

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

Transportation and Telecommunications Committee  
February 12, 2008

---

[LB812 LB1092]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, February 12, 2008, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB812 and LB1092. Senators present: Deb Fischer, Chairperson; Arnie Stuthman, Vice Chairperson; Ray Aguilar; Carol Hudkins; LeRoy Louden, Scott Lautenbaugh; Dwite Pedersen; and DiAnna Schimek. Senators absent: None. []

SENATOR FISCHER: Good afternoon and welcome to the Transportation and Telecommunications hearing. I'm Senator Deb Fischer from Valentine and I'm Chair of the committee. At this time I would like to introduce you to the other committee members. On my far right is Senator DiAnna Schimek from Lincoln; next to Senator Schimek is Senator Ray Aguilar from Grand Island; to my immediate right is our committee counsel, Mr. Dustin Vaughan; to my immediate left is our committee clerk, Mrs. Pauline Bulgrin; to her left is Senator Carol Hudkins from Malcolm; and on my far left is Senator LeRoy Louden from Ellsworth. We will have other senators joining us and sometimes we have senators leave the hearing because they are introducing bills in other committees. So please do not be offended if you see senators come and go. We are being joined by Senator Arnie Stuthman from Platte Center and Senator Stuthman is the Vice Chair of the committee. Our pages are Matt Pederson from North Platte and Rhianna Needham from Bellevue. We will be hearing the bills in the order that they are listed on the agenda. Those wishing to testify on a bill should come to the front of the room and be ready to testify as soon as someone finishes testifying in order to keep the hearing going. Please complete the yellow sign-in sheet at the on-deck table so it is ready to hand in when you come forward to testify. We have a computerized transcription program that's being used and so it's very important that you follow the directions on that sign-in sheet. And you will need to hand the sign-in sheet to our committee clerk, Mrs. Bulgrin, before you testify, please. For the record, at the beginning of your testimony, please spell your last name and also your first name if they can be spelled several different ways. Please keep your testimony concise and try not to repeat what someone else has covered. We will have a timing system in place today because I anticipate we will have large numbers testifying on both of these bills. If you do not want to testify but you want to voice your support or your opposition to a bill, you can indicate so at the on-deck table on that sheet that is provided. This will be part of the official record of our hearing. If you want to be listed on the committee statement as a testifier at this hearing, you must complete the yellow sign-in sheet and actually come forward to testify even if it's just stating your name and your position on the bill. If you do not choose to testify, you may submit comments in writing and those comments will be read into the record. I would ask that you please relax and don't be nervous. If you need anything, our pages will be happy to help. And if you have handouts when you come forward, the pages will pass those out to committee members. At this time I would ask that you turn off all your cell phones. In this committee we do not allow cell phones to be

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

Transportation and Telecommunications Committee  
February 12, 2008

---

on even on mute and certainly, no text messaging please. We have been joined by Senator Scott Lautenbaugh from Omaha. And at this time, I will open the hearing on LB812 and Senator Kruse is here to introduce the bill. Good afternoon and welcome. [LB812]

SENATOR KRUSE: (Exhibit 1) Thank you, Senator. Good afternoon to you, Senator Fischer, and members, colleagues all. I am glad to be here. I am, remain, Lowen Kruse, K-r-u-s-e, District 13. LB812 is a simple bill and pretty straightforward. So you don't really have to refer to the green copy much. It removes a paragraph from statute and that makes it so that the seat belt violation would no longer be a secondary offense. And that's the total impact of the bill. Since this is an issue with which we have some debate and controversy and all of us have different feelings on it, I, right away when I was approached by the safety councils about doing something like this, talked with state troopers and police officers asking what difference this would make in enforcement and they told me, and I was particularly concerned about the youth, which is the target of this bill. They told me it really would make no difference in enforcement. If they see a young person without a seat belt, they figure out a good reason to stop that car and they said it doesn't take too long to figure out something. Not to hassle the kid but to talk with him because the one thing that a young person could do to protect their life and live to 25, the one single thing, would be to buckle up. They are passionate about this. They really care about it and I've been with them when they have talked to high school students about it. So I felt it's something that I could be passionate about too. In the paper this weekend, you saw the article about Brittni Shaw who was in the paper because of the new treatment that Bryan is having, stand up to drain the fluid off her brain. That article indicated she'd not be alive except for this particular thing. She and her friend were thrown out of the vehicle because they were not wearing a seat belt. So that's part of the reason that we bring it but it also makes voluntary compliance more likely and for that I would illustrate with myself. (Laugh) I always wear a seat belt when my wife is along because she accepts no alternative. However, when I'm by myself, unless I'm in that car that has the dinger on it, I do as I please. Is that because I am a lawbreaker or...I think it's a very important thing but like a lot of people, I'm not going to be in an accident. I'm a careful driver. I'm not going to be in that kind of a trauma and that kind of a thinking. However, if this law passes, I guarantee you, (laugh) I will voluntarily, that's a key word, I will voluntarily buckle up every time. The big plus, and that's the heart of the bill, I believe in it. Again, I've indicated that the safety councils have pushed me to do this. We have a lot of persons here who care about it and you'll get to hear from them so I won't try to cover what they do. The big plus to this bill is the fiscal note. You will note in there, that there's \$7.8 million that's available if we pass that this year. Actually there's a bigger plus than that. There's a lot more than that available to the roads fund. \$1 million of it goes to DMV for safety and the rest of it goes to roads construction with the idea that those roads would be built safely. A great deal more than that could be available. What's going on here is that the federal law says, set aside a certain amount of money to be divided among the states as they got away from the

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

Transportation and Telecommunications Committee  
February 12, 2008

---

secondary offense which is killing so many folks. And we are now to the end of that time. Within the next year that will come to an end. The law says that whatever is left over is to be divided equally among the states that, not equally, but by proportion, among the states that have adopted. About half of the states will have adopted and so there's quite a bit of money available to us for roads if we decide to do this. I am so pleased that the National Highway Safety Administration, NHTSA, we call quickly, is represented not only from the national office but from our regional office and will be testifying for us. I would urge that you be respectful of the deputy director because he's a former legislator in Maryland and, you know, we just have to have honor among us. (Laughter) He's a Republican but, (laughter) but he's okay, he's okay. I remind you in Maryland that that is a minority position so he's really committed. More seriously, I truly, deeply appreciate the interest of NHTSA, their staff in coming to the states and trying to get this money evenly divided and pushing what is their passion also, as well as our safety councils, that we keep the lives of some of these kids going, that we do not kill as many. A lot of times it's through alcohol impairment. We've all faced that but even with alcohol impairment, if they are buckled up, they have a chance to do there. We've all seen the news stories again and again and again. A young person is not buckled up and we see that they are now dead. So that's what this is about. I think that what they are doing is national, is good for national economics, and it's good for state economic development but it's especially great for that family that's not going to lose a loved one. I thank you. [LB812]

SENATOR FISCHER: Thank you, Senator Kruse. Are there questions? Senator Hudkins. [LB812]

SENATOR HUDKINS: Thank you, Senator Fischer. Senator Kruse, this paper that you handed out, are you prepared to answer questions about it or will there be someone else following you? [LB812]

SENATOR KRUSE: I can answer questions about, that's the state record and the one column...thank you bringing it up, Senator. The column that I pay in particular attention to is the first column which points out the difference in death on seat belts. [LB812]

SENATOR HUDKINS: Well, my question is, if you look at the numbers of people that are injured when they're using seat belts and not, or the other way around, using seat belts and then not using seat belts, there seem to be so many less that are injured if they are not wearing their seat belts. Now I wear my seat belt but I was just curious as to why this number. [LB812]

SENATOR KRUSE: Others may be able to speak to that but one of the factors is that much of that injury is pretty minor so that you can get some numbers stacked up pretty fast that way. Also, in the injury list...I lost my thought. I had another thought. There's another factor in there and others can possibly follow up on that but those

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

Transportation and Telecommunications Committee  
February 12, 2008

---

numbers in the injury are skewed. Oh, the other thought is, that presently about 80 percent of the people wear seat belts so presumably that injury list on that should be one-fourth of the 20 percent and 80 percent if it were just exactly even. [LB812]

SENATOR HUDKINS: I must not be reading this right then because it seems to be if you're not wearing your seat belt, their chances of being injured go way down. So there must be something be something... [LB812]

SENATOR KRUSE: But a much difference in the base. There are many times more people in the group wearing seat belts than not wearing seat belts so a great difference in the base. [LB812]

SENATOR HUDKINS: All right. Thank you. [LB812]

SENATOR FISCHER: Other questions? I see none. Thank you, Senator Kruse. [LB812]

SENATOR KRUSE: Thank you. [LB812]

SENATOR FISCHER: At this time I would like to note in the record that we have been joined by Senator Dwite Pedersen of Omaha, Elkhorn. (Laughter) If I could have a show of hands on how many proponents we have for this bill, please. One, two, three, four, five, six, seven, eight, nine, ten, eleven? And how many opponents to the bill? One. We will have a time limit of three minutes for your testimony. Good afternoon. [LB812]

JAMES PORTS, JR: (Exhibit 2) Madam Chair, members of the committee, my name is James Ports, P-o-r-t-s. I'm the deputy administrator for NHTSA, National Highway Traffic Safety Administration. As Senator Kruse mentioned, I, like you, spent many years in Legislature. I spent 12 years in Maryland general assembly and then I was tapped to be the deputy secretary for Maryland Department of Transportation. So transportation has been a way of life for me. I'm pleased to be here today at the invitation of Senator Kruse and appreciate the opportunity to speak in support of a primary seat belt bill here in Nebraska. The Bush administration supports seat belt, primary seat belt laws because it's a quickest, least expensive and best way to save lives and reduce injuries. NHTSA researchers estimate that enactment of a primary belt law in Nebraska would save approximately 17 lives annually and prevent over 290 serious injuries. Primary belt laws are important because they, the usage is immediate. It saves lives immediately. NHTSA survey conducted in June, 2007, found that on average, seat belts rates in states with primary enforcement enactment were 14 percentage points higher than those states without primary seat belts. If Nebraska were to upgrade its seat belt law, we would expect an 8.5 percent increase in seat belt use in Nebraska. And such an increase would be significant because Nebraska seat belt use of 78.7 percent is below the national average of 82 percent. Overall, 21 percent of Nebraskans, that's 376,000 Nebraskans, do not use seat belts and are not buckling up.

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

Transportation and Telecommunications Committee  
February 12, 2008

---

A dramatic increase in seat belt usage after a state enacts a primary seat belt law is supported by data. For example, in Delaware when they had a seat belt, a primary seat belt law, they went from 71.2 percent in 2002 to 86.1 percent, a 15 percentage point increase. Illinois saw the same type of increase. When Mississippi passed its primary law in 2006, in one year they jumped from 60.8 percent to 73.6 percent. Behind these statistics are lives and families and the evidence is overwhelming. Considering these types of crashes, wearing a seat belt reduces your injury and risk of fatality in half. And in rollover crashes, seat belts reduce the risk of fatality by 80 percent in light trucks, meaning if four out of five people who were unbelted in a rollover crash, would have survived if they had been buckled up. This statistic is especially significant in Nebraska where light trucks account for 60 percent of all new vehicle sales. Primary laws, as Senator Kruse mentioned, protect our high risk young drivers. In 2006, 43 of your 230 people who died while riding in cars and light trucks in Nebraska, were between the ages of 16 and 20. Thirty-four of those young drivers or 79 percent were not wearing their seat belts and they would be with their families today had they been restrained. I'm sure your familiar with Nick Peters of York, the 15-year-old who took just a short trip in a pickup truck and unfortunately rolled over which resulted in death and devastation to his family. Our studies and... [LB812]

SENATOR FISCHER: Mr. Ports, I didn't explain how the lights work but you have a red light right now. [LB812]

JAMES PORTS, JR: I have a red one. Okay. [LB812]

SENATOR FISCHER: Would you like to finish your testimony since I did not explain the light system to you before you started? [LB812]

JAMES PORTS, JR: Sure, and I'll just hit the... [LB812]

SENATOR FISCHER: And you don't need to read it to us since we have a copy though. [LB812]

JAMES PORTS, JR.: ...high points. Okay. The other good thing about this bill is as you heard, it can bring \$7.4 million dollars to the state of Nebraska for highway safety. The other thing we hear is Nebraskans, it cost Nebraskans \$1.6 billion per year which equates to a hidden cost of \$952 per resident. So if people say it doesn't affect other folks if you don't wear a seat belt, it really does. We would, in Maryland, call that a hidden tax. For those reasons and others, and I'll leave you with this one, vehicle crashes are the number one cause of death to our young people between the ages of 2 and 34. For those reasons and others, I would request a positive vote to send this out this session. Thank you. [LB812]

SENATOR FISCHER: Thank you, Mr. Ports. Are there questions? Senator Schimek.

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

Transportation and Telecommunications Committee  
February 12, 2008

---

[LB812]

SENATOR SCHIMEK: Yes, Thank you, Madam Chair. Mr. Ports, earlier I think that we heard that there were, I think, 17 states that have primary, is that right? [LB812]

JAMES PORTS, JR: I believe it's 25 or 26, 26. [LB812]

SENATOR SCHIMEK: Oh, 26, then I'm dreaming but nevertheless, that's not the question. The question is, as that number grows, does the federal pot stay the same and everybody's portion go down as a result? I'm just curious. [LB812]

JAMES PORTS, JR: Well, if my numbers are correct, that leaves \$124 million in that pot that you're referring to and which Senator Kruse referred to. According to law, that is supposed to be split between the states who have a primary bill. [LB812]

SENATOR SCHIMEK: So the answer is, yes. As more states enter into law, the primary seat belt, that pot will be divided more broadly then. [LB812]

JAMES PORTS, JR: That's correct because there are 26 states now and if you were the 27th, you too would be invited to have that money. [LB812]

SENATOR SCHIMEK: Okay. Thank you. [LB812]

SENATOR FISCHER: Other questions? I have a question since you did bring up the federal money that's available. I know in the past, I was not a member of this committee at the time but when the discussion was held on this, the stress was on safety. And I appreciate that that continues to be the primary focus of your presentation and I am sure of others that will come forward but you did bring up the money side of this too. When was this federal, I would call it an incentive program, established. [LB812]

JAMES PORTS, JR: I believe it was 2005, is that correct \_\_\_\_\_. 2005. [LB812]

SENATOR FISCHER: And how much money was put into it at the beginning? [LB812]

JAMES PORTS, JR: I would have to get that figure for you. Yeah, I would have to...we can get that to you. [LB812]

SENATOR FISCHER: Okay. I noticed on the fiscal note, I believe it says that Nebraska would be eligible for \$7 million, about \$7.8 million but that's if sufficient funds remain in the grant. So the state, although it's an incentive for the state to enact a primary seat belt law, and receive funding from the federal government, there's no guarantee as Senator Schimek, I think, alluded to in her question, that that funding is, will be available if such a law is enacted, is that correct? [LB812]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

JAMES PORTS, JR: Now, I believe that the \$7.4 million that I spoke about is available to you right now. [LB812]

SENATOR FISCHER: Okay. We'll have to check on the fiscal note then. [LB812]

JAMES PORTS, JR: The other pot, the other pot of money, yes. I have no idea how the fiscal note's put together. [LB812]

SENATOR FISCHER: Okay, is that...maybe I'm asking the questions to the wrong person. Do you know if that money, I know \$1 million of it, it said is supposed to be going to safety programs, is that correct? [LB812]

JAMES PORTS, JR: That's correct. [LB812]

SENATOR FISCHER: And the other, the rest of that money that would be coming into the state, it's not necessarily for roads, it's for safety upgrades and I would imagine that would, that definition is determined how? [LB812]

JAMES PORTS, JR: Actually what it is, it is for safety, that's correct. But it can also be utilized for infrastructure which means safe roads. So it could be utilized for roads also. [LB812]

SENATOR FISCHER: Could be? [LB812]

