add to this standard of what is required to be able to have the privilege of riding...having a license in Nebraska to engage in this activity. But I have heard extensive evidence about wearing a helmet... [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR CRAWFORD: ...thank you. And I have heard extensive evidence about what has happened in other states that have...and read, preparing for this debate, extensive evidence of what has happened in states where that condition was taken off of this privilege. And so I believe there is evidence based to argue that a helmet is an important criteria for having a license to engage in this activity in the state of Nebraska. And again, they are our public roadways, it is our state responsibility to determine what makes sense as the rules for a license. And in that case, I think it is a higher standard of scrutiny that we have in determining what kinds of restrictions or conditions we might put on this activity, because we are determining who has that license to engage in this activity. And so I believe that puts that higher level of scrutiny in, in which wearing a helmet is one appropriate criteria. [LB368]

PRESIDENT FOLEY: Time, Senator. [LB368]

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

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

Floor Debate
January 08, 2018

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Kolowski. [LB368]

SENATOR KOLOWSKI: Thank you, Mr. Speaker. I want to take a minute and reflect back on comments I made a year ago on this topic. When we had our discussion on this during the last session, I brought up the fact that I had a family member who worked as a state trooper in the state of Illinois for 20 years. And the things that he shared with me and the sharing that he did concerning his work in the Chicago-land area, Chicago suburbs, and northern Illinois was enlightening when it came to these kinds of topics, or the type of accidents that he came upon that dealt with motorcycles and hitting whatever else, regular vehicle or truck, a semi, a 16-wheeler, or whatever else might be. There were not many good things he could tell me as to the remains of the motorcycle after hitting one of those situations, whether it was caused by the vehicle, the motorcycle itself, or it was caused by someone else in their negligence as far as a car or truck or 16-wheeler. I also want to thank Senator Krist for his comments on the military. The UCMJ, the uniform code of military justice, is different than civilian law and civilian expectations, and that clarification is necessary. And that would be seen...or what we would come upon an accident would only be similar to something from the view of a first responder or someone in a military situation who has been through a war zone and seen to damage that comes between bullets, guns, and bombs. My concern is one of how we are going back and forth within this body on this topic. I support Senator Hilkemann's AM503 and oppose LB368 because of the results, and I'm not talking about who is at fault. I'm just talking about the results that would take place with a motorcycle accident, however it happened and whoever was to blame, and not having a helmet compared to having a helmet for protection. That's my concern. And my concern is one of prolonging life to the highest possible quality and not negating that by your hair blowing in the wind as you are going down the highway. I hope we can be better than that and greater than that in our discussions as we move on to the completion of this topic. Thank you. [LB368]

PRESIDENT FOLEY: Thank you, Senator Kolowski. Speaker Scheer. [LB368]

SPEAKER SCHEER: This time up, I would yield my time to Senator Lowe. [LB368]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Lowe, five minutes. [LB368]

SENATOR LOWE: Thank you, Speaker. I appreciate equal time. This is a bipartisan organization, isn't it? You know, when we look at Nebraska, Iowa, and South Dakota from the years 2007 to 2015, Nebraska has a universal helmet law. Iowa has no helmet law at all and South Dakota has a partial helmet law, those 17 and younger must wear it. The times Nebraska has had more motorcycle deaths than one of these two states is in 2008, they had more than South Dakota; 2011, they had more than South Dakota; in 2014, Nebraska had more deaths than

