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Executive Board of the Legislative Council  
February 01, 2007

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[LB34 LB402]

The Executive Board met at 12:00 p.m. on Thursday, February 1, 2007, in Room 2102 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB34 and LB402. Senators present: L. Pat Engel, Chairperson; Don Preister, Vice Chairperson; Ernie Chambers; Philip Erdman; Mike Flood; Lavon Heidemann; Ray Janssen; Gail Kopplin; Vickie McDonald; and Arnie Stuthman. Senators absent: None.

SENATOR ENGEL: And good afternoon, ladies and gentlemen, and welcome to the public hearing of the Executive Board of the Legislative Council. I'd like to introduce you to members of the board and board staff and briefly explain the procedure for today's meeting. First of all, on my right is Janice Satra, the legal counsel; next the Vice Chair of the committee, Senator Preister; and Senator Chambers is absent at the present time; Senator Flood, our Speaker; Senator Phil Erdman; and Senator Lavon Heidemann, Chair of the Appropriations Committee. To my left is, what's your name again (laugh), Beth Otto, my administrative aide. She's been with me about 10, 11 years. And then we have Senator Janssen on my left, Chair of the Revenue Committee; and then we have Senator Vicki McDonald, Chair of General Affairs Committee; and we have Senator Stuthman; and we also have Senator Kopplin. And I'm Senator Pat Engel from South Sioux City, District 17. And these proceedings will be recorded so we ask you to turn off any cell phones that you might have. And first of all we'll hear testimony from the introducer of the bill, followed by those who are in favor of the bill, and then testimony in opposition, and then neutral testimony. I'd like to limit the testimony of the introducer to five minutes if possible and all the rest to three minutes if possible. And we welcome anyone to testify if you have something to add, but would appreciate not repeating what we've already heard. And so there are sign-in sheets available so we'd like to have you sign those because we will need those for accurate records. And when you testify, please state your name and spell it because everything is being transcribed. And if you have any printed materials, please pass those in and they'll all be considered. If you need copies, we have the pages here can pass those out for you. So with that, our first bill today is LB34 being presented by Senator Schimek. And could I get a show of hands of those planning to testify for the bill. Could I get a hand of those against the bill. Can I get a hand of those who are neutral. We just have an audience today so, Senator Schimek, proceed.

SENATOR SCHIMEK: (Exhibit 1) Thank you, Mr. Chairman and members of the Exec Board. I am here to introduce LB34 which is virtually the same bill as LB180 last year and LB897 from 2004. And I have to tell you I think there aren't too many people here to testify today because they've been here on other occasions and we could check the records for that. But both times the bill was heard by the Exec Board and both times was advanced to the floor. And in fact last year the bill was a Speaker priority bill, and we just didn't get to hear it. So this is the same bill again which sets up a committee in the Legislature called State Tribal Relations Committee bill. And I know that you all

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probably got a letter from a county commissioner in Thurston, Nebraska, questioning what this bill is all about. But what it is not is a committee to oversee the Nebraska Indian Commission. That's not the intent nor was it ever even suggested before. The intent of this bill is to have a committee in the Legislature composed of representatives from the various committees of the Legislature that deal with issues involving the tribes of Nebraska. And I think it's maybe even more important now than before because in a few years we may not have people in the Legislature who have dealt with the issues of sovereignty and retrocession and fuel taxes and all those kinds of things. But everybody is going to have to get up to speed all over again. It would be helpful, in my opinion, if there is legislation such as the bill I just introduced in the Revenue Committee this year that deals with an Indian tribe. It would be nice if people had some expertise in those issues. In addition, in addition the way I envision this committee is not that it would be a standing committee at all, that it would meet only when the members thought it was good to meet and they would study issues. They could call to meetings representatives of the tribes. They could take testimony from whomever they wanted, but it's just really an information gathering committee and a committee that would study these issues. And the committees that would furnish these members are Education; General Affairs; Government, Military and Veterans Affairs; Health and Human Services; Judiciary; and Revenue. Those are the committees that deal with Indian issues from time to time or Native American. And I might say that the tribes have supported all three bills, do support this one this year. With that, I think that I do have a handout perhaps. And I know that if you've been on this committee before you've gotten this handout before. But it just shows you what kinds of efforts other states are undertaking or have undertaken to make certain that they understand the issues that tribes deal with. I might mention and I've mentioned this before, some states go so far as to have ex officio members from tribes who actually sit on the legislative floor and can take part in debate and that's the state of Maine that has that. But states use different ways of gathering information. That concludes my testimony. [LB34]