JAMES PORTS, JR: It's up to you. It's up to you. It's not up to us. It's up to each state and how they want to utilize it. Some may utilize it for different reasons and obviously you're the policy makers that would determine what's most important to your state. So, yeah, you could utilize it for anything, safety related, including infrastructure for roads. [LB812]

SENATOR FISCHER: Okay. I appreciate it and thank you for traveling to Nebraska. [LB812]

JAMES PORTS, JR: Sure. It was a pleasure. Very nice state. Thank you. [LB812]

SENATOR FISCHER: Thank you very much. Thank you. Next proponent please. And at this time, I'll try and explain our light system for you. We have a green light and then with 30 seconds left, oh, with one minute left, it will turn to amber and then when you're three minutes are up, the light will be red and I would ask that you try and close your testimony at that time. So good afternoon and welcome. [LB812]

JOSEPH STOTHERT: (Exhibit 3) Good afternoon. My name is Dr. Joe Stothert,

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

Transportation and Telecommunications Committee  
February 12, 2008

---

S-t-o-t-h-e-r-t, Joe, J-o-e. I'm the statewide medical director for trauma for the state of Nebraska, the medical director for Trauma Surgical Critical Care at the University of Nebraska Medical Center in Omaha and also the medical director of the Omaha Fire Department. I've testified on numerous occasions in Lincoln regarding issues of public health and safety. I am, of course, testifying as a private citizen and not as a representative of any of these organizations. As a private citizen, I feel it is absolutely essential for all citizens of our state, and travelers across the state, to always wear seat belts. There is absolutely no doubt statistically that they save lives. Interestingly, of all the people I care for, approximately 95 percent of them make it out of the hospital alive. Of the 5 to 6 percent who die at our trauma center, half of them are not wearing seat belts. This means numerous lives can be saved by encouraging people to wear seat belts. For all the senators perusal, I have included two graphs with this discussion and many of these statistics were obtained from NHTSA, both of which, both of these charts show on a national level that as seat belt utilization rises, the death rate drops correspondingly. It's like an "x". It's remarkable. I have included both the national statistics as well as statistics for the state of Nebraska. Currently the state of Nebraska lags behind national statistics as far as the percent of people wearing seat belts, 78 percent versus 82 percent. This suggests that some people need stronger methods of enforcement in order to protect their lives. I strongly support making the seat belt use a primary offense, or not utilizing the seat belt a primary offense, and I also strongly support making the penalties for not wearing a seat belt significant enough that the police will actually enforce it. Thank you very much for allowing me the time to present my information. I would like to thank Fred Zwonechek, the administrator of the Nebraska Office of Highway Safety for providing me with these statistics over the course of the last number of years. It's very impressive, those charts, and I encourage you to look at them. Thank you. [LB812]

SENATOR FISCHER: Thank, Dr. Stothert. Are there questions? I see none. Thank you very much. Appreciate you being here today. [LB812]

JOSEPH STOTHERT: Thank you. [LB812]

SENATOR FISCHER: Next proponent, please. Don't be shy. We want you to be ready and step forward so we can keep the hearing moving. Good afternoon. [LB812]

LARRY JOHNSON: Good afternoon, Senator Fischer and members of the committee. My name is Larry Johnson, L-a-r-r-y J-o-h-n-s-o-n and I'm the president of the Nebraska Trucking Association here in Lincoln and I represent the statewide trucking association for commercial truck operators. We offer our support of LB812. One of the core values of our association is a commitment to highway safety and we know that the use of safety belts saves lives and the severity of injuries. It is federal regulation that all commercial vehicle drivers use their safety belts. Regrettably, not all of them do at this time. But at the federal level, primary enforcement for failure to be buckled up is already



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

Transportation and Telecommunications Committee  
February 12, 2008

---

a reality for truckers. Adopting a similar measure for all motorists in Nebraska makes sense. It may encourage more safety belt use if only to avoid the situation, to avoid the citation, I'm sorry. Nebraska Trucking Association is a member of the American Trucking Association, also known as the ATA. It's a national federation of trucking associations and on behalf of its members, ATA participates in the Commercial Motor Vehicle Safety Belt Partnership. The partnership includes the Commercial Vehicle Safety Alliance and Nebraska based Great West Casualty Company, one of the countries leading insurers of the trucking industry and the National Highway Traffic Safety Administration among others. As a group, we have made a commitment to increase safety belt use in the commercial driver community. The partnership asks drivers to make a pledge. This pledge states, it is my responsibility to maintain control of my vehicle. Using my safety belt is my best chance of remaining in control of my truck in a crash or emergency situation. Maintaining control of their vehicles is every highway user's responsibility and we feel that LB812 is a step in that right direction. Of course, we do know that Nebraska may also receive that one-time bonus of federal highway dollars if LB812 passes and is signed by the Governor. In a session where transportation funding is the top of everyone's list of concerns, we also feel that deserves serious attention. Thank you. [LB812]

SENATOR FISCHER: Thank you, Mr. Johnson. Are there questions? I see none. Thank you very much. [LB812]

LARRY JOHNSON: Thank you. [LB812]

SENATOR FISCHER: Next proponent, please. Anyone else wishing to speak in favor of this bill, please come forward. Good afternoon. [LB812]

ROSE WHITE: (Exhibit 4) Good afternoon, Senator, and Senators, thank you very much. My name is Rose White, R-o-s-e W-h-i-t-e, and I am the public affairs director for AAA Nebraska. Now the information that's being handed out to you is more or less a cheat sheet of what we currently have on our books here in Nebraska. We basically have different categories of safety restraint laws right now in effect and I want to let you know how this particular legislative bill will impact those other laws. And as you can see, the changes are actually going to be very minimal. For children in all vehicles, right now all children up to age six are required to be secured in appropriate child safety seat or booster seat. It's a primary enforcement law with \$25 fine and one point violation. The changes that will be made with LB812 will not impact this law at all. With vehicles operated by a driver with a school permit, learners permit, and provisional operators permit, as you can see by the chart right now, it's a secondary enforcement with \$25 fine. This is very important. As you know, from all the statistics that we've looked at, the teenage group is the one that's the highest at risk here in the state of Nebraska. With LB812 this would make that a primary enforced law very important for these teens to learn to buckle up. For the operators of commercial trucks, the federal standard right

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

Transportation and Telecommunications Committee  
February 12, 2008

---

now is a primary law so this basically would not have any impact for truck drivers. For passenger vehicles right now in Nebraska, all passengers are required, if they're sitting in the front seat, to buckle up. It's a secondary offense. No change to those in the back seat at all. It's just requiring those who are at risk of air bag injuries and other injuries that frequently occur in the front seat, that this will become a primary enforcement. So how I think we need to look at this, is basically fixing some of those problems that we currently have with our system. All of us know about the dangers of air bags but right now a child who is eight or nine years old, it's a secondary enforcement if they're sitting in the front seat and they're imposed with that danger with the air bag system. We need to make this a primary law for that age group. And then also on the benefits that are listed below, I think we need to take into consideration not only the lives saved but the reduction in serious injuries, the economic savings and, of course, we do have that additional incentive. So Senators, thank you very much for your consideration. [LB812]

SENATOR FISCHER: Thank you, Ms. White. Are there questions? I have a question on your map that you handed out. We have kind of the yellow color on states that are considering legislation this session. On those states, how many have a seat belt law in place now and I assume, it's the secondary seat belt law if they have one, and how many don't have any law in effect? [LB812]

ROSE WHITE: All of them have secondary enforcement, are considering primary. Alaska and Hawaii are not shown. Both of them are currently primary. [LB812]

SENATOR FISCHER: Okay. Thank you very much. Other questions? I see none, thank you. [LB812]

ROSE WHITE: Thank you, Senator. [LB812]

SENATOR FISCHER: Next proponent, please. Good afternoon. [LB812]

KAY FARRELL: (Exhibit 5) Good afternoon. My name is Kay Farrell, F-a-r-r-e-l-l. I'm president and CEO of the National Safety Council Greater Omaha Chapter and we encourage the Transportation Committee to forward LB812 from committee. We also encourage each of you to sign on in support of this legislation and we thank those of you who already have signed on. That is absolutely terrific. A positive, very positive that this LB812 will bring us wonderful safety and financial implications. As mentioned, a primary safety belt law in Nebraska will have direct and indirect financial impact. First we receive the large payment from the federal government in the form of a highway funds bonus and then we have the potential on top of that of other money if others do not pass that law. The second indirect source of revenue will come from costs not spent on emergency health care, long-term health care and funerals. And a larger savings comes from grief not endured, pain not expended, loneliness averted. This is the price of senseless needless death paid not by the victims but by ones they love the most.

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

Transportation and Telecommunications Committee  
February 12, 2008

---

Think about our kids. We talked about that for a minute. They are at highest risk. Many don't buckle up. We have learned more recently through research done on the teen brain, the parts of the teen brain are not yet developed, including the areas that tend to control crashes from 1999 to 19, from, excuse me, that tend to control impulsive behavior. Nearly one-third of Nebraskans killed in motor vehicle crashes from '99 to 2003 were 15 to 24 years old and more than one-third of patients with motor vehicle crash related injuries who were treated at the hospitals were 15 to 24 years old. Reality, however, should hit home when each of you review the list of fatalities from motor vehicles crashes from each of your districts. Rebecca Joedman, age 19, from Senator's Fischer's district. Senator Stuthman, you may have known Brett Maslonka. He was only 17. Senator Aguilar, Lindsay Hughes was only 16. Paul Gulbranson was from Senator Hudkin's district. He was only 18 when he died in a crash. Amanda Garcia from Senator Lautenbaugh's district was only 18. Nicolas Gasseling, age 15, was from Senator Louden's district. In Senator Pederson's district, out of ten who died in crashes, only three were buckled, among those unbuckled, Nickolas Alfrey, was only 15. And in Senator Schimek's District 27, Benjamin Johnson died unbuckled in a crash. I thank you very, very much for the opportunity to talk to you today. I've provided you further information in your packet. It includes a study on the African-American community which I hope that you will review. LB812 is just what we need for Nebraska. A safety belt is your best defense in a crash. Thank you very much. [LB812]

SENATOR FISCHER: Thank you, Ms. Farrell. Are there questions? Senator Stuthman. [LB812]

SENATOR STUTHMAN: Thank you, Senator Fischer. Ms. Farrell, you've got all these statistics here and I really appreciate that. I had, you know, I know a lot of the individuals in my area that have or passed on because of an accident but I think there's another factor in some of this that caused, were the major cause of the accident and that was cell phone use. I know several of them that were, you know, pulled up to the stop sign and they were on the cell phone and they pulled right out and crashed and killed. I don't, you know, we can say, yes, they didn't have a seat belt on or did, but yet, you know, the accident really was caused because of the inattentiveness of driving. And another thing that I would like to see in some of the records that are compiled are, how many people, and there may not be very many, but how many people have died because of the seat belt. And you know, there are instances where they could not get it snapped open and they were either in water or something like that. I would like to have that, you know, with this also. You know, we're just really seeing the one side of this in these records. [LB812]

KAY FARRELL: Senator, in those statistics that I have given you, you will see those who died who were buckled up also. So you actually can count that percentage in there, those who are and those who weren't. And perhaps, in your particular district, most of them were unbuckled. But it is a complete, it is a complete list of those from '99 to 2003

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

Transportation and Telecommunications Committee  
February 12, 2008

---

who were killed. Also in response to your other note about cell phones, just remember that a safety belt is your best defense in a crash and that safety belt use could be in another car, I mean, no, it's not safety belt use, that cell phone use could be in another vehicle, someone else. So there, you've got to protect yourself. [LB812]

SENATOR STUTHMAN: Okay. Thank you. [LB812]

KAY FARRELL: Thank you. [LB812]

SENATOR FISCHER: Other questions? Ms. Farrell, your last comment that you have to protect yourself, all of us hear from our constituents, a number of our constituents that feel that this bill is an infringement upon their rights and their responsibility in deciding how to protect themselves. That it is the state that is saying, we're going to tell you how to protect yourself. How would you respond to people who feel that it is personal responsibility, personal choice, that they make the decision on how to protect themselves as you just said? [LB812]

KAY FARRELL: Well, Senator, in many, many cases, you know, it's our tax money that's going to pay for those people for the rest of their lives who are seriously injured and disabled. It's our own tax money that is paying for the emergency responders that respond to the situation. There are many, many situations in our life of which we have laws that govern what we do, and it's for the protection of all of us. Yes, certainly there are individual rights and we have to protect those also. But this is one of those cases where it affects everyone. If I crash into someone else who, who, no, that's not a good...never mind. (laugh) I don't think I had that one right. [LB812]

SENATOR FISCHER: To follow that up, to follow that up, we have a number of issues before us this session dealing with different health issues, different issues I consider individuals have personal responsibility on and the cost to the rest of us. Mississippi, I believe, is looking at a law; a law was introduced that obese people cannot be served in restaurants. Does that mean that Nebraska should look at that? That we should have scales outside restaurants and I get on it one day and the maitre d' at a fast food restaurant is going to look at me and say, sorry, Deb, you're...boy, you must had a good weekend because you're just, you're too fat to come in here today. We're not going to let you come in here today. Because obesity is a huge problem, nationally and in the state of Nebraska, and the costs to the rest of us are tremendous on obesity and health risks. What's the next step that you want the state of Nebraska to take here? [LB812]

KAY FARRELL: We want you to pass LB812 to make the safety belt primary. That's the next step. [LB812]

SENATOR FISCHER: Okay. Thank you. [LB812]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

KAY FARRELL: Thank you. [LB812]

SENATOR FISCHER: Any other questions? I see none. Next proponent, please. All of a sudden we have a rush to come up now. This is great. [LB812]

SIMERA REYNOLDS: I know. Okay. Fine. I hope I get some of those questions because I have like good answers for those. [LB812]

SENATOR FISCHER: Good afternoon. [LB812]

SIMERA REYNOLDS: (Exhibit 6) I'm Simera Reynolds with Mothers Against Drunk Driving, S-i-m-e-r-a, I'm the executive director of the MADD Nebraska... [LB812]

SENATOR FISCHER: You'd better spell your last name, please. [LB812]

SIMERA REYNOLDS: Reynolds, R-e-y-n-o-l-d-s, like aluminum foil, and I want to personally thank Senator Kruse for introducing this bill and also giving me an opportunity to appear before the Transportation Committee. I was afraid I wasn't going to be able to this year. [LB812]

SENATOR FISCHER: We're happy you're here. [LB812]

SIMERA REYNOLDS: So I'm glad to be here. One, in the information that I supplied to you, you will see that 40 plus citizens participated in an impaired driving task force in 2005 and out of that task force and many of the people here are represented, including speaker Flood who was then just a lay person in the Norfolk area, and the seat belt was the number one priority to...it was the cheapest, quickest, fastest way to reduce fatalities regarding alcohol related crashes. MADD firmly believes that enhancing the current penalties to the law is critical to saving lives needlessly lost and unnecessarily sustained by motorists who fail to wear seat belts. And as Kay, said, she said seat belts are your best defense against automobile crashes and they are but they're also your best defense against a drunk driver. Alcohol related crashes in Nebraska, the traffic deaths are 32 percent. And, you know, we've got to come together and be concerned as a community that we want to protect our friends, our family and the motoring public. In 2006 and 2007 I want to bring you some information that isn't, hasn't been given to you already, I don't think, and that is in Nebraska, an overwhelming 88 percent of alcohol related traffic fatalities were not buckled up. In both years, 72 individuals were killed while riding in a motor vehicle and only eight and nine respectively were buckled up. That's just appalling. By wearing your seat belt you can cut the risk of being seriously injured and killed in half. Just think, if we could even save, you know, 20 percent of those that were involved in an alcohol related crash. The mix of sanctions is crucial and I just want to bring a little bit of a human element to this. Everyone just talks about young kids and I appreciate that so much because I have a 19-year-old daughter and I

