

January 20, 1981

LR 6, 7
LB 490 - 529, 144, 182

SENATOR BURROWS: I move the adoption of the resolution as amended.

SPEAKER MARVEL: Any further discussion on that motion? All those in favor of that motion vote aye, opposed vote no. Have you all voted? Record the vote.

CLERK: 42 ayes, 1 nay on adoption of the resolution, Mr. President.

SPEAKER MARVEL: The motion is carried and the amendment is adopted. Members of the Legislature, it is my privilege to introduce to you a young lady who with her staff has put out at least 869 separate bills and I would like to have her stand, and if it is your will to acknowledge the work that is done. The Clerk will read.

CLERK: Mr. President, new bills: (Read title to LB 490 through LB 517, pages 305 - 311, Legislative, Journal.)

Mr. President, while we are waiting, new resolution, LR 7: (Read. See pages 212 and 213, Legislative Journal.) That will be laid over.

Mr. President, hearing notice is provided by the Business and Labor Committee for February 4.

Mr. President, Senator Labedz offers explanation of vote.

Mr. President, new bills: (Read title to LB 518 through LB 526, pages 314 - 316, Legislative Journal.)

Mr. President, Senator Burrows would like unanimous consent to have his name added to LB 144 as coinroducer.

SPEAKER MARVEL: Hearing no objection, so ordered. One last call, does anybody have any legislation that is buried someplace that you would like to dig up? Now is your chance. Last call for any legislation.

CLERK: Mr. President. (Read title to LB 527 and 528, pages 316 and 317, Legislative Journal.)

Mr. President, Senator Kremer would like to ask unanimous consent to have his name added to LB 182 as coinroducer.

SPEAKER MARVEL: Hearing no objection, so ordered.

CLERK: Mr. President: (Read title to LB 529, page 317, Legislative Journal.)

January 29, 1981

LB 207, 207A, 406, 523
LR 11

on that list who wants to trade places, wants to yield to another person in this Legislature, another legislator, it is up to that person when he or she is recognized to say "I yield to that person". Otherwise the presiding officer, at least when I am presiding, I am going to call on the names as they appear on the list and that person can do what he or she wants to do at that time but I am not going to attempt to substitute up here for you down there. I am going to call the list and you are going to have to yield and let it be known that you are the one that wants to yield your time. Is that clear? I want to make sure so there is no misunderstanding. Okay, Senator Chambers I guess is it. Senator Koch, Senator Chambers I believe is the only one not in the Chamber. Do you wish to wait for Senator Chambers? Here he is. Do you wish a roll call vote now on the issue?

SENATOR KOCH: I will request a roll call vote, please.

PRESIDENT: Roll call vote then. The question before the House is the advance of LB 207 to E & R Initial. Roll call vote, Mr. Clerk. You may proceed.

CLERK: (Roll call vote taken. See page 359, Legislative Journal.) 23 ayes, 23 nays, Mr. President.

PRESIDENT: LB 207 fails to advance. Mr. Clerk, do you have some matters to read in?

CLERK: Yes, sir, I do. Mr. President, I have four Attorney General's opinions. The first is addressed to Senator Warner, the second addressed to Senator Sieck regarding LE 58, the third to Senator DeCamp regarding LB 284; and a fourth to Senator DeCamp regarding LB 68.

Mr. President, your committee on Appropriations gives notice of rescheduling of public hearing for February 20. Senator Warner gives notice of Appropriations Committee hearing for Monday, February 9 and Friday, February 13.

Mr. President, A bill, LB 207A. (Read title. See page 365, Legislative Journal.)

Mr. President, a new resolution, LR 11. (Read. See pages 365 and 366, Legislative Journal.) Mr. President, that will be laid over pursuant to our rules.

Finally, Mr. President, I have a motion from Senators Chambers, Kilgarin, Landis, Kahle, V. Johnson and Chronister by the Government Committee to re-refer LBs 406 and 523 to Government from Miscellaneous Subjects.

January 30, 1981

LB 406, 523

PRESIDENT: We will proceed then with agenda item #4, motions on two bills. Motion first, Mr. Clerk, on LB 406. All right, they can be handled because they both are just changing...referral. Okay, handle both of them with one motion.

CLERK: Mr. President, the motion I have is offered by the Government Committee and signed by the members. It reads as follows: To re-refer LBs 406 and 523 to the Government Committee from the Miscellaneous Subjects Committee.

PRESIDENT: The Chair recognizes Senator Kahle on the motion.

SENATOR KAHLE: Mr. President and members of the body, we had a lot of discussion about this among our committee members, and first of all I want to assure you that there is no animosity between myself, for instance, and Senator Hefner who is Chairman of the Miscellaneous Subjects Committee, or any of the members of the Miscellaneous Subjects Committee. I had asked if our committee members wanted to bring this up that they get the signatures and if over half of the committee wanted to bring it up, I would also sign the resolution, which I did. I am sure there will be others speak about this but my concern, if there is one, is that if our committees are named correctly, and I think most of them are, that the reapportionment of state government should certainly be under the jurisdiction of the Government Committee, and I believe that that is the main reason that I even consider bringing it up. It was, of course, under Miscellaneous Subjects ten years ago, and my notion assigned wrongly or to the wrong committee. I think it should have been Government then. I don't know the circumstances that happened ten years ago. But the reason we are bringing it up this morning, we want the full body to have a look at it and with the noise on the floor I doubt if very many are listening so I think I am wasting my time. But that is the reason for the motion. Personally, I feel that if we are going to have a committee called a Government Committee, it should at least have a chance to handle government matters and then, of course, this year, of course, the assignment was really earmarked for the Government Committee by Dr. Rodgers' office, and I think that is a good indication of where he thought it should go. I also have no fight with the Executive Board. They certainly have a right to go with it where they want to, but we are asking you this morning to reconsider and if we lose the vote, why we lose the vote. But I personally

believe that we are setting a precedent that is wrong in not letting the Government Committee handle what is really government. Thank you.

PRESIDENT: The Chair recognizes Senator Landis. All right. Senator Lamb.

SENATOR LAMB: Mr. Chairman and members of the Legislature, I oppose the motion as you could guess. The Reference Committee has worked long and hard in referencing bills this year. We admittedly have not done a perfect job. We have on various occasions reversed ourselves when it was brought to our attention that we were in error, and so we have given everyone adequate time, I believe, to present their case and we have taken their arguments under consideration. The Executive Board acting as a Reference Committee decided and, Mr. Chairman, I do not believe I am being heard, but I would say that the Board acted properly....(interruption).

PRESIDENT: Let's pay some attention to this debate and hold the noise level down. It is very, very hard to hear.

SENATOR LAMB: I am opposing the motion to re-refer because I think the Board acted properly. The reapportionment bills were assigned to the Miscellaneous Subjects Committee ten years ago, and another consideration is that the Miscellaneous Subjects Committee is evenly distributed among the four caucus groups. There are two members of that committee from each of the four caucus groups, and I believe in something as important as reapportionment it is important that the various areas of the state be equally represented. We are talking about an issue which has come before our committee. Senator Landis appeared before the Executive Board. He made his arguments. He was given his day in court before the committee, and his arguments were rejected. The Board decided to send the bills to Miscellaneous Subjects. I think it is important that the Executive Board and, in fact, all the committees be upheld in this matter because once we start fracturing the committees we are going to have chaos on the floor, we are going to spend a lot of time here. So I ask that this motion be rejected.

PRESIDENT: The Chair recognizes Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, I rise to support the motions to re-refer. The Executive Board did a very interesting thing in assigning these bills to the Miscellaneous Subjects Committee, and

they have created for us an interesting mystery that I think I would like to pursue. In the first place, they overturned a longstanding significant precedent. The rules of this body for over thirty years indicated in the subject matters to be covered by committees that the Government Committee should be responsible for reapportionment bills. That was a part of the legislative rules for over thirty years. They also overturned the suggestion, the impartial decision by our staff, Jack Rodgers, who suggested that the Government Committee was the appropriate committee, and they chose to ignore that impartial staff member. Apparently they placed some credence in the fact that in 1970 this bill went to the Miscellaneous Subjects Committee, and those who were in this body at that time or who worked for the Legislature might well remember that the membership of that committee was very unique and probably was the determining factor as to why that bill went to Miscellaneous Subjects. Senators Mahoney, Skarda and others served on that body, and that aberration in 1970 might well have been politically motivated and now the Board wants to continue that politically motivated aberration. So we have an interesting problem here, the reversal of a longstanding precedent, the reversal of our own staff who has expertise and knowledge going back almost thirty years in legislative references. If you have a mystery, it is best to look at somebody who solves mysteries, and I was looking through Sherlock Holmes the other day for the way that he solved a mystery and he says, "When you eliminate everything that can't be true, what remains must be true". Well why did the Exec Board act the way they did? Is it because the Miscellaneous Subjects Committee is more experienced? Hardly. Forty percent of the committee has roughly three weeks of legislative experience. No member on the Miscellaneous Subjects Committee has ever worked on a reapportionment bill before or was even in the body when reapportionment was considered last time. So it could hardly be experience that justified the change. Is it interest? Well, the Miscellaneous Subjects Committee did not offer a bill for reapportionment; the Government Committee did, thought ahead, planned for it and introduced a bill, but not the Miscellaneous Subjects Committee. Now it is true that Ron Bowmaster has been working on this, but he could work with any committee. So I don't think we have any evidence of forethought or interest in this area necessarily that justifies the Miscellaneous Subjects Committee. Is it geographical breakdown? Well, we have a four-four rural-urban split on both committees. We also have an interesting problem, sort of a catch-22. You see we have more than one kind of caucus, and if you wanted to justify something, of course you could say

geographical breakdown because regardless of how the committees were structured, you would have at least one caucus system that was out of whack and you could always justify it on that basis, couldn't you. We decided this time to use the Exec Board caucus. We could have used the Committee on Committees caucuses if this one did not serve our purposes. So this hardly is a determinative. Lincoln, one-seventh of this state's population, doesn't have a representative on the Miscellaneous Subjects Committee and we are talking about geographical representation. That's a glaring error...(interruption).

PRESIDENT: One minute, Senator Landis, one minute.

SENATOR LANDIS: What is left? Well partisanship is left. There is a six-two partisanship on the Miscellaneous Subjects Committee in favor of the Republican Party. On the other committee it is four-three-one; four Republicans, three Democrats and one Independent. There is no party that rules the Government Committee and that is the problem, isn't it? We have the party Chairman of the Republican Party saying publicly that reapportionment is the primary vital concern of that party. I also was told two days ago by a member of the Miscellaneous Subjects Committee that 1970 was a Democratic reapportionment, this is going to be the year of a Republican reapportionment. Now we have above and below the Executive Board those statements, and what is in the middle? The Executive Board referring it to the Miscellaneous Subjects Committee. I think if you add all that up, Sherlock Holmes, and even those not as bright as Sherlock Holmes, should be able to come up with the real agenda behind what is happening in the reference by the Executive Board. Mr. Chairman, I would ask that this vote be a record vote so that the constituencies of the Senators here will know who believes in the process being nonpartisan and who are dancing to the tune of those outside this body. Thank you.

PRESIDENT: Before we go on to the next speaker, I have a couple of guests of some Senators. We have...Senator Nichol has some guests under the south balcony, Mike and Lynette Marten, Leonard and Arlene Woodson, and Ray Brethour, all from Scottsbluff. Will they stand and be recognized. They are standing. Welcome to your Legislature. And we also have under the south balcony a guest of Senator Haberman, Mardy McCullough from Grant, Nebraska. Will Mardy please stand and be recognized. Welcome to your Legislature. The Chair recognizes Senator Cope. Senator Cope.

SENATOR COPE: Mr. President and members, I call for the question.

PRESIDENT: The question has been called for. Do I see five hands? I do see five hands. The question is, shall debate cease? All those in favor of ceasing debate vote aye, opposed nay. Have you all voted? The question is, shall debate cease? Record the vote.

CLERK: 15 ayes, 21 nays on the motion to cease debate, Mr. President.

PRESIDENT: The Chair recognizes Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, I want to thank you for giving me an opportunity to defend the Miscellaneous Subjects Committee, and this is very hard for me to get up and talk against my good friend and colleague, Senator Kahle from Kearney. I know that his committee would do a good job on this too. But I think there is more to it than just this. I think we have got to remember here that this body just a few weeks ago elected a Chairman and a Vice Chairman of the Exec Board who also serves as a Reference Committee, and not only that we have caucuses from the various districts across the state and these caucuses elected the members of this committee, and so I think we must realize that they have done a terrific job in referencing these different bills to the various committees. I am not saying that they are always a hundred percent correct, but I think they try to do a conscientious and a sincere job. Now I would like to take a few minutes and talk to you about the Miscellaneous Subjects Committee. I think we have a good committee. I am proud of them. Senator Landis said that we have quite a few freshman Senators on, and I like this because they are good conscientious men. They are men that can listen to testimony and then come up with what I consider a fair and just decision, and I think this is what we need. There was mention that there was nobody on from Lancaster County on the Miscellaneous Subjects Committee, and this is true, but I can assure you as Chairman of this committee that I will be fair to the Lancaster County delegation. I think that we won't have too much work to do in this particular county because according to one of the Lincoln papers they haven't lost any population. They haven't gained any population and so I think they will not be a problem there. Ten years ago this body, or the body that was here at that particular time, the Senators that were here, gave this to the Miscellaneous Subjects. I could not see that this redistricting favored the Democrats. I don't think that this group will favor the Republicans this year. I certainly hope they don't. So I would say to you this morning, let's follow the Executive Board's or the

Reference Committee decision here and leave it with the Miscellaneous Subjects Committee. Thank you.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Hefner must have been talking to people who do not know what went on when the Executive Board and other organizational activities were occurring during the beginning and shortly prior to the beginning of this session. Politics was the rule and order of the day. The Republican Party frankly stated that they were intervening in various elections for members to the Legislature with a view toward having input and how redistricting would occur. So to stand here now on this floor, Senator Hefner, and say what you said is to indicate that either you don't read or after having read you conveniently forgot what you had read. The Republican Party has made it very clear what its intentions and desires are. If we would be completely frank, we know why Senator Hefner is even Chairman of that committee. We know because we are all a part of this body and we were all approached by people talking about the deals that were being cut in order to determine who would be given chairmanships and who would be denied them. So the record must be clear on these matters. We heard before the Government Committee yesterday a bill to set aside a day to honor George Norris. One young man came up and opposed the bill, but I think he did it to make a point, to draw into sharp focus the hypocrisy of politics and politicians. He documented from history the positions that George Norris had taken, then established factually how the existing and prior legislatures had acted in opposition and contravention of those principles. One of the greatest ironies was the fact that George Norris is primarily praised for establishing the idea of a non-partisan Unicameral in Nebraska. The irony is this, during a session when the Legislature has been converted into a de facto partisan body and was organized on that basis, in comes a bill to honor the man who wanted a nonpartisan Legislature. So this young man was struck by the hypocrisy and inconsistency and I was very comfortable with his testimony and I enjoyed it. So we are confronted this morning with another situation where the truth is being clouded although everybody sitting on this floor knew what the truth really is. The Executive Board, its composition, is an example of politics par excellence, and when I say politics I don't mean participation by the citizens and the election of representatives but politics in the sense of maneuvering, cutting deals and paying off and punishing. We know that... we can look at the reference of bills and we know the

same thing. So if there are members on this floor afraid to state the truth, I am not. My job is to tell the truth every time I speak. Now if there is information I don't have which causes my remarks to be untrue, I would like to know what that information is. But based on what I have seen this session of the Legislature, virtue has been dethroned and politics rules and governs all. Now there was a point I wanted to be sure and make. The goal, as I stated, the announced goal of the Republican Party is to influence redistricting, obviously to be sure that Republicans replace Democrats and in my case an Independent if they thought they could find somebody to unseat me, and I don't care what steps they take to try to unseat me. However, I will do all I can to make sure that equity is observed in the redistricting of this body, and if it became necessary for me to file a lawsuit in Federal Court to overturn an improper redistricting, that I would be prepared to do. Fortunately, the courts are not controlled by the Republican Party. They are not controlled by the Governor. They are not controlled by a collection of various senators who can intimidate other senators.

