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LB 682

SENATOR BOURNE: Okay. So it has no binding authority on us whatsoever.

SENATOR SCHIMEK: No, that's correct.

SENATOR BOURNE: Okay.

SENATOR SCHIMEK: But the court basically said that you don't have to have an election if it's going to have a de minimus effect, if there isn't very much time left before somebody takes office.

SENATOR BOURNE: I understand so, but would you...just as it related, everybody in the body and those people watching at home are familiar with Senator Bereuter resigning, so help us out, because it seemed to me that that was a wise decision that the Governor, Governor Johanns, made at that time, to not go ahead with a special election.

SENATOR SCHIMEK: At the time, perhaps, and I wouldn't...this really didn't play a lot into the discussion. But if you remember, Congress did go back into session...

SENATOR BOURNE: Now that was a lame duck session...

SENATOR SCHIMEK: Yes.

SENATOR BOURNE: ...which happens rarely.

SENATOR SCHIMEK: Which nobody really expected, and the 1st District ended up without anybody representing them during some really pretty critical discussions and debate.

SENATOR BOURNE: Okay.

SENATOR SCHIMEK: So that did lend itself to the discussion a little bit, yes.

SENATOR BOURNE: Okay. I guess what I'm saying, though, is generally if there had not been a lame duck session, the Governor...under LB 682, the Governor would still be forced to