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

Transportation and Telecommunications Committee  
February 12, 2008

---

love her dearly. I also have a 75-year mother and I love her dearly and in December 17, 2007, my mother was involved in an alcohol related crash. There were two cars that were totaled, four people transported. The only person that almost died twice in transport was my mother. The only person that stayed in the ICU for 17 days was my mother and the only person who was not buckled up in the car of the two vehicles that were totaled and the four people that were transported, including her poodle, was my mother. So I've seen first hand the devastating effects and consequences of making the choice of not to buckle up. And I implore this committee, and I thank Senator Kruse for bringing this bill forward and if you would ask me some of the questions you asked Kay, I would be so excited. (Laughter) [LB812]

SENATOR FISCHER: I guess I won't then. Thank you for being here. Any questions? Thank you for being here today, Ms. Reynolds. [LB812]

SIMERA REYNOLDS: Thank you. [LB812]

SENATOR FISCHER: Good afternoon. [LB812]

LARRY RUTH: Senator Fischer and members, pardon me, I'm supposed to give this to someone. Senator Fischer and members of the committee, my name is Larry Ruth, R-u-t-h, and I'm representing the Associated General Contractors, Nebraska Chapter. The AGCNC is the roads contractors for the state. I'll be very brief. We support the bill based primarily on the potential for Nebraska receiving the federal incentive for primary enforcement. Federal money for roads construction, we believe would be of great assistance to Nebraska at this particular time. And on a different but certainly related note, the AGC has always been in favor of safety on roads, specifically maintaining and properly designing roads for safety purposes and I don't quite know how this money is going to be used. I don't understand exactly how that was discussed. Something about rest for safety upgrades can be utilized for safe roads. I'm not sure what that all means but to the extent that it does assist in the roads construction and the ability to have good roads in Nebraska, we would be in favor of that. Thank you. [LB812]

SENATOR FISCHER: Thank you, Mr. Ruth. Are there questions? Senator Aguilar. [LB812]

SENATOR AGUILAR: Larry, it's my understanding that we have some proposals here within the state to raise the gas tax to help pay for some of the shortfalls we're getting from the federal government. If we were to get these incentives, maybe we could raise that gas tax a little less. (Laughter) [LB812]

LARRY RUTH: There's a very curious mix as to how all this works, Senator. That may be involved, may be involved in it. There are a couple of bills that we're very interested in it. This would be one of them. Thank you. [LB812]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR FISCHER: Other questions? Mr. Ruth, if there was no incentive money from the federal government possible through this bill, would AGC be supporting it? [LB812]

LARRY RUTH: I don't believe we've been here in the past. No, ma'am. Thank you. [LB812]

SENATOR FISCHER: Thank you. Other questions? Thank you for being here today. [LB812]

LARRY RUTH: Right. [LB812]

SENATOR FISCHER: Next proponent, please. Good afternoon. [LB812]

DIANE RIIBE: (Exhibit 7) Good afternoon, members of the committee. My name is Diane Riibe, R-i-i-b-e, with Project Extra Mile and I won't go over my comments formally. There's been a wealth of information given to you. A lot of statistics. The statistics don't lie. It's pretty much that simple and that basic. We know, and our perspective and our support comes primarily because of the risk to young people. Young people who not only are necessarily drinking and driving but just generally our board has taken a position of support on primary seat belt laws. I will tell you I just came from speaking to some students in the Wahoo area and we were going over some issues relative to underage drinking prevention, and we talked just about the things you've heard a little bit about in terms of brain development. And I'd like to go over the very simple piece of it because it is relevant. We talk about the frontal lobe or the hippocampus of young people not being fully developed. The research is growing abundantly by the month and that is literally that the place where decision making, impulse control and judgment is housed, it is not ready in young people until they're in their mid 20's. It's just that simple and so if we expect them to make decisions to protect themselves, we can't. It's like asking a toddler to not run out on a freeway. They have kind of crazy eyed look because they know it's not right but not sure really how not right it is and they do it anyway. So there is a need, as we do in all sorts of public health issues, to protect our children. And sometimes, yes, from themselves but certainly from other drivers and as they are passengers. So I would just implore you to look at the public health and the public safety component to this. The dollars gained certainly are a plus. It's icing on the cake but bottom line is, we know that kids are disproportionately involved in traffic crashes and kids are disproportionately involved in injuries. If we can protect them in that fashion, I think it's an incredibly sound policy decision to make. And I'll just end by first thanking not only Senator Kruse but Kay Farrell as well for actually naming some of the individuals. It is important that we remember it's about people. It's about young people and it's about adults. I also, as Sim, have experiences. My maternal grandmother was killed in a crash, unbelted and would have survived that. My father was killed in a crash, unbelted, would have survived that. My family was hit head on

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

Transportation and Telecommunications Committee  
February 12, 2008

---

when our children were ten, seven and three. All were belted but I was a very conscientious parent and I knew enough. I'd seen the devastation. I'd seen the sadness and the heartache and so we belted our children. Not all parents and adults are quite that conscientious. Our family survived, even serious injury but survived because they were belted. And I just cannot implore you enough to take that devastation, not plant it on another family. We immunize children. We ought to protect them in all sorts of ways and this is just a very common sense, easy way to do that. So I thank you for your time. [LB812]

SENATOR FISCHER: Thank you, Diane. Are there questions? Appreciate you being here today. Thank you very much. [LB812]

DIANE RIIBE: Thank you. [LB812]

SENATOR FISCHER: Next proponent, please. Good afternoon. [LB812]

JERRY STILMOCK: Senators, my name is...Good afternoon, Senator. Thank you. Jerry Stilmock, S-t-i-l-m-o-c-k, testifying on behalf of my client, the Nebraska State Volunteer Firefighters Association. Our membership makes up over 7,000 firefighters and rescue squad personnel that volunteer throughout the state and it's the position of our, my client, that buckling up does prevent injury, does prevent lives from being taken. And because of the significant impact we've seen in the use of seat belts over the past several years, we believe that LB812 would further promote the use of seat belts in our state. Thank you. [LB812]

SENATOR FISCHER: Thank you, Mr. Stilmock. Are there questions? I see none. Thank you very much. [LB812]

JERRY STILMOCK: Thank you, Senator. [LB812]

SENATOR FISCHER: Other proponents, please. And could I ask how many other proponents to come forward yet. Two more. Thank you. Good afternoon. [LB812]

HOLLY WARTH: (Exhibit 8) Good afternoon, Senator. My name is Holly Warth. I represent the Emergency Nurses Association. My name is spelled, H-o-l-l-y, Holly Warth, W-a-r-t-h. And this afternoon I'm here obviously to support LB812, as the Emergency Nurses Association we obviously are in the front line to see the tragedies that occur every day. Something that I teach a lot of programs with our teen drivers and adults as well, is to what actually happens during the motor vehicle crash. And a lot of the times we do call them crashes, not accidents, because we truly believe a lot of the crashes that do occur are preventable whether it's because of the cell phone use, the distractions, you know, whatever else may be occurring in that vehicle. But what happens when a crash occurs is, there are actually three crashes that happen. First of



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

Transportation and Telecommunications Committee  
February 12, 2008

---

all, the crash is the car hits, whatever it hits. Say it hits a tree at 30 miles per hour, that's the first crash that occurs. The second crash that actually occurs is everything inside of that car that is not buckled down goes flying at 30 miles per hour. Like I explained to your students, keep the back seat of your car clean. It could be your backpacks, it could be what, your band instrument, your football gear is flying at you at 30 miles per hour. If you are seat belted in, you will stay within that vehicle. If your friend is not seat belted in, they may hit you at 30 miles per hour, they may hit the dashboard, they may go through the windshield. The third crash that actually occurs is your internal organs are actually not fixed in there. They actually slosh around. Your brain can hit your skull at 30 miles per hour. Your heart can hit your sternum at 30 miles per hour. That's why at high rates of crashes we see a lot more internal injuries in folks who have been in motor vehicle crashes. That's the importance of seat belts. It's huge. Obviously, you've seen the statistics. It's so important. The information that I also gave you though, that I also want to stress, is it's not just an urban or urban issue but in Nebraska we obviously have a lot of rural roads. And if you look at the statistics I've showed you, is that something that's also interesting is that 70 percent of our crashes occur in our rural areas outside of city limits. So I just know that seat belts would have, you know, would help whether you're in an urban area and especially in our rural areas of Nebraska. So I thank you for what you're wanting to do today. I appreciate that we need a primary seat belt law in Nebraska. We can save more lives and I thank you for what you're doing. [LB812]

SENATOR FISCHER: Thank you, Ms. Warth. Are there questions? I see none. Thank you very much. [LB812]

HOLLY WARTH: Thank you. [LB812]

SENATOR FISCHER: Next proponent, please. Good afternoon. [LB812]

JENNIFER DeROUCHEY: Good afternoon. My name is Jennifer DeRouchey, D-e-R-o-u-c-h-e-y, and I'm from Gretna, Nebraska. I have been working on a seat belt campaign as a project leader for the University of Nebraska in Omaha since August of 2007. And we are targeting 11 to 14-year-olds. I have grown very passionate towards seat belt use and safety through the surveys, research and the different planning that we have done for this project. Matt Robinson of Gretna, Nebraska, was driving late December 28, 2006, with his two friends, Kyle Lavigne and Jacob Hurd. None of them knew it was going to be the last night that they'd spend together. Robinson was traveling 101 miles per hour down Platteview Road when he lost control, rolled his vehicle twice, and ended in a ditch. All three of the boys were unrestrained when they crashed. Two of them were thrown from the vehicle and the third was wedged under his front seat. Is this how you envision your children to grow up, to become a NHTSA statistic? Car crashes are the leading cause of death for children and people ages 1 to 34 with 45 to 60 percent of the fatalities being avoided by the use of seat belts according to an article in the American Journal of Public Health by L. Beck in 2007.

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

Transportation and Telecommunications Committee  
February 12, 2008

---

National statistics on motor vehicle fatalities show when adult drivers are unrestrained, 91 percent of 8 to 15-year-olds of fatalities, are unrestrained as well, according to an article in Tween Traffic Safety Research Yields New Safety Tips by Davis in 2006. In the article More Teens Buckle Up In States With Tougher Laws by J. Creighton in 2002, the strongest predictor of teen seat belt use is the severity of the laws in that state. I urge Nebraska to accept the upgrade of the seat belt laws and become a primary seat belt state law. We need to save the Kyles and the Jacobs of our states. Thank you. [LB812]

SENATOR FISCHER: Thank you very much. Are there questions? Senator Stuthman. [LB812]

SENATOR STUTHMAN: Thank you, Senator Fischer. Jennifer, the example that you gave where the three teenagers were driving and they didn't realize that might be the last time that they were driving, the example you gave was, you know, the over 100 miles an hour. That, you know, we can talk about seat belts until we're blue in the face but the issue was the speed, in my opinion, and maybe we should have a bill that would make all vehicles governed so they can't go any faster than 65. You know, that's a concern that I have. You know people are doing things, you know, to get in an accident of going too fast, being on the telephone, not paying attention, things like that. Yes, it probably would be better if they would have had the seat belt on but I'm just always concerned, it's something else that happened other than not having the seat belt on, so that's a concern that I have. So thank you. [LB812]

JENNIFER DeROUCHEY: Okay. [LB812]

SENATOR FISCHER: Any questions? Thank you very much for coming today. I appreciate it. [LB812]

JENNIFER DeROUCHEY: Thank you. [LB812]

SENATOR FISCHER: Next proponent, please. Good afternoon. [LB812]

LAURIE KLOSTERBOER: (Exhibit 9) Good afternoon, Senator. My name is Laurie Klosterboer, L-a-u-r-i-e K-l-o-s-t-e-r-b-o-e-r. I'm the executive director for the Nebraska Safety Council. We're here today in support of LB812. I really don't have a lot more to add. I did want to pass out to you a couple of articles. One, Senator Kruse had talked about the girl who had had the terrible crash, thrown a hundred feet and had all the surgeries. The top article is actually a better story that we like to promote was a girl who was 18, who fell asleep at the wheel, had her seat belt on and went into a creek and she was able to walk away with minor injuries, and we think that's what we'd like to see more of happening. Not that people aren't going to continue to have crashes but by wearing their safety belt they are, in fact, protecting themselves. And so the Nebraska Safety Council would like to see not only that front seat but we'd like to see every

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

Transportation and Telecommunications Committee  
February 12, 2008

---

position be mandated to wear their seat belt. Not only our young people because that is important because it's killing them more so than anything else in their early years but also adults as well. So I've met with most of the senators so you certainly know our position and I'd be happy to answer any questions that you might have. [LB812]

SENATOR FISCHER: Thank you. Any questions? Senator Louden. [LB812]

SENATOR LOUDEN: Yeah, thank you, Laurie. I visited with you the other day on some of this. What about, and we haven't come to the school bus bill yet but there's school bus bills, what about firemen in their fire trucks and all that. Now is there going to be some waivers on some of this on seat belts? [LB812]

LAURIE KLOSTERBOER: Well, as far as the seat belt on the buses, you know, we're going to...the Safety Council has not taken a position per se. We have a concern that if we really want to make a difference with our young people we can do that, first of all, by passing the primary seat belt law. Just because of the risk with the buses and the fact that we don't have a lot of crashes with the buses, they have children and young people have more exposure in the vehicle than with the buses and frankly, more students get injured getting on and off and going around the buses than they do actually in bus crashes. [LB812]

SENATOR LOUDEN: Then what about commercial buses? [LB812]

LAURIE KLOSTERBOER: Again, I think that the issue is going to come to a head at some point and I think you're going to see that buses will have restraints in them but it's my understanding that right now, manufactured buses, manufacturers of buses don't have to put seat belts in so there's not an incentive for them to automatically install those when they're developing them. [LB812]

SENATOR LOUDEN: And then as we work our way down, what about passengers in the back seat of cars? [LB812]

LAURIE KLOSTERBOER: Well, the Nebraska Safety Council would love to see everybody buckled up because we know that if you're in the back seat of the car and you're not buckled up and you're in a crash, you can become a projectile for somebody else and injure somebody else in the vehicle and you can be ejected just as well as someone in the front seat. So it really... [LB812]

SENATOR LOUDEN: This bill just is on front seat passengers, isn't it? [LB812]

LAURIE KLOSTERBOER: It is. [LB812]

SENATOR LOUDEN: And how about those that are 17 years or younger, are they

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

Transportation and Telecommunications Committee  
February 12, 2008

---

supposed to be buckled up in the back seat? [LB812]

LAURIE KLOSTERBOER: It's a secondary... [LB812]

SENATOR LOUDEN: Could you find out about that? [LB812]

LAURIE KLOSTERBOER: It's a secondary for teens if they have a provisional operators permit, everyone in the vehicle is supposed to be buckled up but again it's not primary, it's secondary. [LB812]

SENATOR LOUDEN: Everyone in the vehicle. Is that a provisional driver or if that's any driver but anybody under 17? [LB812]

LAURIE KLOSTERBOER: No, if it's a provisional driver and he or she is driving, then everybody in the vehicle is supposed to be buckled up but it's a secondary as I understand it. [LB812]

SENATOR LOUDEN: Okay. And what will this bill affect that any, just make it a primary for those in the front seat or will they have to be all primary then? [LB812]

LAURIE KLOSTERBOER: The bill as it currently is, it would be front seat only. [LB812]

SENATOR LOUDEN: Okay. Thank you. [LB812]

LAURIE KLOSTERBOER: Thank you, Senator. [LB812]

SENATOR FISCHER: Other questions? I see none. Thank you very much. [LB812]

LAURIE KLOSTERBOER: Thank you. [LB812]

SENATOR FISCHER: Next proponent, please. This should be our last proponent, is that correct? Good afternoon. [LB812]

GORDON BROOKS, SR: Good afternoon. My name is Gordon Brooks, B-r-o-o-k-s, and I'm testifying today on behalf of myself. It is a good idea. It is the right time and I am a proponent for this bill and I'd like to commend Senator Kruse for offering it, and I'd be glad to answer any questions. [LB812]

SENATOR FISCHER: Thank you, Mr. Brooks. Are there any questions? I see none. Appreciate you coming forward today. Thank you. [LB812]

