

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Executive Board Committee
February 07, 2014

[LB970 LB976 LR397CA]

The Executive Board of the Legislative Council met at 12:00 p.m. on Friday, February 7, 2014, in Room 2102 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB970, LR397CA, and LB976. Senators present: John Wightman, Chairperson; Greg Adams; Bill Avery; Kathy Campbell; Ernie Chambers; Mark Christensen; Russ Karpisek; Steve Lathrop; and Heath Mello. Senators absent: Bob Krist, Vice Chairperson.

SENATOR WIGHTMAN: I think at this time I see the presenter of our first two bills is here so I think we'll go ahead and open. Welcome to the Executive Board committee hearing. My name is John Wightman. I am from Lexington and represent the 36th Legislative District. We will take the bills up in the order posted on the agenda. To better facilitate today's hearing, I would ask these procedures: please turn off cell phones or silence them. The order of the testimony will be introducer, proponents, opponents, neutral testimony, and then an option of closing by the introducer. Testifiers must fill out the sign-in sheet and then hand it to the committee page when you come up to speak. Please spell your name for the record before you begin your testimony. Written materials may be distributed to committee members as exhibits only while testimony is being offered. Hand any exhibits you have to the page for distribution to the committee members and staff. If you have written testimony but do not have the needed 13 copies, please raise your hand now so that the page can make additional copies for you. If you do not wish to testify but would like your position to be part of the record, you can sign the form found at the testifier's table by the testifier's sign-in sheet. I'll make introductions and then let the senators introduce themselves. To my immediate right is committee counsel, Janice Satra. To my left is committee clerk, Natalie Schunk. And then we'll start over on my far right and you can introduce yourself.

SENATOR MELLO: Senator Heath Mello, District 5.

SENATOR CAMPBELL: Kathy Campbell, District 25.

SENATOR ADAMS: Greg Adams, District 24.

SENATOR CHAMBERS: Who needs no introduction, but anyway Ernie Chambers.

SENATOR WIGHTMAN: And Senator Krist is not with us yet today anyway and I think he's ill so probably won't be here. Senator.

SENATOR AVERY: Bill Avery, District 28.

SENATOR CHRISTENSEN: Mark Christensen, District 44, Imperial.

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SENATOR LATHROP: Steve Lathrop, District 12.

SENATOR KARPISEK: Russ Karpisek, District 32.

SENATOR WIGHTMAN: Thank you. Our page today is Scott who is sitting here. And if you need to have copies run, he will be the person you need to have do that. We'll take up the bills today in the order that they're set out on the agenda, and we'll start with LB970. Senator Lautenbaugh.

SENATOR LAUTENBAUGH: Well, thank you, Mr. Chairman and members of the committee. LB970 is a very straightforward bill. It just states that all votes taken by public officials in the course of their public duties shall be considered public record. It would apply to the Legislature, it would apply to school boards, it would apply to the NRDs, it would apply to all public officials. There would be no secret ballots. I think it's...well we talk a lot about transparency here. This would forward the cause of transparency. I don't know how to explain it beyond that. [LB970]

SENATOR WIGHTMAN: Thank you. [LB970]

SENATOR LAUTENBAUGH: I'd be happy to answer any questions you might have, of course. [LB970]

SENATOR WIGHTMAN: Do we have any questions? Senator Avery. [LB970]

SENATOR AVERY: Thank you, Mr. Chair. What do you think this would do when we select leaders of the Legislature to our tradition of nonpartisanship? [LB970]

SENATOR LAUTENBAUGH: To our tradition of nonpartisanship? Nothing. It would make it harder to lie to each other at the beginning of every session. [LB970]

SENATOR AVERY: You don't think that it would introduce more party influence in the body or attempts at outside influence from the parties? [LB970]

SENATOR LAUTENBAUGH: Short answer, no. I mean we take hard votes every day and then they show up on the board and we all know how we vote. And sometimes we disappoint each other grievously and we eventually move on. There's no reason that the most important votes we cast should be kept from the public. We either favor transparency or we don't. [LB970]

SENATOR WIGHTMAN: Thank you, Senator Avery. Any other questions? If not, thank you. Do we have anybody else who wishes to testify with regard to LB970? [LB970]

