

January 18, 1989

LB 53, 57, 123, 537-597  
LR 8-12

Mr. President, new bill. (LBs 537-538. Read for the first time by title. See page 268 of the Legislative Journal.)

**SPEAKER BARRETT PRESIDING**

**SPEAKER BARRETT:** The Chair is pleased to announce that Senator Jacklyn Smith of Hastings has visiting the Legislature today Dr. Robert Schlock and 20 students from Hastings College, specifically, psychology and law class, in the east balcony, the rear balcony. Dr. Schlock, would you and your students please stand and be recognized by your Legislature. Thank you. We are pleased to have you visiting with us today. Also under the north balcony from David City High School, Senator Schmit announces the following guests, 8 students from David City High School with their teacher. Would you folks please stand and be recognized. Thank you for visiting. We are glad to have you. Mr. Clerk, more bill introductions, please.

**CLERK:** Mr. President, first of all, your Committee on Urban Affairs, whose Chair is Senator Hartnett, to whom was referred LB 53, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File; LB 57 General File; LB 123 General File, all signed by Senator Hartnett as Chair of the committee.

Mr. President, new bills. (LBs 539-557 read for the first time by title. See pages 269-72 the Legislative Journal.)

**SENATOR HEFNER PRESIDING**

**SENATOR HEFNER:** Mr. Clerk, do you have some more bills to introduce?

**ASSISTANT CLERK:** Yes, I do, Mr. President. (LBs 558-593 read for the first time by title. See pages 273-81 of the Legislative Journal.)

**SENATOR HEFNER:** Do you want to read the bills into the record?

**CLERK:** Yes, Mr. President, thank you. (LBs 594-597 read for the first time by title. See page 281 of the Legislative Journal.)

Mr. President, in addition to those items, I have new resolutions. (Read a brief explanation of LRs 8-12. See

March 9, 1989

LB 54, 84, 140, 162A, 214, 214A, 254  
284, 284A, 318, 320, 357, 432, 443  
499, 588, 611, 652, 781  
LR 1, 7

General File; LB 432 is indefinitely postponed; LR 1 indefinitely postponed; LR 7 indefinitely postponed, and LB 588 advanced to General File with committee amendments. (See page 1049 of the Legislative Journal.)

Your Enrolling Clerk has presented the bills read earlier this morning to the Governor. (Re: LB 284, LB 284A, LB 499, LB 443, LB 214, LB 214A, LB 318 and LB 320. See page 1057 of the Legislative Journal.)

Priority bill designations: Government Committee is 640 and 639, Senator Abboud LB 592, Senator Hall LB 653, Senator Lindsay LB 681, Senator Elmer LB 429.

New A bill, Mr. President, LB 162A from Senator Rod Johnson. (Read by title for the first time as found on page 1057 of the Legislative Journal.)

I have amendments to be printed to LB 357 from Senator Schellpeper and Nelson, Senator Lindsay to LB 54, Senator Baack to LB 254, Senator Chizek to LB 140, Senator Hall to LB 781, Senator Withem to LB 652. (See pages 1049-57 of the Legislative Journal.)

Unanimous consent for addition of names as co-sponsors, LB 611 Senator Rod Johnson; and LB 84 from Senator Haberman. (See pages 1057-58 of the Legislative Journal.)

That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The Chair recognizes the member from the 33rd District, Senator Jacklyn Smith.

SENATOR SMITH: Thank you, Mr. Speaker. I would like to make a motion to adjourn until Monday, March 13 at 9:00 a.m.

SPEAKER BARRETT: You've heard the motion to adjourn until nine o'clock Monday morning. Those in favor say aye. Opposed nay. Ayes have it, motion carried, we are adjourned.

Proofed by:

Arleen McCrory  
Arleen McCrory

March 13, 1989

LB 95, 140, 257, 280, 289, 311, 330  
336, 387, 395, 438, 444, 478, 561  
588, 603, 606, 643, 683, 705, 710  
721, 736, 739, 744, 761, 762, 767  
769, 780, 807

indefinitely postponed; LB 478, indefinitely postponed; LB 561, indefinitely postponed; LB 387, indefinitely postponed, all those signed by Senator Chizek as Chair of the Judiciary Committee. (See pages 1081-82 of the Legislative Journal. Journal page 1082 shows LB 721 as indefinitely postponed.)

Mr. President, a series of priority bill designations. Senator Hall would like to designate LB 762 as a committee priority. Senator Hartnett designates LB 95 and LB 444 as Urban Affairs priority bills. Senator Hartnett chooses LB 603 as his personal priority bill. LB 739 has been selected by Senator Hannibal; LB 606 by Senator Schimek; LB 761 and LB 289 by the Natural Resources Committee, and LB 807 by Senator Schmit, personally. LB 769 by Senator Labedz; LB 705 by Senator Ashford; LB 438 by Senator Wehrbein; LB 710 by Senator Scofield; LB 643 by Senator Bernard-Stevens; LB 588 by Senator Chambers; LB 739 by Senator Hannibal; LB 330 by Senator Pirsch; LB 767 by Senator Smith; LB 736 and LB 780 by General Affairs Committee; LB 395 by Senator Peterson. Senator Lamb selected Transportation Committee's LB 280 as a priority bill. LB 311 has been selected by Senator Landis as his personal priority bill; LB 683 by Senator Schellpeper.

Mr. President, I have a series of amendments to be printed. LB 744 by Senator Withem; LB 336 and LB 257, those by Senator Withem. (See pages 1083-88 of the Legislative Journal.)

I have an Attorney General's Opinion addressed to Senator Haberman regarding an issue raised by Senator Haberman. (See pages 1088-90 of the Legislative Journal.)

Mr. President, Natural Resources Committee will have an Executive Session at eleven-fifteen in the senate lounge, and the Banking Committee will have an Executive Session at eleven o'clock in the senate lounge. Banking at eleven o'clock, Natural Resources at eleven-fifteen. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you, Mr. Clerk. Proceeding then to Select File, LB 140.

CLERK: Mr. President, 140 is on Select File. Mr. President, the bill has been considered on Select File. On March 2nd the Enrollment and Review amendments were adopted. There was an amendment to the bill by Senator Chizek that was adopted.

March 29, 1989

LB 438, 438A, 588

should be an option. The cost factor based on the local school district should not be a factor. And I, therefore, urge the advancement of LB 438.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 438. Those in favor vote aye, opposed nay. Voting on the advancement of the bill. Have you all voted? Record, please.

ASSISTANT CLERK: 27 ayes, 2 nays on the advancement of the bill, Mr. President.

SPEAKER BARRETT: LB 438 is advanced. Mr. Clerk, we have an A bill, I believe.

ASSISTANT CLERK: Yes, Mr. President. LB 438A was introduced by Senators Wehrbein and Hall. (Read title.) The bill was read for the first time on March 15th and is placed on General File.

SPEAKER BARRETT: Senator Wehrbein, will you handle the A bill?

SENATOR WEHRBEIN: Yes, briefly, Mr. Speaker. It's there right in front of...140,000 from the General Fund July 1, 1989 to '90...290 from the fund, 1990 to 1991.

SPEAKER BARRETT: Any discussion? Any questions? If not, shall the A bill, 438A, be advanced? All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 28 ayes, 0 nays on the advancement of the A bill, Mr. President.

SPEAKER BARRETT: LB 438A is advanced. Anything to read in, Mr. Clerk? Thank you. Proceeding then to LB 588.

ASSISTANT CLERK: LB 588 was introduced by Senator Chambers. (Read.) The bill was read for the first time on January 18, was referred to the Government Committee. They report the bill back to General File with committee amendments, Mr. President.

SPEAKER BARRETT: On the committee amendments to 588, Senator Baack.

SENATOR BAACK: Yes, Mr. Speaker and members, the committee amendments do basically three things. I think that we're going to have several amendments to the committee amendments coming up



here from Senator Labedz and from Senator Chambers. So I will just explain the three...three of the things that the committee amendments do that are not going to be addressed by their amendments, and then we'll deal with theirs as they come up. First of all it allows for the drawing of the district boundaries in 1991. The original bill called for drawing the boundaries in 1989. The committee felt that what that would do is we would use the old census to draw some in 1989, then we'd have to redraw those boundaries again in 1991. This is...we will draw the boundaries in 1991. Then the other one is that the alteration of the districts and any subsequent changing of the district boundaries would be done by the county election commissioner rather than by the county board. This was an amendment by the committee that we felt would make the bill work better. And the third thing that they do is they simply harmonize the sections of LB 588 with the rest of the bill that is there. I think those are the main things that the committee amendments do. I think now we're going to have...there are some amendments there by Senator Chambers and also by Senator Labedz and we will find out more about the bill as we discuss those amendments. So, with that, I would just urge your adoption of the committee amendments.

SPEAKER BARRETT: An amendment on the desk, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the first amendment to the committee amendments is from Senator Labedz. It's AM1125. (Labedz amendment is on pages 1393-95 of the Journal.)

SPEAKER BARRETT: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. President. This amendment leaves the number of seats on the Douglas County Board at five, instead of the proposed seven in LB 588. It also provides that the Douglas County Commissioners will be nominated by district and elected at large. Currently they are nominated and elected at large. This amendment also changes the bill so that the county board will do alteration of district boundaries instead of the election commissioner, as proposed in Senator Chambers' bill. Finally, the bill allows for the alteration of district boundaries in Douglas County once every ten years. My amendment would make it once every four years, and that would be continuing the current practice. Now many of you in the last couple of days, and I thought it was a very good letter that was sent to you by Howard Buffett who is one of the members, new

members of the Board of Commissioners of Douglas County, and I just would like, in case you haven't read your mail, and I know that sometimes it takes days before you get through your mail, but he made some very good points. He says here, "Unlike the City of Omaha, in addition to the county board, Douglas County has seven elected officials responsible for seven different departments. We elect, at large, the Clerk of the District Court, the Registrar of Deeds, the County Clerk, the County Assessor, the County Attorney, the County Treasurer and the Public Defender...County Public Defender." So you can see by the amount of people that we elect in Douglas County that the five Douglas County Board members now are more or less administrators. He goes on to say, "In a short time I have been elected on the board I have worked with the other commissioners in a cohesive and collective environment to solve the problems for all citizens of Douglas County." And that brings to mind when I stood here and fought the district elections for the City Council. At that time I was also battling compost sites in south Omaha and also rendering plants. And I found out that when you're battling something like that, or whether it's a landfill, and I know there will be talk on landfills also, that you only have one representative that will fight for you on the city council. It would be the same way with the Douglas County Board of Commissioners. I would much rather prefer to vote for all five county commissioners rather than just one. They would be accountable to my vote when it comes to having a landfill, a compost site, or a rendering plant in my area of the city. It is...Howard Buffett goes on to say, "It is my belief, in the short time I've been there, that it's far better to have five county commissioners who are interested in all of the problems facing Douglas County as a whole than to have seven County Commissioners, which LB 588 provides for, who may be thinking only of one geographical subdivision of the county. It is noble to say that each official represents the county, but it is human nature and the nature of the district representation to be obligated to the district's interests first." And I believe that each and every one of us will say that we are a prime example because I would not stand here as a state senator representing District 5 and vote for anything that would harm my district. And I think we all have the same idea when it comes to voting on any particular bill. I urge you to adopt the amendment. We do not need seven county commissioners in Douglas County, five is more than enough. I believe that as I stated before the five county commissioners would be nominated by district and then elected at large. Lancaster County and

approximately 21 other counties do the very same thing. I will read you some of the counties that are elected at large. There is Antelope, Arthur, Banner, Box Butte, Brown, Cherry, Dakota, Douglas, Garfield, Grant, Hooker, Kimball, Lancaster, McPherson, Morrill, Nance, Rock, Sioux, Thayer, Thomas and Wheeler. So I urge the adoption of my amendment that is possibly the only way that I will vote for LB 588, if they are nominated by district and elected at large with only five county commissioners rather than the seven. Thank you very much.

SPEAKER BARRETT: Thank you. Discussion on the Labeledz amendment? Senator Chambers, followed by Senators Wesely, Schimek and Chizek.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, first of all the League of Women Voters testified at the committee hearing in favor of the bill as it is, with seven members all nominated by district and elected by district. But Senator Labeledz made an interesting comment. I'd like to ask her a question. Senator Labeledz, how much money did Howard Buffett raise to run for his seat on the Douglas County Board?

SENATOR LABEDZ: (Mike not turned on.) ...how much money he spent on his election, I'm concerned with the fact that he was elected and he's telling it like it is as a new member of the board...

SENATOR CHAMBERS: Thank you, you answered.

SENATOR LABEDZ: Thank you.

SENATOR CHAMBERS: Members of the Legislature, it was over \$100,000. And as I said to the committee, if his name was Howard Jones, instead of Howard Buffett, he would not have won and Senator Labeledz knows that and everybody on this floor who has ever dealt in politics knows why and how Howard Buffett won. And you notice it's the rookie who hasn't been there a year who is doing all of this for the county board. He is the only one who came down to the committee to testify, because there were members on the committee, and myself sitting in the audience, who could have raised too many issues that the older ones would have had to deal with. But on this specific matter Senator Labeledz had mentioned that she wouldn't want to be in a position to vote for only one person on the county board. She doesn't want to have just one person representing her. There are ethnic

and racial minorities in Omaha who have nobody representing them on the county board, and when you look at how the board is administered that is not difficult to establish. So Senator Labedz is telling me that it's better for me to have nobody than one. That doesn't wash. And you'll notice she read off a number of counties, but more than three times the number she read elect by district. So district election is not a strange concept. I gave you a handout, and I'm going to try and keep this as quiet and gentle an afternoon as it has been this morning and will probably continue to be after this bill, because I think the facts will speak for themselves. The first page in that handout deals with a 1986 Supreme Court decision, U.S., which shows how many municipalities and counties are being compelled by federal court order to go to a district method of election, and it's based on the fact that minorities who cannot put members on the board, whatever it happens to be, have their voting strength diluted and, in effect, cannot put anybody on the board. The article points out the number of cities and counties which, rather than go to court on this, because they knew they would lose, they state in the article that in view of the 1986 U.S. Supreme Court decision they know they would lose, they go ahead and accept a district plan. The second page relates to an article from 1979, dealing with Thurston County in Nebraska where a lawsuit was filed because Indians were unable to place anybody on the Thurston County Board after they went from district to at large. The judge was going to rule in their favor, so Thurston County agreed to a settlement rather than continue it all the way, and seven districts, as my bill proposes, were created. Two of them would just about guarantee representation for the native Americans. Population wise Douglas County is much more populace than Thurston County, but that small...that sparsely populated county had seven districts. On one of the sheets that I gave to you, I'm just trying to give you some background because I think there are others who will oppose Senator Labedz's amendment which is designed really to gut the bill. And Jim Moylan is trying hard to earn his money, and I don't blame him for doing this. But I got some figures today from the Planning Department in Omaha and the 1986 population total for Douglas County was...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...415,000, that was in 1986. By the time we have an election by districts, in 1992, the population will have increased. But if you go by that figure the district will

contain about 60,000 people, which is twice the size of our legislative districts. So I think a rationale can be shown for having seven members on the county board. I think it's easy to demonstrate that if a lawsuit were necessary to be filed, and I would be willing to file it, but it wasn't necessary to get city council districts or school board districts, and it shouldn't be for county districts. But there is more in the way of federal law now that would make a suit like that winable than there was when the event occurred in 1979 in Thurston County. So there is a justification for district elections, we would be in line with what the vast majority of counties do right now in Nebraska, and these compromises, such as Senator Labeledz is envisioning, never work. Once in place you can never get it out of place.

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: Once you win by district you then have to run county wide and try to reach 415,000 people, which is doing away with the concept of making these races affordable.

SPEAKER BARRETT: Senator Wesely, followed by Senator Schimek.

SENATOR WESELY: Thank you, Mr. Speaker, members. I would oppose the Labeledz amendment as well. It is modeled on the Lancaster County plan. I'm from Lancaster County. There are other senators from Lancaster County that probably feel differently, they have a chance to express themselves. The way I feel is that our plan isn't necessarily the model that you ought to follow. We do have a plan where we have five county commissioners, they are elected by district and then they are...they run at large in the General Election. I, personally, don't think it's a particularly good system. There are others who feel differently. They think this provides a geographic balance, that every area the county gets represented. And then everybody gets a chance to vote on everybody that is on the county board. But frankly there are other models and other ways to go. The district election concept that Senator Chambers proposes is one way to go. And I, personally, support that. I think district elections makes for a smaller area, a chance for candidates to run and be elected that don't have all the resources that maybe others might have. They have a more limited area and limited population to appeal to, and so it's an easier thing for those type of people that don't have the Howard Buffett money or the name recognition that some of these candidates for Douglas County Board have, the innate advantages

that those individuals bring to their candidacies. A chance is there for Don Wesely to walk door-to-door in a legislative district, or any number of the rest of us down here that may not have been that well-known and worked extra hard and were able to get elected without that much money, and hopefully have done a good job serving down here. And it's that chance to open up the process and bring in those types of candidates and have them have a chance to run and win that is the reason that I've always supported district elections. Now the district plan, that Senator Chambers has is that model. Another model that we compromised on in Lincoln is the four district elections of the council members with three at large people elected. That is another compromise. Then you have the county board plan that we have here, and then you have finally just the option of just everybody running at large, which I think is the worst of all plans, because there you haven't got the geographic balance, there you have only the big names and the big money able to really have the best chance of running and winning for those seats. So I certainly think a change is in order for Douglas County. The question is do we go to the Labeledz plan or to the Chambers plan, and I would prefer the Chambers plan. Again, because of the basic concept that you have the opportunity for people to run and be elected on a district level that would have no chance whatsoever on a county wide level, and it is with that in mind, thinking about the kind of people I care about a great deal, those people that may not always have the voice and the representation that others have, they are the folks that can't afford perhaps to have a lobbyist represent them. They don't have the money to run on their own and pay for an election to a big office. They don't have the sort of stature perhaps that you'd expect from some of these people on the county wide races to have. And I just think that they have the chance to run on the district level and have that chance to use that influence that they have to run and win at that level. But to be fair we ought to go down to district level and allow other individuals, without the name recognition, without the resources, without the wealth and background to have that chance of running and winning. Now all of us have run on 33,000 people in our districts. This is a district elected body. I think it's served the state well. I think the Legislature in Nebraska has done a good job. We have our disagreements, we have our differences of opinion, but I think district elections has worked for the Nebraska Legislature and it can work for the county board of Douglas County, it could work for the county board of Lancaster County. But let me give you one last problem

that we've had in Lancaster County with our district elections. It would be one thing I'd warn Senator Chambers about. Senator Chambers, one of the problems, and I don't know if you addressed this in your bill, but if you go to district elections, how they establish those districts is very important. In our council elections, when I first ran in '78 I helped lead a petition drive to go to the four district elections, and then we found a problem with gerrymandering of those districts, and we came back in with an amendment that I carried in this Legislature to have them recognize neighborhoods and school districts and try to have some continuity of interest in a district. In the Lancaster County Board, when they redistricted, they didn't have any of those provisions. When they decided to get into a change, from three to five members, they...

SPEAKER BARRETT: One minute.

SENATOR WESELY: ...cut slices out of the county with absolutely no recognition of any common interest whatsoever. It lost the whole intent of district elections, I mean one intent is to give people a chance to run and win that would have no other chance, the other thing is to bring together areas of a city or a county, bring together common interest so they have a voice to represent their interests. And we didn't see that happen when the county board divvied up this county. They had an individual they didn't want to have on the county board, so frankly they gerrymandered to a point where you go from one end of the county to the other end with basically a slice of representation. It's the worst plan I'd ever seen. I hope that in this bill, if it proceeds in the fashion that you have, that you have some provision to recognize, as we do in the Lincoln City Council, that the districts have some common interest, so that that is one of the points of a district election, that they bring together a common interest. Whether that be in Hastings and Adams County they have a common interest and they have a representative, or whatever area you might be talking about, legislative districts. Similarly we can't let this bill not allow for that districting to be done in the fashion it should be.

SPEAKER BARRETT: Time has expired.

SENATOR WESELY: I would oppose the Labedz amendment.

SPEAKER BARRETT: Thank you. Senator Schimek.



SENATOR SCHIMEK: Mr. Speaker and members of the body, I rise in opposition to the Labedz amendment. I just learned about this amendment this afternoon and frankly had some mixed feelings about it because of the Lancaster County experience. I, too, like Don Wesely, don't regard it in a specially favorable light. I would much prefer to have the all district elections. On the other hand, I said to myself how can we demand something for Douglas County which we don't have here in Lancaster County. My conclusion was that just because we've made a mistake, in my opinion, in Lancaster County doesn't mean that we should make the same mistake in Douglas County. So that is why I'm rising to oppose this amendment. Don Wesely has really said it all very well, as far as I'm concerned, about the reasons for not having the district elections in the primary and then the at large in the General Election. It's confusing to the voters, it is very difficult for candidates who run in a little tiny district election and then comes time for the General and they have to completely change their whole strategy and their whole, their whole technique for dealing because they have such large figures and so much more population to deal with than they did in the primary. So the whole campaign changes. I think often voters don't understand the differences between the district election and the primary and the General Election, and they get confused. I would like to just say, in conclusion, and I'm not going to take up all my time, if either Senator Chambers or Senator Wesely would like some of the time they can have it, but if we took this concept one step further and applied it to other elective offices, then we would have to say that we, as legislators, should run in districts, as we do now in the primary, and should run state wide in the General Election. And I don't think any of you in this body would particularly like that idea. It would give us more of a state wide vision, perhaps, and we would represent the whole state better if we did that. But we also knew what it would mean in terms of running an election, in terms of cost, and it just wouldn't be the same kind of election that we ran in the primary. We wouldn't get as many people, I don't think, to run that way as we would in the districts. Although I think those figures aren't conclusive. So if Senator Chambers or Senator Wesely would like my time, I'd be willing to give it.

SPEAKER BARRETT: Which, Senator Chambers? About two and a half minutes.



SENATOR CHAMBERS: All right. Mr. Chairman, the reason I will take the time that Senator Schimek has graciously relinquished, and thank you, Senator Schimek, is to make a point that Senator Labedz touched on and young Howard Buffett touched on when he was before the committee about being concerned only about your district. I wish that in this Legislature I only had to deal with the problems of the people in my district. I wish that my office wasn't full over the noon hour with people from other senator's districts. I delight in the opportunity to talk to children from other people's district, so that's not what I'm talking about. But I mean these complex, difficult problems. My phone rings all the time, that is one of the reasons I'm down here on weekends, often I'm here on holidays because there are people who have problems and view me as somebody they can talk to, and having gotten into that position it's hard to extricate myself from it. I don't think there is a senator in here who will say that he or she has the luxury of dealing only and exclusively with his or her district, none of us have that luxury. And I don't think any of us seek it. I have yet to find a senator refuse to help somebody who seeks help if they happen to be from another district. There could be a situation where their own senator might know more about the case, or if it's one with a local flavor you might try to talk to the senator from whose district that person comes and work together. But I haven't heard of the door being slammed because somebody who comes who is not from that district.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: I think it is unfair to make that characterization unless the one making it is talking about himself or herself. I know Senator Labedz is not talking about herself because I've seen her workload. I can't say the same for young Mr. Buffett because he's not elected by district. So it's a situation where people are throwing these aspersions around, but they don't apply to anybody. So what I would like Senator Labedz to do, the next time she talks, is to point out the members in this body who deal only with the issues in their district. And I don't think she can point to one. Young Mr. Buffett is in a position of having the old bear send him to say all manner of naive things because people will say, well he's young, he's new and he doesn't know anything, but it shows the unfairness and the exploitative nature of that at large system in Douglas County where there is a clique and they look after a certain stratum of interests,...

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: ...they take care of a certain stratum of society, and did you say time?

SPEAKER BARRETT: Yes, sir.

SENATOR CHAMBERS: Oh, this one sentence to finish. Senator Wesely, when we got district elections in Omaha there was some language about socioeconomic considerations in the drawing of district boundaries. And on Select that could be done, but I'd like to check that language and make it appropriate for a county bill.

SPEAKER BARRETT: Senator Chizek, followed by Senators Goodrich, Korshoj, Labedz and Withem.

SENATOR CHIZEK: Mr. Speaker, colleagues, it's unusual for me to get up and oppose my colleague, Senator Labedz. She's right about 99 percent of the time, but this is one time she's wrong, 1 percent, Bernice. You know as Senator Schimek said, carrying it a step further as far as legislative nominated by district, elected at large, could you imagine Senator Baack, how he would do in District 66. I think he might have some difficulty in that district. But the point that I'm trying to make is that I think when you're elected, when you're nominated by district in the primary and the General Election I think there's accountability. In fact that's kind of what we're talking about here is accountability. I'll cite an example to you in my particular district. The northwest part of my district, which touches Senator Korshoj's district, I have...it's a low populated area, small communities, Bennington, et cetera. I have three landfills in that district within five miles of one another. Now I can assure you there would be a lot more attention paid to the problem that the people in this community are experiencing if that county commissioner represented the district that included these people. I will tell you, colleagues, it has been a long, lonely fight and it's still not over. But it's my district and I'm going to represent them to the best of my ability. I think if the county commissioner were elected from that district they would have concerns as strong as I do. My point is it's accountability when we elect by districts. That's why I oppose Senator Labedz's amendment and support Senator Chambers' bill. Senator Chambers, you can have

the rest of my time.

