

Transcript Prepared by Clerk of the Legislature Transcribers Office
Executive Board January 22, 2020
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HILGERS: Welcome, everyone, to the public hearing for the Executive Board. My name is Mike Hilgers, I represent District 21, which is northwest Lincoln and Lancaster County. I'm the chair of this committee. We'll start with self-introductions of members, Senator Lowe.

LOWE: John Lowe, District 37, southeast half of Buffalo County.

McCOLLISTER: John McCollister, District 20, central Omaha.

BOLZ: Senator Kate Bolz, District 29.

VARGAS: Senator Tony Vargas, District 7.

HILGERS: Senator Kolterman.

KOLTERMAN: Senator Mark Kolterman, District 24.

HILGERS: We have members coming in. We just adjourned, so we'll have a few more members coming in here in a minute. And the Speaker will be-- is here. He'll be introducing our only item on the agenda. To my right is legal counsel of the committee, Janice Satra. To my far left is our substitute committee clerk, Sally Schultz from Transportation. Our current committee clerk is out today, so we appreciate your help, Ms. Schultz. And to my left is Senator Vargas, he's the vice chair of, of this committee. We have one item on our agenda, which is LR279CA. We'll start here in a second, but just a few ground rules. Please first silence any cell phones. We'll have-- the order of the proceedings will be we'll have the introducer, we'll have proponents, opponents, and neutral testimony. If you are intending to testify, please ensure that you fill out the green sheet and give it to the page. Our page today is Jonathan from Massachusetts. We have-- we will be using the light system today. It will be five minutes. At the four-- after four minutes, it will go yellow, you have one minute remaining. And then after that, we'll take questions from the, from members of the board, if there are any. And then if you have any written materials, please bring 12 copies. And if you don't have 12 copies, please talk of the page so we can make 12 copies. So with that, we will start with the only item on our agenda, which is LR279CA from the Speaker. Mr. Speaker, welcome. Please proceed.

SCHEER: Thank you, Chairman Hilgers and members of the Exec Committee. My name is Jim Scheer and I'm here to introduce LR279CA. LR279CA is a

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constitutional amendment that would change the number of senators available to be used from 50 to 55. Although we are only currently using 49, we are authorized to have 50. This would expand the number from 50 to 55. This was actually brought to me by a constituent, and as I looked at it, I thought it made a lot of sense. And I started looking more historically at the Legislature and the Unicameral. For what it's worth, when the Unicameral was started in 1937, they were authorized for 30 to 50 senators. They chose 43. In 1937, Nebraska's population was roughly 1.339 million, which gave you about 27,000 people per district at that point in time. Oddly enough, for the next 30 years, until 1963, the Legislature did not change those boundaries on those 43 districts. Not once. And the population in 1963 was 1.476. Those of you that maybe are more historians than I will remember that's the time that there were several suits in probably every state, one-man, one-vote basis, because most of the senates in the United States legislatures were based on area like the federal. And they chose-- and they found that to be unconstitutional. Fine nationally, but not for states. So at that time, when they went to redistrict, they did exactly what I'm looking at, is they expanded that base from 43 to 49. And by expanding that base, they brought the number down to 30,122 people per district rather than have extremely large districts as far as population. Right now, in 2020, the last numbers I can get, and I will be upfront, they are estimates. I mean, they're governmental estimates. But it would appear that our population was 1,934,000 is what I rep-- and then the last one was for 2019. If we do not change anything at all then each district would have 39 thousand-roughly-500 people in each district. So we've gone from 27 to 39.5. And it just appears to me that one of the ways that we can help in relationship to the state, it may help in redistricting, but my biggest concern is we're supposed to be a citizen's Legislature and not necessarily a full-time job. And at what point does 40,000 or 42,000 or 48,000 or whatever the number is, at what point does it become too many constituents for one sen-- for one senator? I just think we have an obligation to the population of Nebraska to provide fair and adequate representation to everyone. And yes, indeed, in some areas you have very condensed populations based. So a senator literally could probably walk his district, across the district, maybe five, six miles in 2, 2.5 hours. In some areas of the state, you would take you eight hours to drive across a legislative district. And as those become larger, how fair is it to those people as well, if those numbers continue to go up and the districts become larger, to be able to meet and talk to their senator as much as those

