

SPEAKER BAACK: Thank you, Senator Schellpeper. Senator Beutler, you're next.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to talk a little bit about what I think is going to happen and what I think we can do to deal with future events, if we choose to do so. First of all, with regard to the committee amendments before us now, those amendments apparently have been put together by at least a majority of the senators in that area. And usually in those kinds of matters I'm willing to make the assumption that they have done it for the right reasons and that they've looked at trade areas and all those things that form communities of interest, and that's what makes sense to them. And I will be supporting the amendment. At the same time, I need to say candidly that I believe that this amendment, and probably most anything that's been suggested so far that I have seen, is likely, more likely than not to be thrown out by the Supreme Court for the reason that they have interpreted and elevated the county line criteria, in the Supreme Court, to a level so that what they really mean is that you have to follow county lines, if it's possible. I think that is far and away the most likely interpretation of what the Supreme Court has said. If you follow that logic then what will they say with regard to LB 614, generally, which is the plan we have, in effect, right now? They will look at that and they will see that county lines are crossed somewhere between 26 and 30 different places overall statewide. And then they're going to look at a map, like Senator Elmer has put together, or other maps that can be put together, that break county lines only a dozen times, or I think Senator Elmer has indicated you can draw a map that breaks county lines only nine or ten times. So I think they're going to throw out the northeast solution, and I think, if they have the opportunity before them, they will throw out the entire state plan. So the next question is, will they have the opportunity before them? And I think the answer to that is clearly yes. If we adopt, for example, and pass this bill, probably with most any solution that's acceptable to people there is another solution that involves the cutting across of fewer county lines than what we're ever likely to do here; the Withem-Bernard-Stevens map, for example, in the northeast area, cut across two county lines. If you were going to adopt the map that followed the Supreme Court principle of cutting across the fewest county lines, that would be the map you would adopt. But I doubt if that map is acceptable to any