

try to maintain the compliance in this particular piece of legislation. Now, why hurry? I think we have addressed that. I think we have said, oh, no, you don't have to hurry if you don't want to save lives and if you don't want to prevent injuries. I mean if you are all focused in on not hurrying, well, I guess it comes down to do you want to save lives and do you want to prevent injuries? And I think that is the main question. Do you want to save lives and do you want to prevent injuries? We have tried education. We have paid for driver's education in this state and you can tell me that every driver's education class talks about seat belt usage. Triple A talks about it. Highway Safety talks about it. We put it on television. We do lots of things and that hasn't worked. Now, yes, we only have a million and a half people in this state but those million and a half people are very special and very important and I think this legislation is important for that reason. Now, let's talk about federal government telling us what to do as opposed to states adopting this. This is a state's rights issue. The federal government at the federal level cannot say on a national basis that we will do this on a national basis any more than they could on a national basis tell us to drive 55 miles an hour. Rules of the road are state's rights issues. They are not constitutional federally, it is my understanding. I have been operating under that assumption and I think that is probably correct. I stand in opposition to this because it does take it out of compliance and I know that some of those to follow me will talk to the legal issues which Senator Pirsch raised because they are complicated. Thank you.

PRESIDENT: Senator Hoagland, and then Senator Hefner.

SENATOR HOAGLAND: Mr. President and colleagues, you will recall that Senator Vard Johnson and Beutler and I sponsored this amendment on Select File, and at the time we sponsored this amendment, there was quite a bit of floor debate as to whether we should have a 5 percent cap or whether there should be no mitigation of damages at all. Now I think the essential point is that there is essentially no important difference between a 5 percent or a 1 percent cap or not allowing failure to use a seat belt to be used in mitigation of damages whatsoever. The important point is that with either...either of the three provisions we talked about on General File or on Select File, including Senator Pirsch's amendment offered here today, we are protecting the