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in more metropolitan areas have the ability. There's got to be a sweet spot somewhere. I just don't know what that number is. But what I want to make sure that is understood, because there seems to be a lot of misunderstanding, this changes the maximum number. It doesn't authorize 55 senators, it just simply raises the limit. The Legislature, at whatever point in time it would like to, in fact, you-- I believe I saw maybe in today's there was a bill dropped that would expand the Senate to 50 members. That's exactly what would happen if we passed this bill. Any change in the number of senators has to be legislatively done by the Senate, by us. So this doesn't change anything. It just gives-- it is a permissive bill that allows the Legislature at whatever point time it thinks it might be of usefulness to change the number of senators. It is not, it's not restrictive that you have to change them one at a time. It doesn't say you have to go from 49 to 55, it just simply gives you now a number of 55. The number of 55 came from a couple ways. And talking to Patrick, the floor will maintain 55 people comfortably as it's presently set up to do. So it would not take any remodeling, anything in order to facilitate that number. I wasn't trying to cause an additional burden. Indeed, if you ever chose to change it, if the Legislature chose to change it, there would probably be costs. But that has nothing to do with this bill. That's at a different time and a different place, because if you change it by one, you change it by three, or you change it by six, I don't know what somebody might do. Those are all hypothetical. All this does is allows the Legislature to move that direction. Right now, we're stymied at 50. Everyone that I've talked to, and I will tell you that I've read the articles and I think that their articles are accurate, but the public perception is, well, that this bill would change automatically the Legislature to 55 members. It does not. It does not change the Legislature number at all. What it would do if the public passed in the general election, it would simply give the leeway to future generations of legislators. I'll be gone. It doesn't-- the idea is the idea. But at least it allows you the ability to move those numbers if indeed you choose to do so. Pretty simple, pretty straightforward. I don't, I cannot tell you that there is overwhelming desire to do this on a state basis or that there is. I have not done any polling. I'm not going to get involved in that. I don't plan on trying to have some huge campaign to change this number. I think it is just an idea that should be presented to the public and allow them to make that determination. I'm not going to have hurt feelings either way, but I think it does make sense. And at some point time, this Legislature, if Nebraska is to grow as we all want it to

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grow, and that means more population, then I think at some point in time we will have to expand the number of legislators. The other thing that I would ask you to think about as well, we get so mindset on what we have here. And it is unique, absolutely. But I want you to think about every other state in the nation that has this form of government that we do nationally. Every person in those states has three representatives. Those districts will have one senator and they will have two House members. So their numbers are somewhat close to ours, probably 40 to 45, but they have three people they can choose to do business with if they have a problem. We have one. So we can have a lot of pride in what we have, but I think we need to be cognizant that it may not be as representative as you might think. Because with the small number that we have, and if our numbers of population continue to increase, compared to other states, they're not getting our-- our residents are not getting the same contact, the same availability as other states are providing theirs. It's pretty simple. It doesn't change anything other than the amount that you can go up to. And that is, has always had to be done and will continue to be done by an act of the Legislature at whatever point in time that is. I'm open for any questions.

HILGERS: Thank you, Speaker Scheer. Are the questions? Senator McCollister?

McCOLLISTER: Yeah. Thank you, Chairman Hilgers. Interesting idea, I have to confess. How would it work out with the timing for redistricting next year? Census is going on this year, we have to draw new legislative maps in '21. How does that work when we'd have to authorize in the Legislature a new number of senators?

SCHEER: If the question is, would it be available for next year? I think technically it could be. Once it was passed, if it were passed in November, then by passage of that measure, the number automatically would change to 55. So it would be available for the Legislature to utilize. But again, whoever is back next year, which would be everyone here other than Senator Bolz and myself would have the opportunity to change that number, if indeed you wanted to.

McCOLLISTER: Follow-up?

HILGERS: Please.

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McCOLLISTER: Yeah. But, don't-- as I heard your comments just now, you would take-- we'd have to pass a bill to authorize a greater number of senators.

