

# OUR MAN IN THE LEGISLATIVE TELLS IT LIKE IT IS FOR THE FOURTH YEAR



*Rep. Smiley*

Folks, this is my fourth annual pre-legislative session interview with Representative M. J. (Mert) Smiley of District 88. Representative Smiley is a veteran motorcyclist of over 40 years, and a crusader for motorcyclists' rights and safety. This interview, conducted on January 25, 2010, in Rep. Smiley's offices in Port Vincent covers several political problems within our state, and hits hard on the elusive effort for a modified helmet law.

At the time of this writing, my conclusion is that we probably won't have a modified helmet bill proposed this year. The failure of previously proposed modified helmet bills is a direct result of the Senate President's attitude towards motorcyclists. Read through this entire interview and you'll find out why.

If however, we can find someone in the House to compose and submit another bill, there is a way that we can get it through the Senate. Read through this entire interview and you'll find out how. The next legislative session begins on March 29<sup>th</sup>. We don't have much time.

**GATOR:** Representative Smiley, what's going on in the motorcycling community from your perspective?

**SMILEY:** So many of us are talking about motorcycle awareness and motorcycle safety. Well, I decided to act on it and decided to spend some money for motorcycle awareness. I got together with MAC (Motorcycle Awareness Campaign) in January to do an advertising program to help promote motorcycle awareness. Ninety percent of the battle is to get people aware of bikes on the road. A friend of mine, Roland Doucet, has a swamp-pop morning radio show in Baton Rouge. His show is rated #1 in its time slot. I decided to advertise on his show, and do two sixty second commercials a week for two months. Warren Broussard and I do the commercials asking folks to be aware of motorcycles, and asking motorcyclists to ride safe and courteously. Also, I have two billboards in my district that have a picture of me and the MAC emblem asking people to be aware of motorcycles. I'll continue to do that in May, which is motorcycle awareness month. I've received a lot of positive feedback from folks that have heard the commercials and seen the billboards. And, the big news is that motorcycle training and funds for that training has been moved from the Board of Elementary and Secondary Education (BESE) to the State Police (Louisiana Highway Safety Commission). And, the LHSC has contracted Larry Ourso to continue with his rider training program. In addition, we have state prisoners working on and maintaining the motorcycles at no cost to the State. One of the prisoners is a certified motorcycle technician.



*the House and Governmental Affairs, the Budget Committee, which is a mix of the Senate and the House, and the most important, the Appropriations Committee.*

**GATOR:**  
What committees are you on this year?

**SMILEY:**  
Judiciary Committee, I'm Vice Chairman of

**GATOR:** Steve Pugh, representative from my district 73, made the following statement, and I quote: "Just as your business, your home, my home, we are spending only what we have coming in to balance the budget." How close is Louisiana to having a balanced budget?

**SMILEY:** By law, Louisiana has to have a balanced budget. The Governor did certain cuts that he could do on his own, so now we have to do the remainder of the cuts. The Governor doesn't want new taxes, so he's in the process of cutting ineffective programs. I think that's the way to do it. It's not the time with our economy the way it is to ask for more money.



**GATOR:** Relating to the Budget Stabilization Fund, the House Concurrent Resolution 236 restored \$100

million in higher education funding while trimming higher education spending by 5.0 percent. In my opinion, higher education is one of the last things to be cut. At this point in time, instructors are being laid off from my alma mater, Southeastern. But this doesn't make sense to the average citizen. The \$100 million is a tangible number. What dollar figure does the 5.0 percent cut represent?

**SMILEY:** I don't know at this time, but this is constitutionally mandated. The voters voted for us to have statutorily dedicated funds for virtually everything except education and Dept. of Health and Hospitals (DHH). So whenever we have a year where we have to cut the budget, then education and DHH are the areas where we try to make our cuts. However, the Governor has a provision where he can cut up to 5.0 percent of every department without a vote of the people, and without going into education or DHH.

**GATOR:** In last year's session, House Bill 855 (Act 190) was submitted which prohibits vehicles from being driven in the left hand land on any multilane highway, with some exceptions. I couldn't find the ultimate result. Did this pass the Senate?

**SMILEY:** The bill did pass, but Gator, it won't be enforced. It will really be tough to enforce.

**GATOR:** Col John LeBlanc has controlled the La Highway Safety Commission for over a year. What is Col. Leblanc's attitude regarding motorcyclists in your opinion?

