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Transcriber's Office

Floor Debate
May 24, 2011

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PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-fifth day of the One Hundred Second Legislature, First Session. Our chaplain for today is the Reverend Charlotte Abram from the Omaha TRI Community United Methodist in Omaha, Nebraska, Senator Council's district. Would you all please rise.

REVEREND ABRAM: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Reverend Abram. I now call to order the eighty-fifth day of the One Hundred Second Legislature, First Session. Senators, please record your presence. Please record, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: Enrollment and Review reports LB390 to Select File. And I have a motion to be printed with respect to indefinite postponement of bills earlier considered (re LB57, LB80, LB85, LB139, LB249, LB296, LB299, LB336, LB353, LB359, LB372, LB430, LB445, LB528, LB570, LB618, LB663, LB668, and LB697). That will be laid over at this time, Mr. President. That's all that I have, Mr. President. (Legislative Journal page 1767.) [LB390 LB57 LB80 LB85 LB139 LB249 LB296 LB299 LB336 LB353 LB359 LB372 LB430 LB445 LB528 LB570 LB618 LB663 LB668 LB697]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR256. Mr. Clerk, we will move to the first item under Select File, Appropriations bill, LB397A. [LR256 LB397A]

CLERK: LB397A, Mr. President, no Enrollment and Review. Senator Flood would move

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to...or excuse me, Senator Heidemann, excuse me, Senator, would move to indefinitely postpone LB397A. [LB397A]

PRESIDENT SHEEHY: Senator Heidemann, you're recognized to open on your motion to indefinitely postpone LB397A. [LB397A]

SENATOR HEIDEMANN: Thank you, Mr. President and fellow members of the body. After having further looked at LB397 and then the A bill that is accompanying it, and looking at the operative date which is October 1, 2011, for cities and counties, and actually for schools it's July 1, 2012, looking into it a little further thinking that anything filed before October 1, 2011, there would still only be the need for one judge. After October 1, 2011, there would be the need for three judges which would be what we were thinking that would be the added extra expense. It's our thought now at this time that we can go ahead and just not do the A bill, which was the reason that I put up the indefinitely postpone motion, and come back in, in January, when we come back in the next session and look at the issue again, find out exactly the need, how much money they're going to need to move forward. It's a very good possibility that they will need some extra money to make this thing work, but we would have a better idea in January exactly how much that might be. So with that, if you have any other questions I'd try to answer them for you, but I would appreciate your support on IPPing LB397A. [LB397A LB397]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. You've heard the opening on the motion to indefinitely postpone LB397A. Senator Lathrop. [LB397A]

SENATOR LATHROP: Thank you, Mr. President and colleagues. This makes perfect sense. You'll recall the purpose of the A bill was to accommodate a change where we were going to have three judge...a three judge panel listen to the cases for more consistency. As Senator Heidemann has indicated that...because of the effective date, we can put this off and the A bill will not be necessary. So I will join in support of Senator Heidemann's motion to kill my A bill. Thank you. [LB397A]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. Seeing no additional requests to speak, Senator Heidemann you're recognized to close. [LB397A]

SENATOR HEIDEMANN: Thank you once again, Mr. President. Once again, we come back in, in January. If there is a need we will run a deficit bill in the next legislative session. If there's a true emergency, I'm sure the Speaker would accommodate us to run a very early deficit bill. With that, I would appreciate your support on my IPP motion on LB397A. Thank you. [LB397A]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. You've heard the closing. The question for the body is on the motion to indefinitely postpone LB397A. All those in favor

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vote yea; opposed, nay. Record, Mr. Clerk. [LB397A]

CLERK: 43 ayes, 0 nays, Mr. President, on the motion to indefinitely postpone. [LB397A]

PRESIDENT SHEEHY: The motion is adopted. Mr. Clerk, we will now move to Final Reading. Members should return to their seats in preparation for Final Reading. (Doctor of the day introduced.) Mr. Clerk, we will now proceed to LB152. The first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB152]

ASSISTANT CLERK: 40 ayes, 1 nay to dispense with the at-large reading, Mr. President. [LB152]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Please read the title. [LB152]

ASSISTANT CLERK: (Read title of LB152.) [LB152]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB152 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB152]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1768-1769.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President. [LB152]

PRESIDENT SHEEHY: LB152 passes. We will now proceed to LB667. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB152 LB667]

ASSISTANT CLERK: 43 ayes, 0 nays to dispense with the at-large reading. [LB667]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Please read the title. [LB667]

ASSISTANT CLERK: (Read title of LB667.) [LB667]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB667 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB667]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1770.) The vote is 46 ayes, 0 nays, 3 excused and not voting. [LB667]

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PRESIDENT SHEEHY: LB667 passes. We will now proceed to LB667A. [LB667 LB667A]

ASSISTANT CLERK: (Read LB667A on Final Reading.) [LB667A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the questions is, shall LB667A pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB667A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1770-1771.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President. [LB667A]

PRESIDENT SHEEHY: LB667A passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB152, LB667, and LB667A. Mr. Clerk, we'll move to the first item under Select File redistricting bill, LB703. [LB667A LB152 LB667 LB667A LB703]

CLERK: LB703, no Enrollment and Review. Senator Krist, I have AM1552 with a note you want to withdraw that particular amendment, Senator. [LB703]

SENATOR KRIST: That is correct. [LB703]

PRESIDENT SHEEHY: AM1552 is withdrawn. [LB703]

CLERK: Mr. President, Senator Krist would move to amend with AM1567. (Legislative Journal page 1762.) [LB703]

PRESIDENT SHEEHY: Senator Krist, you're recognized to open on AM1567 to LB703. [LB703]

SENATOR KRIST: Good morning, Mr. President and colleagues. Thank you. In an effort to keep us on track in early adjournment and sine die, if possible, I want to keep the opening brief and discussion focused if we could. During our General File debate on LB703, an amendment offered by Senator Harms, I made a commitment on the record to bring forward a map which does not move a rural district to the urban area. And I would remind you that I sent two e-mails out yesterday, one earlier and those maps are labeled 02 at the end. The later e-mail was 03, so I will be referring to those maps labeled 03. And the reason that I wanted to do this, it preserves as best as possible the communities of interest in our legislative districts, especially those in the western part of the state. And at this point, I would remind you that what will happen if we adopt the committee, LB703, beginning in September when this law would go into effect, the folks who have elected Senator Loudon would not have a senator that they had elected. In

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fact, it would be disenfranchised and would be represented by another senator. The same goes for that district as it is moved and put in the middle of Sarpy County. Those people would be represented by someone else. I feel that those communities of interest are very important and what we'll come down to here in this discussion is, is the extra percent in deviation worth maintaining our districts geographically where they need to be to best represent the rural part of the state. To be clear, I consulted with no one else in developing my initial map. I simply went into bill writing which I...I'm sorry, to Legislative Research, which I've said many times, they do a wonderful job. Jack and Nancy helped me develop the map. I did not put any input into the baseline map that I developed initially, which is 02, and after it went out, I had several requests to potentially move or change back where things were. I don't think that there was any effort to try to dissuade me from doing what was clean in terms of presenting a baseline map. There were just some simple changes to the map that were asked for. I merely informed the mapmaker that our nonpartisan LRO, my interest in seeing a map created which incorporated the prevailing concerns brought forward during the discussion on General File. A map was generated and that was the one I shared originally yesterday, as I said. And then Senator Carlson and others in the Lancaster area again asked for some changes to be made and we accommodated them. AM1567 represents both of these modifications and indeed returns, if passed, Legislative District 49 to the northwestern part of the state. Is AM1567 perfect? Absolutely not. The decision again comes down to whether the deviation is worth maintaining those communities of interest, the areas of interest, and the legislative districts geographically where they started out before we started moving them. We need to preserve the communities of interest that are out there, in my opinion, and this is the best way to do that. You can note that under AM1567, Nebraska City returns to having one senator represent them, which was discussed at some length during our last discussion. Additionally, AM1567 allows for the city of Grand Island to be represented by three senators instead of four, which I think were some concerns of Senator Gloor at the time. I appreciate the positive feedback that I've gotten, both in this body, and phone calls, and e-mails. I appreciate the fact that I, unlike the committee, took a different approach. That approach was we didn't have to move a district in order to redistrict and put quality into our redistricting efforts. I want to commend the committee. I know that they've worked for five months-plus on this effort, and I do say that they did the best job that they could. I just believe that the premise that I have injected into this, which by the way Senator Langemeier and I had extensive discussion on even before legislative committees started to discuss it, was a going-in proposition that we did not, we did not have to move a legislative district in order to achieve our goal. With that, I would ask your support for AM1567 to LB703 and I look forward to a positive debate. Thank you, Mr. President.
[LB703]

PRESIDENT SHEEHY: Thank you, Senator Krist. You've heard the opening of AM1567 to LB703. Members requesting to speak: Senator Gloor, followed by Senator Dubas. Senator Gloor. [LB703]

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SENATOR GLOOR: Good morning, Mr. President. Thank you, members. I appreciate the opportunity to have a chance to speak on this and I especially appreciate Senator Krist's effort to try and stem at least for the time being the flow of legislative representatives from the west to the east following the population, but I believe that stemming has with it the problem that there's an inevitability here. And, of course, I would be remiss, given the fact that I had objections to the map brought forward by Senator Harms advocated by other friends of mine in the western part of the state, I have to bring those same issues up as relates to what I call the unfortunate cascading effect that making adjustments has as we move across the state. Senator Krist mentioned the four senators in Hall County being reduced to three. That isn't my primary concern. My primary concern in this map, in fact, probably as I look at it, is even more problematic for the city of Grand Island, is that Grand Island goes from having two senators to now having three senators. And, in fact, the largest growing area of the city, which is west and west of Highway 281, now in all likelihood could have a representative who lives beyond Norfolk from a mileage standpoint. That doesn't seem to fit any of the criteria that we have talked about as we've walked our way through this, again, the largest growing area of Grand Island. There are senators who think of me as a rural senator. There are senators because of my district is entirely within the city limits, but not all the city limits, obviously, that's what's the problem of Grand Island, I can be thought of as an urban senator. There are some senators who think of me completely different in positive or negative ways, but I have to tell you that I appreciate the effort. I understand what we're trying to do but can we, in fact, put off the inevitability here by a map that, in this case, appears to me to tweak and adjust and to seek to grab numbers, not necessarily based on a degree of contiguous, an issue that relates to consistency, an issue that relates to continuity, both in terms of geography, topography, demographics. I rise in objection to AM1567, although I understand and appreciate what we're trying to do here is make sure that our rural Nebraskans still have a voice in this Legislature, but I do not believe this map is the way that we can give it to them. Thank you, Mr. President. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Gloor. Senator Christensen. [LB703]

SENATOR CHRISTENSEN: Thank you, Mr. President. I want to thank Senator Krist and those that worked on this. I think it's a great attempt to try to keep everybody where they're at and I appreciate the efforts, and I want to encourage people to vote for this. This probably has the least amount of change. I realize it has a little more variance, but I think it's a great attempt and I think it should have a fair shot in discussion here. Thank you. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Christensen. Senator Bloomfield. [LB703]

SENATOR BLOOMFIELD: Thank you, Mr. President. While this map doesn't alter my

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district any differently than the one put forth by the committee, I think it does do some things for the rest of the outlying state that will be helpful, and I encourage you to support this map as presented this morning. Thank you. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. Senator Harms. [LB703]

SENATOR HARMS: Thank you, Mr. President and colleagues. I rise in support of AM1567. In fact, it accomplishes everything that we tried to accomplish earlier with the amendment that I had. It does meet all the principles that you look at in regard to what's appropriate. It does keep at least in the region that I live in, it keeps community of interest there. It deals with compactness. It deals with all the issues that I brought out in an earlier conversation with you that I think you have to follow. So I do rise in support of this, and I would urge you to support AM1567. Thank you, Mr. President. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Harms. Senator Price. [LB703]

SENATOR PRICE: Thank you, Mr. President and good morning. All I can say at first blush in looking at this map is, it cuts, slices, and dices Gretna up like something you would see in a Ronco commercial. And I can't say at first blush, I'm going to have to look into it a little bit more, but I am deeply concerned. It looks like the puzzle pieces have a lot of sharp edges, with acute angles, and I'm not really sure that that's the best thing to do for that area. I do know that currently Gretna has some representation by Senator Langemeier and myself, but to see the way it is now, give me a cause for grave concern. Thank you, Mr. President. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Price. Senator Lautenbaugh. [LB703]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I do rise in opposition to this amendment for reasons I'll go into more fully later, and I'll yield the rest of my time to Senator Langemeier. [LB703]

PRESIDENT SHEEHY: Senator Langemeier, you're yielded 4 minutes 40 seconds and you are next in the queue. [LB703]

SENATOR LANGEMEIER: Why thank you. Thank you, Mr. President and members of the body. First of all, I rise in opposition to AM1567 and I thank Senator Krist for all his work and we did have a lot of discussion. I don't think the committee ever went into this process to just say, hey, we're going to get rid of a senator because we've got to move it. You know, the reality is, is we started in this process, it was all about numbers. And you look, and I sat down, I sat down with the Lancaster group and worked out their area. I sat down with Douglas County and worked out theirs and we started working across the state to try and figure out how we could do this and unfortunately, most of the arguments that I've heard about being too far of a district on the current map that we

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have, aren't really solved by this. District 49, yeah, the numbers there, but 47 moved...excuse me, 43 moved. You still have a distance from Loup clear out to Sioux that was an unacceptable distance which was shorter in the original plan. So I want to commend him for his work and the effort and Senator Krist has, in my term in the Legislature, has been one that I would say has very adequately thought outside the box of the norm as he's put forth effort, and I want to commend him for that because I really appreciate that. But at this time, as I look at it, and just a side note, if you look at my legislative district there's no physical way to drive through my district without leaving it in two spots to stay in it. And so I would think you would have an argument on how those are laid out. So at this time I'd ask you not to support AM1567. Thank you. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Langemeier, do you wish to waive your time? [LB703]

SENATOR LANGEMEIER: I would yield my time to Senator Lautenbaugh. [LB703]

PRESIDENT SHEEHY: Senator Lautenbaugh, you're yielded 5 minutes. [LB703]