SCHEER: Absolutely. You would, you would have to have--

McCOLLISTER: That would be a long session.

SCHEER: Well, if you were going to do that, I suspect you would probably try to do that and put an E clause on it and get it up and through in a, a timely fashion. And I-- we're dealing with hypotheticals, so I don't, I don't know. And I have not necessarily talked to the Governor, and the Governor will be back next year. I don't know if he's not enthralled with the idea. Certainly even if you did that, he could veto it. So the answer is, I don't know. But from a technical standpoint, yes, it could be utilized next year.

HILGERS: Just as a follow-up there, to be clear. In order to do what Senator McCollister suggests, would you have to have the bill in place sometime this year or could you introduce a new bill next year just from a timing perspective and have it still--

SCHEER: Well, I think you could introduce the bill-- I don't think you have to introduce the bill this year. I think you could introduce it the following year and it could very well be in part of whatever redistricting that you may do. And it may not make sense to do next year. This isn't, this isn't an answer to redistricting. To me, this is an answer to more population in Nebraska and better representation for the residents of Nebraska. So if you-- if the body were to choose to do this next year or 10 years from next year or whenever it might be, so be it. All I know is that if you look historically, when the Legislature found itself in a position where it had to redirect, major redirection of its representatives, it chose to increase the number in order to do that rather than having much larger, larger districts. And I'm not saying that their number of 27,000 is the actual, the best number. I don't know. Maybe 40,000 is a fair number that we have right now. Maybe nothing would be utilized in this regards until 10 years from now. But I think it's something to have in your tool case as you look forward to make sure that we continue to have adequate representation across the state of Nebraska.

HILGERS: Thank you. Other questions?

BOLZ: I've got one.

HILGERS: Senator Bolz.

BOLZ: I'm just curious. And I-- well, first I'll say I'm grateful that we're in the same class and that I don't have to deal with redistricting in our eight years, Senator. I'm, I'm grateful that there are others who are going to take up that mantle. I am trying to remember, you referenced some of the press coverage, and I don't want to unfairly attribute anything to you. Is part, is part of your motivation here to, to shrink the size of legislative districts or is it more about the number of people represented for you?

SCHEER: Well, I don't know that by increasing the numbers, you will necessarily shrink existing spaces because there is a population movement out of some of the rural, more rural western areas. If you probably added two districts, and by the way, the reason I made it a odd number rather than the even number that we have, no one asked, but I'll give you my two cents worth, I think as a legislative body, we ought not put ourselves at risk of the Executive Branch determining what bills pass the Legislature. And if we go to a tie, constitutionally the Lieutenant Governor, who or he or she may be at whatever point time, would be casting that ballot. And I don't think our, our bills should be, be determined by the Executive Branch. And so although I appreciate the bill that's introduced that takes us to 50, I think that puts us at a peril as well. And that's why I tried to get an odd number that allows that. But to your answer specifically, I don't know that we would be able to shrink those districts. But what you might be able to do is possibly not make them much larger or a lot larger, because if, if you do nothing, I would suspect that, and these are just numbers that I've heard. I have not done the research and I'm not sure that Research has done much, but I would guess that you probably will have a movement of 1 to 2 Senate seats from areas farther west to areas more eastern edge, probably where population growth is maintained. That's not necessarily-- the way I am looking at things, if you add two legislative seats, it does not distort the composite because those will still go wherever the additional population has grown. So it's-- this is not an attempt on my part to skew the legislative boundaries to keep rurals more advantageous than the urban, because the growth is in urban. So where if, even if you added two districts, they would be somewhere in Lincoln, Omaha, Washington County, Sarpy County type area. At least that would be my thought. And so those, it's still one-man, one-vote, those would be

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going there. But what it also helps address is taking a district that you now drive five, six, seven hours to get across, turning it into an eight or nine-hour drive, just simply get across a district. I think we have to be cognizant of the ability to actually represent the people that we represent and knowing the district. And when it gets that large, I'm going to say right now, right now I think maybe one or more of our districts are larger than several states in the union. And if it gets-- if we do nothing, it's only going to exasperate that situation.