SPEAKER BARRETT: Thank you. Senator Goodrich.

SENATOR GOODRICH: Mr. President, members of the body, I don't want Bernice to stand up here all alone getting picked on (laughter), so I rise in wholehearted support of Senator Labedz. Two or three points, one of which is I don't think we need the seven county commissioners in Douglas County that the Chambers amendment would call for, especially when you consider like Senator Labedz said the number of elected department heads that we have in the county. Add to that the fact that nominating by district and then electing at large guarantees district representation. But it also gives us the advantage of having the whole county have a voice in who is elected, so that we don't continue this downward spiral of those interested in elections, local elections. I'm, as I say, wholeheartedly in support of the concept of let them be nominated by district, guaranteeing district elections, but let the whole county have the voice on the election so that we can maintain that interest county wide in county elections that we have seen deteriorate in the city elections. We can avoid that deterioration if we just let the whole county have the voice at the General Election and nominate by district. So I support Senator Labedz.

SPEAKER BARRETT: Thank you. The gentleman from Herman, Senator Korshoj.

SENATOR KORSHOJ: Question.

SPEAKER BARRETT: The question has been called. Do I see five hands? Do I see five hands to cease debate? I do. Those in favor of closing debate please vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Labedz, would you care to close on your amendment to the committee amendments.

SENATOR LABEDZ: Thank you, Mr. President, I will. I have a question for Senator Chambers.

SPEAKER BARRETT: Senator Chambers, could you respond.

SENATOR CHAMBERS: I shall attempt to.

SENATOR LABEDZ: Senator Chambers, very briefly, you mention the fact that you are opposed to the excessive campaign expenditures of certain county board commissioners. Why can't you introduce an amendment to LB 588, and I will co-sponsor it with you, putting a cap on expenditures for any campaign, including yours and mine.

SENATOR CHAMBERS: Senator Labedz, what I said was I didn't express a judgment about that amount of money, although I have an opinion. What I did was stated just a fact of how much it costs to try to get on the Douglas County Board. So an amendment of the kind that you're talking about I don't think would attach well to the bill, and that is an area that I've never tried to do anything on.

SENATOR LABEDZ: Thank you. I have a question for Senator Wesely. Since you're not there, I'll try Senator Schimek. I'll take Senator Schimek, first.

SPEAKER BARRETT: Senator Schimek, could you respond to a question.

SENATOR LABEDZ: Senator Schimek, inasmuch as you said that you oppose what Lancaster...the way Lancaster County elects their county commissioners, why haven't you introduced a bill or prepared an amendment to change the method that Lancaster County elects their county commissioners? From what I heard you say it is a very bad situation. As a state senator I think it is your obligation to change it. I put an amendment on Senator Chambers bill, because I feel what he's trying to do is bad. And I will oppose the bill if this amendment is not attached. Why can't you introduce an amendment to LB 588 and change the way Lancaster County does it?

SENATOR SCHIMEK: That's a very good question, Senator. I have no real good answer for that. I don't feel like introducing that into this particular bill at this time. I think that it's a particular bill that is really supposed to address the idea of district elections. Since we already have some form district elections in Lancaster County, I didn't even consider it up until today and...

SENATOR LABEDZ: Thank you, Senator Schimek.

SENATOR SCHIMEK: ...I wouldn't have, if it wouldn't have been for your amendment either.

SENATOR LABEDZ: Thank you, Senator Schimek. Senator Wesely, very briefly.

SPEAKER BARRETT: Senator Wesely.

SENATOR WESELY: You know actually that thought has crossed my mind and maybe we'll see a bill next year. (Laughter.) We haven't had any public hearing on it, and we just need to take a look at it.

SENATOR LABEDZ: How long have you had the method that you use now?

SENATOR WESELY: We changed over back about five or six years ago to five members. I can't remember when we went to the district and then general though, I don't recall.

SENATOR LABEDZ: And you've held this opposition for five or six years.

SENATOR WESELY: Well, let's just say I think there's a better plan.

SENATOR LABEDZ: Then I certainly would come up with that other plan, if I opposed the method we elect our county commissioners, and that is why I'm opposed to LB 588 as it stands. I think, as I said before several years ago, and thanks to amendment that I later got passed, I had problems, as Senator Chizek was mentioning, about landfills in his district. When you've got a seven member city council and they're going to put compost sites and rendering plants in your district, the only one that would fight for...against the proposition, at that time, was the city council member that was representing the south Omaha area. At that time I said I would never, never go for district elections, because I want all five county commissioners and all seven city council members to be responsible for my vote and for their action when they are on the board.

SPEAKER BARRETT: One minute.

SENATOR LABEDZ: I don't want to vote for only one person and

have that person representing my district on landfills, compost sites, rendering plants, waste disposals, whatever. I think that when you can vote for every single member on the county board or the city council, then they are accountable for your vote, and they come up and ask for your support. As far as the excesses, campaign spending, I've heard Senator Chambers mentioned that many times before I don't even have anyone from south Omaha on the county board right now. But when I've got a problem I call all five of them. I certainly don't worry about just talking to one because I know the one would probably be responsible to the people in my district, but I want all five of them to be voting yes or no, depending on the proposal that is in front of them. So I urge you to adopt the amendment. It's a compromise, Senator Chambers, it's something you wanted for a long time, and this is a compromise. The county board opposes district elections. My time is up?

SPEAKER BARRETT: Your time is up.

SENATOR LABEDZ: I know you're smiling when you smile and you're saying my time is up. Thank you.

SPEAKER BARRETT: Your time is up. You've heard the closing. The question is the adoption of the amendment to the committee amendments. Those in favor vote aye, opposed nay. Have you all voted? Have you all voted? Simple majority. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I'll ask for a call of the house.

SPEAKER BARRETT: Request for a call of the house. Those in favor of the house going under call please vote aye, opposed nay. Record.

CLERK: 22 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, record your presence, please. Anyone outside the Legislative Chamber, please return and record your presence. Senator Beyer, please. Senators Ashford, Landis, Morrissey, the house is under call. Senator Haberman, the house is under call. Senators Ashford, Morrissey and Haberman, please report to the Chamber. Senator Chambers has authorized call in votes, and the question is the adoption of the Labeled amendment.

CLERK: Senator Haberman voting aye. Senator Morrissey voting no. Senator Ashford voting no. Senator Elmer voting yes.

SPEAKER BARRETT: Record, Mr. Clerk.

CLERK: 21 ayes, 20 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The...Senator Chambers. I'm sorry.

SENATOR CHAMBERS: I'd like the vote verified.

SPEAKER BARRETT: Mr. Clerk, verify the vote, please.

CLERK: (Verified the vote.) 21 ayes, 20 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. The call is raised. Next item, Mr. Clerk.

CLERK: Senator Chambers, you have an amendment pending to the committee amendment, Senator.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I move that this bill be indefinitely postponed.

SPEAKER BARRETT: Senator Chambers, I'd like to ask if we could dispose of the committee amendments first, and then take action on your motion. Would that be agreeable?

SENATOR CHAMBERS: All right.

SPEAKER BARRETT: There are committee amendments pending.

SENATOR CHAMBERS: Okay.

SPEAKER BARRETT: Thank you.

CLERK: Senator, do you not then want this amendment to the committee amendments at this time? Okay. We're back to committee amendments, Mr. President, as amended.

SPEAKER BARRETT: Senator Baack, on the committee amendments,

please.

SENATOR BAACK: Yes, Mr. Speaker and members. Now, after the committee amendments have been amended by Senator Labedz's amendment, I would urge you to not support the committee amendments. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the adoption of the committee amendments? Senator Withem, your light is on, followed by Senators Chambers and Wesely.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, not knowing the desires and the intent of the introducer of this bill at this point I'm going to follow the lead and the urging of the committee chair in voting against the committee amendments at this point. That will be a way of reconsidering the Labedz amendment. The Labedz amendment is one with which I do not agree. You've heard from a couple of the senators from Lancaster County who are indicating that it is...they live in a county that has the current system that is now the committee amendments and they are uncomfortable with that. I think I guess parenthetically I guess I'd like to say I think it's somewhat unfair to chastise a senator on the floor for not bringing a bill in, particularly a freshman senator's first session, to right all of the wrongs that may exist in a given area. If I were to do that I'd probably have a hundred different bills that I'd bring in and we just don't have time to do that. But they've indicated personal frustrations with the system that we have, and I tend to believe what they have to say. I live in the largest county in the state that is a pure district election county. We have nearly 100,000 people in Sarpy County, we have five commissioners that are elected, each one nominated by district and elected by district, and I think it is a very good system of providing representation in our county. We have a very diverse county, we have Bellevue to the east, we have the cities of...the growing cities of Papillion and LaVista in the middle section of our county, we have a diverse population group that is in essence an extension of south Omaha, represented by another commissioner, and the rural portion of our county, represented by yet another commissioner. The fact that each of those areas gets to elect a commissioner means that their voice is going to be heard on the county commissioners. If we didn't have that system, I think there would be portions of our county that would go without representation. It's a philosophical point, I guess, on whether



you believe that the best system is one where everybody feels, or everybody elects a little bit of everybody that runs the county government, or if you feel you're better off having one particular individual whose feet you can hold to the fire and make accountable. I agree with what Senator Chizek had to say before. I think that is the best system. At this point, if we do not vote for the committee amendments at this point, we have basically the Chambers bill as it was introduced. And although there may have been some things in the committee amendments that would have improved the bill, my preference is to see the Chambers bill in its current form. I'll be interested in hearing what he has to say when he speaks. But at this point it's my plan to vote against the committee amendments and, pending any changes based on recommendations he will make, I would urge other members of the body to do the same.

SPEAKER BARRETT: Thank you, sir. Senator Chambers. Senator Wesely next.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I had made my motion to delay the bill at least until tomorrow because the one vote that I really needed to tie it up was Tim Hall's, he wasn't here. He said he would have voted against Senator Labedz's amendment, he was for the bill. The majority of the Omaha senators who are in Douglas County do support this bill. I find out that some coming on the floor did not realize completely what Senator Labedz's amendment did, but I'm going to say what it did, it gutted the committee amendment. The committee amendment was to replace everything in the green copy, and it became the bill. So by adopting her amendment that Moylan drafted, it destroyed everything that was in the green bill and created a situation which could have been done without her amendment, that is to nominate by district and elect at large. But the Douglas County Attorney decided that he was not going to regard that statute. That is in the bill, in the law right now with reference to Douglas County. The Attorney General was asked for an opinion, by Senator Pirsch, and he simply adopted what the County Attorney in Douglas County said and indicated that the cleanest thing to do is just to get a bill that elects by districts. Now I'm not bringing this because he suggested it, I've always been in favor of district elections. So what I'm asking you to do is to reject the committee amendments. I would like to advance the bill, and on Select I would then offer an amendment which had been drawn to fit the committee amendments, as drafted, that would put in

place the district system so that we would maintain the stagger, as we have now, as a method. It took quite a bit of work to do that, and it had to be fitted into the committee amendments. And since those portions of the committee amendment that mine would have dealt with have been stripped out of that committee amendment, I would ask that the committee amendments be voted against. In other words, I would appreciate a no vote. Then I would not try to offer my amendment to the bill at this time, because it would be to the green copy, and there is no way that I could draft it to fit with what the green copy is. The committee amendment was going to change all of that, take a lot of confusing language out of the existing law and we would have had a clean bill before us. That cannot be done now. I'll sit down. Thank you.

SPEAKER BARRETT: Thank you. Motion on the desk, Mr. Clerk.

CLERK: Mr. President, a priority motion. Senator Smith would move to reconsider the adoption of Senator Labedz's amendment.

SPEAKER BARRETT: Senator Smith, please.

SENATOR SMITH: Mr. Speaker, members of the body, I have to admit that I've been sitting here kind of in a lazy attitude this afternoon, not paying as much attention as I probably should have to the discussion until perhaps it was later than I thought it was. And I, after listening to the discussion and voting, now have had an opportunity to think it over and I've decided that I would like to have the opportunity to reconsider at least my vote on the Labedz amendment to the committee amendments of the bill. And that is what I'm offering right now.

SPEAKER BARRETT: Is there discussion on the motion to reconsider? Senator Wesely, followed by Senator Abboud and Senator Labedz.

SENATOR WESELY: Thank you, Mr. Speaker. I welcome Senator Smith's motion to reconsider and again hopefully we will think about this a little further. Senator Labedz caught both Senator Schmit and I off guard dealing with the question of why didn't we change the county board election. And it was a fair question, unfortunately didn't have time to really give the answer that we should have. Let me tell you where I'm coming from on this. I've been involved in this district at large

issue now for the 11 sessions that I've been in this Legislature. It's a very divisive, difficult issue. And I know what Douglas County must be going through. You obviously have a split in their delegation with different viewpoints. It is probably largely because we have an equilibrium in Lancaster County, peace and harmony reign within the land of Lincoln, that I feel making that change at this point is not in the best interest of our community. We didn't feel that way on the school district issue. And a few years ago some of us sponsored a bill that we passed that went to district election of the school board. That was very divisive, very difficult, it split our delegation, it split our community. I really frankly don't care to go through that again unless there is a major concern on the county board level. I guess that's what...I'm being real honest with you about my feelings about it. I don't think the plan we have for the county board is the best plan, but it is a better plan than Douglas County's got, I'll tell you that right now. An at large system is not the best system at all, it's the worst system. The Labeledz proposal, I think, is a step in the right direction, it is not far enough. I prefer Senator Chambers' district plan, that's the better plan in my book. But frankly I'd say that the system you now have in Douglas County is the worst system that you could have. So it's a question of how far you want to go, and that is probably speaking in a way that Senator Chambers wouldn't like me to, saying that at least the Labeledz plan is an improvement. But I again emphasize I think the Chambers plan is the better plan. We now have school districts by...the school board elected by district in Lincoln, and there is one at large seat. There has been some talk that we haven't had very many candidates run for those district board seats. But I got to tell you, we've had more peace and harmony on our school board in the last couple of years, since we went to that system, than we ever had before, I think. It has been a good system, it's been a representative system. And that district plan for our school board may not have had a flock of candidates, but probably part of the reason is they've been pretty satisfied with that school board, that it's worked pretty well. And that is one of the reasons some of us don't get that much opposition, hopefully because we're doing a good job. The council district, an at large situation, the split of four and three there. We had a big fight over that. And we've gone to that system, it's an equilibrium situation. I think we're probably pretty well satisfied with it. Again, on the county board I can't even remember the last time we got into this, probably six or seven years ago. But because of these other

issues that have been out there, and the fights in the community, I guess I'm thinking that at this point unless there is a push by citizens in our county to make a change, that we need to do that. But I think if you ask people in Lincoln what they thought would be a better system, I think you'd find them supporting a district plan, that we've had problems in the districting and that they don't know their county board member. Senator Warner and I were trying to remember our county board members and we had some trouble recalling who they are. You don't have as much problem, I think, if you had a district plan where you at least knew who your district representative was and there was some continuity to that district. So what I'm saying is I think the system we have in Lancaster County could be better. I think the plan that Senator Labedz has put on this bill could be better with the original bill. And I support Senator Smith's reconsideration to go back to what Senator Chambers was originally proposing.

SPEAKER BARRETT: Senator Abboud.

SENATOR ABBODD: Mr. President, colleagues, when I was first elected to the Legislature my first priority bill, and I should say the first bill that I passed, was a bill providing for district elections for first class cities. Now this mandatory four district breakdown of each first class city wasn't that large of a step for the Legislature to make, because all of the first class cities were at least divided into four, separate, distinct districts, except for one, that being the City of Ralston. And at the time they... I think the majority of the people were in favor of the district elections. There was some question among... when it was raised in committee about whether or not a community of a little over 5,000 had a need for district elections. But even in a small community like that you had diverse viewpoints on public policy among a municipality. And we had problem with that city council, and there wasn't a lot of change, but at least the representatives we have on the city council in Ralston now, the four members, I think, pretty well represent different parts of the city. Maybe the interests only deal with garbage pickup, or dogs barking in the middle of the night, or complaints I guess that deal with municipalities, they are still dealt with in a manner where there is accountability. That was the reason seven years ago that I introduced a bill and supported that bill, accountability, and that is the reason why I'm supporting LB 588. It's very easy for an individual that is elected in a large area to pass off

constituent concerns. I think that the district makeup that we have in the Legislature provides for accountability. A senator that votes against their...a group of individuals that he should be taking care of is usually voted out of office. Or, on the other hand, if there are concerns that aren't taken care of by that state senator, then he's voted out of office. But there is accountability. I think that if you go to district elections, whatever makeup we come up with, I prefer the approach of the original bill of 588 with Senator Chambers' amendment and with the committee amendment, I think you will have accountability. For a county that is as large as Douglas County, you have a lot of diverse viewpoints. Now Douglas County has pretty much run the gambit in the past few decades as to what type of election county commissioners should have. You have some of the county commissioners that were elected back in the early fifties that were...one time were district elections, the next time were elected at large, and they were always able to adopt. I might add that most of these people are re-elected anyway. So I'm quite surprised that there is really a lot of concern among the board members. I really don't view this as a question of personalities or whose on the board at this time or whose going to be on the board in the future because I view it as a philosophical question, that of accountability. I think, if we have accountability in the Legislature, we should follow through on this and say that there should be accountability in a district that is much larger, much larger than our own legislative seat. I will be supporting Senator Smith's reconsideration motion, and I will be supporting the committee amendments as they were, as they were when they were brought out of committee and eventually the advancement of the bill. Thank you.

SPEAKER BARRETT: Senator Labeledz, followed by Senator Warner.

SENATOR LABEDZ: Thank you, Mr. President. I urge you not to vote for the reconsideration. What is going to happen and perhaps some of you don't know, at least maybe the new senators don't, if we vote to reconsider then we go through the entire debate again on the amendment, because it is debatable, and that is going to take time. I don't know if we've been on this bill an hour or so. But if Senator Smith wants to vote against the amendment or reconsider the amendment, all she has to do is vote against the committee amendments. If they get 25 votes the committee amendments are not adopted and the bill is in its original form. So I urge you, because of the time and length of

time it will take to again debate the amendment, we've already voted on that, the Chairman has asked to vote against the committee amendments so a reconsideration will just take a great deal of time. You have the opportunity to vote against my amendment by voting against the committee amendment, if you so choose.

SPEAKER BARRETT: Senator Warner, followed by Senators Chambers, Hannibal and Scofield. Senator Warner.

SENATOR WARNER: Mr. President, members of the Legislature, I wasn't particularly thinking either to get into this issue, instead it became an issue that because some Lancaster County representatives had some concern about the method that we have, which is similar to Senator Labeledz, I decided that I would get in because I happen to very much like the system that Lancaster County has, which is the one that Senator Labeledz is offering, because it does offer that balance of responsibility to all residents of the county, at the same time protecting that area of concern through the primary and the nomination of the individuals who will be elected at the General Election. The primary...you have the geographic protection, the area protection because you have the accountability to the entire area at the General Election when we all vote. I would grant there might be a point, however, that size might make a difference. I could argue, I think, a 200,000 population county, this system is excellent. I'm not in a position to make a judgment on 400,000 population county, may make some difference in how I would treat this issue. But I want to make it very clear that for Lancaster County the system, I think, works well and I would very strenuously oppose any efforts to change the Lancaster County system, as some have suggested ought to be done, or if some feel that it has not worked well, because in my opinion it works excellent. I don't know but what it wouldn't...I think it probably also would work well in Douglas County as well, although I would grant the size could make some difference.

SPEAKER BARRETT: Senator Chambers, Senator Hannibal on deck.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I'd like to ask Senator Warner a question. Senator Warner, is there an ethnic minority or racial, whichever term would apply, the size of the black and Hispanic communities in Omaha, would there be that equivalent community unrepresented in Lancaster

County on their board?

SENATOR WARNER: I...everybody is shaking their head no, Senator Chambers, to me. That's probably true. I honestly...it's not a thought that I can tell you from my own knowledge.

SENATOR CHAMBERS: They're correct, there isn't that...there isn't that kind of an ethnic group of that size in Lancaster County. If...Taking that into consideration, would it alter your opinion about whether or not what works in a relatively homogeneous society, such as you find in Lancaster County, would be equally workable and applicable in an ethnically diverse county such as Douglas?

SENATOR WARNER: The more persuasive argument, Senator Chambers, would be the one I mentioned, that is just sheer size of Douglas County. I'm not...I haven't thought about the aspect that you're suggesting. I would prefer not to think that that ought to be a factor in the election.

SENATOR CHAMBERS: Okay.

SENATOR WARNER: I appreciate that it may well be, but I would prefer not to even consider...put myself in the position of considering that to be a factor, although I appreciate it can exist.

SENATOR CHAMBERS: Okay, thank you. Members of the Legislature, I must consider it as a factor. And the sheet I handed you, where the federal judge imposed district elections on Thurston County was because of that very factor. The 1986, U.S. Supreme Court decision that I handed to you, the paper...there is a paper discussing that, from a magazine, based it on the very factor that I mentioned, not the size of the county but the minority groups whose votes have been diluted. If the Legislature decides to not allow this to happen, there is an alternative, and the Legislature has told other people before, go to court and do it. If that is what the Legislature decides, I have no way to make the Legislature do anything. But I believe there are valid arguments for doing a district system of election in Douglas County. And I hope you will vote to reconsider the adoption of Senator Labeledz's amendment.

SPEAKER BARRETT: Senator Hannibal.

SENATOR HANNIBAL: Thank you, Mr. Speaker, members. I wasn't going to speak on this issue. As a matter of fact, I am a little ambivalent myself as to how I feel, because I am from Douglas County and I see some good arguments on both sides. Maybe if Senator Chambers would respond to a question it would help me a little.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Yes.

SENATOR HANNIBAL: Senator Chambers, one of the provisions of the current situation in Douglas County, having five county board members all elected at large is that...one of your arguments is if you have a body of an ethnic minority that they have a very, very small chance of having a representation from that area. Is that correct?

SENATOR CHAMBERS: Yes, that's correct.

SENATOR HANNIBAL: Would you....And if we had districts, if we had five districts that were all elected by district, you would have a better chance of having one area represented by that person. Is that correct?

SENATOR CHAMBERS: No, they might have...

SENATOR HANNIBAL: Better than at large.

SENATOR CHAMBERS: No, they wouldn't have a chance because the number...the size of the district would be over 80,000, each district.

SENATOR HANNIBAL: You would admit that there would be a better chance than at large.

SENATOR CHAMBERS: No. Senator...

SENATOR HANNIBAL: You wouldn't admit that?

SENATOR CHAMBERS: Here's the only way I can deal with that, Senator Hannibal, and I use the example from time to time, if there is a knife stuck in my back and the blade is six inches deep into my back, and somebody pulls it out two inches, I still have it in my back. So effectively in a district of 80,000



March 29, 1989

LB 279, 588, 678A, 741A

there is no realistic chance to put anybody on a board coming from a district that large.

SENATOR HANNIBAL: And so you're coming up with the idea that you need to have seven districts, so that you could bring the districts down to a smaller amount.

SENATOR CHAMBERS: Right, and then, if you marshal everybody whose an eligible voter and make an appeal to others, there is a chance.

SENATOR HANNIBAL: Let me....You're on my nickel.

SENATOR CHAMBERS: Oh, I'm sorry.

SENATOR HANNIBAL: Let me ask you one other question then. Would you admit that you would have a better chance of having representation if you had districts by the primary, even if they were seven, had the primary by district, and then the election at large?

SENATOR CHAMBERS: No, because what can be done then is to influence the district election by people outside the area supporting a particular person and make sure that they are one of the two that makes it to the General, then they support the one in the General that they want, knowing that he or she will not truly represent the interests of that district.

SENATOR HANNIBAL: All right.

SENATOR CHAMBERS: And that has been done in other places.

SENATOR HANNIBAL: Well, thank you. I appreciate your....  
(POWER OUTAGE. End of debate recording for the day.)

(LB 741A and LB 678A were read by title for the first time. Senators Wesely, Landis, and Hartnett asked that amendments to LB 279 be printed in the Journal. See page 1396 of the Legislative Journal.)

April 3, 1989

LB 89, 95, 247, 588, 762  
LR 2, 69

SENATOR LANDIS: I will take just another 30 seconds to complete the answer to Senator Hannibal's question. We do not now have the staff at the state level to be able to do analysis on natural gas regulation. We would have to go out and hire that. The methodology that we have for cities to go out and control natural gas rates is for them to band together and get a consultant for a limited period of time to examine each rate increase by a utility. When they're not faced with that, the staff is not permanent. They've just hired a consultant. If the state is in this business, we'll likely either have to gear up and bring staff in or, in the alternative, we'll have to duplicate the very authority that the cities have which is to use a limited amount of service on an as needed basis by going out into the marketplace and hiring consultants. The former, I think, is far too expensive for its utilization pattern and the second is basically duplicative of existing mechanisms. That's why I think city regulation makes sense. I support LB 95 and urge you to do as well.

SPEAKER BARRETT: Thank you. Shall LB 95 be advanced to E & R Initial? All in favor vote aye, opposed nay. Voting on the advancement of the bill. Have you all voted? Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 95.

SPEAKER BARRETT: LB 95 is advanced. Anything for the record?

CLERK: Mr. President, new resolution, LR 69, offered by Senator Pirsch. (Read brief description of the resolution. See pages 1447-48 of the Legislative Journal.) That will be laid over.