SENATOR ENGEL: Thank you, Senator Schimek. And in case you don't recognize him, Senator Chambers has arrived now so he's with us today. I just have one question if you don't mind. [LB34]

SENATOR SCHIMEK: Sure. [LB34]

SENATOR ENGEL: Like we have the Native American Tribal Commission. [LB34]

SENATOR SCHIMEK: Right. [LB34]

SENATOR ENGEL: Now are they able to get this job done without a separate committee here, I mean as far as talking to anybody they want to in the Legislature as far as any situations they have that... [LB34]

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SENATOR SCHIMEK: Certainly, certainly. But I think the idea is that a lot of these issues are issues that our body, as individuals, have never dealt with before. And so there is a learning curve and that's the idea of having this. It would be a committee composed only of legislators. [LB34]

SENATOR ENGEL: Any...Senator Stuthman. [LB34]

SENATOR STUTHMAN: Thank you, Senator Engel. Senator Schimek, in your time in the Legislature, how many times would have this committee been of value in fostering relationships between state and federal? Have you ever experienced a time when there would have really been a need for a committee like this? [LB34]

SENATOR SCHIMEK: There...yes. There have certainly been times. The one that is glaring and comes to mind is the whole issue of sovereignty, which was a huge issue in the casino issues that this Legislature discussed. But beyond that, child custody issues, child...foster care, those kinds of issues sometimes are difficult. The taxation issue, the bill I just took to the Revenue Committee they had dealt with before because last year this body passed a bill that allowed a compact between the tribes and state regarding these taxing of fuels. And inadvertently, the Ponca Tribe got left out because they don't have a reservation, but yet they have land held in trust. And so this year they're coming back and asking that they be included in the bill. They're a little bit different from the three other tribes in the state. [LB34]

SENATOR STUTHMAN: Thank you. [LB34]

SENATOR ENGEL: Any other questions of Senator Schimek? If not, thank you very much, Senator Schimek. [LB34]

SENATOR SCHIMEK: Thank you. [LB34]

SENATOR ENGEL: Now there are no other testifiers. Would you like to close, Senator Schimek? [LB34]

SENATOR SCHIMEK: No, I don't think so. I'm not going to press my luck here (laugh). [LB34]

SENATOR ENGEL: Okay, you don't have to, thank you. The next bill will be LB402 and that's again by Senator Schimek to adopt the Redistricting Act. Senator Schimek. Oh, how many out there are for or against or neutral on this? Okay, we've got two. [LB34 LB402]

JANICE SATRA: Three. [LB402]

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SENATOR ENGEL: Three, I'm sorry. So anyhow, Senator Schimek, proceed if you would. [LB402]

