

# OUR MAN IN THE LEGISLATURE GRANTS GATOR THIRD ANNUAL INTERVIEW



Brothers and Sisters, this is my third pre-legislative session annual interview with Representative Smiley. This is a big year in Baton Rouge for our man in the Legislature. State Representative M. J. (Mert) Smiley, Jr. of

**Rep. M. J. (Mert) Smiley** District 88 is a veteran legislator. He is also a veteran motorcyclist of over 40 years, and a crusader for motorcyclists' rights and safety. This interview, conducted on March 9<sup>th</sup>, 2009, in Rep. Smiley's offices in Port Vincent details the dilemmas that have dogged his efforts, dashed his hopes, and disappointed his expectations to pass fair motorcycling legislation.

If you ride a motorcycle, then you need to read this entire interview. Many motorcycling bills were written for last year's legislative sessions. Those favorable to the majority of motorcyclists didn't even get to the Senate. Why? Complacency on the part of the motorcycling community. The next legislative session begins on April 27<sup>th</sup>. Representative Smiley cannot do it alone. He needs support. He needs help and support from all of us.



Committee ,I'm Vice Chairman of House and Governmental Affairs, and I'm also a member of the Judiciary Committee.

**GATOR:** How are all the new faces (legislators) in the legislature working out?

**SMILEY:** *It's working out really good. It's great to have new blood in there, people that have new ideas. And I am a firm believer that term limits will be good for Louisiana.*

**GATOR:** You had stated in previous interviews that legislators need to develop coalitions to get bills passed. How is this working out?

**SMILEY:** *It's working very well. You have to work with people, you have to get a coalition of people to get a bill passed. Sometimes you have to help them with their bills, and they help you with your bills. But actually I found It a bit easier than what I thought because, with the new people elected last year, it's a better working environment. Those long time legislators didn't want change; the new people want change.*

**GATOR:** What do you think of the stimulus package?

**SMILEY:** *I totally disagree with it one hundred percent; I think it's a terrible thing for America. I would have voted exactly the same way that our Republican Delegation voted; I would have voted against the entire package.*



**GATOR:** What was the reaction of the State Legislature regarding Governor Jindal's rejection of the stimulus offer for Louisiana?

**SMILEY:** *Most of the representatives and senators agreed with the rejection, mainly because our Governor did take the time to read the bill, and found that, sure, we might get \$100 million now, but we'll have to pay back \$300 million. That's not good economic sense. So what we're doing is determining what stimulus money we can get that has no strings attached that future generations will have to pay for. Very few other governors read the bill.*

**GATOR:** What are the dates of the legislative session this year?

**SMILEY:** *April 27<sup>th</sup> through June 25<sup>th</sup>. No special sessions scheduled for this year. The Governor is trying to stay away from special sessions this year if possible.*

**GATOR:** Will Governor Jindal help us with his influence regarding motorcycle legislation this year?

**SMILEY:** *The Governor has talked to me already and asked if I would go forward with the bill (helmet law modification). I told him that I'd like to get with some other legislators that are motorcycle enthusiasts, and see if we can get one of the other representatives to*

sponsor the bill. As you know, this is my fourth time, and I think it's best to have someone else, someone fresh, at the head of the bill. I will work hard to get it done, but I think we need to get another name in order to get a fresh approach to the bill. I have two or three people in mind, but I'd rather not say names until we have a confirmation.



**GATOR:**  
Do you anticipate any attachments to the proposed modified helmet bill, such as

medical insurance requirements?

**SMILEY:** CERTAINLY WHAT WILL HAPPEN IS THAT THE SAME PEOPLE FROM LAST YEAR'S SESSION WILL BRING UP THE SAME OBJECTIONS. I DON'T THINK THEY WILL CHANGE AT ALL, UNLESS THE MOTORCYCLING COMMUNITY GETS INVOLVED MUCH MORE THAN THEY HAVE PREVIOUSLY, AND LOBBY THESE PEOPLE THAT BROUGHT UP THE MODIFICATIONS PREVIOUSLY, BECAUSE THEY WILL BRING UP THE SAME ATTACHMENTS.

**GATOR:** Are we again trying for mandatory rider education for new riders to obtain an "M" endorsement?

**SMILEY:** *The Governor likes the idea, I would like to see that passed ,but I don't know if that will happen because of the cost involved. But I don't want the State to conduct all the classes; I want the private sector to do it's share. Harley's "Riders' Edge" and two or three other companies in Louisiana should get involved and do it at a competitive rate with the State. Last year the Senate allowed the bill to be brought up, but they already had their minds made up to vote against it. This year we may combine rider education as a part of the helmet bill, or we may go completely separate. I don't know yet. I have to determine which is the best approach. Right now with our tough economic times it would be almost impossible to get the rider education bill passed unless it could be done at the current cost level, which is not enough to handle the influx of new riders.*

I WAS HOPING THAT I WOULD HAVE MORE HELP FROM THE MOTORCYCLING COMMUNITY, BUT I HAVEN'T HAD THAT. I HAVEN'T HAD IT AT ALL! ONLY THREE PEOPLE LAST YEAR TRIED TO HELP TO GET THE BILLS PASSED. AND THEY DIDN'T EVEN SHOW UP AT THE SENATE HEARING. NONE OF THEM SHOWED UP; NOT ONE! THESE ARE CONTROVERSIAL BILLS TO START OFF WITH. AND YOU CAN'T PASS A CONTROVERSIAL BILL UNLESS THE PEOPLE THAT WILL BENEFIT FROM IT COME FORTH TO HELP ME WITH THE BILL. I'M NOT

GOING TO BE OUT THERE ALONE TRYING TO FIGHT FOR THIS; I'VE LOST TOO MANY TIMES.