Amendments to be printed from Senators Withem to LB 588; Senator Lynch to LB 89; Senator Moore to LB 89; Senator Withem to LB 247, and amendments to LR 2, Mr. President. (See pages 1448-56 of the Legislative Journal.) And that is all that I have.

SPEAKER BARRETT: Thank you. To LB 762.

CLERK: Mr. President, LB 762 was a bill introduced by the Revenue Committee. (Title read.) The bill was introduced on January 19 and referred to the Revenue Committee for public

April 3, 1989

LB 147, 279, 281, 319, 340, 340A, 410  
414, 587, 588, 733

SENATOR PIRSCH: And under the present law that...you could do nothing really.

SENATOR LANDIS: That is not embezzlement, that's right. Embezzlement is where you steal money from the firm.

SENATOR PIRSCH: Right. Thank you, I appreciate the explanation...

SENATOR LANDIS: Sure, you bet.

SENATOR PIRSCH: ...and I support this bill.

SPEAKER BARRETT: Thank you. Any other discussion? Seeing none, Senator Landis, anything further?

SENATOR LANDIS: Waive closing.

SPEAKER BARRETT: Thank you. Closing is waived and the question is the advancement of LB 319 to E & R. All in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays on the advancement of 319, Mr. President.

SPEAKER BARRETT: LB 319 is advanced. Any messages on the President's desk?

CLERK: Yes, Mr. President, I do. Senator Hartnett has amendments to be printed to LB 588, Senator Chizek to LB 279, Senator Chambers to LB 281, Senator Landis to LB 279. (See pages 1462-64 of the Legislative Journal.)

Enrollment and Review reports LB 147, LB 340, LB 340A, LB 410, LB 414, LB 587 and LB 733 as correctly engrossed. (See page 1457 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Senator Peterson, would you care to adjourn us until tomorrow?

SENATOR PETERSON: Mr. President and members, I'd be delighted to adjourn us till tomorrow morning at ten o'clock, is that, Senator Barrett, beings we lost an hour?

April 6, 1989

LB 410, 414, 587, 588, 642, 733, 812

future Governors would choose to do. And it seems to me that it makes a world of sense to have a fully funded state program allocated in a fashion that the state wants to do, rather than use the route that has now developed into the overmatch which the federal government decides the allocation of funds rather than the State of Nebraska deciding how its own funds and only its own funds are to be distributed. So I would urge that the amendment not be adopted. The two programs ought to be set up, even though the distribution would not be different in the funds, but the state had ought to not be burdened with that maintenance of effort if you wish to make a change in the future. We ought to control our own destiny and not have the federal government doing it.

SPEAKER BARRETT: Thank you, sir. Senator Hannibal. (Cavel.)

SENATOR HANNIBAL: Well, Mr. Speaker, I realize the time is getting very close to a recess. May I inquire of the Chair if we were going to continue after recess with the same issue?

SPEAKER BARRETT: That would be my wish.

SENATOR HANNIBAL: Would it be permissible to move we recess until one-thirty.

SPEAKER BARRETT: If the votes are there, it would certainly be in order.

SENATOR HANNIBAL: I would so move.

SPEAKER BARRETT: Anything for the record, Mr. Clerk?

CLERK: Mr. President, Senator Korshoj has amendments to be printed to LB 588. I have a series of appointment letters from the Governor to be printed. Those will be referred to Reference Committee. (See pages 1550-54 of the Legislative Journal.)

Mr. President, your Enrolling Clerk has presented to the Governor bills read on Final Reading this morning. (Re: LB 410, LB 414, LB 587, LB 733.)

And the last item, Mr. President, is a motion by Senator Ashford with respect to LB 642. That will be laid over. That is all that I have, Mr. President.

roll call vote and perhaps a check in before we get to that. I know we're under call.

SPEAKER BARRETT: Thank you. Roll call has been requested. Members are asked to again record their presence. Senators Withem, Labeledz and Lindsay. Thank you. Members, return to your seats for a roll call vote, in reverse order. Shall the bill be advanced? Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1597-98 of the Legislative Journal.) 23 ayes, 16 nays, Mr. President, on the advancement of the bill.

SPEAKER BARRETT: Motion fails. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Mr. President, just one item. I have amendments to be printed by Senator Baack to LB 257. That's all that I have. (See page 1598 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. To the next bill on General File, LB 247.

CLERK: Mr. President, 247 is on General File. The bill was introduced by Senator...

SENATOR WITHEM: We advanced that bill, I'm hoping we advanced that bill.

SPEAKER BARRETT: I'm sorry. Senator Withem, you're correct.

CLERK: Mr. President, LB 588 was a bill introduced by Senator Chambers. (Read title.) The bill was introduced on January 18 of this year, referred to the Government, Military and Veterans Affairs Committee for public hearing. The bill was discussed on March 29 of this year, Mr. President. At that time Senator Labeledz had an amendment to the committee amendments. That amendment was adopted. Senator Smith then moved to reconsider the adoption of that amendment. That reconsideration motion is now pending, Mr. President.

SPEAKER BARRETT: Thank you. Is anyone prepared to handle the reconsideration motion which was filed by Senator Smith? Anyone authorized to handle it? Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is one time I must catch my breath. It's the Speaker's fault. I asked him was that bill that preceded mine going to come up, he said, oh, yes. So when I got to the office, going down there in a leisurely fashion to pick up some handouts, Cindy said, they're taking up your bill. I said, okay. So, here I am. At any rate the reconsideration motion goes to an amendment that Senator Labedz offered to the committee amendments. What her amendment, in effect, did was to gut the committee amendment which had become the bill. It eliminated practically everything from the committee amendment and said that the Douglas County Board would be nominated by district and elected at large. A number of people that voted for that amendment subsequently had second thoughts, had not recognized the full implications of it or its breadth, and had said that they would vote to reconsider. So I'm going to tell you why I would appreciate it if you would do that. A great amount of work went into those committee amendments, not only to require district elections, but to clear a lot of language out of the existing law that is ambiguous and contradictory. At least so it has been said by the Douglas County Attorney and the Attorney General. This language relates specifically to how representatives to the Douglas County Board would be elected. In addition to clearing up that language, a system had been put together to take the county from an at large system to a district system. It is somewhat complex and it was geared to the committee amendments.

SPEAKER BARRETT: Senator Chambers, excuse me. (Gavel.) Please, the house will come to order. It's very difficult to hear.

SENATOR CHAMBERS: And, Mr. Chairman, I recognize that after the last issue and the last vote people are still up in the air in one way or another, so I'm not surprised by the movement on the floor and the discussions. But nevertheless, there are some things I would like into the record, even if the members are not paying that much attention. The purpose of LB 588 is to take Douglas County from an at large to a district system. The committee worked diligently to fashion a well-crafted amendment which, in effect, became the bill so that, as I had mentioned already, some conflicting and ambiguous language, relative to how Douglas County Commissioners are elected, would be eliminated. I had an amendment drafted that would plug into that committee amendment that would set up a procedure to move

the county from at large to district. Senator Labeledz offered an amendment for the Douglas County Board which gutted the committee amendment and said that you would leave the number of commissioners at five, instead of raising it to seven, nominate them by district and elect them at large. It made no provision for moving from an at large system to a district system. It is not a well-crafted amendment, technically speaking, but that is not my major opposition to it. It changes completely the thrust of the bill. I had handed out some material earlier which showed how large populationwise Douglas County is. With a seven person board, there would still be close to 100,000 people, or 80,000 in each district, and that would be a large amount to cover in an election. The way the county board has been put together, and the way it has operated on an at large basis has made it amenable to those who have name recognition and money. There are portions of the county, and particularly Omaha, which do not have representation on the board as it's constituted now. If you will consider the Ak-Sar-Ben question, it was something that was fomented by the present chairman of the Douglas County Board. At least two legislative districts in the City of Omaha that would have been affected, Senator Lindsay's and my own, and others, but ours quite a bit, were given no consideration. Were we not in this Legislature placed here through a district system, the concerns of those areas would not have been represented here. It is clear that those on the county board, right now, take decisions that don't consider all parts of the county, and especially the City of Omaha. As the discussion progresses, I'm going to have a handout given to you which will show where the county board itself is saying that they are moving away from being a low profile administrative type agency, they're going to engage in more initiatives. They're going to be more active. And some people see it as a move which ultimately could engulf the City of Omaha, which is the largest city in the county. If that happens, the county, in fact, becomes the governing body of Omaha, and the city council is reduced to a virtual administrative position. So in order to prevent that from happening, there should be representation of all of the interests that the county board is going to govern. There is a substantial minority population in the City of Omaha, which is a part of Douglas County, that has never been represented on the board. As a matter of fact, it never had representation on the city council until we went to districts. When districts were provided for by the Legislature, not only was there a black member on the city council, but he was elected to president of the council by his colleagues. So the concept

of district election is not old, it's the prevalent method by which people are elected to governing boards. In Douglas County, if you leave the number of commissioners at five, the districts will be unwieldy in terms of their size. If you allow nomination by district, and election at large, that is in a sense a crueler thing than having all at large, because the people in a given district, say mine, for example, would choose the person that they feel is most likely to represent the interests of that area. Outside forces could put somebody else up to run against that person. Because he or she represents the interests and concerns of that district, he or she would be number one. The outsider would come in second. Then when the election at large took place, the outsider, or the one favored by those outside the district, is the one that would be elected. There would be the appearance of fair representation, but the reality would deny it. So what I'm going to ask that you do is vote to reconsider adoption of Senator Bernice Labedz's amendment.

SPEAKER BARRETT: Thank you. Again, my apology, Senator Chambers, both you and Senator Withem reminded me of the error of my ways. Discussion, please. Senator Labedz, followed by Senator Hartnett on the motion to reconsider. Senator Labedz.

SENATOR LABEDZ: I apologize, Mr. President. I was speaking to one of my colleagues. I rise in opposition for the reconsideration of the amendment that was adopted to LB 588 some time ago. I won't go into a long debate on what we talked about when it was adopted some time ago, but, first of all, I would like to thank the Speaker for holding back this reconsideration of this amendment for a whole week until I returned. I really do appreciate that. As I said before, this, I believe, is a compromise on LB 588. And I was hoping that Senator Chambers would also agree to what the amendment did. What the amendment does is it drops back from seven, as originally asked for in LB 588, to five county commissioners. It nominates them by district in the primary, and then at large in the general. I still believe, and I fought Senator Chambers when he wanted the city council by district, in a county as large as Douglas County and involves so many people, I think all county commissioners should be accountable to every single resident of Douglas County. I can recall also when the city council went by district and I was having a problem with rendering plants and compost sites in my district, I could only get my representative to help me because the rest of them more or less decided that it



is in south Omaha, they would not be concerned. I had to file an amendment on one of Senator Schmit's bills to disallow a compost site or a rendering plant within a residential area, and I don't recall the number of footage. I truly believe, Senator Chambers, that my amendment was a good compromise. You will have five county commissioners nominated by district and elected at large. With no further remarks, I ask you to please reject the reconsideration and let's advance LB 588 to Select File. Thank you.

SPEAKER BARRETT: Thank you. Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker, members of the body, the other day when Senator Labedz' vote came up, I don't think I voted either way and I guess I had told Senator Labedz I would support her. But after thinking about it I think I favor what Senator Chambers is going to do and I support the reconsideration motion. I see who....I read the bill and studied it a little bit more, I see that George Buglewicz was one of the proponents of the district election. In talking to some people from Douglas County and so forth is that probably when George Buglewicz ran, way back in the 1960's, for the county board for the first time, if the vote was like Senator Labedz is going to put it, he probably would not make it and maybe one of our colleagues in the body, too, that is not here this morning, maybe look at it different, and Senator Lynch would not have been elected if he had to run at large. So there have been many changes in the way that city elections have been...or I mean county elections in Douglas County. I guess by talking informally with the county commissioners from my district, my county, Sarpy County, they would simply like to stay the way they are with electing by district. So I think I would really be saying, yes, in Douglas County you should do it differently, but in Sarpy County we want to do it one way. So I can be consistent, I want to support the reconsideration of Senator Smith/Chambers and support this, because I think we should do it by districts, so we get a better representation of the whole county. I think, you know, we just finished the vote on a bill, and whether this is urban versus rural, and I think we had people from both sides speaking or voting for the past bill, so I think...we are elected by districts, so I think we should do the same thing with the county people in Douglas County. Thank you.

SPEAKER BARRETT: Thank you. Senator Labedz.

SENATOR LABEDZ: Just one more item that I forgot to discuss. I really appreciate the fact that on General File, when my amendment was being debated, Senator Warner did rise in support of what I was trying to do, because he said Lancaster County had the same procedure and it was working very, very well, and there are no complaints by the Lancaster County residents. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, since I've been asked a question about exactly what we're doing, I want to make it clear I am supporting a reconsideration of Senator Labedz' amendment because my desire is that that amendment be taken off the committee amendments. There had been considerable work put into the drafting of those committee amendments, and I can understand Mr. Moylan having a job to do. But in his haste he drafted an amendment that gutted the committee amendments and did not produce a procedure to move from at large to district, because he knows that the proposition that has been offered is one that I would not accept, so he feels, and probably rightly so, that the bill is not going anywhere anyway with that kind of an amendment. It is a hoax, it's a travesty and it is grossly unfair. It is clear to those in Douglas County that if you had a system such as Senator Labedz is asking for they could still, and when I say they, I mean those interests that don't want representation throughout the county, could still control how things would turn out through the General Election. The money that they have to put into it, the means that they have to have access to the media, and the other things that go along with political power would work to their advantage. My intent in offering 588 was to have representation throughout the county. When Senator Warner spoke, and Senator Labedz mentioned him earlier, he said he would rather not believe that race and things like that should be a consideration. But the fact is they are, this is 1989, and there is racism in this country and in this state. There are actions by the county board that act as though black people, and others who are not white, don't exist, which is what the city council used to do before we went to districts, and so did the school board. The Omaha Public School System had entrenched a system of racial segregation that was broken down only through federal court action, and they're still under that integration order now. So, it's not fair for people to stand on this floor and pretend that this glaring reality does not exist. District

elections will not solve every problem that is faced in that county, but it gives an opportunity to a deprived, disfranchised community to have representation on the body that governs; the opportunity to have its viewpoint heard and considered; a meaningful vote in determining how they themselves will be governed. A vote is meaningful only if it can influence the outcome of an election and help determine the policies that are implemented. Senator Labedz, Senator Warner and everybody else on this floor know that with the relatively small percentage that black people make up in Douglas County, there is no chance in an at large election. Even under her system there is going to be a large percentage of white people in the district. And that's not to say that the interests of black people and white people will not at some point converge, but the reality is that the people in the north Omaha area would have to put all of their forces together in order to place somebody on the county board. The forces outside that district could run a candidate who lives in the district even if it's on the fringe who does not have the interests of those, that district at heart. In the general election the money from outside the district would go to that second place finisher who was the choice of people who don't live in the district and a cruel hoax will have been worked. A system will have been put in place by the Legislature which allegedly is designed to give representation, but which guarantees the contrary. This is why I will appreciate a yes vote on the reconsideration motion, then a yes vote to strip Senator Labedz's amendment. I gave you a handout that shows how the county board members, when it came to property valuations had favored their friends and those who contributed to their campaigns and I assure you that none of those people who were favored lived in the areas of the city that I'm concerned about. This is the reality of what is happening with the Douglas County Board. It is not fair and it is not appropriate, so I'm asking that you give a yes vote...

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: ...on the motion to reconsider.

SPEAKER BARRETT: Senator Hannibal, on the motion to reconsider, Senator Baack on deck.

SENATOR HANNIBAL: Mr. Speaker and members of the Legislature, if you'll recall, the last time I got up to speak on this particular issue everybody shut the mikes off on me and I was in

the midst of making what I thought were very meritorious points. However, obviously the rest of the body didn't feel so, but I would like to continue and I was in the midst of questioning Senator Chambers, but I've had a chance to talk with him off the mike and so I do know that he will not succumb to my questioning in the way I'd like him to. So what I would like to do is submit some thoughts of my own which I do think are logical and as I see this particular motion and, by the way, I will not be voting for the reconsideration motion because I do believe that Senator Labedz has a better alternative for us than LB 588 does present. However, I have told both Senator Chambers and Senator Labedz that I would like to see us compromise, and I believe that's what this amendment has done. I would like to see it compromised just a little further and that compromise would mean to keep the district elections for the primary, as Senator Chambers is asking, but have it be the general election be at large as Senator Labedz has suggested in her amendment, but then take one further step out of Senator Chambers' book and suggest that we do increase the number of commissioners to seven from five. The logic behind that, in my estimation, is one that is fairly simple. Douglas County has a very large population compared to any other county in the state, and while there are some counties that are at five and some counties that are at three commissioners, the amount of constituents, by taking Douglas County to seven, would be somewhere around 60,000 per commissioner. And I haven't done my arithmetic on Lancaster, but I would assume that is still a larger amount of people than the five in Lancaster County do support and I would assume that it is larger than any other county in the state as far as the number of constituents that each commissioner supports. So I could see going to seven commissioners and that would get towards what Senator Chambers is looking to and that is to have a chance for his district to have some chance of representation. I would submit that Senator Chambers is correct. Under the current method of electing, where all five are elected at large, that a minority election while it is theoretically possible, it's not a practical possibility. Secondly, I also suggest that Senator Labedz's amendment would be a step towards a better possibility of electing a representative from Senator Chambers' area or the minority area, but I would submit that going to seven would give him an even better chance, of having a district represented by 60,000 people, he would have a better practical possibility and I would support that. But I do not think that we need to go all the way to district elections. I see some real benefit in going to a district primary and a general at

large type of process. I believe it has worked in Lancaster County. I see it as being a good compromise to what we have right now. I am very empathetic to what Senator Chambers is telling you and I do agree with him, but I think that the Labeledz amendment could stay on the bill and be subjected to a further amendment to take the number of commissioners to seven and have a compromised compromise that I think would go a long ways to supporting LB 588 in revised form, and as a matter of fact, I am concerned that if it isn't done that way, that what we will have is no bill this year...

SPEAKER BARRETT: One minute.

SENATOR HANNIBAL: ...and I'd suggest to Senator Chambers that no bill does nothing for him even though he may say he'd rather have no bill than this type of a compromise. I think that he would be much better served and I think we could make a good case for that kind of a situation. Seven commissioners elected by district during the primary and running at large in the general which would be an amendment that could be added to Senator Labeledz's amendment if this is not reconsidered. I will not support the reconsideration.

SPEAKER BARRETT: Thank you. Before proceeding, Senator Morrissey is announcing that he has guests under the south balcony from the Iowa Tribe of Kansas and Nebraska. We have Mr. Harvey Frederick, Mr. George Ogden and Mr. Leon Campbell. Gentlemen, please stand and be recognized. Thank you. We're glad to have you with us. Also, the Nebraska Federation of Women's Clubs is sponsoring their fifth annual sophomore pilgrimage today and the 36 students that we have in our north balcony are from 18 different legislative districts across the State of Nebraska. Would you people please stand and be welcomed by the Legislature. Thank you. We're glad to have you with us. We're pleased that you could take the time to be with us. Additional discussion on the motion to reconsider, Senators Baack, Korshoj and Chambers. Senator Baack.

SENATOR BAACK: Yes, Mr. Speaker and colleagues, I rise in support of the reconsideration motion. I know that this bill got rather confusing when we were dealing with it on General File the other day and just to kind of recap exactly what we did, as we were considering the committee amendments, Senator Labeledz offered an amendment to the committee amendments and once we adopted that, then we were going to proceed from there and at

that point I recommended that the body not accept the committee amendments. This got to be a little bit messy and would be a messy thing now. If we adopt her amendment, then the committee amendments, I will again recommend that we do not adopt the committee amendments because I do not like Senator Labedz's system that she sets up. The thing of it is, is what we need to do is reconsider her amendment, take her amendment off, then Senator Chambers' amendment makes a whole lot more sense. Otherwise we're going to have to redraft his whole proposal because his proposal is drafted in conjunction with the committee amendments and that's why this reconsideration motion is important as far as I can see. I think that Senator Chambers sets up a much fairer system of making sure that people get the proper kinds of representation on the Douglas County Board. I think that he does an excellent job of doing this. It is well thought out. He has worked with the committee counsel to make sure that all of the details are in place. The amendment that we adopted by Senator Labedz does not contain the details as to how this whole thing would go into place. I don't know exactly how we would approach the bill. If we do keep that amendment on, I'm not sure exactly how we approach the bill, but we're going to need a number of amendments to make it make sense, first or all, and make it have some kind of an order to it as...so that we could work Douglas County into a district election kind of system. With that, I would simply urge the body to reconsider Senator Labedz's amendment, we will strip her amendment off, then Senator Chambers will offer an amendment to the committee amendments that is well worked out with the committee amendments that does set up an excellent system of moving Douglas County in the direction of district elections. Thank you, Mr. Speaker.

SPEAKER BARRETT: Thank you. Senator Korshoj.

SENATOR KORSHOJ: Mr. Speaker and members, I definitely think they should have seven commissioners or supervisors. I just looked up, I represent three counties. Washington County has got 15,800 people, we have seven supervisors. Burt County is 8,400, we have seven. Thurston County, 7,100 people, they have seven. And I believe you'll find it's probably the best representation you can get by splitting it up into the proper districts so everybody gets represented. And I also believe that if you elect by districts, somebody is accountable to each district. I still think that's the truest form of representation. There has been a problem over around Bennington

with some landfills. Chizek and I have been getting lots of letters and calls on it. They seem unable to find anybody on the board that was sensitive to it, would give them any time of day or anything on it. Now with the exception of Howard...Howard Buffett who just got elected. He's very sensitive towards it. He's given them much concern and I would commend him on that, but it was too late. It was voted in before he was on the board. But if you get it so they're elected from districts, you will have somebody that will be accountable to the people in that district. So, therefore, I'm very much in favor of getting Labedz's amendment off and going with the bill like we have it there. Thank you.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, some people can use the word compromise when they're talking about the basic political rights of other groups. The word compromise comes very easy to their tongue. It's very easy to say they might have some chance to put somebody on the board, but they're not interested in those people having an equal chance. They will cry to high heaven for themselves and their kind, but when it comes to others they still want to have that arrogant paternalistic attitude and say, this is our white system. If, out of the largess of our hearts, we decide to create a system that might let you have something to say, we'll consider it. This is a very serious matter, I'm very bitter about it. I wouldn't try to hide it. I know what colonialism is, even though I've not lived on a continent where another country officially colonized it during my lifetime, but the community in which I live is like a colony. Colonialism exists when forces outside an area control everything that happens in that area, and Senator Labedz is interested in maintaining a colonial system. Senator Hannibal wants to make it a little less obnoxious by saying we'll have seven colonial administrators instead of five. He knows the reality and those who live in Omaha know the reality, too. He cautioned me that if I'm not willing to compromise and sacrifice the rights of the people that I represent, there may be no bill. This that is being offered is worse than no bill, and I would not support this proposition. There is no time that I've been so interested in having a bill passed with my name on it, that the principle which led me to offer the bill anyway would be sacrificed. I won't do that. I had given a handout before that should indicate to you that this Legislature does not represent the



only card game in town. One of the strongest cards to be played is a lawsuit. So if the Legislature does not pass the bill and create a district system, I'm not at the mercy of Senator Labedz and Jim Moylan. The federal courts are still open and already a federal judge in a county that is not as large as Douglas County, it was Thurston County, imposed a district system of election and created seven commissioners to serve on the board in that district, in that county. So if you want to continue the charade that Senator Labedz's amendment creates, you have not deprived for all time those nonwhite groups in Douglas County of representation. We will just have to raise some money, we'll have to seek the legal help and we'll have to go to court. And I gave you an article that shows that based on a 1986 U.S. Supreme Court decision there is a great likelihood that we will win. We will first be able to show that no black person has ever been elected to the Douglas County Board, that when the matter was brought to the Legislature to create a pure district system, the Legislature refused to act. And I do believe that we will prevail in federal court. It will be expensive, but I've already talked to some lawyers who are willing to donate the time and unfortunately in one county we will have a situation where, because of the racism,...

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: ...the federal courts interpose themselves to impose systems that would bring about a greater degree of equity. And the public school system where it should not have been necessary, but was, the courts ruled. In the political arena where decisions are made about people's lives, it should not be necessary. But if it is, I will accept the challenge that the Legislature is giving me, but I hope it doesn't have to go to that. I'm asking that you vote yes on the reconsideration motion.

SPEAKER BARRETT: Senator Labedz, followed by Senators Hall and Bernard-Stevens.

SENATOR LABEDZ: I'll waive.

SPEAKER BARRETT: Thank you. Senator Hall.