GORDON BROOKS, SR.: Thank you. [LB812]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR FISCHER: (Exhibits 10, 11 and 12) Any more proponents? Could we have the first...oh, thank you. I do have some letters to read in in support. We have one letter here from the American Society of Safety Engineers, the Great Plains Chapter, out of Omaha. This is signed by Doris A. Burns. I received an e-mail. This is from Suzanne Rutten, R-u-t-t-en. She is a nurse and child passenger safety technician instructor from Stanton, Nebraska, and we have a third letter of support from the Nebraska Hospital Association and that is from Mr. Bruce Rieker, the vice president of advocacy, and Carly Runestad, the director of health policy. So those are three letters read in in support. Now I would ask for the first opponent to come forward please and if I could have a show of hands on any other opponents to the bill. Thank you. Good afternoon. [LB812]

AMY MILLER: (Exhibit 13) Good afternoon members of the committee. My name is Amy Miller, A-m-y M-i-l-l-e-r. I'm legal director for ACLU Nebraska. I think Senator Fischer is the constituent asking questions about whether there's an initial rights issue at stake in this bill are correct although there is no constitutional right to be free from seat belts so there a little off the mark in that. There is a concern about racial profiling and about the 14th Amendment guarantee of due process and equal protection under the law. We know that Nebraska has a palpable racial profiling problem. This Legislature in 2001 ordered a study to be conducted by the Nebraska Crime Commission and that's ongoing. With my testimony is the executive summary of the most recent report come from the Nebraska Crime Commission. That report shows that Hispanic, black and Native American drivers are much more likely to be treated differently as soon as they've been stopped on Nebraska roads. They're much more likely to be searched, much more likely to be put into custodial arrest rather than just receiving a ticket or warning and much more likely to be subjected to physical abuse from officers. Complaints of racial profiling continue to be filed with the Crime Commission each year and you'll see, if you go to the web site that these statistics that have come in over the years as Nebraska has been studying this, have not changed at all. This also reflects the nationwide problem with racial profiling. The Department of Justice just issued last year a study finding again the blacks and Hispanics are twice as likely as whites to be searched, arrested or threatened or subdued with force when they're stopped by police. And yet, racial profiling, of course, isn't actually an effective policing method. That same DOJ study found that the hit rates, that is, discovery of a crime or contraband evidence of some sort, are much lower among minorities than among whites who are also stopped and searched. The problem is that seat belt as a primary offense actually is one of the great reasons racial profiling can continue to exist in the states that have it. Officers who are of bad intent, and obviously that is the small minority officers that are out there, but the few officers out there who are engaged in racial profiling pull people over for ridiculous reasons as it is. I have had clients who are pulled over because of obscured windshield and the obscured windshield was a small Virgin Mary statute on the dashboard. I've had clients pulled over for driving too close to the center line, not over the center line or touching the center line but close to the center line. Seat belt offense moving to primary offense just gives one more excuse for bad intentioned

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

Transportation and Telecommunications Committee  
February 12, 2008

---

officers to try to engage in racial profiling and we haven't yet solved the problem in Nebraska. We've been studying it for several years but we haven't solved the problem. And in the meantime, as we have a racial profiling problem, it sends a message to members of our community who are people of color that they are not equally valued and certainly does not encourage them to cooperate with law enforcement. We think that saving lives with seat belt policies is a good idea but we think that the state's resources should be used on education not on a hammer on people who are already fragrantly disobeying the law. Do you have any questions? [LB812]

SENATOR FISCHER: Thank you, Ms. Miller. Any questions? Senator Lautenbaugh. [LB812]

SENATOR LAUTENBAUGH: Thank you, Madam Chair. Thank you, ma'am. Isn't it the case now that if a police officer was of a mind to pull someone over and he was not honest about it, he could say, well, I saw you swerving? [LB812]

AMY MILLER: This is true. [LB812]

SENATOR LAUTENBAUGH: Then why would this bill make any difference one way or another in that regard? [LB812]

AMY MILLER: The problem is that because those issues of veracity do come down to he said, she said situation in the courts, more and more especially in the state patrol you're seeing vehicles that the police may be equipped with cameras and you may be able to go back and track that back. Racial profiling studies across departments start looking and seeing which officers are offering those excuses too many times. If one officer sees 90 people swerving and the rest of the officers only tend to see one or two people swerving, it becomes obvious. But in the tool kit of a badly behaved officer, someone who is filled with misintent, this just offers one more excuse for them to throw out. Swerving would be one, seat belts become a second one. [LB812]

SENATOR LAUTENBAUGH: I guess, and I understand what you're saying, but aren't there so many possible excuses to pull someone over that this is just a drop in the bucket? [LB812]

AMY MILLER: It is a drop in the bucket but a bucket that ACLU believes needs to start being dealt with. We've been strongly encouraging that the Nebraska Crime Commission study has come back with these consistent statistics for several years now. It's time to start taking remedial measures and stop studying the issue and move forward. We think that moving toward having a primary seat belt law is moving backwards rather than forwards and that we should be looking at all of those sort of crimes that are crimes that only get used as a substitute for race. This particularly has the problem it requires a seat belt. Of course, requires an officer to visually examine the

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

Transportation and Telecommunications Committee  
February 12, 2008

---

driver which simultaneously, of course, you're probably also going to identify the drivers race. We think that's just going to add a lot more problems to the mix. [LB812]

SENATOR FISCHER: Other questions? Senator Louden. [LB812]

SENATOR LOUDEN: Yeah, yes, thank you for your testimony, Amy. Nowadays with...I'm wondering how this can be enforced. You're driving down the road 60 or 65 miles an hour, you meet a patrolman coming about the same speed and you, nowadays with these windows you have on vehicles you can't hardly see in them anyway, how does he judge whether or not you got your seat belt on or whether you got a lapel across your shoulder or what? How, has anybody decided how that's going to be enforced? [LB812]

AMY MILLER: I think that this is again one of the issues that we see as a real problem, that it puts a lot more discretion in the hands of the officer and what we see statistically is, that if an officer sees ten people go past that are speeding but he only pulls over the one person who is speeding and was black, then what you have there is an officer made a spot decision and it resulted in racial profiling. [LB812]

SENATOR LOUDEN: I'm wondering no matter what color they are, just wondering how they're going to tell whether or not the seat belt is buckled and if anybody has addressed that problem. How that's going to be. It's still going to have to be a practical stop in order to see whether or not that seat belt is right. [LB812]

AMY MILLER: I think your right that what it will result in presumably is investigative stops, well, I thought you weren't wearing a seat belt. It turns out you are but now that I've got you stopped, can I take a look at your drivers license, etcetera, etcetera. We suggest this is a bad use of resources. Police should be involved in detecting serious crimes, catching people who are engaged in probable traffic crimes and not just fishing for people who have foolishly, obviously, but foolishly decided not to wear a seat belt. [LB812]

SENATOR LOUDEN: Now, did I hear you say you got stopped once for driving too close to the center line? (Laughter) [LB812]

AMY MILLER: Not I, one of my clients. [LB812]

SENATOR LOUDEN: Oh, okay. And somebody had a statute on the, and that was a client? [LB812]

AMY MILLER: Yep. [LB812]

SENATOR LOUDEN: Were they driving in Cass County? (Laughter) You don't have to

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

Transportation and Telecommunications Committee  
February 12, 2008

---

answer that. Thanks anyway. [LB812]

AMY MILLER: Maybe what I can say is, the law suits we filed have not been involved in Cass County and I throw out, that would be the last hidden cost that's involved here. As we see an increase in racial profiling as a problem in Nebraska, there will be increased litigation expenses. [LB812]

SENATOR LOUDEN: Yeah, thank you. That's all I need. (Laughter) [LB812]

SENATOR FISCHER: Other questions? I see none. Thank you, Ms. Miller, for being here today. [LB812]

AMY MILLER: Thank you. [LB812]

SENATOR FISCHER: Any other opponents? Do we have other opponents coming forward? I see none. Anyone willing to, willing, anyone here to testify in the neutral capacity? Anyone testifying in the neutral capacity? Senator Kruse, would you like to close, please? [LB812]

SENATOR KRUSE: (Exhibits 14, 15, 16, and 17) Yes, I would. Thank you. Thank you, Madam Chair and committee members. You've given good attention to a serious subject and I appreciate it. A few quick responses in kind of wrapping up. One, this old question about voluntary is kind of a quixotic question. It's not voluntary now. We're not changing the law. It's against the law, period. (Laugh) The question is, how serious are we going to take it. And I've already said that when the state takes it as seriously as my wife does, I'll be following it and I consider that a voluntary action. But I recognize, we can talk about that but at any rate, it is now against the law to drive without a seat belt in the front seat. There...do recognize that provisional licenses have a little different thing. Then also, just to clarify in terms of Senator Schimek's opening question and some others, that \$7.4 million is already there in the pot and so on. The additional pot is from the states that haven't made their claim. So we've got \$125 million of unclaimed money. There is, they tell me, almost no likelihood of getting past 30, so we've got 20 states in the pot that the rest of us can divide up. And I would call it, you know, they're not going to say this out loud because they can't but it would be a very conservative estimate on my part that this would provide \$10 million for our roads construction fund plus the other million. That's just the way the math is going to come out. However, and also there is a little bonus comes along next year on some of the cleanup part of it. So at any rate, the amount stated and our fiscal officer was leaning head on some of the things that are already been told that that's there. But at any rate, this is solid money and I think we can conservatively count on it if we choose to do it this year. I have distributed letters also, Senator Fischer, from the nurses, from doctors, the med's society, from the Lancaster County Health Department and from the Public Health Association all in support of the bill. Finally, I have not prioritized this bill and will not be able to do that. My thought on



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

Transportation and Telecommunications Committee  
February 12, 2008

---

that is, if the committee wants to go forward with this, I will appeal to the speaker to make this a speaker priority and with \$10 million for road construction as the probable thing and with the guaranteed reduction in loss of life among our teenagers, I think it would have strong appeal. We all recognize that has many other factors but I would hope that we could bring the bill to the floor this year because if we don't, we miss that opportunity. Thank you. [LB812]

SENATOR FISCHER: Thank you, Senator Kruse. Senator Schimek, you have a question? [LB812]

SENATOR SCHIMEK: Yes, thank you Madam Chair. Senator Kruse, I want to make certain I understand this. There is \$7.4 million dollars right now but there's also another pot of money that can be divided amongst the states, so that would take us up to about \$10 million. How long does this pot continue? Is there a time line... [LB812]

SENATOR KRUSE: Yes. [LB812]

SENATOR SCHIMEK: ...and that extends to when? [LB812]

SENATOR KRUSE: Yes, this will all be wrapped up next year and that's in the present law, so, you know... [LB812]

SENATOR SCHIMEK: Okay. So, we've got two shots at it then. [LB812]

SENATOR KRUSE: Just for illustration because I don't know what the amount was but in the original, say there was a quarter million in there and all the states had their fair share, it's proportionate. Then half of that's been taken by the half of the states that have taken them up on that. But the law states that the entire pot must be disbursed at the end of the time and the end of the time is next year when they wrap up their books next year. [LB812]

SENATOR SCHIMEK: But we could get money this year if we passed the... [LB812]

SENATOR KRUSE: We will get it next year, in the next, yeah. [LB812]

SENATOR SCHIMEK: Oh, okay. [LB812]

SENATOR KRUSE: It has to be adopted this year to get into the end of their fiscal year is September and they have to be able to verify what states qualify for it at that time and at that time they make the division and then it comes, it will come in our '09 year. [LB812]

SENATOR SCHIMEK: Okay. I understand now, thank you. [LB812]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR FISCHER: Other questions? I see none. Thank you, Senator Kruse. [LB812]

SENATOR KRUSE: Thank you for your time. I appreciate it. [LB812]

SENATOR FISCHER: Thank you very much. With that I will close the hearing on LB812 and we will open the hearing on LB1092, and I see Senator Harms is here for the introduction. Good afternoon, Senator Harms. [LB812]

SENATOR HARMS: (Exhibits 1, 2, 3 and 4) Madam Chair, distinguished colleagues, my name is John, J-o-h-n, N. Harms, H-a-r-m-s. I represent the 48th Legislative District. Thank you very much for giving me the opportunity to revisit this topic. As you know, last year we came before you and introduced similar legislation. And I think this legislation is a little bit different, I think I've cleared up some of the issues. There's a lot of things that have happened since the last time we visited, there are some federal issues, some federal guidelines that are coming down that I think will play a valuable role in considering this. My testimony will be in two phases: First I will tell you, I will try not to repeat anything I said to you last year because you are smart people and you'll remember. Secondly, it's going to be maybe a little different, it's going to be the argument for, and then I'm going to give you the argument against that we discussed last year and had a full discussion with you of some of the issues you had last year, and hopefully I will be a much better senator with appropriate answers for you in regard to these issues. LB1092 is all about safety. That's the only reason I'm here. It's all about the safety of our children and the safety of our teenagers. You know, today parents are really very concerned about the safety of their child, the safety of their teenager. The teenagers are concerned about safety. Children who get on a school bus that don't have seat belts begin to wonder, why isn't there a seat belt on here? The schools have concerns about the safety of their children. One of the things I wanted to point out to you, Madam Chair, just for a second is, the amendment that I have here that you're getting pretty much cleans out this bill so that the white copy is the one you're going to probably want to focus on. Safety is the key issue here. And I want to share some information with you that, to be very frank with you, I was really very surprised when I got this data, and this comes from the Department of Roads, the Nebraska Department of Roads. In the year of January through December of 2006, do you realize we had 113 individual bus accidents in this state? You know what? The only thing we hear, the only thing we talk about, the only discussion you see in the media is someone's been killed or if a bus is hanging over a bridge as we saw at Seward. There are a lot of accidents that occur. One hundred and thirteen individual accidents. At the same period in the previous year, there was 139 individual accidents. Now, I can give you any breakdown you want in regard to this data. I can tell you whether this was just a property damage only; I can share with you whether it's a disability injury; whether it's a visible but not completely disabling injury or a possible injury; I can tell you what time it has occurred; I can tell you what the road conditions were; I can tell you whether it's night or day; I can

tell you what kind of accident it was; I can tell you whether it's an urban America or rural America; I can tell you exactly the kind of accident it has. And you know what? One of the arguments in the debates we had last year, we were all concerned about head-on collisions and that the compartmentalization would protect that. In fact, out of the 113 accidents we had in this last point period of 2006, 31 were from angles. There were none in either of those two years that were head-on. And so my point here is that there are a lot of accidents and we put our children at risk every time they get into the school bus and we don't have seat belts for those children. Now, I can go back, Senator Fischer, for 10 years or 15 years; I'm not going to do that and I'm not going to break down how many of these were disabled, unless you really want to get into the figures and the numbers. I want you to know they are available and they are there. And I was absolutely shocked when I saw the number. I had not anticipated that, and I think it is something that we need to look at, I think it's something that we need to understand. And you know what? We set the policies here, we set the rules, we set the laws, we set the standards. And you know, the parents are much more educated today. I've been amazed in a discussion with parents over the summer who searched me out and said, when are you going to put seat belts in buses? I've had highway patrolmen ask me, when will you reintroduce that, because we need this. So safety is the key. And there isn't any question, when you have 118 accidents or 139 in the past...I would guess that I looked through this...I didn't average it out...I guess we probably average close 130 accidents throughout those 10 or 15 years. That's an interesting document. One of the things that we've found when you talk to parents about seat belts is, you know, we don't reinforce the parent. The parents start very early from the very time that child is born and they put that child in a car in that infant seat, it's restrained. And from that period on, that child gets into that area...those aren't for handout, but you can make copies of them because they're all different kinds, but you can sure have them, I don't really care about that. But anyway, we don't reinforce that. Now only that, we don't reinforce the schools. The schools teach the safety and buckling up the seat belt, but yet when they go to the school and they get on a bus, it's okay not to have a seat belt. So we don't reinforce the schools and we don't even reinforce the parents. You know, I've talked with bus drivers, and quite frankly had to the opportunity to maybe take a bus ride in Lincoln, and unfortunately had a small stay in the hospital for a short period of time, so that didn't get a chance to develop. But I've had a chance to talk to some bus drivers right here as well as in rural America. And what they've told me is that, you know what, some of our buses have lap belts, seat belts, you know, and we prefer that because quite frankly it's less distraction for us. Once those kids are buckled into that seat, they aren't running around, they aren't jumping around. We have better control of the students than we had in the past without that. Not only that, without a seat belt, there are a phenomenal amount of injuries that occur. I've given you a document, I think, from the Academy of Pediatricians. There's a study that shows you...first of all it shows you all the people that support it, about every medical association you can imagine supports this because they treat the children. But what this study has shown is the fact they can tell you by the age, what kind of injury they have, the seriousness of the injuries, and what the results are of

