

cited in the Attorney General's Opinion, the Nebraska Supreme Court clearly held that such a distinction based upon the number of counties in which a public power district operates is not inappropriate. The Court stated at page 451: "We cannot say that legislation dealing with all public power districts in the state which operate in more than 15 counties is unreasonable where it operates upon all alike that are within the same class." The public power district statutes currently use size in certain situations to establish different classifications among public power districts--both from a revenue basis and a geographic basis. In addition, similar classifications are established throughout the laws of Nebraska. I do not understand how the more than 50 county distinction is any more constitutionally suspect than our laws stating that a metropolitan class city must have 300,000 inhabitants or more or that a primary class city must have more than 100,000 and less than 300,000 inhabitants. We have only one city in each such class. Similarly, there is only one public power district that currently fits within the more than 50 county classification--Nebraska...

SENATOR LANDIS: Thirty seconds, read quicker.

SENATOR SCHMIT: ...Public Power District. The nature of the operation of a district of this size, including Nebraska Public Power District, as pointed out by the Nebraska Power Review Board, clearly justifies this classification by the Legislature. 949 is the product of over a year of careful deliberations by many representatives of Nebraska electric utility industry. There are a number of benefits that will result from this bill. First, the bill resolves a number of apparent inconsistencies within Chapter 70, Article 6 which have developed over time. Second, the bill would significantly simplify the administration of elections. Electric service does not neatly follow governmental boundaries and there are often several direct and indirect electrical suppliers within a voting precinct. The clearly stated authority to follow voting precinct and county boundaries will make election administration far easier. Finally, the bill will clearly allow for the public power districts to continue to provide broad base voter representation when establishing chartered territory, an approach which is consistent with the historical interpretation of the chartered territory statutes until the McCook decision of 1984." Mr. President and members, I want to thank you for your understanding and I would move the advancement of the bill.