SENATOR SCHIMEK: Yes. Thank you, Mr. Chairman and members. For the record, my name is DiAnna Schimek and I represent the 27th Legislative District. Again, this is a bill that this board heard last year. And this board designated the bill a priority bill, but then never advanced it from committee. And I'm not sure that the Executive Board had a chance to really study the issue last year. I'm not sure why it wasn't advanced from the floor, but let me tell you my reasons for introducing LB402. If you stop to look ahead, there will be no one here in 2011 who has ever been through redistricting before. Every one of us will be gone by that time. And I think it might be the time to consider a plan that has been adopted by others across the United States, but most notably by Iowa right across the river from us, and that's what this bill is all about. What it does is it codifies in a sense what we did in 2001 by establishing a Redistricting Committee. And that Redistricting Committee, I think, was the brainchild of Senator George Coordsen. And I think it worked extremely well. It had nine members on it. No more than five members could be of one political party. And the Redistricting Committee was to set the parameters for the redistricting process and then they directed the plans that were drawn and so forth. This bill adds another element to that. It still has that in place, but it gives the Legislative Research Office the authority to go ahead and put together a plan for redistricting, that would be a plan for the legislative redistricting, a plan for the congressional, a plan for the Public Service Commission, and so forth. Then that research bureau would give the plans back to or give the plans to the Redistricting Committee. And at that point, the committee would hold hearings in three congressional districts on the plans. And once that was done, then the Speaker would put the bills up on the floor for discussion. Now the committee could make some technical amendments to that plan, but they couldn't basically change the plan. The bills would then be heard up on the floor and, incidentally, this committee would do as it always has, this Redistricting Committee, would introduce shell bills and then the plans would become the amendments to these shell bills. Then it will go to the floor, the redistricting bills would be brought to a vote, and no amendments would be permitted other than the amendments that have been given by the committee. And again, they would be technical in nature. And I left out one little step here. Before it actually went to the floor, these plans actually went to the floor, there would be a report by the committee which would include the relevant testimony from the congressional hearings and so forth. So if the redistricting bill or bills did not advance, then the Legislative Research Division would be charged with redrawing the plans. And at that point, they would consider the reasons that the Legislature refused to adopt the plans. And then the bill or bills would again come to the floor with new amendments on them, new plans, and the Legislature again would either vote them up or down. I think that's it. I think if you examine the record over in Iowa that they have always adopted the plans that have been put together for them. It's a way, good, bad or indifferent, it is a way of taking the politics out of this and letting somebody else draw the plans. Now would there be no politics left in it

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at all? Probably not. But it might take some of the chaos out of the process that sometimes ensues. So with that, I would be happy to try to answer any questions that you might have. [LB402]

SENATOR ENGEL: Senator Chambers. [LB402]

SENATOR CHAMBERS: I like to bring happiness whenever I can. So, Senator Schimek, I'd like to make you happy by asking you a question. [LB402]

SENATOR SCHIMEK: Oh dear. And you know how much time I had to prepare for this hearing today? I hope I can answer your question, Senator. [LB402]

SENATOR CHAMBERS: You will be able to because it's a question in the nature of how maybe we should proceed on something. So if you would turn to page 3. [LB402]

SENATOR SCHIMEK: Yes. [LB402]

SENATOR CHAMBERS: Beginning on line 19 subsection (3), "If in the preparation of redistricting plans the director is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by section 6 of this act" I would like to see something to the effect that the director would notify in writing the committee and request direction as to how to proceed or something like that. Because the way it's drafted, the director does not have to notify the committee. The director does not have to seek written request for direction, which means that the director could just, you know, take the authority and just move without any contact or notification to the committee. And this is not a reflection on any director. But since we're talking about statute, I would like something like that to be put in. [LB402]

SENATOR SCHIMEK: Point well taken. It says the director "may" submit a written request for direction. [LB402]

SENATOR CHAMBERS: Which means doesn't have to. [LB402]

SENATOR SCHIMEK: So, you know, I think that would be a legitimate thing to consider. [LB402]

SENATOR CHAMBERS: Okay. So there would be the notification, which would include a request for direction, something like that. [LB402]

SENATOR SCHIMEK: Right. And one of the things I didn't really talk about too much that is provided in the bill is that the committee would set the guidelines. [LB402]

SENATOR CHAMBERS: Right. [LB402]

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SENATOR SCHIMEK: Yes. And there are a few guidelines I think even inherent in the bill. [LB402]

SENATOR ENGEL: Senator Erdman. [LB402]

SENATOR ERDMAN: Just not on the bill, I think Senator Dierks and Senator Ashford will probably be here in four years, and I know that Senator Dierks was a part of redistricting because he lost his seat due to that. [LB402]

SENATOR SCHIMEK: You know what? You are right. [LB402]

SENATOR ERDMAN: So your speech was great for last year, but we have a few returnees. [LB402]

SENATOR SCHIMEK: It wasn't so great for this year (laugh). [LB402]