PRESIDENT: Half a minute, Senator Chambers.

SENATOR CHAMBERS: The Government Committee has Democrats, Republicans, the only Independent and also a woman. So if you want to talk about a mix, there it is. But primarily for the integrity of the Legislature and the reference process, this bill should go to Government Committee.

PRESIDENT: Before we go on, I would like to introduce on behalf of Senator Maresh, Stephen Songster of Exeter. Where is Stephen? Is he seated under the north balcony? Welcome, Stephen, welcome to your Legislature. The Chair recognizes Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. President and members of the body, I am a member of the Government Committee and have been such for the past two years. One of the major functions of our committee has been to look at election measures and in election procedures and in election districts. We have spent many, many hours pouring over bills brought to us by our Secretary of State to change election procedures by bills brought to us by various members to change the manner of electing Directors say to the Natural Resource Districts, the manner of electing persons to City Council in Omaha and elsewhere. Our committee, the Government Committee, truly is the

elections committee for the State Legislature. We consider, we spend a lot of time dealing with election type bills. Historically, apportionment has gone to the Government Committee and we had our staff person check it out to see when the procedure first began and it began many, many years ago. But in 1970, as Senator Landis pointed out, this body chose to put the subject with the Miscellaneous Subjects Committee and there apparently it is going to stay unless we refer it back to the Government Committee. Now in my opinion, as one of forty-nine, and I would hold this opinion even if I were not a member of the Government Committee, I think it is important that we keep virtually all election issues and election related issues in one group. It is important simply because that group brings to the study of this very delicate question as to how we elect people and how we send people to office. It brings to that question a sense of history and a sense of continuity, and to move those issues from committee to committee works a real injustice on the overall electoral process. So it seems to me this is an important issue and for purposes of continuing to assure fairness in our overall election procedures the apportionment question ought to go back to the committee to which it was originally referred many, many years ago, specifically the Government Committee. Now, I frankly think far more has been made of the reapportionment issue than should be made of it. I know that my party, the Republican Party, has taken an active interest in reapportionment. I have always had a hard time figuring out exactly why the party has done that. I guess that virtually all the other state legislatures in the nation are elected on a partisan basis, so I understand that probably the National Republican Committee decided that it was probably important to become involved with the 1980 elections so that when the boundary lines were redrawn in other states, that partisan considerations could occur. Now that is only just and proper if you have a partisan legislature, but we don't have a partisan legislature. This is a non-partisan legislature, and that means simply speaking that the best way to draw the boundary lines is to make certain that we adhere to the principle of one person, one vote, and that we try to draw boundaries that are fairly contiguous and geographically confined, and we don't engage in a lot of gerrymandering and the like, and that should be it. But no, we have in a sense found the reapportionment issue politicized beyond that which is necessary. We make more of this than I think is warranted, and for that reason it seems to me that we overblow, we blow out of proportion this issue and we allow ourselves to continue to see it as a terribly political issue that

January 30, 1981

LB 406, 523

truly ought to go to say this Miscellaneous Subjects Committee...(interruption).

PRESIDENT: You have half a minute, Senator Johnson.

SENATOR V. JOHNSON:because of the way it is said the way it has been organized. I don't think it should be seen in that light. I think very simply the issue ought to go to the Government Committee because the Government Committee traditionally takes care of election and governmental matters.

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President and members of the Legislature, I would like to ask Senator Hefner a couple of questions if possible.

PRESIDENT: Senator Hefner, will you respond?

SENATOR WESELY: I don't see him at this point. Can I ask Senator Kahle a couple of questions then?

PRESIDENT: Senator Kahle, will you respond?

SENATOR KAHLE: I will yield.

SENATOR WESELY: Senator Kahle, I guess I was wondering how you would see the process by which we would start to draft the different boundaries for the different subdivisions of government and also the legislative districts. What I am wondering is, would you anticipate, for instance, in Lancaster County we are looking at six districts wholly contained within the county of letting these six Lancaster County Senators draw up some boundaries and bringing them to the committee, would you see perhaps the different Committee on Committees' caucuses meeting and within our boundaries drawing up some alternative boundaries and presenting them to the committee, or do you see a staff just sitting down from the committee and drawing up some boundaries and then coming to the committee and not involving the other senators in the other areas to come up with some ideas on what we can do? How would you see the process working, I guess, with your committee?

SENATOR KAHLE: Senator Wesely, I think that we certainly would have to get the wisdom from those areas. I also feel, of course, we would have to have somebody take a general statewide overlook of the whole proposition. I think as was said here by someone this morning that

Lancaster County probably won't have as big a problem as perhaps they will out in my area where if any of you would look at the map you will see what they did to my people ten years ago. I guess that is one reason I am interested in trying to get a nonpolitical situation this time.

SENATOR WESELY: So you would allow us to sit down and work together and come up with some ideas, but then the committee would take the final review as the oversight function you have.

SENATOR KAHLE: Absolutely.

SENATOR WESELY: Okay. Senator Hefner, can I ask you the same question? Would you allow us to meet locally and develop different alternative boundaries and what we would recommend to the committee and then the committee would take that state overview and come up with a final draft? Is that how you see the process working?

PRESIDENT: Senator Hefner, will you respond?

SENATOR HEFNER: Yes, certainly. Senator Wesely, the way I understand this will work is that Ron Bowmaster who is with the Legislative Council's research staff, would start on this. He would meet with whatever committee gets this. At the present time he was ready to meet with the Miscellaneous Subjects Committee, and we would visit with him. He would brief us on what federal and state guidelines we would have to follow, and then at the present time he has the preliminary census figures and we would start on those. The final figures will be received I understand the first part of March. Then we would start using them. Ron and my staff would be working together and yes, I would say that we will try and get input from individual senators or groups of senators, and like with the Lancaster County delegation we would want to meet with them and see if we could work out any problems that we might have. I will assure you that our committee will be fair and just to all of those involved.

SENATOR WESELY: I guess the concern was, Senator Hefner, that if we can sit down and draft equitable boundaries within the county, we don't affect any other districts. Similarly I guess, we might say, Douglas County might be in the same boat, and if you are wholly contained within a county and those people within that county are able to work out their different

boundaries to their satisfaction, it seems as though that should be left to their local control rather than having, you know, the committees step in and try and rearrange things rather than allowing us to come up with our boundaries. Do you agree with that philosophy, or would you disagree?

SENATOR HEFNER: Senator Wesely, I agree with that philosophy if the federal and state guidelines are followed.

SENATOR WESELY: I see.

SENATOR HEFNER: I don't know what those guidelines are at the present time, do you?

SENATOR WESELY: I don't either but that is a fair answer and I appreciate it.

SENATOR HEFNER: And like I say, the Miscellaneous Subjects Committee handled this ten years ago and I think they did a real good job.

SENATOR WESELY: Okay, thank you, Senator Hefner. I appreciate the answers from both Senator Hefner and Senator Kahle.

PRESIDENT: The Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. Chairman, are there a lot of lights on yet?

PRESIDENT: Yes, quite a number yet. We have seven, at least.

SENATOR NEWELL: I will forego my opportunity to speak.

PRESIDENT: All right, amendment on the desk.

CLERK: Mr. President, Senator DeCamp moves to amend the motion by referring LBs 406 and 523 to the Committee on Committees.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. Chairman, members of the Legislature, Mr. President, whatever, I am just trying to develop on what Senator Landis said and started going through the numbers here and his argument, as I understand it, for moving it to Government goes something like this. There is a difference in experience. Well I have added up the total years of experience of Government members,

Miscellaneous Subjects, what would you believe. It is about 19 to 20, and each one of them has about the same number of completely new members. Add up about the Democrats and Republicans, the balance there, you move it from one committee to the other, basically what it kind of amounts to is you are shifting her from Republicans over on the one to either Democrats or stalemate on the other. I mean if it is really politics involved, that is about what you are accomplishing. You develop the idea of representation and you have some of the same problems if you move it over to the one that you have of the other. You change representation and you deny somebody else. So I got to thinking if everybody is sincere in wanting a balance of representation, lots of experience, all these things if you would go with the Committee on Committees. Why? Well, they have got 56 years of experience, legislative years over there, versus a maximum of 20 or 21 on any of the others. They have got the broadest spectrum of representation in the state since you had this state divided into four districts and you put the people over there, each district represented, so Lincoln, Omaha, rurals, are all represented. Representative in terms of partisanship, you have got 8 Republicans over there and 5 Democrats, which just happens to coincidentally be about the balance or ratio of Democrats and Republicans in the Legislature, and they are all good honest people that have been here probably a little longer than the average rather than being brand new. Most of them have been there quite a while, and several of them have been involved in previous reapportionment. So if you are deciding you have to switch something and following the logic of Senator Landis you are not accomplishing anything switching to Government in terms of more balance or more representation or more experience, if you are sincere about that, then you would move it to the Committee on Committees. The final argument, that is the only committee, the only committee in the whole Legislature now with the experience, more than any other, with the representation and the most important element, they are the only committee that doesn't have another single thing to do in the whole Legislature now because you took all their work and gave it to every other committee. They could spend all the time putting the bill together you wanted. So if I were going to be voting to move anything at all, I would be moving it over there rather than any place else.

PRESIDENT: Senator DeCamp, if I understand your motion, it is to have the Committee on Committees hold the hearings on these bills. The Chair will observe that

there are rules to provide only for standing committees to have...to hold hearings. It appears to the Chair that you would have to have a suspension of the rules in order to do such a thing because you cannot have a committee such as the Committee on Committees which does not and cannot hear bills without a suspension of the rules. Now would you contemplate a suspension of the rules then?

SENATOR DeCAMP: Well, I don't think there is enough votes to do that but I am trying to illustrate a point... (interruption).

PRESIDENT: I am asking you a question.

SENATOR DeCAMP: If you are going to do some shifting, at least do it on some justifiable basis. There is no basis for shifting from one to the other so I will float it out to suspend the rules and clear it up one way or the other. If you want to put it in a committee that has all these things you say, that would be the one.

PRESIDENT: Well, my point is I think that you have to... your motion would have to provide somewhere along the line for a suspension of the rules in order to do that.

SENATOR DeCAMP: Float it out.

PRESIDENT: Otherwise I would have to call your motion out of order unless you did that.

SENATOR DeCAMP: Okay, I will make that motion. I think it has got about 12 votes.

PRESIDENT: Mr. Clerk, can you embody that in the motion?

CLERK: Yes, sir, we can.

PRESIDENT: All right, so you are speaking to the motion to suspend the rules and have them hold a hearing. That would be your motion. All right, now speaking to the DeCamp amendment which would require suspension of the rules. I have Senator Hefner, Senator Lamb, I think want to speak to....did you want to speak to the amendment? All right, in that order and then Senator....you see, we have the trouble here again of having seven or eight lights on before this happened and I have only had a couple of lights come on since, so I have to find out who wants to speak to the DeCamp amendment. We are speaking to the amendment at this point, which is a whole new ball game, so I am keeping all of the rest of you that

are in line to speak to the motion if the amendment does not carry, and I will add you to the motion at this point. So the first one to come on after that was Senator Hefner and then Senator Lamb and Senator Kahle, in that order. Go ahead.

SENATOR HEFNER: Mr. President and members of the body, I understand now we are talking to the suspension of the rules. Is this right, Mr. President?

PRESIDENT: Yes, Senator Hefner.

SENATOR HEFNER: This is correct that we are talking about suspending the rules so we can take....(interruption).

PRESIDENT: In order for this amendment to pass you would have to have a suspension of the rules which will require 30 votes.

SENATOR HEFNER: Okay, Mr. President and members of the body, I oppose the suspension of the rules for this purpose. I believe that this issue should go to a standing committee. I think it should go to the standing committee of the Miscellaneous Subjects Committee. This was the decision of the Executive Board or the Reference Committee, whatever we want to call them, and I think it should stay there. The reason I think it should stay there is because I feel that our committee is capable of handling this issue and coming out with a fair and just bill in the redistricting process, and therefore, I would oppose this body....or I would urge this body to oppose suspending the rules at this time.

PRESIDENT: The Chair recognizes Senator Lamb.

SENATOR LAMB: Mr. President and members, originally there was talk or we were thinking that this could be held in the Executive Board and that would be a very logical place to keep the redistricting because all these people on the Executive Board have either been elected at large or have been elected directly by a caucus committee, a caucus group. So there was a lot of logic in doing that. However, the Executive Board is in the same position as the Committee on Committees. Under the rules it cannot hold hearings on a bill, and so it was the decision that we should not try to suspend the rules and hold these bills in the Executive Board. It would be better to send it on to a standing committee, so if we were going to suspend the rules, I would suggest we should send the bills to the Executive Board rather than the Committee on Committees and so I oppose the

amendment and I oppose the motion. I hope you uphold the Executive Board as they referred the bill.

PRESIDENT: Before we take the next speaker, the Chair would like to introduce some 45 students from Senator Marsh's District from Zeman School with Mrs. Durst, Mrs. Soukup and Mrs. Walker, teachers. They are in the north balcony. Would you recognize these students from Zeman School? Welcome to your Legislature. The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President and members, I also oppose this amendment even though I am on the Committee on Committees. I think that is the wrong place for it to go. We talk about fracturing our committee system that Senator Lamb mentioned a while ago and this is the reason, of course, I am still sticking for the issue and hope that it would come to Government because I think that is where it belongs, but I don't think it belongs in the Committee on Committees. Thank you.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, I rise to oppose the rule change and support the motion as originally offered. My inclination is initially always to support the elected authorities that we have selected because obviously any system has to work on that basis. With all the discussion I hear on this reference and occasionally on others is the fate of the bill, and once you start down that route of consistently referring bills on the basis of the fate of the bill, you have created an absolutely impossible situation. But I am going to choose to support the Government Committee's motion because in this case I think it can be used to serve as an example of the consensus of opinion of the body to the Reference Committee that we do expect references of bills to be on the basis of subject matter and tradition and that is important because everyone of you in here, everyone of us, tends to select the committee that we seek in organization on the basis of what traditionally is the subject matter of that committee, and when you start to tamper with that historical fact, you begin to create real future problems. But I support it on another reason to go to Government because I don't think it has any significant difference on the outcome what committee you assign the reapportionment of the Legislature to. It never has in the past, with one possible exception and that was usually admitted to be a mistake. But all during the sixties when we had many, many reapportionment fights, what the

committee did was not the determining factor, it was what the body did, and that will be again the case this time. Secondly, there is no games of any significance or proportion that we play with reapportionment this time because as a matter of fact anyone that has looked at the least of the preliminary figures know there is no districts as a whole to be eliminated to make room for population growth in other areas. There will be and can be significant differences in some boundaries within a couple of urban areas but in terms of a complete elimination as we have experienced a couple times in the past, that will not occur, there is no need for that to occur this time. So since that argument is not there, and since I totally disregard the partisan argument as having no factual basis for the simple reason if that is the basis, the 32-16-1 of the body as a whole certainly would overcome any games that would not....if games were to be played they could be played in the body as a whole and I don't expect that to happen either. But I would think that this is an excellent opportunity for the body as a whole to remind the Exec Board that we do believe that traditional reference of bills ought to be held to. The outcome is not going to be affected by using this motion as an example of that and I fully support the reference to the Government Committee because I think that is where the bill subject matter ought to be discussed and the fate of the bill is absolutely not at stake in this issue, and let me point out at those of you who have looked at reapportionment, all you have got to do this year is kind of divide the state up in some sections such as Lancaster and Douglas County where you put five, six, seven, maybe districts together accumulative those district's population will be right on as far as the average median and the Senators from those areas can readjust the lines that are appropriate, taking into consideration the interest of the various communities where they shop, where they go to school, whatever common interest that seems reasonable to be within a district and that is it. I would hope that we would support the Government Committee's position.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President, I ask unanimous consent to withdraw my motion. I think my point has been made. It is just six of one and half a dozen of others in terms of experience and all that stuff.