SENATOR HALL: Thank you, Mr. President and members. I rise in support of the motion to reconsider the vote. It's rare that I don't agree with Senator Labedz, but on this case, in this issue



we do slightly. The issue of district elections with regard to the county board is basically a companion bill to one that I introduced on behalf of the county and that was for the County of Douglas to go to home rule charter. And I firmly believe that once district elections are in place, districts are provided with regard to the county commissioners, that it is then appropriate at that time to have home rule provisions so that they may become a law-making body. The idea behind going to district elections provides that they represent their areas. I would hope that none of us, even though we do at times become slightly parochial in our interests, do not look at the overall impact of legislation that it has on the entire state. We are state senators. We happen to come from specific districts, but we do address issues on a statewide basis that have a statewide impact and we make those decisions with that in mind I think first and foremost. The issue of the number of commissioners is one that I think can yet be debated, but the issue of whether or not they should be elected in a primary and a general election by district, I think is one that needs our support. I understand the concerns that are raised by Senator Labeledz and I clearly understand the one that Senator Korshoj mentioned with regard to the issue of a landfill. It was not all that too many years ago that in my district there was a balefill that without a lot of citizen opposition would never have, I think, been closed down when it was because of the...it was a city operated facility and the councilman from that district was having a difficult time getting other members to support it, so it is a legitimate issue but I think more so the issue of having representation from a number of different areas of the county is just as important. And to have those individuals elected both in the primary and the general election by their specific districts is one that I intent to support. I was not here when the bill was addressed the first time on General File and I apologize to Senator Chambers for that, but the issue has not changed any and it will not change. I think the district election is important, it is important that we do it both in the primary and the general election. It is important that those individuals in various parts of the city and my section of the city is economically no different than Senator Chambers' to any great extent. Low to poor, few middle class individuals in there, but the economic strata is no different and they need to be represented as well on the county board. It has been a number of years since there has been representation from either parts of the city east of 42nd Street and...

SPEAKER BARRETT: One minute.

SENATOR HALL: ...I. either north or south of Dodge Street, and I think that this would work toward that end so that those individuals can have their voices heard again because there is changes taking place in both sides of that area in the county that we have not had a voice to listen to our concerns, so I strongly support the effort to move to districtwide elections and I would hope that the body would support the reconsideration motion. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Senator Bernard-Stevens, followed by Senator Labeledz.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker, members of the body, I'll be very brief. Sometimes after an emotional vote that you have, that we had on LB 356, it's difficult to make a mental transition and I sense the body is in that transition, particularly with so many people not here right now, I'm sure in the offices listening to the squawk box. So I'm going to try to recap what happened last week to kind of freshen one's memory. First of all, I will be supporting the reconsideration motion and I will be voting against the Labeledz amendment. One of the things that happened last week when this bill came up before the power outage was that there was a lot of confusion on the body as to what exactly the Labeledz amendment did. And during the vote there was considerable discussion in the Chamber about what was happening and immediately after the vote I know of at least two members that said, gee, I didn't realize that part of it, and Senator Smith was one that came up quickly and asked for the...filed a reconsideration motion. Had the power outage not gone out, there were the votes for the defeat of the Labeledz amendment and the votes for Senator Chambers' bill as it was. I have to smile, Senator Labeledz, I've always said that Omaha senators have tremendous power. You were a little bit short on votes and you even got the power to go off on the Legislature and I was truly impressed, I'm impressed by that. But nonetheless, the body was very much confused. One of the things I'd like to at least clarify for the body, at least in my view, is that the Labeledz amendment though very, very well-intended, and I know that they're trying to compromise in what they feel is a compromise. I always get a chuckle out of compromises, the fact of who are compromises between. I've always thought compromises were between the introducer of the bill and those that were against and in the body I find out the compromises is

sometimes between those, just those people who are against a particular thing or for. But nonetheless, on the Labeledz amendment, it is very, very possible that a district would not receive the proper representation on the board. It is very possible that the board would be able to maintain a kind of a...the status quo where minority groups would not be represented, particularly when you get to a district at large. It is very possible that the second person nominated in a minority area would be white, for example, and that person then on a district vote would be able to get in on the board because of the district traditions of how they vote in the Omaha area. Consequently, there is a very strong possibility, in my opinion, that the essence and the goal of what Senator Chambers is trying to do to get all areas and all races, if possible, at least all areas in Omaha to have a say on the board, to try to have that accomplished through this bill, 588, the Labeledz amendment would not, in my opinion, do that. And that is why I think members of the body began looking at the amendment where on the surface it appeared to be reasonable, on the surface it appeared that everyone, there would at least be a member from every area of Omaha, it may not necessarily represent the majority of the people in that area. So consequently, the people that voted changed their minds, asked for a reconsideration vote. The power then went out and we are here today on the reconsideration motion. I would ask those members I guess, as I have done previously on such cases, to even if you are in favor of the Labeledz amendment, I would ask you to vote for the reconsideration so that the Labeledz amendment can be voted on with the full understanding of the body which it was not voted on prior to this day. And I would urge at least that we get the 30 votes for reconsideration and let the amendment fall or rise on its own merits, and I thank you for your time. Thank you, Mr. Speaker.

SPEAKER BARRETT: Thank you. Senator Labeledz.

SENATOR LABEDZ: Thank you, Mr. President. Senator Bernard-Stevens mentioned the fact, and I think a couple other senators, that the power went out and afterwards, if many of you recall, coming down to me and say, how did you do that? And I said, I prayed to God and God said to me, now what do you want, Bernice, and I said, let there be darkness, and darkness came. And then you recall in the Bible he also said, let there be light and then light came and so today the lights are on and I'm asking you to vote against the reconsideration. We don't have,

in south Omaha, representation now on the Douglas County Board, but when I have a problem, I go to all five county commissioners. I write to all five of them. Just a little while ago I got a call in my office, they're watching it on television, and one of my constituents says that she understands that there may be an amendment on one of the bills to reconsider the amendment I had on rendering plants and compost sites. I hope that never happens because if it does, I understand the Omaha Cold Storage Company would like to have a rendering plant in south Omaha. The only one that I would have voting for me in south Omaha would be my district representative. Because of the economic development throughout this whole state, the other four, or I should say the other six city councilmen would say, well, it will provide jobs and the fact that a compost site or a rendering plant will be within a few feet of a residential area would make me very, very unhappy and many of the constituents of mine that live in south Omaha. I agree that there should be, and I will support LB 588 if we go with county commissioners by district and then elect them at large. It is working in Lancaster County, there is other counties that have it and it's working well. They will be accountable to every resident of Douglas County in the general election, and if there is a problem in any part of Douglas County after the election, every one of the county commissioners, whether there be five or whether there be seven, will be accountable to everyone. And, Senator Korshoj, there is a lot of debate and controversy over a landfill that is very close to your borderline. There would only be one Douglas County Commissioner or one city councilman that would be interested in where that landfill would be situated rather than the whole county board or the whole city council. I want them, every one, to be accountable to me for their vote, and that is at least in the general election. Thank you.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: I would move that we recess until one-thirty this afternoon.

SPEAKER BARRETT: Thank you. Before calling for a vote, may I introduce 50 fourth graders from Omaha's Rose Hill Elementary School, guests of Senator Beck, in the north balcony. Would you people please stand. Thank you. We're glad to have you with us today. Anything for the record, Mr. Clerk?

April 10, 1989

LB 46, 84, 145, 157, 231, 231A, 237  
356, 379, 410, 414, 418, 587, 588  
653, 733

CLERK: Mr. President, I have a reference report referring certain gubernatorial appointees to the appropriate committee for a confirmation hearing.

Senator Conway has amendments to LB 356 to be printed. Senator Conway would like to add his name to LB 84 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. On Senator Withem's motion to adjourn, those in favor...recess, those in favor say aye. Opposed no. Carried, we are recessed until one-thirty.

RECESS

SPEAKER BARRETT PRESIDING

CLERK: I have a quorum present, Mr. President.

SPEAKER BARRETT: Thank you. Back to LB 588. Mr. Clerk, could you bring us up to date as to our position just before recess.

CLERK: Mr. President, I will, if I may read some items for the record initially?

SPEAKER BARRETT: Certainly.

CLERK: Your committee...strike that. A communication to the Clerk from the Governor. (Read communications re: LB 410, LB 414, LB 587, LB 733, LB 157, LB 46, LB 145, LB 231, LB 231A, LB 237, LB 379 and LB 418. See page 1600 of the Legislative Journal.)

Senator Hall has amendments to LB 653 to be printed, Mr. President. (See page 1601 of the Legislative Journal.)

Mr. President, the Legislature left LB 588 this morning and at that time Senator Smith via Senator Chambers had moved to reconsider adoption of Senator Labedz's amendment to the committee amendments. That motion is pending.

SPEAKER BARRETT: Thank you. Back then to the motion to reconsider. Senator Withem, would you care to continue the discussion on the motion to reconsider, Senator Chambers next.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, I'd be happy to kick the thing off for this afternoon. Not an awful lot to say on this issue because this issue is in many ways a philosophical issue on how you think government operates the best. I have always been, from being a student in college of government to a teacher of American Government to high school students to now a senator, believe that the district concept is a much more effective way of providing representation to individuals. Senator Labedz may use an anecdote a couple of times to talk about her support for the bill, or for her amendment, her support for the amendment and, again, I know it's a strongly felt philosophical view, again, on how government operates the best. It just happens to be different from mine. But she made reference to a particular problem in a particular part of the county, and when there are five individuals on the county board and all five of those people represent all of the county, that the citizen can contact all five of those representatives. Now that's true, but all five of those representatives can ignore that constituent and can ignore that particular problem because they have a strong enough base of voters in the rest of the county that they can allow a problem to fester in one part of the neighborhood, particularly if that part of the neighborhood happens to be an area with low voter turnout, low political participation as many parts of north Omaha happen to be. They can ignore that problem and they still have a strong enough base around the county based on name identification and raising money for campaign funds that they can continue to be reelected. There is one individual that has...represents that particular area where the problem exists and everybody knows that that individual represents that. It might be akin to the situation we went through here this morning. We have a problem in this state that the Legislature made a decision, at least tentatively, on how we want to deal with it in saying we don't want to deal with it this year, but we have a problem where a large number of citizens in Lincoln, Nebraska feel as though they were treated unfairly by one of the financial institutions. More importantly, they think they were treated unfairly by the state government. They didn't have to send a letter to 49 different senators, hoping that they'd catch somebody's attention. They knew that those senators that represent the Lincoln area would be responsive to their concerns and they had to be and they have been, and they've done an effective job of representing the local concerns to the whole body. That is what district representation is all about.

That's why I philosophically am supportive of district representation. I will be supporting the reconsideration motion. I will be then not supporting the Labeledz amendment and I will be supporting Senator Chambers' bill as it was introduced. But I'd appreciate it if the rest of you would vote the same way.

SPEAKER BARRETT: Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I do appreciate those who have spoken in behalf of the concept of district elections thus far and Senator Labeledz has made a number of remarks that are of concern to me. First of all, she said that it's better to have no representative from your part of the city than some representation if there is a problem confronting your part of the city and that doesn't make sense. There is nobody on the county board who is responsive, so you call five people and they turn you down and that it's better to be turned down by five than to have one person who is in there fighting for your interests. She said another thing that disturbed me even more. She made some comments that seems that she equates herself with an ordinary garden variety citizen. She said she can call the five members of the Douglas County Board and they listen to her. Well, she can get Senator Exon and former Senator Eugene Mahoney to come and speak in her behalf, but how many private citizens can do that? She is the Chairperson of the Executive Board. She has carried legislation for the Douglas County Board. So to equate herself with the common garden variety citizen is not really logical. That has to be taken with a grain of salt and discarded. But when those are the only kind of arguments that can be given, it shows that nothing of substance can be said against this bill. When we reach the point in the discussion where we're talking about the principles of representation, the arguments that Senator Labeledz gave were the kind that a person must give when they are on the wrong side of an argument and know it, but have friends who are on that side and they are so loyal to those friends they'll just go down with them when the ship goes down. Now, she had mentioned that there might be a rendering plant in south Omaha. Who do you think the people in south Omaha will contact? The senator from south Omaha. They've got somebody from south Omaha they can talk to that they identify and recognize and she constantly tells us people from my district call me, people from my district have written me, people from my district want this, need this, request this. So while everything she does in this



Legislature points out the feeling of obligations she has to represent her district and those people who otherwise might be without a voice, she comes here on this issue and says that people in my area are better off with no voice at all, no voice at all. That's what her argument boils down to. It is not really fair. Here is where you could consider me to be offering you a radical proposition. If the majority of counties did not already elect by district, if the city council in Omaha did not elect by district, if the school board in Omaha did not elect by district, you could say a district concept is something that might befuddle the public. But it is the rule rather than the exception in Nebraska. I touched earlier on the racial composition of Omaha and Douglas County. Senator Labeledz and Senator Warner had mentioned that the system in Lancaster County works pretty well where you have a district nomination and at large election. In Lincoln you have a relatively homogeneous society as far as racial makeup. So you cannot take...well, the common expression is that between things disparate in nature there can be no comparison. A more garden variety way of expressing it is that you can't compare apples to oranges.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: When you have a different socioeconomic situation in Lancaster County than you have in Douglas County, you cannot take what happens in Lancaster and say it will work as effectively in Douglas, and I'm not even sure that it's working effectively in Douglas County because Senator Wesely and others challenged that. But the fact is we're talking about Douglas County, there are serious deficiencies in the way the county is governed and I want to emphasize again, for Senator Warner especially who doesn't want to look at the true problem of race. Senator Warner, it took a federal court decision to desegregate the schools, it took federal court action to break down some of the segregation that existed in Omaha Police Division and they currently are working under a consent decree with the Justice Department. So the existence of racism has been established. The FBI Office has been found to have been very racist in its dealings with one of its agents...

SPEAKER BARRETT: Time has expired.

SENATOR CHAMBERS: ...who had been stationed there, so it is a serious problem and I hope the rest of you will not ignore it because it's unpleasant to look at.



SPEAKER BARRETT: Thank you. Senator Labeledz.

SENATOR LABEDZ: Call the question.

SPEAKER BARRETT: Thank you. That won't be necessary. Yours was the last light. For purposes of closing, Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, every time this bill comes up and it just happens to be the way fate deals the cards, there are not many people here, but I've got to press on, I've got to close, then I'll ask for a call of the house to see how many people are indeed here. There is nothing new that I can add to the discussion and I think everything that needs to be said has been said. As a matter of fact, everything that needs to be said, if we were going to be fair, would have been said when the statement was made that a governing body should be a portraiture in miniature of the group or the interests that are to be governed thereby. Currently, the Douglas County Board is not that portraiture in miniature. There are areas of the county that scarcely ever are represented on the board and in the case of my area, have never been represented. I hope that you will vote to reconsider the adoption of Senator Labeledz's amendment to the committee amendments. And with that, Mr. Chairman, I'll ask for a call of the house so I can see what we have here.

SPEAKER BARRETT: Thank you. The question is, shall the house go under call? Those in favor vote aye, opposed nay. Record.

CLERK: 24 ayes, 0 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please record your presence. Those outside the Chamber, please return and record your presence. The house is under call. Senators Hannibal, Robak, McFarland, the house is under call. Senators Hannibal and McFarland, the house is under call. Senator McFarland is on his way. May we proceed? The question is the reconsideration of the Labeledz amendment. Those in favor of the reconsideration motion vote aye, opposed nay. Have you all voted? Have you all voted? Record, please.

CLERK: Senator Labeledz changing from no to not voting. Is that right, Senator? 25 ayes, 18 nays, Mr. President, on the motion to reconsider.

April 10, 1989

LB 588

**SPEAKER BARRETT:** The motion prevails. The call is raised and we are then back to the Labeledz amendment. Senator Labeledz, on your amendment.

**SENATOR LABEDZ:** Thank you, Mr. President. I understand now we're on the Labeledz amendment to the committee amendments and it will require 25 votes. I refuse to stand up here and give you my reasons over and over again. I'm asking you to vote for the amendment to the committee amendments. Senator Chambers made some accusations as to how I feel. He certainly does not know how I feel or how my constituents feel. If I had anyone in my district telling me in the last three or four weeks that what I was doing was wrong, then I would withdraw the amendment to the committee amendments. But no one in my district has said that it was wrong for me to do that and I represent my district and I represent the whole State of Nebraska, but I will say one thing. When you're voting for a county commissioner or a city council member, you want each and every one of those county commissioners to be accountable to your vote, both in the primary and in the general election. But I felt that we had to compromise with Senator Chambers and to go with an amendment to the bill itself to have them nominated in the primary and elected at large. If, later on, there is an amendment, as Senator Hannibal suggested, that we go to seven county commissioners, I may even support that although I think it's an unnecessary expense for Douglas County to have seven county commissioners. I believe that the last time I checked they were making about \$21,000 a year for one meeting a week which is on Tuesday morning which lasts usually about an hour and a half, if it lasts that long. So to have seven county commissioners in Douglas County, it's an unnecessary expense and if we go back to the bill as it is written, LB 588 requires seven county commissioners rather than the five we have. I still say, Senator Chambers, that I want each and every one of those county commissioners to be accountable to my vote. In the primary election, they can go by district, but we can elect them at large in the general election. It's unfortunate that this is only for Douglas County, and if any one of the senators came up with a problem that they're having in their county, I would certainly support you in any type of election that you think was necessary in your district or in your county. So I urge you to vote for the Labeledz amendment and we will then go on with the bill itself and Senator Chambers or anyone else can amend the bill to what they think is best for Douglas County. Thank you.

SPEAKER BARRETT: Thank you. The Chair is pleased to advise that Senator Moore has some guests in the north balcony, 45 fourth graders from Centennial-Utica, with their teacher. Would you folks please stand and be recognized. Thank you. We're glad that you're here this afternoon visiting your Legislature. Discussion on the Labeledz amendment to the committee amendments. Senator Pirsch, followed by Senators Chambers and Withem. Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker, members of the body, I have not had the opportunity to speak on district elections in our Douglas County, but I am very much in support of not only the nomination by district, but also the election by district. And I do this for several reasons. This Legislature is a microcosm of people and representative of the entire State of Nebraska. We are accountable also to everyone in the State of Nebraska and I think we feel that, whether rural or urban, on many issues. What we are asking is for district elections of Douglas County that would give that...would give those citizens the same ability for our county. The northwest district which I represent, a small part of the county, has never had a representative on the board. We have three landfills. There have been other efforts to put an objectionable site, and also if we had nominations by district, these would be partisan of course, that the more populous districts in our county would override, could override the wishes of those people in that district and it would be elected, perhaps not necessarily what the members of the district would want. Also you haven't eliminated the expense that it takes to run in a county like Douglas County. It is still going to go to those who have a lot of money or a famous name and I don't think it will get the same kind of purview that the district nomination and general election could give. And for that reason, because I feel I must represent my people, I am supporting Senator Chambers in this nomination by district and election by district. Thank you.

SPEAKER BARRETT: Senator Chambers, Senator Withem next.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I would like to talk about the technical aspects of the bill at this point, if I can hold your attention for a very few minutes. The language that is in existing law that deals with the election of Douglas County Board members has been found by the Douglas County Attorney and the Attorney General, I disagree

with what they concluded, but nevertheless, they have concluded that the language is ambiguous and conflicting, almost contradictory from the way they want to construe it. And the Attorney General had indicated that the way to clear the whole thing up is to just have a straightforward district election bill for the Douglas County Board. What the committee amendments will do, among other things, is to clear up and clear out all of that ambiguous language that pertains to Douglas County. So in order that we can have a clean proposition before us, I hope you will vote no on Senator Labedz's amendment. Where we are right now as a result of that reconsideration motion is that her amendment is before us. Her amendment would effectively gut the bill, take most of the provisions out and purport to establish a process by which the members are nominated by district, then elected at large. But there is no procedure in her amendment that would move the Douglas County from an at large to a district system. It is a somewhat complex bit of work that has to be undertaken, and in conjunction with others, we put together an amendment to the committee amendments that would do that. The committee amendments in effect will become the bill. In order that we can have an unencumbered discussion of the issues themselves, I hope you will defeat Senator Labedz's amendment. So on the next vote we take I'm asking that you vote no. Then we will have the committee amendments as they came from the committee. I would at that time offer an amendment that would contain the mechanism for moving from an at large to a district system. I would ask you at that point to amend the committee amendments with that amendment, then adopt the committee amendments which become the bill. And at that point we could clearly focus on what the issues are that 588 will address. So I'm hoping, for the reasons discussed earlier and that will be discussed by others again, that you will vote to defeat Senator Labedz's amendment when it is put to a vote. And by the way, since we're on General File, it just takes a simple majority because it's an amendment to an amendment.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: I would call the question.

SPEAKER BARRETT: Thank you, that will not be necessary. Senator Labedz, would you care to make a closing comment?

SENATOR LABEDZ: Just briefly, Mr. President, thank you.

April 10, 1989

LB 588

Senator Chambers, I was in error, it is an amendment to the committee amendment and it does take a simple majority, so I urge the members to vote for the amendment to the committee amendment. Thank you.

SPEAKER BARRETT: The question is the adoption of the Labeledz amendment to the committee amendments to LB 588. Those in favor vote aye, opposed nay. Voting on the Labeledz amendment to the committee amendments. Have you all voted? Have you all voted? Have you all voted if you care to vote? I will call the vote momentarily if no one else...Senator Labeledz.

SENATOR LABEDZ: I would like to have a call of the house and a roll call vote.

SPEAKER BARRETT: A call of the house has been requested. Shall the house go under call? Those in favor vote aye, opposed nay. Record.

CLERK: 30 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Record your presence, please. Any member outside the Chamber, please return, the house is under call. Senator Pirsch, Senator Chambers. A roll call vote has been requested. Again, the question, the adoption of the Labeledz amendment. Mr. Clerk.

CLERK: (Roll call vote read. See pages 1601-02 of the Legislative Journal.) 23 ayes, 22 nays, Mr. President, on adoption of the amendment.

SPEAKER BARRETT: The amendment is adopted. The call is raised. The committee amendments.

CLERK: Mr. President, the next amendment to the committee amendments I have is by Senator Chambers. Senator, it is your AM1141.

SENATOR CHAMBERS: Withdraw.

SPEAKER BARRETT: It's withdrawn.

CLERK: Mr. President, Senator Hartnett would move, Senator Hartnett and Withem would move to amend the committee amendments. On both of them, Senator? Mr. President, I have

nothing further to the committee amendments.

**SPEAKER BARRETT:** Back to the committee amendments. Discussion purposes, Senator Chambers.

**SENATOR CHAMBERS:** Mr. Chairman and members of the Legislature, all the amendments that had been drafted cannot apply as the bill has been amended, so I'm going to ask that the committee amendments not be adopted. Unfortunately, people have taken walks on this bill when it has come up. There are people who told me they'd support it, who did not when the vote came, and it's that kind of a situation. Yes, Senator Wesely, really they did, told me to my face, yes, they support me and then didn't do it when the vote came, so I don't want you to look surprised at that. Senator Labedz's amendment has never been adopted by 25 votes. She has never had a majority of the body voting for her. So what I'm going to ask, because it puts the bill into a state of total confusion now because the committee amendments became the bill. With her amendment it does nothing in the way of creating a procedure by which to accomplish what the bill was designed to do. It's a very shabbily and poorly drafted amendment because its aim was to sabotage the bill, and if we adopt the committee amendments, it will have succeeded, those who drafted it will have succeeded. So what I'm going to ask is that the committee amendments not be adopted, and it will take 25 votes to adopt the committee amendments. So I hope those who are trying to at least give me a chance on this bill, to deal with the issue as the bill laid it out, will vote against adopting the committee amendments.

**SPEAKER BARRETT:** Senator Baack, committee amendments.

**SENATOR BAACK:** Yes, Mr. Speaker and members, I also rise to ask the body to reject the committee amendments now because the way that the amendment has been drafted it sets up no process at all. I don't know how Douglas County would move from where they are now to a district election because of the way the amendment is drafted, it sets up no kind of a process. We simply rejected all of the process that was set up in the bill by attaching Senator Labedz's amendment. So, therefore, we really don't have much to work with now. We've got an amendment that doesn't fit with the bill and we don't have a process set up. We don't know how we'd get from here to there, we have no idea, because the amendment is drafted in such a way that it repealed all of the committee amendments, all of the process set up. Therefore, I

would urge the body to reject the committee amendments because we don't even have something that's workable now that we adopted Senator Labedz's amendment. Thank you.

SPEAKER BARRETT: Senator Bernard-Stevens, followed by Senator Firsch.

SENATOR BERNARD-STEVENS: Thank you, Mr. Speaker, just a couple of comments. I, too, would rise and hope that we would not agree to the committee amendments. Sitting on the Government Committee as I did with the other committee members and working through this bill, the committee amendments set up a process to which 588 would be able to...a transition be able to be made relatively orderly. With the Labedz amendment on there, as Senator Baack has already stated, there is no process now so the committee amendments at this point do not improve the bill at all. In fact, I would hope that we would not agree to the committee amendments. On another different topic, one of the things that happens in the legislative body as we all try to take advantages of rules, and, of course, Senator Labedz was perfectly within her right to go as an amendment to the committee amendments so that you do not need a majority. I would hate to think that the body, on an amendment that has not yet received 25 votes, nor do I doubt will receive 25 votes, would allow that particular procedure to prevail. I would hope that all senators would maintain the positions that they have, defeat the committee amendments and then at that point the committee would be open and that part of the mechanism that were originally part of the committee amendments would be offered, I'm sure, as an amendment and we could get the procedure taken care of with the 25 vote maximum. What we have is a playing with the rules a little bit and now we see the reward of that. We had some fun on the less than 25 amendments to the amendments, we don't have 25 so now we're going to play the games of having to get 25. I hope the body gets itself together for the most part and says we don't have a majority, we'll defeat the committee amendments and we'll move onward because we have a tremendous number of things to do in the body than to play too many games of this sort. So I hope we can defeat the committee amendments, go on with the bill through the proper amendment process. Thank you, Mr. President.