SENATOR ERDMAN: No, no. It was good, just one minor edit. [LB402]

SENATOR SCHIMEK: You're right. Well, presuming they get reelected, yeah, they could be here. [LB402]

SENATOR ERDMAN: Right. There's a lot of assumptions there, but they would be eligible. [LB402]

SENATOR SCHIMEK: That's a good point. [LB402]

SENATOR ENGEL: Senator Flood. [LB402]

SENATOR FLOOD: Thank you, Chairman Engel. Senator Schimek, one of my concerns about this is that we're tying the hands of a future Legislature on dealing with a fairly significant issue by telling them how they're going to handle a matter like redistricting. I guess do you have any concerns about tying a future Legislature that we will have all new members essentially from the last redistricting less Senator Ashford and Senator Dierks with this bill? Do you see where I'm coming from? [LB402]

SENATOR SCHIMEK: I do and I don't. I mean I do see your point but I don't agree that we'd be tying their hands because any Legislature could change this piece of legislation. What it does is it lays down a plan for the next Legislature that deals with redistricting. So...but I think your question is very valid and you could argue that. But no Legislature is ever bound by the actions of a previous Legislature. [LB402]

SENATOR ENGEL: Senator Preister. [LB402]

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SENATOR PREISTER: Thank you, Chairman. Senator Schimek, I would agree with your comment and I think it is responsible that the legislation is here and that we begin to put a framework together so that there is something there when we have fewer people who have experienced it. And it can be modified or changed in the future. What I'm questioning in you're giving the director the authority to create the plan and with the computerization we have, I think that makes a lot of sense and it's easy to modify and change things. In the bill, though, you say there can be no modification on the floor, no amendments. [LB402]

SENATOR SCHIMEK: That is correct. [LB402]

SENATOR PREISTER: And what my concern there is, the last time we worked everything out and had the plans, had the maps, had everything done and agreed to and then we got on the floor and Speaker Brashear had changed a section of the district, not knowing that he put some people in a position to have to travel awkwardly to get to a voting place. And that was...it was done late in the process. And the only way that that could be changed for me to bring that to somebody's attention was an amendment on the floor. So I did that and was successful. There was no problem with doing it. But should something like that happen, this wouldn't allow for that, would it? [LB402]

SENATOR SCHIMEK: I haven't looked at this bill for a while. I'm going to have to look at it again before I can answer your question for certain. [LB402]

SENATOR PREISTER: I think I understand...sure. I think I understand the concept of not getting into lots of battles on the floor... [LB402]

SENATOR SCHIMEK: Right. [LB402]

SENATOR PREISTER: ...working things out before it gets on the floor. So I guess I'm just looking to make sure that that process leading up to it being introduced on the floor allows for those modifications before we actually have it there if we can't modify it on the floor. I hope that I wasn't too long-winded in explaining. [LB402]

SENATOR SCHIMEK: And, Senator, I mean I'm not sure if this is a perfect plan. I do know that it is the plan that is used in Iowa basically and they found success with it. One of the things I did to the bill this year is have it totally reordered because it had been kind of put together in not a very coherent fashion last year. So I think we start out better this time explaining the purposes of the Redistricting Act to begin with and the thing is better ordered this year than it was last year. So I'm glad that we had that opportunity to look at it again. But I don't think I answered your question but... [LB402]

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SENATOR PREISTER: I don't think you have an answer right now. [LB402]

SENATOR SCHIMEK: I don't. [LB402]

SENATOR PREISTER: But I think you understand the concept of making sure we have the input opportunity prior to it being on the floor so if something does come up in the process we can address it... [LB402]

SENATOR SCHIMEK: Well, and... [LB402]

SENATOR PREISTER: ...before it's on the floor if we can't do it on the floor. [LB402]

SENATOR SCHIMEK: And that input, I don't think I heard your entire question, that input would come at public hearings. That if they are minor kinds of amendments, committee would be able to do those, just not substantive kind of amendments. [LB402]

SENATOR PREISTER: Thank you. [LB402]