PRESIDENT: The DeCamp amendment is withdrawn and we will proceed. Senator Koch, you are next on the speaking order.

SENATOR KOCH: Thank you, Mr. President, I thought maybe you had forgotten my button. I put my button on early because I knew that Committee on Committees was going to come up there and I was ready to speak to that. But I will have to support Senator Warner's position. It is absolutely correct. If we are going to have standing committees that have had a very specific substance in them, then we better direct legislation, propose legislation to that committee. But why should we as politicians be logical when so many politicians always deal out of illogical positions or from those positions. I have nothing against Senator Hefner and the Miscellaneous Subjects Committee. I am not questioning their integrity at all. I want to get back to principle. Senator Warner stated very well if we are going to start putting bills where the major topic is in terms of standing committees, then we are indeed placing this body in an embarrassing position. I support the reference to the Government Committee. I cannot quite believe it didn't go there in the first place, and I don't support it based upon the people who sit on that committee at all. I support it in the fact that reapportionment is absolutely a Government subject and there is nobody that can tell me otherwise. Several years ago when I wanted to change the standing committees of this body and change Urban Affairs and Constitutional Revision and Miscellaneous Subjects, I wanted to put all those, some of those committees out of existence because I happen to believe that Urban Affairs could easily be in Government and there is no need to have that Wednesday committee, and we could take other materials and put them in other standing committees and reduce the standing committees and increase the number of days they can meet and resolve a lot of problems. But there again we should never be logical. I would hope that this body this day would state unequivocally that, yes, reapportionment is absolutely a Government issue and we have a committee that deals with it and that is where that subject matter should be, and I support the reference to Government Committee on reapportionment.

PRESIDENT: The Chair recognizes Senator Fowler.

SENATOR FOWLER: Mr. President, I would support what Senator Warner said as well. I think that his last comments may be the most significant and that is that no matter what committee hears it, there is a presumption that somehow some system of caucuses, as Senator Warner said, groups of six or seven senators getting together to draw up boundaries, that somehow this is going to be the property not just of a single committee but of the full Legislature. I think that that is very important.

Who hears the bill may not be as significant as who drafts the bill and who develops the concept. Now I appreciate the fact that Senator Hefner has granted that Lancaster County would be able to caucus and develop a map. Senator Kahle has done the same thing. I think that that...certainly I am glad that that is a privilege that will be extended to those of us in Lancaster County. I think it is a privilege that should be granted to the full Legislature, that those of you across the state, whether it is in Douglas County, Sarpy County, Scotts-bluff County, or whatever, will have input into development of the bill before it happens. I think that is very crucial. I think Senator Kahle has indicated his willingness to involve the full Legislature in the development of this bill, and I think the reapportionment question is not really the property of any single committee but must be the property of the full Legislature. Now obviously we will have a chance to rewrite the bill on the floor of the Legislature. That is coming in too late and that is somewhat inefficient. I think the best structure is to involve through some sort of caucus system, whether it is the established caucus of the Committee on Committees or a kind of a...as Senator Warner suggests just a grouping of appropriate legislative districts, that somehow we involve the full Legislature in developing the bill and I think the Government Committee has indicated its willingness to have the full Legislature involved in the development of the bill before the hearing process and before it comes out on the floor. I think that guarantees all of us the input that we need. As Senator Kahle said, obviously the Government Committee may have to become the arbiter if there are disagreements within a caucus or between caucuses. But we must, I think, have a guarantee and I think Senator Kahle has provided that, that the full Legislature is involved in the development of this bill. For that reason, I am comfortable with the reference to the Government Committee as well as the fact that tradition is on the side of the Government Committee, and the whole question of subject matter reference is also on the side of the Government Committee.

PRESIDENT: The Chair recognizes Senator Peterson.

SENATOR H. PETERSON: Mr. Chairman, I would call for the question.

PRESIDENT: All right, the question has been called for. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. Record the vote.

January 30, 1981

LB 406, 523

CLERK: 32 ayes, 0 nays to cease debate, Mr. President.

PRESIDENT: Motion carries. Debate ceases and Senator Kahle, you may close.

SENATOR KAHLE: Mr. President and members, I think that Senator Warner and some of the others have said it much better than I can even begin to, and I am pleased with their support for what I think is the right way to go. I am personally not happy with what happened ten years ago. I have one of the most cut up districts I think you could probably...possibly imagine and I hope to avoid that, and I am sure even no matter which committee gets it we would not have that problem this time, but I am very, very concerned about how those districts are split up and if it is given to our committee, we will do the absolute best job we possibly can and avoid all the controversy that is possible. I am sure it is not going to be an easy job, but if we are given the task we will handle it. Thank you.

PRESIDENT: The question then is the motion to rerefer LB 406 and 523 from the Miscellaneous Subjects Committee to the Government Committee. All those in favor vote aye, opposed nay. A record vote has been requested. Mr. Clerk, will you tell.....?

CLERK: There are two excused, Senator.

SENATOR KAHLE: We will ask for a Call of the House and a roll call vote so that we get this settled once and for all and know exactly where we are at. Thank you.

PRESIDENT: All right, clear the Board. Motion has been made to have a Call of the House. The first motion then is, all those in favor of a Call of the House will vote aye, opposed nay. Record the vote.

CLERK: 31 ayes, 4 nays to go under Call, Mr. President.

PRESIDENT: The House is under Call. All the members who are not on the floor will return to their desks. All nonlegislative personnel will leave the floor. The House is under Call. Record your presence. There is only one excused. Senator Cullan is the only one excused now. Senator Schmit, will you push your green button? Thank you. Senator Remmers, will you show us your presence? Thank you. That is it. Everyone is present, Senator Kahle. Ready for a roll call vote. The Clerk will proceed with a roll call vote on the motion.

January 30, 1981

LR 11
LB 406, 523

CLERK: (Read roll call vote as found on pages 377 and 378 of the Legislative Journal.) 21 ayes, 27 nays, Mr. President.

PRESIDENT: The motion fails. Senator Vickers, you want to raise the Call. The Call is raised. Speaker Marvel, did you have a change in the order here?

SPEAKER MARVEL: It is my understanding that Senator Wesely would like to bring up LR 11 and there is a time bind if we don't, and unless there is objection I would suggest we take it up now and then adjourn because we are about out of time.

PRESIDENT: All right, so that you understand, agenda item #6, LR 11, will be taken up at this time, so Mr. Clerk, will you read LR 11.

CLERK: Mr. President, LR 11 is found on page 365 of the Legislative Journal and reads as follows: (Read LR 11).

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. President, I won't take very much time with this. This is an attempt to try and endorse the efforts that Governor Thone has already indicated he wishes to take to apply for this money from the federal government. It is Juvenile Justice Act money. It is about \$444,000 to the State of Nebraska, which would provide assistance to communities in the state, provide a different support for juvenile facilities and detention centers. It is money that I think is a very wise investment for the State of Nebraska. The Governor has indicated that he wants to apply for this money, that the State Crime Commission wishes to apply for the money. They have supported this effort. The only problem is that they don't feel that they can apply without some legislative sign of approval, and that application deadline is today. So if they don't put the application in today, and if they don't feel that they can without some sort of indication of support from the Legislature, and that is what this resolution does, we will essentially see a delay of several...well, quite a bit of time. I don't know exactly when we will be able to apply again. But clearly it is important that this support be shown, that this application be made and that this 440 some thousand dollars be brought into Nebraska to assist local communities with juvenile detention facilities. I certainly would encourage your support for the resolution. Governor Thone, again, has indicated his support for this effort and would encourage

May 12, 1981

LB 243, 436, 523

SENATOR CLARK: Newell.

SENATOR SCHMIT: Newell? Let's go ahead and vote on the board.

SENATOR CLARK: The question before the House is the advancement of 243. All those in favor vote aye. All those opposed nay. Voting no.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Once more, have you all voted? Senator Schmit, I am going to call the vote.

SENATOR SCHMIT: Then let's have a roll call vote, please.

SENATOR CLARK: Call the roll.

CLERK: (Read the roll call vote as found on page 1978 of the Legislative Journal.) 23 ayes, 20 nays, Mr. President, on the motion to advance the bill.

SENATOR CLARK: The motion failed. The bill fails to advance. LB 436.

CLERK: Mr. President, if I may right before that, your committee on Miscellaneous Subjects whose Chairman is Senator Hefner reports LB 523 to General File with amendments, and it is signed by Senator Hefner as Chair. (See pages 1978 and 1979 of the Legislative Journal.)

Mr. President, LB 436 was a bill introduced by Senator Rumery. (Read title.) The bill was read on January 20, referred to Business and Labor. The bill was advanced to General File. The membership considered the bill on April 6 of this year, Mr. President. At that time the bill failed to advance.

SENATOR CLARK: Senator Rumery, do you want to explain the bill?

SENATOR RUMERY: Mr. President and members of the Legislature, you heard the little bit of history about this bill. I want to correct a few things that were said about it before. It was indicated that this was a special bill for a special person, and it is not. We did use an example of a special case that had been....that had occurred, but you will recall that in our Constitution now we are prevented from discriminating against a number of things in our existence here. If you are going to hire people you

May 18, 1981

LB 412, 523

vote aye, opposed vote no. Record.

CLERK: 25 ayes, 14 nays on the motion to advance the bill,
Mr. President.

SPEAKER MARVEL: Motion is carried. The bill is advanced.
The next bill is 523.

May 18, 1981

LB 523

CLERK: Mr. President, LB 523 introduced by the Executive Board and signed by its members. (Read title.) The bill was read on January 20. It was referred to Miscellaneous Subjects for hearing. The bill was advanced to General File, Mr. President. There are committee amendments attached by the Miscellaneous Subjects Committee.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I move adoption of the committee amendments to LB 523. First if you will notice that this bill was introduced by the Exec Board to reapportion the legislative districts. However, the committee amended this bill and made it a bill to reapportion our Congressional Districts. This amendment reapportions our Congressional Districts and becomes the bill and this will be the first of six bills that will reapportion the various districts in our state. I had the Page pass out a handout that contains a map and also some other information, and if you will follow along with me, we remove the six townships in the western third of Cass County from Congressional District #2 and put them in District #1. Then we removed Thayer County from Congressional District #1 and put them into District #3. This plan which the committee voted out to General File is a very simple plan. It affects only one full county, Thayer County, and approximately one-third of another county, Cass County. The ideal population of a Congressional District in Nebraska is 523,335. This is according to the 1980 final census figure. The population figures for this plan is 522,556 for the First District which is a plus or excuse me which is a minus 779 people or a minus of fifteen hundredths of one percent. The Second District would now contain 523,765 people for a plus 430 people or a plus eight hundredths of one percent. The Third District is 523,000 people, 523,685 people or a plus of 350 persons or a plus seven hundredths of one percent. So you can see that the total deviation is a .23% or slightly less than one quarter of one percent. Before I go any further, let me go back and explain the committee's action. Our committee, the Miscellaneous Subjects Committee at one of their meetings set a one and a half percent plus or minus deviation from the ideal population of a congressional district. So in other words, we were saying that there was no reason to change the boundary lines of our Congressional Districts. But then after a little more research by our staff and by the Legislature's Research Department, we did a little more research, also visited with the Attorney General's Office several different times, and after more research, we decided that maybe we had better see if we

could get the districts a little closer in population figures. Also before you you have an Attorney General's opinion on this issue and I am just going to read the last paragraph and it says, "Therefore, from our reading of the Supreme Court's holding in *White versus Weiser* we would be of the opinion that the Nebraska Legislature should attempt to arrive at a reapportionment plan which would as nearly as possible achieve mathematical equality between the three Congressional Districts", and so the Miscellaneous Subjects Committee reconsidered their action and came up with this particular plan. This plan that the committee is proposing and presenting to you today has a population variance of less than one quarter of one percent and so I am sure that we would be able to defend it against any court action. The committee held a hearing on this plan and I am not going to tell you here today that we didn't have some opposition to it. We did. The Cass County people were there. The Thayer County people were there and did object to this particular plan, and when I asked them if they would come up with a solution to us, they said that this would be real hard to do because they, too, figured any county that we would attempt to change would fight us. But I am sure that if we consider other counties that they will oppose the plan, too. It was the consensus at the hearing that nobody wants a change but I say to you here today if we are going to have a reapportionment plan that will withstand the court challenges, then we need to do some shifting. We tried to work with shifting other counties or parts of other counties but it seemed like we would always come back to these two particular counties. And so I would certainly urge you to adopt the committee amendments here today to LB 523.

SPEAKER MARVEL: Okay, Senator Newell. While we are waiting on Senator Newell, Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, I rise to support the committee amendment. As you remember the Executive Board introduced this bill in order to have a vehicle to start the ball rolling in regard to redistricting. I believe that the Miscellaneous Subjects Committee has done an excellent job. They have had many meetings, not only on the Congressional districting but on the legislative districting, the other districts across the state. I believe they have done a good job. I support their Congressional plan without amendment, and I am sure you are aware that there may be some amendments offered this afternoon. The changes are minimal. The population disparity is minimal and so I believe this is the best plan that could be arrived at this time around and so I support their plan.

May 18, 1981

LB 523

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I oppose the committee amendments and I am sure you know why. Out of 93 counties they picked Cass to split. Now I don't know if that is pointed or not but I don't like it. I didn't to begin with and the committee is aware of it, and I add, Cass County is also aware of it, and we don't like it. I think the committee did a good job when they started out and I think they listened to fine tuning too finely. I think when you get to redrawing maps of the magnitude of the state, that when you get down as low as they have gone, they have gone too far and I don't believe that it is correct, I don't believe it is good for the people in Cass County to have to work with two different Congressional Districts. It is bad enough for a legislator to have to work with more than one county and I am sure you are all aware of that. I do have a proposal, Senator Hefner, and it is up there as an amendment and it is not as fine tuned as your committee but it is an attempt to equalize to some degree the population problem in the state. It does not cross county lines and it is within a level that, in my opinion, is defensible and I will get to that amendment later. I do think, ladies and gentlemen, that you need to look at this seriously before you cast your vote for the committee amendments and give us a chance to at least modify the committee amendments to what is realistic, not unrealistic. Thank you, Mr. President.

SPEAKER MARVEL: Senator Maresh.

CLERK: Mr. President, Senator Maresh would move to amend the committee amendments. I believe copies have been distributed, is that right, Senator?