SPEAKER BARRETT: Senator Pirsch, followed by Senator Rod Johnson.

SENATOR PIRSCH: Thank you, Mr. Speaker, members of the body, back in, I believe it was 1979, we created city districts so that those who represent the City of Omaha would be nominated and elected by district. I want you to know that I opposed that. Senator Chambers was quite angry at me, but I was representing my district because at that time there was a great fear, a fear of the unknown, and I want to tell you that now my constituents think that is good, that is right and they are happy with those city districts by election. Please think, those of you who have county district elections, and I know that's a vast majority. Only 21 counties, one of which is Douglas, the most populous county does not have district elections. Some of you have said, well, you really don't care how Douglas County elects their representatives, but if you have the opportunity to elect your county commissioner or supervisor by district, then I think that Douglas County should have the same opportunity and you do have a responsibility nevertheless. So I hope you will vote against the committee amendments which also, of course, will, as has been pointed out by earlier speakers, lead to more chaos than order. I hope you'll defeat the committee amendments.

SPEAKER BARRETT: Senator Johnson, please, followed by Senator Withem.

SENATOR R. JOHNSON: Mr. President and members, I'd like to ask Senator Chambers a couple of questions, please.

SPEAKER BARRETT: Senator Chambers, would you respond?

SENATOR CHAMBERS: Yes, I will.

SENATOR R. JOHNSON: Senator, I've been following this debate and I'm trying to get straight in my mind as to the goal sought by this bill. As I understand the bill is written now with the Labeled amendment adopted, we would nominate individuals by district and then the entire county would then vote in the general upon these people?

SENATOR CHAMBERS: Yes.

SENATOR R. JOHNSON: Is it my understanding that Lancaster County does that now? Is that correct?

SENATOR CHAMBERS: That's what the discussion was earlier, yes.



SENATOR R. JOHNSON: Well, I come from a county in which we're under supervisor form of government which we nominate and elect solely by district. You want to go to solely district elections with the commissioner form of government?

SENATOR CHAMBERS: Yes, as we do with the school board and the city council currently.

SENATOR R. JOHNSON: Okay, thank you. That's all I needed.

SPEAKER BARRETT: Senator Labeledz, please.

SENATOR LABEDZ: Thank you, Mr. President, I'd like to ask Senator Baack, the chairman of the committee, a question.

SPEAKER BARRETT: Senator Chambers.

SENATOR LABEDZ: Senator Baack.

SENATOR BAACK: Yes.

SPEAKER BARRETT: I'm sorry, Senator Baack.

SENATOR LABEDZ: Senator Baack, Lancaster County now nominates by district and elects at large. Am I correct?

SENATOR BAACK: That is correct.

SENATOR LABEDZ: There is already a process in the statutes in order to be able to do that. Now I think what you said and Senator Chambers said without this amendment there is no process in the bill itself. Of course, there isn't because that is already in the statutes. Am I correct?

SENATOR BAACK: I am trying to check that right now. I'm not sure if you are or not.

SENATOR LABEDZ: Thank you very much. I say I am correct. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I would like Senator Labeledz to show me in the existing law where

it says that at the election in 1991, the next election is in 1990, that the three Douglas County members who are running at large would continue to do so, but they would run for a two-year term. Then at the following election, three of the members will run for a two-year term. The four remaining will run for a four-year term, then each person for four years thereafter, that is not in the existing law. There is no reference to 1991 or the procedure by which we would move from at large to district in the existing law. That would be done by the procedure that has been worked out through the amendments and it's this kind of thing which is designed by people who are bringing Senator Labeledz information and notes that confusion is sown in the body. Now if I am incorrect, and the law will tell us what happens in 1990, then in 1992, I want to be shown that. LB 588 would be designed to increase the number from five to seven. That is not in the existing law. So when you have to use these subterfuges to cloud the issue, it's clear that the intent of those on the Douglas County Board is to prevent a discussion of the issue in a form that the Legislature can readily understand. By rejecting the committee amendments, we have the bill as introduced. Then I would let the bill go ahead and move and we would then draft the amendments necessary to implement the district system as was done by a provision that I had that would have been incorporated into the committee amendments. But since the committee amendments have been amended by Senator Labeledz's, it's no longer an amendable piece of legislation. So in order to do away with the confusion that is being created, and I think intentionally so, it would be best to reject the committee amendments. That would then leave 588 in the form it was in when it was introduced. From that point onward amendments can then be added to put the bill in a rational form without the confusion that is being engendered here now.

SPEAKER BARRETT: Before recognizing Senators Pirsch and Labeledz, Senator Dierks is announcing that he has some guests in the north balcony, 6 eighth grade students from St. Michaels school in Albion, with their teacher. Would you people please stand and take a bow. Thanks, we're glad to have you with us this afternoon. Senator Pirsch, followed by Senator Labeledz.

SENATOR PIRSCH: Thank you, Mr. Speaker, and I'm putting on a different hat now. This is my Victim Rights Week hat and I just wanted to announce that this is Victim Rights Week as the resolution that you adopted last Friday proclaimed and the Nebraska Coalition for Victims of Crime has been holding their

April 10, 1989

LB 588

annual meeting in 2102 with interesting speakers on abuse of the elderly and aid sexual assault and other subjects. They have asked me to invite you to come in, have a cup of coffee and a roll and get right back to the floor, of course, but they have asked me to invite you as their guest for a little sustenance in Room 2102 when it's convenient for you. Thank you, Mr. Speaker.

SPEAKER BARRETT: Senator Labedz, further discussion on the committee amendments, followed by Senators Withem and Conway.

SENATOR LABEDZ: Mr. President, I call the question.

SPEAKER BARRETT: Senator Labedz moves the previous question. Five hands, please? Yes, I do. Shall debate now cease? All in favor vote aye, opposed nay. Please record.

CLERK: 26 ayes, 0 nays, Mr. President, to cease debate.

SPEAKER BARRETT: Debate ceases. For purposes of closing, Senator Baack, on the committee amendments.

SENATOR BAACK: Yes, Mr. Speaker and colleagues, we are trying to review the statutes to find out if this does fit. There is a process set up whereby they would be elected and set up by district for Lancaster County. Douglas County would fall under this same process but what the amendment doesn't do is it doesn't set up how we get from here to there. It doesn't say how we are going to move into the district election kind of a system. It doesn't say that next year we're going to have three elected at large and two by district, or it does not spell out the process. It's still not clear as to how we're going to get from here to there. So with that, I would certainly urge the body to reject the committee amendments and then we'll try and work out the bill from thereon. We'll try and work out Senator Chambers' amendment to the whole bill, we'll try and work it out so that there is a definite process set up. Or if the body wishes to go with Senator Labedz's idea, we need to sit down and work it out so that we have the exact process in there. But the way the amendment is right now, it still does not spell out exactly how we get there. It spells out what happens once we do get there, but it doesn't show how we get there from here. So with that, I would urge you to reject the committee amendments.

SPEAKER BARRETT: Thank you. The question is the adoption of the committee amendments to LB 588. Those in favor vote aye,

April 10, 1989

LB 397, 588  
LR 74

opposed nay. Voting on the adoption of the committee amendments. Have you all voted? Record.

CLERK: 19 ayes, 20 nays, Mr. President, on adoption of committee amendments.

SPEAKER BARRETT: Motion fails.

CLERK: Mr. President, the next amendment I have to the bill is by Senator Korshoj.

SPEAKER BARRETT: Senator Korshoj. It is withdrawn.

CLERK: Mr. President, Senator Labeledz would move...well, Senator Conway, you had the first motion, Senator. Senator Conway would move to indefinitely postpone LB 588.

SPEAKER BARRETT: Senator Chambers, your wishes, please.

SENATOR CHAMBERS: Although it's like an arrow piercing my heart, Senator Conway, I am going to lay the bill over, and, thank you.

SPEAKER BARRETT: The bill is laid over. Thank you. For the record.

CLERK: Mr. President, amendments to be printed to LB 397 by Senator Chambers. An Attorney General's Opinion, there is one to Senator Kristensen; the second opinion is to Senator Coordsen. (See pages 1602-12 of the Legislative Journal.)

Mr. President, a new resolution, LR 74, by Senator Chambers. (Read brief explanation. See pages 1612-13 of the Legislative Journal.) That will be laid over. That is all that I have, Mr. President.

SPEAKER BARRETT: Senator Dierks, for what purpose do you rise?

SENATOR DIERKS: Mr. Speaker, for a point of personal privilege.

SPEAKER BARRETT: State your point, please.

SENATOR DIERKS: I just would like to take the opportunity to call the membership's attention to the custom artwork in the bottom floor of the Legislature, a picture of the State Capitol

April 11, 1989

LB 247, 272, 588, 739, 811

CLERK: Government Committee gives notice of confirmation hearing. Senator Wesely has amendments to LB 247; Senator Chambers to LB 588; Senator McFarland to LB 811; Senator Landis to LB 272. (See pages 1645 of the Legislative Journal.)

SPEAKER BARRETT: Senator Hannibal, I don't believe you have had an opportunity to open on the bill. Would you like to take this time to present the bill?

SENATOR HANNIBAL: Yes, Mr. Speaker, and thank you very much. I will try to be brief, because we have had a pretty good discussion of the bill. I hope that you have had a chance to look at the items, the handout that was before you, the blue covered copy dealing with the LB 739 tax cut. What you have now before you is a proposal of the bill in its original form and is laid out for you in the handout before you. The first page tells you what the four items are that are going to be done. First and foremost we're going to drop the marginal rates, marginal rates you can see, that are blackened out on the right-hand column, go down from the existing rates. You can see from the handout that the two brackets that are being reduced are in the lower and middle income areas. It's going to return or take off the tax rolls. Return...I think Senator Hall did point out we aren't giving money back, it's kind of a shame we can't do that, we aren't doing that. But what we are doing is changing the tax structure so we will no longer collect those taxes. You can't even call it a tax cut because it was an increase that we are trying to take off the rolls, because it was put on inadvertently. But we're rolling back those brackets to those two blackened areas, and they are the lower tax brackets. Secondly, we are going to raise the personal exemption by \$50 per person, that affects everybody. I might point out that the first item, lowering the marginal rate brackets, affects every taxpayer in the State of Nebraska. It affects better the lower income taxpayers, the lower marginal rate brackets, it affects them more dramatically than it does the higher, but it does affect all. The personal exemption obviously affects all taxpayers. Again, because it's a dollar rate, \$50 per person increase in the exemption, affects everybody, but affects the low income tax...low income earners more than it does the upper incomes. Thirdly and fourthly were the items that were left as part of the bill, the child care credit, which affects those people who can take a deduction from the federal income tax, a tax credit away from their liability, they will be able to take an additional 25 percent of that

April 24, 1989

LB 325, 588, 683

and I think when we see this process work, well, these companies certainly will try to produce a degradable product sooner. And so I would urge you to support this amendment and then support the advancement of the bill.

SPEAKER BARRETT: Thank you. The question is the adoption of the Hefner amendment to LB 325. Those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 27 ayes, 4 nays, Mr. President, on the adoption of Senator Hefner's amendment.

SPEAKER BARRETT: The Hefner amendment is adopted.

CLERK: Nothing further on the bill, Mr. President.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 325 as amended be advanced to E & R for Engrossing.

SPEAKER BARRETT: You have heard the motion to advance 325. Those in favor say aye. Opposed no. Ayes have it. Motion carried. The bill is advanced. Anything for the record, Mr. Clerk?

CLERK: Just one item, Mr. President, amendments to be printed to LB 588 by Senator Hall. (See page 1879 of the Legislative Journal.) That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The next bill, 603, and the A bill will be passed over until tomorrow morning, as is the case with the next bill, LB 429; 603, 603A, and 429 are to be passed over. Mr. Clerk, to LB 683.

CLERK: Mr. President, 683, the first item I have are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments.

SPEAKER BARRETT: You have heard the motion to adopt the E & R amendments to 683. Those in favor say aye. Opposed no.

face the reality that we're going to have to increase the tax somewhere for substantial long term property tax relief. I withdraw the amendment, basically, on one consideration and that is, hopefully, that the body will reconsider putting...making it a two-year function because, at least, if the people taste what it's going to be for two years, then we will be forced to...if the funds are not available, we will be forced to find a funding mechanism. We will be forced to look at the tax and the people will have even a bigger impression on us because they have had it for two years. Doing it for one year will not give the proper hammer for us to address that issue. Two years would do so. And, as Senator Lamb said, doesn't make too much difference. So let's go ahead and make it the two-year on the reconsideration motion pending. If the revenues aren't there, we'll have to find the funds for that and we'll do so and then we'll move the bill. I withdraw my amendment at this time.

PRESIDENT: It is withdrawn. Mr. Clerk, do you have something new?

CLERK: Mr. President, items for the record.

PRESIDENT: Okay.

CLERK: I have amendments to be printed to LB 813 by Senator Hall and others. (See page 1914 of the Legislative Journal.) Senator Schmit has amendments to LB 813. (See page 1914 of the Legislative Journal.) Senator Ashford to LB 588; Senator Wesely to LB 429. (See pages 1914-26 of the Legislative Journal.)

Mr. President, Senator Haberman would move to reconsider the adoption of the Lamb, Chizek, Moore and Hall amendment to LB 84.

PRESIDENT: Thank you. Senator Haberman, please.

SENATOR HABERMAN: Mr. President and members of the body, in no way am I criticizing the work of the Appropriations Committee. I am not doing that. However, I would like to bring to your attention that the Appropriations Committee has approved a \$1,093,000,000 budget for '89 and '90. For '90 and '91, they have approved a \$1,170,000,000 budget. That's a two-year budget for all of the state agencies and evidently all of the members of the Appropriations Committee feel that that money is going to be there. So I guess it kind of bothers me a little bit to have a member of the Appropriations Committee get up and say, hey,

April 27, 1989

LB 325, 586A, 588, 611A, 683, 683A, 811  
812

LB 325, LB 586A, LB 611A, LB 683, LB 683A, LB 811, LB 812 all reported correctly engrossed. That's all that I have, Mr. President. (See pages 1978-79 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Pleased to announce that Senator Dennis Byars has some guests in the north balcony from Diller High School. Would you people please stand and be recognized? Thank you for being with us this afternoon. Also some special guests under the north balcony, from the North Platte area, and guests of Senator Bernard-Stevens, we have some champions and runners up from an auto mechanics class and their teachers, from North Platte High School. They've just won the Plymouth AAA Troubleshooting Contest. Would you four students and your two teachers please stand and be recognized. Thank you, we're very pleased to have you with us and congratulations to all of you. Let the record also indicate that Senator Moore had 27 third and fourth graders from Staplehurst and Ulysses in the north balcony. They have just left the Chamber. Mr. Clerk, to the first bill on General File. LB 588.

CLERK: Mr. President, 588 was a bill introduced by Senator Chambers. (Title read.) The bill was introduced on January 18, referred to the Government Committee. The bill was discussed, Mr. President, on March 29. It was discussed again on April 10. At that time the committee amendments were defeated. There was then a motion offered by Senator Conway to indefinitely postpone the bill. Senator Chambers agreed to lay the bill over, Mr. President. That motion is currently pending.

SPEAKER BARRETT: Senator Conway.

SENATOR CONWAY: Is Senator Chambers in the building?

SPEAKER BARRETT: I'm sorry.

SENATOR CONWAY: Is Senator Chambers in the building?

SPEAKER BARRETT: We are not certain.

SENATOR CONWAY: Does he have someone designated to represent him on this bill, or will we just pass it over?

SPEAKER BARRETT: The Chair recognizes Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature,



April 27, 1989

LB 588, 807

the first thing I want to indicate is that I was at a hearing that the Judiciary Committee was conducting. And having come back and been apprised of the fact that there are 32 members here, I'm going to move to ask unanimous consent to pass over 588 this afternoon.

SPEAKER BARRETT: Thank you. Is there any objection? Seeing none, so ordered. The Chair is pleased to announce that Senator Withem has some guests under the south balcony, Phil and Karen Zacher from Papillion, and Bill and Flo Bonfield from Suffolk, Haver Hills, England. Would you people stand and be recognized. Thank you, we're very happy to have you with us this afternoon. Mr. Clerk.

CLERK: Mr. President, the next bill scheduled is LB 807. It was a bill introduced by Senator Schmit. (Read title.) The bill was introduced on January 19, Mr. President. It was advanced to General File. I have committee amendments pending by the Revenue Committee.

SPEAKER BARRETT: Senator Schmit.

SENATOR SCHMIT: Mr. President, I think that 807 is a bill which will need the full attention of this body, and I would respectfully request permission, and regretfully so, to pass over the bill for the same reasons given by Senator Chambers for passing over 588. I don't think it's possible to get the votes I need out of 32 or 33 people, I need all of them here at the time it's discussed.

SPEAKER BARRETT: Senator Schmit, it occurs to the Chair that would you have any objection if we ordered a call of the house to see how many people are really here? We don't have that many people excused, not to my knowledge.

SENATOR SCHMIT: If you can raise them, Mr. President, I would be glad to comply.

SPEAKER BARRETT: You are asking for a call of the house?

SENATOR SCHMIT: Yes, I am.

SPEAKER BARRETT: Thank you. Shall the house go under call? Those in favor vote aye, opposed nay. Record.

May 2, 1989

LB 78, 175, 262, 588, 591, 591A, 606  
646, 681, 767, 814

having been complied with, the question is, shall LB 591 with the emergency clause attached become law? Those in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: (Record vote read. (See page 2023 of the Legislative Journal.) 42 ayes, 2 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 591E passes. And let the record show that Senator Moore had guests in the north balcony. They are just leaving at the present time, 9 students and 2 sponsors from the seventh and eighth grades in Waco, from St. John's in Waco. Thank you, folks, for coming. We appreciate it. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 606, LB 681, LB 78, LB 646, and LB 262. (See page 2024 of the Legislative Journal.) The call is raised. I'm sorry, we have an A bill. The call is not raised, I'm sorry. Mr. Clerk.

CLERK: (Read LB 591A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 591A with the emergency clause attached pass? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 2024 of the Legislative Journal.) 41 ayes, 2 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 591AE passes. While the Legislature is in session and capable of transacting business, I propose to sign and I do sign, LB 591 and LB 591A, and the call is raised. Anything for the record, Mr. Clerk?

CLERK: I have amendments to be printed by Senator Coordsen to LB 814, Senator McFarland to LB 175, Senator Conway to LB 767. That's all that I have, Mr. President. (See pages 2025-27 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Proceeding then to General File, senator priority bills, LB 588.

CLERK: Mr. President, 588 was a bill introduced by Senator Chambers. (Title read.) The bill was introduced on January 18.

May 2, 1989

LB 588

The bill has been discussed on General File, Mr. President. The...on March 29, then on April 10 committee amendments failed. Senator Chambers asked to pass the bill over on the 27th, Mr. President. I had a motion pending, Mr. President, by Senator Conway to the bill to indefinitely postpone. Senator Chambers had laid the bill over on April 10 pursuant to that motion. That motion Senator Conway wants to withdraw. Is that right, Senator?

SPEAKER BARRETT: It is withdrawn.

CLERK: Next motion I have to the bill, Mr. President, is by...Mr. President, the first amendment to the bill that I have is by, I believe, Senator Korshoj. Senator, this is your AM1262.

SPEAKER BARRETT: Senator Korshoj, please.

SENATOR KORSHOJ: Mr. Speaker and members, my amendment deals with register of deeds, a very simple, straightforward amendment. It would require any county having a population of more than 20,000 to elect a register of deeds. Under the current law, a register of deeds must be elected in any county with 16,500 population. In other words, the smaller counties, the county clerk is the register of deeds, and as we approach the next census of the state, there is about five counties or six that is approaching 16,500. I talked to my county board and the county clerk and they are all in favor of this particular bill because we do not have the money to set up another elected office in our county. And I'll just give you the names of the three or four counties that are approaching 16,500. Box Butte is one that had gained a little population between 1980 and '86, Seward County, Washington County, York County. There is a few more that is in the range, Otoe County. At the hearing there was nobody that objected to this amendment at all. So I would like it amend onto this LB 588. That is my opening and closing too, I hope. Thank you.

SPEAKER BARRETT: Thank you. It is debatable. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Korshoj did discuss this amendment with me and I have no objection to it because it has no impact on the bill itself.

May 2, 1989

LB 588

SPEAKER BARRETT: Thank you. Any other discussion? If not, the question is the adoption of the Korshoj amendment to LB 588. All in favor vote aye, opposed nay. Have you all voted? The question is the adoption of the Korshoj amendment. Please record.

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Korshoj's amendment.

SPEAKER BARRETT: The amendment is adopted.

CLERK: Mr. President, a couple of housekeeping items, Senator Hartnett, you had amendments printed earlier, Senator, to...okay they were...

SPEAKER BARRETT: Withdrawn.

CLERK: Mr. President, the next amendment I have to the bill is by Senator Chambers.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, what this amend...first of all, the bill is in the form that it was in when it was offered in the green copy. The committee amendments were not adopted. So, what this amendment will do, and Senator Hall is going to offer an amendment to it, so I'm going to tell you what my amendment will do, then what it will do with Senator Hall's amendment. My amendment would set up a system whereby we move from at large to district. What it was going to do was require that those commissioners who will be elected at the next election in 1980, 1990, would serve for two years, and then after that, all of the districts would take place with an additional shortened term for some of them and the others for four years and that would keep the stagger in place. Also, the election commissioner would be the one to draw the districts. Senator Hall has an amendment that would have to be discussed in conjunction with what I'm saying so that it will be clear what ultimately is going to happen. There was concern on the part of those who sit on the board now and will run for election in 1990. They didn't want a shortened term. Personally I don't care if they don't get a shortened term. So what Senator Hall's amendment would do is allow, instead of what I mentioned about the shortened two-year term, it will allow those who run the next time to have their full four-year term.

They will be elected at large. Then from that point forward, there would be district elections. In 1990 there is to be a census. The districts will be drawn in 1991 after the census. The first district elections will occur in 1992 in the four districts that will be up at that time. Their four-year term will be overlapped by those who are going to be elected at large in 1990. So to try to make it clear now, those three standing for election in 1990 would run for a full four years and they would be elected at large as present. The district election system would take effect in 1992 when four members will be elected by district and from that point on everybody will have a four-year term. If it is confusing, I don't think it ought to be. So I'm asking that my amendment be adopted, but I believe that Senator Hall is going to offer his amendment to my amendment now.

SPEAKER BARRETT: Mr. Clerk.

CLERK: Mr. President, Senator Hall would move to amend Senator Chambers' amendment. The Hall amendment is on page 1879 of the Journal.

SPEAKER BARRETT: Senator Hall.

SENATOR HALL: Thank you, Mr. President and members, as the Clerk stated, the amendment is found on page 1879, and as Senator Chambers spelled out, it is an amendment that he is not wildly fond of. The elected county board who are currently in office are not wildly fond of and it is not something that I would even attempt to portray as a compromise, but I think it does do that. It allows for the things that Senator Chambers pointed out and that you have before you now in the handout that the boundaries would be drawn by the county board. It is a substantive issue. It allows for those individuals who have served there to draw those boundaries. It would allow for the county commissioners who are currently up in 1990 to run for election to a four-year term. There are three that would fall under that category. The other four that would be established would run in 1992 and they would serve a four-year term as well and you would automatically have your stagger in place. The rest of the amendment strikes the Chambers, portions of the Chambers' amendment that would no longer be needed and replaces some references to the election commissioner that would now be replaced by the county board. There are technical changes to the repealer as you can see on the amendment. With that, I

would just urge the body to adopt the amendment to Senator Chambers' amendment. The amendment allows for district elections both in the general...the primary and the general elections. It allows for seven districts and allows for basically the additional members of the board to come on at the point in time that the census is done, the districts are established and would not have any detrimental effect on those individuals who are currently sitting on the county board. It basically protects them but also provides for the provisions that Senator Chambers intended with his introduction of LB 588. I would urge the adoption of the amendment to the Chambers' amendment. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Discussion on the amendment to the amendment, Senator Chambers, Senator Labeledz next.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Hall doesn't want to call this a compromise but based on how I feel about compromises in general, that's exactly what it ought to be called because it does bring about changes that, as he pointed out, will not make either side completely satisfied. One thing I forgot or neglected to mention when I was speaking but Senator Hall did cover it is the fact that his amendment also would change the provision that I was putting into the bill that would require the county election commissioner to draw the boundaries. Because there is conflicting, and the Attorney General and Douglas County Attorney have indicated, conflicting and confusing language in the present law relative to election of Douglas County Commissioners, this amendment takes out a lot of that...well, all of that confusing language, but it will go back to allowing the county board members to draw the district boundaries. That was a change I was going to put in place whereby the election commissioner would do it. Senator Hall's amendment will remove the election commissioner, restore the drawing of boundaries to the Douglas County Board members which is the way it is done in county boards throughout the state. So, he changes the body that will draw the boundaries and he allows those who currently are serving and will be up for election the next time to get a full four-year at large term rather than shorten to two and then run by district after that. Because the stagger has always been a part of electing to the Douglas County Board and it differs from the city elections because it's not in an off year, but occurs with the state elections, there is no problem. So I'm going to support Senator Hall's amendment, then I hope that we will adopt my amended

amendment and it is, in effect, a compromise.

SPEAKER BARRETT: Senator Labedz, followed by Senator Lynch.