SENATOR LAUTENBAUGH: Thank you, Mr. President and thank you Senator Langemeier for letting me catch my breath there. I do again have to rise in opposition to this amendment, and I understand what Senator Krist is trying to do and it is definitely well-intentioned, undeniably so. But there's just no way I can see that this body should support this map. The deviations are well in excess of what we were shooting for, arguably within the guidelines, but I think we had a substantial amount of debate in the committee about lowering those guidelines and a desire to do better than what the guidelines set forth as far as the deviation from district to district would go. There are...at a very basic level, I guess, my biggest concern with this is that we did have a proposal out there, we did have a public hearing on it, we did take input on it, and this is not just an amendment to a bill. I had a similar conversation with one of our other colleagues on a different map for different districts, and I said, you know, this is tough to do on the fly. I mean we had 24 hours, I guess, on this map so at least we saw it yesterday. But I just cannot say that in goodfaith it is a fair thing to do, to do this dramatic a change from the map we had the hearing on and try to move it forward. I would just urge you to vote against this amendment. I think it makes changes and upsets some applecarts and violates some principles that we discussed. I actually filed suit back in 2001, back when I was election commissioner, back in the day. I know I don't talk about that much, but it happened. (Laughter) And my principle was this, at the time if Douglas County was the right size for 13 districts, there should be 13 districts in Douglas County, not carving up Washington and Sarpy to add a little more. This map, unfortunately, returns us to some of that carving up of the neighboring counties, even though Douglas County is the right size for 14. So for that reason and others, I do urge you to oppose this amendment. I think that rises to the level of almost a constitutional issue, and I just don't think this map can go forward. Thank you, Mr. President. [LB703]

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PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Senator Lautenbaugh, you are next in the queue. Do you wish to use your time or waive? Senator Lautenbaugh waives. Members requesting to speak on the Krist amendment, AM1567 to LB703, we have Senator Louden, followed by Senator Krist, Senator Bloomfield, Senator Avery, and Senator Hansen. Senator Louden. [LB703]

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. I would support this plan that Senator Krist has brought forwards there. At least it leaves all the 49 districts in about the same place that they are, leaves the same mix of rural and urban about like it has, and that's been working out fairly well for the last few years. And I don't see any point in moving them around. Senator Lautenbaugh mentioned he had that lawsuit here, I think it was filed in 2001, and his idea was that he wanted to get the 13, at that time 13 districts in Douglas County. And what they've done with their Redistricting Committee this time as they were able to put 14 districts in Douglas County, but in order to do that they had to be down below the deviations because if they put 13 in there, they had too many people when you divided the 517,000 people up by 13. So they had to divide up by 14 and they came in about 4,600 people short and that's where the deviation has been ever since. So in order to make that work, they had to bring a district from out west or from someplace else where there was...in the center of the state or what in order to put that extra numbers of people into those districts so they could go with the 14 districts in Douglas County. So I think there was a point that has to be shown there that how much of this committee map was built to actually set it up so there could be 14 legislative districts inside Douglas County. My question would be, is that going to be a constitutional challenge because the deviations are under...they're somewhere around two and a half to 3 percent under on, I think, 13 of the 14 counties in legislative districts in Douglas County. So we have a, it looks like to me, have a problem there. The one thing about Senator Krist's map, yeah, it's...the deviations are higher in places. The question is, are you going to keep everybody where they are, these districts where they are for your representation around the state, or are you going to consolidate it in some of your urban areas? And this is what you have to decide, how you want the people of Nebraska to be represented. I think by continually moving them from the western end of the state east, there will be a time when the population shift will probably start working back the other way. In fact, we've already seen it this last...from 2000 to 2010 there was ten districts in downtown Omaha that actually lost population. There was two districts in downtown Lincoln that lost population, so there is...could be a population shift from your downtown areas into your suburbs, and perhaps farther out as we get more industry in other parts of the state. So I think we have to consider that as we go forwards and not be in this knee-jerk attitude that all of the districts are going to have to move east over the next 20 years. My prognostics would be that in the next...the next census and redistricting project, you'll probably move some districts from around the Omaha area farther out west, they'll either go into central Nebraska or something. We're already seeing that done on a national level. In fact, my

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understanding is that some of those states in northeastern United States have lost congressional districts that have moved out west and to the south. So I think that trend will continue, and what you're trying to do is set up on how that trend will continue in Nebraska. So I think Senator Krist's plan is a good plan, something that will keep Nebraska about like we have been operating, keep the... [LB703]

PRESIDENT SHEEHY: One minute. [LB703]

SENATOR LOUDEN: ...keep the population and the representation accordingly for the area. You have to take that into consideration, the representation for some of the area, and I certainly support the plan. Thank you, Lieutenant Governor. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Bloomfield. [LB703]

SENATOR BLOOMFIELD: Thank you again, Mr. President. I'd like to thank Senator Krist for bringing this bill forward. As I mentioned...or this amendment forward. As I mentioned before, it doesn't alter my district from what the committee did, but my district was one of those that happened to grow enough that it really didn't have to change. It was changed to be a convenience, or as we say, to move everything to the east a little bit. I presented a map that kept my district whole. It, to say the least, got no traction. I'm not sure it got any looks even, but one of the things that by changing my district the way they did is something that Senator Langemeier just mentioned. I can no longer drive across my district without leaving it. If that's an issue for Senator Langemeier on this rendition of our maps, it should be a problem in my district as it has also been changed on both maps. So not seeing anyway to preserve my district intact, I think this map does a far better job of keeping Nebraska intact. Thank you, Mr. President and members. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. Senator Avery. [LB703]

SENATOR AVERY: Thank you, Mr. President. I, too, am not going to vote for this and I will tell you why. I do, however, find the motive behind this laudable, trying to keep things as they are and avoid moving one of the rural districts to the east. And I'm not concerned about what happens to any one district in this map. What I am concerned about is the overall, and if you look at the deviations, they are rather substantial compared to what we've adopted already up to this point. I counted 28 districts with deviations over 3 percent and 9 districts with deviations over 4 percent. Now it is true that technically these deviations fall within our 5 percent standard, but we, in the committee, at the time we were discussing these standards and at the time that we adopted the 5 percent, we said our goal was to get under 2 percent, or under 3 percent, excuse me, under 3 percent in every instance where it was possible. And for that reason, I think these go beyond what the committee was trying to do. And then when you add to that the fact that this did not get considered in a public hearing, I think those

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are two arguments that are hard to overcome. So I'm going to vote against it, and I would urge you to join me in that. Thank you, Mr. President. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Hansen. [LB703]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. We've seen a lot of maps this last couple of weeks and even back to December during the symposium and we've looked at them all. And it seems like when we open up those maps we look at our district and see what's happened to our district. I just want to let you know that I'm fine. Thank you. (Laughter) [LB703]

PRESIDENT SHEEHY: Thank you, Senator Hansen. Senator Krist, you are the last one in the queue. Would you like to use your time or use this time as your closing? [LB703]

SENATOR KRIST: I'd like to use my time and then close. Thank you, Mr. President. I want to do so for a couple of reasons. I'm sure that Senator Lautenbaugh is done tying his tie, so if he could make his way back in here, I'd like to ask him a couple questions. First of all, let's address the deviation. I told you in my opening that we are at a point where if we're going to preserve our communities of interest, and we're going to keep the districts in outstate Nebraska, sorry, in western Nebraska, we're going to have to make a decision that we're going to have to have a conversation on in this body, because if there is a...if there is a court case, it should be noted that we have chosen deviation over communities of interest because I'm sure that will be a question. Many of you here in this room believe that communities of interest and whether you're a sugar beet farmer or a rancher, you should be in an area of common interest, of common market, of common intent. The committee map, although does a great job, and I've complimented them before, does not, does not prioritize communities of interest. Make no mistake about it. So a vote against AM1567 tells the world and this state that we're more interested in deviation than we are about keeping people like-minded together. Second, let me say specifically about deviation. In Senator Avery's comments, he said there are more. Well, you know what, there have to be more. If you go into Douglas County, or the greater part of the metropolitan area, we need to represent more. And you in outstate Nebraska, if you're going to keep your geography down, need to represent less. That's why the deviation is a total deviation. And I would remind you also, the committee map, as it stands right now, is at a total deviation of 7.4 percent, 7.4 percent. My map, this map, is represented as AM1567, the map that bill drawers drew for me without any politicking, if you will, is at 8.5 percent. So we are arguing over 1 percent, a 1 percent total deviation. And you can add up the total number of districts that are way up, and you can add up the total of districts that are way down, but if you want to keep Senator Louden where he's at and not represent the entire Panhandle, then he has to represent less people, and I have to represent more in Douglas County. To Senator Price, I would respond, it's okay to vote for the committee bill that cuts Nebraska City in half, but it's not okay to look at mine objectively because I do

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somewhat the same thing with Gretna, and I will remind you, I did nothing. The computer did it. The computer grabbed representation, the folks that needed to be represented in terms of clusters and matched them up. And to Senator Lautenbaugh, who is not back to take a question, I would have posed the question, but I will simply make the statement. We heard over and over and over again in this Chamber that if you don't like it, it must be unconstitutional. And what does he stand up and say? It's unconstitutional, or it could be unconstitutional. And Senator Lautenbaugh is a dear friend of mine and I would follow him into battle but let's be consistent. If you want to take a look at a district that has changed shapes and sizes, take a look at District 10 because I had no input in drawing this map. [LB703]

PRESIDENT SHEEHY: One minute. [LB703]

SENATOR KRIST: No interest in drawing this map. I allowed them to do whatever needed to be done. I could walk my district during my last election cycle in two weekends, literally walk it in two weekends. Walk across my district in about two hours. Take a look at 10. That's changed and if you don't accept the change that comes in front of you, and accept the challenge, then what we're saying is, Senator Langemeier's district, as Senator Bloomfield said, is more important to him than Senator Bloomfield's district. Unfortunately, there's going to be some winners and losers and I, myself, think if you pass AM1567, Krist actually loses in this proposition. But I think it's important enough to preserve communities of interest and keep 49 where 49 is that we should at least have the discussion so when it is challenged either way, we have it on the record. And if no one else has punched their button, I guess I'll close. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Krist. Members requesting to speak on the Krist amendment, AM1567 to LB703, we have Senator Price, followed by Senator McCoy. Senator Price. [LB703]

SENATOR PRICE: Thank you, Lieutenant Governor and members. Looking at this a little bit more now, we'll take a look at the map and I spoke on the committee amendment, committee maps, and I said I was charged by my constituents with the following: Four senators contiguously contained within Sarpy County. This map does not do that. One hundred fifty-eight thousand people in the county and we can't get four. What we do is we end up having seven senators again with three. Now seven is not bad if everybody can pull that one off, but that's not what I was asked to do. That's not what my constituents challenged me with, 3.8, 3.5, 3.7, 3.6, 3.7, 3.7 percent deviation there. One, two, three, four, five, six, eight thousand people at least are going to be split off and sent in the different directions and not have the opportunity for the identity and to have four contiguous senators. Now I understand what Senator Krist has done and I actually, at one point in time, had a plan where we addressed what we talked about with Senator Loudon and Senator Krist about the loss of population in downtown Omaha. I had thought, through some form of ignorance, that you could just pull a district out of the

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downtown area, let that fill in, take that district and put it in western Douglas County. Still the same number? But the reapportionment of people, but obviously the committee thought that they could do it the way they did, and they showed me the wisdom of what they were doing and that was that, because there is a migration, a loss of population in the central part of Omaha there. And there is the migration out to the suburbs, which is a normal cycle. What I see here in this map here before us today, I am obligated in representing my constituents who ask for four senators contiguously in the county, 158,000, and if the proper number is 37,000...37,000-plus citizens in a district, anybody else out there can do the simple math. If we abide by the rules where we try to keep the counties whole, well, we're not doing that here, and I have to. I'm obligated to oppose this for the constituents of Sarpy County. Thank you. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Price. Senator McCoy. [LB703]

SENATOR McCOY: Thank you, Mr. President and members. I stand this morning in opposition to AM1567. And not to be parochial, but I do have to stand this morning in opposition. If you look at this map, draw your attention to District 39 and the north-south boundary of Highway 31 or 204th Street, the community of Elkhorn, the community proper, what was the old city of Elkhorn now is part of the city of Omaha, is split into three legislative districts. Now this provides...this is particularly problematic because in the last several redistricting cycles the community of Elkhorn was kept whole. And as one of the fastest growing communities in our state and one of the fastest growing legislative districts in the state, and actually is the largest, as many of you, District 39 has changed shapes considerably throughout this redistricting process. But throughout the process, the Redistricting Committee with the underlying proposal we have in LB703 has kept the community of Elkhorn whole. I believe this to be very important, not only for District 39, but for the state as a whole as again this is one of the fastest growing areas, and I think it's important that this be kept consistent. And with that, I again stand in opposition to AM1567, but do thank Senator Krist for his efforts in this regard. Thank you, Mr. President. [LB703]

PRESIDENT SHEEHY: Thank you, Senator McCoy. Senator Brasch. [LB703]

SENATOR BRASCH: Thank you, Mr. President and thank you, body. I would like to yield my time to Senator Bloomfield. [LB703]

PRESIDENT SHEEHY: Senator Bloomfield, you're yielded 4 minutes 50 seconds. [LB703]

SENATOR BLOOMFIELD: Thank you, Mr. President. Thank you, Senator Brasch. When I stood before and said that I couldn't drive across my district either, the way it is reconfigured, Senator Langemeier came over and informed me that I was mistaken in that, that I could drive across there via a trail. I suppose, maybe if I get a four-wheeler, I

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could accomplish that. There are actually some roads that go across the district. It is not a route anybody would take. I suggested in turn to Senator Langemeier that perhaps he get a boat so he cross the river. But that is the most attention that I've gotten from the Redistricting Committee since I've been here and I want to thank him for that. I also want to stand again to support Senator Krist's amendment. He gives us a chance to keep Nebraska intact. Thank you. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield and Senator Brasch. Members requesting to speak on the Krist amendment, AM1567, we have Senator Nelson, followed by Senator Loudon. Senator Nelson. [LB703]

SENATOR NELSON: Thank you, Mr. Speaker and members of the body. I'd like to address a question or two to Senator Krist if he will yield. [LB703]

PRESIDENT SHEEHY: Senator Krist, would you yield to Senator Nelson? [LB703]

SENATOR KRIST: Yes. [LB703]

SENATOR NELSON: Thank you, Senator Krist. It's difficult to turn around and look at you while I use the mike here so I'll do the best I can. You spoke earlier that in your map here that it was necessary to divide several cities. Could you recount those again for us, those that you have divided? [LB703]

SENATOR KRIST: Well, sir, first of all, I didn't divide anything, the computer did. Secondly, I was not saying that I had to divide them. I was saying in reference to Senator Price's comment, he didn't like Gretna represented by multiple senators, and I said...I made reference to the fact that it was okay with the committee, LB703 proper, to divide Nebraska City in half, but it wasn't okay to do Gretna. And my point in saying that was, change is change, some things have to happen in terms of the representation given the pure numbers. [LB703]

SENATOR NELSON: Back to the question, even if the computer did it, how many cities did you divide? [LB703]

SENATOR KRIST: I'm sure you'll let me know. I didn't check out the cities that were actually divided. [LB703]

SENATOR NELSON: Well, I think I heard you say Gretna, and we know that Elkhorn has been divided. There must be three or four or five. Thank you, Senator Krist. [LB703]