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

Transportation and Telecommunications Committee  
February 12, 2008

---

these children. And a lot of these kids are crippled for life. A lot of these children that we no longer read about in the paper are almost destroyed because we've been unwilling to place these children in seat belts. And I think it's time to address that issue. What happens according to the doctors, even though we have compartmentalization, and I'll talk about that a little bit later, it doesn't do the job. What we have found is that these children, without seat belts, end up with the following kinds of injuries: They end up with brain injuries; skull injuries; they end up with neck injuries; spinal injuries; back injuries; hip injuries; chest injuries. You name it. And those are not even with head-on collisions that our children have these kinds of issues. And I think, to me, it's amazing that we still are debating these kinds of issues in this great state. You know what's really interesting, is that we require bus drivers to have seat belts; 79-609 in the law requires them to have seat belts. But yet the children that get on the school buses, we don't require them. Let me talk about compartmentalization. And just to review, and I know that most of you probably still remember this from last year, compartmentalization is simply where you compress the seats, the back seat or the front seats, close together and they pad the back of each seat with a hope that it will make a difference. You know, what I've found and was shocking to me is that the National Highway Traffic Administration, in a document that they've just released, are doing a great deal of study and research on seat belts for buses. You know, and what they're saying is, you know what? We now admit that compartmentalization is not the key and not the answer. You must also look at other aspects to protect the children. It does give them some help if it's a head-on collision, but if it's a side collision or even a rear end collision, the child is not safe. That child becomes a lethal weapon in movement in that, or if it rolls over. What they said in their study was that it doesn't work, compartmentalization does not work for the child who sits in that aisle seat. There is no protection for that child. That child most likely will go down that aisle pretty quickly. Compartmentalization does not handle that child. And they said if there's any benefit at all from it, it is from the head-on collision, but that doesn't always work. There was a horrible accident in Virginia where a number of children were killed, two children were killed, and it was a head-on collision and it was with a truck. It didn't protect the child at all. It also does not protect children when it's a rollover. It also does not protect a child when you have a side-on collision. And as I said to you earlier, if you look at that data that I gave you, out of the 113, 31 of those were at angles which did not protect that child, not one of those in the last two reporting periods that I brought forward to you were head-on collisions. One of the recommendations, and I'll talk a little bit about this a little bit later as we go through this and I'll make it as quickly as possible, in this study, and they are having some hearings on these now, and most likely will adopt these. They are going to be...by "they," it's the National Highway Traffic Safety Administration...they are going to recommend and they are going to require that the seats now go from 20 inches to 24 inches. And the primary purpose of that, they think that it will still give kids a lot more protection because that 20 inches, they still go over the top in many cases. Texas, as I understand it, has recently passed a seat belt law because of a tragic accident that occurred there. And you know, one of the parents after this accident wrote a paper, and I've given you a copy of that. And I

know you're just like I am, you get more material and more information than it's humanly possible to read, and I'm a fast reader, but I'm here to tell you, I can't get through it all. I would really beg you just to read that. I just want to make two quotes, there's some beautiful quotes in there, but I think it's really important to understand, here's a perspective of a parent, and I would bet that a majority of the parents would feel this way. Let me just give you two. One is, "It makes no sense to parents that our state and federal government spends millions in taxpayer money to educate our children to wear seat belts, while, at the same time, it allows them NOT to wear seat belts to and from that education." Here's the one that caught my attention, "Obviously, even a face planted into the padded dash board is unacceptable. Is it any wonder, then, that parents consider the child's face planted in the back of the seat in front of them, is the hallmark safety feature of the school bus 'compartmentalization' standards, it's unacceptable?" There are lots of information in there that I hope you will just take a few minutes to read, because quite frankly, it really kind of got my attention. It really started me to refocus on some issues that I didn't think about because I don't have children in school and they're not on school buses. There was a study done by the American School Bus Council benchmark that said that in their survey nationally, 80 percent of the parents feel that all school buses should be equipped with a lap-shoulder belt. Given a list of numerous safety features in this study, 58 percent of the parents said that's the best choice, it's the most essential; 60 percent of the parents do not believe that riding on the school bus is as safe as riding in their own personal car. Now, last year when you go back and read the transcripts, that was definitely brought forward that it was safer to be on a bus. There's no valid proof of that at all. And it doesn't make any difference whether you believe it or I believe it, it doesn't make...parents do not believe that. And it's about the perspective. It's what the parents feel, what they believe, and we're never going to change that view. So just on this aspect that I've shared with you about the reasoning for this, based on these findings, okay, it's reasonable to conclude that parents expect action to be taken on this issue and that parents that I have spoken to consider it untenable or just really unrealistic. Most of the arguments in opposition of the seat belts that the seat belts won't help, we know, and I think you've just heard...that's a nice timing, Madam Chair...we know that it saves lives. We require it in cars, we require it in trucks, we require it in airplanes. Yet, we won't require it with children in buses. That seat belts won't help, that they are too expensive, and that riding in a car is not as safe as riding in a school bus is no longer acceptable by many parents. Now, let's talk about what we talked about last year, okay. And I'm going to be very open and frank with you because that's just the way I am. Arguments against this issue. Well, it reduces seat capacity. Now, we heard testimony last year from one of the larger schools here that said, it just takes our capacity and eliminates it. It going to be more expensive. Well, that argument is now over because before you I've handed out some information that shows you that there is a new seat out done by SafeGuard, it's called the flexible seat, that in fact takes away that argument. In fact, it doesn't do anything with your capacity. You can still put three children in, it doesn't make any difference whether you're on the outside aisle or not, you're safe. You got the three point seat or the shoulder and the lap

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

Transportation and Telecommunications Committee  
February 12, 2008

---

top. If you have a junior high or middle school kids, you're okay, and if you have high school students, you don't lose the capacity at all. So that argument is gone. The new technology that has come forward is correcting that particular issue, and that was a big issue last year when we talked about this. And rightfully so. If I was a superintendent I might want to argue the same thing. It's too costly. Well, let's wait a minute here. If you look at the legislation that I'm proposing to you, we're not asking at all here to retrofit. In fact, this study tells us, you know what, it's probably not a wise decision to do that because, quite frankly, they feel that in this study, they feel that some of those old buses probably can be retrofitted and be safe. So, the argument then is not that, we're just asking for a certain period of time, and you can adjust that, Madam Chair, you have the right to do whatever you want here. To say that in two years or three years from now, we'll start this, or we can start it immediately next year. All new buses is the only thing I'm looking at from this point on, all new buses that are purchased will have this requirement. Drivers liability, that was an issue that we talked about and we've taken that away. And the way this legislation is written and actually the way the amendment is written, takes that away. We take the liability away from the bus driver, we take it away from the chaperone, we take it away from the parent or whoever is riding on the school bus. As soon as that bus driver goes back and he's checked those seat belts, they're all in, he starts that bus up, his liability goes away because he has no control over that. And it would be unfair if I was the bus driver and I would be worried. We've taken that aspect away from it. The other thing that we heard last year, and there was some discussion about and I've talked again with bus drivers to try to get some information from them, that seat belts are weapons. That kids will take those seat belts and whip them and hit each other. Well, you know, half the buses now throughout the state of Nebraska has a lap seat, a belt now. And what bus drivers have said, you know what, those kids bring on bags, they bring in books, they bring in everything in the world. If the kid wants to get into a hassle, he doesn't have to use the belt to do it. In fact, the belt helps them because it secures them down and there's less movement and there's less messing around that occurs in a bus. Here's one that I have given thought to, in a way was reluctant to bring it up, but I have to. The issue last year, I think a major issue, was school liability versus...that have the belts versus liability that doesn't have the belts. I have worked with Senator Lathrop and we just got the amendment today, but it's not...and he's worked, I think, with some other attorneys to help me through this particular issue that would correct this. I just read it and it's not really what I wanted. I think we had a little bit misunderstanding, so we're going to redo that. But I think we have a way to correct that, at least the attorneys feel that we have a way to correct that, and I'm not an attorney, so, Steve, we'd probably have to rely upon you to tell us that in one way or not. But they feel comfortable with it, I just think we have to rework that and feel comfortable, Senator Fischer, with that. But let me pose the other side of this to you, and I had a parent tell me this, that when I walked away from the conversation, I thought the person made a lot of sense. And what this mother told me, she says, you know what, she says, I really, I like what you're doing in regard to the seat belt issue here. And she said, I hope that some day Nebraska will approve this. But, she said, you

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

Transportation and Telecommunications Committee  
February 12, 2008

---

know, I'm more in tune now with the safety of my children than I've even been before. And I asked her why. She said, well, with all the violence that happens in our schools, all the children killing children and the bullying that takes place in our school systems, you know, I'm more in focus about my child's safety and I am in focus on the fact that my child gets on a school bus every day that doesn't have a seat belt. And I simply object to that. And quite frankly she said, you know what? If my child is on this school bus and they have an accident and my child is injured or killed, you can bet that I'm going to sue the public schools because the simple fact is they have ignored the fact of the safety of my child. Research makes it very clear and shows very clearly that seat belts save lives, even in buses. You can hear all the arguments you want, folks, but if you look at some of the videos that I have and CD and the videos that show very clearly, even in the testing, of what happens, it saves lives. And I think the school is liable on the other side to be very frank with you, but again, that's something for someone like you to handle. I don't know. But that's how I feel and how I view that and that's how a lot of parents view that. We also talked about last year that this was a local issue. Well, you know what, the feds are now saying it's not a local issue, we are going to be giving you some different kinds of guidelines. Everything we have here kind of, it will fit into their guidelines and it's something that you may want to look at. It is not just a federal issue, it's state issue, and then it's a local issue. And the state issue, as senators I think we have the responsibility, I think we have the responsibility to set the standards for this. We have the responsibility to say, these are the standards and the safety standard that we expect our children to be under in the school system. I also think that one of the other things the feds are doing is that they are trying to remove the 15-passenger vans now. They say they're just too subject to accidents and rollovers and deaths, and they even have seat belts in it. One of the other things that we've heard is that even with the change that might occur and we require seat belts to be placed into buses, new buses, there are some schools that would still argue that maybe the \$10,000 or whatever it might turn out to be is still too costly for us. I would like to suggest one thing for you, Madam Chair. And I have not done this in this legislation, but that is an issue. We can correct that. States like Missouri and others states have put a surcharge on moving vehicles of \$10 or \$15 for every, you know, ticket that's written and that goes into a pool for schools and school bus belts. So there are ways that we can address this issue, there are ways that we can do this. I did not include this in this legislation, but I do believe that if this bill comes out and it's not there, we would probably want to amend that in. One of the things, just before closing, I would like to just take a moment to share and then open it up, Madam Chair, for any questions you'd like to ask. The National Highway Traffic Safety Administration, which I have referred to on more than one occasion here, came out this, I think early this fall, about their recommendations that they're looking at. And it's a pretty good document, it's got a lot of things in it. Secretary Peters said that our proposed rules would make children safer, put parents at ease, and give communities a clearer picture of their students' safety. It's never too late to learn, especially when it comes to protecting our children. I thought it was a pretty powerful statement. The movement of the 20-inch seat to the 24 seat I

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

Transportation and Telecommunications Committee  
February 12, 2008

---

think is important. They're going to require and they're going to recommend...require any bus that's 10,000 pounds or less will have a lap and a shoulder harness. Now, they strayed away from recommending...they strongly, and if you read the document, they strongly urge that the large school buses have the belts. They don't recommend it, but they strongly urge, they think that it is the way to go, it is the safest way to go. They've also made some funds available, they're not going to put a great deal of money into this aspect, but they also are making funds available for schools that would maybe like to look at retrofitting or schools that would like some assistance in purchasing new buses for the additional costs, so. In closing, Madam Chair, I would just be in hopes that you might have some interest this time in moving this bill out. I think it's important and it's vital to, I think, the safety of our children. So I'd be happy to answer any questions that you have, so. [LB1092]

SENATOR FISCHER: Thank you, Senator Harms. It's obvious you're very passionate about this topic. [LB1092]

SENATOR HARMS: Yeah, I am. [LB1092]

SENATOR FISCHER: Any questions? Senator Louden. [LB1092]

SENATOR LOUDEN: Yeah, thank you, Senator Fischer. Thanks for bringing this bill up, Senator Harms. As I looked your amendment over, though, I did have some questions on this. [LB1092]

SENATOR HARMS: Sure. [LB1092]

SENATOR LOUDEN: What about when some of these schools rent buses? Should those...how should they be... [LB1092]

SENATOR HARMS: This is only based on the ownership of a bus, but, you know, you can include that very well. If you're going to lease a bus or rent a bus, you could require it. But you also have to remember that a lot of those buses that are in the basic business of transporting, we don't require them to do that. So if I bought a...we had a 40-passenger bus that you lease for...not lease, but...well, I guess you hire them to take your kids to the state tournament... [LB1092]

SENATOR LOUDEN: For a football team or basketball team or whatever to go along. [LB1092]

SENATOR HARMS: Yeah, yeah. We don't require that and they don't have them and I don't know if that's where you want to go or not. I think it would open up a, you know, a whole avenue of issues. But I think that it's probably something that we may want to give some consideration to. [LB1092]



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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR LOUDEN: Okay. And then I was wondering about...this is mostly public schools... [LB1092]

SENATOR HARMS: Absolutely. [LB1092]

SENATOR LOUDEN: And what about parochial schools that have school buses? [LB1092]

SENATOR HARMS: I left the parochial schools out of that. The parochial schools feel very strong about that. I've had this discussion with some of them and it is not included, but personally I have no objection to that. Making sure that every child that gets on every school bus is safe, so. It's not included in this particular piece of legislation. [LB1092]

SENATOR LOUDEN: Was there...did you feel that there would be too much resistance if you did, or? [LB1092]

SENATOR HARMS: Yeah, I did, to a certain degree. [LB1092]

SENATOR LOUDEN: And then you purposely left them out, I guess? [LB1092]

SENATOR HARMS: It wasn't purposely I left that out. I just, I had some discussions with them last year and they stopped in my office this year, talked to my staff, wanted to make sure they were not included in it. They have some strong views about it, but you know what, when you start talking about safety of children, I don't care whether you're parochial or private or public, you have the same issue. I'm the same parent. So I'm happy to address that issue or the committee, whatever you would like to do. [LB1092]

SENATOR LOUDEN: And one other...what about colleges? You know, a lot of these small colleges and stuff have, well if they've got the 10-passenger van, I think that's mandatory now. But if Western Nebraska Community College wanted to rent a big bus or something, then you'd treat them the same way as if a high school did, they wouldn't have to comply? [LB1092]

SENATOR HARMS: Yeah, well, yeah. They don't comply now and there's no law that forces them to comply to that. In fact, if you just take a tour, you don't find seat belts in very many of those large buses. So that would be, you know, that's all open for discussion and I think if the committee feels that that's the best thing to do, let's get after it and battle it out on the floor. I don't have a problem with it. [LB1092]

SENATOR LOUDEN: And then one last question...any place in here should there be anything for noncompliance for some of these school districts? I mean, it really, I guess

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

Transportation and Telecommunications Committee  
February 12, 2008

---

it says January 1, 2009 that they're supposed to do it, and that's the size of it. I didn't see where they would be liable to lose some of their state aid or anything like that. Should there be anything in there on that? Or do you think in their good graces they'll do it anyway? [LB1092]