**SMILEY:** *I think he's very favorable to motorcyclists; he embraces the motorcycle community. It took years to get Col. Champagne "on board". I'd say that he is much more motorcycle friendly than any commissioner we've had previously.*



**GATOR:**  
The year 2009 was no different from previous years. Almost every week throughout

2009 a motorcyclist was killed or maimed in Louisiana. I'm a firm believer in mandatory rider education as a prerequisite for an "M" endorsement. I understand that state funds dedicated to rider education have now been moved from BESE (Board of Elementary and Secondary Education) and re-allocated to the Louisiana Hwy Safety Commission controlled by Col. LeBlanc. With this new control of funds, are we again trying for mandatory rider education for new riders to obtain an "M" endorsement?

**SMILEY:** *I don't have a bill for that, but Gator, I'm in favor of that. I may get with the motorcycling community and see if they're favorable towards it, and if they are, I'll be glad to enter a bill. Funding is a problem, though. It would require a \$75 to \$125 fee to take the course, and I don't know if we should mandate that on people. I know it will save lives, but I'm an anti-tax man, so it's difficult for me to make the decision.*

**GATOR:** Are we going for another modified helmet bill this year?

**SMILEY:** *Rep. Morris passed the bill in the House last year, but the Senate Health and Welfare Committee shot it down. It will continue to go to that same committee, and that committee will continue to vote it down every time. I don't think we need to do it. The motorcycling community helped him (Morris) in the House, but no one in the motorcycling community showed up when it went before the Senate Committee. With that little interest, then I'm not going to do it (submit the bill).*

**GATOR:** The House helmet modification bill in the last two legislative sessions was killed because it had gone on to the Senate Health and Welfare Committee rather than the full Senate where motorcyclists have allies. Any chance to get this year's bill to the full Senate?

**SMILEY:** *You have to go through the Senate Committee process first. The problem is, the Senate President, Joel Chaisson, absolutely hates the idea of motorcyclists not wearing helmets. So he's the one that can send the bill to anyone he wants to. Chaisson always sends it to the Health and Welfare Committee, because he knows the people on that committee will kill the bill.*

**GATOR:** Then Congressman Bobby Jindal spoke at the May, 2007 "Run For Your Rights" rally in Talisheek. You were there. You heard Jindal pledge his allegiance to freedom of choice for motorcyclists. The governor has not kept his promise. There's been much grumbling from members of motorcycling rights organizations. I recently asked members of my Wind Riders chapter of Pelican State ABATE if they thought Bobby would help us with a helmet bill this year. One response tells it all, and I quote: "It's a lost cause because the speaker of the Senate torpedoes it every time, and Jindal does not have the balls to force it, period." Will that hold true this year or can we expect some help from the Governor?

**SMILEY:** *That's a question you'll have to ask the Governor. He did help last time; he spoke with the Senate President, and the Senate President wouldn't budge on the issue. Jindal helped get the Senate President elected, so we had hoped the Governor had enough stroke to convince Chaisson to send the bill to the right committee, which is the Transportation Committee. That's where the bill should have gone.*

**GATOR:** We've talked about helmet bills now for years, but there's one question that I've never asked. You're an avid motorcyclist of many years. What is your opinion on freedom of choice as it relates to helmets?

**SMILEY:** *I think there's nothing wrong with freedom of choice. And what the current helmet law does is to get people to wear novelty helmets which is no better than wearing a sheet of paper on your head. So the helmet law did not do anything to help save lives.*

**GATOR:**  
You've tried now for a couple years to have more information regarding motorcycles added into the drivers' booklet



and more questions regarding motorcycles in the drivers' test for a basic driver's license. Do you think it will happen this year?

**SMILEY:** *It will happen when the state does it's next printing. The state government prints thousands and thousands at one time to save money, and will not do a re-print until the current items are distributed. I've already talked to those in charge of printing, and they said they will have more motorcycle related questions on the brochures and on the tests whenever the next printing takes place.*

**GATOR:** Col. John Leblanc, Chief of the La Hwy Safety Commission has stripped fed funding to ABATE of La. for their Motorcycle Awareness Program (MAP). The MAP provides for ABATE folks go into high schools and teach motorcycle safety and awareness to the kids. And now, not only has he stripped the funding, but Leblanc is trying to reclaim the equipment used for the MAP. Why would funding be stripped from such a worthy cause?

**SMILEY:** *No one has told me about this. I'm very familiar with the program. I'll be glad to check into it. I am very disappointed about the program not being funded. I'm*

putting this on my agenda and I will find out what the problem is, and when I do I'll let you know.