SENATOR ENGEL: Then I have a question. If they cannot make those amendments, why are we having the hearings? [LB402]

SENATOR SCHIMEK: To gather public input to put in the report that goes to the entire Legislature so that if you have a plan that's out there and you have some really good things brought up at the public hearing, the Legislature will be aware of that before they go to a vote on the particular plan. [LB402]

SENATOR ENGEL: Normally through the committee process the committee can make amendments, right, when you do after testimony? [LB402]

SENATOR SCHIMEK: But you understand the danger of doing that with redistricting. It just becomes a mad house with this amendment and that amendment and this plan and that plan. That's what this particular proposal seeks to avert. And it depends on what your priorities are here. But I think it works well because, first of all, you can do those technical amendments. Secondly, if the Legislature refuses a plan after hearing input, reading input, and they refuse the plan, then they can send it back to Legislative Research with their comments about why they didn't adopt the plan. And Legislative Research has to take that into account the next time they draw a plan. [LB402]

SENATOR ENGEL: Senator Erdman. [LB402]

SENATOR ERDMAN: Thank you, Mr. Chairman. I do think that some of the concerns that Senator Flood brought up are right because if you decided to actually conduct the redistricting process in that first year of that session, your hands would be tied by



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statute unless you're able to pass a bill to change that process. And so while you're not tying their hands in the typical sense that future Legislatures could change it, you're actually putting a process in statute that would probably put you, unless we followed a similar procedure that we did with your bill this session on expediting the process to do it, it might be a little more difficult for a bunch of new members to understand how to get that changed when the statute has been in place and is outlined. So I think those are legitimate. I think your response is accurate in any other circumstance, but I think in this case this may need to be looked at as far as the flexibility that's allowed to comply with this because it is in statute and would have to require statutory change to make any process changes. [LB402]

SENATOR SCHIMEK: Yeah, let me see if I can answer that, Senator Erdman. The new senators would be coming in, in 2000, the year 2000... [LB402]

SENATOR ERDMAN: 2001. [LB402]

SENATOR SCHIMEK: No, they would be elected in 2000... [LB402]

SENATOR ERDMAN: 2011. [LB402]

SENATOR SCHIMEK: ...they become in 2001. So their hands might be tied if the previous Legislature, the one that is term limited out or doesn't come back because of not getting reelected, if the previous Legislature doesn't make any changes or the previous Legislatures. But when we did redistricting in 2001, we didn't start it in 2001. We actually started it in the year 2000 and started making the rules and deciding how we wanted to handle it. So I would guess... [LB402]

SENATOR ERDMAN: But where you have a number... [LB402]

SENATOR SCHIMEK: ...in fact, I'm not sure what the bill says with that regard when this redistricting committee would be established. [LB402]

SENATOR ERDMAN: And I don't want to...I mean I just wanted to bring that to your attention. We have other testifiers. [LB402]

SENATOR SCHIMEK: It would be established in January of each year ending in 0 so that year 2010 there would be a committee established that would be...it would be possible to introduce legislation and get it passed. [LB402]

SENATOR ENGEL: Thank you. Any other questions for Senator Schimek? If not, thank you very much, Senator Schimek. [LB402]

SENATOR SCHIMEK: Thank you for your time and attention. [LB402]

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SENATOR ENGEL: And proponent. Okay, if you'd give your name and spell it for us and please sign in. I think we know your name, but we need to hear it for the record. [LB402]

JACK GOULD: You bet. My name is Jack Gould, that's G-o-u-l-d, and I represent Common Cause Nebraska. Senator Engel, members of the board, I appreciate having the opportunity to speak to this issue. I know that this was a very important issue to Senator Coordsen when this came up the last time. If you go back to 1990, just listening to some of the discussion here, it was a real catastrophe. I mean we ended up with a bill after we had the hearings. I mean we had hearings and no one knew what to talk about. And then we had a plan that was set up largely in secret, and it was then approved. And we ended up with court cases. We ended up with the plan being thrown out, and we ended up having a special session of the Legislature in order to redraw the plans based on the federal guidelines. And the federal guidelines are so important to this issue and it's important that our research people have the opportunity to work with the federal guidelines so that we stay within the rules. This is really an important issue. I would also just like to thank Senator Schimek for putting this all together. This is something she's been working on for a long time, and she was very much involved with Senator Coordsen in trying to avoid what happened in 1990. And so I encourage you to, you know, pay close attention to this because it does work its way around a lot of the problems that came up at that time. I think there are a couple of things I would like to emphasize and then I'll be done. Just one, the point about institutional memory is something you're all concerned about which I appreciate. I think that is something we have to be aware of. And the Research department does have an institutional memory. I think they go back over the last three processes. They're not that old, but they do go back that far. [LB402]

