

SENATOR PIRSCH: How many are excused?

PRESIDENT: Sixteen members are excused at the present time. Members are reminded that we are on Final Reading and we should retain your seats. Senator Pirsch. Senator Pirsch, did you...?

SENATOR PIRSCH: Well, possibly by the time everybody but those 16 have checked in, there may be some of those 16 here.

PRESIDENT: Members, show their presence, please, on the board. The board is open for you to record your presence. I believe that is about all we are going to get at the present time. There is 15.

SENATOR PIRSCH: Good. We have slight improvement. As you recall, Senators, we were discussing Section 5...no, excuse me, Section 6 of LB 496 which I proposed an amendment to treat mitigation as we did the issue of liability and proximate cause. The reason for this is because Nebraska has nothing like this, has never done anything like this before in our statutes. We were told that it is a federal regulation. We have watered down many of these amendments. They are not exactly like the federal recommended regulations. And, lastly, or thirdly, we should not let...we were talking about the state's rights and the state's rights through the rules of the road are the state's rights. We have the prerogative to establish that. And we are following this mandate because we have a club over our head. Those who agree that safety belts are important for the safety on the rules of the road in Nebraska certainly can vote for this bill without Section 6. And I object very strenuously that the federal government is interfering in what supposedly is also our state's right in civil tort law. We should not let them hold this club over our head. Now remember this is a regulation and if you recall, we had a little daily mileage regulation that set up a howl from business people all over the country and they changed that regulation because enough people said, that is not right. Why are we to roll over and play dead on this regulation? I think that there is enough time to argue this, to perhaps change that federal regulation. We do have time. If we take out this section, we can pass a seat belt law in Nebraska and we are leaving inviolate our civil tort law. With that, I would urge...I would give the last minute of my