ALLEN BEERMANN: Senator Wightman and members of this committee, I'm Allen

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Beermann, A-l-l-e-n B-e-e-r-m-a-n-n. I represent the Nebraska Press Association, and I appear today in favor of LB970. We always take the position that open government and open records is generally for the benefit of our people and our state. In fact, we cannot find any example of where open government or open records has ever worked to the detriment to the people or government in this state. In fact, I can relate to you that in three of the last four years by those groups that rank open government nationally Nebraska has been one or two in that category. And that's something to be very proud of. The one issue that I do not know the answer to is whether or not this law would affect the selection of committee Chairs in the Legislature. As you know, generally under the constitution you have the authority to select your own people for leadership positions and to adopt your own rules. I think generally what this refers to is those governing bodies who are taking votes generally on public policy and issues involving the people of the state of Nebraska. So with that caveat and I do not know the answer to, we would support LB970 as being good policy for the state of Nebraska. I would be delighted to try to answer any questions you might have. But over the number of years that I've been involved in state government, which is, oh my God I am a fossil, going back a long time, I have never had any experience where open government or open records has ever run to the detriment of the people. [LB970]

SENATOR WIGHTMAN: Thank you, Mr. Beermann. Does anybody have any questions? Senator Chambers. [LB970]

SENATOR CHAMBERS: Oscar Wilde said the best way to remove temptation is to yield to it. So I'm going to yield to the temptation. Mr. Beermann, if the Press Association which you're representing here today...do you represent them on all bills that might be before the Legislature that relate to transparency in government or on some? [LB970]

ALLEN BEERMANN: Almost all the bills. [LB970]

SENATOR CHAMBERS: I had a bill that would make an agency in Omaha subject to the open meetings law, conflict of interest laws, but the main thing that seems to me would be an interest to the media would be the requirement that they comply with the public records law. And the Press Association took no interest in that so that's why I was just wondering how they decide what they're going to support (inaudible). [LB970]

ALLEN BEERMANN: I don't think it was the fact that we didn't take an interest. I just happened to be out of state when that bill was considered. [LB970]

SENATOR CHAMBERS: Not on purpose. [LB970]

ALLEN BEERMANN: No. [LB970]

SENATOR CHAMBERS: Okay. (Laughter) [LB970]

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ALLEN BEERMANN: And incidentally, that particular agency I suspect that you're referring to does pretty well in terms of open records and roll call votes. And everything that we have ever requested from them, they have supplied. [LB970]

SENATOR CHAMBERS: Everything? [LB970]

ALLEN BEERMANN: Everything that we have requested. [LB970]

SENATOR CHAMBERS: Well, there might be requests that you haven't made, though, right? [LB970]

ALLEN BEERMANN: That could be. [LB970]

SENATOR CHAMBERS: Okay. [LB970]

SENATOR WIGHTMAN: Thank you, Senator Chambers. Any other questions? I guess I have one. You say you...I understood you to say that you really didn't have a position really on votes within our own body as to selection of... [LB970]

ALLEN BEERMANN: No, because I think generally the constitution provides that the Legislature adopts their own rules. Part of that rules that you would have a secret vote for your leadership. Leadership does not go into the statutes. [LB970]

SENATOR WIGHTMAN: Under the language, as I read it, "All votes taken by public officials in the course of their public duties shall be considered public record." [LB970]

ALLEN BEERMANN: Yeah. [LB970]

SENATOR WIGHTMAN: It seems to me it would cover that at the present time, but. [LB970]

ALLEN BEERMANN: It could. And I don't know the answer to that, but I think it's a legitimate question that can be...someone can answer. [LB970]

SENATOR WIGHTMAN: So you think as far as Press Association if that were eliminated from the language you wouldn't be in opposition to that necessarily. [LB970]

ALLEN BEERMANN: We would not. [LB970]

SENATOR WIGHTMAN: Thank you. Any other questions? Yes. [LB970]

SENATOR CHAMBERS: Since Mr. Beermann raised the issue, in the first line...first

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sentence of the existing law, page 3...I meant line 3 on page 2, "Except when any other statute expressly provides that particular information or records shall not be made public," and so forth. The constitution would trump a statute, and I don't think this could compel a Legislature to make those votes for leadership public. And, Mr. Beermann, if you know, when selections are being made by the Judicial Qualifications Commission in terms of which names will be submitted to the Governor, if votes are taken, do you know whether or not they would...they vote by secret ballot? [LB970]

ALLEN BEERMANN: I do not know the rules. And again, those rules are set by the Supreme Court. [LB970]

SENATOR CHAMBERS: Right. [LB970]

ALLEN BEERMANN: And I suspect that's pursuant to constitutional provisions for the selection and retention of judges. [LB970]

SENATOR CHAMBERS: That's all that I would have. Thank you. [LB970]

SENATOR WIGHTMAN: Thank you. [LB970]

ALLEN BEERMANN: Thank you for your courtesy. [LB970]