SENATOR HARMS: Well, you know, I think that...and it's something we can give some consideration to. Remember now, we're talking about new school buses. This is going to be a long haul. This is not something that you're going to have a lot of schools or...we're not purchasing buses at this time. But I do think that that...you might want to give that some thought of how you might want to do that. State aid might be a, you know, a question that you can do. I don't have a problem with that, Senator Louden. I guess it's really a composite of what our thoughts are that would make this good if it comes out on the floor, because the thing we want to do is to be successful and if that's what it takes, then let's make the changes and get after it. I don't have a problem with any of those things. [LB1092]

SENATOR LOUDEN: Okay, Thank you. [LB1092]

SENATOR HARMS: You're welcome. [LB1092]

SENATOR FISCHER: Senator Lautenbaugh. [LB1092]

SENATOR LAUTENBAUGH: Thank you, Chairman Fischer. Thank you, Senator. I want to touch on something that Senator Louden asked about because I think it might be more broad than the response. [LB1092]

SENATOR HARMS: Um-hum. [LB1092]

SENATOR LAUTENBAUGH: I believe there's some school districts that will never purchase a school bus, that they have a contract with some other entity that provides all of their transportation. As this is written, would this ever apply to them? [LB1092]

SENATOR HARMS: Well, that's a question. The way it is now, no, but we can make it that way. [LB1092]

SENATOR LAUTENBAUGH: Because I'm thinking you would, if this...leaving aside whether or not this actually goes forward, I think you're skipping huge... [LB1092]

SENATOR HARMS: Um-hum. Sure. [LB1092]

SENATOR LAUTENBAUGH: ...or at least creating an incentive... [LB1092]

SENATOR HARMS: Sure. [LB1092]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR LAUTENBAUGH: ...for school districts just to never purchase another school bus. [LB1092]

SENATOR HARMS: Sure. [LB1092]

SENATOR LAUTENBAUGH: They would contract with entities with whom this law would not apply. [LB1092]

SENATOR HARMS: But it would be very easy to clarify that in here, very easily to do that. I don't have a problem with that. I never thought of that, you know. [LB1092]

SENATOR LAUTENBAUGH: And then as far as the language here, each seat on each school bus purchased by a school board. Would you accept an amendment that would make it clear that that means new schools buses... [LB1092]

SENATOR HARMS: Um-hum. Yeah. [LB1092]

SENATOR LAUTENBAUGH: Instead of the hypothetical or when schools board purchases a used school... [LB1092]

SENATOR HARMS: Yeah, in fact we had that conversation and yeah, I don't have a problem with that. [LB1092]

SENATOR LAUTENBAUGH: And this is more of a comment, I think, than a question, really, but even thought there's no real enforcement mechanism here, I think we know what would happen to a school district that ran afoul of this... [LB1092]

SENATOR HARMS: Well... [LB1092]

SENATOR LAUTENBAUGH: ...and there was an injury that resulted. [LB1092]

SENATOR HARMS: Yeah, the... [LB1092]

SENATOR LAUTENBAUGH: I think the tort liability system would take care of it. [LB1092]

SENATOR HARMS: The litigation is going to be really high and they're going to pay a lot of money, so. Yeah. [LB1092]

SENATOR LAUTENBAUGH: So they would probably have a huge incentive to comply. [LB1092]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR HARMS: Yeah. Yeah, you know, what I have found in the public schools, if you...I actually have it in the law, most public schools follow it. I don't know very many schools would not do that. That would be the least of my worries. I think the greatest worry might be what we've just talked about on not thinking about leasing and about the penalty aspect. I think you've got to hang that in there just to make sure. As I said, you know, whatever you would feel as a committee, I'm really open to it. I just think it's that important. Any others? [LB1092]

SENATOR LAUTENBAUGH: Nope, thank you. [LB1092]

SENATOR FISCHER: Senator Aguilar. [LB1092]

SENATOR AGUILAR: Thank you, Madam Chair. To follow up on what Senator Lautenbaugh said, he was talking about how in specific cases the...how would you enforce it? In a previous life, I worked in a parochial school and each one of those buses have to undergo an annual inspection and if it didn't have the necessary 'seatbelting' in it, it would never pass inspection, never be allowed on the road. State Patrol does that annually to every school bus. Now, also, as I recall, the biggest opposition from parochial schools is the fact that they would lose seating capacity, but I think you said you addressed that in this? [LB1092]

SENATOR HARMS: Well, the other side was the cost. Some of the parochial schools had some concerns about the cost, and I can surely understand that, but this...and I don't believe they would have the same options that federally...I don't understand that, they may have them or they could make a grant or not. So, yeah, that would be a problem, I think, for the parochial schools was the cost issue. And then the capacity, well that's now pretty much, I think, been taken care of. [LB1092]

SENATOR AGUILAR: Yeah. [LB1092]

SENATOR HARMS: And I would really encourage you with that, they give you their address, e-mail address. You ought to just plug in that, look at it. There's some really neat stuff on there and it explains it probably a lot better than what I'm explaining it to you, okay. So it's a good thing to see. [LB1092]

SENATOR AGUILAR: And lastly, this is just another comment, too, but in my capacity at the school, I had the opportunity to, I had a CDL and I had the opportunity to drive the bus on many occasions, and I will tell you as a driver, the most distracting thing that can happen while that bus is in motion, is if a student gets up out of his seat while you're moving. [LB1092]

SENATOR HARMS: Yeah. I agree with that, absolutely. And the bus drivers that I've spoken to, they've said that is the issue. And one thing about the belt, it does keep

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

Transportation and Telecommunications Committee  
February 12, 2008

---

them, you know, better, more secure. A lot of the issues following that junior high area level of time where these kids are really got the...they're active, just like my kids were, and so yeah, I would agree with that. [LB1092]

SENATOR AGUILAR: Thank you. [LB1092]

SENATOR HARMS: Anything else, Madam Chair. [LB1092]

SENATOR FISCHER: Thank you, Senator Aguilar. Senator Stuthman. [LB1092]

SENATOR STUTHMAN: Thank you, Senator Fischer. Senator Harms, I have a...it's not that I'm opposed to the seat belts and the new ones being manufactured are purchased after a certain date and that's immaterial the date. But I feel that it's going to be a lot broader than that because if you have one school bus that has seat belts, parents are going to demand that all of the school buses... [LB1092]

SENATOR HARMS: Well, you know...yeah. [LB1092]

SENATOR STUTHMAN: ...in the district are going to have to have seat belts, mainly because, which group is going to be the group that is segregated out and say, hey, you don't get on the bus with seat belts. I think it's going to be a very broad. [LB1092]

SENATOR HARMS: Well, we have that...yeah, I know, Senator, but we already have that now. You know, in talking with the superintendents, half of their buses have them and half of them don't. Some of the newer ones have just the seat belt, lap seat belt. Yeah, some of them have it already. I think when Lincoln Public Schools was here, I think they said, what did they say, 50 percent of them or whatever it was, it was a fairly high percent, already have them. So that issue already exists, so. And it doesn't seem to, you know...and I think in the long run what we're trying to attempt to do is to get this thing on course to make it as safe as possible for our children and we've got to start. And so when we do the argument about, well, it's too expensive, well we try to relieve that to get the thing started. The reports show you can't retrofit some of these older buses, so we're really kind of caught in the middle. Somewhere along the line, we've got to say, this is the time that we're going to address this, this is the time that we believe that we're going to set the standards and we're going to be able to say to the parents, you know, we have taken the position to make your child safe. That's where I'm coming from. [LB1092]

SENATOR STUTHMAN: Thank you. Thank you. [LB1092]

SENATOR HARMS: Yep, you're welcome. [LB1092]

SENATOR FISCHER: Senator Schimek. [LB1092]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR SCHIMEK: Thank you, Madam Chair. Senator Harms, thank you for bringing this again. Did I understand you to say that this amendment still needs work...this bill still needs more work? Did I understand that from your testimony? [LB1092]

SENATOR HARMS: Well, no, what I'm saying is, I think there are some things we need to...some of the comments that were made here that we may want to include into that, and I don't object to any of that. The other side of it is the one amendment that I'm waiting for with Steve Lathrop that I got, we just didn't communicate right and I need to clarify that so that I can get it in here to you so you can look at that. [LB1092]

SENATOR SCHIMEK: Does that have anything to do with the liability issue by any chance? [LB1092]

SENATOR HARMS: It is the liability issue. [LB1092]

SENATOR SCHIMEK: Because I have a real question about this, too. [LB1092]

SENATOR HARMS: Yeah, it is the liability issue. [LB1092]

SENATOR SCHIMEK: Okay. [LB1092]

SENATOR HARMS: And according to Senator Lathrop and I don't know, whoever he's been working with, feel like this would at least help us with that issue. [LB1092]

SENATOR SCHIMEK: I will wait to ask the questions until I see the new amendment, thank you. [LB1092]

SENATOR HARMS: Um-hum. Sure. You're welcome. Thank you very much. [LB1092]

SENATOR FISCHER: Other questions? [LB1092]

SENATOR HARMS: Well, thank you for your courtesy and... [LB1092]

SENATOR FISCHER: Thank you, Senator Harms. [LB1092]

SENATOR HARMS: ...Madam Chair, I would like to have the right, if it doesn't go too long, to close, if I may. [LB1092]

SENATOR FISCHER: Certainly. [LB1092]

SENATOR HARMS: Okay, thank you. [LB1092]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR FISCHER: Thank you. [LB1092]

SENATOR HARMS: Thank you. [LB1092]

SENATOR FISCHER: At this time, I would ask how many people are here to speak as supporters of the bill, if you would raise your hands? One, two, three, four, five, six, seven, eight, nine. And how many opponents to the bill? None. How many in the neutral capacity? I see two hands. We will limit testimony to three minutes each and if you were not here before, I will go through our light system. We'll have a green light on for the first two minutes, the amber light will be for the next minute, and when the red light comes on, please try to wrap up your testimony. With that, I would ask the first proponent to please step forward. [LB1092]

TOM RIEF: Madam Chair, because of his disabilities, is it okay if I stay up here and assist him? [LB1092]

SENATOR FISCHER: That would be perfectly fine. [LB1092]

TOM RIEF: Do I need a yellow copy made out, then, or... [LB1092]

SENATOR FISCHER: I would appreciate it, if you would. [LB1092]

TOM RIEF: Okay. [LB1092]

SENATOR FISCHER: And if you do make comments during the testimony, you'll need to identify yourself at that time, please. Good afternoon and welcome. [LB1092]

TAIT RIEF: Hello. [LB1092]

TOM RIEF: Say your name. [LB1092]

TAIT RIEF: I'm Tait Rief. [LB1092]

TOM RIEF: Spell it. [LB1092]

TAIT RIEF: T-a-i-t R-i-e-f. [LB1092]

TOM RIEF: I am Tom Rief, T-o-m R-i-e-f. [LB1092]

SENATOR FISCHER: Okay. [LB1092]

TAIT RIEF: (Exhibit 5) On October 13, 2001, after marching in a band competition at Burke High School in Omaha, I quickly got on the schools bus, took off my band

uniform, and sat down toward the front of the bus with my radio headset on so I wouldn't miss the rest of the Nebraska versus Baylor football game. Those are the last memories I have of that October day because the bus I was riding on fell approximately 49 feet off of a bridge. It flipped on its side making a three-quarter turn and then landed in a creek bed. I sustained a severe diffuse axonal brain injury during my accident. My injury plus all the other injuries my family witnessed that day have made our family firm believers that school buses should have seat belts. One injury, or in this case lack of injury, involves my own brother, who was also on the bus. He was sitting one seat back and across from me. He is 6 foot 3 tall and was a starter on offense and defense for what would be the Class B State Football Champs that fall. So in other words, he was strong. He wasn't listening to the radio like me, so he heard the bus hit the guard rail. He prepared himself for the problem; he was sitting sideways in his seat, so he spread his legs apart and braced himself between the benches and grabbed the overhead storage bars. He essentially became his own seat belt. He suffered minor injuries compared to all those around him: A minor concussion; a head laceration; a few cracks in his vertebrae and in the bones of ear, while the woman across the aisle from him died and my two classmates, one directly in front of him and the other two rows in front of him, also died. I was across the aisle and one row up and suffered a catastrophic brain injury. We believe he was spared any major injury because he strapped himself in. Those of us who weren't prepared for the crash or strong enough to do anything about it became human missiles. The many injuries and deaths suffered that day testify to this imagery. The many broken arms, hips, legs, pelvises, lacerations, contusions, abrasions and other deadly internal injuries indicate that people were banging into each other as well as the bus itself. I have attached a copy of the medical and pathological section from the National Transportation Safety Board's highway accident report describing the injuries. I have also included the survival aspects section. I encourage you to read these at your convenience. My brain injury is the kind that is caused by travelling at a high rate of speed, the fall, and then coming to a sudden stop. My brain basically twisted in my skull, tearing and damaging many of the axons. Axons are part of the brain nerve cell, and this injury left me with a situation similar to an orchestra with no conductor. Our family's experience with my injury and our fight for recovery makes us passionate about the fact that no one else should ever have to needlessly suffer such a life-changing event. Seat belts, we believe, are the key to keeping such a needless injury from happening to children riding on schools buses. The financial cost to society and taxpayers when an individual dies or is critically injured in a school bus accident far outweighs the cost of seat belts. For example, my medical expenses have reached nearly \$1.5 million. I was in the ICU for 20 days, an inpatient at Madonna for nearly 4 months, attended outpatient therapy full time for another 6 months, and continued therapy at Madonna on a part-time basis for another 4 years. I will continue to have a lifetime of medical and medical equipment expenses. Then there are the intangible expenses, such as my loss of short-term memory, loss of independence, loss of the ability to generate an income, and most importantly, the loss of friendships because of the deaths resulting from the accident. Many lives were forever changed on that



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

Transportation and Telecommunications Committee  
February 12, 2008

---

October day. My family and I ask you as our state legislators to enact this bill so no other child has to experience that kind of October day and all of the days that follow. Please vote yes to make seat belts mandatory in all new school buses in this state. [LB1092]

SENATOR FISCHER: Thank you, Tait, for being here today. [LB1092]

TAIT RIEF: You're welcome. My pleasure. [LB1092]

SENATOR FISCHER: Are there questions? I appreciate you sitting through the testimony and your patience in doing so. Thank you for coming forward. [LB1092]

TAIT RIEF: Yep. It strengthened me. [LB1092]

SENATOR FISCHER: Thank you. I appreciate it. [LB1092]

TAIT RIEF: Yep. You're welcome. [LB1092]

SENATOR FISCHER: Next proponent, please step forward. [LB1092]

CINDY BADER: (Exhibit 6) Good afternoon, Senators. My name is Cindy Bader, B-a-d-e-r. My son, Eric Bader, died after the 2001 Seward High band bus accident in Omaha. He would be living today if he had been wearing a seat belt. We are here today to responsibly ensure public safety while riding the bus. Eric used seat belts throughout his 17-year life. Ironically, the only exception is the school bus, a vehicle which transports so many innocent, treasured lives. As parents, our primary responsibility is to act in the best interest of our children. We teach morals and safety. We depend on our schools to also educate them for their well-being and protect them. We depend on our government officials to develop, maintain, and enforce laws for their safety. Your responsibility is to act for your constituency. We are here to support you as you support the safety and well-being for the public when riding in a bus and ensuring the consistency of laws regarding the seat belts. Individuals can make excuses why not to have seat belts in buses, but there are merely excuses. Many of these individuals also criticized the seat belt law while it was mandated. In hindsight, we see how it has saved lives. Although we hear incidents of deaths of individuals who did not choose to put on their seat belt, they had the option. It was their personal choice. Children on a school bus do not have that option. They have no seat belt available to ensure their safety. These children have the habit of buckling up and would readily do so if one was available. The entities responsible for buses are primarily the school district and government laws. There should always be a seat belt in every vehicle which transports children. Some excuses that I've discovered are seat belt expense, enforcement, time limitations, and time to unbuckle belts in an emergency. The first off, we'll address expense. Seat belt expense estimates range from \$10 to \$20. That's minimal compare

