

take time that we do not need to put another emotional issue on the floor this session. But the principal reason, the principal reason why I did not vote to send the bill to the floor is for the same reason that we had in '71 and '75. We passed a helmet bill those years and they were both ruled unconstitutional by the court. Those bills were declared unconstitutional because there is an unconstitutional delegation of the state's authority. I do not believe that 524 has resolved that problem. I believe it is flawed in the same manner. Let me tell you, as I understand, what that unconstitutional delegation of authority is, and we have delegated to the Department of Motor Vehicles to determine which helmet is legal and which helmet then meets the requirements of the state statute. I believe that to be an unconstitutional delegation, in other words, one type of helmet might be legal and another might not. Therefore, I could be violating the law without really knowing perhaps that I was violating it. I think that is unwise. I think it is ridiculous to put that kind of authority with the Department of Motor Vehicles and, therefore, I would ask you not to send the bill to the floor at this time. I would be glad, and I have agreed, other members of the...

PRESIDENT: One minute.

SENATOR SCHMIT: ...committee, one in particular, Senator Smith, has agreed to work very closely on this issue with Senator Hoagland. There is a bill on motorcycle safety which is in the committee at the present time which we think does do some things that the industry can approve of, which they support, which the motoring public can support, and I think that is a good way to go. I want to say, also, that almost without exception the individuals who testified before the committee in opposition to the bill insisted that they wear helmets. They wear helmets themselves when they are riding their bikes. Their major objection is in having the state mandate a statute that says they have to do that. It is kind of interesting, Senator Rupp and I are on opposite sides of this as we were on opposite sides of the seat belt and I guess we have some of the same reasons for being on opposite sides again. Thank you very much.

PRESIDENT: Time has expired. Thank you, Senator. Senator Hefner. There is 20 minutes left to debate.

SENATOR HEFNER: Mr. President and members of the body...