SENATOR WIGHTMAN: No other questions, you're excused. Thank you for being here. Do we have anybody else who wants to speak in favor of LB970? Do we have anyone that would want to speak in opposition to LB970? Do we have anybody who wants to testify in a neutral capacity? Seeing none, Senator Lautenbaugh, do you wish to close? You're going to be up here for the next bill anyway so... [LB970]

SENATOR LAUTENBAUGH: That was my thought too. I'll close briefly and similarly open briefly. I'm not here to disagree with Mr. Beermann. I think there would be coverage because I don't think the constitution or statute expressly says our elections would be confidential so I think it would still apply. But I think it's a transparency issue. I would answer any more questions on that before I open on the other. [LB970]

SENATOR WIGHTMAN: Yes, Senator. [LB970]

SENATOR MELLO: Thank you, Chairman Wightman, and thank you, Senator Lautenbaugh. Just for understanding then, LB970 and subsequently LR397CA both of the underlying premise is that you want statutorily and/or constitutionally to require the Legislature to have nonsecret ballot elections and when it comes to leadership elections internally. [LB970]

SENATOR LAUTENBAUGH: All governmental entities, but, yes, the Legislature too.

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[LB970]

SENATOR MELLO: Specific, I mean specifically, I'm referring to the comments you made on the floor when we had rules changes where you specifically said you would bring these bills to make changes that would supersede our rules. And I just want to understand that both of these bills deal with ultimately requiring the Legislature to do...to get rid of nonsecret ballot elections for leadership. [LB970]

SENATOR LAUTENBAUGH: Not just the Legislature, but they...it would be included certainly, yes. [LB970]

SENATOR MELLO: Okay. [LB970]

SENATOR WIGHTMAN: Thank you. I'm going to read from the constitution as it reads now. It says, "The doors of the Legislature and of the committees of the Legislature shall be open, except when the business shall be such as ought to be kept secret." I guess I'd have hard time saying that this wouldn't be included there or that we would be changing the constitution. But at any rate, do you have anything else you want to say? [LB970]

SENATOR LAUTENBAUGH: Not on that one, no. [LB970]

SENATOR WIGHTMAN: Oh, wait, we have a question. [LB970]

SENATOR KARPISEK: Thank you, Senator Wightman. Senator Lautenbaugh, what else is there that I don't know about? [LB970]

SENATOR LAUTENBAUGH: (Laugh) [LB970]

SENATOR KARPISEK: Well, no, that's a...I know that's a very big (inaudible) and I know we don't have that much time. (Laughter) [LB970]

SENATOR LAUTENBAUGH: I've got a hearing at 1:30, Senator. [LB970]

SENATOR MELLO: I'm term limited. [LB970]

SENATOR WIGHTMAN: We are limited to an hour and a half. (Laughter) [LB970]

SENATOR KARPISEK: That is a long time. Any other votes taken that...I'm just trying to think if we do that anywhere else in the Legislature or maybe other boards. [LB970]

SENATOR LAUTENBAUGH: Other boards similarly have secret leadership elections. Some don't; many do. School districts I think routinely do. I shouldn't say routinely

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because I'm most familiar with one as you well know. But I know others do but I don't know if most do. [LB970]

SENATOR KARPISEK: But it's mainly about leadership elections. [LB970]

SENATOR LAUTENBAUGH: I would say yes. I mean that's what I'm most familiar with. I think that's where it's most commonly used, yes. [LB970]

SENATOR KARPISEK: Okay. All right. Thank you. Thank you, Senator Wightman. [LB970]

SENATOR WIGHTMAN: Thank you. Yes, Senator Avery. [LB970]

SENATOR AVERY: Thank you, Mr. Chair. Don't we have secret ballots in some of the committee meetings when we're organizing the body each new Legislature, for example, Committee on Committees selecting members of the Exec Board? It seems to me that we do have some secret votes there. So this would...if this were adopted, it would cover those, too, right? [LB970]

SENATOR LAUTENBAUGH: Arguably, yes, yes. [LB970]

SENATOR AVERY: That's all I have. [LB970]

SENATOR WIGHTMAN: Thank you, Senator Avery. No one else? If not, we'll close the legislative hearing on LB970. And, Senator Lautenbaugh, you're up on LR397. [LB970]

SENATOR LAUTENBAUGH: There really isn't much I could say about this that wouldn't apply to...there really isn't much of what I just said previously that wouldn't apply to this as well. This is a constitutional amendment version of the same concept, clarifying that all votes would be recorded. It would be public record. It's the same concept. [LR397CA]

SENATOR WIGHTMAN: And is aimed primarily at probably election of officers and that's about the only thing we don't have roll call vote on. [LR397CA]