SENATOR MARESH: Yes. Mr. Speaker and members of the Legislature, I guess I am in the same position like Senator Carsten. Thayer County residents are real unhappy with the way Thayer County was handled. They were taken from the First District which they have real close ties with and placed into the Third District. They would like to be returned to the First District so we drew up amendments. Instead we're splitting Knox County as the map shows, the eastern part of Knox County of Frankfort, Eastern, Dolphin, Dowling, Lincoln, Columbia and Morton would remain in the First District and the rest of them would be placed into the Third District. I think Thayer County is more like the rest of the First District. It has some manufacturing and has real close ties with the center of the district's population which is Lincoln and they would like to remain

May 18, 1931

LB 523

tied to Lincoln and not be removed. So I move that this amendment be adopted to the committee amendment.

SPEAKER MARVEL: Senator DeCamp, do you wish to speak to the Maresh amendment to the committee amendment? Senator Newell, do you wish to speak to the Maresh amendment to the committee amendments.

SENATOR NEWELL: Has there been a lot of speakers, Mr. President? Mr. President, I really don't want to speak to the issue. I was going to call the question if you thought that was appropriate. Just nod to me one way or the other. I will call the question, Mr. President and then I have gone (interruption).

SPEAKER MARVEL: The question has been called for. Do I see five hands? Okay, I do. All those in favor of ceasing debate vote aye, opposed vote no. Have you all voted. Shall debate cease is the issue. Senator Vickers, for what purpose?

SENATOR VICKERS: Mr. Speaker, it seems to me that this is a little premature to call the question on this issue. Senator Maresh opened on his amendment. I don't think there was any further discussion. Did you have any other lights on?

SPEAKER MARVEL: We had one, two, three, four, five, five people who have spoken and one, two, three who have indicated they were interested in speaking but have not spoken.

SENATOR VICKERS: I would just suggest to the Speaker that he might use his prerogative to not call the end of debate since the introducer of this amendment to the amendment opened and there was no further discussion.

SPEAKER MARVEL: Record the vote, Mr. Clerk.

CLERK: 22 ayes, 6 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate has not ceased. The Chair recognizes Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I appreciate you giving me a chance for a rebuttal. Of course, Senator Maresh, I hate to oppose your plan but I am afraid I am going to have to. What you are doing here is you are splitting two counties and you heard Senator Carsten say that we shouldn't even be splitting one and here you are splitting two and besides you are

splitting a county that has an Indian Reservation, the Santee Indian Reservation is in Knox County and one of our guidelines is that we are supposed to keep social, economic conditions as close as possible in districts and I think that this certainly would disturb that situation up in Knox County and, therefore, is one of the reasons I am opposing it. Another reason I am opposing it is because this plan has not had a chance for a public hearing. The Knox Countians were not alerted that we were going to have a hearing to put their county into the Third District. The Thayer County people and the Cass County people had an opportunity to get their input at this hearing and, therefore, I would strongly urge you to not support this amendment to the amendment. Also, if you will recall on General File, you only need a simple majority to get an amendment to an amendment and so I think this is a little unfair to the committee amendment and that is another reason I think you should oppose the Maresh amendment.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Higgins, did you want to speak to the Maresh amendment? Senator Vickers, did you want to speak to the Maresh amendment?

SENATOR VICKERS: Yes, Mr. Chairman. Mr. President and members, I rise also to oppose the Maresh amendment, not that I really have a large interest one way or the other in which county is in what district in the Congressional areas but simply because of the fact that when I read the bill book, as Senator Hefner so aptly pointed out, I can understand Senator Maresh's concern when you see the number of people that testified in opposition and where they are from, but it seems to me that if we are going to start redrawing lines out here on the floor, then we should give those people that we are putting in another area an opportunity to come in and testify also. When you look up there and see there is only eight days left, if we are going to redraw the lines and then go back for a public hearing for those people that come in and testify as to how they feel about it, we all know that we are not going to get it done in eight days. Obviously, when you draw lines, somebody is going to be on one side and somebody is going to be on the other. And probably there are going to be people on one or the other sides that do not particularly care to be there, but with the population changes, I don't see where there is much of anything we can do about it other than draw the lines to the best of the ability, and I think the Miscellaneous Subjects Committee

May 18, 1981

LB 523

has done a good job in not splitting counties any more than necessary and I think it is ridiculous for people to start out here in the floor trying to satisfy local constituent areas in drawing the lines out here on the floor without the people that are being moved having an opportunity of testifying at a public hearing. So I oppose the Maresh amendment.

SENATOR NICHOL: Senator Kahle, did you wish to speak to the Maresh amendment?

SENATOR KAHLE: Mr. President, I would like to try the question again.

SENATOR NICHOL: I believe you were the last one on the Maresh amendment. Senator Maresh, did you wish to close, Senator Maresh?

SENATOR MARESH: Mr. President, just that if we are going to split one county, I can't see anything wrong with splitting a second county. And this where the first county was...Cass County was split by the committee, so I can't see why they would object to splitting a second county, and many times redistricts are redrawn right here on the floor of the Legislature. Ten years ago this took place and I can't see anything wrong with redrawing the lines now so that is my closing. Thank you.

SENATOR NICHOL: The question is we are voting on the Maresh amendment which is an amendment to the amendment so it would require a simple majority. All those in favor of the Maresh amendment to the amendment vote aye, opposed nay. Have you all voted? Senator Maresh, what do you say? Record, Mr. Clerk.

CLERK: 5 ayes, 21 nays, Mr. President, on the motion to adopt.

SENATOR NICHOL: The amendment to the amendment fails. Mr. Clerk.

CLERK: Mr. President, Senator Carsten would now move to amend the committee amendments. (Read amendment found on page 2080, Legislative Journal.)

SENATOR NICHOL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, you have now decided to just split one county and that county is mine, and if you think the Miscellaneous

May 18, 1981

LB 523

Subjects Committee doesn't know that Cass County and myself don't like it, you are mistaken because they do. We did appear at the hearing and we did have a hearing and we expressed our views to them and our reasons why. Once again I remind this body as I did earlier that to have one county split between two Congressional Districts is extremely disrupting, not only from the political party standpoint but from a county level and the different subdivisions that work with the Congressional people. I remind this body, to the best of my knowledge, that heretofore in the reapportionment Congressional process, we have never split counties and I don't know why we need to start now when it causes such a disruption. The proposal that I am giving to you is not that far off. If we take those six precincts back out of Cass and leave them in the Second Congressional District, and you have now decided to leave Thayer in the Third, the First District would then be .106 minus the target, the Second would be .99 over the target, and the Third would be .07 over the target, or a differential or deviation of 2.05. Now it seems to me that any realistic sensible group that had to look at our state and look at the division three ways would realize that this is not that far wrong, and I suggest to you that this is realistic and that it does not cross county lines and that it is workable. For that reason, and those reasons together with the people from Cass County, I recommend to you that we adopt this amendment to the committee amendment. Thank you, Mr. President.

SENATOR NICHOL: Senator Warner, did you wish to speak to this?

SENATOR WARNER: Mr. President, I rise to support Senator Carsten in his amendment because I, too, share a concern notwithstanding the fact that I represent a part of Cass County. But aside from that I share the concern of splitting counties up. Now I would agree with those that once you decide to do it, then you may as well get the difference down to virtually nothing but I would subscribe that there is every good and justified reason to not begin to split counties on Congressional redistricting. It has been held time and time again that social-economic considerations are justified for differences in the population of any kind of reapportionment areas. There isn't a soul in this state that does not recognize that particularly in rural areas county boundaries serve as the area that everyone associates with for a whole host of organizations and that any splitting of county to attain such a small difference here has absolute adverse impact on the county so split. Now obviously we can all understand that no one would want their

county split. I represent parts of five counties now. Even on a legislative basis, I am exceedingly aware of the concern that people have for splitting counties even on a legislative district. It seems to me it is even more significant on a Congressional basis. So I would urge that you do support Senator Carsten in his amendment. I certainly would subscribe to stay with a proposal that split no counties. I think that that can be as close as we need to get. We may have to move a county or two but we will not need to split and I think that the citizens will be better served if counties are not split, certainly those counties that are proposed to be split, and I would hope you would support Senator Carsten.

SENATOR NICHOL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, it is very hard for me to rise and oppose Senator Carsten's amendment. I have a feeling for him. I have a feeling for the people that are affected in Cass County and certainly I hate to oppose it when Senator Warner thinks that we should not split a county. But just let me explain it a little bit to you here. If we leave these six precincts in the Second Congressional District, we have a total population variance of two point or slightly over two points, I believe. If we are going to do this, then we just as well leave the Congressional Districts as they are now and this is what the committee decided to do at first, but after very careful research and in talking to the Attorney General's Office, we decided that we should get the population variance a little closer and we did this with all sincerity. The committee, the Miscellaneous Subjects Committee, has spent many long hours, spent many meetings in debating this issue, going from one map to another, and I don't know how many maps we have drawn but it is quite a few, but like I told you before, we still came back to removing the six precincts from Cass County. I would say to Senator Carsten and Senator Warner, think of it this way that Cass County will be represented by two Congressmen instead of one and we certainly do this in a lot of legislative districts and I don't think it is all that bad to split a county. I realize that we haven't in the past but I really do not believe that it is that bad, and when you talk about the social-economic conditions, we felt or the committee felt that the west one-third of Cass County had more in common with the First District than they did with the Second District and so, therefore, with the heavy population that we have in district #2, I would strongly urge you to oppose the Carsten amendment.

SENATOR NICHOL: Senator Remmers.

SENATOR REMMERS: Mr. President and members of the Legislature, I rise to support Senator Carsten's amendment. There isn't a Senator on the floor here that wants his county split, and I haven't heard any compelling reasons given today or in this discussion before today that to me indicates any great need of splitting Cass County. Sure, we can get it down to one or two people or maybe no difference at all if you would want to, but I support Senator Carsten's amendment. As I say again, there isn't another Senator on the floor that would support the plan that is presented if his county was split.

SENATOR NICHOL: Senator Von Minden.

SENATOR VON MINDEN: Mr. Speaker and members of the body, I rise to oppose Senator Carsten's amendment. I don't speak very often. I haven't been here a year yet and I generally wait because someone generally says what I want to say anyway but I don't think they will what I am going to say now. What I want to say is "trust me", Senator Hefner and committee, doggone it, we worked many noon hours and many evenings trying to come up with a plan to disturb the fewest amount of people in the Congressional Districts. This is a plan that the committee has worked on and I sincerely hope that you go through with it. If we start chipping away at taking this county out and that county out, back and forth, we only have eight days left and, my goodness sakes, we never will get done. I ask that you oppose Senator Carsten's amendment.

SENATOR NICHOL: Senator Carsten, would you like to close please? Excuse me, Senator Beyer's light just came on, Senator Carsten. Senator Beyer.

SENATOR BEYER: Mr. Speaker and members of the Legislature, I am in about the same boat that Senator Von Minden is. It is very seldom that I get up to speak. The committee has spent a lot of time on these particular reapportionment plans. I supported the plan that come out of the committee and I oppose Senator Carsten's amendment. The area that is in...that he is talking about in western Cass County is tied very closely to Lincoln. In fact part of it has been in the legislative district of Senator Warner's. A lot of my experience has been in the trucking business there that those people bank in Lincoln, they trade in Lincoln, and this is one of the reasons that I voted for that plan to come out of committee because of the closer ties to Lincoln.

So with that, I oppose Senator Carsten's amendment.

SENATOR NICHOL: Senator Carsten, do you wish to close now?

SENATOR CARSTEN: Mr. President and members of the Legislature, I want to call your attention to the committee report. You will notice that there were three members did not support the committee amendments. Now if you don't think that testimony at the hearing didn't have some weight, why did those three not vote to support the committee amendments. I would like to ask Senator Dworak a question if I may. He is a student of the Constitution. Understands the Constitution quite well I think. Senator Dworak, is there anything in our Constitution relative to the crossing of county lines when you reapportion?

SENATOR DWORAK: Senator Carsten, I appreciate the compliment. And whether I am a student of the Constitution or not might be stretching the imagination. Of course, I was very involved in my own redistricting and the Constitution is very specific as I read it that if...you shall not cross county lines unless it is absolutely necessary.

SENATOR CARSTEN: Thank you, Senator Dworak. In my opinion, ladies and gentlemen, I don't think it is necessary that we cross county lines. I think my proposal is really reasonable and I am ready, if necessary, to have it challenged, and if the court does the work, I would be truthful with you in bringing that the court would not cross county lines either. I think it is an injustice to Cass County and I am going to say to me, "You are doing this for ten years now, and our county, our county government subdivisions, our Congressmen are going to be working under those guidelines and mandated rules for ten years and that is a long time". I don't think that Miscellaneous Committee has worked any harder on this bill than our Revenue Committee has worked on other bills nor than the Appropriation Committee has worked on their bills or the Judiciary Committee has worked on theirs. Of course, they have worked and we, as committees in this body, would not be doing our job if we didn't. I appreciate the hard labor that they have done, as I am sure you do, but the end result of all of our labors and our deliberations are not accepted one hundred percent and certainly I am not ready to accept the Miscellaneous Subjects Committee recommendation on 523. I urge you to think seriously of what you are doing when you cross county lines in reapportioning the state of the three Congressional districts and support my amendment to keep the counties intact. Thank you, Mr. President.

May 18, 1931

LB 523

SENATOR NICHOL: The question is, shall the Carsten amendment be adopted? All those in favor vote aye, opposed nay.

CLERK: Senator Nichol voting yes.

SENATOR NICHOL: Have you all voted? Have you all voted?

SENATOR CARSTEN: Mr. President, what are we waiting on?

SENATOR NICHOL: Do you wish to record this vote?

SENATOR CARSTEN: Why certainly.

SENATOR NICHOL: Record the vote. Senator Hefner, for what reason do you rise?

SENATOR HEFNER: A point of order. How many votes does it take, a simple majority, is that right?

SENATOR NICHOL: Yes, sir.

SENATOR HEFNER: I would like to have a Call of the House.

SENATOR NICHOL: The question is, shall the House go under Call? All those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 15 ayes, 3 nays to go under Call, Mr. President.

SENATOR NICHOL: The House is under Call. Will you all please take your seat. Sergeant at Arms, please round up those that are gone, and when you get to your seat, please record your presence. Senator Carsten.

SENATOR CARSTEN: Mr. President, did he ask for a roll call?

SENATOR NICHOL: Did you wish a roll call? Yes, he wants a roll call vote.

SENATOR CARSTEN: Very good. Thank you.

SENATOR NICHOL: Please record your presence. Senator Labedz is the only one excused. Senator Schmit, would you punch in please? Senator Newell, Senator Cope, Senator Beutler. Senator Labedz and Senator Beutler, would you punch in please? Call the roll, Mr. Clerk.

CLERK: (Roll call vote started. See pages 2080 and 2081, Legislative Journal.)

May 18, 1981

LB 523

SENATOR NICHOL: Excuse me, Mr. Clerk. Senator Hefner.

SENATOR HEFNER: Would you have the Clerk state what we are voting on?

SENATOR NICHOL: Okay, Mr. Clerk.

CLERK: Mr. President, we are considering Senator Carsten's amendment to the committee amendments. The Carsten amendment would read as follows: (Read.)

SENATOR NICHOL: A simple majority is all we need here.

CLERK: (Roll call vote continued.) 22 ayes, 25 nays, Mr. President.

SENATOR NICHOL: The amendment lost. The amendment to the amendment lost. Do you have another amendment, Mr. Clerk?

CLERK: Mr. President, Senator Warner will now move to amend the committee amendments (read Warner amendment).