SENATOR KRIST: You bet. [LB703]

SENATOR NELSON: My point is this, we had a hearing, an extensive hearing. We went

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to eight different points around the state. We drew a lot of attention from the city of Alliance because in trying to work things out in western Nebraska in an equitable way, Alliance was divided. We must have heard from 15 or 16 people, maybe not that many at the hearing but a lot of e-mails. We were able to work that out. It was unfortunate that it had to be divided initially but we were able to work that out. And it just points out to me that here we come with a map that there's been no hearing on that has affected a lot of cities around the state of Nebraska, and they haven't had a hearing. They haven't had an opportunity to come in and tell us why that's going to be detrimental to them or why that's going to be good. We may, yes, the committee map has divided Nebraska City but that seems to work for them. We had testimony, at least two or three people that said, you know, this is fine. The two state senators involved were in agreement with that and it made sense. Alliance is not divided. No other city is divided against their wishes in the committee map. I also want to agree with Senator Avery, and we agree most of the time, I think his point about the deviations is very, very valid. I counted over 35 deviations above three, some approaching four. The committee map has five deviations above three, whether plus or minus. This is what we need to do, we need to equalize as carefully as we can. And I can understand the desire to keep 49 senators and not to have to increase the mileage out in western Nebraska. Let me tell you, there's a congressional district in the upper peninsula of Michigan, and this is a congressional district where it's 500 miles long. We think we've got it bad here with 160 miles. Think about that. Yes, the distances are great, but the population there it can be reached, you don't have to drive everywhere. There are other ways. I'm just saying that we are... [LB703]

PRESIDENT SHEEHY: One minute. [LB703]

SENATOR NELSON: ...we're going to try to keep 49 senators here and 49 legislative districts. Without a hearing, as I think Senator Lautenbaugh said, we're coming in here and no input on this whatsoever. I...you know, I...I admire Senator Krist for doing this, for talking the computer into doing this. He's been able to keep all 49 districts, but they're just a number of ways that it's not going to work. In light of our congressional discussion, those maps...this is certainly ripe for a constitutional challenge if someone wants to bring it and I just have to say that. Thank you, Mr. President. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Madam Clerk, you're recognized for an announcement. [LB703]

ASSISTANT CLERK: Mr. President, the Government Committee will meet in Exec Session in Room 2022 now, Government in Room 2022 now. Thank you. [LB703]

PRESIDENT SHEEHY: Thank you, Madam Clerk. Continuing with floor discussion of AM1567 to LB703, member requesting to speak, Senator Loudon. [LB703]

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SENATOR LOUDEN: Thank you, Lieutenant Governor and members. As they talk about the deviations, no matter how you cut it, the deviations were all cut low enough so you get 14 legislative districts in Douglas County. That's out there, that's what's been done, that's what the lawsuit was ten years ago and this is what you, the Redistricting Committee came up with was to fulfill what that lawsuit that was probably put out ten years ago was to get the districts in Douglas County to be included inside the...in the county. When you compare cutting what you've done for Alliance, as Senator Nelson says, as change it made it whole there, that's altogether a different kind of story. When Alliance is in one district and the rest of their county is another, that's altogether different than what it would be down here in Omaha area. You can split some of these towns down here and the senators would probably only be two miles apart. Whereas, out there when you split that, you'll have senators one end to the other, the district, there could be way over 100 miles apart from your senators, and this is the issue that...with the representation. I would ask, would Senator Nelson yield for a question? [LB703]

PRESIDENT SHEEHY: Senator Nelson, would you yield to Senator Louden? [LB703]

SENATOR NELSON: I'd be happy to. [LB703]

SENATOR LOUDEN: When you made Alliance whole, can you describe to me where they went with that line now when they went as you said, you made Alliance whole, what did you do and where did you draw the lines on that around Alliance? [LB703]

SENATOR NELSON: The line, as the original map had it, came down, I think it's Highway 285 to maybe Highway 2 and then went east. And so the lower third of Alliance was in a different county and there was discussion about that. Now the new line, I think that perhaps Senator Fischer was instrumental in, just goes along as I haven't seen the map lately, but I think it goes along the...all the way along the western boundary of Alliance and doesn't keep it in Box Butte County, it's in another county, but it is all in one county. [LB703]

SENATOR LOUDEN: And then around the north side of Alliance where did it turn? Did it turn and come down 25th Avenue on the north side of Alliance? [LB703]

SENATOR NELSON: I can't answer that. I'm not familiar with the streets. [LB703]

SENATOR LOUDEN: Because what they've done, I'll tell you how they did that, they went down and took in the county line in between Box Butte and Morrill Counties and went to 385, went north and then when they got up to the north side of Alliance, they went around the edge of the town which they left people on the other side of the line and went over to what you call Highway 87 and went diagonal northeast. So, yeah, you...I guess that's what they say, the little boy, you know, put his thumb in the pie and pulled out a plum and said what a good boy, and that's about what you did when you

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said you made Alliance whole. You mostly just showed that you changed it around a little bit, but it really didn't...didn't change the outlook or the whole situation for the city of Alliance up there. I think when we're talking about this as Senator Bloomfield and some of them mentioned, this is what you're going to keep your rural areas altogether. Thank you, Senator Nelson. I'm sorry I see you're waiting for another question. But we have to consider the representation, the areas, the industry, and what goes on out there. When we have people that they really didn't realize where they drew the lines or knew what they did, this is a problem we've had. And they talk about whether it's unconstitutional or not, my guess is that the map that the committee has come up with can be challenged as...in a court. So whatever you do, you want to remember if it's challenged in court and run, you'll be back...and they win, why, you'll be back down here with a special session doing it over again. [LB703]

PRESIDENT SHEEHY: One minute. [LB703]

SENATOR LOUDEN: Thank you, Lieutenant Governor. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Karpisek. [LB703]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. Just wanted to let everyone know that I'm here today and I'm listening and you're giving me some very good quotes. Funny how the tune changes from one day to the next. Thank you, Mr. President. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Seeing no additional requests to speak, Senator Krist, you're recognized to close on AM1567. [LB703]

SENATOR KRIST: Thank you, Mr. President. I'm sure glad I didn't close before because I think there was some more valuable discussion. As I said in my opening, we're going to have to have this discussion now to provide a record in case there is a contest in the future, a court case. And I think you have clearly seen by the comments that have been made that this body is very attune, and quick to draw, to call something potentially unconstitutional if they do not like it. And although I don't necessarily support Senator Karpisek's proposal as it comes up, I know how he feels. The issue is...and you're going to have to internalize this issue. Everybody's district is going to change. Some of your districts got much, much smaller, more compact, better, easier to represent. Some of the members of the committee came to me and said, when you see how we've redrawn your district, don't be upset because I think it will be good for you. My district has increased in size. It's not a personal issue. My district actually increases in size with the amendment. It's still not a personal issue. I want to do what's right for Nebraska. Public hearing or not, we did not have to move a district from outstate Nebraska to make this thing work. We did not have to move the district. Communities of interest are much more important to me, and you'll have to make that decision when you

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vote. Is it more important that there's a 1 percent more deviation, or is it more important that sugar beet farmers stay with sugar beet farmers, and cattlemen stay with cattlemen? I can't answer that question for you. You're going to have to internalize it and make that decision yourself. I would ask you to look at AM1567 as an alternative to, "we have to move a district in order to make it work" and also to look at the discussion that we have had. And on this note, I will say this, in all due humility, I'm glad to have put this on the record because potentially we'll now have a discussion that says, it's more important, it's more important that our deviations are closer than are communities of interest. Let me say that one more time. If it's more important the communities of interest stay together, AM1567 gives you an opportunity to vote for communities of interest and not disturbing the rural mix. If deviation is more important to you, then vote red. I'm hoping that you all find the green button and we can proceed. Thank you, Mr. President. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Krist. You have heard the closing. The question before the body is on the adoption of AM1567 to LB703. All those in favor vote yea; opposed, nay. Senator Krist. [LB703]

SENATOR KRIST: Could I have a call of the house, please? [LB703]

PRESIDENT SHEEHY: There has been a request for the call of the house. The question before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB703]

CLERK: 34 ayes, 0 nays to place the house under call, Mr. President. [LB703]

PRESIDENT SHEEHY: The house is placed under call. All unexcused senators please report to the Legislative Chamber. All unauthorized personnel please step from the floor. Senators, please record your presence. Senator Krist, all members are present or accounted for. How would you like to proceed? [LB703]

SENATOR KRIST: Roll call vote in reverse order, please. [LB703]

PRESIDENT SHEEHY: There has been a...roll call vote in reverse order. Mr. Clerk. [LB703]

CLERK: (Roll call vote taken, Legislative Journal pages 1771-1772.) 10 ayes, 25 nays, Mr. President, on the amendment. [LB703]

PRESIDENT SHEEHY: AM1567 is not adopted. The call is raised. [LB703]

CLERK: I have nothing further on the bill at this time, Mr. President. [LB703]

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PRESIDENT SHEEHY: Senator Flood, you're recognized for a motion. [LB703]

SPEAKER FLOOD: Mr. President, I move LB703 to E&R for engrossing. [LB703]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB703 advances. Mr. Clerk, you have items for the record. [LB703]

CLERK: I do, Mr. President. Bills read on Final Reading earlier were presented to the Governor at 9:35 a.m. (re LB152, LB667, and LB667A). Enrollment and Review reports LB629 and LB704 as correctly engrossed. And I have a Reference report referring a study resolution. That's all that I have, Mr. President. (Legislative Journal page 1772.) [LB152 LB667 LB667A LB629 LB704]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will now proceed to next item under Select File, 2011 Speaker priority bill, LB390. [LB390]

CLERK: LB390, I do have Enrollment and Review amendments, Mr. President. (ER142, Legislative Journal page 1767.) [LB390]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB390]

SENATOR LARSON: Mr. President, I move that the E&R amendments to LB390 be adopted. [LB390]

PRESIDENT SHEEHY: You have heard the motion on the adoption to the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB390]

CLERK: Mr. President, Senator Ashford, I have AM1541 with a note you want to withdraw that particular amendment. [LB390]

SENATOR ASHFORD: Yes, thanks. [LB390]

PRESIDENT SHEEHY: AM1541 is withdrawn. [LB390]

CLERK: Senator Ashford would move to amend with AM1572. (Legislative Journal pages 1772-1773.) [LB390]

PRESIDENT SHEEHY: Senator Ashford, you're recognized to open on AM1572 to LB390. [LB390]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor, and yesterday we advanced LB390 and a part of LB390 dealt with the Jail Standards Board and the ability of counties to opt out of the Jail Standards Board authority and move it to the national

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association that does certify jails in this country. All this amendment does is clarify that...actually brought to us by the Jail Standards Board to clarify that they do not have to visit or inspect correctional facilities that are accredited under the national certification that we discussed yesterday as those facilities will be inspected as part of their certification process. And that's the extent of the amendment. There's some other technical wording changes, Mr. Lieutenant Governor, but they're not substantive in nature, and I would urge the body to adopt AM1572. [LB390]

PRESIDENT SHEEHY: Thank you, Senator Ashford. You've heard the opening of AM1572 to LB390. Seeing no requests to speak, Senator Ashford, you're recognized to close. Senator Ashford waives closing. The question before the body is on the adoption of AM1572 to LB390. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB390]

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Ashford's amendment. [LB390]

PRESIDENT SHEEHY: AM1572 is adopted. [LB390]

CLERK: I have nothing further on the bill, Mr. President. [LB390]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB390]

SENATOR LARSON: Mr. President, I move that LB390 be advanced to E&R for engrossing. [LB390]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB390 advances. Mr. Clerk, we'll now move to the next item under Final Reading, redistricting bill motion to return to Select File, LB704. [LB390 LB704]

CLERK: Mr. President, we are on Final Reading. I do have motions. Senator Karpisek, the first motion I have is from you, Senator. [LB704]

PRESIDENT SHEEHY: Senator Karpisek. Mr. Clerk, we will proceed to next amendment. [LB704]

CLERK: Mr. President, Senator Council would move to return an amendment as offered by Senator Harr, specifically, AM1546. (Legislative Journal page 1760.) [LB704]

PRESIDENT SHEEHY: Senator Council, you're recognized to open on the motion to return LB704 to Select File for a specific amendment. [LB704]

SENATOR COUNCIL: Yes, thank you, Mr. President. Colleagues, I do rise this morning

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to urge you to favorably consider the motion to return LB704 to Select File for a specific amendment. Allow me to recap some of the discussion that has occurred during the debate in connection with the congressional redistricting proposal that is reflected in LB704 as it sits on Final Reading. It was...that discussion was started by members of the Redistricting Committee stating that the proposal reflected in the map that is on Final Reading, and that is, CON11-18005-3, if you wish to follow along, relative to the boundaries for CD1 and CD2 that it was designed in part to rectify the fact that under the existing congressional boundaries, the cities of Papillion and La Vista were divided between CD1 and CD2. In order to accomplish the objective of including those two cities in one congressional district, it required the movement of the city of Bellevue from CD2 into CD1. It was also noted that during that discussion that two of the senators representing portions of the city of Bellevue had no objection to moving from CD2 into CD1. However, I need to remind you that the other two senators representing portions of Bellevue preferred to remain in CD2. There was also some discussion of the testimony at the public hearing that was held on LB704. I need to remind you that no one appeared from the cities of Papillion or La Vista to testify one way or the other on the boundaries reflected under LB704. On the other hand, several residents of Bellevue, including a former state senator who is now a Bellevue city council member, testified in opposition to the proposal reflected in LB704, and requested specifically that Bellevue, the city of Bellevue be retained in CD2. In addition, I know that most of you, as I have, have received numerous e-mails since the discussion of LB704 on General File from Bellevue residents who are opposed to being moved into CD1. In addition to the Papillion-La Vista issue, the movement of Bellevue into CD1 was justified by some supporters of LB704 on the grounds that Offutt would obtain the representation of two congressional representatives rather than one. I stated then, and I state now, that I quite frankly don't understand that argument, particularly in view of the fact that portions of Papillion and La Vista are currently represented by the First District congressman and many of those who reside in those communities have significant connections to Offutt. So my response to those who believe that the movement of Bellevue into CD1 is necessary in order to force, for lack of a better term, the CD1 congressional representative to address the issues of concern to Offutt, I again state, I find to be disingenuous. There are other ways to accomplish that objective, including electing a more responsive congressional representative. Finally, there was discussion of whether or not LB704 contravenes the Voting Rights Act. Specifically the discussion revolved around whether LB704 results in the dilution of the minority vote in CD2. I submit to you that it does and I submit to you that there is legal authority for us to be concerned about this dilution. Senator Avery noted the numbers of minority voting age population that would be moved from CD2 into CD1. I submit to you that that movement constitutes an unlawful dilution of what has been defined in case law as an influence district. And an influence district is a district in which the minority community, although not sufficiently large enough to elect a candidate of its choice, is able to influence the outcome of an election and elect a candidate who will be responsive to the interests and concerns of the minority community. I submit to you that that is the case with regard to CD2, and