SENATOR LABEDZ: Thank you, Mr. President, I rise in opposition to both the Hall amendment and the Chambers amendment to LB 588. As you recall, I introduced an amendment to the committee amendment that required the number of seats on the Douglas County Board to remain at five, and, Senator Hall, may I ask a question?

SPEAKER BARRETT: Senator Hall, would you respond?

SENATOR LABEDZ: Does your amendment require seven districts rather than five?

SENATOR HALL: Senator Labedz, my amendment would amend Senator Chambers' amendment which would not change the number of districts, so the answer is, no, but my amendment does not deal with that issue so it does not change it, so it would be seven as Senator Chambers deals with that issue.

SENATOR LABEDZ: So if your amendment is adopted and Senator Chambers' amendment is adopted, there would be seven county commissioners rather than the present five?

SENATOR HALL: Correct.

SENATOR LABEDZ: Then I strongly disapprove of the amendment of Senator Hall and also Senator Chambers. As I said before, I don't think that Douglas County requires seven county commissioners. I believe that my amendment which follows the Chambers amendment is going to require the exact number of county commissioners we have now which is five. It also nominates in the primary, by district, and in the general election they would be elected at large. At that time everyone voting in the general election would have the opportunity to vote for all five county commissioners rather than just one. And I've said it before and I'll say it again, I want every one of the county commissioners to be accountable to me and to everyone that votes. I think the general election, they should be elected at large rather than by district. There should be five county commissioners, nominated in the primary and elected at large in the general. I also feel that with seven county commissioners, it's a great deal more expense to Douglas County

because I believe that right now they are paid either 19 or 20,000 dollars a year for one meeting a week which is on Tuesday morning and it would be a great deal more money to have seven county commissioners which I don't believe is needed in Douglas County. The proposal that I am coming up with in the next amendment is identical to Lancaster County and I appreciate the fact that Senator Warner got up on General File and said, yes, it's working in Lancaster County. If it's working here, it certainly can work in Douglas County. Thank you.

SPEAKER BARRETT: Senator Lynch.

SENATOR LYNCH: Mr. President and members, as one who was there, I was a county commissioner for quite a few terms in Douglas County and I lived through three different changes. I was elected at large, I was elected in the district and in the primary I was elected in the...in the primary by district and at large. In the general I was elected at large. You know it's interesting, every time that happened nobody really asked me. Nobody even asked the county board, if I remember. They may have asked certain politicians on the county board because most of those efforts were partisan in nature and inspired for that reason, trying to find a way to get a majority. I remember once when I was elected by district, I had everything north of Ames Street and everything west of 72nd. I had 200,000 people in my district and the other four had the other 100,000. So it depends, I'm not sure, you know, how this can work or if it would, in fact, be an improvement. I guess because I feel fairly firm in my conviction that we should be elected by district in general, but the more I thought about this, the more I thought that the agenda we're serving here has nothing to do with having a better quality county board. The agenda here has to do with expanding the number so that more people or kinds of people can be represented on the board and that's simply it. You can fool around with all the other amendments about trying to work a way around it by electing, you know, in the primary and general at large and the rest, however, it works both ways. The old argument was if you were elected in the primary by district and the general at large, it would give a Republican from a very partisan south Omaha district a chance to be elected and vice versa if you were a Democrat in a Republican area, et cetera, that's the truth. That was the argument. I was there. I can tell you. But I also know there are 21 counties in the state that do elect their county commissioners at large. I know of counties far across, I had a good fortune and great



pleasure of being President of the National Association of Counties and had a chance to travel around a bit. You know up in Wisconsin they elect a county commissioner for every 5,000 people. There is no chance of escaping every point of view, ethnic background or anything else on that board. They had 64 people on their board in Milwaukee, but other than that it was a little larger than our Legislature but you had the point of view. They didn't get much work done, to be completely frank, and there was generally some chaos, generally a few leaders that stuck around long enough to get the leadership positions and they ran the county anyhow, about five of them generally ran Milwaukee County. All I can say is I have mixed emotions about it. I know what Ernie would like to accomplish and I have no problem with that. But I guess I have to tell you that I'm impatient with us trying to change the system that apparently there is no reason to change at the present time. I think we probably could at some point in time do this. I only say that because I might as well go on record early, don't intend to support the bill. I probably shouldn't support any amendments with the exception of maybe the one Bernice is going to introduce because that would at least keep the five members and change the system, but even that I'm concerned with. I, to be completely frank, I have seen no problem with the way the system now functions. I think they're pretty responsible. Where our city councilmen were elected by district, for example, and we talked about some of the problems we had in Florence, I had a hard time, because people were elected by district on the city council, convincing them, a majority of the city council about our problems, and I have the distinct impression that some of them didn't really care what happened out in Florence. After all, they weren't elected out there anyhow. So I do, I've come down on the wrong side I guess, based on how I have traditionally felt on this issue. And at this point in time I don't think we should mess with it. I can see no reason to change it in whatever form it might take.

SPEAKER BARRETT: Thank you. Any other discussion? Seeing none, Senator Hall, would you care to close?

SENATOR HALL: Thank you, Mr. President, members, again, the issue is the amendment to Senator Chambers' amendment that would provide for the changes that are laid out in the handout, and I appreciate Senator Lynch's comments because he has been there, as he said, with regard to serving for a number of years on the Douglas County Board, but there have been some requests to

change the system. As a matter of fact, I carried the bill that would have allowed Douglas County to have home rule provisions. I happen to think, and that change was requested on their part, I carried it on their behalf. I happen to think that that goes hand in hand with district elections. I don't think you can have home rule without first having district elections. This, LB 588 and the amendment that I offer to Senator Chambers' amendment is the first step in that direction. After we adopt this amendment and adopt Senator Chambers' amendment, move the bill over to Select File, I intend to offer that home rule amendment to the bill because I think it is something that needs to be discussed as part of this whole process because Senator Lynch, in effect, is right. The change is not a change unless you do something else and that something else is the home rule issue. But you can't wait for that at this point in time. I think what we have to do is put this process into place, allow that to happen so that then they can work the system as they would like to see happen because those changes were initiated by the Douglas County Board and were...I was asked to carry that on their behalf to raise that issue. This amendment starts us down that direction, I think allows for a compromise of sorts with regard to the representation that is there. I think the issue of five to seven members is really not an issue when you look at Lancaster County, for example, and Douglas is twice the size. We're asking for an increase that is minimal. I would never see those numbers ever increasing down the road. I think this is a very viable amendment that would allow for a win situation on both sides to a certain extent and then we talk about home rule which does change the system to fit with the election process. I would urge the adoption of the amendment. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. And the question before the body is the adoption of the Hall amendment to the Chambers amendment. All in favor vote aye, opposed nay. Have you all voted? Have you all voted? Record, Mr. Clerk.

CLERK: 15 ayes, 6 nays, Mr. President, on adoption of Senator Hall's amendment to Senator Chambers' amendment.

SPEAKER BARRETT: The amendment is adopted. Back to the Chambers amendment as amended. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I listened very carefully to what Senator Lynch said and there

is a ring of credibility in what he says because as he pointed out, he was there. But I doubt that Senator Lynch or anybody else on this floor really understands the position that I represent because we have never been there and will never be there. It's difficult for me to pick up the newspapers without being slammed in the face with the racism in this society at large, and in the City of Omaha, specifically. I'm sure Senator Lynch and the other senators from Omaha read about the denial of credit to black people in Omaha that can be accounted for only on the basis of racism. The same thing was found to be the case in Lincoln. So when people like Senator Warner will say that he wishes that race wouldn't enter into it and that the system is working in Lancaster County, and Senator Lynch can say the attempt is to try to get certain people on the board, they are talking as though it's a homogeneous society and that there are no problems that people have because of their race, that there are merely political differences or philosophical differences. It has been demonstrated, however, time after time in this state, in the City of Omaha and in the City of Lincoln, that negative things befall people simply because of their race. For us to be an elective body and say that certain groups which have never had representation should never have representation is short-sighted and unreasonable. To say that because the group of which you are a part which is a majority has always controlled everything, therefore, they should continue to control it is out of step with what America professes to be. When I read about America wanting to oversee and observe elections in other countries to ensure fairness, there is a particular type of bitterness that I feel because I know of the unfairness that exists in this state and in Douglas County which denies representation to all black people. To say that white people are in a position to speak for black people is ludicrous and I doubt that anybody would make that argument today. However, the actions and the words of some members are designed to tell me that we are not entitled to have anything to say in the governing body that makes decisions on a regular basis that will affect our lives and our welfare. This bill is an attempt to correct a problem that does exist. I had mentioned on General File how, in the latter part of the seventies, a federal judge imposed district elections on Thurston County, Nebraska, because Indians had never had anybody on the county board. And the number of commissioners in that county which is much smaller in population than Douglas County is seven. So the number seven is not unwieldily, it is not unduly large and I'd handed you an article some days ago, which if you've forgotten, I'm not

surprised and wouldn't be offended, that pointed out how the county board members themselves are taking a much more active role in activities related to the county and particularly Omaha. They don't see themselves as a board of administrators.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: They are an active governing body, and what they do does have a profound effect on people such as myself. So what I hope you will do is adopt this amendment. It is very reasonable. The vast majority of the counties are elected by district so there is nothing unusual about this bill. It is right in line with what is done throughout the rest of the state and I hope that I can obtain enough votes to attach this amendment to the bill. Much language that ought not be in the statutes will be cleaned out by this amendment which, in effect, will become the bill. So I hope that you will adopt this amendment.

SPEAKER BARRETT: Additional discussion, Senator Lynch.

SENATOR LYNCH: Yeah, with all due respect, Ernie, I have to say that when I heard you just now mention about the racist overtones of this, I have to stand with some concern about it. And you imply, I guess, that unless you're black, we'll never know the difference and you're right. You'll probably never know what it's like to be a short, fat, bald-headed, Irish-Catholic Democrat either. I would like to think you represent some of my best interests on occasion around here, and I know you do. So I'm not going to suggest that you should be white. I don't think that Abraham Lincoln was a racist or else he wouldn't have gone through the misery he did with the Civil War. And when we started the retardation, I'm thinking of things, the retardation programs in Douglas County had nothing to do with racism at all. It had to do with doing something for people that needed help. What concerns me about this issue is that it implies racism. It implies that the people on the county board now are, in fact, maybe even racists, and that is not true. Everything they do applies even-handedly for everybody. If some people are helped more than others and if the system did not provide for that, look at us. Look at all of us in the Legislature because, you see, a county board person is no more or no less than what the law allows them to be. They are creatures of the Legislature, they are. They carry out. In fact, if counties didn't exist, you would probably have to

invent them because you need a wholesaler of services at the local level to carry out not only state programs, but federal programs, and it's your toy to fool around with if you want to, this county board. But I think it's more important than that. In Ernie's and my neighborhood I'll be the first to recognize, however, I feel that I represented everybody in my district whether they were black or white well. I'd be the first to realize that whenever that area becomes more black than white, the possibility exists, that if I were still running I wouldn't get elected however good I was, and that is fine. That's what Ernie is talking about now apparently and that, you see, bothers me and concerns me to a large extent. I don't think it's appropriate that we try to change the system when there is no real reason for it, politically, racially, or for any other reason.

SPEAKER BARRETT: Thank you. Senator Chambers, followed by Senator Pirsch.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Lynch, had I wanted to say the present board members are racist, that is what I would have said. I'm dealing with a much broader issue than that. I had shown, and I handed the articles out where the U.S. Supreme court as recently as 1986 ruled that the at large system of electing officials in America discriminates against minority group people, that they do not obtain representation on these boards when they're elected at large because white people vote for white people. And as long as white people are voting for white people, nobody wants to raise a question, but when I say let me have a situation where black people can be on the governing board, then suddenly something is wrong with it. White people never have to make the plea that I'm making because they're always in the majority. It's always those minority group members whose interests are not properly taken care of who have to batter on the door to say, if this is the system and it's to govern me, let me in. The Supreme Court ruled in 1988, or '86 that it's not necessary that anybody prove a deliberate intent to discriminate anymore because that is presumed. The voting strength of minority groups is diluted in at large systems of election and the Supreme Court has ruled, as have federal district courts over and over again, that in the case of city councils, county commissioners, and these other types of methods by which people are elected have to elect by district and the courts have imposed a district system and have supervised it. I would

rather that the Legislature do it as we did in the case of city council members and school board members, recognize the issue. And, Senator Lynch, the reason I want these matters into the record is to make it clear that when the discussion was had before the Legislature, none of these matters were left out. All of these issues were before the Legislature, and whatever decision is made, it was made with these matters before it, with this information a matter of record, an appeal made on the basis of why federal courts have imposed district elections, the pointing out that a federal judge did impose district elections in Nebraska already, so that if it comes to that, then the step can be taken without having to prove all of those things even though they don't have to be proved. The point I'm making is this. When we have farmers speaking, it goes without saying by members on the floor that farmers are in a position to understand the problems faced by farmers. But when I who have been black 51 years will indicate that there are problems and situations we face that are not addressed by white people, even when they are well-intentioned, that cannot be accepted, but the empirical evidence is out there for anybody to see, that we need representation, that when representation is denied, a very substantial means by which problems can be addressed has been withheld and other methods will be seized by people to change their condition. And many times these methods don't immediately bring about a change but it might give the impression and the feeling to people who otherwise are helpless and voiceless that they are doing something that is going to make a change.

PRESIDENT NICHOL PRESIDING

PRESIDENT: One minute.

SENATOR CHAMBERS: I hope that the Legislature will recognize the fact that in over 70 counties in this state where they are homogeneous and all the people are white, they have district elections in order that all elements of the county can be represented. But in the largest county in the state where the largest minority population lives and obviously has tremendous problems that are not being addressed, I'm told there should not be district elections because at large takes care of this situation whereas at large does not take care of the situation in the majority of counties in this state. It is a difficult row that I have to hoe.

PRESIDENT: Time.

SENATOR CHAMBERS: And I knew it would be difficult when I came here, and I'm going to do the best that I can, but this time I'm asking for some help.

PRESIDENT: Thank you. Senator Pirsch, please.

SENATOR PIRSCH: Thank you, Mr. President, I wasn't really going to speak to this amendment but it did concern me and I felt I must stand up to talk about the purpose of doing district elections. It isn't to satisfy Ernie Chambers, it isn't to satisfy one district, it isn't to satisfy one kind of people, but I passed out the maps and I wanted to show you that there is a lot of areas in Douglas County that do not have representation. And if you eliminate the number 8 at the right-hand top, which is Dan Lynch who left office in 1981, and also the 7 which is Howard Buffet who was just elected, you'll find that the predominance of that representation of Douglas County has come north of Dodge for the last 10 years within a small area. I wanted you to see that because we're not talking racial districts, we're not talking ethnic districts, we're talking about representation throughout the county. And I'm not criticizing the present commissioners. I think they have tried to do a good job, but I know that the people in my area are disturbed when they feel they cannot get through to someone who is concerned about three landfills in the northwest area, about the placing of things without rezoning in neighborhoods that should go through rezoning process and they have no one to talk to. They talked to all of the county board, yes, and you have that privilege and they have listened, but it's very difficult to sometimes feel that indeed they represent you and your community and your slice of Douglas County. So I would hope this would not get caught up into racial issues or anything but the fact that district elections give even representation to all segments of our county and that's what we want and that's why I'm supporting Senator Chambers and that's why I hope you will support him too. Thank you.

PRESIDENT: Thank you. Senator Labedz, please.

SENATOR LABEDZ: Thank you, Mr. President. Senator Pirsch mentioned representation, let me tell you about representation on the city council district. I had problems when there was going to be a compost site in south Omaha and a rendering plant and my representative stood up and fought very hard against the



rendering plant and the compost site, but he lost because there were four other or six other council members that did not represent my district and never counted or asked for our vote in south Omaha and we got the compost site and we got the rendering plant. So I'm telling you that when you got representation from all members of the county board, then when there are three landfill permits coming up in your district, all five of the county commissioners will be accountable to you and represent you because they know they want to be reelected in the next election. So I don't believe that having a county commissioner by district gives you better representation than five members of the county board. I strongly oppose Senator Chambers' amendment. I know it is better than the bill and he did say it is a compromise, it is better than the bill, and if I was a smart lady, I would vote for the amendment but I'm hopeful that LB 588 will not advance to Select File. Thank you.

PRESIDENT: Thank you. Senator Chambers, would you like to close, please.

SENATOR CHAMBERS: Mr. Chairman, I think everything that needs to be said has been said and I won't be repetitive, but I will ask for a call of the house.

PRESIDENT: Thank you. The question is, shall the house go under call? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 14 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence. Those not in the Chamber, please return to the Chamber and record your presence. Please return to your seats so we may start. We're looking for Senator Ashford, Senator Beck, Senator Conway, Senator Rod Johnson, Senator McFarland. We're still looking for Senator McFarland and Senator Rod Johnson. They're all here now, Senator Chambers, did you wish to close? Okay. The question is the adoption of the Chambers amendment. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: 25 ayes, 8 nays, Mr. President, on adoption of the amendment.

PRESIDENT: The amendment is adopted. Do you have anything



May 2, 1989

LB 78, 262, 429, 588, 591, 591A, 606  
646, 681

further on it? The call is raised.

CLERK: Mr. President, Senator Labedz would move to amend the bill.

PRESIDENT: Senator Labedz, please.

SENATOR LABEDZ: Withdraw.

PRESIDENT: Withdrawn.

CLERK: Mr. President, Senator Ashford would move to amend.

PRESIDENT: Senator Ashford. It is withdrawn.

CLERK: Mr. President, Senator Hall...kill motion, Senator?

SENATOR HALL: Withdraw.

CLERK: I have nothing further on the bill, Mr. President.

PRESIDENT: Okay, we're on the advancement of the bill. Senator Chambers.

SENATOR CHAMBERS: In view of the...Mr. Chairman and members of the Legislature, I will just make the motion, then see if it's necessary to discuss it further, but I move that 588 be advanced to E & R Initial.

PRESIDENT: You've heard the motion. Any discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: 26 ayes, 8 nays, Mr. President, on the advancement of LB 588.

PRESIDENT: LB 588 is advanced. Do you have something for the record, Mr. Clerk?

CLERK: Mr. President, I do. Enrollment and Review reports LB 429 correctly engrossed.

Enrolling Clerk has presented to the Governor bills read on Final Reading today, Mr. President. (Re: LB 606, LB 681, LB 78, LB 646, LB 262, LB 591, LB 591A. See page 2028 of the

him beat the hell out of her. They claim that this young Tawana Brawley who said she had been raped by some white men in New York, they say it's a lie and they say she told it because she felt if she told the truth about where she had been and what she was doing, her mother's boyfriend would have beaten her and that is what these Christians want to run these young women to. Yeah, I mean every word that I'm saying, I really do. And those of you who believe in God, it's amazing to me, as Jonathan Swift said, that you're a coward towards men and brave toward God because you will throw contempt in God's face by disobeying the types of things that he ordered you to do in order to get along with mere men.

SPEAKER BARRETT: Time. The question is, shall LB 769 be indefinitely postponed? A call of the house has been requested. Shall the house go under call? Those in favor vote aye, opposed nay. Record.

CLERK: 25 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please record your presence. Those outside the Chamber, please return and record your presence. Senator Bernard-Stevens, please, record your presence. Senator Abboud, Senator Wesely, Senator Pirsch, please report to the Chamber. Senators Abboud, Senator Pirsch. Thank you. Mr. Clerk, would you read the roll on the indefinite postponement of the bill.

CLERK: (Read roll call vote. See page 2038 of the Legislative Journal.) 13 ayes, 30 nays, Mr. President.

SPEAKER BARRETT: Motion fails. The call is raised. Mr. Clerk, have you anything for the record?

CLERK: I have amendments to be printed to LB 89 by Senator Smith; Senator Scofield to LB 311 and Senator Withem to LB 588. That's all that I have, Mr. President. (See pages 2038-42 of the Legislative Journal.)

SPEAKER BARRETT: Thank you.

SENATOR LABEDZ: Mr. President...

SPEAKER BARRETT: Senator Labedz.

May 5, 1989

LB 514A, 588, 813, 814  
LR 122

Peterson, the house is under call. Members will return to your seats in anticipation of a roll call vote. Members will return to your seats in anticipation of a roll call vote. Proceed, Mr. Clerk.

CLERK: (Roll call vote read. See pages 2110-20 of the Legislative Journal.) 19 ayes, 23 nays, Mr. President.

SPEAKER BARRETT: The motion fails. Matters for the record. The call is raised.

CLERK: Mr. President, Enrollment and Review reports LB 588 to Select File; amendments to be printed to LB 813 by Senator Conway. (See page 2121 of the Legislative Journal.)

New A bill, LB 514A by Senator Schimek. (Read by title for the first time. See page 2120 of the Legislative Journal.)

(Read brief description of LR 122. See page 2120 of the Legislative Journal.)

Reminder, Mr. President, Government Committee will hold its public hearing at one o'clock today in Room 1117. That's all that I have.

SPEAKER BARRETT: Thank you. Senator Lowell Johnson, please.

SENATOR L. JOHNSON: Mr. Speaker, I move that the Legislature recess until 1:30 p.m.

SPEAKER BARRETT: You have heard the motion to recess until one-thirty. Those in favor say aye. Opposed no. Ayes have it. Motion carried. We are recessed. (Gavel.)

RECESS

SENATOR CONWAY PRESIDING

CLERK: I have a quorum present, Mr. President.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: Thank you. Anything for the record?

May 8, 1989

LB 303, 588, 727, 761, 814  
LR 132, 133, 150, 151-156

letting the more important go, we have to answer those questions anyway, we won't have added to that the question of why we appropriate money for something when no need has been shown. So Senator Moore's amendment I think is right on the money, and I do support it.

SPEAKER BARRETT: Senator Lynch.

SENATOR LYNCH:.. Mr. President and members, I move we adjourn until May 9th at eight o'clock in the morning.

SPEAKER BARRETT: Any messages on the President's desk?

CLERK: Mr. President, I do. I have amendments to be printed to LB 588 from Senator Hall; Senator Landis to LB 727; Senator Warner to LB 303. (See pages 2177-78 of the Legislative Journal.)

Study resolutions, from Senator Smith, LR 150; Senator Wesely offers LR 151, LB 152, LR 153, LR 154, and LR 155; and a study resolution from Senator Schellpeper, Byars, Goodrich, Dierks, Crosby, Lynch and Wesely, (LR 156). (See pages 2170-75 of the Legislative Journal.)

Mr. President, a series of amendments to LB 761 by Senator Morrissey, and that is all that I have, Mr. President. (See pages 2178-79 of the Legislative Journal.)

Mr. President, I am sorry, excuse me, Senator Smith would like to add her name to LR 132 and LB 133 as co-introducer. That is all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The question is, shall we adjourn until tomorrow morning at eight o'clock? A machine vote has been requested. Those in favor vote aye, opposed nay. Voting on the motion to adjourn. Please vote if you would care to vote. Have you all voted? Record. Senator Chambers. A call of the house has been requested. Shall the house go under call? All in favor vote aye, opposed nay. Record.

CLERK: 15 ayes, 3 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please check in. Return to your desks. Those members outside the Chamber, please return and record your presence. Senator

May 9, 1989

LB 325, 330, 588, 811, 814

That is all that I have, Mr. President. (See pages 2207-17 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. Senator Landis.

SENATOR LANDIS: I move we recess until one forty-five, Mr. Speaker.

SPEAKER BARRETT: A motion to adjourn, or recess, I am sorry, until one forty-five. All in favor say aye. Opposed no. Carried. We are recessed until one forty-five.

RECESS

PRESIDENT NICHOL PRESIDING

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Do you have items for the record, Mr. Clerk?

CLERK: Mr. President, I have a communication from the Governor addressed to the Clerk. (Read communication regarding LB 330, LB 325, and LB 811 as found on page 2218 of the Legislative Journal.)

Mr. President, I have amendments to be printed to LB 588 by Senators Withem and Hartnett. That's all that I have, Mr. President. (See page 2218 of the Journal.)

PRESIDENT: All right, we'll turn over the page to number 11 and start on LB 814.

CLERK: Mr. President, the Legislature considered 814 yesterday. It's the capital construction bill. Mr. President, the... Senators Hartnett and Korshoj had offered an amendment to the bill, Mr. President. That amendment was subsequently divided. When the Legislature left it, I believe, they had acted on several of the amendments. I believe the next one, Mr. President, is an amendment to strike Section 29 from the bill. Senator, is that consistent with where you are?

SENATOR HARTNETT: That's great, yeah, yeah.

May 9, 1989

LB 84, 84A, 182A, 588, 813, 814  
LR 190, 191, 192

it wasn't \$2 million, it was \$1.7 million. A letter was then sent to the Appropriations Committee letting them know that it was \$1.7 million, and we would like to request a meeting with them to see if there would be a way to include this within the budget. So, when Senator Warner says they hadn't had any study until two weeks ago, I respectfully disagree with that, the study had been done. But regardless of that, it is my hope that the body will go ahead and vote for Founders Hall, it is necessary, and then at a later time, we'll then consider adopting an amendment to 814 or to other legislation that will allow for the automation to take place within the state colleges. And I hope then to have support at that particular time. Thank you.