SENATOR NICHOL: Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, one more effort to bring closer the disparity between the districts but preserve the concept of not crossing or splitting counties internally and this will do it. The effect is that it leaves Thayer in the First Congressional District, it would move Pierce to the Third Congressional District and move Burt back to where it used to be in the First Congressional District. It will be a lesser disparity than the existing boundaries of the Congressional Districts now, but I think that it is significant and important not to break with precedent and again to split counties for Congressional reapportionment unless you are going to go all the way and get down to just a handful of votes difference between each one. I think that it was pointed out by some that Cass County, which is split now, proposed to be split, that that area is more orientated towards Lincoln. I would agree that three of the six precincts perhaps are, but I would strongly disagree that the other three are because I represent them now and I know that those folks by and large tend to look towards Plattsmouth and Weeping Water and east of their area more so than they will towards Lincoln. But, I would hope that the body would accept and acknowledge the importance of retaining those county lines. There is a whole host of reasons, you are all familiar, there is no purpose served in adding to that discussion. But, I would urge your adoption of this amendment. It will reduce the disparity, it is not unreasonable. Burt County will be back where it was prior to ten years ago and the one county of course that would be moved would be Pierce to the Third District. I move adoption of the amendment Mr. President.

SPEAKER MARVEL: Senator Newell, do you wish to be recognized?

SENATOR NEWELL: Mr. President, members of the body I hadn't originally thought that I would speak on this issue today, but, Senator Carsten I think has been successful in showing that there is a lot of opposition to the present plan, or at least the desire not to split counties. I just want to say one simple thing about this that I would draw to the attention of the Legislature and that is that if it is in fact the Legislature's desire not to split counties, this is the preferable way to do it. It is probably the only thing that could stand up in court as the Lincoln Journal indicated in their editorial. Now I'm not sure that this is the preferable way to do this whole process. I would much prefer to split Burt County of which would bring us much closer to the one man one vote principle, but if in fact we

are not going to split counties at all, this is the way, this is the only way I think we can do it and still be relatively close and have at least a fighting chance in the courts. I offer that information, even though I have not decided for sure how I am going to vote on this issue.

SPEAKER MARVEL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I believe that I will have to oppose the Warner plan. I would like to ask Senator Warner a question if he will yield. Senator Warner, what is the population variance when you take these three counties and do a little shifting between them? What is the population variance?

SENATOR WARNER: I don't. . . . I do not have it right before me, Senator Hefner. As I recall it is less of a disparity than the existing boundaries are for the Congressional Districts, not less than your committee proposal. My point is that I think that we can improve the disparity between counties by retaining county lines with this shift. I agree that if you are going to go closer you are going to have to split but then you ought to split right down to within 50 or a 100 votes.

SENATOR HEFNER: Thank you. Thank you, Senator Warner. When I was visiting with the Attorney General's office he cautioned me and also the committee to try and get this population down as the population variance as close as we could. He called to my attention a Supreme Court ruling a one person one vote issue. Here we are coming with an amendment and the introducer of this amendment doesn't even know what the population variance would be. So, how can we vote on it when we do not know what the population variance would be. In playing with some of these figures I would say that it would probably be close to a plus two percent, or a two percent total variance. I just don't think that we can defend a population variance in the courts. So therefore I would urge you to reject this particular amendment. Just several other things, we will affect the people of three counties instead of just one and a third counties so I think that we need to consider that too. The committee received testimony at a hearing and its true any of the counties or parts of the counties that we want to move, the people will object. So, here we would have three full counties objecting to this when if you adopt the committee's amendment we will only be effecting about approximately one and a third counties. I just say this that I believe that the committee's plan is a simple plan. I believe that it does take us within this close population variance. It is less than a quarter of 1% and I feel that this is very close. So I would urge you to vote against the Warner amendment.

May 18, 1981

LB 523

SPEAKER MARVEL: Senator Goll.

SENATOR GOLL: Mr. Speaker, members of the Legislature, ten years ago, Burt County was in District One. Then ten years ago the Legislature moves Burt County to District Two. The voters in District Two, the people that live there built up an allegiance in District Two to the people they elect to Congress. Now the Legislature wants us to return again from whence we came. It is kind of a political football with the 8800 farm folk that apparently the sponsors of the amendment believe really don't count that much and they can cut them up and move them out. Well, I would like to tell you Senators something about Burt County. 74%, 74% of the registered voters came to the polls at the last general election in 1980 out of Burt County. Now I don't know what the count is in the other counties around the State of Nebraska but being only 26% short of perfect is a pretty good showing of the political interest of the registered voters of Burt County and I would like to interject just a little more that may have a bearing on this. Burt County has 5378 total registered voters. Of these, 3116 are Republicans, 1925 are Democrats. Now I would say that it would be to the best interest of the Democratic Party in District Two if Burt County did get moved over to District One. Then it would all be Republican. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator Cullan. The question has been called for. Do I see five hands? Okay, all those in favor of ceasing debate vote aye, opposed vote no. Do you wish to cease debate? Record.

CLERK: 26 ayes, 1 nay to cease debate, Mr. President.

SPEAKER MARVEL: Debate has ceased. Senator Warner, do you wish to close on your amendment.

SENATOR WARNER: Two points, I believe, it was pointed out under the committee plan there is only one and a half counties being adjusted. Under this proposal there would be three, but as we all know, misery loves company and it seems to me three is better than one and a half on that basis. Secondly, all I can say in response to Burt County concern is that obviously they are loved by all and we would all like to have them in our Congressional District. The purpose of my amendment, however, is solely, again, to try and retain county lines as the dividing division for Congressional Districts. This is a lesser disparity than what we have now if we were to retain our existing districts and the choice is just that simple. So if you want to support

May 18, 1981

LB 523, 376, 412

the tradition of retaining county lines for Congressional Districts, this amendment is as reasonable as moving any counties around that you might have and it does, I think, provide a legal basis on which you could justify the disparity to the extent it does exist on the basis of social, economic and traditional boundaries that Nebraska has had for a hundred and plus years in protecting boundaries of counties to the maximum extent that they can and I would hope the body would support the amendment.

SPEAKER MARVEL: All those in favor of the Warner amendment to the committee amendment vote aye, opposed vote no. Have you all voted? Have you all voted? Senator Warner, what is your pleasure?

SENATOR WARNER: I would like the Board closed, I think.

SPEAKER MARVEL: The doors closed?

SENATOR WARNER: No, the Board. This is an amendment to the committee amendment, right? Senator Hefner may have a motion but I am certainly willing to close the Board.

SENATOR HEFNER: Mr. Chairman, how many are excused today.

SPEAKER MARVEL: Everybody is here someplace.

SENATOR HEFNER: I believe I am going to have to have a Call of the House and a roll call vote.

SPEAKER MARVEL: Okay, shall the House go under Call. All those in favor vote aye, opposed vote no. Record.

CLERK: 19 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please return to your seats. Record your presence.

CLERK: Mr. President, while we are waiting, I have a letter from the Governor regarding a gubernatorial appointment.

Your Enrolling Clerk has presented to the Governor the bills that were read on Final Reading this morning.

Senator Dworak would like to print amendments to 376; Senator Warner to 412.

SPEAKER MARVEL: Senator Cullan, Senator Warner, Senator Schmit, Senator Howard Peterson, Vard Johnson, Senator Beutler, Senator Fowler, Senator Landis, Senator Vickers, Pirsch, Nichol. Senator Beutler, will you record your

May 18, 1981

LB 523

presence please? Senator Newell, will you record your presence? Senator Pirsch, Senator Vickers, Senator Pirsch is the only one missing. Senator Warner, do you want to proceed. We are down to one. Okay, call the roll. Mr. Clerk, what is the issue first?

CLERK: Mr. President, the motion is Senator Warner's amendment to the committee amendments. (Roll call vote taken. See pages 2081 and 2082, Legislative Journal.) 25 ayes, 23 nays, Mr. President.

SPEAKER MARVEL: The motion carried. The amendment passed.

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER MARVEL: Senator Hefner, do you wish to advance the bill?

SENATOR HEFNER: Mr. President, I want to put an amendment up.

CLERK: Mr. President, Senator Hefner would move to send the bill back to committee for public hearing.

SPEAKER MARVEL: The Chair recognizes Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, the reason I put this amendment up is because I think now this bill should go back to committee so that we can let the people of Pierce County and the people of Burt County appear at the hearing and give us their input. I hated to do this but I feel that if we do not give them a chance to testify then they will be very unhappy about it and I think in our one house legislation we think and believe that our committee hearings are real valuable to make the one house system work. So I think this would give the people of these two counties and opportunity to be heard. I might say that the way this bill stands now we have a population variance of over one percent. I don't know what it is exactly but I do know that it is over one percent and I am sure that this will not stand up if it is challenged in our courts. Therefore, I would urge you to support this amendment.

SPEAKER MARVEL: The first order of business is to adopt the committee amendment and then we will proceed from there. Before we take up the Hefner amendment, are there others who would speak to the committee amendments. Okay, Senator Hefner. Okay, the motion before the House is the adoption of the committee amendments. Senator Newell, do you wish to

May 18, 1981

LB 523

speak to the committee amendments? Senator Newell...okay. Senator Landis, do you wish to speak to the committee amendments?

SENATOR LANDIS: Speak to the Hefner motion rather.

SPEAKER MARVEL: Senator Koch, do you wish to speak to the committee amendments?

SENATOR KOCH: Mr. Speaker, I move the previous question.

SPEAKER MARVEL: The previous question has been called for. Do I see five hands? State your point.

SENATOR LAMB: We have not had any discussion of the committee amendments. I think that is in order.

SPEAKER MARVEL: Are there others who wish to speak to the committee amendments.

SENATOR LAMB: I do.

SPEAKER MARVEL: Go ahead.

SENATOR LAMB: Mr. President, members, I rise to oppose the committee amendments as now amended by the Warner amendment. I am not sure that a large number of people in this body understand what has happened, that we have now adopted an amendment which is beyond the guidelines which is safe, that you very possibly are going to have this tied up in the courts. There will be another plan, probably, presented by someone else when it is challenged in the court. This group I believe today has not acted in the best interest of the state. I ask that the committee amendments as now amended not be adopted and that we further consider what this situation should be. Senator Hefner has a motion to send it back to committee. Now people are saying there is not time to send it back to committee. That may or may not be true. What I am suggesting at this point is that the committee amendments as amended not be adopted, that over the next few hours or day or so these people get together and discuss the situation, have a further meeting of the minds. I think Senator Hefner has leaned over backwards in presenting maps to the various groups in this body regarding all the reapportionment problems that there are and has in most cases come up with compromises that are agreeable to most people. Now in just a few minutes you have put all that asunder and now we are faced with the real situation and nobody really knows what we have and so I suggest we don't adopt these committee amendments, that

May 18, 1981

LB 523

we just sit and take stock for a day and see what can be worked out.

SPEAKER MARVEL: Senator Landis, do you wish to speak to the committee amendments?

SENATOR LANDIS: I do, Mr. Speaker. Members of the Legislature, we had an issue very similar to this just two or three days ago and I hope that you will take a chance to recall our solution at that time, which I thought was propitious and which can apply in this case as well. You may recall that Senator Maresh offered a bill from the Business and Labor Committee with an amendment with respect to barge traffic and a barge compact. This body was apprised there had not been a public hearing on that amendment which was adopted and I objected at that time. Senator Goodrich came up with a suggestion, and I think it is wise upon reflection that in fact the bill not slow down in its progress but that the committee be assigned the task of making a public hearing at the appropriate time and to report back while the bill was on Select File. It seems to me that because of the time constraints involved here a very good solution to the problem with respect to LB 523. Let's move ahead having made this policy choice with the adoption of the committee amendments, and at the same time, the Miscellaneous Subjects Committee can go back into session, have a hearing on these amendments, and report to us at the time of Select File, at which time then based on the findings that we have, based on the testimony that we take, that they take, rather, at the hearing, we can again reflect on the wisdom of the policy choice which we just made and make the appropriate adjustment without slowing down the progress of LB 523, to see to it that the bill doesn't languish at the bottom of General File and die an untimely death because it can't meet the various standards of time that a bill has to meet in order to be considered for Final Reading. Again the suggestion is the same one that Senator Goodrich made two days ago, allow the bill to pass with this policy change but at the same time recognize that the Miscellaneous Subjects Committee can take those amendments, that policy change under advisement, hold a hearing and report back to the group as to their findings and the testimony that they take with a hearing between now and, say, the middle part of next week. That way the process can continue to move and our eight day time constraint does not become the overriding and paramount consideration as to the contents of the bill. Time should not force us to make unwise choices and I would suggest that we can study this and yet at the same time move the bill forward. I would hope that the body would adopt the

May 18, 1981

LB 523

committee amendments with this change and that the Miscellaneous Subjects Committee, pursuant to the suggestion that Senator Goodrich made a couple of days ago, act in the same way with the same dispatch on LB 523, that the committee have a hearing and report back to us their findings at the Select File stage.

SPEAKER MARVEL: Senator DeCamp, do you wish to be recognized?

SENATOR DeCAMP: Yes, Mr. President. Mr. President and members of the Legislature, it is kind of a weird suggestion but it is a reasonable one of course. I recommend we not adopt the committee amendments. I mean, since apparently it is a pretty close issue here and the committee has done a lot of work and there is some disagreement, and then I recommend we advance the bill. Now why? Because then no ifs, ands or buts. You are going to have to come back on Select File and deal with this issue one way or the other but you haven't spent another three or four hours delaying it in public hearings and so on and so forth. So as I say, I recommend the committee amendments be rejected and then you advance the bill and, hopefully, by that time the various parties that have disgruntlement will have reached some accommodation or at least a solution one way or the other and there will be a clear-cut vote to do something with respect to those committee amendments on Select File, and you will have no choice but to address the issue because the bill in its present form isn't what you want. As I say, it is a weird solution but I think it would work.

SPEAKER MARVEL: Senator Schmit, do you wish to talk to the committee amendments?

SENATOR SCHMIT: Very briefly, just to endorse what Senator DeCamp has suggested. I don't remember telling him about it but he came up with a good idea and I think it would be a solution which we could accept. I certainly would not vote to adopt the committee amendments as amended.

SPEAKER MARVEL: The motion is the adoption of the committee amendments. Does anybody wish...okay?

SENATOR HEFNER: Mr. President, members of the body, I rise to support the DeCamp idea. I think we should reject the amendment, the committee amendment as amended, and if this amendment is rejected and we move the bill on to Select File, I will certainly withdraw my motion to have the bill go back for a hearing. I think we have got to realize that we only have eight days left and this is the

only first of six reapportionment bills that we have. The committee had worked long and hard on this bill and I thought we had it in pretty good shape but it looks like some of the members on the floor do not feel this way, but I would be willing to get together with anybody that would want to talk about it. I think the committee would be willing to meet with anybody and see if we can't work out some kind of compromise and so, therefore, I would urge you to reject the committee amendment now as amended and then we will take care of it on Select File.

SPEAKER MARVEL: Senator Cullan, do you wish to speak to the committee amendments?