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that case is supported by the results of the 2008 presidential election. Minority voters in CD2 voted and turned out at unprecedented levels and not only were as a result of their vote were they able to have an electoral vote cast for someone that they believed represented their interests and concerns as a minority community, they actually were able to effect the election of a minority presidential candidate. That is significant, colleagues, in terms of the question of dilution because under the law, the...you don't have to prove that the drawing of the boundary lines prevents minority voters from electing a minority candidate, what you have to do is show that it prevents the minority voting population from electing a candidate of their choice who they believe will be responsive to the interests and concerns of their communities. And by moving 8,000-plus minority voters out of CD1 into CD...excuse me, out of CD2 into CD1 where in CD1 they would represent significantly less than 10 percent of the voting-age population in that district, where if they were retained in CD2, you'd be close to 26 percent of the voting-age population. And court decisions have looked at when you are close to a 30 percent of the voting-age population that there is a need under Section 2 of the Voting Rights Act to preserve the voting rights of that minority constituency and to not dilute it. I submit to you that LB704 does just that. So that sets out the reasoning why I've introduced...that I filed the motion to return LB704 to Select File for a specific amendment, and that specific amendment not only addresses the issue with CD1 and CD2, it also addresses what I believe to be one of the flaws in LB704. And those flaws being the failure to comply as closely as possible to the principles that are set forth in LR102 to guide the Redistricting Committee. And one of those is to have the districts be as compact and contiguous as possible. And if you look at the map that is the result of LB704 as amended, it does not comply with that principle. Rather than establishing compact and contiguous districts, what we do is literally take a hunk out of the state of Nebraska with CD1 and 2 and have Congressional District 3... [LB704 LR102]

PRESIDENT SHEEHY: One minute. [LB704]

SENATOR COUNCIL: ...wrap around those two districts. If you look historically at how this body has dealt with the fact that the population of the state of Nebraska has consistently moved east over the last three decades, we have accomplished that in the past by moving the line for CD3 to the east but on a north-south axis. And we have done that in 1971. We did that in 1981. We did that in 1991 and we did that in 2001. We did not follow that pattern with this redistricting proposal because we take the state and we split CD3 on the eastern end of the state into, quite frankly, two distinct, separate and distinct areas. [LB704]

PRESIDENT SHEEHY: Time, Senator. [LB704]

SENATOR COUNCIL: Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Council. You have heard the opening of the

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motion to return LB704 to Select File for a specific amendment. Members requesting to speak: Senator Burke Harr, followed by Senator Lautenbaugh, and Senator Council. Senator Burke Harr. [LB704]

SENATOR HARR: Thank you, Mr. Lieutenant Governor. What's wrong with District 3? Why doesn't anyone want to go out to District 3? I can't figure that out. I like District 3. It's a great place to visit. This map that we're working on I think it'll be passed around in a minute. Well, yesterday we learned an important lesson that might makes right. The vote was largely partisan. My map is...I did not create, I have not pride in authorship in it, it was e-mailed to me by a student. The student goes to--and this is the trouble--Columbia University Law School. (Laughter) I know it sounds like an East Coast elitist but it is. It's a good school. And what this...it was a class that was taught and it was a class on gerrymandering and redistricting taught at Columbia Law School. And in that class they went around to each state and redistrict based on population, the criteria laid out in constitutional law, did not take into account politics. It looked at the history of how districts were traditionally done which, as Senator Council talked about, has traditionally been a north to south progression. It looks to make them as compact and contiguous as possible and it looks at the minority population. And looking at those three subjects, these students came up with this map. Now there's an elephant in the room or maybe he isn't in the room right now. But what it does do is it moves Madison County into the Third. And that is the cause of much of the consternation in this situation. It's a north-south line. The population, there's a deviation of two people, two people. It's nonpartisan. The most important thing about this is that the distance from...and I don't have, from the northwest corner to the southeast corner is changed by 150 miles approximately. In addition, the change in population. The current LB704, the change in population is 226,000 people, 12 percent of the state's population. This map, this map only moves 76,000, a difference of 150,000 people. LB704, more than twice what AM1546 does. Again, ladies and gentlemen, I realize might makes right in this situation, but I would ask you to take a fair look at this map, realize that this is the fairest map. This, AM1546 although created by a bunch of New Yorkers, is the Nebraska way. It is the nonpartisan way. Thank you very much. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Harr. Senator Lautenbaugh. [LB704]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. Recently in print I referenced a term called "Lautenbaugh fatigue" which is something that can set in on the body with too much Lautenbaugh, and we're probably there, so this is probably the one time I'm going to speak on this today. But there were some important things to say. Again, as long as we're chopping up La Vista and Papillion, everybody is sort of fine with it. And, again, we're shocked that a map that largely preserved Papillion and La Vista as cities, no one came in in support or opposition from Papillion or La Vista. Well, not a lot of supporters show up for hearings at all if you think about it, so that's not a very revealing argument. Although we've heard a lot about

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population deviation between the maps and based upon the ironclad, absolute, no-way-around-it principle announced by the opposition to what I'll call "my map," if you have a map with a lesser deviation you cannot adopt another map. My map is one person off. This map is two people off, therefore, under the crazy absolutist position, it must fail. So it would be unconstitutional to vote for this amendment because there's a map with a lesser deviation out there. You've heard that. It wasn't me saying it. And let's talk about the constitution for a minute because it came up earlier on the legislative maps. When I said, hey, we're getting to the point where wherever we don't like is deemed unconstitutional, I was making a point that people just say that if they don't like something. That doesn't alter the fact that we still do have a constitution and things still can be unconstitutional in reality or violate federal law in reality. And yesterday we had a discussion about that at the mike where I challenged one of my colleagues to give some authority for the proposition that there was a minority dilution claim here and first he came back with another case about population needing to be equal which I think we've amply dealt with, except this amendment which would take a huge step back from that, 100 percent off of my deviations if you want to do the math from one person to two persons. And finally a case was cited. And I'll take Senator Avery at his word on the constitutional law where he said, well, a minority influence area is about 30 percent or 33 percent minority in a district. Here's the problem, people, under the law, under the case law you don't aggregate all minority populations to get to a minority influence district, and that is what the proponents of this amendment are doing and everybody knows that's wrong by the way, everybody knows that's not how you do this. But we've been talking about it for two days. I didn't address it yesterday but I can't let it go today because you're being misled. And when I stood up here and said, hey, everything we like is okay and everything we don't like is unconstitutional or subject to a lawsuit, this is what I'm talking about. There are actually laws. To quote the movie, "This isn't Nam, there are rules here," and they apply to this. And you have to read the whole thing. You can't pick and choose a la carte and then say, well, I have some concerns, we better step back from this. People who have concerns that are serious do certain things. They come with authority. They read the whole authority. They tell you all the principles that apply, and then they tell you how this is violative of it, or they admit it's not really violative of it and we all move on. So, again, and this is the last time I'm going to speak on this bill I promise you that... [LB704]

PRESIDENT SHEEHY: One minute. [LB704]

SENATOR LAUTENBAUGH: And I only have one minute left of that time. I will ask you to greet the concerns you're hearing today and the map brought by the two students from Columbia Law School with a certain amount of skepticism and recognize that there is actually a staff that works in Legislative Research, and we aren't going to roll out maps all the way to Final Reading that have serious constitutional or federal issues with them. That doesn't happen in reality. Please be skeptical. Please vote no on this amendment. Thank you, Mr. President. [LB704]

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PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Senator Council. [LB704]

SENATOR COUNCIL: Thank you, Mr. President. I find it interesting that my colleague Senator Lautenbaugh will acknowledge that there are rules but if the rules don't serve his purposes he calls them "crazy." He spoke to crazy rules about equality of population. That's not a crazy rule, it's the rule, and if it doesn't suit his purposes, then he represents it as being crazy because it's not coming from his viewpoint. But the fact of the matter is those of us who stated the rule of law stated the actual rule of law. He now says, well, you're not considering all of the rules with regard to minority dilution. Did you hear him cite a case for his assertion that you don't count all minorities? I don't think so. And if he's so right, so just, so proper, cite it. And if he's accurate I'll tell you, I'll concede it. But because he points out his position that there's no case authority for that you're supposed to accept it because Lautenbaugh said it. And because I or Avery or Conrad talk about the actual rule of law with regard to equality, absolute equality of population, you're not supposed to accept it. Now Senator Lautenbaugh did say one thing that's correct. There's a difference in deviation here. This one is two and LB704 as it currently stands is one, 100 percent. But what Senator Lautenbaugh failed to take into consideration is if there is a legitimate constitutional reason for that movement from absolute deviation, the court will take that into consideration. I submit to you that the minority dilution issue rises to that level of consideration. We talked about what LB704 does for Papillion and La Vista. Well, AM1546 keeps Papillion whole, it keeps Bellevue whole in the congressional district where it's been located for decades. We've argued and debated over what "preserve core of the district" means. And I have suggested to you I don't know how you can ignore in considering what that phrase means current boundaries and the current people within those districts as being the core. It's not the industry. Now some will suggest to you it's the party affiliations but it's the people. And, yes, Senator Lautenbaugh, people who support a particular methodology or a particular situation often sit on their hands and don't say anything. But when there are competing proposals being debated--I know I do, perhaps you don't--I receive e-mails and correspondence from people who if they really want what's reflected on the table, they let you know: Don't support amendment such-and-such. Don't support amendment such-and-such. I haven't received that from the residents of Papillion and La Vista. But what I have received are from residents of Bellevue who say: We should remain in CD2. We've been a part of CD2. [LB704]

PRESIDENT SHEEHY: One minute. [LB704]

SENATOR COUNCIL: We have elected representation from CD2. And what AM1546 does is try to strike a reasonable balance between these stated objectives that are being served by this congressional redistricting proposal. That is, not splitting the cities of Papillion and La Vista between two. What you do under AM1546, the entire city of La Vista is in CD2, the entire city of Papillion is in CD1, the entire city of Bellevue remains

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in CD2. And that one-person deviation I submit to you is warranted under the circumstances, looking at the history of the voting patterns, most recently 2008, that that deviation is allowable. [LB704]

PRESIDENT SHEEHY: Time, Senator. [LB704]

SENATOR COUNCIL: Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Council. Members requesting to speak on the Council motion to return LB704 to Select File for a specific amendment, we have Senator Wallman, followed by Senator Cook, Senator Cornett, Senator Lautenbaugh, and Senator Council. Senator Wallman. [LB704]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I, too, like this amendment which I like Senator Karpisek's amendment and I realize that some of these things aren't going to happen. But I'll have an amendment coming up hopefully you can support. But it should probably be looked at in the future, we should probably have a law, independent agency like a college out East, further away look at our redistricting proposals, whether it be judicial, whether it be legislative, or whether it be congressional so we truly have some fairness. I look above the Capitol and it says, "Equality before the law." So we try to do equal things here. That's what it's about. Fairness. Is it going to happen? It never seems to happen for us all and that's the way it is. So thank you, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Cook. [LB704]

SENATOR COOK: Thank you, Mr. President, and good morning, colleagues. I rise in support of AM1546 and I would like to ask a clarification question. I know Senator Lautenbaugh doesn't want to talk anymore, but would Senator Lautenbaugh yield to a question? [LB704]

PRESIDENT SHEEHY: Senator Lautenbaugh, would you yield to Senator Cook? [LB704]

SENATOR LAUTENBAUGH: Yes, I will. [LB704]

SENATOR COOK: Thank you, Senator Lautenbaugh. Could you describe to me what you meant by or what the definition might be for aggregating, the aggregating minorities please? [LB704]

SENATOR LAUTENBAUGH: Yes, I will. And just so I didn't leave the wrong impression, I was dying to speak. It was for the benefit of all of you that I said I would not. So just to be clear. What I was getting at and I think this is actually known by (laugh) everyone in

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this room, when you're trying to create or looking at a majority-minority district or an area of influence, you do not aggregate the Hispanic community, the African-American community, the, you know, Asian community, whatever communities you might want to throw out there and constitute as minorities to arrive at that calculation. That's not how it works. [LB704]

SENATOR COOK: Okay. Thank you. Once again, I would like to support AM1546 and while I have not had the opportunity to study the constitution or study the law at Columbia or the University of Nebraska-Lincoln or Creighton University, I have had the opportunity to be frequently in the city of Bellevue as an Air Force dependent and as the daughter of two residents of Bellevue. And I think I mentioned the other day that there are many, many residents of Bellevue that consider their core the city of Omaha and in all likelihood the eastern portion of the city of Omaha. We just considered a bill offered by Senator Krist that would have put people in a similar line of work together. I would offer that cultural pursuits and things related to the day-to-day lives of people as they live them, where they work, where they worship, where their friends are, where they have attended school, where they socialize, I would offer that as a way that people can be organized. And most certainly I can assure you that from my direct anecdotal knowledge of Bellevue, the idea that they would be included among the good people of Congressional District 1 is something that I don't think they would really understand. And in terms of aggregating minorities, once again from my observation, the folks that live there rather aggregated themselves for the reasons I've mentioned earlier, because they can still be near to their place of worship or to the friends that they still have in north or south Omaha. So with that, I would offer once again my support of this amendment to LB704. Thank you very much, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Cook. Senator Cornett. [LB704]

SENATOR CORNETT: Thank you, Lieutenant Governor and members of the body. I rise in support of the motion to return to Select File for this amendment. This amendment addresses the concerns of a number of my constituents that I've been hearing from and also addresses an issue that Senator Council and I spoke about yesterday in regards to the dissolution of the minority population. Before a lot of you were here we dealt with an issue called one city, one school that Bellevue brought forward. And they brought that forward because they are the fastest growing minority district, school district in the state. People do not realize that. With the way the current bill is drafted, you are not only having one school district--Omaha--represented by two congressional districts then--because most people don't realize there are five Omaha schools that go far into the city of Bellevue--but you are also moving a population away...as Senator Cook said, you are separating a population that feels they are contiguous. The people that have moved into the north area of Bellevue, a lot of them feel that they are more south Omaha residents and they relate to the south Omaha community. With that, I just rise in support and urge the body to vote yes on the motion.