BOLZ: I'm fortunate, my district is reasonably geographically small and I'm able to connect with folks pretty easily. I guess I'm, I'm bringing it up in part to understand sort of the goals and the motivation, but also maybe as a part of the public dialogue. I was curious, and so I asked Legislative Research just, just to give me an example map. And I'm not sure that keeping with the principles of keeping communities together and counties together that we'll be able to shrink those big districts very much. And that's-- you can write maps any number of ways. It's more of a public conversation that, you know, I think your, your reflection that it's-- the number of people represented will shrink. I think it will be harder to make the geographical areas shrink.

SCHEER: As I said earlier, Senator, I do believe that's the case. I, I, if you are able to add, I don't think it shrinks those existing districts because many, if not most, will have lost some population. But what it might help is not making them much larger than they are at this point. And if we do nothing, I think you'll end up with several districts that will be very, very large, encompassing the area.

HILGERS: Thank you, Senator Bolz. Any other questions? Senator Hughes.

HUGHES: Thank you, Chairman Hilgers. I guess I wanted to thank you, Speaker Scheer, for bringing this bill, because I am one who has a very large district. Where I live up next to the Colorado border, by the time I get to the eastern edge of my district, I'm closer to Lincoln than I am to my house. So the fact that my district will not or could possibly not expand farther is very appealing to me. And then there is a time zone change, which a lot of my colleagues don't have to deal with, that if you're trying to service your district to make meetings, you know, to talk to constituents, you know, that is another challenge. I, I like the fact that the timing is good. Back to Senator McCollister's question, I think the opportunity-- we're gonna have to

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redistrict next year, we'll have the census figures in '21. And that does provide us an additional tool to make sure that we can draw districts that do go along county lines or communities, those type of things. So to me, the timing is very good. I guess the, the one question that I would have for you, do you feel that during your time in the Legislature that another two or three or four senators would have changed a lot of how, how we operate? Our rules would be different, no question about that, just based on numbers of votes. But the things that we get done, you know, the delib-- the deliberation that happens, would that have improved the quality of our work?

SCHEER: You know, I don't know that there's a real answer to that. Because what you're really talking about is, in this case, two individuals. And so it really sort of depends on what those individuals are like. Anyone can determine they can utilize our rules to expand time or we can shorten time. And normally the conversation is one of information. And so if you have two more, would those two more have additional questions? Well, they might have, maybe both of them would have one question. A lot of times you may have a question, but somebody else stands and is rec-- recognized before you, and it's the question you had. So I don't know that it takes away or it adds time, because we're talking about people. But it, it is, as you said, a tool. And I don't want to confuse this. This is-- I don't consider this to be redistricting. It does coincide, but it coincides simply because the gentleman that came up with this talked to me about 90 days ago. So this is nothing that I've had in my mindset for a long period of time. And again, it might very well be a big stretch that it would be passed by the state as a whole. But I certainly think we ought to give the opportunity to the residents of the state of Nebraska to look at at least this option and try to inform them the reasons why we're looking at that and let them make the decision.

HILGERS: Thank you, Senator Hughes. Senator Bolz.

BOLZ: I just had a quick follow-up on that and, and maybe, maybe I'm motivated in part by trying to get good information to the public. Concerns have been expressed to me that this would change that cloture vote number. But my quick review of the rules, if the future Legislature were to adopt the same rules format it would still be a two-thirds majority for cloture.

SCHEER: Oh, yeah.

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BOLZ: So that's not necessarily what you're presenting today is that the cloture vote-- that's not your goal, that, that's for a future Legislature to decide.

SCHEER: Yeah. The rules are the rules, they can change those however they see fit at whatever point in time. Again, it's this constitutional amendment is simply permissive. Allowing the constitution to be changed that you have up to 55 districts. They may never be utilized or they may be utilized in the next 20 or 30 years. I don't know. That's up to the Legislature at that point in time to look at it. And, you know, we're going to be honest, it probably is the time that they look at that as more a redistricting time, because it does run-- make sense to throw a couple more districts in halfway through a decade, not knowing what you're doing. So it probably would be exclusively used during those period of times. But, you know, we've gone 50 or 60 years since 1963 and we've had one available. And by the way, that bill has been presented a couple of different occasions that I'm aware of and has never been successful. And rational, it wasn't, I don't know. But so I don't, I don't know that it's a given that even if the state were to pass and support this constitutional change that it might not ever be utilized, simply because it's up to the floor to do that.