SENATOR CULLAN: Mr. President, members of the Legislature, I think that we ought to adopt the committee amendments and then advance the bill or it really doesn't make too much difference whether we adopt them or whether we don't. But I think it is preposterous of us to send this bill back to committee. There are eight days left in the Legislature and the committee, anyone who wanted to come in and comment on redistricting has had significant opportunity to come in and comment on redistricting, and if everytime we decide to make a change in this bill and on other reapportionment bills that are going to be coming through the Legislature we have to send it back to committee, then we are going to be in session a mighty long time. So I think maybe we ought to just send this bill along its merry way and Senator Hefner and others can visit with legislators between now and Select File and maybe we can iron this out but let's not send these bills back to committee again.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Well, Mr. Speaker, members, I think you have been warned about the time so I won't repeat that. Personally I think we have made a big mistake this afternoon in not accepting the committee's report and the committee's action on this. I know you are not going to please everybody, and if you think we have got trouble now, wait until we start taking and talking about our own districts, and if we argue over 49 like we argue over 3, we aren't going to settle anything. If there is one thing I have learned this year about redistricting, and I thank the Lord everyday that I didn't get the bill to redistrict in the Government Committee that I wanted so bad, it is a difficult, difficult job, and everybody wants to rope off their little territory that they would like to have and it doesn't fit the map, and we have the same thing with our Congressional Districts that we have with our

May 18, 1981

LB 523

districts, and if you are going to make the amount of people fit the district, you are going to have some, we will call it, gerrymandering, if you want to. There just isn't any way you can split the counties equally and come up with exactly the right number of people. So I think I support...I do support what Senator DeCamp has said. I think we need to think about this and talk about it. I know some of you voted against it because you were for the Warner amendment because it was a way out and we didn't want to face the music. So perhaps in a day or two we will have our minds made up just exactly how this can happen but I certainly wouldn't want to force the district upon a county, upon people, as Senator Goll has mentioned, that really haven't been aware that they are even in the process of being switched. So while we don't have time for a public hearing, I think we certainly have time to let this settle and let them have a chance to have a go at us if they don't like it. So I support the DeCamp idea.

SPEAKER MARVEL: Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, I rise to oppose the DeCamp idea. In fact, I thought Senator Hefner's point was one that made a lot more sense than Senator DeCamp's. Basically, let me review for you just for a second what Senator DeCamp is proposing. He is saying, well, we made a policy decision and it may not have been the best policy decision and, gee, we ought not adopt this amendment because then it is going to take some votes to turn this off and we really don't want a public hearing because we have a solution but we really don't want the public to come in and discuss that solution, and so basically in a nutshell Senator DeCamp is saying, let's just leave it like it is and return it to the back rooms for the good old boys to kind of work it out. Now I think that that not only is wrong but I think that that flies in the face of Senator Hefner's intended motion and I was a little disappointed to see Senator Hefner get up and say, yes, that is a better idea. So I would just like to kind of help steer what I think is a reasonable course here. I think we ought to adopt the committee amendment. We have a bill then which is in the form that this body says it ought to be and we ought to advance that bill to Select File because it really is too late in the session to return it to committee for a public hearing and almost everyone agrees with that but that does not mean that we do not have to or cannot have a public hearing. In fact, I think it is a good idea to have a public hearing on this issue. I think that this body probably very easily could have a public hearing on this if that is the real need here, the real desire is to do this, but I think in any event, returning this to the back rooms to be worked out by the good old boys is absolutely the worst signal to send to the public. It is the worst thing to do at this late hour on the redistricting issue. Policy decisions are not easily arrived at but once they are arrived at they ought to be dealt with on the floor of this Legislature or in committees, not in the secrecy of whatever rooms might be chosen. So I would urge that the committee amendments be adopted, that the bill be advanced, and then if there is to be a public hearing, Senator Hefner, the chairman of the committee, could easily call such a hearing and we could have an opportunity to discuss this at that time.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: Mr. President, I rise to support the adoption of the committee amendments. Had the vote of the amendment to the amendment been less than by twenty-five votes in its adoption, I might have taken a different attitude because I have a lot of reluctance to try and amend an amendment,

particularly a committee amendment with a simple majority, that that was the basis all the amendments were being considered but since it was adopted by a majority of the elected members it seems to me that it is not inappropriate to adopt the amendment and advance the bill. No one is any worse off or no better off. It takes twenty-five votes to change it in any event whenever any change is proposed but at least if it was right ten, fifteen, twenty minutes ago, it is not going to be wrong now nor is it wrong a day or two from now. I still would suggest that this does accomplish within reasonable disparity of population, the count that I have been given is the First District would be 525,718 which is a plus .45. The Second District is 519,704 which is a minus .69 and the Third District would be 524,584 which is a plus .23 but that is all well within...well it is all less than .7 of 1% disparity which on Congressional Districts is reasonably close it would seem to me and I would hope that the body would adopt the amendment and advance the bill. If there is second thoughts why those can be accomplished later but it seems to me that there is, in fact, no point in advancing the bill if you do not feel that the twenty-five votes was right first and procedurally everybody here knows that it gets to Select File then it takes 25 votes to do anything. And I would hope that you would advance the bill intact with the amendment now. There are those who want to hold hearings. That can be done as has been proposed for other legislation. Obviously, those who are going to be moved will not like it. Those who do not have to be moved will appear in support. But I think the concept of not crossing county lines is important enough to stand somewhere. I hope you would stand to protect that concept here.

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker, I support the committee amendments and I think we need to suspend our rules about holding the hearing. I think we could hold it Friday and we still would have plenty of time to have the people come in and be heard on this major issue and then the committee could report back to the Legislature what took place, and I think if we did have a hearing on this, I think there would be enough interest to support these lines, and so I hope that we adopt the committee amendments and then act on it on Select File as others have suggested.

SPEAKER MARVEL: Senator Carsten. Senator Landis, do you wish to speak to the committee amendments?

SENATOR LANDIS: Just very briefly, Mr. Speaker. If you recall just a moment ago, there was an expression of concern on behalf of the people of Pierce County

that they be given a chance to react to this. Now shortly after the DeCamp suggestion that, in fact, we not adopt this policy amendment but drop it off by not approving the committee amendments, suddenly that important factor was deleted and that we are ready to go back to the back room. And I support the statement of Senator Newell. This is a position, this is a problem that should have public debate and interaction. I felt there was a commendable suggestion that we allow the public to react to this new policy choice. Now it does not mean that we have to stop the bill dead in its tracks on General File. Adopt the committee amendments, send it onto Select File and let the Miscellaneous Subjects Committee hold an open, above board public hearing on that amendment and we can all trust them to give us a fair accounting of the testimony taken. We can make the appropriate adjustment if there is to be one at the Select File stage, but I think either we were kidding ourselves and that we were posturing for the cameras with this concern about the Pierce County residents and others if we so quickly adopt the idea that this should, in fact, get worked out in somebody's back room on a limited guest list basis. Or we really mean it, and if we really mean it then we then mean that we don't want to kill 523 by just simply languishing it in committee, but instead moving it on with this policy choice and yet at the same time proceed with the public hearing which is exactly what we have done in the Business and Labor Committee. I support the adoption of the Committee amendments.

SPEAKER MARVEL: Senator Hefner, do you want to speak to the committee amendments?

SENATOR HEFNER: Mr. President, members of the body, I have a few figures here that I would like to give you. They disagree a little bit with Senator Warner's. If this proposal is accepted the First District will have a plus .45. The Second District would have a minus .69 and the Third District a plus .18% or the total variance would be 1% like I stated before but I have the figures now to prove it. The total variance would be 1.14 so it would be over 1% and of course the Supreme Court in some cases has ruled that these figures are not acceptable. The Supreme Court has also ruled that you can cross county lines if it needs to be to get your population variance in line and so, therefore, I would say that if you approve this amendment more than likely it would be subject to a court challenge and in the end we would be letting the courts redistrict or reapportion our Congressional Districts and I think this is wrong. The Constitution says that the Legislature shall do this and we should do it to the best of our ability and I certainly do not think that

this is to the best of our ability because I think that we can get this population variance a little closer than 1.14%. Like I told you before, the committee plan was down to less than one quarter of one percent and I feel after visiting with the Attorney General's office and with our staff, after they have done all of this research that that plan could survive a court challenge. Therefore, I would urge you to reject the committee amendment and then advance the bill to Select File and then we will try and work something out that will be acceptable to this body. I also call to your attention Senator Maresh's statement saying that we could have a hearing Friday. I don't believe there is any way we could have a hearing Friday because we need to have five days or seven days notice from the time that we put it on the Clerk's desk and so I think the closest date that we could set a hearing for would be next Monday night or next Tuesday night, so therefore, I would certainly urge you to reject the committee amendment now as amended.

SPEAKER MARVEL: Senator DeCamp, do you wish to speak to the committee amendments? Okay, Senator Koch. You are the last speaker so we can proceed. All those in favor of the committee amendments vote aye, opposed vote no. We are voting on the committee amendments. Have you all voted? Have you all voted? Senator Warner.

SENATOR WARNER: Is there still just one person excused?

SPEAKER MARVEL: There isn't anybody excused.

SENATOR WARNER: I ask for a Call of the House and a roll call vote, Mr. President.

SPEAKER MARVEL: Shall the House go under Call? All those in favor of that motion vote aye, opposed vote no. Record.

CLERK: 23 ayes, 1 nay to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators please take your seats. Record your presence. I encourage all unauthorized personnel to leave the floor. It is my understanding there is no one excused.

CLERK: Mr. President, while we are waiting I have amendments from Senator Schmit to LB 243 and from Senator Nichol and DeCamp to LB 213 to be printed in the Journal.

SPEAKER MARVEL: And while we are waiting for the vote from Senator Fowler's district it is my privilege to present Mr. and Mrs. Peter Wiese and their family, Jesper and Mary Ann, and Erik Anderson and Lisa Toft and Mr. Wiese is the permanent undersecretary to the Prime Minister of Denmark. They

May 18, 1981

LB 523, 317, 317A,
352

are guests of Barbara Hovland and Mathew Stacey and Vicky Wiese. Would you please stand so we may recognize you. Welcome to the Unicameral. Senator Schmit, will you please record your presence. Senator Wiitala, will you please... Senator Maresh, will you please record your presence. Senator Vard Johnson. Senator Chambers, will you record your presence please. Senator Pirsch. Mr. Sergeant at Arms, Senator Pirsch is the only one who is absent at the moment. Let's proceed with the roll call, Mr. Clerk.

CLERK: (Read roll call vote as found on page 2082 of the Legislative Journal.) 25 ayes, 23 nays, Mr. President, on adoption of the committee amendments.

SPEAKER MARVEL: The motion is carried. The committee amendments are adopted. Now the motion is the advancement of the bill. All those in favor of that motion vote aye, opposed vote no. Okay, record the vote.

CLERK: 30 ayes, 8 nays, Mr. President, on the motion to advance the bill.

SPEAKER MARVEL: The motion is carried. The bill is advanced. Now go to the next item. The Clerk has a message to read and then we will go to LB 352.

CLERK: Mr. President, I have a message from the Governor. (Read message from Governor as found on pages 2083-2084 of the Legislative Journal: Re: LB 317, 317A.)

SENATOR NICHOL PRESIDING

SENATOR NICHOL: We will move on to LB 352. Mr. Clerk, do you have anything?

CLERK: Mr. President, LB 352 was introduced by Senator Koch. (Read title.) The bill was read on January 19. It was referred to the Revenue Committee, Mr. President. The bill was advanced to General File.

SENATOR NICHOL: Senator Koch, would you like to explain the bill and then I understand we have an amendment here, too.

SENATOR KOCH: Thank you, Mr. Chairman. I think many of us have been in a position where we have expected legislation to occur and peaked too soon. Right now as a former athlete I feel rather flat and I don't see much sense of humor but when this body enacted LB 285 in a special session that was called to change one date in the Criminal Code bill, at that time we thought it was necessary because there was an effort to provide initiative referendum on the Constitution. I would remind you that in the past two years we have seen

May 19, 1981

LB 243, 165A, 181, 316, 485
322, 336, 336A, 352, 303
412, 459, 459A, 523

they would prefer that it were more restrictive. All I am asking is that we give some kind of a guideline, some kind of direction and that we do it in a manner which is not going to be, I'm sure, restrictive to the operations of the Natural Resource Districts. I would hope that you would advance the bill. Mr. President, again I ask for a Call of the House and a roll call vote.

SPEAKER MARVEL: Shall the House go under Call? All those in favor of that motion vote aye, opposed vote no. Record

CLERK: 15 ayes, 0 nays to go under Call, Mr. President.

SPEAKER MARVEL: The House is under Call. All legislators return to your seats, record your presence. Unauthorized personnel please leave the floor. Sergeant at Arms, we are looking for Senator Newell, Senator Lamb, Senator Haberman, Senator Marsh. We have one excused. Senator Newell and Senator Marsh. Senator Schmit, okay, call the roll.

CLERK: Roll call vote. 27 ayes, 13 nays, 6 present and not voting, 1 excused and not voting, 2 absent and not voting. Vote appears on page 2111 of the Legislative Journal.

SPEAKER MARVEL: The motion is carried and the bill is advanced.

CLERK: Mr. President, some items to read in. Senator Hefner wants a meeting of the Miscellaneous Subjects Committee in Room 2102 at noon.

Mr. President, your committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 412 and recommend the same be placed on Select File, 352 Select File, 523 Select File with amendments all signed by Senator Kilgarin.

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed 316 and find the same correct engrossed and 322 correctly engrossed, (Signed) Senator Kilgarin.

Mr. President, the bills that were read on Final Reading this morning are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign Engrossed LB 181, 165A, 303, re-engrossed LB 336, Engrossed 336A, 459, re-engrossed legislative bill 459A, Engrossed Legislative Bill 485.

May 20, 1981

LB 412, 320, 523

Senator Warner? All right, call the roll.

CLERK: (Read the roll call vote as found on page 2159 of the Legislative Journal.) 25 ayes, 21 nays, Mr. President.

SENATOR CLARK: The amendment is adopted. Any further amendments on the bill?

CLERK: I have nothing further on the bill, Mr. President.

SENATOR CLARK: The question before the House is the advancement of 412. There is a motion.

CLERK: Mr. President, Senator Fowler would move to indefinitely postpone the bill. Under our rules that would lay it over.

SENATOR CLARK: All right, the bill is laid over. Senator Warner.

SENATOR WARNER: I just wanted to indicate I had the same motion up but I thought I didn't need it any more. It is perfectly okay.

SENATOR CLARK: We will now take up 523, the provisions establishing congressional districts, not legislative.

CLERK: Mr. President, if I may right before that, Senator Lamb would like to print amendments to LB 320 in the Legislative Journal. (See page 2159 of the Journal.)

Mr. President, with respect to LB 523, I do have E & R amendments pending, Mr. President.

SENATOR CLARK: Senator Kilgarin.

SENATOR KILGARIN: I move the E & R amendments to LB 523.

SENATOR CLARK: You have heard the motion. All those in favor say aye. Opposed nay. The E & R amendments are adopted.