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

Transportation and Telecommunications Committee  
February 12, 2008

---

the total cost of a bus. Seat belts have been cost justified in other vehicles. A child's life on a bus should be no different. Some say it's consuming to ensure seat belt enforcement. Conversely, how better to spend time to ensure the safety of a child? Some say there are more important bills. Well, time is of the essence. We need action now. Let's get the job done. If someone would have pursued the importance of seat belts prior to 2001, think of the time and lives that would have been saved. Some say it's too time-consuming to unbuckle accident victims; however, children can unbuckle themselves. If they are severely injured, the second it takes to click the button would not risk the life of the seriously injured child, but wearing the seat belt would have rather saved the child's life. Virtually every reason is merely an excuse, and factual information shows that seat belt saves lives in serious accidents, such as the one in Omaha where four lives were lost and others were seriously injured. Seat belts could secure book bags and other items which injure individuals if not restrained. Students on the bus commented on the many objects flying through the bus and hitting them. Just a couple of weeks ago, there was another near school bus accident. Fortunately, this bus did not fall off the bridge. This is the second incident in the same school district and no correction was made because of the lack of funding for the school district budget. Currently, government funding is not available and government laws are not mandating that school belts are required. Schools will not spend the money on seat belts until there is funding and/or laws mandating seat belts. We need our help to get the job done right. If there is another bus accident, whose responsibility will it be? What if one of your loved ones is on the bus? How can you as parents and senators not realize the importance and urgency? We need every one of you to help with the funding and laws to ensure that another accident does not take the lives of our precious loved ones. After a tragic accident, there is no quick fix for our loved ones. How terrifying to see a child with broken bones and bruises everywhere. There is no one who can give back their life. The pain and grief never goes away. We need you to ensure that families don't have to suffer this horrific loss. It is your duty and your responsibility as parents and senators to support LB1092. The estimated expense is minimal considered the number of children a bus transports, the value of a bus, the multiple daily routes, and the priceless value of each child. This bill allows for students to have a seat belt, like the driver. The timely requirement that school buses purchased after January 1, 2009, is feasible. LB1092 would create consistency for seat belt enforcement in vehicles which children occupy. Please help to ensure that there are seat belts, especially in school buses. Thank you. [LB1092]

SENATOR FISCHER: Thank you, Ms. Bader, for being here and on my own behalf and on behalf of the committee, we certainly offer you our condolences on the passing of your son in this accident. [LB1092]

CINDY BADER: Thank you. [LB1092]

SENATOR FISCHER: Thank you. Are there questions? Senator Schimek. [LB1092]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR SCHIMEK: Thank you, Madam Chair. Ms. Bader, I have just two quick questions. One is, has there been discussion in the Seward School District about buying buses as they replace old ones that actually do have seat belts? And I'll ask you the second question after you've had a chance to respond to that. [LB1092]

CINDY BADER: Okay, and I can't really answer the first question very well. I've talked to bus drivers and they say that there are no seat belts on any of the buses. I am not part of the school board, so I do not get the behind-the-scenes discussion on when they purchase a bus what criteria they use. My understanding that the funding is the problem. [LB1092]

SENATOR SCHIMEK: I'm surprised that this wouldn't have been a big issue before the school board. The second thing is, in Tait's testimony, he actually included some of the highway accident report done by the Transportation Board, and it mentions emergency evacuation drills, and I've never thought of that before, but apparently at least in the cases where children ride schools buses every day, they are required to have those drills twice a year, and a lot of the band members have never been through those drills. Has there been any change in that policy in Seward? [LB1092]

CINDY BADER: And again, I can't speak for the school board, but my understanding is yes, that they are ensuring that that's being... [LB1092]

SENATOR SCHIMEK: That everybody gets the drill. I'm not sure it would have made any difference here, but it could have and I would hope that every school board would think along those lines. [LB1092]

CINDY BADER: My son was like Tait. He was taking a nap in the back seats, so he was not prepared for the impact of the accident. And there are other kids who are on a bus who don't necessarily be concerned when they're just a passenger in a school bus. [LB1092]

SENATOR SCHIMEK: Right. Thank you for being here. [LB1092]

CINDY BADER: Sure. [LB1092]

SENATOR FISCHER: Other questions? I see none. Thank you, again, for coming. Next proponent, please. Good afternoon. [LB1092]

DAWN PRESCOTT: (Exhibits 7, 8) Good afternoon. My name is Dawn, D-a-w-n, Prescott, P-r-e-s-c-o-t-t, of Fremont, Nebraska. And as you will remember from my firsthand testimony last year of the 2001 Seward school bus accident, I am most importantly Benjamin's mom. Since my son Ben is in heaven, I'm compelled to speak on

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

Transportation and Telecommunications Committee  
February 12, 2008

---

his behalf today and on behalf of all children in our state who trust in us as adults to keep them safe. I will have a very brief testimony. I would urge you to look at the DVD at your convenience. I am not promoting a particular company; however I believe that the footage that shows the crash tests as well as the real video footage of a rollover will be compelling to you. So I would encourage you to look at that DVD. In your handout, I went on the DMV web site the other day and I noted two things that I would like to call your attention to. The first one is, next to the picture of Governor Heineman, is the agency's mission, and I've underlined the part that I would like to call you attention to. It says, "The mission of the Nebraska Department of Motor Vehicles is to promote safety through education and regulation of drivers and motor vehicles." In the upper right-hand corner of the home page of the DMV web site for our state, there is a graphic that says, "Buckle Up." I will call you attention to the second page where I also found a graphic on the Nebraska DMV web site. I believe it was a car seat checkup promotion. But again, I have put a box around the area that says, "Safe Kids Buckle Up." On the third page, I was able to find a photograph of Highway 275 northbound coming into Nebraska from the Iowa state line. The white box on that picture shows very clearly the Nebraska highway sign that again shows that Nebraska has a law that you must buckle up. We need to be consistent about our message. We need to be consistent about taking safety seriously. If we are going to have all of these things in place, then let's be consistent on school buses. Just last week, February 4, there was a near serious accident that had been mentioned previously. On your fourth page I have taken a graphic of that accident. A lot of the conversation today has talked about collisions, it's talked about head-ons, rear-enders, accidents that occur on an angle. The Seward bus accident of 2001 and this accident were not collisions, they were simply buses that for whatever reason, ice in this case last week, went off the road into a ditch. This bus was carrying students on it. They were lucky because the bus, if it had gone farther, would have been on its top in that ditch. By the picture you can tell that it was hanging there, okay. They were able to get the students off. By the article in the paper, it said that they transported them by school bus to the hospital to get checked out. I can't imagine how terrified they must have been to have to climb on another school bus. But thank God these children escaped with their lives. That is all I have to say. I appreciate you taking the time to hear me today. Thank you. [LB1092]

SENATOR FISCHER: Thank you, Mrs. Prescott, and again I offer you our sincerest condolences on the loss of your son. [LB1092]

DAWN PRESCOTT: Thank you. [LB1092]

SENATOR FISCHER: Are there questions? I see none. Thank you very much. [LB1092]

DAWN PRESCOTT: Um-hum. [LB1092]

SENATOR FISCHER: Next proponent for the bill, please. [LB1092]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

MICHELLE BADER: Good afternoon. [LB1092]

SENATOR FISCHER: Good afternoon. [LB1092]

MICHELLE BADER: My name is Michelle Bader, M-i-c-h-e-l-l-e B-a-d-e-r. In order to adequately protect bus occupants from sustaining serious injury or death in tip-over or rollover crashes, they must be restrained to their seats. This bill will implement a common sense approach in motor vehicles that has been available in passenger cars for decades. Click It Or Ticket; how is the school bus the exception to this law? Buckling up is the law and should be applicable to every type of motor vehicle. In New York, New Jersey, Louisiana, California, Florida, and Texas it is the law that children must wear safety restraints in school buses. The first state to pass this law was New York in 1987. The need for restraints on school buses is not a new concept. It is common sense and it is Nebraska's turn to protect every life on a school bus. I know that my brother, Eric Bader, would be alive today if he had that opportunity to wear a seat belt just as the bus driver, Joshua Smith, did. Joshua is alive today and has a seat belt to thank. My brother's life was stolen at the age of 17. This tragic accident has opened many eyes to the lack of safety on school buses. That is why we are here today asking our state representatives to help protect everyone that boards a school bus, not just the bus driver. As a result of the Seward bus accident, the state of Nebraska paid over \$3 million in lawsuits. That is enough money to equip over 300 new school buses with seat belts. There is no excuse not to install seat belts in school buses. After all, it is the law to buckle up. Thank you. [LB1092]

SENATOR FISCHER: Thank you, Michelle. Are there any questions? We appreciate you being here, thank you. [LB1092]

MICHELLE BADER: Thank you. [LB1092]

SENATOR FISCHER: Other proponents for the bill? Good afternoon. [LB1092]

JERRY STILMOCK: Senator, thank you. Jerry Stilmock, S-t-i-l-m-o-c-k, lobbyist on behalf of the Nebraska State Volunteer Firefighters Association to lend our support for LB1092. The information that Senator Harms has shared with you I've had an opportunity to review. And as a matter of fact I went to the manufacturer's web site over the noon hour and saw how the seat by one of the manufacturers has attempted to answer the questions that have been raised in the past regarding the use of restraints as well as the...in conjunction with the compartmentalization that's used in buses. And it seems like a wonderfully good fit. And we would simply, as first responders throughout the state, offer our support and encourage this committee to advance this bill to the floor. I've not had an opportunity to look at the amendment that Senator Harms has shared with you. It sounds like he's put a tremendous amount of work into it and I look

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

Transportation and Telecommunications Committee  
February 12, 2008

---

forward to the opportunity to look at that amendment, but I believe with the concept and the information that you've heard this afternoon, it would be something that we would support as well. Thank you. [LB1092]

SENATOR FISCHER: Thank you, Mr. Stilmock. Are there questions? Thank you for being here today. [LB1092]

JERRY STILMOCK: Thank you. [LB1092]

SENATOR FISCHER: Next proponent, please. Good afternoon. [LB1092]

SARAH GARBERS: (Exhibit 9) Good afternoon. My name is Sarah Garbers, S-a-r-a-h G-a-r-b-e-r-s. Good afternoon. My name is Sarah Garbers and I'm a sophomore at Seward High School. I moved to Seward about four years ago from Columbus. On February 4, 2008, a cold, icy morning, I boarded my school bus at 7:45. I expected a short bus trip to school like any other morning, and was more worried about my P.E. class first hour instead of the trip. The bus started sliding on the ice as we headed down a hill, partially left the country road, and struck a bridge rail. It teetered and slid approximately 20 feet into the ditch with the back end sticking up in the air. Luckily, all 15 children and the bus driver were not injured. Had my bus driver not slowed down before hitting the bridge, the crash could have been more serious because no one was wearing a seat belt. I believe that seat belts first of all should be put on buses because they are required on other motor vehicles. The Nebraska law requires children 6 to 18 years of age to wear a seat belt while riding in a car. Without seat belts on buses, they are teaching the children not to buckle up in cars. There are hundreds of children every day riding to school on buses without a seat belt. These children are put into danger of an accident every time just as much as riding in a car. If seat belts are so important in cars, then why is there no law requiring them in buses? One reason many people feel that they are not required in buses is that it costs too much money. I believe that money should not be a factor when dealing with the safety and well-being of the children. The approximate cost to install a seat belt in a bus is \$27 per student. Is \$27 really too expensive when a person's life is priceless? The bus crash on February 4, 2008, brought back the terrible memories of the October 13, 2001, Seward bus crash that killed 4 people and injured 28 others. I strongly believe that the 4 deaths and the 28 injuries could have been prevented had the bus had seat belts. Ever since the 2001 accident, I have been terrified of another bus crash happening to me. While the bus was sliding, all I remember is being terrified and as the bus hit the rail, thinking I was going to die. I prayed to God that he would keep us all on the bus safe and prevent another tragedy. When the bus crashed in 2001, it not only affected the families and those in the crash, but the whole community. Every time the news comes on with a bus crash, the memories of that day are revisited. I sometimes try to imagine all the wonderful things each of the victims would have accomplished by now. I also imagine how having seat belts on the bus could have saved their lives. Surviving the bus crash has shed light on

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

Transportation and Telecommunications Committee  
February 12, 2008

---

how precious life is to all of us. I believe that by that second chance to me it is my duty to prevent another tragedy to happen like that again. Next time a bus crash might involve your children, grandchildren, nieces, or nephews on it having injuries that could have been prevented had they worn seat belts. Will you wait until that time, when it's too late? Please join me in support of putting seat belts in buses. Thank you. [LB1092]

SENATOR FISCHER: Thank you, Sarah. Are there questions? I see none. Thank you for coming today and giving us your opinion on this. Next proponent, please. Good afternoon. [LB1092]

AUSTIN TAIBEMAL: Good afternoon. My name is Austin Taibemal, A-u-s-t-i-n T-a-i-b-e-m-a-l. I come in front of you today to talk about seat belts in buses. I think it's quite important. As my aunt and cousin has already said, my 17-year-old cousin Eric Bader has died in a bus accident. He was a senior. I, too, right now am 17 and I'm a senior. If you think about it, if we had seat belts in buses, that would be a great factor to safety. And I have been through a lot of bus evacuation drills and such, but it never really tells much about safety precautions that we should take besides trying to evacuate and to inform others. So if you really think about it, though, ever since we were all born, we've been taught to wear seat belts, so why should we teach our young children, the ones in kindergarten, to not wear seat belts in buses? Because they've been taught to wear seat belts in transportation. So are we really just saying just to wear seat belts in cars, and then show them something different? If you really think about it, too, when we're all together, and I've been on many bus rides, a lot of kids, they don't just sit there and be nice. Some kids will get up, jumping around, yell, scream, or even fight with each other. But if we have seat belts that would most likely contain the students. And if you ever really thought about it, just the true facts, if you went to a school reunion and didn't see one of your friends because of a seat belt not being in a bus because of a bus accident, wouldn't you miss that person? Wouldn't you just want to just, you know, think about it. One of your best friends is gone because of a bus accident. I don't know how you could just live with that. It's kind of hard. But that's all. Thank you. [LB1092]

SENATOR FISCHER: Thank you, Austin. Are there any questions? Thank you for being here with us today. [LB1092]

AUSTIN TAIBEMAL: Thank you. [LB1092]

SENATOR FISCHER: Next proponent, please. Good afternoon. [LB1092]

SUSAN FERRIS: (Exhibit 10) Hello. Susan Ferris, F-e-r-r-i-s. I did bring prepared statements, but I'm not sure I have anything to add that I haven't heard this afternoon. I come to you as the face and the voice of the medical community for the state of Nebraska. I'm the president of the Lancaster County Medical Alliance, which is the

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

Transportation and Telecommunications Committee  
February 12, 2008

---

volunteer arm of the local medical society, which is the organization of all the medical doctors. And I've had a 10-year seat on the Nebraska Medical Association Alliance, which is a statewide organization. We are very interested in the health and safety of our patients and our families and our friends, and we heartily endorse the putting of lap and shoulder safety equipment in our school buses. I put a little chart in the middle of the page and I would call to your attention that it has been over 20 years that organized medicine has endorsed this issue and called for this basic safety equipment. And there's...20 years is too long. So, I would ask for your support in this issue and also I would very much like to thank Senator Harms for his attention to this issue. [LB1092]

SENATOR FISCHER: Thank you, Ms. Ferris. Are there any questions? I see none. Thank you very much. [LB1092]

SUSAN FERRIS: Thank you. [LB1092]

SENATOR FISCHER: Other proponents? Good afternoon. [LB1092]

JOYCE KRSKA: (Exhibit 11) Good afternoon. [LB1092]

SENATOR FISCHER: I am sorry, I need you to sit in the seat so we can get it transcribed. [LB1092]