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

Floor Debate
January 08, 2018

South Dakota. Times when Nebraska had more motorcycle injuries than one of these states: in 2008 we had more than South Dakota; in 2009 we had more than South Dakota; in 2011 we had more than South Dakota; 2012, once again, more than South Dakota; and in 2014 we had more than South Dakota. And strange, there are a lot of bikers in South Dakota during the summer. Times Nebraska had a higher percentage of fatalities based on licenses: in 2008 we had more than South Dakota and Iowa; in 2011 we had more than South Dakota and Iowa; in 2012 South Dakota fared fairly well, we had more than Iowa; in 2014, once again, we had more fatalities than Iowa and South Dakota; in 2015 we had more than Iowa, once again. And we have the universal helmet law and Iowa has no law at all. Statistics don't always show the truth. Times Nebraska had a higher percentage of fatalities based on registrations: 2008, we had more than both states; in 2009 we had more percentage...a higher percentage of fatalities based on registrations than South Dakota; in 2011 we had more than both states, South Dakota and Iowa; in 2013 Nebraska had a higher percentage of fatalities based on registrations than Iowa without a helmet law at all; in 2014 we had more than both; in 2015 we had more than both; and in 2016 we had more than both. Times Nebraska had a higher percentage of injuries based on licenses--this is a long list: 2007, more than Iowa; 2008, more than both. [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR LOWE: Thank you, Mr. President--2009, more than Iowa; 2010, more than Iowa; 2011, more than Iowa; 2012, more than Iowa; 2013, more than Iowa; 2014, more than Iowa; 2015, more than Iowa; 2016, more than Iowa. Our universal helmet law is not doing us justice when states without a helmet law can prove us wrong. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Ebke. [LB368]

SENATOR EBKE: Thank you, Mr. President. I need an attorney. Senator Wayne. I have a question for you, if Senator Wayne would yield. [LB368]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB368]

SENATOR WAYNE: Of course. [LB368]

SENATOR EBKE: Senator Wayne, I wonder if you could tell me in terms of a definition of a crime, is it currently a crime if a person doesn't wear a helmet? Would it be considered a crime? [LB368]

SENATOR WAYNE: I don't think it's a crime. [LB368]

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

Floor Debate
January 08, 2018

SENATOR EBKE: It's not a felony. [LB368]

SENATOR WAYNE: No, it's not a felony, it's not a misdemeanor. It will be a traffic offense, if anything, which is not a crime. [LB368]

SENATOR EBKE: But it is punishable by the state? [LB368]

SENATOR WAYNE: Correct. [LB368]

SENATOR EBKE: So it's sort of a crime. In the broadest sense. [LB368]

SENATOR WAYNE: If you give me...I'm going to push my button and I'm going to go back and research and come up with the answer for you on that one. I just never had a client get pulled over for not wearing a helmet. [LB368]

SENATOR EBKE: Because they all wear them, right? [LB368]

SENATOR WAYNE: No, I've seen plenty of people not really wear them. But yes, they should be wearing them I guess, according to the law. [LB368]

SENATOR EBKE: Well, if you can check on the nature of that offense, I would appreciate it. Let me just make a few comments here, since we were talking about liberty. And pulled up some good old Libertarian primer material that I thought would be interesting to listen to perhaps. This comes from Lysander Spooner, and he makes the distinction between vices and crimes. He said vices are those acts by which a man harms himself or his property. I presume he's talking about women as well. Those acts by which a man harms himself or his property. Crimes are those acts by which one man harms the person or property of another. Vices are simply the errors which a man makes in his search after his own happiness. Unlike crimes, they imply no malice towards others and no interference with their persons or property. In vices, the very essence of crime, that is the design to injure the person or property of another is wanting. It is a maxim of the law that there can be no crime without a criminal intent. That is, without the intent to invade the person or property of another. But no one ever practices a vice with any such criminal intent. He practices his vice for his own happiness solely and not from any malice toward others. Unless this clear distinction between vices and crimes be made and recognized by the laws, there can be on earth no such thing as individual right, liberty, or property. No such things as the right of one man to the control of his own person or property, and the corresponding and coequal rights of another man to the control of his own person and property. For a government to declare a vice to be a crime and to punish it as such is an attempt to falsify the very nature of things. It's as absurd as it

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

Floor Debate
January 08, 2018

would be to declare truth to be falsehood or falsehood truth. Colleagues, what our government has done, what we have done over time is to find lots of vices that we don't like, things that aren't harming somebody else, things that are not criminal intent. We have decided that we don't like them, collectively, individually, as a state. [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR EBKE: And we have made crimes out of them. It's time for us to start distinguishing again between crimes and vices. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Ebke. Senator Brewer. [LB368]