HILGERS: Thank you, Senator Bolz. Senator Vargas.

VARGAS: Thank you very much, Speaker Scheer. Sometimes we have bills that are informed by constituents. I don't know if you could share was there anything else that the constituent shared as ideas? Because if the problem-- one of the opportunities that the problem is trying to solve is not making the districts be that much bigger than they are, making sure access is still available, it's not getting so little onerous in terms of the capacity that we have as citizen-legislators. If there is any other ideas that came out of those conversations with the constituent or that, you know, we're missing in this so that it's, you know?

SCHEER: I have provided you all the information I had. I mean--

VARGAS: OK.

SCHEER: We met over a cup of coffee and our conversation at this point is longer than the conversation I had. And so he, he is somebody that has, is sort of a history buff and has looked at Nebraska history. And

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so when I started looking at the Unicameral as an institution, it became fairly obvious to me that in the '60s, when they had to make the change in districting, their choice was to increase the number rather than increase the size. We don't have that available to us anymore. I think we should have that available to the Legislature. It would be up to the Legislature if they chose to use it.

VARGAS: I appreciate that. And the main reason I ask is because this is not-- this is very focused, and I don't think you're saying it's the only solution to then addressing some of the issues that Senator Hughes brought up. But, you know, we do have to staff. There's other states that have other different things, and hopefully we can-- that's not the conversation we're having.

SCHEER: Without question. And I'm not, and I'm not trying to minimize. If, if the Leg-- if this passed and if the Legislature chose to look at expanding this number, there are costs involved. I mean, we, you know, we would have office space. I don't know, you can always go back to when I started seven and a half years ago, I shared an office, and that was one of the larger offices on the south way. And it worked fine. So, you know, there's, there's things that would change and there would be cost factors. I don't know if you have to buy furniture because we've got spare furniture. You probably have to buy phones or whatever the case might be, and computers or laptops. But we do that periodically regardless if you expand the size or not. And more importantly, I think it's important to have a good government. And when you are going to nickel and dime having good representation then I think we're on the verge of having bad representation. We shouldn't be as concerned. And that's, again, for somebody else. But as far as the financial part of it, I think you look at it very strongly, but you also-- there's the, the offset of are you going to get better bang for your buck by having more members.

VARGAS: Yeah, and appreciate you answering my question. Look probably personally less concerned with the overall cost, but what are other measures that live outside of this constitutional amendment that would help us make sure that senators like Hughes have, I don't know, a district representative that has a full-time staff, where you can engage while he's in session, so that he can actually be in two places, more than two places at once. Right? So hopefully we also look at those different measures, too, in addition to this.

SCHEER: This isn't, this is not a panacea.

VARGAS: Of course.

SCHEER: This is not going to solve all the problems in the relationship to representation. It does not solve all the problems with redistricting. It probably solves very little in relationship to redistricting because you still have population shifts, and those lines are going to shift along those populated areas. But it is just an option that allows you to be a little more flexible.

HILGERS: Thank you, Senator Vargas. Any other questions? Senator Bolz?

BOLZ: Briefly, I don't want to belabor. You've been on the hot seat for a while there. I just, the point of information I was curious, I asked for some estimates on costs. And I, I think you're absolutely right that we should not nickel and dime the cost of democracy. That's, that, that is spot on. For what it's worth, the-- if we kept the same staff structure and included salary in the estimates I have, the salary of the additional members is about \$77,000, seasonal reimbursement is about \$70,000, and the additional staff is really the big cost driver. Which the estimates I've received from the Clerk's Office and others is \$786,000. So I think it's worth sharing that that the ballpark would be about a million dollars to implement the full 55. To your point, we wouldn't have to implement all 55, but I do think it's worth sharing that it's not-- it there is a cost associated--

SCHEER: Well--

BOLZ: --if you added members. But not-- wouldn't be through the roof. It wouldn't be.