SENATOR LAUTENBAUGH: Again, regardless of the entity, yeah, that was...my thought process was the election of officers. Senator Avery raised another issue. Senator Karpisek asked if all other entities, school boards and whatnot, I can't say a majority of school boards have secret elections. The ones I'm familiar with I think more do than don't, but I'm not familiar with all of them. I think some county boards do. I think some don't. I mean city council...Omaha's is not I believe because everybody seems to know how they voted. I do. Maybe I shouldn't say, but I was always told theirs is not secret. So some places it would apply, some it wouldn't. I guess it would apply everywhere, but it would change things some places and some not. But it's the same

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concept as the prior bill. [LR397CA]

SENATOR WIGHTMAN: Thank you, Senator Lautenbaugh. Any questions? Senator Adams. [LR397CA]

SENATOR ADAMS: Senator, I think you already answered the question, but I'm thinking out loud. So if the city council of York, Nebraska, decided to elect a chair to the building and maintenance committee or I don't know if the Board of Regents, as an example, has subcommittees within the board of regents that may choose a chair. Would you see this language then applying even to those choices? [LR397CA]

SENATOR LAUTENBAUGH: Yes. [LR397CA]

SENATOR ADAMS: Okay. [LR397CA]

SENATOR WIGHTMAN: Thank you, Senator Adams. Anybody else have any questions? Thank you. Oh, Senator Avery. [LR397CA]

SENATOR AVERY: The Government Committee...thank you, Mr. Chair. The Government Committee just yesterday spent about three hours hearing testimony on whether or not the presidential selection process for the new president of the university ought to be open or should it be closed. The university wants to close it and there are, of course, groups like Media of Nebraska that want to keep it open. Would this affect that kind of public official voting? I believe it would. [LR397CA]

SENATOR LAUTENBAUGH: Well, that bill really wouldn't apply to the vote. That applied to who was applying, didn't it? I mean, I guess eventually they have to vote, though. [LR397CA]

SENATOR AVERY: They do eventually have to vote. [LR397CA]

SENATOR LAUTENBAUGH: Yeah, it would eventually. [LR397CA]

SENATOR AVERY: They have to vote on who the finalist is going to be. [LR397CA]

SENATOR LAUTENBAUGH: Then it would certainly apply, yeah, because you'd have to know who they were voting on so yes. [LR397CA]

SENATOR AVERY: Have you talked to the university? They're very passionate about this (laugh). [LR397CA]

SENATOR LAUTENBAUGH: We all have our passions, Senator. (Laughter) [LR397CA]

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SENATOR WIGHTMAN: Thank you, Senator Avery. [LR397CA]

SENATOR LAUTENBAUGH: But, no, I have not spoken to the university to answer your question. [LR397CA]

SENATOR AVERY: Thank you. [LR397CA]

SENATOR WIGHTMAN: Any other questions? If not, do we have anyone else that would testify in the affirmative on LR397? Welcome again. [LR397CA]

ALLEN BEERMANN: Thank you. Mr. Chairman, members of this committee, I'm Allen Beermann, A-l-l-e-n B-e-e-r-m-a-n-n, representing the Nebraska Press Association. Once again on LR397CA, we would generally be in favor of the concept of open records and open public meetings and roll call votes. We would leave it to others to define and determine whether or not and how it would apply to the Legislature because they do have some constitutional authority to adopt their own rules. And I'm not in a position to answer that either way. But generally in the concept of open records and open government we support this legislation. [LR397CA]

SENATOR WIGHTMAN: Thank you. Any questions? If not, thank you for your testimony. [LR397CA]

ALLEN BEERMANN: Thank you for your courtesies. [LR397CA]

SENATOR WIGHTMAN: Do we have anybody else present who would speak in the affirmative? Do we have anyone that would like to address the committee in opposition to LR397CA? Do we have anyone present who would like to speak in a neutral capacity? Senator Lautenbaugh, do you wish to close? He waives closing. That closes our meeting on LR397CA. We'll now move to the last of the three bills, LB976. Senator Karpisek. [LR397CA]

SENATOR KARPISEK: Thank you, Senator Wightman, members of the Executive Board. For the record, my name is Russ Karpisek, R-u-s-s K-a-r-p-i-s-e-k, and I represent the 32nd Legislative District. As I watched the most recent showdown on Capitol Hill that led to the government shutdown, I couldn't help but feel disappointed. I was disappointed in our federal government's ineffectiveness. I was disappointed in our leaders' unwillingness to work together. I was disappointed that our leaders would put party before people and politics before policy. As a nation, I thought we were better than this and that disappoints me. In the end, our congressional leaders finally did back us off the fiscal cliff. The debt ceiling was raised because it had to be. The United States paid its bills because it had to. And the federal government was once again open for business. But at what cost to the country and why does it have to come to this? While it is easy to blame Washington, D.C., for our problems, there's enough blame to go