CLERK: Mr. President, the next amendment I have is from Senator Newell. That is on page 2118 of the Journal.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Mr. President and members of the body, I have a motion to amend the bill, that motion would basically split Burt County and reinstate Cass County. It would split

Burt County at the Arizona Precinct, Summit Precinct, Craig Precinct, Pershing Precinct and Tekamah City, and move Thayer County to the 3rd District. Basically, I want to explain this plan because I think it is the best plan with the fewest number of counties moved, and it is the plan that I think this legislative body truly should accept as a compromise. Now, basically, the total deviation with this plan will be 1.14 percent. Excuse me, it will be .132 percent. In other words, it will be one-tenth of a percent deviation. Now that is tighter than the committee's original proposal, and based on the one man one vote ruling and the Supreme Court decisions, this plan is by far superior to the original proposal that the committee suggested. Now it does have one disadvantage which I am sure is going to create some problems here. It splits Burt County instead of Cass County. Now that is going to create some problems. It does it in a tighter way. Geographically it is preferable, but it has got one basic little problem which many of you should note, that is the Republican Party does not support this proposal because Burt County is a Republican County and Cass County is a Democratic county, and if you are going to split some counties, they would prefer to see Cass County split. But, frankly, it is tighter, it is preferable, it is the reasonable compromise that this legislative body ought to accept. Now, frankly, I had some misgivings the other day and I voted for the Warner amendment. I had some misgivings because I knew the deviation was too great. On the other hand, I have seen a lot of support for Senator Carsten's amendment and other amendments in regards to this. And so I got caught up in a moment that this body got caught up and I voted for the Warner amendment even though it is not as tight as it needs to be to pass the constitutional muster. So I offer this proposal because it is much tighter than even the committee's proposal, and because it is the right and most logical way to go. If you are going to split a county, Burt County is the smallest county. It is going to make fewer people unhappy that the county is split, it is closer, it's neater. You take the southern precincts, the southern tier, it does a much preferable job all the way around. But it does have that little bit of flaw and that is that it's not favored by the Republican Party, but it is, in fact, the right way to go. So I urge this body to adopt this amendment, and if they do not adopt this amendment, which is the preferable and best way to go in this whole regard, then I will offer another proposal, which is the Democratic Party's proposal. I will explain that when I offer it, but basically that proposal is much tighter than even this plan. It changes more counties around and it even is less liked by the Republican Party. And I

May 20, 1981

LB 523

am only going to offer that other proposal for the very simple reason...Senator Clark, if I could have some help here.

SENATOR CLARK: Could we have it a little quiet, please, so that the great orator here can be heard. Is that good enough, Senator Newell?

SENATOR NEWELL: Thank you. Jim, you can get your chance in a minute. I know you are warming them up, but just give me a chance, just to finish my statement. So, basically, I will be offering the Democratic Party plan primarily for purposes of court consideration and so forth if this plan is not adopted. I would urge the Legislature to adopt this as a reasonable compromise. It is the tightest plan moving the fewest counties and, in fact, will be one that will not be likely to be challenged and one that I think will stand constitutional muster if it, in fact, is adopted.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, of course, I rise to oppose this proposal. This proposal was brought up at the committee hearing. The committee also discussed it. We rejected it. We did not accept the splitting of Burt County, also suggest to this body that there has been no hearing on splitting Burt County, and I think this is wrong because I think we ought to let the people speak and see what they think of it. Let me call to your attention that our committee, the Miscellaneous Subjects Committee, did a lot of work, did a lot of work on reapportionment. My office is full of maps. It is full of population figures and this did not certainly work into the committee's plan. And I would like to ask Senator Newell a question if I could.

SENATOR NEWELL: Yes, Senator Hefner.

SENATOR HEFNER: Mr. Chairman, I would like to ask him a question.

SENATOR NEWELL: Senator Hefner.

SENATOR CLARK: Senator Newell.

SENATOR HEFNER: What are you doing with Pierce County in your amendment? At the present time it has been moved from the 1st District to the 3rd District. What are you doing with that?

May 20, 1981

LB 523

SENATOR NEWELL: Under the proposal, Pierce County would stay where it is at. We would just be moving Thayer County. It is exactly the same plan that I proposed to the committee.

SENATOR HEFNER: Okay, then in other words we are moving two full counties and a part of a third county.

SENATOR NEWELL: No, no, no. Mr. Chairman....it is the exact same plan that I offered to the committee. We only move...it would move Thayer County....it would move Thayer County to the 3rd District. That is one county. And splits Burt County. That is the only move. It is one county and splitting a county.

SENATOR HEFNER: But in your amendment Pierce County isn't underlined, so you are not changing that.

SENATOR NEWELL: You mean in this amendment?

SENATOR HEFNER: Yes.

SENATOR NEWELL: Are you saying that you read the amendment and it's been drafted incorrectly? Is that what you are saying, Mr. Chairman?

SENATOR HEFNER: I believe it has. I believe it has.

SENATOR NEWELL: Oh, well I will go quickly up there and underline it then.

SENATOR HEFNER: Thank you. Thank you. I have a motion to....(interruption).

SENATOR CLARK: I think the Clerk can straighten this out.

SENATOR NEWELL: Mr. President, hold it one second. It is the white copy amendment, so we are not amending the Warner amendment, it is the white copy. We are striking all the existing language, putting this in as a white copy amendment. Okay, Senator.

SENATOR HEFNER: Oh, okay.

SENATOR NEWELL: So it is not incorrectly drafted.

SENATOR CLARK: Let's let the Clerk straighten it out.

CLERK: Well, Senator....

SENATOR HEFNER: Yes.

May 20, 1981

LB 523

CLERK: Part of your confusion might be that in preparation of the Journal last night in putting the amendment in we struck through rather than underscore, so I will bring that over to you and show it, but we offered a correction this morning, so I think the Journal will be clean.

SENATOR HEFNER: Okay. The way it is in my Journal, I believe it is incorrect. Okay.

CLERK: Let me get you a copy of the amendment so you can see exactly what Senator Newell's proposals are, Senator.

SENATOR HEFNER: Okay, fine. Okay, but I would urge this body to vote against the Newell proposal.

SENATOR CLARK: Senator Goll, you are on.

SENATOR GOLL: Members of the Legislature and Senator Newell, the unrelenting Senator Newell, if you will recall at the Miscellaneous Subjects Committee hearing on May 7th, you said, and I quote, "It is an unfortunate thing and I think it ought to be avoided whenever possible to split counties". And then Senator Newell, your committee...your committee agreed that it was in the best interests of Burt County not to make that north-south split, and so said so when they came out of the committee. When I testified at that committee on that evening, I had to make a decision on my own that the people in Burt County wanted to stay as just one simple farm county, and that they didn't want to get split in two, but since then I have had an opportunity, Senator Newell, to talk to the people up in my county, and I talked to Republicans and I talked to Democrats and I talked to some that weren't anything, and they said, we don't want to be split, we want to remain a solid county in the congressional district. Now we are a farm county of 8800 people and we have got 5378 registered voters in that county and for your information, as I said the other day, 74 percent of them turned out to vote, and that is a pretty good record. There is no good reason for dividing Burt County. I don't like it, and like Cal Carsten said, the people in my county don't like it either. I vigorously oppose this amendment and I would urge the Legislature to do likewise. Thank you.

SENATOR CLARK: Senator Maresh.

SENATOR MARESH: Mr. President, I voice the same opposition to this. I don't think we should accept this because of Thayer County going back into the 3rd District. I think

May 20, 1981

LB 523

Thayer County turned out probably the largest delegation to come and oppose the committee's plan and we did make a change here on the floor and I think we should stay with it. So I will oppose this proposition.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Question.

SENATOR CLARK: The question has been asked for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote nay. Record the vote.

CLERK: 29 ayes, 1 nay to cease debate, Mr. President.

SENATOR CLARK: Debate is ceased. Senator Newell.

SENATOR NEWELL: Mr. President and members of the body, I will be short. Jim, you did an excellent job. The drama was perfect. This is, in fact, an opportunity to adopt a plan that will be tight, that will pass the constitutional muster of one-man one-vote. This is a plan that I think this Legislature ought to recognize as a compromise plan. It moves the fewest counties. It moves Thayer into the 3rd District. That is unavoidable, Senator Maresh, I am sorry. If I move Pierce, it would be not as tight as it is now, and consequently, I would not have those great arguments. Burt County comes out so much closer, about twice as close to the committee's plan to cut Cass County. Frankly, this is the compromise plan. It is the right way to go. It is something that this Legislature ought to consider seriously. Even though it has had that one little flaw, it is not supported by "Senator" Heineman. I urge the adoption of this plan.

SENATOR CLARK: The question before the House is the adoption of the Newell amendment. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Record the vote. Senator Newell, do you want a record vote? A roll call vote?

SENATOR NEWELL: I don't want a Call of the House, just a roll call vote.

SENATOR CLARK: The House is under Call.

SENATOR NEWELL: That's fine too. I just want a roll call vote. Okay, a record vote and let some people call in some votes then.

May 20, 1981

LB 523

SENATOR CLARK: There are 30 votes against it and there are 8 votes for it. Senator Remmers. Record the vote.

CLERK: (Read the record vote as found on page 2160 of the Legislative Journal.) 13 ayes, 34 nays, Mr. President.

Mr. President, the next amendment I have is from Senator Newell. It is Request 2446.

SENATOR CLARK: Senator Newell.

SENATOR NEWELL: Yes, Mr. President and members of the body, I will be even briefer than I was last time. This plan is the Democratic Party plan. It is a total deviation of 61 people. It is exceedingly close. It only splits one county. Sorry, Jim, but still Burt County. This plan moves a number of counties around. It moves Pierce and Madison in the 3rd District, Platte into the 1st, Merrick into the 1st, Polk into the 1st. There is a number of changes, about seven county changes. This proposal...I just basically wanted to bring to your attention knowing full well I haven't got the votes, about the court wanting to look at this, and I wanted to make sure it had an opportunity for us to vote on it. This proposal is as tight as you can possibly get. I defy anybody to come any closer than this plan comes. This other one has a very fatal flaw also. "Senator" Heineman is opposed to this one even more vigorously than he was opposed to the last one. But it is a fine plan. Thayer County is still in the 1st District.... still in the 1st District. I would urge adoption of this plan or at least a good partisan vote on it.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: I call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? I see fifty hands. All those in favor of ceasing debate vote aye, opposed vote nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 29 ayes, 0 nays to cease debate.

SENATOR CLARK: Debate is ceased. The question before the House is the Newell amendment...adoption of the Newell amendment. He opened and closed in the same statement. All those in favor vote aye. All those opposed vote nay.

May 20, 1981

LB 523

CLERK: Senator Clark voting no.

SENATOR CLARK: Record the vote. Yes.

SENATOR NEWELL: (Microphone not on)....or else I will have to ask for a Call of the House. I mean a roll call vote.

SENATOR CLARK: Well, a roll call vote has been requested. We are under Call. Call the roll.

SENATOR NEWELL: Record....just a record. People can call in their votes if they want.

SENATOR CLARK: Record vote.

CLERK: Senator Dworak voting no.

SENATOR CLARK: Anyone else wish to vote?

CLERK: Senator Burrows voting yes. 13 ayes, 32 nays, Mr. President. (See pages 2161 and 2162 for record vote in the Legislative Journal.)

Mr. President, the next amendment I have is from Senator Hefner, and that would be to strike the Warner amendment adopted on May 18, found on page 2081 of the Journal.

SENATOR CLARK: Senator Hefner.

SENATOR HEFNER: Mr. President and members of the body, my motion is to strike the Warner amendment that we adopted the other day. If you will recall, the Warner amendment would remove Burt County from the 2nd District and put it into the 1st District. It would put Pierce County from the 1st District into the 3rd District. The population variance to the Warner amendment would be 1.14. And, of course, whereas the original committee amendment would be .23 of 1 percent, or slightly less than a quarter of 1 percent, and I have to do this in all good conscience. I cannot let the Warner amendment stand, not at least without a warning to this body because I feel that the plan in the Warner amendment would be challenged and we would stand a very poor chance of winning this in court. Then the courts would re-district or reapportion our congressional districts. The committee has been working long and hard on this congressional reapportionment plan. We believe that it is the best that we can come up with, and so I say to you here this evening, let's strike the Warner amendment and go back to the committee amendment. This plan has a population variance of only a quarter of 1 percent. The other day I passed out a letter to

May 20, 1981

LB 523

you from the Attorney General's office and he stated in his opinion that the Legislature should attempt to arrive at a reapportionment plan which would be nearly as possible to achieve mathematically equality between the three congressional districts. I also had more research done by the Research Department of the Legislature, and our staff found that the Supreme Court will permit only those population variances among congressional districts that are unavoidable despite a good faith effort to achieve absolute equality or for which justification is shown and cited in the three Supreme Court cases. And it is for these reasons that I wanted to call it to this body one more time. And so I would certainly urge you to support me in this amendment and strike the previous Warner amendment.

SENATOR CLARK: Senator DeCamp. The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye. All those opposed vote nay. Have you all voted on ceasing debate? Voting aye. Record the vote.

CLERK: 27 ayes, 15 nays to cease debate.

SENATOR CLARK: Debate is ceased. The question before the House is the adoption of the Hefner amendment. All those in favor vote aye. All those opposed vote nay. Senator....

SENATOR CARSTEN: Now, Mr. President, I think that we are rushing things a little bit. I know you want to get out of here and so do I. But we have had one speak on the amendment now. All this session...all this session we have given some opportunity for the opposition. Come on, Mr. President...

SENATOR CLARK: All I did was let the Legislature decide.

SENATOR CARSTEN: I know you did, but make a ruling.

SENATOR CLARK: I let the Legislature decide it. I didn't.

SENATOR CARSTEN: I challenge the Chair. Mr. Chairman, I think we have a right to oppose the amendment if we see fit to do so, and I think you are wrong. I challenge the Chair on your ruling.

SENATOR CLARK: Fine, challenge the Chair. Shall the Chair be sustained? That is the vote. Shall the Chair be overruled, pardon me. Fine, you get two buttons, a green and a red. Vote what you want. It's debatable if you want to sit here all night. All those that want to talk leave their light on. Senator Johnson.

SENATOR HABERMAN: I am going to ask for a vote because I stood up and objected to the same thing and you said this body rules, so I am going to ask for a vote to overrule the Chair, and see if they can overrule you.

SENATOR CLARK: That's fine. That has already been done. Senator Carsten did that. He voted to overrule the Chair. Shall the Chair be overruled? That is the question. All I did was let the Legislature decide it. There's 27 of them, 28 said no. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I would like to address myself to Senator Carsten's motion. I will tell you what is troubling me. First of all, I don't care what you do with Democrats or Republicans, because the whole thing of party politics is a travesty and that was shown by what happened on those personal privileges. Then when we have a rule which says that there should be fair debate on issues, and then Senator Clark can sit in the Chair and you all watch him arbitrarily on some issues say, we haven't had enough debate when maybe six people have talked, then on a strictly partisan issue and he is tired, he says, now one person speaks and that is enough and you disregard the rule, I think it is wrong. And I think just because he sits in the Chair and maybe can tell the ladies beside him or the young men to turn the button off, is no reason that we ought to abdicate the responsibilities that we have. Now it makes me no difference how this particular issue of the reapportionment comes out, but I think we, as a Legislature, are wrong to criticize the Governor out here lobbying and then we will let one person bulldoze and control the Legislature like we are a bunch of little children. Well, I am not. And if you want these rules, then they should mean something. And don't just point the finger at me and people like me when you want to apply terms like radical, irresponsible and against the traditional values of the country. I am finding it necessary more and more to stand and make an appeal for observation of the rules. What I would suggest is that before a vote is taken for a speaker next time, or before a person like me would make a motion to change the rules, so the speaker can designate whoever he wants to to take his place, we should make sure that it is somebody with physical stamina to maintain equilibrium and objectivity even when the session goes far into the night. I think it is wrong what has been done here on this occasion and on others, but I will tell you what I will do. If the rest of you want to be handled in that fashion, fine, I have declared myself on the issue now and I have done with that for the rest of the session, but you know where I stand.

May 20, 1981

LB 523

SENATOR CLARK: Senator Chambers, the only thing I did was let the people vote and there were 28 people that voted to cease debate. Now if you want to overrule the Chair, that's certainly your prerogative, or anyone else's prerogative. The question is, shall the Chair be overruled? All those in favor vote aye, opposed vote nay. Have you all voted? Have you all voted? Record the vote.

CLERK: 25 ayes, 14 nays to overrule the Chair, Mr. President.

SENATOR CLARK: The motion carried. Carry on debate. Senator Newell was next.