SCHEER: And not to be argumentative, but Senator Bolz, what you're talking about is a legislative bill that the Legislature would have to address. This bill doesn't spend a dime. It just simply now would eliminate the roadblock [INAUDIBLE] to expand that. So I don't disagree that there will be financial considerations. This bill does not provide any of that.

BOLZ: Agree completely. There's not even a fiscal statement posted, and that's totally fair. I think it's just part of the conversation that, you know, what would the cost of implementing a change look

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like? There is a price tag. I wouldn't say it's an unreasonable price tag.

HILGERS: Thank you, Senator Bolz. Any other questions? Seeing none, thank you for your opening.

SCHEER: Thank you.

HILGERS: Turn to proponents. Any proponents for LR279CA? Seeing none, we will turn to opponents. Come on down.

DANIELLE CONRAD: Hi. Good afternoon.

HILGERS: Good afternoon. Welcome.

DANIELLE CONRAD: Good afternoon. Happy slushy afternoon. My name is Danielle Conrad, it's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today on behalf of the ACLU of Nebraska and definitely am, am thinking about this as a former state senator and a member of the last Redistricting Committee of the Unicameral Legislature as elected by my peers in 2011. So with that, not to belabor the point, there is no doubt that Senator Scheer always brings good intentions to his work in this body, and we're appreciative of his thoughtfulness and creativity in bringing this forward on behalf of constituents. But I do want to just reaffirm the point that, from our perspective, this measure should not be divorced from commonsense redistricting reform. You have a variety of proposals that have carried over before you still in this committee from last session, I think introduced by Senator Vargas, Senator Howard, Senator DeBoer, Senator McCollister, and others, I think that's the full list, that we would encourage you to take a second look at in that regard. And when taking up this measure and looking at redistricting reform, the ACLU really has some hallmarks and principles at play that we believe are requisite for advancing good government. Redistricting should reduce partisanship, it should increase transparency, and it should protect minority voting rights. Those are the hallmarks of a sound redistricting system that we think is currently lacking in Nebraska's current, current process. And we hope that you take a second look at those additional reforms before the committee and don't divorce this proposal from that, because they're inextricably linked.

HILGERS: Thank you for your testimony.

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DANIELLE CONRAD: Be happy to take any questions.

HILGERS: Other questions? I have one question--

DANIELLE CONRAD: Sure.

HILGERS: --just so I understand the nature of the opposition.

DANIELLE CONRAD: Yeah.

HILGERS: So is it primarily just don't use this as a substitute for redistricting reform or are there, are there other objections that the ACLU might have on the merits of increasing the senators to 55?

DANIELLE CONRAD: You know, I don't think that on its face that we would probably have specific objections. But based on the fact that the timing with redistricting and the sequencing of how this proposal would be put before Nebraska voters in light of the upcoming redistricting, they have to be looked at hand in hand, they have to be looked at hand in glove. And so we think it would be misguided because this proposal alone wouldn't improved transparency, wouldn't reduce partisanship and wouldn't protect minority voting rights, which are the hallmark of a, of a sound redistricting process.

HILGERS: OK, thank you.

DANIELLE CONRAD: Yeah.

HILGERS: Other questions? Seeing none, thank you for your testimony.

DANIELLE CONRAD: Yeah. But one last thing that popped into mind that I just wanted to bring forward too. And I think that the Legislature absolutely has to be thoughtful about utilizing technology and be more creative about ways to get particularly people from Greater Nebraska's voice involved in the process, which I think is maybe at the heart of this proposal, based upon Senator Scheer's previous comments. And again, I commend you to take a second look at thoughtful proposals that have been before this Legislature recently in both statutory forms and rule changes to update your committee statements, to allow for constituents to weigh in in the process through letters and having more technology available to, to increase committee hearings across the state. So there's a lot of good ways to accomplish the same without amending the constitution in this regard. Thank you.

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HILGERS: We actually have a question over here.

DANIELLE CONRAD: Oh, sure.

HILGERS: Senator Stinner.

STINNER: I do have a question.

DANIELLE CONRAD: Yes, I imagine you have a different perspective on that from your corner of our beloved Nebraska.