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around. We, the people, created this mess and we, the people, need to fix it. So what do we do about it? How do we address the rampant partisan bickering in Congress? How do we promote compromise and consensus building? The answer I believe is quite simple. We as a nation must take the partisan politics out of the redistricting process. Across the country, you will find gerrymandering congressional districts that were drawn by state legislatures to create safe districts for the incumbents of that state's majority party. Because these safe districts are either very conservative or very liberal, there is no incentive for the representative to compromise because doing so would be viewed by his or her constituents as crossing party lines and it could cost him or her reelection to a more partisan opponent. That is why I am proposing legislation to take the politics out of the redistricting process as much as possible. Now we may wonder why this matters in Nebraska since there are currently only three congressional districts to draw. I think the impact in Nebraska regarding congressional districts would be minimal, but there was clearly a partisan undercurrent. And as I and others tried proposing alternative maps in the last redistricting, but were met with little or no explanation as to how the map was drawn. Redistricting was one of the most partisan issues I have seen in the Legislature since I have been here. No one would ever give me a public explanation as to why Saline County had to be in the 3rd Congressional District and why Madison County had to be in the 1st Congressional District. I think I know why and I would suspect that you do too. But I'm not here today to complain about the past or fight old battles that I lost. I'm here instead to prevent future battles when it comes to redistricting. My ultimate hope is that other states recognize what is at stake at the federal level every time petty partisanship interferes with policymaking and understand that it is within each state's power to address this issue and the partisan gridlock that would become synonymous with Congress. We are supposed to be a nonpartisan Legislature so let's act like it and lead by example. And my bill would appoint a six-member, nonpartisan redistricting committee that would draw a map, bring it to the Legislature. If the Legislature wouldn't accept it, they would go back and redraw one so on and so forth until the fourth time it would go to the Supreme Court to be finalized. I'd be glad to try to answer any questions. [LB976]

SENATOR WIGHTMAN: Thank you, Senator Karpisek. Senator Avery. [LB976]

SENATOR AVERY: Thank you, Mr. Chair. Would it be your intent, and I haven't read all the language, but I think it's similar to what I proposed in 2012. [LB976]

SENATOR KARPISEK: It is. [LB976]

SENATOR AVERY: But would it be your intent that the Legislature would not be able to amend any proposal that would come to it? [LB976]

SENATOR KARPISEK: Correct. No major amendments. [LB976]

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SENATOR AVERY: So it would be probably a deadline-driven, up or down vote, no amendments. [LB976]

SENATOR KARPISEK: Correct because if there were amendments, it would just be redrawn on the floor. [LB976]

SENATOR AVERY: It would be sausage. [LB976]

SENATOR KARPISEK: Sausage would look better, Senator. [LB976]

SENATOR AVERY: (Laugh) Well, that's how we make trade policy at the federal level because Congress finally threw up its hands and said, we cannot create trade policy. We're going to have to take it out of our own hands and that's why you have fast track authority on that. [LB976]

SENATOR KARPISEK: I think it also deals much with legislative districts. It pitted us against each other when trying to decide where the new district would be moved, who if anyone would lose their seat because of redistricting. That was a tough one too. I think this would help. [LB976]

SENATOR AVERY: Well, if I may continue, the way it works now, members for House seats and members of House seats or candidates for House seats generally get to pick their own voters with the way we redistrict in most of the states. The candidates for U.S. Senate do not get to pick their own voters but House members do. The President doesn't get to pick his or her own voters either. That's why you have in, for example, Ohio and Pennsylvania the President wins by 4 or 5 percentage points and 80 or 90 percent of the House seats go to the other party. And that just doesn't make sense. If the state goes for one party for President and the President can't pick his voters like you can if you're running for the House seat. And with the software the way it is now, you can actually draw the district lines in such a way that you are picking your voters so that you are guaranteed almost certainly you're going to win. And that is not what the Founders intended in my opinion. [LB976]

SENATOR KARPISEK: I wouldn't think so. [LB976]

SENATOR WIGHTMAN: Thank you, Senator Avery. Senator Christensen. [LB976]

SENATOR CHRISTENSEN: Thank you, Chairman. I'm on page 9, Section 22, line 1 and maybe I have this in the wrong part, but it says: Each legislative caucus shall place a person selected by the caucus up for approval by the Legislature. If we have the caucus selecting these people, how do we remove partisanism? [LB976]

SENATOR KARPISEK: Senator, I think that there is a...there has to be an equal

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number of each political party on the board or on the committee. [LB976]