PRESIDENT: The question is the adoption of the Hartnett amendment. All those in favor vote aye, opposed nay. Have you all voted? There's a request for a record vote. Have you all voted? Record vote has been requested. Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 2219 of the Legislative Journal.) 3 ayes, 27 nays, Mr. President.

PRESIDENT: The amendment fails. Do you have another one, Mr. Clerk? Items for the record, please, Mr. Clerk.

CLERK: Mr. President, study resolutions. (Read brief description of LR 190, LR 191, and LR 192. See pages 2220-22 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 84 and LB 84A as correctly Engrossed. I have amendments to be printed to LB 588 by Senator Labeledz and to LB 813 by Senator Labeledz and Senator Haberman; LB 182A is reported to Select File, Mr. President. (See pages 2222-29 of the Legislative Journal.)

Mr. President, the next amendment I have to LB 814 is to strike Section 34. Senator, that's what I have.

SENATOR HARTNETT: Yes, that's...yeah. That's university Program 907, fire, life safety projects on all campuses, fiscal year '89-90, \$438,558 General, and '90-91 is \$319,333.

PRESIDENT: Senator Hartnett. Senator Warner, please.

May 10, 1989

LB 588, 767A

aye? Opposed no. Carried. The bill is advanced. Next bill, Mr. Clerk.

CLERK: Mr. President, the next bill is LB 588. The first item I have are Enrollment and Review amendments.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 588.

SPEAKER BARRETT: Shall the E & R amendments be adopted to 588. All in favor say aye. Opposed no. Carried. They are adopted.

CLERK: Mr. President, the next amendment I have is by Senators Withem and Hartnett. I have a note, Mr. President, that they would like to withdraw this amendment and substitute an amendment, is that correct, Senator.

SENATOR WITHEM: Yes, it is.

SPEAKER BARRETT: Asking for unanimous consent to withdraw and substitute, if there are no objections. Fine.

CLERK: Mr. President, Senators Withem and Hartnett would move to amend and the amendment is on page 2218 of the Journal.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: Yes, thank you, Mr. Speaker. I will be very brief on this because I know there are other items on the bill. It came to light during General File discussions on this bill that the manner in which county boards memberships are elected is based on populations of counties. If it is above, I think the Senator Chambers bill has reference to counties above 250,000 is what this particular bill applies to. The Lancaster County system is for counties of 100,000 or above, and the rest of the state has another system. What we discovered is Sarpy County is probably one of the most dynamic counties, one of the most exciting counties in the state, and elect some of the finest representation into this Legislature in the state, is growing considerably and probably during the next census will be above the 100,000 figure, in which case, ironically the county that currently elects by district, as this bill proposes, will be forced into a new system, the Lancaster County system, and if

you heard some of the people from Lancaster County here aren't even that excited about that system for their own county. The county commissioners would prefer, if you note on a 4 to 1 vote, they made a motion that they would prefer to keep the district election system in Sarpy County as it is today, and because I philosophically agree that that is the best system, I might add, if they were coming in and saying they preferred to keep an at large system, I don't know as if I would be standing here being in support of them, but beings that they are wanting to keep the system that I philosophically think is a good system, we are suggesting that the statute be amended that provides for counties of 100,000 or above to apply only to counties 150,000 or above. That will give us another 30 or 40 years probably, at which time Senator Hartnett and I will both still be here and we will probably bring this amendment again to up the county limit one more time, to provide that Sarpy County will not fall into the dastardly statutes that apply to Lancaster County. So with that, I would urge you to support this amendment.

SPEAKER BARRETT: Thank you.

SENATOR WITHEM: And my closing time I give to Senator Hartnett who is co-sponsor, probably should have actually been doing...giving the introduction on this because his office did a lot of the work on it.

SPEAKER BARRETT: Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker, members of the body, I think Senator Withem simply did a good job. We have in Sarpy County for as long I have lived there, and that has been 30 years, have had the district election, and so I think, we have got a letter I passed out and the board did, as Senator Withem said, voted 4 to 1 to leave it as it is, and we were going to bump into the Lancaster system, and so we are simply adding to raise that figure which Lancaster is above from 100,000 up to 150,000, so with that I would ask the body to support this amendment. Thank you.

SPEAKER BARRETT: Senator Chambers, followed by Senator Beyer.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I just want to indicate that I have talked to both Senators Withem and Hartnett about this amendment for sometime and I agree with it, I accept it. That was my original position.



Senator Withem almost made me do some reconsideration when he did all of that Chamber of Commerce spiel but we know that he's got to mend his fences at home, so I will overlook that and give my 100 percent support to his amendment.

SPEAKER BARRETT: Senator Beyer, followed by Senator Lynch.

SENATOR BEYER: Well, Mr. Speaker and colleagues, I guess this is one time I will go against my colleagues in the county. Based on the fact of a little explanation of what is there and why I would have to oppose it. Sarpy County is unique in that half of the county, populationwise, is located or four-fifths of the population is located in half of the county, and the other half of the county has one-fifth of the population. So, currently, we have a lot of problem in my particular area which is the one-fifth one-half in getting anything that is needed in road improvements and some of the others. I have been contacted by constituents, and one of the county commissioners that did vote for this has had some second thoughts now, so just to apprise you of what is going on within the county, that there is some opposition to this particular thing out of at least part of the county people and also out of several of the commissioners. So with that, I would say I will not support the amendment at this time. Thank you.

SPEAKER BARRETT: Thank you. Senator Lynch, followed by Senator Withem.

SENATOR LYNCH: Yeah, Mr. President and members, I have sympathy for what Senator Beyer has just said. I also would suggest that I may support the amendment, not because of the status quo that exists in the county, but because this is what the county commissioners apparently in their wisdom thought was the best system for them. Just keep that in mind. The Douglas County Commissioners weren't asked and nobody seems to care. In this case, Sarpy County Commissioner has a system that they think works pretty well. I do think, though, as Senator Beyer has pointed out, there are, in fact, serious problems with this. In some cases, the purposes and the needs in the rural areas of Sarpy County are served but I know from a fact that as far as it applies to city government in areas that they have jurisdiction over, like in the three-mile limit in my district, those good purposes are not served at all. Nobody really cares. The people living in those areas can't vote for those city council people, have no control over them. So I would reluctantly

support it because this is what they want, and hopefully you will ask the same thing when you think about 588 on its final vote about what the county commissioners in Douglas County want and think.

SPEAKER BARRETT: Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker, members of the body, three responses to what Senator Beyer had to say that I hope the body would consider. The fourth one, the one that Senator Lynch made, is that there is a resolution supported by all but my county commissioner, I guess I should point out, who I think will forgive me for my actions here today, at least I hope she will, but the county commissioners did, in fact, support it. Secondly, if you want a change in the system, you ought to, you know, I would suggest Senator Beyer or the folks out in his district, if you want this system to change, you should bring a bill down to change the system. What is happening here is if we don't change the statute, the system of Sarpy County's election will change automatically. It will not have been by a positive action. It will be by inaction. You can argue the Labeledz position or the Chambers position on the Douglas County Board, but if a change takes place there, it is going to have to be because a senator brings a bill in and that bill, then, becomes a matter of public policy. The bill was passed several years ago to make up a system specifically for Lancaster. There is not intent that it apply to any other county other than Lancaster. It is our fault in Sarpy County because we have grown up, so that is one point. Another point is, and again, Senator Beyer, I don't know if your constituents realize this, that we are not going to get an at large election by not adopting this amendment. We will...the way you get an at...as a matter of fact, if you want an at large amendment, what you do is you get the county current statute, as I understand it, the county board could change to an at large election. If this amendment doesn't get adopted, you never are going to have an at large system, you are going to have a district system. Sarpy County will be mandated to have a district system, the type of district system that they have in Lancaster County. Third, I guess if I were living in Gretna or Springfield, I would rather have one commissioner elected by the people where a majority of the vote is in Gretna and Springfield, rather than having all five of them have to kowtow to, you know, airing the dirty laundry of the county here, I guess, all five of them are going to have to kowtow to the votes down in Bellevue, the voters down

in Bellevue, because that is where the power base is. Bellevue has the population. Bellevue and Papillion, together, Hartnett and Withem's people together are going to be able to control the county entirely if you have a system where people are nominated by district but they are elected at large because your two guys that are running out there to represent your district are going to have to come into Papillion, they are going to have to come into Bellevue, and the one that can make the best deal to Bellevue and Papillion are the ones that are going to get elected. So I think, frankly, I think your people are going to be worse off if this amendment doesn't pass than if it does. I think that, again, there was no intent when the Lancaster County system was established for it to fly to any other county other than to Lancaster. We are growing into the Lancaster population area. If you want to see a change made for Sarpy County, it ought to be made by introducing legislation and making that change happen. It ought not just to happen automatically, that our statutes automatically change because our county is growing so much. So, you know, I understand Senator Beyer's concerns and those are...he has some legitimate concerns for his part of the county, but I think that defeating the Withem-Hartnett amendment in the long run is going to exacerbate those problems rather than curing those problems. With that, once again, I would urge you to support the Withem-Hartnett amendment.

SPEAKER BARRETT: Senator Beyer, please.

SENATOR BEYER: Well, I guess, I pushed my button, Mr. Speaker and colleagues, I punched my button at the time Senator Withem was talking about at large elections. We still will nominate by district and I have supported Senator Labedz's amendment at the time for Douglas County that would nominate by district and elect at large. I guess the same thing could be said about bringing in another bill. Senator Withem could bring in a bill to change this, but he is adding an amendment on, and I am just objecting to the amendment which I think is my right. Thank you.

SPEAKER BARRETT: Thank you. There are no other lights on. Senator Withem, would you care to close?

SENATOR WITHEM: Yes, Senator Beyer, by no means did I question your right to object to the amendment. You have every right to do that, and to express your opinion, and I am just, you know, arguing why I don't think the body should accept your position

and ought to go along with what Senator Hartnett and I would like to see done, and also what the members of the Sarpy County Board of Commissioners would like to see done. With that, Senator Hartnett, if you have any remarks, you can go ahead and share the closing time. Other than that, I would urge you to adopt the amendment.

SPEAKER BARRETT: Thank you. The question is the adoption of the Withem-Hartnett amendment to LB 588. All in favor vote aye, opposed nay. Have you all voted? On the amendment to 588, have you all voted? Senator Withem.

SENATOR WITHEM: Yes, I would ask for a call of the house and will accept call in votes.

SPEAKER BARRETT: Thank you. Shall the house go under call? All in favor vote aye, opposed nay. Record, please.

CLERK: 16 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please record your presence. Those outside the Chamber, please return and check in. The house is under call. Call in votes have been authorized.

CLERK: Senator Bernard-Stevens voting yes. Senator Schellpeper voting yes. Senator Coordsen voting yes. Senator Byars voting yes. Senator Scofield voting yes.

SPEAKER BARRETT: Record, please.

CLERK: 25 ayes, 2 nays, Mr. President, to adopt the amendment.

SPEAKER BARRETT: The amendment is adopted. The call is raised. I would take a moment to announce that Senator Smith has 31 fourth graders visiting in our north balcony from Lincoln Elementary in Hastings, Nebraska with their teacher. Would you folks please stand and be recognized. Thank you for coming to visit the Legislature today. Mr. Clerk, the next item.

CLERK: Mr. President, Senator Hall would move to amend.

SPEAKER BARRETT: Senator Hall, please.

SENATOR HALL: Thank you, Mr. President, members. The amendment

that I offer to the bill, as the Clerk has punched into the board, is on page 2176 and it is a provision that deals with home rule charter for Douglas County. The bill that we have in front of us deals with the districting or how the districts would be laid out for Douglas County, and I have been supportive of the bill and will continue to be supportive of the bill, but it was stated in committee when the home rule was discussed as well as on General File in this bill that the provisions in 588 allow for the expansion of the number of members who will be on the county board to seven. The district requirements that it provides for basically mean, in my opinion, that there will be a change in that the board will be moving from one of an administrative capacity to one basically of a legislative capacity. Along with that, hand in hand, I think, should go the provisions that provide for home rule. In essence, that they, at the county level, have the ability to, in many cases, set their own standards, provide for their own destiny and that they can have some decision-making powers they currently don't have, that oftentimes they have to come to the Legislature for. Now, don't want to give them total free rein by any stretch of the imagination, but do believe that this is a provision that once LB 588 is passed should be put to the voters so that they have the ability to decide, and I would urge the body to bear that in mind when 588 becomes law that the provisions that a home rule charter would provide are the second step that need to be considered when this change in the structure of Douglas County, and how it is made up, is in place. With that, rather than chartering new ground on the issue of putting a constitutional amendment into a bill, although I would like to probably make that case another time, I will ask that the amendment be withdrawn, Mr. Speaker, so that we can continue on with the rest of the amendments before the bill. Thank you.

SPEAKER BARRETT: Thank you, sir. It is withdrawn. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next amendment I have is from Senator Labedz. It's found on page 2223 of the Journal.

SPEAKER BARRETT: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. President. Many of you will recall that on General File I introduced this identical amendment as an amendment to the committee amendment, and at first it was adopted. Later the committee chairman asked that we defeat the committee amendments, which was defeated, and

therefore my amendment was not adopted. So this is identically the same as the amendment that I offered on General File. It's found on page 2223 of your Journal. My amendment would leave the number of seats on the Douglas County Board at five instead of seven. At that time I explained to you that seven county commissioners was not needed in Douglas County. They are now paid over \$21,000 a year for meetings that are held on Tuesday morning, and in some cases not more than an hour to an hour and a half the meeting is over, and yet it is very expensive to Douglas County to actually believe that anyone would want seven county commissioners in Douglas County. The \$21,000 salary does not include the support staff and office space and whatever. The county attorney, the county assessor, the clerk of the district court, the county clerk and the public defender are all elected officials of Douglas County. I consider the five Douglas County board members that we have now as strictly administrators rather than the City Council that has ordinances and so forth. And it all...this amendment also provides that Douglas County Commissioners will be nominated by district and elected at large. I would think that that would satisfy Senator Chambers, evidently it will not. This is the procedure or the system that they have now in Lancaster County. And, according to Senator Warner, it is working very well. There are no problems. And this amendment would exactly be the same as Lancaster County, and it would provide that the county commissioners, the five would be nominated by district and elected at large. I've said it over and over again, at that point, if we accept this amendment, all five county commissioners would be accountable to the entire Douglas County rather than to a district. Finally, my amendment allows for the alteration of district boundaries in Douglas County once every four years, as it is the current practice, instead of the ten years as is proposed in Senator Chambers' bill. I might say that many of you know that I have several amendments on LB 588. I feel very strongly about it. I know that Senator Chambers feels very strongly about the bill as it is written. But let me remind you, the reason I have that many amendments on. As you recall when we first started debating LB 769, for the first two or three days Senator Chambers came up and...or stood up, and I will say at this point that Senator Chambers is very good at what he's doing. He's held up 769 for at least 20 hours of debate, maybe less, maybe more, I'm not sure. He has criticized my religion, he has criticized your beliefs. I will not stand up here and try to hold up 588 by criticizing what he believes in, which I believe is nothing, but he has done it and done it

very well, and I compliment him for that. He is a highly educated man. He can hold up this Legislature as time goes on. He has told many of you that he will hold up LB 769 and will not let it advance to Select File. He has a perfect right to do that. But after he criticized our beliefs, my belief especially, I confronted him one day in the hall and I told him if he did that again I would ask the Chair to rule him out of order. And, if the Chair did not rule him out of order, that I would challenge the Chair and hope to get 25 votes to stop this ridiculous idea that Senator Chambers has that he can hold up everything by quoting the Bible, criticizing the Catholic religion, criticizing the priests, I will not stand for it, and what's good enough for Senator Chambers is good enough for me. I have several amendments on LB 588. I'm not good at this. I've never done this in 13 years. I have never tried to stop a bill from advancing. The votes are there to advance LB 588. The votes are there to advance LB 769. So, Senator Chambers, I'm playing your own game, you can stand up and criticize me for doing it, but you taught me well. But I'm not as highly educated as you are, you have a very, very good reputation. I have defended you in my district by telling people in my district you're probably the most intelligent senator that we've ever had on the floor of this Legislature, I will continue to do that because I believe you are. But I will stand up against you, even though I don't have one-tenth the talent, the ability or the education that you have. But I stand up for my rights as well as you stand up for yours. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the amendment. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, as I opposed this amendment on General File and a majority opposed it there, it should be opposed at this point. There is no connection between 769 and this bill. But I told Senator Labeledz, when she indicated to me this morning what she was going to do, offer a lot of amendments, I told her that's fine. I told her I'll never move to suspend the rules so she can't offer her amendments. I told her that I would never call the question. It has never been my practice to try to cut off debate. So, if she gives you the impression that she came to me and I indicated that I was taking issue with her offering a lot of amendments, then that perception is totally in error. I told her offer as many amendments as she wanted to, that I would sit back and ride out the storm. She is the one who chose to

connect these two bills. The interesting thing is that I worked with one of the co-sponsors of LB 769 to keep the bill from being unconstitutional on its face, amendments that I offered to that bill were accepted, by the co-sponsor, because they were necessary to improve the bill and cause it to do what they claim their intent was. I had stated that I would not make any attempts to help the bill become constitutional, but then when I saw what Senator Lindsay was doing, and the feeling that I have about legislating, I felt compelled to offer those amendments that clarified and that removed unconstitutional language. Now, as far as the rest of what Senator Labeledz said, she certainly does have a right to be offended at the approach that I take to bills. There are a number of things that are said on this floor, a number of things that are done that I take offense at, but I stand up and do battle. And if there is ever an attempt to try to have me ruled out of order, because of the approach that I take to legislating, then I'm sure we'll fight that battle when it arises. But there are others of you with whom I've fought tooth and nail on bills. It just happens that on 769 there are others who are opposed, too, so I presume Senator Labeledz is going to take out after Senator Smith, after Senator Bernard-Stevens, and after Senator Ashford. And, if she does not, then we'll know what her real motivation is. But on LB 84, which is the bill that Senator Hall and others had worked out an agreement on, the property tax bill, or LB 89, whichever one it is, I gave them a lot of grief. I gave Senator Kristensen considerable grief on his appellate bill, where he wanted to create an appellate division of the court. On LB 330, the protection order, Senator Bernard-Stevens had an amendment, and I meant we locked horns on that, until he paid attention on a subsequent amendment and realized I was right. But he won on the one that we argued about. So, I expect to argue with people on these bills. I expect the debate to be vigorous, I expect it to be very strong. And when people have an emotional involvement in a bill I, understanding human nature, recognize what that emotional involvement will cause a person to do. Now, there was another bill about which I felt very strongly, and that was LB 592, establishing a minimum sentence in drug cases. Senator Abboud and I went at that. As Senator Korshoj mentioned, I was looking at the green copy and he was named "Senator Albound" in that bill. A-b-b-o-u-n-d. But I didn't bring that up during the debate because it was extraneous to the issues that we were discussing. But the method that...by which I argue and debate is well known by everybody on the floor.



May 10, 1989

LB 588  
LR 167

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: Now, if an appeal can be made to you to vote against this bill, because I've offended Senator Labedz, then that's the tactic that not only she should use but everybody should use it. You want votes. Some people want votes any way that they can get them. Some people will resort to any tactic. But while you're considering and commiserating with Senator Labedz, I want you to know that at no time did I tell her I was offended at her asking...offering this amendments. I never expressed any offense. I told her that I would not call the question on any of them, that I would not move to suspend the rules to stop her. And, if somebody does call the question on one of them, I will not vote to call the question on her amendments, just as I never vote to call the question on any questions. So, I'm asking that you defeat her amendment and allow her the opportunity to present the other ones, and then vote as you please on those. But this matter has already been voted down...

SPEAKER BARRETT: Time.

SENATOR CHAMBERS: ...and I don't think it blends with the bill as it has been amended by others.

SPEAKER BARRETT: Thank you. There are no other lights on. Senator Labedz, would you like to close?

SENATOR LABEDZ: Senator Chambers is right in most of the things that he did say. But at this moment I would like to make the motion to adjourn...or, not adjourn, recess for lunch.

SENATOR CHAMBERS: Machine vote.

SPEAKER BARRETT: Anything for the record, Mr. Clerk?

CLERK: Mr. President, I have a confirmation report from the General Affairs Committee, signed by Senator Smith. I have a request from Senator Nelson to add her name to LR 167 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. The question is, shall the body adjourn...recess, excuse me, until one-thirty? All in favor vote aye, opposed nay. Have you all voted? The question is to recess. Please record.

May 10, 1989

LB 84, 525, 588, 641, 653

I got...the way I got beat down on that because people don't want to do that. But the fact of the matter is, if you are not going to spend the money and put it in a reserve fund like in Section 3, the money is going to have to come from somewhere. I think it can come from capital construction. I think it possibly could conceivably come from some of the items in the mainline appropriation bill, and, yes, for myself, it could indeed come from some marginally less version of LB 84 because I think it is important that if you are going to do it and you think it is wise, that we all share in the responsibility of that and our own pet interest and cut them all back a little bit, and put the money aside so in the next biennium we don't have to go through what we went through four years ago, four years ago during the Memorial Day Massacre. I think it wouldn't be wise to do that. If Senator Warner reintroduces the amendment on Select File in even a lesser amount or at least a zero amount, that option is good, and I will be supporting it then.

SPEAKER BARRETT: Thank you. Senator Hall, on the advancement of the bill. Thank you. Any other discussion on the motion to advance LB 525? Seeing none, the question is then the advancement of the bill. Those in favor vote aye, opposed nay. Record, please.

CLERK: 33 ayes, 1 nay, Mr. President, on the advancement of 525.

SPEAKER BARRETT: LB 525 is advanced. An announcement to the effect that we will now return to Select File, senator priority bills. Anything for the record, Mr. Clerk.

CLERK: Mr. President, I do. Your Committee on General Affairs, whose Chair is Senator Smith, reports LB 641 to General File with committee amendments attached. I have amendments to be printed to LB 525, and to LB 653, Mr. President. (See pages 2280-87 of the Legislative Journal.) That is all that I have at this time, Mr. President.

SPEAKER BARRETT: Thank you. Back then to LB 588. Mr. Clerk, can you bring us up to date?

CLERK: Mr. President, 588 was discussed this morning. Enrollment and Review amendments were adopted. Senator Withem and Hartnett had an amendment to the bill that was adopted.

Senator Labeledz had then offered an amendment, Mr. President. That amendment is pending. It is on page 2023 of the Journal.

SPEAKER BARRETT: Senator Labeledz, please. Senator Labeledz, we're on your amendment.

SENATOR LABEDZ: Thank you, Mr. President. I don't believe I was closing on the amendment. I think you called on me to speak for five minutes, or was I closing? Was there any lights on after mine when we...

SPEAKER BARRETT: I did not consider that you were closing. I believe that you moved to recess, did you not?

SENATOR LABEDZ: Yes, I did. Okay, fine.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, not to be argumentative and contentious, but I believe that she had been called on to close and had said a few words, then said that she moves to adjourn.

SPEAKER BARRETT: Senator Chambers, I don't have a record at this point. I don't recall, the Chair doesn't recall that she was called on to close. The Chair does recall that there was some verbiage prior to the motion to recess which I did ignore, which is really not in order, but I did ignore it at that point. Thank you. We will assume then that you will proceed on your amendment. If you'd like to close, proceed to close.

SENATOR LABEDZ: Are there any other lights on?

SPEAKER BARRETT: Senator Chambers' went on and just went off. You are closing.

SENATOR LABEDZ: Thank you. There were many senators that were not on the floor when LB 588 first came up before noon, so I'm afraid I will have to go through the explanation of what the amendment does. It's the same amendment that I offered on General File, I think at least twice. One of the times it was an amendment to the committee amendments. It was adopted and then the motion was made to reject the, or I believe it was the chairman of the committee that asked that the committee amendments be rejected, which they were, and I believe there was a reconsideration, but be it as it may, we are now amending the

bill and my amendment is as follows. It leaves the number of seats on the Douglas County Board at five instead of seven. Prior to lunch, I explained to the body that Douglas County definitely does not need seven Douglas County Commissioners. We have five, it's working well. We elect the county attorney, the county assessor, the clerk of the district court, the county clerk, the public defender. The job of Douglas County Commissioner is strictly administration. They meet on Tuesdays for an hour to an hour and a half. They are paid \$21,000 a year. Sometimes they adjourn long before the noon hour because on the same day at one o'clock or one-thirty in the afternoon the city council meets. So if they meet at nine or ten o'clock, they are done long before the lunch hour at a cost to the Douglas County taxpayers of \$21,000 a year. I'm not saying that they don't deserve the salary, but I certainly believe strongly that we do not need seven county commissioners. Number two, it also provides that the Douglas County Commissioners will be nominated by district and elected at large. And if you will recall on General File, Senator Warner said that that's exactly the way it is here in Lancaster County, it's working well, there have been no complaints and I totally agree with him that they could be nominated by district and elected at large. Now, Senator Chambers refuses to accept what I consider a compromise because at least they would be nominated by district and elected at large. Finally, my amendment allows for the alteration of district boundaries in Douglas County once every four years as is the common practice now, or the current practice, instead of the 10 years as proposed in the bill. Senator Beyer probably said it all this morning when he said there is already problems in Sarpy County, and I hope the outstate senators are listening to me. Senator Beyer mentioned the fact that the city council in Sarpy County is elected by district, yet he has problems in the outskirts of Sarpy County, in other words, in the rural area, because he does not believe that one representative in the rural area compared to the others in Bellevue and the cities in Sarpy County give him fair representation in the outskirts or in the rural areas of Sarpy County, and that's just what I've been trying to tell you and Senator Lynch has been trying to tell you, that if you think you've got an urban-rural split in the Legislature, you will see what will happen in Douglas County when you only have one representative out in the western part of the state...