STINNER: Well, you talk about representation. And right now, half your state, if you are a geography person, it's about Gothenburg, cut it in half, how many senators you got out there? Six. Redistricting will leave us with how many? We have-- Senator Hughes has got over 100 miles that he has to cover; Senator Brewer, 300 miles that he has to cover. This is a diverse state.

DANIELLE CONRAD: Absolutely.

STINNER: Now, if we're going to represent our constituents, shouldn't we have a number of folks at least somewhat in the same number at least? And 55 would get you up there. But that's, that's my point.

DANIELLE CONRAD: Sure.

STINNER: That would be why I think that it's favorable to go up in terms of numbers. Redistricting right now, you know as well as I do, Omaha picks up two, Lincoln picks up one, where are you going to get it from. So, and this is a big, diverse state. Believe me, Scottsbluff is a whole lot different than Omaha.

DANIELLE CONRAD: Absolutely. I do believe you. I take that to heart. But, Senator, I think that actually you've made my point for me that this measure shouldn't be divorced from redistricting. And in fact, it, it has to be considered together because it will be based upon the sequence and the timing that it's before you and would be before the Legislature.

STINNER: That's your only point, that's fine.

DANIELLE CONRAD: Well, it's not the only point. But I mean that, that is a critical point in terms of, of our opposition in this regard. And the fact that what drives the side of the-- size of the districts is population. We can't really quibble about that. That's been

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well-decided by the United States Supreme Court. And, you know, first Baker v. Carr finding that redistricting measures are justiciable. And then second in Reynolds v. Sims finding the one-person, one-vote principle which, which drives that geographic difficulty, which is no doubt a challenge. I hear and understand that.

HILGERS: Thank you, Senator Stinner. Senator Bolz.

BOLZ: I just wanted to share a quick, I guess, for the sake of adding to the conversation, I did have a conversation with Tim Erickson in Legislative Research. And I think anybody should grab him. He's a great resource and, and really thoughtful about the questions that I asked him. I-- this is my representation of my understanding of my conversation with Tim. I did ask the question, will we necessarily lose two rural senators if we keep the number at 49? Because I don't want this conversation to be an urban versus rural conversation. And as I understood, what Tim communicated to me is that it is not necessarily so. It is, it is contingent upon the Redistricting Committee whether rural communities will or will not lose senators. And so I just, I share that because I think it's a constructive point of information that, that this may add rural senators and that's worth our consideration and further, further legislators' consideration. But I don't want the public to misunderstand that, that it is necessarily that rural senators will be lost. It's contingent upon the actions of the Redistricting Committee, according to Tim in Legislative Research, who any of you could reach out to.

DANIELLE CONRAD: Fair point, Senator. There's still a lot of what-ifs involved in that process. And I think, just to take off my professional hat for a minute and just kind of reflect from my personal experience in redistricting, I can tell you one of the things that I think is very creative about Senator Scheer's proposal is to give the Legislature more creative options to work through that process. Because I can tell you that it was painful, it was acrimonious, and it really hurt trust established amongst colleagues over a long period of time that impacted not only that process, which I think did a disservice to our our democracy in Nebraska, but also really inhibited our ability to work together on a lot of other key issues because of the extraordinary partisanship and, and gamesmanship that was inherent in that process. So it is important to try and think creatively about other options that might facilitate a better process in the Legislature. But again, we can't divorce that from that, that

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difficult, complex, and increasingly partisan activity that, that happens in our state and beyond.

HILGERS: Thank you, Senator Bolz. Thank you. Any other questions?

DANIELLE CONRAD: Thank you so much.

HILGERS: Thank you for coming down. Other opponents of LR279CA? Seeing none, anyone wishing to testify in a neutral capacity? Welcome.