SENATOR BREWER: Thank you, Mr. President. Earlier I talked about the requirements for the military to allow you to ride a motorcycle. Keep in mind that the requirements there go beyond the helmet, but to also leather gloves, leather boots, and an orange reflective vest. Even with all those precautions, we still have the fatalities that we're having. So with that said, I would like to yield the remainder of my time to Senator Lowe. [LB368]

PRESIDENT FOLEY: Thank you, Senator Brewer. Senator Lowe, 4:40. [LB368]

SENATOR LOWE: Thank you, Senator Brewer. Now I would like to continue on with my statistics here. Times Nebraska had a higher percentage of injuries based on registrations: 2007, more than both South Dakota and Iowa; 2008, more than both South Dakota and Iowa; 2009, more than both South Dakota and Iowa. And let me reiterate, in South Dakota there is something called Sturgis, where almost a million people ride motorcycles. In 2010, more than both South Dakota and Iowa; in 2011, more than both South Dakota and Iowa; in 2012, more than both South Dakota and Iowa; in 2013, more than both South Dakota and Iowa; in 2014, more than both South Dakota and Iowa. Now, let me say this one more time again. It's times Nebraska had a higher percentage of injuries based on registrations. More in 2015, Nebraska had more injuries, based on registrations, than both South Dakota and Iowa. And in 2016, Nebraska had more injuries than both South Dakota and Iowa. Now, I was listening to Senator Crawford as she spoke, and I could not speak it that eloquently. But statistics are one thing and, you know, safety is what all these senators, Senator Crawford, Senator Bolz, Senator Hilkemann are talking about. And, you know, one time we had a great social experiment to lower our speed limits to 55 miles an hour and Nebraska passed that law. I believe that was to save fuel. It also saved lives. It saved thousands of lives, probably hundreds of thousands of lives over the time span that the United States drove at 55 miles an hour and your dog walked faster than you did. If we were really serious about curbing traumatic brain injuries, we would lower our speed limit back down to 55 miles an hour, because more traumatic brain injuries come from automobile accidents than from

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

Floor Debate
January 08, 2018

motorcycles. So let's get serious, all those that are speaking about traumatic brain injuries.
[LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR LOWE: There is still time to put a bill in to drop our speed limit down to 55 miles an hour if you are truly serious about traumatic brain injuries. Let's save thousands of people in Nebraska. Let's do that because it will add to the statistics. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Pansing Brooks. [LB368]

SENATOR PANSING BROOKS: Well, I haven't weighed into this again this year because, gosh, it's so exhausting to continue to do this. And it's hard when you have a friend that is trying to run this thing all the way along. But I just wanted to speak to a couple of things that have been said. There was a discussion about the erosion of civil liberties, and I would just like to remind people about the erosion of public dollars and the erosion of dollars that keep our hospitals strong and stable and viable, because of the extreme amount of charity care that is coming to them in many fashions, but certainly in this arena as well with helmets. The erosion of wages and productivity losses, the erosion of efforts to keep medical expenses lower. The total cost projected in 2015 was \$60 million due to accidents from motorcycles. So I totally am in agreement, we should not be trampling on civil liberties. I'm with you, I'm so glad to hear you saying this, because I've got a few bills for you on that. And I really care about people's civil liberties. A May 2016 survey said that...showed that 900 Nebraskans that were surveyed, 73 percent believed that the helmets should continue, 23 percent thought that we should repeal the helmet law. When there was discussion earlier about calling it an accident, and that's different, that's irrelevant. The fact remains that unhelmeted people are three times more likely to suffer brain injuries than those with helmets. And I like the attempt to say, oh, well, maybe we should decrease the speed limit for cars and get it down to 55 again. Can you imagine the hue and cry about civil liberties on that? So it's sort of a good shiny object to try to get us distracted about, oh, well, that might work. And when we look at the percentages...when we look at the numbers of brain injuries for car accidents, yeah, they're way higher. But I would argue, and I don't know that for sure, but I would presume that the percentage of traumatic brain injuries in motorcycle accidents versus the percentage of traumatic brain injuries in car accidents, that the car accidents is a much higher percentage. But again, I'm happy to be corrected on that. So people talk about the fact that this is a personal choice and people should be able to do what they want. But when the state is affected, when state dollars are affected, then it no longer becomes a personal choice, just like our seat belt laws, just like our speed limit laws. There's all sorts of laws. So the problem is when the state ends up bearing a portion of the cost for the injuries it no longer becomes a personal choice, and civil liberties are not the priority at that point. So if you look at the fact that we have seat belt