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Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Senator Council. [LB704]

SENATOR COUNCIL: Thank you again, Mr. President. And, again, the issue here is for us to look at addressing the stated rationale supporting LB704 and whether we can address those issues in a manner that results in as close as possible to absolute equality of population, addresses any concern about dilution of minority voting. And, again, in the past when opponents of LB704 have raised any constitutional or legal challenges to the proposal reflected in LB704, the retort is always, well, where's your case authority, well, where's your case authority. Well, I guess the case authority for not aggregating minorities is, "everybody knows it." I don't know where that is found in the law but I certainly didn't find it. And in reading the law and in researching this, one must take into account the fact that one of the areas that the courts look at is whether there is racial block voting, racial block voting. And I found nothing in the cases I've reviewed. And as I said, as someone who's practices law for 35 years I know there may be cases out there that speak otherwise; present them to me and I'm the first to concede that, yes, there is conflicting authority. But I have not been presented with that conflicting authority. I and you have been presented with everybody knows that. Again looking at what AM1546 also accomplishes and Senator Harr made reference to it, let's talk about contiguous and compact congressional districts. LB704 does not result in contiguous and compact districts. In fact, Congressional District 3 on the eastern part of the state is separated by Congressional Districts 1 and 2. Under AM1546, Congressional District 3 is compact and contiguous. Congressional District 1 is compact and contiguous with the exception of the always existing Douglas-Sarpy intrusion, but that's contiguous. Senator Harr talked about...Senator Burke Harr talked about the distances and I think that's significant because, at least in the maps I've examined since 1971, the representative from Congressional District 3 has not had to represent any county that borders the Iowa-Nebraska line. Under LB704 as it currently sits on Final Reading, Richardson County, Nemaha County, Johnson, Pawnee, Gage, those counties all come in... [LB704]

PRESIDENT SHEEHY: One minute. [LB704]

SENATOR COUNCIL: ...to CD3. Nemaha, Richardson, and Dakota are all border counties and would require the congressional representative from that district to go from state border to state border to state border to state border. That is not the case under AM1546 and I think that's significant. If people are concerned that the representative from CD1 is not effectively representing the interests of Offutt, what makes you think that the representative for Congressional District 3 if he or she is from the western part of the state is going to effectively represent the interests of those counties in the eastern part of the state? We've maintained this north-south axis as we move east. AM1546... [LB704]

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PRESIDENT SHEEHY: Time, Senator. [LB704]

SENATOR COUNCIL: Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Council. Members requesting to speak on the Council motion to return to Select File LB704 for a specific amendment, we have Senator Smith, followed by Senator Cornett, and Senator Burke Harr. Senator Smith. [LB704]

SENATOR SMITH: Thank you, Mr. President. And I rise this morning to oppose this motion and AM1546. And, again, just to refresh everyone's memory, I represent Legislative District 14 which is the topic of a lot of discussion here which represents Papillion and La Vista currently and a small amount of Bellevue on the western side. And under this amendment that's proposed, it serves to split the communities of La Vista and Papillion which have a common identity to some point, much more so than La Vista and Bellevue have the identity. And that's represented even in the school district which school district is name Papillion-La Vista School District. So there's a lot of things that the two communities, the communities of La Vista and Papillion share and that I think would be somewhat at a disadvantage if they're split this particular way in this amendment. Also, in this amendment the city of Papillion is almost split east and west at its core, 72nd Street. I'd say the core of that city is 84th Street and there's a tremendous amount of Papillion citizens, if you would, that reside to the eastern side of 72nd Street. So that, too, is bad for the city of Papillion splitting its own community. Also, it was talked about the city of La Vista being kept whole. Based on what I'm seeing here even the entirety of La Vista is not within one congressional district. So overall I believe that this amendment is poor, it splits the communities, it splits two neighboring communities that need to be kept together I believe, it splits...and then it splits each of those communities in and of themselves. In my opinion this amendment is not good for the Papillion-La Vista communities. Thank you, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Smith. Senator Cornett. [LB704]

SENATOR CORNETT: I'll yield my time to Senator Council. [LB704]

PRESIDENT SHEEHY: Senator Council, you're yielded 4 minutes 55 seconds. [LB704]

SENATOR COUNCIL: Yes, thank you very much, Mr. President. Thank you, Senator Cornett. And I am not unmindful of the concerns expressed by my colleague Senator Smith, but those same concerns are present with regard to splitting Bellevue away from the city of Omaha. One of the differences though, a major distinction, is that the cities of Papillion and La Vista have been split between two congressional districts. They're currently split between two congressional districts. That's not the case with regard to

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Bellevue and Omaha. They are in the same congressional district. The community of interest that my colleague Senator Smith references with regard to Papillion-La Vista exists as my colleague Senator Cornett stated while it's not referred to as the Omaha-Bellevue school system, Omaha Public Schools exists in the city of Bellevue. Bellevue residents attend those schools. I want to remind my colleagues of the testimony that was presented at the public hearing on LB704 from residents of Bellevue who not only articulated their firmly held belief that they have a greater community of interest with the residents of Omaha than they have with the residents in CD1. They also made note of the fact that when you're talking about a community, like referencing Papillion-La Vista, there were several of those residents who testified that if you address mail to them and put Omaha, Nebraska, as the city rather than Bellevue, Nebraska, as the city, they receive their mail a day sooner because they are serviced principally by the branches of the U.S. Postal Service in the city of Omaha. And when we look at the situation surrounding Offutt, again, let's take that concern and that's a legitimate concern, and the city of Omaha views Bellevue and Offutt as very much a part of them. The congressional representative from CD2 has represented and been attuned to the interests of Douglas County and Bellevue including Offutt. And the opportunity exists by putting all of the city of Papillion into CD1 to hopefully address the concerns that have been expressed about the representative from CD1 not paying enough attention to Offutt because I think that Senator Smith would agree that many of the residents of the city of Papillion do have a significant connection with Offutt, and they should be heard by their congressional representative. Senator Cornett has addressed the issue. And, again, if you look at case law, the concern as well as the development of opportunities for minority voters to elect candidates from their particular racial minority, it also speaks... [LB704]

PRESIDENT SHEEHY: One minute. [LB704]

SENATOR COUNCIL: ...to the importance of electing candidates of their choice who will be responsive to the interests and concerns of the minority community. Let's put this in perspective. As big as Offutt is, as much of an economic impact as Offutt has, and for my colleagues who are concerned about moving Bellevue or are supportive of moving Bellevue into CD1 because they don't believe that that congressional representative will cater to Offutt's concerns should have that same level if not greater level of concern about that congressional representative being responsive to the concerns and interests of the minority community. So for those reasons I would urge you to support the motion to return LB704 to Select File for purposes... [LB704]

PRESIDENT SHEEHY: Time, Senator. [LB704]

SENATOR COUNCIL: ...of approving AM1546. Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Council. (Visitors introduced.) Senator

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Harr, you're recognized. [LB704]

SENATOR HARR: Thank you, Mr. Lieutenant Governor. I have passed around another map that shows the congressional districts from 1971, 1981, 1991, and 2001. And what those maps do is back up my argument that we have used as our basis, a north-south axis between the First and the Third. And it's never been quite straight but it's never been in the shape that it is under LB704 where it is almost a Pac-Man-like figure looking to eat up the Second District. This is a straight north-south line. When we look at any of the criteria that has been thrown out there, every single one of them, this map matches that criteria better than LB704. Any criteria. I challenge you to find one, nay, the difference in one person. Mine has differential of two people; the other has a differential of one person. That is the only area in which this map does not outshine LB704, and I feel I can use the word outshine because Senator Lautenbaugh has said he will not speak again. So I think it's important that this map be given some consideration and some thought. I realize that that's asking a lot, but when you look at it in a nonpartisan, as we said on CIR, Nebraska way, this map is a lot...it's fairer and it's better. It moves less people. The young fourth graders up there will know that under the proposed LB704 they'll be moved into the First...or, excuse me, into the Second District and then ten year later more than likely be flipped back. This bill keeps them...amendment would keep them where they belong. Papillion-La Vista are already divided. This divides them along lines that make sense, they're rational and reasoned. Senator Smith said, well, we don't want to be divided. Well, I would argue now we have two congressmen who are Papillion and La Vista smart. They have two representatives instead of just one. The argument used on why Offutt should be moved is the same reason you could use to why Papillion-La Vista can be divided. I think Senator Lautenbaugh said it best yesterday when we're all murders in here. That's right. We'll all...a lot of this is based on rhetoric. We have to make a decision what we think are most important. There isn't a lot of case law that prevents LB704. There is some but not a lot. But when we look at what there is, it's obvious AM1546 makes sense, and when we look at what we decided as a body together what we wanted our priorities to be, AM1546 makes sense. So I would, again, ask you to return this to Select File so that we can have a conversation on the subject of AM1546. Thank you very much. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Harr. Senator Krist. [LB704]

SENATOR KRIST: Thank you, Mr. President. I wanted to...regardless of how this vote goes, I wanted to take the opportunity to get on the mike and respond to a quote, my quote yesterday on the mike and yesterday in the paper. I made reference to a U.S. congressman who probably doesn't take enough time to get Offutt smart. So let me be clear. I'm not accusing anyone of not doing their job. I am saying that in the number of times that Offutt has had an opportunity to be supported in measures in Congress, one Nebraska congressman has done an admirable job and he is formerly charged to represent the Bellevue area, the two others not so much. Look at the voting record. Not

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so much. So I suggested that it might be a good thing during yesterday's debate if we had two smart people. I've received several phone calls from my retired friends in the Bellevue area and my error in my ways has been pointed out to me. Now if I represented Bellevue, I would do exactly what my constituents were asking me to do. So I applaud Senator Cornett and others for speaking up for their constituents. I still believe and the message needs to go out long and strong: congressmen that represent the state of Nebraska, wake up and represent Offutt in all BRAC measures. Be there for the vote when the votes are there no matter how this finishes out. Senators and congressmen who represent the state of Nebraska, be on notice. The people of Nebraska are going to watch how you support Offutt Air Force Base and the myriad of other military operations, guard and reserve, that are in this state. Do not shirk your responsibility. There are roughly \$45 billion, okay, let me say it again, billion with a "b." That message cannot go out stronger from us. Even though I do believe that by changing a congressional district, we will force a person to actually do some study and get smart on the issue. They should be doing it anyway. Thank you, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Krist. Senator Hadley. [LB704]

SENATOR HADLEY: Mr. President, members of the body, would Senator Council yield to a question? [LB704]

PRESIDENT SHEEHY: Senator Council, would you yield to Senator Hadley? [LB704]

SENATOR COUNCIL: Certainly. [LB704]

SENATOR HADLEY: Senator Council, I'm just trying to get my hands around your argument and, you know, I've paid quite a bit of attention this morning. And if I look at Senator Harr's map and the LB704 map, I find very little percentage difference in the minority representations in the two. Am I reading that correct? [LB704]

SENATOR COUNCIL: Well, what occurs, Senator Hadley, is that under the LB704 map you have a significant number of minorities moving from CD2 to CD1 and it reduces the percentage in CD2 and slightly increases the percentage in CD1. [LB704]

SENATOR HADLEY: You mean that's compared to the 2001 redistricting or is that the current population or is it Senator Harr's map? [LB704]

SENATOR COUNCIL: It's based on Senator Harr's map which is based on the 2000 census numbers. [LB704]

SENATOR HADLEY: Well, I was looking for an example in District 2, the black percentage population in LB704 is 10.2 and it's 10.7 in Senator Harr's map. Am I

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misreading that? [LB704]

SENATOR COUNCIL: No, sir, you are not. [LB704]

SENATOR HADLEY: And it goes...Hispanic goes from 10.2 to 11, total of 25.47 versus 27.04. And so am I correct in saying your argument is that those are significant differences, for example, between 10.2 and 10.7? [LB704]

SENATOR COUNCIL: Well, and what I want you to take a look at is if you look at the percentages of the total minority population under the map that's AM1546, you're looking at 27.04 percent total minority population compared to 25 percent under LB704. [LB704]

SENATOR HADLEY: Where...I don't see...there's 25.47 in LB704 and 27.04 in AM1546? [LB704]

SENATOR COUNCIL: Yes. [LB704]

SENATOR HADLEY: And so what we're saying is that 1.5 percent difference in your argument is significant enough that there could be a court challenge and throw out the redistricting? [LB704]

SENATOR COUNCIL: I think it's significant enough for us to be concerned about racial dilution. I have never represented in my comments that it would be sufficient to support a court challenge. I'm saying that this body needs to be cognizant of the impact that LB704 has on the ability of racial minorities in CD1 and CD2 to elect a representative that is responsive to their concerns and interests which is the standard that the courts look to. [LB704]

SENATOR HADLEY: Well, actually when we look at CD1, it loses minority representation then in Senator Harr's. Right? It goes from 13.71 and it's 15 in LB704. So they're effectively...they're losing a chance to have a minority... [LB704]

PRESIDENT SHEEHY: One minute. [LB704]

SENATOR HADLEY: ...because they have less minorities, is that correct? [LB704]

SENATOR COUNCIL: Well, applying the standard that the Supreme Court looks to, Senator Hadley, you look to numbers approaching 30 percent, and under AM1546 you are much closer to 30 percent of minority population in CD2 than you are under LB704. And under either scenario for CD1, you're not approaching those numbers, and that's where the dilution concern arises. [LB704]

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SENATOR HADLEY: Okay. Thank you, Senator Council. I guess if I understand it right now we're basically saying about 1.63 percent is what we're talking about as the concern in District 2 in the total minorities. Thank you, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Hadley. Seeing no additional requests to speak, Senator Council, you're recognized to close on your motion to return LB704 to Select File for a specific amendment. [LB704]

SENATOR COUNCIL: Yes, thank you very much. And again just kind of concluding with the questions that my learned colleague Senator Hadley raised. The issue here is that under AM1546 by leaving Bellevue in CD2, you have a minority population that more closely approaches the 30 percent that the, you know, Supreme Court looks at in terms of determining ability to elect a candidate of their choice, but in terms of influence has a significant bearing on whether or not reducing that number, as will be the case with LB704, diminishes their opportunity to elect a representative who is responsive to their concerns and issues. I also want to reiterate the point that Senator Harr made. This map was prepared by those students at Columbia Law School. And those very same students at a forum that was sponsored by the National Conference of State Legislators were present and assisting state representatives from across the country in utilizing the software that produced what you see in the form of AM1546. And Senator Lautenbaugh made the statement that we have a Legislative Research Office that knows the constitutional requirements, knows the voting rights requirements, and would produce maps that were responsive and in compliance with the requirements of the constitution in the Voting Rights Act. I need to remind you that a proposal that this body rejected would have been to adopt the map that the Legislative Research Office developed without input from any of the members of the Redistricting Committee, without any input from any of the members of this body, and they produced that map. That map had a zero deviation. The map that was originally introduced to this body on File, on General File as LB704, had a substantial deviation from absolute equality. That map was also prepared by legislative research but it was prepared at the direction of Senator Lautenbaugh. So in terms of what was produced, was produced on the basis of what was requested, and what was requested of the legislative research staff was to produce a map that put Bellevue in CD1. And the consequences of that from a constitutional perspective were initially considered to be irrelevant. And it wasn't until that point was driven home that we then received the amendment that got us closer to absolute equality, the one vote difference. Like I said, I'll remind you when we were originally debating LB704 in the form that it came to us on General File, the proponents of that map dismissed and discounted the need to get as close to absolute equality of population as possible, and now are maintaining that we should maintain LB704 because it gets us there. Well,... [LB704]