SENATOR NEWELL: I don't want to speak.

SENATOR CLARK: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I do not rise in anger and to you, Mr. President, if I was improper, I apologize, but I do think this is an important bill that we are voting on. We are going to live with it for ten years. And I rise with some sympathy with Senator Chambers in using his words that I am probably going to lose but I've got to defend my area regardless. And in the words of Senator Johnson, I probably and hopefully will do it gracefully. I object and I want to say this, Senator Goll, I am sure you know now how I feel. I have got to object to the committee amendments for the very reasons that I did the other day. We are dividing Cass County and we are not happy with that, but if that be the will of the body, we will live with it, I guess. But I object to it and I will vote against it. And I thank you, Mr. President, for the opportunity to speak in opposition to this amendment.

SENATOR CLARK: Senator Lowell Johnson.

SENATOR L. JOHNSON: I call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 19 ayes, 16 nays to cease debate, Mr. President.

SENATOR CLARK: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, I am glad for the opportunity to speak. I voted a couple of

days ago with the Warner amendment, and I voted for the Warner amendment because I felt that it was important that we not cross county lines. To me that was a very important principle. But after I voted for the Warner amendment, Senator Hefner said to me, he said, I think, Vard, that you have made a big mistake because what you really have done in voting for the amendment is you have set up too great a percentage deviation in congressional districts, and it probably will not stand court muster. Well, being born in Missouri, you know, I have that kind of Missouri doubt that comes along and so I said I had better get a look at the court opinions to see precisely what they do say. So I went to the Law Library and I picked up the Supreme Court decisions in the area, and I guess the case that was most important to me was White versus Wiser which was a 1973 decision out of Texas where the United States Supreme Court held quite specifically that it wasn't good enough...it wasn't good enough for Texas to reapportion congressional districts and allow a one and a half percent deviation by reason of county lines. The county line criteria was not apt. In fact, if I can quick like find what the court said, it said, "We do not find legally acceptable the argument that variances are justified if they necessarily result from a state's attempt to avoid fragmenting political subdivisions by drawing congressional district lines along existing county, municipal or other political boundaries". The Supreme Court has said that we as a body must maintain fidelity to the one-person one-vote principle, and we genuinely cannot allow population variances unless there are some compelling reasons to allow the variances. Now this case again is quite interesting because after the District Court held that the initial cut by the Legislature was unconstitutional, the Legislature met in special session and two plans were proposed, and under the court one was plan B and one was plan C. Plan B had a slightly greater population variance than did plan C but plan B was the one openly approved by the Legislature because it tended to preserve some existing political boundaries. And the District Court rejected plan B finding for plan C because plan C had the very smallest population variance possible. The United States Supreme Court said, look, we think, District Court, you have got to give some leeway to legislatures and inasmuch as the legislature had some good motivation in adopting plan B even though it had a somewhat greater population variance than did plan C because it did take into consideration some political realities, that is all right. And so the court said plan B is fine. Now the population variance allowed by plan B was greater than the population variance being allowed by the initial committee amendment or the Hefner amendment in effect to LB 523. So it seems

May 20, 1981

LB 523

to me that it is perfectly appropriate, in fact, it seems to me that we must reject the Warner amendment if we really are to have our congressional reapportionment pass constitutional muster. But it also seems even more importantly to me appropriate to go ahead and accept the original committee drawing even though that provides a greater population variance than to say the Democratic Party plan which Senator Newell last put up, which apparently only allowed a 61 vote population variance. Why? Because the court has said some population variance may be allowed if it is justifiable and political considerations are adequate justification.

SENATOR CLARK: You have one minute.

SENATOR V. JOHNSON: And the kind of percentage variance that we have in the committee plan is well within the contours permitted by the United States Supreme Court in the 1973 Texas decision. It is for that reason I would ask the body at this time to approve the Hefner amendment upon the congressional districts.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Question.

SENATOR CLARK: The question has been called for again. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Once more, have you all voted on ceasing debate? Record the vote.

CLERK: 18 ayes, 15 nays to cease debate, Mr. President.

SENATOR CLARK: Senator Warner.

SENATOR WARNER: Thank you, Mr. President. Mr. President and members of the Legislature, I recognize that no one likes to move. The basis for my amendment the other day was exactly as I stated to try to find a way not to split counties, and it seems to me that the amendment that was offered came within, as I recall, 1.15, which is closer than existing districts. I don't know for sure what compelling reasons are in the view of the court, but it seems to me that from my point of view there are compelling reasons to recognize the existence of a great many organizations, political subdivisions, that are based upon county

lines and there is some reason to follow that. I quickly... whether or not 1.15 is too much, I do not know. I certainly do recognize and would accept that if the body feels that is too high, that the splitting of counties is what is necessary, then this or some other amendment perhaps is appropriate, but I cannot support the amendment because I do feel that the 1.15 is adequate. It certainly is less than 1.5 that the Supreme Court held unconstitutional in another case, and I would....certainly cannot support the amendment as proposed.

SENATOR CLARK: Senator Barrett, you are the last speaker.

SENATOR BARRETT: Thank you, Mr. Chairman. Then in the interest of time and as a member of the committee that has wrestled with this subject for many, many weeks, I rise in total support of Senator Hefner and his motion. Thank you.

SENATOR CLARK: The question before the House is the adoption of the Hefner amendment. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on the Hefner amendment? Record the vote.

CLERK: 26 ayes, 11 nays on adoption of Senator Hefner's amendment, Mr. President.

SENATOR CLARK: The amendment is adopted. Anything further on the bill?

CLERK: Mr. President, Senator Fowler would move to indefinitely postpone the bill. Pursuant to our rules, that would lay it over.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: I put the motion up there to allow...to ensure that there would be adequate discussion and the discussion may have been not quite full, at least we have had some, and for that reason I would ask unanimous consent to withdraw that motion.

SENATOR CLARK: We are ready to advance the bill. All those in favor of advancing the bill vote aye. All those opposed vote no.

CLERK: Senator Clark voting yes.

May 20, 1981

LB 523, 406

SENATOR CLARK: Record the vote. Senator Lamb.

CLERK: Senator....excuse me, Senator. 28 ayes, 10 nays, on the motion to advance the bill.

SENATOR CLARK: The bill is advanced. Senator Goodrich.

SENATOR GOODRICH: Mr. President, I move to adjourn until tomorrow morning, May 21 at 9:00 a.m.

SENATOR CLARK: Just as soon as the Clerk reads something in.

CLERK: Mr. President, your committee...I'm sorry. Miscellaneous Subjects whose Chairman is Senator Hefner reports LB 406 to General File with amendments, Mr. President. That is all that I have, Senator.

SENATOR CLARK: You have heard the motion to adjourn until nine o'clock tomorrow morning. All those in favor say aye. Opposed no. We are adjourned until nine o'clock tomorrow morning.

Edited by:

Laura Benischek
Laura Benischek

and

Marilyn Zark
Marilyn Zark

May 21, 1981

LB 376, 111, 118, 129,
129A, 138, 523

SENATOR BARRETT: How many are still absent? Two excused? Yes, proceed in reverse order if you would please.

SPEAKER MARVEL: Mr. Clerk.

CLERK: 25 ayes, 22 nays, 2 excused and not voting. Vote appears on page 2206 of the Legislative Journal.

SPEAKER MARVEL: The motion is carried. The bill is advanced.

CLERK: Mr. President, while we are waiting your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 111 and find the same correctly engrossed, 118 correctly engrossed, 129, 192A, 138 and 523 all correctly engrossed. (Signed) Senator Kilgarin, Chair.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker, I move we adjourn until tomorrow morning at 9:00 a.m.

SPEAKER MARVEL: The motion is not debatable. The motion is to adjourn until 9:00 tomorrow. A machine vote has been requested. All those in favor of adjournment vote aye, opposed vote no. Okay, motion carried. We are adjourned until 9:00 a.m.

Edited by


Mary Turner


Arleen McCrory

May 27, 1981

LB 551, 523

what point do you arise or are you just tired of sitting down? Fine. We are voting on the return of the bill for a specific amendment by Senator Remmers. Voting aye.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted? Senator Remmers, I am going to call the vote. What would you like?

SENATOR REMMERS: I would like to have a Call of the House.

SENATOR CLARK: The House is under Call. If everyone would check in please. Do you want a roll call vote? All right. If everyone will check in please. We have four of them excused so we are looking for fifteen. Burrows, Warner, Kremer, Kremer is excused, Schmit. Senator Fowler. Senator Barrett, Senator Wagner, Senator Landis, Senator Newell. We are looking for Senator Schmit, Senator Barrett. Senator Remmers, do you want to start the roll? We are short Senator Schmit and Senator Barrett.

SENATOR REMMERS: Let's just wait just a moment.

SENATOR CLARK: All right. Senator Schmit is out of the building and Senator Barrett just walked in.

SENATOR REMMERS: Okay, go ahead.

SENATOR CLARK: Mr. Clerk, would you tell them what we are voting on, please.

CLERK: Mr. President, we are voting on Senator Remmers' motion to return LB 551 to Select File for a specific amendment and, Senator, I believe you passed out copies of the amendment. Did you not? Did you pass out copies of the amendment? I believe you did. Yes.

SENATOR CLARK: All right, call the roll.

CLERK: (Read roll call vote as found on page 2337 of the Legislative Journal.) 18 ayes, 20 nays, Mr. President, on the motion to return the bill.

SENATOR CLARK: The motion failed. LB 523 of Senators Newell, Fitzgerald and Kilgarin and Hoagland. Senator Newell.

SENATOR NEWELL: Mr. President, it is with great reluctance and a little bit of anger that I want to withdraw this amendment now. That is probably all I should say and I think I will take my own best advice and just say that.

May 27, 1981

LB 396, 523, 548

amendment drafted that will take care of that problem and it has not come to me yet. I would hope that you would bear with me that we may pass over it at least for awhile until we get that amendment.

SENATOR CLARK: All right, we will pass over it. LB 523.

ASSISTANT CLERK: (Read LB 523 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass. All those in favor vote aye, all those opposed vote nay. Voting aye.

ASSISTANT CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

ASSISTANT CLERK: (Read record vote as found on page 2341 of the Legislative Journal.) The vote is 37 ayes, 6 nays, 5 excused and not voting, 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. The Clerk will now read LB 548 with the emergency clause.

ASSISTANT CLERK: (Read LB 548 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass with the emergency clause attached. All those in favor vote aye, opposed vote nay.

ASSISTANT CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? We have five excused. Have you all voted? Have you all voted? Record the vote. Senator Wesely, for what purpose do you arise?

SENATOR WESELY: I think you need 30 votes on this, don't you?

SENATOR CLARK: No, it needs 33. It has the emergency clause on it.

ASSISTANT CLERK: (Read record vote as found on page 2342 of the Legislative Journal.) The vote is 29 ayes, 15 nays, 5 excused and not voting, Mr. President.

SENATOR CLARK: The bill having failed to receive a constitutional majority is declared not passed with the emergency clause attached. We will now vote on the bill without the emergency clause attached and I would ask Senator Warner, does this take 30 votes? It's not in the Governor's budget. All those in favor

May 27, 1981

LB 111, 118, 129, 129A, 213,
318, 389, 389A, 523, 556,
556A

bills we didn't have time for before.

SPEAKER MARVEL: It is my understanding we have got about an hour, Mr. Clerk, is that right...?

CLERK: Yes, sir.

SPEAKER MARVEL: ...and at the end of that time we should have the bills up here and I appreciate your cooperation. I have nothing else to say because Senator Clark can't understand English.

SENATOR CLARK: We will be "easy" until then. Senator Marvel.

SPEAKER MARVEL: Where did you go? Oh. The Legislature will be at ease until seven o'clock.

SENATOR CLARK: Or until the bills come up?

SPEAKER MARVEL: Pardon me?

SENATOR CLARK: Or until the bills come up?

SPEAKER MARVEL: I think what we need, Mr. Clerk, and you can correct me, we need a quorum.

CLERK: That would be desirable, yes, sir.

SPEAKER MARVEL: Okay.

EASE

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign LB 111, LB 118, LB 129, LB 129A, LB 523, engrossed LB 523, engrossed LB 556, engrossed LB 556A, one of the smaller bills of the session, engrossed LB 213, engrossed LB 318, reengrossed LB 389 and reengrossed LB 389A. Okay. Senator Goll, will you adjourn us until nine o'clock tomorrow morning.

SENATOR GOLL: I move that we adjourn until nine o'clock tomorrow morning.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. We are adjourned until nine o'clock tomorrow morning.

Edited by LaVera M. Benischek
LaVera M. Benischek

May 28, 1981

LR 192
LB 111, 118, 129, 129A, 213, 318, 322,
389, 389A, 472A, 523, 540, 548, 556, 556A

PRESIDENT LUEDTKE PRESIDING

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Would you all register your presence? We would like to get started. Senator Carsten, would you give us a green light and then we will start. Thank you, you got us under way. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

PRESIDENT: Quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand as published. Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined LB 540 and find the same correctly enrolled; 322 correctly enrolled.

Mr. President, your enrolling clerk has presented to the Governor for his approval the bills that were read on Final Reading yesterday. (See page 2356 of the Journal regarding LBs 111, 118, 129, 129A, 523, 556, 556A, 213, 318, 389, and 389A.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Beutler regarding LB 472A. (See pages 2356 through 2358 of the Journal.)

Mr. President, I have a report from the Department of Administrative Services regarding lease approval.

Mr. President, new resolution, LR 192, offered by Senator Rumery. (Read LR 192 as found on pages 2358 and 2359 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 548 and 322 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 548 and LB 322. Before we get started with today's activities, the Chair would like to introduce fifteen students from across the whole State of Nebraska,

LR 146, 180, 188, 189,
191, 194-196

LB 111, 118, 138, 213, 216,
320, 472, 506, 506A, 512,
523, 551, 556, 556A

May 29, 1981

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: Prayer this morning by the Reverend John Schmeltzer, Associate Pastor of First Plymouth Congregational Church here in Lincoln.

REVEREND SCHMELTZER: Prayer offered.

PRESIDENT: Roll call. Record the presence, Mr. Clerk.

CLERK: There is a quorum present, Mr. President.

PRESIDENT: A quorum being present, are there any corrections to the Journal.

CLERK: One little one, Mr. President, on page 2378, insert the contents of LR 194.

PRESIDENT: All right, the Journal will stand published as corrected. Any messages, reports or announcements?

CLERK: Mr. President, I have a series of items. Mr. President, I have several communications from the Governor addressed to the Clerk. (Read. Re.: LB 320, 472, 111, 118, 213, 216, 512, 523, 551, 553, 554, 556, 556A, LB 138, LB 506. See pages 2383-2384.)

Mr. President, I have a veto message from the Governor. (Read. Re.: LB 506A. See page 2385 of the Journal.)

Mr. President, I have an Attorney General's opinion addressed to Senator Beutler regarding LB 321; an opinion addressed to Senator Hoagland on LB 213. See pages 2385-2387 of the Journal.)

Mr. President, new resolutions, LR 195 by Senator Koch. (Read. See page 2387-2388.) And Mr. President, LR 196 offered by Senators Wesely, Hoagland, Fowler and Beutler. (Read. See pages 2388-2389.) Mr. President, finally LRs 146, 180, 188, 189, 191 and 194 are all ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LR 146, LR 180, LR 188, LR 189, LR 191, LR 194. Anything further, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

PRESIDENT: We will proceed then with agenda item #4, Final Reading on this final day of the 87th Legislature, first session. The Sergeant at Arms will secure the Chamber.