JOHN CARTIER: Hello, members of the Executive Board. For the record, my name is John Cartier, spelled J-o-h-n C-a-r-t-i-e-r. I'm here in my capacity as director of voting rights for Civic Nebraska. We are a nonpartisan organization whose mission is to protect the interests of all Nebraskan voters. I want to very briefly testify in a neutral capacity today because Civic Nebraska does not have a position on the size of the Legislature, but we do have a strong interest in improving, whenever possible, the public's trust in the Nebraska Legislature. In our opinion, expanding the size of the Legislature will invite scrutiny, specifically scrutiny on how we draw our legislative maps. I will let folks who have been here for more than decade, and I think Danielle did a good job already of unpacking the issues that arise from the 2011 drawing of the maps, as I'm here mostly to make sure the committee knows that the American public is better informed about and cares more about the redistricting process than ever before. Redistricting and gerrymandering are at the top of the mind for millions of voters throughout the country. If you do choose to expand the Legislature to 55 districts or very well introduce a proposal that would allow the Legislature to do that option, please use this opportunity to be transparent about your process, to invite public feedback, and to codify good redistricting practices. We support the creation of an independent redistricting commission, but we also support codifying good rules in the Legislature. Whatever you do, please know that the conversation surrounding LR279CA must accompany a healthy redistricting or anti-gerrymandering discussion. That is, if we are to maintain and even improve the public's trust in the Nebraska Legislature. Thank you for your time.

HILGERS: Thank you for your testimony. Are there questions? Seeing none, thanks for coming down.

JOHN CARTIER: Thank you.

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HILGERS: Good to see you. Any others wishing to testify in a neutral capacity? Seeing none, Speaker Scheer, you're welcome to close.

SCHEER: Thank you, Senator Hilgers and committee members. I'd simply respond to holding the bill hostage until you come up with whatever process you come up with to redistrict doesn't seem very reasonable in my relationship. This only is available if it's passed. It-- everything that Danielle stated and the other gentlemen are true, but it doesn't have anything to do with this. Coming up with a sound competent way to redistrict is still the Legislature's duty. Does increasing the number part of it? Might be, might not be. This could pass and still stay at 55, but the Legislature not choose to utilize any of those additional senators. This really is sort of a standalone. I don't disagree that we need to come up with a redistricting proposal, but I don't know how this is part of it, because until the state votes on this proposal, it can't be part of the proposal. You're wanting to come up with something now this year as a proposal for redistricting. This isn't part of it. We don't know if it's going to pass or not. So I don't disagree with the two speakers before me that there is a need for a redistricting and to make it competent and all the things that they've talked about. But this could be in addition to, but it's not necessarily tied to because you can't tie this to whatever you come up with this year. You don't know if it's going to be available next year or not. It might be a nice benefit to have in the-- in upcoming years. But to hold this particular proposal hostage because you're wanting to see a overall complex redistricting proposal put together seems like sort of a waste of this, because this can't be part of whatever you come up with. There's no guarantee on this. This is a constitutional amendment, it has to be voted on. For you to put the eggs in the basket that this is part of the redistricting and that's how it's going to be successful, what happens when it fails and you're right back to square one? This is to augment perhaps, but it's not to be part of the program. It can't be. So I would respectfully ask you to look at this and release it from the committee to act upon on the floor. The one thing that I will ask you, and I was remiss. I would ask each of you to look at the bill itself and the language that would show on the ballot, because certainly I have no claim to that portion, if it's correct or not. I was trying to develop something that was, would clearly articulate that this is not expanding the Senate to 55 mem-- members, that it was only adding that to the constitution. Because that's where the confusion lies. So if you look at that, if you've got a better idea, I'm certainly open to it.

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Sometimes we get blinders on so we don't come up with appropriate answer to our own question. But I do want to make sure that the question on the ballot is distinct and clear enough that people understand exactly what they're voting for, because those that have told me that they were not supportive were not supportive because they didn't want to have 55 senators. When I've had the opportunity to talk to someone, no, this doesn't make 55 senators. That still has to go through the Legislature. It just lets them have up to 55 senators, just like we can have 50 now. Oh, that's, that, I don't have a problem with that. I just [INAUDIBLE]. So I'm not sure if my language is sufficient or distinct enough. If you've got a better idea, certainly we have a committee amendment to change that language. I would be more than happy to support that. So with that, I'll call it a day unless somebody else has a question.

HILGERS: All right, thank you, Speaker Scheer. Any questions? Seeing none, thank you very much. We have no letters on this, on this LR. So that will close our hearing on LR279CA and our hearing for the day. Thank you.