SENATOR ENGEL: They go back a long ways though, right? (Laugh) [LB402]

JACK GOULD: The second thing... [LB402]

SENATOR ERDMAN: I think that was a compliment. [LB402]

JACK GOULD: It was. The need for the public meetings to come after the plan is crucial to this thing. If the public comes to a meeting on these, they do not have the ability to know what you're talking about unless they have a plan in front of them. So you need to have the plan and then you need to have the public hearings and then you have to have if there are changes, those changes have to be public so that everybody knows what's going on and why the changes are taking place. I think it's important that that information is given to the press prior to the hearing because the last time Senator Coordsen got the plan out there and everybody in the state had a chance to see it in the newspaper. Then they went to the hearings and they were...I was there at the hearings.

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There were a considerable number of people who spoke up. They were done by telecommunications, but they were well done. People had the right to speak and then there was no complaining...or there was some complaining afterwards because there will always be people that are not satisfied with what comes out of this. But at the same time, as long as it's done openly and the public has a fair chance to see what's going on, the complaints become minimal. It's when things are done behind the scenes, when boundaries are drawn to...for political purposes or for self-advantage, that's what's happening in the other states. I mean we've had...every time this comes about we have lawsuits all over the country. And it's due to the fact that people try to manipulate the system rather than trying to comply. And so I am really pleased with what Senator Schimek has put out here. And I know how she got there, and I would hope that you would all support what she's done because this is a very, very serious issue. And if you leave it for another year or two years, we're going to find ourselves in the situation where the process can be thrown wide open again. And it needs to be addressed now. Thank you. [LB402]

SENATOR ENGEL: I believe (inaudible) last time I thought it went quite smoothly and it was open and the Research Division did a great job. [LB402]

JACK GOULD: It was excellent. [LB402]

SENATOR ENGEL: And so if we continue on that vein I think we're on the right track. Any other questions for Mr. Gould? If not, thank you very much. [LB402]

JACK GOULD: Thank you. [LB402]

SENATOR ENGEL: Next testifier, proponent. Please give your name and spell it for the record, please. [LB402]

LAUREL MARSH: (Exhibit 2) My name is Laurel Marsh, spelled M-a-r-s-h, and I'm here today on behalf of ACLU Nebraska to endorse the process that is outlined in LB402. We think that it establishes in statute a redistricting process that's very similar to the one used in 2001 and that process appeared to us to be very successful. And we like the fact that it is open, transparent, and collaborative. And we hope that you will see fit to advance it from committee and put it on General File. [LB402]

SENATOR ENGEL: Any questions for Ms. Marsh? Senator Chambers. [LB402]

SENATOR CHAMBERS: I don't know how these words could be applied to me, but I like them--open, transparent, and collaborative. Thank you. (Laugh) [LB402]

SENATOR ENGEL: Open and transparent perhaps? [LB402]

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SENATOR CHAMBERS: Yes. [LB402]

SENATOR ENGEL: Any other questions? If not, thank you very much, Ms. Marsh. [LB402]

LAUREL MARSH: Thanks. [LB402]

SENATOR ENGEL: Next testifier. Proponent, opponent? [LB402]

BOB TWISS: Neutral. [LB402]

SENATOR ENGEL: Neutral, okay. Please give your name and spell it for the record, please. [LB402]