SENATOR CHRISTENSEN: So if you're setting up a party of or I mean a group of six and there's only two Independents in the Legislature, as I believe there is now, them two are automatics and then you'll have two Republicans, two Democrats? [LB976]

SENATOR KARPISEK: I wouldn't...I'm not sure on how the Independents would work, but I believe so. [LB976]

SENATOR CHAMBERS: We work very assiduously and carefully. That's how it would work. [LB976]

SENATOR KARPISEK: I didn't know that there were two. I thought there was only one. [LB976]

SENATOR WIGHTMAN: Thank you, Senator Christensen. Senator Mello. [LB976]

SENATOR MELLO: Thank you, Chairman Wightman. And thank you, Senator Karpisek. Senator Avery and myself were members of the last redistricting commission that was held in 2011. And I can tell you from personal experience it was by far I think the worst of the Legislature in the sense of the most partisan experience that I've had in the six years I've been here. It was something where it really, I think, brought out the worst in regards to our unique legislative system. And I think the general concept here of what you have in LB976 rectifies that. In some of the research that I've done independently, I saw the letter of support from AARP of looking what the state of Iowa has done, which this looks to mirror that somewhat similarly, really I think is a very positive step for continuing our nonpartisan nature of the Legislature. And I commend you for bringing this idea. Whether or not it moves forward, it's something that I don't have a vote on this committee, as you know, but from my experience of what I personally went through and what I think a number of new members went through who never experienced the redistricting, it's a policy area that needs serious reforms in our state. And I wish you luck as you move forward with LB976. [LB976]

SENATOR KARPISEK: Thank you and I did vote so you would be able to vote on this committee but I got beat. I think most people here know that I am not very partisan either way. I don't really...I try not to be. That was one time that I felt that I had to be and I did not like it. And I think it did bring out the worst in us. The vote was split right down party lines. Unfortunately for my filibuster, there was just the wrong amount of votes in the Legislature. If this Legislature were to do that redistricting, it would not have come out the way it did. [LB976]

SENATOR WIGHTMAN: Thank you, Senator Mello and Senator Karpisek. Senator Avery. [LB976]

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SENATOR AVERY: Thank you, Mr. Chair. I just want to clarify one thing. In order to be a member of this commission, you cannot be an officeholder. So it would not be a member...be selected from the Legislature. So it would be...you'd find plenty of Independents out in the real world for membership on this. The criteria are outlined in page 8. [LB976]

SENATOR WIGHTMAN: Thank you. [LB976]

SENATOR KARPISEK: And I did see that after I looked at it. It's not...it is just independent people, not officeholders, not party people. [LB976]

SENATOR WIGHTMAN: Thank you. Senator Christensen. [LB976]

SENATOR CHRISTENSEN: Thank you, Chairman. But my point is still the same. The caucus is selecting the people that aren't already in office. But we can all go on-line, see what party they're from. We can all go on and I'm not sure it accomplishes for sure what you're doing or what you want because everybody knows what party you're on. So if you're selecting people that aren't elected to something, they're still going to be able to find out who it is. That's my point. I'm not sure we can ever get away from even what you're trying to do and has occurred. [LB976]

SENATOR KARPISEK: And I agree that you're still probably either Democrat, Republican, or Independent. However, to be on this committee you would have to try to throw that aside and just try to draw the maps as makes sense, the least partisan. [LB976]

SENATOR CHRISTENSEN: Well, I agree with you. Certain people would draw it different, more simpler, whatever you want to say. But my point is on the partisanship side of it. I'm not sure that it's possible to totally eliminate it. You might reduce what we went through. [LB976]

SENATOR KARPISEK: I think if you look at Iowa's map it looks fairly clean compared to many others. [LB976]

SENATOR CHRISTENSEN: Thank you. [LB976]

SENATOR WIGHTMAN: Thank you. Anybody else? Yes. [LB976]

SENATOR CAMPBELL: Thank you, Chairman. Senator Karpisek, I want...just explain a little bit more fully that if the Legislature cannot reach agreement then it goes to the Supreme Court. [LB976]

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SENATOR KARPISEK: Correct, after the fourth map is drawn. [LB976]

SENATOR CAMPBELL: Is that a delegation to another branch of government? And I'm not the attorney. All the attorneys can spring forward. [LB976]

SENATOR KARPISEK: And I'm not either, but I guess I don't know where else it would go to. And it would probably end up a lawsuit and that's why it would go to the Supreme Court. [LB976]

SENATOR WIGHTMAN: Thank you, Senator Campbell. Anyone else? Thank you. [LB976]

SENATOR KARPISEK: Thank you. [LB976]

SENATOR WIGHTMAN: Do we have other testifiers in favor of? Welcome. [LB976]

