

CLERK: 25 ayes, 8 nays to cease debate, Madam President.

PRESIDENT MOUL: We have ceased debate and I will recognize Senator Bernard-Stevens for closing.

SENATOR BERNARD-STEVENS: Thank you, Madam President. Members of the body, again, these are very, very difficult decisions and I, like Senator Dierks and everyone here, have gone through their minds and trying to figure out what the best course is for us. When Senator Kristensen is absolutely correct, there is no clear-cut course. It just isn't there. And I have heard people say, well, this is...might be a partisan attempt, and, of course, you in the body know that the Republicans and I have been so close for so long. Other people argue that maybe it is a pro-life, pro-choice, I heard that not too long ago which fascinated me at that point. What this is, is we have a Supreme Court who refuses to say or admit that the Legislature has any constitutional authority in these matters whatsoever. They have literally stated to the sentence that unless the Legislature deems it appropriate to do otherwise, they've said we don't care what the powers of legislatures are, we are the Supreme Court. And we are faced with a legislative battle on how to maintain our independence as a branch but also we are faced with the aftermath of their decisions because they do not give us any clues of how to administer. This is the crux of my opposition to 7, not the plan, itself, but the administration of whatever we do in this time period is going to give us legally more difficulty than if we do nothing at all. And if we do nothing at all, which is what I have finally been led to the position that is our best choice, even that one is fraught with peril. What I want to at least have on the record, so that if anyone on the Supreme Court at some point in the cases is looking at the history, this Legislature is going to, understands, and will correct the situation that has been ruled unconstitutional by the Day v. Nebraska case. We are not saying that we do not want to obey the court, we do. What many of us are saying is by agreeing to the bill that we have before us now is going to be fraught with constitutional questions in the bill, itself, and compiled with that, the petition process that must pass in order for LB 7 to be workable is fraught with even more difficult problems that we should not have. We don't need to have more legal questions thrown out under this issue, the legal question of what did the Legislature really mean when they said that a vacancy exists but they did not ever say that the primary election was invalid, and they never said anywhere that those