PRESIDENT SHEEHY: One minute. [LB704]

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SENATOR COUNCIL: AM1546 gets us there as well and takes into consideration the effect of placing Bellevue into CD1, that effect being in my opinion an absolute ignoring of the principle of preserving a core district and ignores the impact of that move on the minority voting population. So with that, colleagues, I would urge your support of the motion to return to Select File. Mr. President, I would ask for a call of the house and a roll call vote in reverse order. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Council. You have heard the closing on the Council amendment or the Council motion to return LB704 to Select File. Members, we are in Final Reading, would you please check in. Senator Cornett, would you check in. Senator Gloor, Senator Mello, Senator Loudon, Senator Larson, Senator Schilz, Senator Ashford, we are on Final Reading. Senator Schilz, we are on Final Reading. Members, the motion before the body is on the Council motion to return LB704 to Select File for a specific amendment. Mr. Clerk. [LB704]

CLERK: (Record vote read, Legislative Journal pages 1773-1774.) 17 ayes, 31 nays on the motion to return. [LB704]

PRESIDENT SHEEHY: The motion to return is not adopted. Speaker Flood, you're recognized for an announcement. [LB704]

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. Thank you for the work done so far today. We're going to stay in until noon today. I believe there are at least two amendments still pending to LB704 asking a return to Select File. We're going to recess until 2:00 p.m., and at 2:00 p.m. we will take up those motions on LB704. We need to stay in long enough today so that Bill Drafters and the Revisors Office can take the work that we've done today and report it back on Final Reading so that it can lay over it's constitutionally required day tomorrow. So we are going to be here for some time and as soon as LB704 is resolved one way or the other, it's going to have to go to the Drafters Office for the same exercise. So we're going to be here until things come back. We will take a break at noon and come back at 2:00. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Speaker Flood. Next item, Mr. Clerk. [LB704]

CLERK: Senator Karpisek, I have AM1547 but I have a note you want to withdraw that, Senator. [LB704]

SENATOR KARPISEK: Yes, Mr. Clerk. [LB704]

PRESIDENT SHEEHY: AM1547 is withdrawn. [LB704]

CLERK: Mr. President, Senator Karpisek would move to return for consideration of AM1548. (Legislative Journal page 1760.) [LB704]

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PRESIDENT SHEEHY: Senator Karpisek, you're recognized to open on motion to return LB704 for a specific amendment. [LB704]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. The bad penny has returned. I've worked out another map. I wasn't sure I was going to do anything today but the dialogue this morning on the legislative map and the hypocrisy I heard just made me think what the heck, let's do it some more. Funny how the shoe is on the other foot and we hear different things come out of people's mouths. Very interesting. No one that cared wanted to talk, try to negotiate, all of a sudden really bristled. Welcome to my world. This amendment changes the boundaries from what I had to be more like the map that LB704 is now. My map would take Platte County out, Polk County out of the Third or put it into the Third, add Saline, also add Johnson, Nemaha, Pawnee, Richardson, and I think that's it, and just a little bitty part of Gage as we've already done in LB704 but this is a little more contiguous. So this map looks much like the map that we passed in LB704. It has a 0 percent deviation. It's all contiguous. Sarpy County is the way that came out of committee. I'll concede that. I've said all along my interest in this is Saline County back in the First District. Obviously, I didn't say that enough yesterday because I had many people say, why don't just take Saline and give up. I said I would be glad to do that. However that opportunity never came along. I've said all along that I would be willing to negotiate. Haven't heard anything. So now I'm going to be curious about what about this map don't people like compared to LB704's map. I do have to say it takes Gage County out of the First. I don't like that part. But it does leave Madison. It leaves Thurston. Colfax is whole and just a little bit of a split again in Gage, very small. I think this looks much like the other map, very much like it except, again, Platte and Polk have been moved into the Third, Saline into the First, and the bottom southeast four of the state back into the First. I've heard Senator Schumacher say that if he had his druthers, he thinks that Platte County would rather be in the Third. That then should make him happy. I've said all along I think Saline should be in the First. It's there. I've heard Madison County wants to stay in the First. It's there. Gage County would like to stay in the First. That doesn't happen in my map. I've heard that Sarpy County needs to go the way it was or the way that we have it in the current map. That's there. So now I am just very, very, very curious to find out what is wrong with my map. And I have a stinking suspicion that I won't hear any of those things on what is wrong with my map other than that it's my map. So I don't plan to take a real long time on this. Just like yesterday, I said my plan was not to never get to Senator Lautenbaugh's amendment and we did. We got to it and then we quickly had cloture, barely had cloture. So that's okay. Live to fight another day. Here's my map. I did not print it off because, again, the paper...because I'm sure most don't care, won't even want to look at it. But here it is if anyone would like to look at it. It's at my desk. If you want I'll have them run off, but I would like to hear what's wrong with this map. Thank you, Mr. President. [LB704]

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PRESIDENT SHEEHY: Thank you, Senator Karpisek. You have heard the opening on the Karpisek motion to return LB704 to Select File for a specific amendment. Are there members requesting to speak? Seeing no requests to speak, Senator Karpisek, you're recognized to close. [LB704]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I intended for it to take a little longer than that. (Laugh) I guess I wasn't as clear as I should have been. But that's all right. We'll take a vote on it and we'll get to Senator Wallman's map. Again, there it is. I just don't know what there is. I should have had my light on I guess in between these two. But there's my map. Absolutely nothing wrong with it, zero deviation, runs along county lines except for the small part, small, small part of Gage County that is at least contiguous, not like the map that we passed in LB704 which I do agree that we needed to pass if we were going to talk about constitutionality which, again, was never my point in the first place. There are a lot of issues. Again, in this map Senator Wallman is out and I have given Sarpy County the way that it is in LB704. So I jettisoned some of my supporters, see where we're at. It's not what I want to do. I think my other map was much more appealing, made more sense. But this map also does a lot of things that I would like to see done and what I've heard other people want to see done. We want to keep Madison in the First. We want to keep Thurston in the First. Platte, Polk, to the Third. The bottom southeast counties stay in the First. Give Sarpy County the way that came out of committee. I would say that the only thing that I don't care for really or people could object to would be Senator Wallman because his district is in the Third District and also Sarpy County because it is the way it came out of committee, but a lot of people in here support that idea. So I don't see what else is wrong. Again, I should have punched my light. I should have taken up just a little more time, however, I took up enough of the body's time yesterday to get absolutely nowhere. So I do appreciate your time on this matter. It is important. It is important to voting people in my district and I know that it's important to everyone's district. It's important to the people of the state of Nebraska. I think we have to remember that when people say they want to be in one district or another, we have to try. We have to try to help them. I don't feel like we've tried to negotiate like we could have. With that, Mr. President, I would like a call of the house and I would like a roll call vote in regular order. Thank you, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. You have heard the closing on the motion to return LB704 to Select File for a specific amendment. As a reminder, members, we are on Final Reading. Would you return to your seats. Please check in. Senator Heidemann, Senator McGill, Senator Campbell, Senator Burke Harr, Senator Ken Haar, Senator Schumacher, Senator Sullivan, Senator Wallman, Senator Cook, please check in. Senator Karpisek, you asked for a roll call. You want it in regular or reverse order? Senator McGill, we are on Final Reading. Senator Karpisek. Mr. Clerk, there's been a request for a roll call in regular order. Please proceed. [LB704]

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CLERK: (Roll call vote take, Legislative Journal pages 1774-1775.) 21 ayes, 27 nays, Mr. President, on the motion to return the bill. [LB704]

PRESIDENT SHEEHY: The motion to return is not adopted. [LB704]

CLERK: Mr. President, the next motion I have is Senator Wallman. Senator Wallman would move to return LB704 to Select File for a consideration of AM1575. (Legislative Journal page 1775.) [LB704]

PRESIDENT SHEEHY: Senator Wallman, you're recognized to open on your motion to return LB704 to Select File for a specific amendment. [LB704]

SENATOR WALLMAN: Thank you, Mr. President and members of the body. Interesting voting here this morning. And appreciate all the attention here. But my amendment, AM1575, to LB704 would move the parts of the First Congressional District that were moved into Gage County yesterday by the Lautenbaugh amendment back into the Third Congressional District so that county can stay contiguous. In order to do this we needed to find another location up in Senator Bloomfield's area in the Third Congressional District. And I have nothing against the Third Congressional District. As you can see in these maps, we've been in the First since '71 for sure. So we can move back into the First Congressional District but in so doing so, we needed to move about 300 people in that county. So after reviewing the current map, we decided that the best location to move back into the First Congressional District was the southern portion of Dixon County in northeast Nebraska. They just thought that this was the best solution to the unique town of Emerson being in this part of Dixon County. Currently, Emerson is divided by three counties: Dixon, Dakota, and Thurston. And, Senator Bloomfield, I don't know when that all happened. But by placing Thurston County into the First Congressional District and Dixon County and Dakota County into the Third Congressional District, the Legislature already split the town of Emerson into two congressional districts. So the southeast part of the town is in the First and the remaining parts of the town are in the Third. So this amendment would move most of the southwest part of Emerson into the First Congressional District which means approximately half the town would be in one congressional district and the other half would be in another congressional district. In addition, the southern part of Dixon would also be moved into the First Congressional District with the boundary being 585 Fifth Avenue on the west and 859 Road on the north. So we'd have roads there. Contrary to what we have in Gage County, it's all over the place. So if the Legislature adopts this amendment--I would hope you would--it is only impacting an area of the state that is already divided instead of randomly plucking two separate parts out of Gage County just to make a map work, just on account of the deviation issue. So this amendment is a thoughtful compromise I feel and I'd hope you could support it. Thank you, Mr. President. [LB704]

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PRESIDENT SHEEHY: Thank you, Senator Wallman. You've heard the opening on the Wallman motion to return LB704 to Select File for a specific amendment. Members requesting to speak are Senator Langemeier and Senator Karpisek. Senator Langemeier. [LB704]

SENATOR LANGEMEIER: Mr. President, members of the body, thank you, Senator Wallman, for bringing this amendment. It's kind of an awkward spot for me here. The reality is, is this started because we had to have zero deviation, 271 people. So we looked at Merrick County and then we went from Merrick County to Gage County. Now this amendment wants to take it to Dixon County, and then Senator Bloomfield stands up and introduces an amendment to take it to Saline County, and then somebody from Saline County then takes it to Platte County, and then somebody from Platte County takes it to Madison County and pulls Hoskins into it. I don't know. So I rise in opposition. I understand. I feel the pain, but there was a push to be at zero. That's 271 people. We had to find them somewhere. So I think this process needs to just move on without it. Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. (Visitors introduced.) Continuing with floor discussion, members requesting to speak, Senator Karpisek, followed by Senator Conrad. Senator Karpisek. [LB704]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. H'm, up to 21 last time. We're gaining some ground. I think if maybe some people would have come and looked at my map instead of just assuming that it wouldn't work I might have had a few more. But, no, a few did come over and I picked up a few votes because it made some sense. Senator Wallman's map makes sense too. And I agree with Senator Langemeier about that those people did have to come from somewhere and if...I just don't...I did vote for that amendment because they did need to come from somewhere but it's split into two different little parts. I don't...I guess I don't really care where that little part would be. I understand the issue there, however, I think having it all together does make more sense. So Senator Wallman has brought forth a map that also does what we want it to do, looks a whole lot like the map that the committee put out. But, again, I don't know. I hope people are looking at it and seeing what's wrong with it. Again, I messed up on my last amendment here because I thought that someone would get up and tell me what was wrong with my map. Obviously no one did so there must not have been anything wrong with it. I don't know. I think Senator Wallman has made a good case for this. It doesn't change things a whole lot but it does move that little bit. I don't know that Senator Wallman is trying to get that out of his county, just trying to make it work a little bit better. So I will support this map as the 0 percent deviation. It moves it a little bit but it's all contiguous, all put together. I will support Senator Wallman's map. Thank you, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Senator Conrad. [LB704]

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SENATOR CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in support of Senator Wallman's map and his motion to return to Select File. I just wanted to let it be known that after the final amendment and the current map which comprises LB704 was advanced and the body had a chance to carefully look at it, Senator Wallman noted very quickly as many of us did some of the arbitrary divisions that exist within Gage County in the current map. I think that it's fair to say at this point in time that we've all conceded the point that there are going to be additional counties split beyond Sarpy County, and the next question then of course is which one. I think that there is a clear precedent in terms of the division that Senator Wallman suggests and that his division is less arbitrary than what is contained in LB704. Senator Wallman has worked very hard in a very short time frame to put together what is a thoughtful proposal and that adheres to the other parameters of our legislative redistricting principles. Thank you, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Conrad. Senator Wallman, you are next in the queue. Do you want to use your time or do you want to close? [LB704]

SENATOR WALLMAN: I'll use my time if somebody else wants to talk after me if I'm the last. I want to emphasize this is a straight line. It's not going up and down like the other plan is in Senator Lautenbaugh's amendment, and it makes more sense to me even though up there maybe we have to move somebody around it seems like of the deviation issue and maybe that could be worked out. I don't know. But this amendment makes sense. It's square in my county and I'm for my county, I'll be honest. And instead of having...not even a road goes through their pasture, so how will you split that up in boats or housing developments later on. It's beyond me why you'd do that for a map. So, again, I think this is a good...I like Senator Karpisek's a lot better, his first amendment. I'll be honest, I thought it was good and it made common sense, but we don't always use common sense when we legislate bills. We get politics involved. We get personalities involved. And that's just the way it is in Nebraska. And so we see this all across the land. We're dissatisfied with the way things are happening and so we dig in our heels. And I'll be honest, I'm not used to losing whether it be a tractor pull, you know, whatever it is. I go for the win and I can see I'm not going to win here, so this is a compromise I brought forth. I thought it's a good one. And I would hope you also could support it. Thank you, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Ken Haar. [LB704]

SENATOR HAAR: Mr. President, members of the body. I think sometimes in this body common sense makes sense and it's something that the citizens understand. It is hard to understand LB704 with that little hook of gerrymandering up in Sarpy County. This looks better, it makes more sense, and if it needs an adjustment of few people here and there, then I think it needs to go back to committee...or, I'm sorry, back to Select File so