BOB TWISS: My name is Bob Twiss, T-w-i-s-s, 433 Sherwood Drive, Gretna, Nebraska. Chairman Engel, members of the committee, I thank you for the opportunity to speak here today. The reason I am speaking in a neutral capacity is because I do have some concerns overall about the redistricting and particularly having tracked this and testified since the census in 1990 and the Madison County Court sued the special session and also the census of 2000 and after that. And it was reasonably open. My heart, members of the committee, is still in rural and greater Nebraska. I grew up about 70 miles west of where Senator Engel is from in northeast Nebraska. However, I have to admit my mind is in Sarpy County a great deal as well, where I've lived for probably 30-plus years. And I focus more on the legislative redistricting as an example. We do have concerns and problems in respect to congressional redistricting since this is the first go-round after the 2000 Census that Sarpy was split. But I focus more so with the legislative aspect. I want to call to your attention the importance of community of interest, and that's really not there in Sarpy County, very rapidly growing county, the smallest county geographically. We are over 140,000 population today, and we are at least constitutionally entitled to four full legislative seats totally contained within Sarpy County without crossing any county boundaries. And that was one of the key things in the Madison County suit several years ago was the county boundaries as well. But in addition to that, I want to emphasize constitutional language of compact and contiguous. Right now, and I won't dwell on it very long, many of you are familiar with it, but Sarpy County, particularly the west end of Sarpy County is really chopped up. And this is no reflection on the individuals who happen to be the representatives at this time at all. It's not a personal thing whatsoever. But right outside of Gretna in the Gretna School District we have four different state senators that represent that district. Senator Langemeier from Schuyler has a portion right west of Gretna. Senator Pedersen comes in from the Elkhorn area in the kind of northwest area of Sarpy County just north of Gretna a little bit. Senator Preister's district comes in out of south Omaha into a portion of north-central, northeast Sarpy County by Bellevue. Senator Pankonin comes in about 60th Street go...and this is from the Louisville area from Cass County, but his district comes in and covers

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Springfield from 60th Street west to Platteview Road over to let's call it the Flying J, Highway 6. And Highway 6 is divided between Senator Pankonin's district and Senator Langemeier's district. So we haven't really had the community of interest. And these are very important issues and sometimes considered legal issues too. The county boundaries, natural boundaries, and please correct me if I'm wrong, but if my memory serves me well, the acceptable deviation from the 1990 Census was plus or minus 2 percent. The acceptable deviation or tolerable deviation for some from the 2000 Census was plus or minus 5 percent, which gives a wide, wide range. Sarpy at this time is underrepresented in terms of one person, one vote and we don't want to be the county to make all other things work. And we're certainly open to suggestions. We want this to be a very open process. We had no one from that committee that was representing Sarpy County at that time on the special committee last go-round. All the representatives were from Douglas County, for example. The current situation is very ripe for a court challenge. The no amendment aspect of the bill is very problematic. And please remember I was around and testified after the '90 Census and the debacle and the special election up in your area and then some other changes later on as well. But it's very important to have the information available early enough for meaningful public input. And that's just not for the public but also for the legislative other senators in the Legislature and their staff as well. So I highlighted some of those things. I will reiterate once more my heart is still in rural Nebraska. [LB402]

SENATOR ENGEL: Thank you very much, Mr. Twiss. [LB402]

BOB TWISS: Any questions I'll be glad to try and answer. [LB402]

SENATOR ENGEL: Any questions for Mr. Twiss? Your father's name was Oliver? [LB402]

BOB TWISS: You know what? There's one, I used to deny that, but someone is doing the genealogy and they may not be the father but way back where (laugh). [LB402]

SENATOR ENGEL: Thank you very much. [LB402]

BOB TWISS: Okay. Thank you for your time. [LB402]

SENATOR ENGEL: Are there any other testifiers? Are there any opponents? Okay. In that case, that will close the hearing on LB402. I assume Senator Schimek does not want to close because she's not here so this ends our hearing. Thank you. [LB402]

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Executive Board of the Legislative Council  
February 01, 2007

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Disposition of Bills:

LB34 - Advanced to General File.  
LB402 - Advanced to General File.

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Chairperson

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Committee Clerk