

that discussion, but I would like to have it discussed in a separate and focused way, not as part of a broader discussion about whether 18 or 19 goes into Madison County. So I very much appreciate the amendment by Senator Withem. I hope others will vote for it, and then we can get back to the actual question of which lines best represent that part of the state in redistricting of those legislative districts.

SPEAKER BAACK: Thank you, Senator Wesely. Senator Beutler, you are next on the amendment.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I am supportive of the amendment, although in a mild kind of way because I think we are in trouble here regardless of what we do, and let me tell you why the Hefner amendment, in my opinion at least, doesn't get us out of trouble. We have been concentrating on the county line aspect of the current Constitution, that line that says that we have to follow county lines where practicable. But that, and that was the focus of the Madison County case, so with regard to just that aspect of the current Constitution, Senator Hefner's proposal is probably an improvement in the sense that county lines are greatly adhered to under his current proposal. But I don't think that gets us out of trouble because if I didn't like...if we pass Senator Hefner's plan and I didn't like it, I think what I would do is go to court and say, hey, this district is not compact. This district is not compact. It looks like an hourglass. It is ridiculous. And we have to remember that under the current Constitution, it says that districts shall be composed of contiguous and compact territory. Now the court, to my knowledge, has never, ever related the county line criteria with the compactness criteria, and it is not at all clear that even if we do adopt the Hefner solution that they might not say, well, yeah, it cuts across fewer county lines but it is not compact. And what I am attempting to point out to you is that the court is probably going to be in a position where they either accept districts that are not very compact or they go back and force us to redo LB 614 as a whole so that they are both compact and minimize the cutting across of county lines. And I suspect that that is probably what they would do if we had the Hefner amendment adopted as the ultimate plan. It is just not very compact is the problem. And for me, at least, the Supreme Court is putting us in a bind because now they have elevated the county line criteria so that we have a very stringent standard there, but at the same time the standard on