**GATOR:** Last year the original date and time for the Senate hearing for these bills were postponed, and re-scheduled only an evening before the morning of the re-scheduled date. Those that wanted to attend indicated that they couldn't because of the fast turnaround. How do we determine when those hearings will be conducted this year?

**SMILEY:** *All of them are on the website. The Louisiana House of Representatives has the best website in the nation as far as government is concerned. And every one of our meetings are pre-posted on the website, and if you follow the website, you can follow every meeting that we will have. And, anyone can contact my office, and my office will let you know when those meetings are scheduled.*

**GATOR:** Last year you said that more questions about motorcycles should be added into the drivers' booklet and into the drivers' test for a license in order to help make the general motoring public more aware of motorcycles on the road. Any progress towards this?

**SMILEY:** *Not a lot of progress towards this because last year the legislature was waiting to get some of these bills passed such as the helmet bill before they actually got involved in the booklet and test. But we needed certain information, and that was the job of the La. Motorcycle Safety and Awareness Committee (LaMSAC) and they didn't do that.*



**GATOR:** Louisiana roads and highways continue to be in deplorable condition. Four cents per gallon of gas sold or 20.0 percent of funds provided by the Transportation Trust Fund of 1984 was diverted from road repair to fund State Police and other agencies. A bill in the April, '07 session was introduced to return those funds to highway repair and provide agency funding through the general fund. Blanco vetoed the bill. Last year you said that it's almost guaranteed because of the current Governor's support. Was it re-introduced and are these funds now dedicated to road repair?

**SMILEY:** *Actually it was a different bill. We took State Police out of the bill. We passed the bill that insured more money going into the highway fund, but the bill had "triggers" where when the economy reached a certain level then the bill would not go into*

effect. Because of the cost of oil going down, we were not able to reach the “trigger”, and by not reaching the “trigger” we were not able to get those extra funds this year. We now have a bill introduced, in which I’m a co-author, to remove that “trigger”. Once this is done we’ll have somewhere in the amount of \$300 million a year more to spend on highways.



**GATOR:** Why does the cost of oil affect the cost of revenue derived from the Transportation Trust Fund?

**SMILEY:** When the cost of oil goes up, the price of gas goes up, and people drive less. We have twenty cents of gas tax for highway funds from every gallon of gas sold. When the Transportation Trust Fund of 1984 was passed, a dollar bought a dollar of goods. But now that dollar is buying only seven to eight cents of goods. So we’re trying to repair the same amount of highway with much less money. We currently have a \$14 to \$16 billion backlog, so we’re not even keeping up with the backlog, much less any new capacity projects or any new overlay projects. And that’s the problem. To be perfectly honest, I don’t know how we will get extra money to fix these roads. A few days ago I was riding with my wife, and we hit road sections that almost threw her off the back of the bike. And that’s a sin and a shame. At the least, I’m working on projects to have the high spots that develop in the roads cut down.



**GATOR:** Will we have a bill introduced this year to ban cell phone usage while driving?

**SMILEY:** It will probably be introduced, but probably won’t pass because people like the freedom of using their cell phones in their cars.

**GATOR:** How much do organizations such as A.B.A.T.E., MRF, MAC and LaMSAC count when it comes to influencing motorcycle laws and safety?

**SMILEY:** IF THE MEMBERS PARTICIPATE IN THE PROCESS THEY CAN CHANGE THINGS; IF THEY DON’T PARTICIPATE, THEY WON’T CHANGE A THING.

**GATOR:** Last year it was proposed that new motorcycle endorsement requirements would be tied to education credits, more stringent testing and possible graduated licensing. Are we going for it again this year?

**SMILEY:** I think we will introduce the modified helmet bill on its own. I think we have a better chance of passing it just by itself.

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

**SMILEY:** TO PUT IT IN A NUTSHELL, GATOR, WHAT THE MOTORCYCLING COMMUNITY NEEDS TO DO IF THEY WANT A MODIFIED HELMET BILL PASSED, IS TO GET OFF THEIR HANDS, GET ON THE TELEPHONE, COME TO THE CAPITOL AND MAKE THEMSELVES KNOWN AND HEARD IN BATON ROUGE. IT WILL NOT GET DONE IF Y’ALL ARE COMPLACENT. I WILL TELL YOU THIS, THE GOVERNOR’S OFFICE IS HOT THIS YEAR TO GET IT DONE. I KNOW THAT FOR A FACT. BUT WHAT THEY NEED IS A LOT OF HELP, I MEAN THEY NEED SUPPORT FROM ALL OF YOU. Y’ALL ARE THE ONES THAT CAN GET IT DONE. JUST ONE REPRESENTATIVE FROM PORT VINCENT CANNOT GET IT DONE. I NEED HELP. IF THE MOTORCYCLING COMMUNITY WANTS THE HELMET LAW REPEALED, THEY NEED TO GET ON THE STICK AND MAKE SURE THAT EVERY REPRESENTATIVE AND EVERY SENATOR IN THE STATE ARE CONTACTED NUMEROUS TIMES, AND COME TO THE CAPITOL IN FORCE WHENEVER THE BILL WILL BE DISCUSSED AND THEY DO IT IN A PROFESSIONAL MANNER WHEN IT’S BEING DISCUSSED.

**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.