JOHN HANSEN: Chairman Wightman, members of the committee, for the record, my name is John Hansen, J-o-h-n, Hansen, H-a-n-s-e-n. I'm the president of Nebraska Farmers Union. I am also my organization's lobbyist. This issue is one that has been percolating in our organization the last four to six years. It gets more attention, more time, more discussion at convention as the policy delegates and representatives of the counties come together to forge our state policy. And, you know, from an historical perspective, we're a hundred years old. We had a fair amount to do with the support of the creation of the Unicameral system and take a lot of pride in that. The issue of partisanship in the Legislature is, I think, one of growing concern. And so we ever...from time to time we see some fights and some issues that are not helpful to the general public perception. And as we compare what goes on in our state to other states, this issue is getting more and more attention at our national conventions. We are a nonpartisan organization and, you know, we are concerned about good government and good process. And so the experience from other states is very concerning. They look to Nebraska and they think that we're doing a better job than they are. I suspect they're right. But in my 24 years as president, I see I think a growing effort that takes resistance to avoid partisanship in the Legislature. And an ounce of prevention is worth a pound of cure. And so we liked what Senator Avery did last time. We think that the concept that Senator Karpisek has brought forward is worthy of consideration. And as those of us who have been public officials or have served in this arena, we know that the perception of impropriety is as damaging and toxic to the reputation as impropriety itself. So when we do wrangling and we do all those kind of things, it's not helpful. So if we can isolate that, put it in a arm's length body, I think it would serve the state well, and we think that it would serve the Legislature well. And so with that, we would urge you to give support to Senator Karpisek's bill, LB976, and would be glad to answer any questions in the off chance that I might actually be able to. [LB976]

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SENATOR WIGHTMAN: Thank you, John. Do we have anybody that would have any questions? Thank you. [LB976]

JOHN HANSEN: Thank you. And in closing, I would just say that this is a...I didn't want to pass up the opportunity in my professional career to appear before the Executive Committee and the chairmanship of my friend, Senator Wightman, so thank you. [LB976]

SENATOR WIGHTMAN: Do we have others who want to testify in favor? [LB976]

JEAN HENRY SEIBEL: (Exhibit 1) I have copies if you want copies. [LB976]

SENATOR WIGHTMAN: Welcome. Welcome. You can go ahead. [LB976]

JEAN HENRY SEIBEL: Go ahead, all right. Thank you, Mr. Chairman and committee. My name is Jean Henry Seibel. That's J-e-a-n H-e-n-r-y S-e-i-b-e-l, 1809 Brenda Drive, Bellevue, Nebraska. Thank you for giving us a chance to share our thoughts. LB976 is a sensible solution to the conundrum that the Nebraska Legislature faces every ten years. After each new census, new lines must be drawn for congressional districts, LDs, Board of Regents, Public Service Commission, Supreme Court justices, and the State Board of Education. Every ten years it has been a brouhaha that LB976 will end. I've lived in Omaha most of my life so redistricting had little impact on me. However, I moved to Bellevue in 1994; and the new boundaries set last year did affect me and appeared blatantly political. It diluted the pool of one party to enhance the numbers of the other party. The more Democratic area of eastern Sarpy County was lopped off CD 2 and moved to the heavily Republican CD 1. The western part of Sarpy County was then added to CD 2 to increase the number of Republicans so as to weaken the influence of the Democrats in CD 2. Senator Karpisek has crafted a way to promote a fair and impartial strategy to make this constitutional mandate more objective and transparent. The Independent Redistricting Advisory Commission is well set up. A member of the commission cannot be a lobbyist, public officeholder, not directly connected to a person in government, cannot campaign for an office nor campaign for or donate to a candidate. It appears as if the persons on the commission would be citizens who are interested in an equitable division of the state to ensure balanced districts for all elected bodies. Having six people with no apparent ulterior motives would assist the citizens of Nebraska to see our state government in an even more positive light. In looking at some other states who have redistricting commissions of some type, few seem to have a stronger commission than what is proposed in this bill. Most have a state officeholder involved with the selection of the commissioners. Senator Karpisek has devised a plan that is clearly less political than those. In adopting LB976, the Nebraska Unicameral will take a large step in making us a stronger state, a state that has a transparent method to equitably balance its districts. Thank you. [LB976]

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SENATOR WIGHTMAN: Thank you. Do we have any questions? Seeing none, thank you for your testimony. [LB976]

JEAN HENRY SEIBEL: Thank you very much. [LB976]

SENATOR WIGHTMAN: Welcome. You're it. [LB976]

ELLEN MOORE: (Exhibit 2) Thank you. The top one is clearer. Perhaps that should go to the Chairman. [LB976]