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

Floor Debate
January 08, 2018

laws, that's...those seat belt laws are there to help protect those who refuse to be responsible. Those who are willing to risk serious injury. Now, my friend, Senator Lowe... [LB368]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LB368]

SENATOR PANSING BROOKS: ...talked about the fact that his wife did not want him to ride motorcycles anymore. And I'm right there with her. I do not want Senator Lowe to be driving motorcycles or riding them, and I don't want him riding them without a helmet. I don't want any of you in here riding them without a helmet. It's too high a risk. And as fun as it may be, as awesome as it is to have the wind blowing through your hair, I want to protect each of you that's my friend. I don't want you riding without. So there is my wish, that you rethink this. Your lives are precious, you're important to a lot of us. And I really hope you'll rethink that. And I will stand in support of Senator Hilkemann's amendment and hope that Senator Lowe reconsiders this passionate argument he's making. Thank you, Mr. Speaker. [LB368]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. Waiting in the queue, Senator Clements, Kuehn, Baker, and Briese. Senator Clements, you're recognized. [LB368]

SENATOR CLEMENTS: Thank you, Mr. President. I rise to oppose AM503, and I support LB368. I've heard in the debate that many of the motorcycle accidents are caused by cars, other vehicles that aren't motorcycles. I heard one senator say that the DMV had a watch for motorcycles education program last year, and I support those efforts as being effective in preventing the accident in the first place, rather than wondering what's going to happen whether or not you have a helmet. Because I'm afraid the survivability with another vehicle other than a motorcycle is very small probability. So I do support the bill, I do not support the amendment. And I would yield the rest of my time to Senator Lowe. [LB368]

SPEAKER SCHEER: Senator Lowe, 3:55. [LB368]

SENATOR LOWE: Thank you, Senator Clements. Today has been a long day, and it's been a very good discussion. All Senators have done a good job and I congratulate them. I want to thank Senator Krist for bringing this bill and prioritizing it. I guess prioritizing it, not bringing it, but prioritizing it this year, and getting this discussion back on again for the people in Nebraska. I want to thank again all the senators that have brought this bill. Senator Bloomfield, thank you very much. Senators Janssen, Rogert, Adrian Smith, Coordsen, and Moore, all brought this bill since the universal helmet bill was reinstated. Many of them brought a bill more than once. I just

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

Floor Debate
January 08, 2018

wanted to thank each and every one of them in helping to advance freedoms for Nebraskans. For me, it all started with the freedom for adults to make their own choices. Freedom for adults to decide what kind of risks they are willing to accept for themselves. Motorcycle riders take a risk from the time that they purchase the motorcycle before they purchase a helmet. They look at this machine, you are riding on the outside of a machine. You don't do that in a car. There is no protection anywhere around you with a motorcycle. From the time you purchase that motorcycle, you are taking a risk. I watched at an ABATE schooling event, an education event where they had a motorcycle laying on its side and they were trying to right this motorcycle. If that motorcycle would have fallen on a young lady who was riding the bike, she would struggle to get out from underneath it. Everything about riding a motorcycle is a risk. Everything about the motorcycle is different than any other vehicle, and it all starts with risk from the very beginning. [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR LOWE: You know, these freedoms that we ask for today are legal in 31 other states. It was something the federal government made us do, much like the 55 mile-an-hour speed limit. Nebraska at that time chose to do the 55 mile-an-hour speed limit and they passed a law. Later, they said we don't like that law. The people said, we don't like that law, let's change it. Let's go back to where we were before the law. That is all these riders are asking for. They're asking for a chance to prove themselves. These are adults. [LB368]