JOYCE KRSKA: I am going to have Austin, my grandson, read my letter. [LB1092]

SENATOR FISCHER: Okay. [LB1092]

JOYCE KRSKA: And he's prepared to do it for me. But I am... [LB1092]

SENATOR FISCHER: I have to have you sit down and say your name, though, and spell it. [LB1092]

JOYCE KRSKA: I am Joyce Krska, J-o-y-c-e K-r-s-k-a, from Seward. [LB1092]

SENATOR FISCHER: Thank you. [LB1092]

JOYCE KRSKA: And I'd rather hold the up boards so you could really understand what I want you to hear. [LB1092]

SENATOR FISCHER: And that would be fine. And this is your grandson, then? Austin is your grandson? [LB1092]

JOYCE KRSKA: This is my grandson, Austin, and Eric is my grandson. [LB1092]



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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR FISCHER: Okay. Thank you. [LB1092]

AUSTIN TAIBEMAL: Good afternoon, again. [LB1092]

SENATOR FISCHER: If you can say and spell your name and explain that you're reading a statement for your grandmother, then that will be fine. [LB1092]

AUSTIN TAIBEMAL: All right. Okay. A-u-s-t-i-n T-a-i-b-e-m-a-l, Austin Taibemal. This is my grandmother, Joyce Krska. We're both from Seward, Nebraska. Her grandson, Eric Bader, passed away on Friday, October 19, 2001, because of a school bus accident that occurred on Saturday, October 13, 2001 due to road construction in Omaha, Nebraska. He was 17 years of age. He fought for six days in intensive care to continue his life, which he loved and enjoyed. He died because there's no seat belts on the school bus to protect him. As he and the school bus full of students and representatives dropped 62 feet into a ravine, he and others were battered and allowed to be tossed and tumbled around in the bus. The cause of this problem was that there were no seat belts in the bus to protect the students. Josh Vandenburg, a surviving school bus victim, was quoted in the paper as he described his experience by saying, "He doesn't feel any pain yet. What he feels is trapped. He's lying on his stomach underneath kids who are not moving." The cause of Eric's death was blunt trauma to the head, chest, and pelvis. I believe a seat belt in the school bus would have saved Eric's and three other lives who also died due to this crash. Seat belts in this bus would have saved lives. The school buses do not even buckle up the 5-year-olds and older. Currently, the state of Nebraska requires all children up to 6 to be correctly secured in a federally approved child safety seat. When you have a baby, you are required by law to have an infant car seat installed in your car before you are permitted to leave the hospital. Children age 6 to 18 must be properly secured and wearing a seat belt at all times. The initial fine for not wearing a seat belt is \$25. The driver and the passengers who are over 18 years of age can be fined separately. The law also allows for damages collected by someone in a crash to be reduced for failure to use a seat belt. According to the 2006 Nebraska Seat Belt Facts, seat belts save 45 to 50 percent more lives. The current seat belt laws, of course, do not apply to school buses who transport our most treasured and valued cargo, which is our children and our future. If the schools can afford football, soccer, track, swimming, golf, baseball, wrestling, and basketball, they can afford seat belts in every school bus. We want the law to protect the little children, the young, and the old. Can you really say no to the children who do not need seat belts for protection? You are in charge of this lifesaving bill. Please vote yes. You can correct this wrong. Please vote yes and require seat belts in every school bus. Seat belts are not a luxury. Let me repeat: Seat belts are not a luxury. Seat belts are life. Thank you. [LB1092]

JOYCE KRSKA: Thank you. [LB1092]

SENATOR FISCHER: Thank you, Mrs. Krska. [LB1092]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

JOYCE KRASKA: Thank you. [LB1092]

SENATOR FISCHER: Any questions? Senator Schimek has a question for you, ma'am. [LB1092]

SENATOR SCHIMEK: Well, it's more of a comment than a question. So, I've been listening to the testimony here today and I'm in full sympathy with what you're trying to do, but I'd also like to observe, and I will probably hear from the Seward School Board members on this, that you could petition your school board to do this very thing right now. I hope that we will do it on a statewide basis. [LB1092]

JOYCE KRASKA: I do, too. [LB1092]

SENATOR SCHIMEK: But I would think that it would be possible for you to go to your school board and encourage them to adopt this policy themselves. And... [LB1092]

JOYCE KRASKA: But until the state makes it mandatory for them to make the funds... [LB1092]

SENATOR SCHIMEK: But I would think for them it would not be a case of having it mandated, I wouldn't think that, having been through two recent bus accidents that they would see the value in doing that. And my heart goes out to all of you. So, thank you for being here. [LB1092]

JOYCE KRASKA: Thank you. But we do need seat belts. [LB1092]

SENATOR SCHIMEK: Yes. I'm not suggesting...but I also know this is a short session and Senator Harms has already mentioned that he doesn't think that he can prioritize this this year. So I think it will happen eventually, but a quicker way for you to get some satisfaction would be to go to your own school board, too, so. That's just a suggestion. [LB1092]

JOYCE KRASKA: We're all here for a quicker way and it's with you senators. [LB1092]

SENATOR SCHIMEK: Thank you. [LB1092]

JOYCE KRASKA: Our trust is in you. [LB1092]

SENATOR SCHIMEK: Thank you. [LB1092]

SENATOR FISCHER: Other questions? Once again, thank you very much for being here today. [LB1092]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

JOYCE KRASKA: Thank you. [LB1092]

AUSTIN TAIBEMAL: Thank you. [LB1092]

SENATOR FISCHER: Other proponents to the bill? Are there any other proponents? Are there opponents to the bill? Any opponents? Anyone wishing to testify in the neutral capacity? I believe we have two, is that correct? Good afternoon. [LB1092]

JEREMY MURPHY: Good afternoon, Senator Fischer and committee members. My name is Jeremy Murphy, spelled M-u-r-p-h-y, and I serve as associate director of education issues for the Nebraska Catholic Conference. We previously had significant concerns about the language of the original bill; however, these concerns are greatly diminished by Senator Harms's amendment, which we have reviewed. We do appreciate the amendment's practical effect of leaving the decision-making to our parents of school children, patrons, and local school administrators as far as private schools are concerned. Any mandate to require seat belts on school buses for school districts would be significant and such a mandate would impact private schools in some fashion and at some point. Our students' safety is very important, and obviously that factor has to be weighed against the costs of either installing seat belts on school buses or buying new buses with the seat belts included. That concludes my testimony. Are there any questions? [LB1092]

SENATOR FISCHER: Thank you, Mr. Murphy. We just received the amendment from Senator Harms today and as such the committee nor the committee counsel have had time to review it. But you heard questions earlier and comments made about private schools. If private schools are included in this mandate, what would be the position of your organization? [LB1092]

JEREMY MURPHY: I would anticipate at least the Nebraska Catholic Conference would still maintain a neutral position on the bill. We would become obviously more concerned about the cost issue and how that would be dealt with. I think there...it is more difficult for private schools to deal with this type of issue if you have no federal funding anyway to help with it and I don't know if there are federal funds or state funds to help with this type of thing or not. There have been so many bills have been spent the state surplus that I don't think there's any surplus left if my calculator's correct, so. But we would maintain a neutral position on the bill, but, you know, might raise cost issues. That's my understanding. [LB1092]

SENATOR FISCHER: Thank you. Other questions? I see none. Thank you very much. [LB1092]

JEREMY MURPHY: Thank you. [LB1092]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR FISCHER: Next person for testify in the neutral capacity, please. Good afternoon. [LB1092]

TIM MORAVEC: Good afternoon. I think I'm the last one, so thank you for you patience and for listening. [LB1092]

SENATOR FISCHER: Thank you for your patience. [LB1092]

TIM MORAVEC: My name is Tim Moravec, M-o-r-a-v-e-c. I'm a parent of three children, one has gone through the public school system, two of them are in it right now. So I'm a parent with children who ride school buses, and I just have a few things that I am confused about and I have a few things that I know. I would like to share those with you. I am confused that I have listened to these hearings since we've started talking about seat belts on buses, and only one person has talked against it, yet it has never made it out of committee. I've heard people talk in a neutral capacity when really they were against the seat bus belt proposition. I'm confused on why it doesn't get out of the committee. I am confused why if compartmentalization, developed in the 1970s, is such a great theory of highway safety, why other forms of transportation don't use compartmentalization as their mode of safety. I am confused and concerned that our state says, do as we say, not as we do, with children. We require seat belts on all the stages of their lives except when they're in a school bus. I'm confused on statistics that are so confusing you can't make sense of them. You can find out that either 6, 8, or 11 people die a year in school buses, but you really don't know which one it is. I'm confused why they don't report on injuries on school buses instead of just deaths. I am confused why sometimes statistics follow buses that are just going to and from school, but not to and from school events. I suspect those statistics are not quite accurate. I am confused when people say, school buses are the safest form of transportation. They are not. Commercial airlines are the safest form of transportation and they have seat belts. I know some things. I know Will Rogers said that common sense is not so common (sic), and I think that's what we're really taking about here. I know Senator Kruse, who isn't here right now, said that he will always wear a seat belt if his wife says so, but he won't if he's on a school bus because there's no seat belt, unless he drives the school bus because there is a seat belt for the bus driver. I know that the federal government standards are over 30 years old and they've just come out with some new standards, which are encouraging and also provides for some funding for additional school belts on new purchases. I ask that you pass this bill onto the full Legislature for debate. Life is very short. We've debated this bill enough. I think you should pass it on for full debate. Thank you. [LB1092]

SENATOR FISCHER: Thank you very much. Are there any questions? Senator Hudkins. [LB1092]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR HUDKINS: Mr. Moravec, thank you for being here. You testified in a neutral capacity, but aren't you really supporting the bill? [LB1092]

TIM MORAVEC: I'll tell you why I'm in a neutral capacity. Last year I sat out there and did not testify and there were about three people that testified in a neutral capacity that were absolutely against it. I think we heard another one today, that if the funding is not...I am for the bill. I am talking in a neutral capacity. I was upset last year when some people testified in a neutral capacity and they were really against it. [LB1092]

SENATOR HUDKINS: Thank you. [LB1092]

TIM MORAVEC: So, yes. [LB1092]

SENATOR FISCHER: I would have to say that my take on the other person who testified in the neutral capacity today was that he was in favor of the bill no matter what when he answered my question. So I have a different take on it than you do. [LB1092]

TIM MORAVEC: Well, and I appreciate that. Last year he testified against it because parochial schools were involved and that... [LB1092]

SENATOR FISCHER: I would have to look that up, but. Right. [LB1092]

TIM MORAVEC: And that's okay. I'm not...that's beside the point... [LB1092]

SENATOR FISCHER: Right, but... [LB1092]

TIM MORAVEC: ...so I appreciate your comments, though. [LB1092]

SENATOR FISCHER: Any other questions? I would like to say to you and to all the people here in attendance today as a follow-up to Senator Schimek's comment, this is a short session. Senator Harms has said he is not going to prioritize this bill. Even if this bill is passed out of committee, the speaker made it plain on the floor today that there probably would not be any discussion on any bills passed out of committee from this point on on General File because there is not the time unless the bill is prioritized. I did want to make that point clear, that Senator Schimek was trying to clarify that to you also. And with that thank you very much for being here. [LB1092]

TIM MORAVEC: Thank you. [LB1092]

SENATOR FISCHER: Anyone else wishing to speak in the neutral capacity? I see none. Senator Harms, would you like to close? Short closing, I would imagine. [LB1092]

SENATOR HARMS: It will be. I understand that. [LB1092]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR FISCHER: Thank you. [LB1092]

SENATOR HARMS: We're still going at Appropriations Committee, so you guys get out early. [LB1092]

SENATOR FISCHER: I know you want to stay here with us a little longer, don't you? [LB1092]

SENATOR HARMS: I think with what was going on there, it might be more fun. Madam Chair and distinguished colleagues, I wish I could take credit for inviting these teenagers in. I can't. And I want to thank them for their courage because even when I come before you sometimes, I'm a little nervous. I don't care how many times you do this, you are, your stomach is churning and because there are a lot of bright people on the other side of the table and most likely a lot brighter than maybe what I am. And so I want to thank them for that because it takes a lot of courage to do that. But I think what we've learned today compared to where we were a year ago, this is absolutely growing. People are wanting the issue addressed and I would urge you to bring it out on the floor. And I think that's where it needs to be debated. I think that there are some things that you could do to improve the bill and you know what, I don't have any authorship here. I mean, a collection of minds is better than one. Whatever it takes to make it a good bill, we should do that. And Senator Fischer, I wanted to make one correction is that I will make this my priority bill. I haven't really chosen, so if I gave it to anyone by that indication, I would surely apologize. I just hadn't made up my mind until after I heard the testimony. That just kind of gets me fired up again about kids and what the issues are, and so I'm going to change my priorities here. But I would just tell you that I would be in hopes that you would give it a fair evaluation, make whatever changes you have to make, and let's just get it out on the floor and see what happens. So I thank you very much and thank you for your kindness and all your good questions. [LB1092]

SENATOR FISCHER: Senator Schimek. [LB1092]

SENATOR SCHIMEK: Yes, thank you, Madam Chair. Senator Harms, if I misunderstood you, I apologize, but I thought you said during your testimony that you would not be making this your priority. [LB1092]

SENATOR HARMS: No. No, I didn't say anything like that. [LB1092]

SENATOR SCHIMEK: Oh. What did you say during your testimony? [LB1092]

SENATOR HARMS: I don't know. (Laughter) I didn't talk about priorities. [LB1092]

SENATOR FISCHER: We'll have to read the transcript to figure it out. [LB1092]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR HARMS: Yeah, we'll have to read the script. We'll have to read that, and then you can correct me. [LB1092]

SENATOR SCHIMEK: (Laughs) Well, I apologize, then. [LB1092]

SENATOR HARMS: Oh, don't worry about that. [LB1092]

SENATOR SCHIMEK: Because that's what I thought I heard. [LB1092]

SENATOR HARMS: No, I don't think so. [LB1092]

SENATOR SCHIMEK: And I thought we had some discussion at some point about possibly it could become a Speaker priority or something like that. [LB1092]

SENATOR HARMS: No, huh-uh. I've not had that discussion. [LB1092]

SENATOR LAUTENBAUGH: I think that was the other bill. That was the first bill. [LB1092]

SENATOR STUTHMAN: That was, that was the (inaudible). [LB1092]

SENATOR LAUTENBAUGH: That was the first bill. [LB1092]

SENATOR SCHIMEK: Oh, was that the bill before? [LB1092]

SENATOR LAUTENBAUGH: Yeah. [LB1092]

SENATOR SCHIMEK: Oh, I am so sorry, Senator. [LB1092]

SENATOR FISCHER: And I followed up... [LB1092]

SENATOR SCHIMEK: I'm glad you clarified. [LB1092]

SENATOR HARMS: Hey, don't you worry about that. Listen, you know what? [LB1092]

SENATOR SCHIMEK: What? [LB1092]

SENATOR HARMS: We all make mistakes and I make plenty of them, so don't... [LB1092]

SENATOR FISCHER: And I follow up with Senator Schimek, so we doubled the mistake. I apologize for that. [LB1092]

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

Transportation and Telecommunications Committee  
February 12, 2008

---

SENATOR HARMS: That's okay. Don't worry... [LB1092]

SENATOR FISCHER: I would like to say that we'll look over the amendment and also wait for you, then, to get us the amendment from Senator Lathrop... [LB1092]

SENATOR HARMS: We'll do that right away tomorrow, um-hum. [LB1092]

SENATOR FISCHER: ...that's going to deal with the liability before we take action on this. [LB1092]

SENATOR HARMS: Sure, I understand that. So thank you, thank you for your graciousness, thanks. [LB1092]

SENATOR FISCHER: Okay. Thank you, Senator Harms. With that I will close the hearing on LB1092 and close the hearings for the day. Thank you. [LB1092]



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

Transportation and Telecommunications Committee  
February 12, 2008

---

Disposition of Bills:

LB812 - Held in committee.

LB1092 - Advanced to General File, as amended.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Committee Clerk