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we can talk about that. Common sense is good and I believe that Senator Wallman's amendment here makes sense. Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Haar. Senator Karpisek. [LB704]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. As we wind down here the question is in my mind: Do we keep this going? Do we try to go to cloture on Final Reading? What if we do that? I happen to think that the votes are not there for cloture today. Then what? I don't know what will happen, but no one has come to talk to me to talk about that. Do we drag this out? Do we go to special session? The votes were barely there last night, right on the money, and I don't think they're there right now. I think that is something to really, really think about, and I'm thinking about it hard because I, again, am really distraught over no one wanting to come to compromise. I've had some senators give me a vote and I appreciate that, because these maps that I've brought are no more nonsensical than the ones that have been presented. So what are we going to do? Maybe this threat will get somebody to come talk. Maybe I'll get something to move. We've come together on CIR. We've come together on community colleges. I can't even think of the list of things that we've come together on to negotiate, but, boy, we will not budge an inch on this issue. If it's my fault that this is all going on you can blame it on me, but I would have gone away a long time ago with just a little bit of negotiation and a little bit of give. It hasn't happened and I guess it's not going to happen, and I think that's a sad day. I hear a lot about how we do things in Nebraska. We come together, we negotiate, we work together. That is exactly right, we do, and 99.9 percent of the things we do in here I am very proud of. I'm not very proud of how this has gone down. Just seems like, well, you just keep talking and that's it; we're not going to talk to you; waste your time, waste our time. I guess it's the way that it's going to be. It's never fun to be on the losing side and I don't want to hold everything up. Again, I've held it up enough, maybe. But again, I am very disappointed that we can't sit down at a table across from each other and talk something out. The offer is still there. I'd be very happy to be able to do so. Thank you, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Senator Council. [LB704]

SENATOR COUNCIL: Thank you, Mr. President. I rise in support of Senator Wallman's motion to return LB704 to Select File for consideration of his amendment, and I do so despite the fact that I maintain that Bellevue should remain in CD2 and AM1575 is more consistent with LB704. The reason I support Senator Wallman's motion to return it to Select File, because the amendment that was passed, which LB704 now reflects, took a portion out of a county, and in response to questions as to why that was being proposed, it was simply to get the numbers right. And Senator Wallman has advanced a proposal that gets the numbers right but also addresses concerns about maintaining people in districts that they have been represented in. And with that, I would yield the balance of my time to Senator Wallman, if he would like it. [LB704]

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PRESIDENT SHEEHY: Senator Wallman, you're yielded 3 minutes 40 seconds.
[LB704]

SENATOR WALLMAN: I thank you, Senator Council. And I agree with Senator Council on some of her comments, absolutely, and also with Senator Karpisek's amendments, absolutely. Why they didn't pass, it's hard to tell. Is it rural versus urban? I don't know, but it doesn't make much sense, but especially when they picked on my county. So that got our attention. And so I would hope you could support this amendment. And I agree with Senator Karpisek, we've had to bend on lots of issues. We compromised, very much so, against some of my will, but we did. And compromise to an ag producer sometimes is really, really tough. Isn't it, Senator Bloomfield? (Laugh) And so...but we do because that's what we're supposed to do. So we shouldn't...I talked to a good friend this morning on the telephone for a half an hour. He said this debate probably should take a week. He says, you ought to make out some fairness issues here. And I thought it very interesting in committee hearings, which I sat through, not very many senators were sitting there. Very, very few was for LB704. I want to emphasize that. Very few was for LB704. I don't care if they come from Senator Harms's district, Senator Loudon's area, very, very few, I emphasize, were for LB704 the way it is. So I'd appreciate your, again, your vote. Thank you, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Mr. Clerk, do you have items for the record? [LB704]

CLERK: I do, Mr. President. Senator Haar offers LR346, LR347; Senator Harms, LR348; all of those will be laid over at this time. (Legislative Journal pages 1775-1777.) [LR346 LR347 LR348]

And a priority motion: Senator Flood would move to recess the body until 2:00 p.m.

PRESIDENT SHEEHY: You have heard the motion to recess until 2:00 p.m. All those in favor say aye. Opposed, nay. We are in recess.

RECESS

SENATOR CARLSON PRESIDING

SENATOR CARLSON: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President.

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SENATOR CARLSON: Thank you, Mr. Clerk. Do you have any items for the record?

CLERK: I have one. Senator Price would offer LR349; that will be laid over. That's all that I have at this time, Mr. President. (Legislative Journal pages 1777-1778.) [LR349]

SENATOR CARLSON: Thank you. We'll proceed to the first item on this afternoon's agenda. Mr. Clerk.

CLERK: Mr. President, when the Legislature recessed, Senator Wallman had pending a motion to return LB704 to Select File and his amendment was AM1575. (Legislative Journal page 1775.) [LB704]

SENATOR CARLSON: Thank you, Mr. Clerk. Floor is now open for debate. Senator Bloomfield, you're recognized. [LB704]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good afternoon, colleagues. I'm going to stand here and make Senator Langemeier's point. The way redistricting is done legislatively, this will probably be the last time I have an opportunity to speak for Dixon County, but, Senator Wallman, not in my backyard. That's what everybody is going to say down here. He's right, Emerson already sits in three counties. How that happened I don't know. It was way before my time. You'd have to go back to our forefathers and look that up. But that area, we're already moving the county in legislative redistricting, we're moving it in Congressional redistricting. I think we've done as much damage up there as we need to do and I'm going to oppose Senator Wallman's amendment. Thank you. [LB704]

SENATOR CARLSON: Thank you, Senator Bloomfield. Senator Wallman, you're recognized. [LB704]

SENATOR WALLMAN: Thank you, Mr. President. Members of the body, I understand where he's coming from. Same thing happened to me and I guess it has to happen to somebody. But my plan, it squares off the Gage County, Lancaster County border. There's a lot of people in that area. And in this other plan here, there's 12 miles with nobody and then there's a pasture and there's no road going off of here. There's no rhyme or reason why that boundary is that way. So I have concerns about this. And maybe you think a lot of people probably don't care about CD districts, but I do. I try to keep things simpler for the guy behind me and it's a common-sense approach, I feel, to square things off, know where we stand for the next redistricting, and where that goes we don't know. But my district has been in District 1 since 1971 so at least I'd like to keep it squared up as one county. My legislative district goes into Lancaster County, as you all know, to get more people, because we too are having trouble in Gage County with people, retaining people. We lost a major manufacturing concern. Hopefully we get that going again with something. So my concern is about people and that's what we're

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supposed to be about, people, not about control issues. And I feel bad about Senator Bloomfield's district as well, but as we're fighting here back and forth I would like to ask anybody a question. Did any of these maps come out of committee 100 percent? If Senator Conrad would yield to a question... [LB704]

SENATOR CARLSON: Senator Conrad, would you yield? [LB704]

SENATOR CONRAD: Yes, of course. [LB704]

SENATOR WALLMAN: Thank you, Senator. Did any of these maps come out at 100 percent out of committee? [LB704]

SENATOR CONRAD: No. That's probably because I was on that committee. (Laughter) [LB704]

SENATOR WALLMAN: Thank you, Senator. [LB704]

SENATOR CONRAD: Yes. [LB704]

SENATOR WALLMAN: And I can understand that, but most generally our committee statements are only one or two against, you know, no matter how...what political party you're from. And I've been the lone no vote in the committee, as the senator knows. And so we should get a better consensus, I think, of where we're supposed to be and what we're supposed to be doing here--redistricting, common sense. Common sense a lot of times in the political world is out the window. And why should that be? We're stubborn, we're bullheaded, we have political ideologies and everybody thinks their idea is the best, and naturally, I do too. I actually did think Russ's first proposal was the best, but I could see that was having trouble. So I'm trying to compromise a little bit here. Everybody says something about compromise. I haven't heard much yet except Senator Lautenbaugh's amendment that put me at a rough edge just a couple of miles into Gage County, and I still...I would still be in CD3, which I have nothing against, like I said many times before, against CD3. So why do we want to change Lancaster County, these little outcroppings I call them? And I don't know how it will be ten years from now, nobody does. Senator Council may but I don't. I'm not a prophet. Thank you, Mr. President. [LB704]

SENATOR CARLSON: Thank you, Senator Wallman. (Visitors introduced.) Continuing with debate, Senator Council, you're recognized. [LB704]

SENATOR COUNCIL: Yes, thank you, Mr. President. I have already spoken in support of Senator Wallman's motion to return LB704 to Select File for purposes of consideration of his amendment, and with the restatement of my position I yield the balance of my time to Senator Wallman, if he would like it. [LB704]

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SENATOR CARLSON: Thank you, Senator Council. Senator Wallman, 4 minutes and 30 seconds. [LB704]

SENATOR WALLMAN: Thank you, Senator Council. I cannot outtalk Senator Council, but I'll go on in why I think this is a good idea and reiterate what I think. And I'm always thinking about something, good or bad. And I thought about this last night. I was kind of disillusioned when I went home about Senator Karpisek's amendment, but what's done is done, and then I go on to the next page. This is my next page. This is what I'm proposing. I think it's probably as good as I can be expected, for me and hopefully for the rest of my constituents and in District 3. So I'm sticking with this proposal. I hope everybody can support it because I think it is a compromise somewhat. And I'm sorry to Senator Bloomfield, we're getting jacked around here and there. Somebody has to be moved and that's the way it is in the year our Lord, 2011. Thank you, Mr. President. [LB704]

SENATOR CARLSON: Thank you, Senator Wallman. Senator Lautenbaugh, you're recognized. [LB704]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I am breaking my word here in speaking again, so I apologize for that. You'll just have to bear it with me I guess, bear with, something like that. You know what I'm getting at here. We are getting down to the brass tacks on this and I think Senator Langemeier put it best when he said, look, the people do have to come from somewhere. And we struggled with this. The whole reason we created the imbalance was to accommodate Merrick County, and when that was argued to be too large, fine, we went and found people in Gage County. Well, now there's an amendment that says, well, no, we shouldn't do that, we should do some other county. I heard there was a proposal to do Seward County. There's no good answer to this. I mean I don't want you to think that we blithely just chose to inconvenience some people over this. The argument was made vigorously and consistently that we had to get the deviations down to zero. I wasn't convinced that was 100 percent true, but to remove the issue we did what we did. And now here we are trying to decide where to make the cut, where to divide a county. And this is not just an academic exercise where some people are going to be inconvenienced or some people on different sides of the road are going to have a different Congressman. These counties have to program the ballot counting machines and print different ballot faces to accommodate a split. We had one county clerk, I don't remember where from, talk about how this would require the purchasing of a separate voting machine or counting machine, a separate scanner. That seems unlikely but there would certainly be programming costs and additional printing costs attached with whatever we do here. But there are certain principles that we have to uphold and vindicate, I guess, in this process and one of them would be that, you know, if we're going to go down the route of one man, one vote with absolute precision then we have to make this cut in counties. If

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we're going to look around and decide where it should end up, I don't know how we fairly decide that. I suppose we could get, you know, 48 straws and draw. I'm leaving myself out, assuming I'd be the ones holding the straws so...and my county is split enough anyway so...but not Congressional, I'd point out, not in Congressional, as we had discussions about that too. I think I might have pointed out where I mused in the paper early in the session, well, you know, there's nothing that says we can't split Douglas and make Sarpy County whole. I joked with a straight face in Redistricting Committee one time about how I had a map that was going to carve off a little piece of Lancaster County, and there was shock. How could you divide Lancaster County? That's the core of the core of the core. That's where the rubber meets the road. So we didn't do that. I never even drew the map. I was bluffing just to see the reaction I would get. But, you know, small counties have rights and budgets and concerns and issues just as surely as large counties do. It's ironic that I'm from Douglas County and I'm standing up here making this point. And with the handshake I just saw maybe I can stop talking now, which would be a blessing because I have nothing more to add and haven't for...how much time do I have left, Mr. President? [LB704]

SENATOR CARLSON: One minute and eight seconds. [LB704]

SENATOR LAUTENBAUGH: Okay, for 3 minutes and 52 seconds I've had nothing to add to this debate, and yet I've managed to chew through it. And I'll yield the rest of my time to Senator McGill. [LB704]

SENATOR CARLSON: Senator McGill, 56 seconds. [LB704]

SENATOR MCGILL: (Laugh) Why, thank you, Mr. President and Senator Lautenbaugh. For some...I guess making eye contact with someone who's speaking means that I now have something to say. It sounds like we're almost done with this debate, which I'm happy about, and we can get on with our afternoon. Thank you, Mr. President. [LB704]

SENATOR CARLSON: Thank you, Senator McGill. Senators wishing to speak include Karpisek. Senator Karpisek, you are recognized. [LB704]

SENATOR KARPISEK: Thank you, Mr. President. Members of the body, I have decided that I'm done with my arguments. The furthest we're going to go here is I guess we'd end up maybe in a special session. For some reason, I would be the one to blame for that. I would take 50 percent of the blame but not any more, not any less. I did get a vote on my bill. I think I should have ran it around. I think I might have gotten the 25 votes that I needed at least to move it. I didn't. I was trying to save some paper. I guess that was my fault again. I think that we do have maybe some compromise here on Senator Wallman's amendment. I do want to say for the record this is not a compromise that affects the way I feel about the maps. I think this is a good move for the Legislature to draw a map that doesn't have two small parts in Gage County, and I don't really care

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what county is split because it's kind of a pain. But I think it's better that, instead of having two little parts, just to have one. I hear that that is Senator Bloomfield's district. I didn't know that prior to Senator Wallman putting his amendment in. But I do want to be clear that this is not me getting my way. I did not get my way. But I guess we'll live to fight another day. It's been a long session. It's been a long end here. I am very disappointed that we couldn't work together more closely on this issue. I'm disappointed that this is the way it ends up, but again, I'll be back. (Laugh) I've used that a couple times. I don't mean to do that. I'll still be around for three years and I'm sure I'll still have something to say about it. Thank you, Mr. President. [LB704]

SENATOR CARLSON: Thank you, Senator Karpisek. Are there other senators wishing to speak? Seeing none, Senator Wallman, you're recognized to close on your motion to return LB704 to Select File. [LB704]

SENATOR WALLMAN: Thank you, Mr. President, and thank you to Senator Lautenbaugh, Speaker Flood, and all the others who have worked with me try to get something out that would make my district more square. And also thank you to Senator Karpisek. Was his passion to get me going on these things, and my staff worked on these maps and other people's staffs. It's not a one-person thing so I want to thank all the people and I'd hope you'd vote green. Thank you, Mr. President. [LB704]

SENATOR CARLSON: Thank you, Senator Wallman. You've heard the closing on the motion to return LB704 to Select File. All those in favor of returning it vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB704]

CLERK: 40 ayes, 1 nay on the motion to return. [LB704]

SENATOR CARLSON: The motion is adopted. Mr. Clerk. [LB704]

CLERK: Senator Wallman, AM1575. [LB704]

SENATOR CARLSON: Senator Wallman, you're recognized to open on AM1575. [LB704]

SENATOR WALLMAN: Again, I want to iterate all the people who helped me on this bill and worked for us on this. It is...at least it squares up my district, which I appreciate and that was important to me. And I'm in CD3 and I guess I hope they welcome me in CD3. And thanks for all the people in here and hopefully they continue to vote green. Thank you very much, Mr. President. [LB704]