SPEAKER SCHEER: Time, Senator. [LB368]

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

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

SENATOR KUEHN: Thank you, Mr. President. Thank you, colleagues. I rise this afternoon in opposition to AM503 and in support of LB368. Over the years of my tenure here in the Nebraska Legislature, we have certainly seen this bill. And one thing that has not been discussed today was the nature of the changes and evolution of this bill, even over the last several years. So while as much of the focus today is highlighting the issue of the presence of the helmet and the requirement of the helmet on the individual rider, I don't want to be lost on those who may be at home listening or those reporting on this particular bill the changes that this legislation has undergone with some of the other elements other than just the helmet itself in terms of riding requirements, the age requirements with youth. I think that really demonstrates that those individuals who are advocating strongly for the removal of this mandate have also had a

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

Floor Debate
January 08, 2018

willingness to come to the table, to compromise, to look at adjustments to improve public safety for youth and other individuals who may be riding along with the primary motorcycle rider. And those are certainly issues which we should not ignore as we talk about how to have a good piece of legislation, how to take into account all of the factors associated with this particular bill. So with that, I encourage the support of my colleagues on LB368 and I yield the remainder of my time to Senator Lowe. [LB368]

SPEAKER SCHEER: Senator Lowe, 3:20. [LB368]

SENATOR LOWE: Thank you, Senator Kuehn. You know, my part is very simple. Mine is not dealing with statistics, mine is just dealing with people. So if I'm repeating myself, it's because my message is simple. Let's give these motorcycle riders what they want. It's the people of Nebraska, it's the riders of Nebraska. It's not anybody else. It is the people. It was not brought to me by a lobbyist, a firm, or anybody else. I'm not a motorcycle rider, and yet, here I stand defending them and defending is what I'm doing. They have done nothing wrong. They're innocent. They play by the rules. They want the rules to change. They know the risks, they know what might happen. Let's let these fine people ride on Nebraska roads that they know are safe. Let's not force them to go outside our state and travel to Colorado, Wyoming, South Dakota, Iowa, or Kansas. Let's keep them home here and riding our roads, roads that they know very well. For as I've said before, once they leave the state and they're riding without a helmet there, they're no longer in our state. They're no longer buying our fuel, they're no longer eating at our restaurants, they are no longer near home. And Nebraska has always been based on a close-knit family. [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR LOWE: You can go almost anywhere in Nebraska and know somebody else. You travel outside the state and it's harder to find people. We need to keep these men and women enjoying the greatness of Nebraska. We need to keep them here, we need to keep them safe. I rode a motorcycle in college. I wore a full face helmet and I felt I was unsafe, I could not hear oncoming traffic from the side. The helmet made it difficult to see from side to side. It was a DOT approved helmet and I felt safe only because it was a DOT helmet. It did not help my vision. It was a false sense of safety. [LB368]

SPEAKER SCHEER: Time, Senator. [LB368]

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

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

Floor Debate
January 08, 2018

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

SENATOR BAKER: Thank you, Mr. Speaker. I was going to yield my time to Senator Krist. But he's on the phone, so I will...Senator Krist, I would...my time to you, if you would like it. [LB368]

SPEAKER SCHEER: Senator Krist, you're yielded...are you yielding the time, Senator Baker. Okay. Senator Krist, 4:34. [LB368]