**GATOR:** We've discussed the condition of Louisiana roads and highways for the last three years, the diversion of funds from the Transportation Trust Fund of 1984

to other areas, and projections regarding road and highway repair. What roadwork was done last year, and what's in the mill this year to fix our roads and highways?

**SMILEY:** Since Governor Jindal has taken over, we have done \$2.3 billion of road work in Louisiana, mainly to continue I-49, to add an extra line from the I-10 / I-12 split all the way to Highland Rd. (BR) which is being done right now, we're also working on I-12 from the split to Juban Rd. with the intention of going all the way to Hwy 447, the Walker exit. We've re-surfaced several major highways, including U. S. 61, and numerous local roads. That is the most we've spent in the past two years. The problem is, Gator, in 1984 we passed a 16 cents tax on every gallon of gasoline sold which went to the Dept. of Transportation. The only other increase we've had since then was a 4 cents "Time Project", a constitutional amendment, which included a list of roads and major projects that the voters voted on. But the problem is inflation. The 16 cents per gallon in 1984 is only worth 7 cents today. Another problem is that vehicles are getting better fuel milage, so less gas is being used, and less tax revenue. Also, many folks are driving less due to the cost of gas. As a result, we have a \$12 billion backlog in work to be done. In my district, when roads bulk up in the heat and cause bumps and rough spots, I'm having my people grind down the ridges, go into intersections and sweep away the loose gravel, and fix potholes. And another thing, if a motorcyclist sees a road hazard such as a pothole or groove where a tire could get caught, he should advise his state representative who can have the hazard fixed.

**GATOR:** Cell phone usage, especially texting while driving continues to present a problem. Anything in the mill this year regarding cell phone usage and texting while driving?

**SMILEY:** It will come up again this year. But like a helmet, I believe in freedom of choice. There's current laws on the books that address bad driving habits. Anyone swerving due to texting or anything else can be written up for improper lane usage or careless operation. We already have laws to deal with the situation.

**GATOR:** Every year members send questions for me to present to you. This one particularly sparked my interest. Tree asks: "Recently we've been seeing a lot of patches on bikers that say: 'I love my country, but fear my government'". Have you noticed a change in the public's interest in what their government is doing? (From local to federal)

**SMILEY:** Local, I don't see a major change. We answer directly to the people. However, on a federal level I think the federal government is taking positions that they shouldn't be taking. They're trying to run everything from banking to the automobile industry. That's not how the free enterprise system works. The current administration is trampling our

individual rights, and trampling without a doubt, our free enterprise system. Probably the worst president we've ever had.

**GATOR:** This one is from Sparky. Sparky wants to know how the senate is capable of sending the helmet related bills to the "safety" committee every time, where everyone knows it will die unheard. Is this a Speaker related ploy? This needs explaining so the ploy can be posted to everyone with names attached. If the Speaker of the Senate is using his power to circumvent a vote, everyone should know about it.

**SMILEY:** I've answered that earlier, but it's not the speaker, is the president of the senate. The president of the senate decides which committee to send the bill to. Now, if just one senator objects and voices his opinion against the bill going to the Health and Welfare Committee, then they would have to call for a vote as to what committee the bill goes to. So there is a way to overcome the problem, but the objecting Senator would have to be listening very closely as to what's going on, because the committee decision is made very fast. If you have a Senator to make the objection, then you can get the bill transferred to the right committee. There's a senator from Monroe, Mike Walsworth, who could possibly be the one to work with.

**GATOR:** Any final comments to conclude the interview?

**SMILEY:** I passed the "failure to yield" bill a couple years ago but it didn't have enough "teeth" in it. This year I might make the penalties rougher. There are law enforcement officers that don't even write a ticket for "failure to yield" to the person that killed the motorcyclist. Some District Attorneys didn't even know that the statute was even on the books. So I got with the District Attorneys' Association to get the info out (on the "failure to yield statute") to all law enforcement agencies, and they did. What I want to do now is to make the bill stronger. This will be one of my bills this session.

I think that the general population are now seeing that the motorcycling community and motorcyclists are doing things to make motorcycling safe. And now we have to make them more aware of watching out for motorcycles.

**GATOR:** Representative Smiley, once again thank you so very much for your time, your effort, and your support of motorcyclists' rights and safety. Our interview has become an annual tradition, and I sincerely appreciate you meeting with me. It's always a pleasure, and great to see you again.

