

Senator, page 29, line 2, strike the words "shall consider and attempt to" and...(See FA376 on page 235 of the Legislative Journal.)

SENATOR CHAMBERS: Yes, I have it. Thank you, Mr. Clerk, and this amendment has been passed around and, because I don't want to do anything by subterfuge, I want to call your attention to the fact that this may be controversial and you may not want to do it, so I hope you will be aware of the fact that I did try to call your attention to the nature of this amendment prior to my discussing it at all. On page 29, starting in line 1, we read about the Governor being mandated to consider and attempt to balance representation, but there is no requirement that any balance result from that. Without giving anything other than the bare language which exists in the amendment as drafted now, the committee amendment, all the Governor has to do or say is that I made an attempt to find somebody who, in my opinion, is qualified and I couldn't. It doesn't say under the law that I have to beat the bushes, that I have to make appeals to organizations, that I have to do anything. I made the attempt while sitting at my desk to think of somebody who I thought would be appropriate and this is the person I came with for this appointment, these are the two people I came up with for that appoint...those two appointments and they just happen to be members of my political party, they go to my church and they're the biggest contributors to my campaign as business people who hate the NEOC, but that's just the way it fell out. But I considered balance, I made the attempt and, in my opinion, this constitutes balance. So here's what my language would say. In line 2, we would strike the words "shall consider and attempt to" and we would insert, after "Governor", "through appointments shall". And it would read this way: "The Governor through appointments shall balance representation based on" and then we list these items. And in line 4 we strike "when making appointments." So here's how the sentence would read: "The Governor, through appointments, shall balance representation based on political party affiliation, gender, race, age, and geographic areas of Nebraska." It makes it mandatory that this balancing or this diversification occurs and it occurs as a result of the appointments made by the Governor. And I phrased it in the way that I did so that if some type of imbalance somehow occurs as it has done on the Parole Board in the past and an appointment is available to be made, the Governor shall restore that balance based on these things that the statute