SENATOR KRIST: Thank you, Mr. President. And once again, hello, colleagues. Hello, Nebraska. And thank you for your courtesy, Senator Baker. There are issues that will divide us and have divided us in individual debates. And when we stand on an issue and those are things that we believe in, we tend to, at some point, make sure that those statistics that we have spoken to speak to the way that we feel about something or the conviction that we have with the product. And I compliment Senator Hilkemann and others for bringing statistics that they believe make the case to continue the helmet law being in place. I think I have spoken several times on the mike and have said, in no uncertain terms, this is not a new issue for me. I was asked earlier today, in terms of other things going on, whether this is in some way special to me in one way or another. And I guess my answer is something I want to share with you today. Without being melancholy, this is it for me. And every day that this goes by is a day that I treasure. I treasure the fact that I was taught and mentored by some folks in the Legislature when I first got here who said you need to adopt a trial lawyer mentality. You can sprout the fangs and go at each other all day long, but at 4:22 or 4:30, you need to cocktail with people and start another day with a clean slate moving forward, because you never know who your foe or who your best friend might be on the mike. Now, I have shared this mike with Senator Hilkemann all day, with the exception of one time that Speaker Scheer allowed me to use his mike. And I'll tell you, he's a formidable foe. And I would like to hear again the next three hours of debate, because I'm sure it will go the full six hours moving forward. But I think it's important to understand that these issues, although they are important, we are emotional in some ways about them. We have a conviction to carry them forward. When the day is over, it is time to pop the top on the Coca-Cola and start the next day with a fresh agenda. I hope you all take that to heart in the next 50-some days and that we can talk about the issues. One last thing on this that I would like to say, it is true that this bill has evolved and has had different kinds of complexions over the years, but rudimentary into all of those, as I can remember, and I went out and asked the lobby, particularly to former Senator Rogert, the over 21 always seems to be a foundation point. And I think that's very important for you to consider in this bill. We're not asking an adult to make a decision...we're not asking a child to make a decision, we're asking an adult to make a decision. And I hope you remember that and will bring that back to the debate on Wednesday afternoon.

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

Floor Debate
January 08, 2018

when we continue. And again, thank you for your time, your courtesy. Senator Baker, for your time. That's all I have right now. [LB368]

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

SENATOR BRIESE: Thank you, Mr. Speaker. And good afternoon, colleagues. Last year we discussed LB368, and I spoke in opposition to Senator Lowe's bill at that time. In those remarks, I focused on the fiscal arguments regarding this issue. And at that time, I said convince me that the repeal of the helmet law is a fiscal win for our taxpayers and I may support LB368. I've heard some great debate today, great arguments today on both sides of the issue, still weighing the issue. I want to continue on and continue to hear more debate on this. With that, I would yield my time to Senator Krist. [LB368]

SPEAKER SCHEER: Senator Krist, you're yielded 4:15. [LB368]

SENATOR KRIST: Thank you again for courtesy, Senator Briese, on the issue. I'll go back several years, just as a final note from my personal reflections, in terms of what I think is an interesting dynamic in the mentorship of this body as it goes forward. You have to find birds of a feather that are close to you. You have to develop those relationships. So in the way of telling you about my personal experience with head trauma and catastrophic brain injury, I will bring into focus a relationship that I developed with Senator Dave Bloomfield. One October afternoon, my LA, who is still an LA, now for Senator Thibodeau, was in a head-on collision with a cement truck. And folks, it was one of the most horrific things I have seen. He was...he looked like when I saw him, three times the size of a volleyball, and his skull and his brain were so enlarged that he was almost unrecognizable. It took many months at that facility we've talked about several times today, the Madonna Rehab Center, to bring his life back into focus. And thankfully, they did. And we helped in this legislative body by allowing him the therapy that he needed so desperately to get back onto that horse and continue to ride. Now, it is not from riding a motorcycle. It was from being in a car where the seat belt was malfunctioning and there happened to be a bad situation, and it became worse because of the accident. During that time, I met a gentleman who was also...I also was appointed to this body, my first time around. Senator Bloomfield was appointed to this body when his predecessor resigned. And for that six-month period of time, during the time when we helped in a rehab process as a body for a family member to get back on the horse and ride, Senator Bloomfield shared his staff, we shared our staffs, and we made it through. I want to thank him publicly for what he did, both for me and for Rod Krogh. Thank you. [LB368]

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

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

Floor Debate
January 08, 2018

SENATOR QUICK: Thank you, Mr. President. You know, I shared my personal story earlier a little bit on what had happened to one of my co-workers. And one of the things that I kind of brought up during that conversation was the people who are actually involved in accidents that survive accidents because of wearing helmets. So I don't know if Senator Hilkemann...maybe somebody has already talked about it, but if Senator Hilkemann would want to talk a little bit about that, I would yield the rest of my time to him for that. [LB368]