SENATOR CARLSON: Thank you, Senator Wallman. You've heard the opening on AM1575. Floor is now open for debate. Senator Lautenbaugh...Senator Wallman, for what purpose do you rise? [LB704]

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SENATOR WALLMAN: I would...what would you want me to do, Speaker, on this, withdraw the amendment? Senator Lautenbaugh. [LB704]

SENATOR CARLSON: Senator Lautenbaugh, you are recognized. [LB704]

SENATOR LAUTENBAUGH: Thank you, Mr. President. That's just great. Well, let me expand upon my prior comments a bit, if I may. Not only is the principle of one man, one vote important; so is the principle...well, there's lots of principles that are important. Let's see, where shall we start? I wish my friend Senator Ashford were here but that's not the case. So, I don't know, Senator Fulton, will you yield to a question? [LB704]

SENATOR CARLSON: Senator Fulton, would you yield? [LB704]

SENATOR FULTON: Yield to a question. [LB704]

SENATOR LAUTENBAUGH: So, Senator, you're following what's going on here, we're putting Gage back as a whole county for the Congressional and we're taking some population from some other counties. [LB704]

SENATOR FULTON: I am following that, yes. [LB704]

SENATOR LAUTENBAUGH: And you're fine with that? [LB704]

SENATOR FULTON: Well, I don't know that I'm fine with it. I wanted to support what the committee had put forward just out of deference to the committee, recognizing that the legislative district I represent was taken care of. But recognizing that there's some work being done out here, I'm willing to entertain that negotiation which seems to be taking place. [LB704]

SENATOR LAUTENBAUGH: Thank you, Senator Fulton. [LB704]

SENATOR FULTON: You're welcome, Senator Lautenbaugh. [LB704]

SENATOR LAUTENBAUGH: This has been a long process and I would be remiss if I didn't thank the staff in the Legislative Research Office because they really do work under a lot of pressure and, budget times being what they are, I don't know they always have the fastest computers and fastest printers. So every time someone said, why won't you show me a street level map, I'd say, well, it has to be compiled and burned into a PDF or saved as a PDF or whatever down to the street level, and apparently that takes a long time with all the other requests. And so I know Senator Howard was frustrated a time or two when she wanted to see a map and all we had were broad strokes and not a lot of street detail. That was on the legislative one so I'm kind of digressing a bit from the

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Congressional map, but that's okay. This has been a process and our committee...Redistricting Committee hearings weren't too terribly contentious all the time. Nothing was ever thrown or anything like that, that I recall, inside the room, but we all made our views known. And I hope everyone feels like they had a...he or she had a chance for a fair and full discussion of these maps in committee and otherwise, and I hoped it was clear that my door was always open and that anyone who wanted to stop by could surely do that. I think we got a little cranky as the session wore on and time got short and people came along later in the process and said, hey, how about this map and that kind of thing, and we thought, well, okay, we've worked a lot to get where we were. Senator Ashford, would you yield to a question? (Laughter) [LB704]

SENATOR CARLSON: Senator Ashford, would you yield? [LB704]

SENATOR ASHFORD: This isn't about the bill Senator Harms asked me about yesterday, is it? [LB704]

SENATOR LAUTENBAUGH: I don't know. What was that one about? [LB704]

SENATOR ASHFORD: Well, never mind. [LB704]

SENATOR LAUTENBAUGH: Okay. [LB704]

SENATOR ASHFORD: The one I didn't know anything about. [LB704]

SENATOR LAUTENBAUGH: I was just wondering if you were up to speed on what we were doing here. [LB704]

SENATOR ASHFORD: Oh, come on. (Laugh) [LB704]

SENATOR LAUTENBAUGH: Well, I would tell you but apparently I think our time is about up, so I'll yield the rest of my time back to the Chair. [LB704]

SENATOR CARLSON: Thank you. Speaker Flood, you're recognized for an announcement. [LB704]

SPEAKER FLOOD: Thank you, Mr. President. Members, good afternoon. As is usually the case at the sunset days of session, we are waiting just on confirmation from Bill Drafters, in cooperation with the Legislative Research Office. The Legislature will stand at ease until further order. Thank you, Mr. President.

SENATOR CARLSON: Thank you, Speaker Flood. (Visitors introduced.) The Legislature is at ease. [LB704]

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SENATOR CARLSON: Members, we are back and we'll resume this afternoon's schedule. Speaker Flood for an announcement.

SPEAKER FLOOD: Thank you, Mr. President. We are going to go back to standing at ease as we wait for another amendment to come back. It's my understanding that a great majority of the Legislature is prepared to adopt a map similar to that or exactly the same as what Senator Wallman's intentions are. We have to make sure the wording is absolutely correct in the amendment. Bill Drafters has that information and is working on it. Senator Langemeier has several of the maps for review at his desk, if you want to stop by and see exactly what we're voting on. These are the maps that are generated that you're used to seeing as it relates to different Congressional districts. I would encourage you to stop by, take a look at those. The Revisor's Office is currently in the process of drafting the actual language necessary for the amendment. What's going to happen when that comes back is that Senator Wallman is going to withdraw his amendment, we're going to readvance this bill back to Final Reading, and then we're going to have another motion to return the same bill from Select for the purpose of adopting this amendment that's coming down from Bill Drafters. Those are the steps that we're going to take to get through this process. Now assuming that's potentially the last amendment on this bill today, we're going to then stay in recess until...or stand at ease I should say until all of the bills come back from Bill Drafters so that we can place them on Final Reading so that they can have their constitutionally required layover day tomorrow, and I will need you to stay for that process so that we can make sure that we are in business and having those bills reported back on Final Reading. That's where we're at. We're going to go back to standing at ease, and as soon as Bill Drafters is back with those amendments, that's the process that will take place. And Senator Langemeier will be putting in the amendment after Senator Wallman withdraws his. Thank you, Mr. President. We're standing at ease.

SENATOR CARLSON: Thank you, Mr. Speaker. We are at ease till further notice.

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SENATOR CARLSON: Members, the afternoon session is reconvened. Mr. Clerk. [LB704]

CLERK: Mr. President, Senator Wallman, I understand you would like to withdraw AM1575. [LB704]

SENATOR WALLMAN: Yes, sir. [LB704]

SENATOR CARLSON: The amendment is withdrawn. [LB704]

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CLERK: Senator Larson...Senator Langemeier, I need a motion, please. [LB704]

SENATOR CARLSON: Senator Langemeier for a motion. [LB704]

SENATOR LANGEMEIER: Mr. President, I move the advancement of LB704 to E&R for engrossing. [LB704]

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. Bill is advanced. Mr. Clerk. [LB704]

CLERK: Well, Mr. President, Senator Wallman, I had an amendment you had filed with me earlier. I'm assuming...this isn't the one I think you want, Senator. [LB704]

SENATOR WALLMAN: No. [LB704]

CLERK: Pass this over? [LB704]

SENATOR WALLMAN: Withdraw. [LB704]

CLERK: Withdraw. Thank you. [LB704]

SENATOR CARLSON: The amendment is withdrawn. [LB704]

CLERK: Mr. President, Senator Langemeier would move to return LB704 to Select File for specific amendment, AM1579. (Legislative Journal page 1779.) [LB704]

SENATOR CARLSON: Senator Langemeier, you're recognized to open on your motion to return LB704 to Select File. [LB704]

SENATOR LANGEMEIER: Mr. President, members of the body, I'd ask simply to return LB704 to Select File for AM1579, which is actually the amendment that references the correct maps that would take those two little pieces of Gage County and put them back in the 3rd, and it would take just a corner off of Emerson, Nebraska, and part of Emerson, Nebraska, is already in the 1st Congressional District. This would take the majority of the remainder in Dixon County and put it in the 1st. So I'd ask for your return to Select File. This amendment will do what we need to do. Thank you. [LB704]

SENATOR CARLSON: Thank you, Senator Langemeier. You've heard the motion to return LB704 to Select File. There are senators wishing to be heard: Wallman and Conrad. Senator Wallman, you're recognized. Senator Wallman waives. Senator Conrad, you're recognized. [LB704]

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SENATOR CONRAD: Thank you. I was hoping that Senator Langemeier would yield to a brief question. [LB704]

SENATOR CARLSON: Senator Langemeier, will you yield? [LB704]

SENATOR LANGEMEIER: Yes. [LB704]

SENATOR CONRAD: And it will be brief. Thank you, Senator. Just because I think there may be some confusion amongst members about some of the process pieces that have happened just very recently in relation to this issue, Senator Langemeier, just so that we're all clear and on the same page, the only change from LB704 proposal that we passed on the last round will be the changes in Emerson and in Gage County. Is that correct? [LB704]

SENATOR LANGEMEIER: That is correct. [LB704]

SENATOR CONRAD: Okay. [LB704]

SENATOR LANGEMEIER: This is only to deal with those 271 people that we have all talked about so many times. [LB704]

SENATOR CONRAD: Very good. Thank you so much. [LB704]

SENATOR CARLSON: Thank you, Senator Conrad and Senator Langemeier. Are there other senators wishing to be heard? Seeing none, Senator Langemeier, you are recognized to close on your motion to return LB704. Senator Langemeier waives closing. The question is, shall LB704 be returned to Select File for a motion? All those in favor vote yea; opposed vote nay. Record, Mr. Clerk. [LB704]

CLERK: 39 ayes, 1 nay on adoption of the motion to return to Select File, Mr. President. [LB704]

SENATOR CARLSON: The motion is successful. Senator Langemeier, you're now recognized to open on AM1579. [LB704]

SENATOR LANGEMEIER: Thank you, Mr. President. AM1579 does reference the correct maps, which are 30001-1, 30001A, 30001-2, 30001-3, and 30001-3A, which depicts the mapping of the correct addition of the little bit in Dixon into the 1st and takes that little bit of Gage that was in the 1st and puts it back in the 3rd. And I ask for your adoption. Thank you. [LB704]

SENATOR CARLSON: Thank you, Senator Langemeier. Members, you've heard the motion on AM1579. The floor is now open for debate. Are there senators wishing to

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Speak? Seeing none, Senator Langemeier, you're recognized to close. He waives closing. The question is, shall AM1579 to LB704 be adopted? All those in favor vote yeah; opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB704]

CLERK: 40 ayes, 2 nays on adoption of the Select File amendment. [LB704]

SENATOR CARLSON: The amendment is adopted. Senator Langemeier for a motion. [LB704]

SENATOR LANGEMEIER: Mr. President, I'd move LB704 to E&R for engrossing. [LB704]

SENATOR CARLSON: Members, you've heard the motion. Those in favor say aye. Opposed, nay. Motion carried. Mr. Clerk, items for the record? [LB704]

CLERK: Mr. President, a new resolution, Revenue Committee interim study, be referred to the Executive Board (re LR350). Communication from the Governor to the Clerk. (Read re LB345, LB345A, LB387, LB387A, LB389, and LB389A.) That's all that I had, Mr. President. (Legislative Journal pages 1779-1780.) [LR350 LB345 LB345A LB387 LB387A LB389 LB389A]

SENATOR CARLSON: The Chair recognizes Senator Nelson for a point of personal privilege.

SENATOR NELSON: Thank you, Mr. President, colleagues. I want to speak briefly concerning former state Senator Pam Brown, who was my predecessor in this body and still resides in District 6. Senator Brown served 12 years in the Unicameral, sitting on the Government and Transportation Committee until being term limited in 2006. When I decided to run for the seat, she offered me valuable advice and support. She became involved in business ventures and developed Prairie Bunkers into a successful enterprise at the former Hastings Ammunition Depot. About a year ago Pam received a diagnosis of cancer and I'm saddened to say that she has reached Stage IV and has told close friends that it is now a matter of days or hours. Pam Brown is a very private person but I believe it is appropriate that we publicly recognize her years of energetic public service to the people of Nebraska and that we keep Senator Brown, her husband Steve, and her son Paul in our thoughts and prayers. Thank you, Mr. President.

SENATOR CARLSON: Thank you, Senator Nelson. Speaker Flood for an announcement.

SPEAKER FLOOD: Thank you, Mr. President. We will stand at ease until further notice.

SENATOR CARLSON: The body is at ease.

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SENATOR CARLSON: Members, we resume our session. In a moment, I'll recognize Speaker Flood for an announcement.

SPEAKER FLOOD: Thank you, Mr. President, members. We have all of the bills back, as expected, from the Revisor's Office. I want to compliment and thank the Revisor's Office and the Legislative Research Office for their work on the redistricting and the engrossment of all other bills. It is greatly appreciated. I want to confirm for all of you that I have reached agreement with the Governor's Office. Any and all bills passed by noon on Thursday will be signed or vetoed when we come back into...by the time we come back into session at 1:30 on Thursday, in anticipation of a sine die adjournment this Thursday. I want to assure you that that's the case and I think it was somewhat tentative when we last spoke regarding this issue. The final comment I want to make, it relates to tomorrow. Obviously, this is our traditional layover day. Tomorrow we're going to begin legislative session at 1:30 p.m. We're going to take up some Final Reading bills. We have two veto overrides to address. Those motions have been filed with the Clerk. And we will adjourn for the day until Thursday. So with that, I want to thank everybody for their work so far this week. We'll see you tomorrow at 1:30 p.m. in this Chamber. Thank you, Mr. President.

SENATOR CARLSON: Thank you, Speaker Flood. Mr. Clerk, do you have any items for the record?

CLERK: I do, Mr. President. Initially, Enrollment and Review reports LB390, LB690, LB703, and LB704 correctly engrossed. I also have reports from the Retirement Systems Committee. LB246, LB486, LB510, and LB532 are reported indefinitely postponed. I have a Reference report referring LR350. New resolution: Senator Council would offer LR351; that will be laid over. Mr. President, a communication from the Governor. (Read re LB200 and LB200A.) A second message. (Read re LB256.) A third communication to the Clerk. (Read re LB106, LB226, LB252, LB289, LB289A, LB628, LB673, LB684, LB684A, LB151, LB589, and LB617.) As a result of those communications, Mr. President, Senator Karpisek would move that LB256 become law notwithstanding the objections of the Governor. And Senator Council would move that LB200 and LB200A become law notwithstanding the objections of the Governor. Those motions will be laid over at this time. (Legislative Journal pages 1780-1786.) [LB390 LB690 LB703 LB704 LB246 LB486 LB510 LB532 LR351 LB200 LB200A LB256 LB106 LB226 LB252 LB289 LB289A LB628 LB673 LB684 LB684A LB151 LB589 LB617]

And finally, Mr. President, I have a priority motion. Senator Hansen would move to adjourn the body until Wednesday afternoon, May 25, at 1:30 p.m.

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SENATOR CARLSON: Thank you, Mr. Clerk. Members, you've heard the motion to adjourn. All in favor say aye. Opposed, nay. Thank you, we are adjourned until 1:30 p.m. tomorrow, Wednesday, May 25.