SENATOR WIGHTMAN: You can go ahead with your testimony. [LB976]

ELLEN MOORE: Good afternoon, Senator Wightman, Senators, and staffers. My name is Ellen Moore, E-I-I-e-n M-o-o-r-e. I'm from Bellevue, Nebraska, LD3, but I'm not going to complain about Bellevue. I'm here to speak as a proponent of LB976. An Omaha World-Herald editorial and four Public Pulse letters plus mine widely expressed support for Senator Karpisek's proposal calling for an independent commission to determine political boundaries. Currently as we've talked about this afternoon, this usually reasonably productive, reasonably nonpartisan Unicameral becomes embroiled every ten years in an ugly, acrimonious battle that assures the reelection of some but serves no public good. In 2011, hours were spent in hearings all over the state and days were wasted on the floor talking about redistricting. The resulting map carved out a district which resembles Pac-Man and serves as a shining example of gerrymandering. CD 3 stretches from Nebraska's farthest northwest corner across to its farthest northeast corner. And that would be bad enough, but then it swoops around and comes down to the farthest southeast corner of the state. Having grown up in Ogallala, that makes my blood boil. Think of it: On the west, it borders Wyoming and Colorado and on the east Iowa and Missouri. Pac-Man, gerrymandering, loss of trust in government and public servants. True, CD 3's sparse population density dictates that it be a large, maybe even huge, district. But congressional races shouldn't have to run statewide. That's for Senate races. The 2011 committee and floor personal dynamics, which have been referred to here, did not put the Unicameral in a very good light. It was embarrassing, even maddening. Such blatant dysfunctionality does not inspire confidence. Voters could simply drop out. This is not a Democrat or Republican issue. It is a democracy issue, and redistricting in a democracy should be about commonsense shapes, not fiefdoms. It should be done by rational adults who have no skin in the game other than the advancement and protection of our democracy. And I would add here that my understanding of the bill is that it would be a balanced group, not, you know, some Democrats, some Republicans, some Independents, balanced group. I've asked around and the word seems to be out that Senator Karpisek's bill is facing an uphill climb in this committee. For the life of me, I do not understand why. But I'm here to tell you if this dies in this committee, it will live on in me and dozens of other Nebraskans like me. And when 2021 rolls around, things will be different. Surprisingly, few Nebraskans realize

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how gerrymandered our districts are. But when they actually see it, regardless of where they're from--eastern, central, or western Nebraska--they are shocked and they feel betrayed. The Pac-Man picture this body painted in 2011 is worth a thousand words. And you put that picture together with social media and you know I'm right--2021 will be different. We'll still be a red state, but things will be different. Why not just face the music this session? Vote LB976 out of committee. Debate it on the floor. And those senators choosing to oppose it will find out how their constituents--Republican, Democrat, or Independent--how those Nebraskans feel about flaunting common sense. 2021 will be different. Thank you. [LB976]

SENATOR WIGHTMAN: Thank you. Do we have anyone who has any questions? Do we have others who want to speak in favor of LB976? Seeing none, do we have anyone in opposition to LB976? Do we have anyone who wishes to appear in the neutral capacity? If not, Senator Karpisek. [LB976]

SENATOR KARPISEK: Is there a letter of support to be read in? [LB976]

SENATOR WIGHTMAN: (Exhibit 3) Yes. We need to read that in before we close. We have a letter of support from the AARP in support of LB976 by Mark Intermill. We'll make that part of the record. Thank you. [LB976]

SENATOR KARPISEK: (Exhibits 4, 5, 6) Thank you. I didn't waste a lot of paper in the state, but we all know this map. I had a map on the floor of the Legislature that drew a straight line up and down. That wasn't acceptable. I don't know why. What's better about this? That one was never even thought about because it was crazy because it was a straight line. I don't know how much more clear that can be, a straight line that didn't make sense. Map of Pennsylvania that is all over. That's what we don't want to see. And the map of Iowa that seems to, in most cases, make some sense. There are some straight lines there. Again, I know that this seems like a partisan issue. I'm not crying over spilled milk, but I don't like how the process worked. I don't think it was fair. I don't think it was the right thing to do. I think that this would be a much better way. And if we have some issues on what is a caucus, is it the congressional caucus, is it the party caucus, we sure can sit and work that out. And I'd be glad to try to take any other questions. [LB976]

SENATOR WIGHTMAN: Seeing no questions, thank you, Senator Karpisek. [LB976]

SENATOR KARPISEK: Thank you. [LB976]

SENATOR WIGHTMAN: That does close our hearing on LB976 and closes our hearing for the day. [LB976]