SPEAKER SCHEER: Senator Hilkemann, you're given 4:22. [LB368]

SENATOR HILKEMANN: Thank you, Mr. Speaker. And thank you, Senator Quick. The statistics that you're talking about, and I'm going to...come from the National Highway Transportation Safety Board, and they estimate that in the year 2013, for example, 1,630 motorcycle lives were saved and that 715 more could have been saved if all motorcyclists had worn a helmet--1,630 motorcyclists are alive today because they were wearing a helmet. We could have had another 713 more if all had been wearing...if the universal helmet law had applied to all the states. You know, one of the things...Senator Briese had brought up this question, what's the concrete number? And, you know, I can't...we can go to the Department of Health and Human Services and break that down, but some of this you have to go by some of the national data that's been done, because we haven't broken it down specifically for the state of Nebraska. I can share with you that from the U.S. Department of Transportation, a study that they did in 2016, where they studied...they used the codes that we use for traumatic brain injuries. And they used the ICD-9 codes, which are specifically code...the specific injury that's going on. Now we use ICD-10 codes, but this was using ICD-9. The results, the conclusions of that are, from this national study, is that helmeted riders were less likely to experience facial and head injuries compared to unhelmeted motorcyclists. Helmeted motorcyclists were significantly less likely to experience a traumatic brain injury. Additionally, motorcyclists with traumatic brain injury were much less likely to be discharged to home. They're not discharged to home, they're discharged to long-term care facilities like Madonna. And this care, while it is outstanding and helps these people get back into society, it comes at a very large cost because so much of it's individualized care. [LB368]

SPEAKER SCHEER: One minute. [LB368]

SENATOR HILKEMANN: And the other thing that this particular study came up with is that motorcyclists involved in alcohol or drug-related crashes and speed-related crashes had higher odds of experiencing poor outcomes. Well, that's pretty obvious, that's the case with anything. But these are the data that come from the National Highway Transportation Board. These are not things that have just been put together without some good, solid research, good research. I mentioned to Senator Lowe that I've seen those statistics that he was referring to, that Senator

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

Floor Debate
January 08, 2018

Bloomfield had a year ago. It's sort of interesting. I guess why it comes up if that's the case for sure, we better keep the helmet law in place in Nebraska because we know that we're going to cut down on the number of injuries. But at either rate, it's been a good debate this afternoon. And we'll see how this goes from here. I'm all about saving lives. [LB368]

SPEAKER SCHEER: Time, Senator. [LB368]

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

SPEAKER SCHEER: Thank you, Senator Hilkemann. Reaching the designated time period for this bill, we'll move forward on the agenda. Mr. Clerk. [LB368]

CLERK: Mr. President, I have new bills. (Read LB905-913 by title for the first time.) In addition, Mr. President, hearing notices from the Agriculture Committee and from the Education Committee and the Transportation and Telecommunications Committee. I have new resolutions. Senator Bostelman offers LR271, congratulating Wahoo High School for the Class C-1 State Volleyball Championship; LR272, Senator Bostelman, congratulating East Butler High School for the Class D-1 State Championship; LR273, Senator Bostelman, congratulating Bishop Neumann softball team; and LR274, Senator Bostelman, congratulating Yutan with respect to the C-2 State Football Championship. Senator Geist would like to print an amendment to LB347, Senator Schumacher to LB368. Name adds: Senator Vargas to LB690, Senator Krist to LB871. (Legislative Journal pages 215-219.) [LB905 LB906 LB907 LB908 LB909 LB910 LB911 LB912 LB913 LR271 LR272 LR273 LR274 LB347 LB368 LB690 LB871]

Mr. President, Senator Hughes to move to adjourn the body until Tuesday morning at 10:00 a.m.

SPEAKER SCHEER: Colleagues, you have heard the motion to adjourn until tomorrow morning at 10:00 a.m. All those in favor please say aye. All those opposed say nay. And the ayes have it. We are adjourned.