SPEAKER BARRETT: One minute.

SENATOR LABEDZ: ...or the county representing the people in Douglas County. In fact, I even thought that it might be very good if we were to eliminate the urban-rural split in the Legislature, that we all run statewide. It wouldn't bother me one bit because I think I'm here to represent the whole State of Nebraska rather than just the district of South Omaha. The problems that came up when Senator Lynch was on the Douglas County Board is evidence enough that it was satisfactory, it works now, it works well. Don't put Douglas County through the expense of adding two more Douglas County Commissioners. Five is sufficient. And I believe...do I have more time? Thank you. My time is up.

SPEAKER BARRETT: Thank you. You've heard the closing and the question is the adoption of the Labeledz amendment to LB 588. All in favor vote aye, opposed nay. Voting on the Labeledz amendment. Have you all voted? Senator Labeledz.

SENATOR LABEDZ: Mr. President, I'm sorry, I believe we shall have to go, this is an important vote, and I would like a call of the house and a roll call vote.

SPEAKER BARRETT: Shall the house go under call? All in favor vote aye, opposed nay. Record.

CLERK: 17 ayes, 0 nays to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please record your presence. Those outside the Chamber, please return and check in. Senator Moore, please. Senator Pirsch. Senator Schimek, would you check in, please. Senator Weihsing, Senator Labeledz. Members, return to your seats, please, for a roll call. Mr. Clerk, proceed with the roll call. (Gavel.)

CLERK: (Roll call vote taken. See page 2288 of the Legislative Journal.)

SENATOR LABEDZ: (Mike not turned on immediately.) ...changing from yes to no for purposes of reconsideration.

CLERK: Senator Labeledz changing from yes to no, Mr. President. 20 ayes, 23 nays, Mr. President, on the adoption of the amendment.

SPEAKER BARRETT: Motion fails. Next order of business. The

May 10, 1989

LB 588

call is raised.

CLERK: Mr. President, Senator Labedz would move to amend. Senator, this is your amendment on page 2225 of the Journal.

SPEAKER BARRETT: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. President. This amendment, as the Clerk mentioned, is found on Journal page 2225 and this is a very, very important one, probably more important than number one.

SPEAKER BARRETT: Excuse me. (Gavel.) The house is not in order. Please. Proceed.

SENATOR LABEDZ: Thank you, Mr. President. This is an amendment that gives the people of Douglas County the right to vote. We've heard so much and read so much about the right to vote, and I hope there are senators listening because this will give the residents of Douglas County to choose themselves how they will be governed by the Douglas County Commissioners and also...and in fact, Senator Chambers will probably rise and say the people are overwhelmingly in favor of this, and he should definitely not be afraid that this amendment is attached to LB 588. It allows the voters of Douglas County to decide the most suitable alternatives for electing county commissioners by answering the following questions on the ballot: Whether the County Board of Commissioners should be expanded from five to seven. As I told you, and I think there was an article that Senator Chambers gave out this morning and I will give to you in a few minutes the percentage that said when we went to city council by district there was only about 37 percent change in the system and there was an equally amount of residents of the state, I mean of the county, that said there was absolutely no change whatsoever. The second part of the ballot would be whether the commissioners should be nominated and elected by district. This is very important. We are going to decide whether Douglas County should have five to seven members or whether the commissioners should be nominated and elected by district. I strongly believe, and I will support, and naturally will have to, what the people of Douglas County, decide. As you know, there is a disagreement on this issue between the Omaha senators. You could tell that by the vote, the last vote. Therefore, I believe we should allow the voters of Douglas County to determine the most acceptable method of electing their

county commissioners. I encourage you to support this amendment and I do have the percentages now. How has city government changed since district voting? It has improved 37 percent but it stayed the same by 33 percent of those that answered the poll. The poll went on to say, or the article in the World-Herald, in 1973 a proposal for increasing the city council members to twelve members all elected by district was rejected by 71 percent to 29 percent. The...before the Legislature required Omaha to adopt district elections, the city voters in 1972 rejected 64 percent to 36 percent, a plan for increasing the city council to nine members, three elected at large and six by district. The vote in 1978 was 58 percent to 42 percent against a plan to nominate 14 candidates by district. We have the opportunity and I did change my vote so we could vote on this and perhaps then reconsider the vote on Senator Chambers' LB 588 that is requiring seven county commissioners rather than the five we have now. So I urge you to adopt this amendment and let the people of Douglas County decide whether or not they want to go to district election, and most importantly of all, whether they want to increase two more Douglas County Commissioners with the expense of \$21,000 a year plus support staff and anything else. Now you know with the state when we increase anything, it's not just the salary that accounts. In this case it would be about \$42,000 or more because I believe they are also going for an increase in the upcoming years. It is an additional expense that is not needed in Douglas County. As I said before, they are strictly administrators, they are not like the city council. We elect every other office in Douglas County. I mentioned those before. I won't repeat them. We do not need seven county commissioners and I believe the people of Douglas County will decide that on the ballot if I get 25 votes to add this to LB 588. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the amendment, Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, obviously I oppose this amendment. To put in context what we are doing, Senator Labeledz is very upset about my opposition to LB 769 so she has offered a large number of amendments, and I agree that she has a right to do that. But it doesn't mean the Legislature has to take them seriously. Now the poll results that I handed out to you indicated that practically seven out of ten people in Omaha are in favor of district elections. When that proposition was put to a vote of the people, those in power

launched a campaign against the district concept and it lost at the polls, it lost.

SPEAKER BARRETT: Senator Chambers, please. (Gavel.) Go ahead, Senator.

SENATOR CHAMBERS: It lost at the polls because a heavy, expensive lobbying effort against district elections was undertaken. There has been concern expressed throughout the state about the Supreme Court's ruling that petition circulators can be paid because those with the money can put it up and carry the issues that they want because of their power to produce money and so influence the vote. Once the Legislature saw what was happening in Omaha, the fact that black people were systematically excluded from the council, the Legislature imposed district elections. The Omaha World-Herald opposed it. A number of people on the city council opposed it and the elitists in the City of Omaha opposed it. They were apoplectic when they found out that the Legislature had passed that bill and Governor Thone had signed it. Once the district system was in place and all areas of the city had the opportunity to select a person of their choice and put them on the council, when they were then polled, 70 percent, just about, said that they are in favor of district elections. So the fact that a high-powered lobbying campaign can defeat an issue or obtain its passage does not necessarily mean that the will of the people is reflected or that their best interests are served. As a Legislature we have an obligation to judge these issues. I had said repeatedly, and my remarks were misconstrued by the World-Herald in an editorial, that the U.S. Supreme Court is the one that has ruled that at large elections of city councils, of county boards, boards of supervisors and other elective bodies, those that are elected at large dilute the voting strength of nonwhite minorities. And because that voting strength is diluted systematically, the court has imposed district elections. That's the comment I made the other day. It's the comment that I make now. Senator Labeledz slightly misstated the record on a couple of occasions when she said that when the council was by districts she only had one person on the council speaking against these various stink plants. Well, she got that incorrect. The stink plants were put into South Omaha when the voting was at large, when there was nobody representing South Omaha. It was after district elections came that those things were taken out of South Omaha. So, she stated what happened, but she stated the wrong time when it occurred. At large, South



Omaha had no representation and those terrible, pestiferous problems were dumped in South Omaha. After district elections were imposed then the change occurred and South Omaha's representative was able to persuade others on the council to stop treating South Omaha in this fashion.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: So, if the facts are going to be presented properly, then we're in a position to evaluate the issue based on the facts. But the real question here is whether or not, because of peak, an amendment will be added to a bill that was not considered for it. And I think this would substantially change the direction of the bill. It was not what was contemplated when it was introduced, but the real point is that the election is an unnecessary expense, it is a waste of time, and I believe that it ought to be rejected, just as the remainder of Senator Labedz's amendment should be rejected. But I will discuss each one to give a rationale.

SPEAKER BARRETT: Senator Labedz, there are no other lights on. Would you care to close?

SENATOR LABEDZ: I wanted to give Senator Chambers the opportunity of getting five minutes more, but evidently he doesn't want it. I still can't understand why Senator Chambers, if he says the majority of the people in Douglas County want district elections, why he's so afraid to put it on the ballot. I doubt, when I read the percentages that rejected increasing the members of the City Council the percentages were pretty high and, Senator Chambers, you're the one that gave this out to me and I didn't have this. I certainly am grateful for that. Actually, as I said before, it was 71 percent in one case, to 29 percent increasing the city council from 33...wait a minute, no, got that one wrong, 72 rejected, 64 percent to 36 percent a plan to increasing the city council to 9 members, that was 3 more than we have now; 3 elected at large and 6 by district. Now, I cannot for the life of me, the biggest county in the State of Nebraska, and we should not allow them to vote in the next election as to how they want to be governed by their Douglas County Commissioners, whether they want them by district or at large, whether they want five or seven, if they're willing to pay, and I assure you their salary has gone up from 21,000, it will be higher than that. And he talks about the expense of having it put on the ballot. Believe me, it will be far less if

they decide they would rather have five county commissioners rather than seven. And let me read the question to you again, the two items that will be on the ballot, whether the County Board of Commissioners should be expanded from five to seven members; and whether the commissioners should be nominated and elected by district. If they want them by district, fine. If they want seven, fine. I will bow my head to Senator Chambers and say, you were right, and I will not be afraid or ashamed to say that. As you know, there is a disagreement, as I said before, on the issue between some of the Omaha senators, therefore I think we should allow the voters of Douglas County to determine the most acceptable method of electing county commissioners. We are the largest county, we do have a lot of our officers, as I said before, that are elected. The County Commissioners are simply administrators, why in the world would we need seven rather than five. It's working well now, and I believe that we should let the people of the State of...or Douglas County decide whether or not they want this proposal. Thank you.

PRESIDENT NICHOL PRESIDING

PRESIDENT: Thank you. The question is the adoption of the Labeledz amendment. All those in favor vote aye, opposed nay.

SENATOR LABEDZ: It looks like we'll have to have a call of the house and a roll call vote.

PRESIDENT: All right. The question is, shall the house go under call? All those vote aye in favor, opposed nay. Record, Mr. Clerk, please.

CLERK: 11 ayes, 1 nay to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence. Those not in the Chamber, please return to the Chamber and return to your seats and record your presence. Please look up to see if your light is lit. Please record your presence. We're looking for Senator Landis, Senator Barrett, Senator Haberman, Senator Dennis Byars, Senator Dierks. Still looking for Senator Dierks and Senator Haberman. Now we are looking for Senator Haberman. Senator Haberman is on his way. Senator Haberman is now here, and the question is the adoption of the Labeledz amendment. Roll call vote has been requested. Would you please return to your seats, all of you, so we can

begin. Mr. Clerk.

CLERK: (Roll call vote taken. See page 2289 of the Legislative Journal.) 18 ayes...

PRESIDENT: Senator Labedz.

SENATOR LABEDZ: Changing to no for purposes of reconsideration.

PRESIDENT: Thank you.

CLERK: Senator Labedz changing from yes to no. 18 ayes, 19 nays, Mr. President, on adoption of the amendment.

PRESIDENT: The motion fails and the call is raised.

CLERK: Mr. President, the next amendment I have is by Senator Labedz. And that amendment, Mr. President, is on page 2228 of the Journal.

PRESIDENT: Senator Labedz, please.

SENATOR LABEDZ: Thank you, Mr. President. This amendment is found, as the Clerk mentioned, on page 2228. This amendment leaves the number of commissioners at seven, but changes the bill, as it now stands, so that the commissioners are nominated by district and elected at large. From the last amendment, you know that I prefer the number of county commissioners to remain at seven, however, it appears that the sentiment in the body is to increase the number to seven. I do believe that this is very important, though, that the commissioners be nominated by district, and that will be seven commissioners, and elected at large, especially when you consider that fewer men and women have run for the positions that are elected on an at large basis. I urge you to adopt the amendment. It leaves the County Commissioners, as Senator Chambers prefers, at seven, and it also nominates the commissioners by district and then elects them in the General Election at large. And that is another compromise. Thank you.

PRESIDENT: Thank you. Senator Hall, please.

SENATOR HALL: Senator Labedz, would you yield to a question just for purposes of...

PRESIDENT: Senator Labedz, please.

SENATOR LABEDZ: Yes.

SENATOR HALL: My understanding, the...when you say at large, what...could you explain that to me just...when we say nominated by district but elected at large.

SENATOR LABEDZ: Well there...

SENATOR HALL: Are we talking about...I guess...Bernice, are we talking about having everyone vote on those two representatives in that district, and then they would represent that district, or how would it work?

SENATOR LABEDZ: The commissioners...there would be two commissioners or 2 candidates nominated, the way I understand it, by district, and those 2 would go on the ballot, and there would probably be 14 then on the ballot, and they would be...7 would be elected at large, out of the 14.

SENATOR HALL: So, in other words, they would not necessarily, it would be possible that more than one can come from one district. So, even though they would be nominated by district, the possibility is there that three districts could virtually have all the representatives come out of those areas.

SENATOR LABEDZ: If they're qualified, yes, there would be two from one district. But at that...at the same time, Senator Hall, those people would be accountable to everybody in Douglas County because they would be elected in the General Election, at large, but they would be nominated, and given a chance to prove their qualifications and be elected at large in the General Election.

SENATOR HALL: Thank you, Senator Labedz.

PRESIDENT: Thank you. Senator Chambers, please, followed by Senator Goodrich.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is essentially the same amendment that had been defeated on General File twice and that we defeated the first time around. The only change is that instead of having five commissioners, there would be the seven. But the main thrust of this amendment

May 10, 1989

LB 228, 279, 588, 769, 813

that Senator Moylan wants is that they be nominated by district and, as Senator Hall pointed out in his questioning with Senator Labeledz, elected at large. This would not ensure the representation in each district by the person of the district's choice. It's a stratagem and, again, it's a chance for her to work off her peak that she feels because of 769. Again I say, I understand that and I believe she should be allowed to continue offering her amendments until she exhausts her amendments or exhausts herself. But, at any rate, I oppose this amendment, as I did the others.

PRESIDENT: Thank you. Senator Goodrich, please.

SENATOR GOODRICH: I move we adjourn until tomorrow morning at 8:00 a.m.

PRESIDENT: Mr. Clerk, do you have something to put into the record?

CLERK: Mr. President, I have amendments to be printed to LB 769, LB 228, and LB 813, and to LB 279. That's all that I have, Mr. President. (See pages 2289-91 of the Legislative Journal.)

PRESIDENT: Speaker Barrett, Speaker Barrett, are you recommending eight or nine tomorrow?

SPEAKER BARRETT: Eight o'clock.

PRESIDENT: Eight.

SPEAKER BARRETT: Absolutely.

PRESIDENT: Okay.

SPEAKER BARRETT: Thank you.

PRESIDENT: The motion has been made to adjourn until eight o'clock tomorrow morning. All in favor say aye. Opposed nay. You're adjourned until eight o'clock tomorrow morning. Thank you very much.

Proofed by:

*Sandy Ryan*  
Sandy Ryan

CLERK: 24 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please record your presence. Return to your desks for a roll call vote. Members outside the Chamber, please return to the Chamber. Unauthorized personnel, please leave the floor. Senators Chambers, Lindsay, Goodrich, Senator Haberman, please check in. Senator Robak. Senator Chambers, the house is under call. Senator Pirsch, would you please check in. Mr. Clerk, proceed with a roll call vote on the Warner amendment.

CLERK: (Roll call vote taken. See page 2446 of the Legislative Journal.) 19 ayes, 27 ayes, Mr. President.

SPEAKER BARRETT: The motion fails. The call is raised. Anything for the record, Mr. Clerk?

CLERK: Mr. President, confirmation report from the Business and Labor Committee. That's offered by Senator Coordsen.

And, Mr. President, amendments to be printed to LB 588 by Senator Labedz. (See pages 2447-50 of the Legislative Journal.)

Mr. President, the next amendment I have to LB 525 is by Senator Landis. (The Landis amendment appears on page 2287 of the Legislative Journal.)

PRESIDENT NICHOL PRESIDING

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, this amendment strikes a portion of 525 which lays aside an amount of money for municipal aid. If you take a look in your Journal, you can see what the amendment is. It's on page 2287. And it strikes Section 4 of the Warner amendment. I believe the amount of money is, roughly, \$6 million. I'm doing that off the top of my head and...thank you, it's \$6.5 million over two years. Now this is a critical time in which we have to choose between things. It seems to me the body just made a choice and declared a preference for basically LB 84 over the Warner amendment to 525. What this amendment does is offer the same kind of choice between \$6.5 million over two years in this amendment, or the \$4.5 million of the MRF bill, because,

to be printed to LB 651A. (See pages 2531-32 of the Legislative Journal.)

Mr. President, LB 588 is on Select File. The bill has been discussed on Select File, Mr. President, as of May 10. There were amendments offered by Senator Withem that were adopted. Mr. President, the amendment currently pending is by Senator Labedz. Senator, this is your amendment that is found on page 2228 of the Journal. That's the amendment I have pending, Senator.

SPEAKER BARRETT: Senator Labedz.

SENATOR LABEDZ: Thank you, Mr. President. As the Clerk mentioned the amendment is on page 2228 and it leaves the number of commissioners at seven, but changes the bill as it now stands so the commissioners are nominated by district and elected at large. As you know from the debate a week or so ago I preferred the commissioners to remain at five because of the expense and the fact that five commissioners is more than adequate for Douglas County. But in the meantime I have talked to many senators that say that we should leave it at seven, and the support, the election or the nomination by district and then the election at large. I believe that it's very important, though, that we do elect the commissioners at large. And I'm not going to go into the debate that we had before, when I mentioned over and over again that many of the people I talked to in Douglas County feel that they would like all seven county commissioners, if that's what it is going to be, to be accountable to them in the general election. Senator Chambers seems to think that a strict district election is better representation, but that means out of the seven district or county commissioners there would be only one commissioner that would be accountable to that district and six others would be against something and there would not be a complete representation of Douglas County if we had district elections in the general election. I think this is a compromise proposal, and I am urging Senator Chambers to agree with this amendment so we can go on with other bills other than LB 588. Thank you.

SPEAKER BARRETT: Discussion on the amendment, Senator Chambers, followed by Senator Korshoj.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, there will be a number of amendments on this bill. And most of

them we've discussed the essence of or the details of several times already. So I'm not going to spend a lot of time discussing any of these amendments, but I hope you will vote them down, and then we can have a vote on moving the bill. But I'm opposed to this amendment as I am to the others. And we have, in some form or other, voted down all of these amendments on previous occasions, so I hope you will continue to vote that way.

SPEAKER BARRETT: Senator Korshoj.

SENATOR KORSHOJ: (Response inaudible.)

SPEAKER BARRETT: I do have a couple of other lights on. Perhaps we should continue with Senator Elmer and then maybe Senator Labeledz would like to close. If you'll take your light off, she'll be able to. Senator Elmer, anything on the amendment? Senator Elmer. Senator Labeledz, would you like to close?

SENATOR LABEDZ: Thank you. As I mentioned before I'm going from five to seven, as Senator Chambers requested in the original LB 588. It also....but it does change the fact that there will be county commissioners nominated in the primary, by district, and then they will be elected at large in the general election. This is a different amendment, Senator Chambers, than I had previously, because previously I said only five county commissioners would be nominated by district and then elected at large. But since you felt that seven, this is a compromise. I'm going with seven, the way you requested it. Thank you.

SPEAKER BARRETT: The question is the adoption of the Labeledz amendment. All in favor vote aye, opposed nay. Voting on the Labeledz amendment. Have you all voted? Record, please.

ASSISTANT CLERK: 10 ayes, 11 nays on the adoption of the amendment, Mr. President.

SPEAKER BARRETT: Motion fails. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next motion I have is from Senator Labeledz. She would move to indefinitely postpone the bill.

SPEAKER BARRETT: Senator Labeledz.



SENATOR LABEDZ: I would like to substitute an amendment for that one. It's found on page 2447.

SPEAKER BARRETT: Without objection. Substitution by unanimous consent.

SENATOR LABEDZ: Thank you, Mr. President. This amendment allows the voters of Douglas County to determine now how the Douglas County Commissioners should be elected. The question that would appear on the ballot is whether the County Board of Commissioners should be expanded from five members to seven members, and whether the members should be nominated and elected by district. This is an all or nothing question, and that is not two separate ballot questions, like on my previous amendment. On the previous amendment that was rejected I had two ballot questions. This will only have the one question on the ballot. The voters must agree that the number of commissioners should be increased, and they would be nominated and elected by district. I believe this is exactly the proposal that Senator Chambers has in LB 588. There is no change, it is exactly what Senator Chambers wants, but what it does, it allows the voters of Douglas County to decide whether or not they would prefer changing the system that we now have. It's identical to LB 588, but it goes to the vote of the people with no change. Thank you.

SPEAKER BARRETT: Thank you. Senator Chambers, for purposes of discussion.

SENATOR CHAMBERS: I'll continue to be very brief. Mr. Chairman and members of the Legislature, we voted down a similar bill to this the other day and, as I stated then, I will state now, a highly financed campaign can carry just about any kind of ballot issue. And I think it's a matter that the Legislature should deal with as it has dealt with it in the past. So I oppose this amendment as I opposed it the other day, and I hope we will continue with dispatch to vote these amendments down.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Labeledz, would you like to close?

SENATOR LABEDZ: Thank you, Mr. President. I would like to close, but before I do I would like a call of the house.

May 18, 1989

LB 588

SPEAKER BARRETT: The question is, shall the house go under call? All in favor vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 13 ayes, 1 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please record your presence. Those outside the Chamber, please return and record your presence. Senator Byars, please record your presence. Senator Emil Beyer, please. Senator Abboud. Senator Hall, please, check in. Senator Weihing, please record your presence. Senator Scofield and Senator Warner, the house is under call. Senator Lynch, would you please check in. Senators Scofield, Warner and Abboud, the house is under call. Senator Labedz, would you like to proceed with the closing, just Senators Warner and Abboud are absent.

SENATOR LABEDZ: Thank you, Mr. President. I'm closing on my motion on LB 588. For those of you that were not present here on the opening, this motion or this amendment is identical to Senator Chambers' LB 588. The only difference is it's to be put on the ballot. Now you recall that I asked for that, but it was a little bit different, about two weeks ago I had only five county commissioners elected by dis...nominated by district and elected at large. This is LB 588 as Senator Chambers wants it on the ballot. Senator Chambers, I'd like to ask you one question, if you'll be brief on it.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: I'll be very brief.

SENATOR LABEDZ: Thank you. Do you support a right to vote?

SENATOR CHAMBERS: Sure.

SENATOR LABEDZ: Let me read you what Senator Chambers said on LB 761. Those who are most intimately affected are the ones who ought to be able to make a decision and have a choice. The Legislature should not deny them that right. So I'm asking you to vote for the amendment, because all it does is takes Senator Chambers' proposal and puts it on the ballot so that the people of Douglas County can vote whether or not they want seven county commissioners elected by district both in the primary and the general election. And that is the fair thing to do for the

May 18, 1989

LB 588

people of Douglas County. I am not changing anything and it's going on the ballot exactly as Senator Chambers requested it. Thank you.

SPEAKER BARRETT: Thank you. The question is the adoption of the amendment. All in favor vote aye, opposed nay. Have you all voted? Record, please.

SENATOR LABEDZ: Mr. President, may I have a...

SPEAKER BARRETT: Senator Labeledz.

SENATOR LABEDZ: ...roll call vote.

SPEAKER BARRETT: Roll call has been requested. The house is under call. Members, return to your seats. Proceed with the roll call, Mr. Clerk. Members are to be in their seats, please. Proceed. Senator Weihsing, would you again record your presence. Senator Nelson, please record your presence. Senator Landis. Proceed.

CLERK: (Roll call vote taken. See pages 2533-34 of the Legislative Journal.) 19 ayes, 16 nays, Mr. President.

SPEAKER BARRETT: Motion fails. The call is raised. I would again urge members to stay close to the Chamber. Also like to take a moment to introduce a guest, a very special guest of Senator McFarland, a former teammate, a former Nebraska quarterback during the national championship years of 1970-71, under the south balcony, from Omaha, Mr. Jerry Tagge. Mr. Tagge. We're glad to have you with, sir. Thank you. Mr. Clerk.

CLERK: Mr. President, the next motion I have is a priority motion. Senator Labeledz would move to bracket LB 588 until January 3, 1990.

SPEAKER BARRETT: Senator Labeledz.

SENATOR LABEDZ: Thank you, Mr. President. Senator Chambers, would you answer a question very briefly?

SENATOR CHAMBERS: Yes, I will.

SENATOR LABEDZ: Senator Chambers, as LB 588 is amended now it

takes effect in 1992, correct?

SENATOR CHAMBERS: Well, no, that's when the first election will occur. But there are things that will happen prior to that date.

SENATOR LABEDZ: When?

SENATOR CHAMBERS: There is a census in 1990, then the districts have to be drawn.

SENATOR LABEDZ: Okay, so the census in 1990 has...will occur in 1990, but the actual process won't go into effect until 1992.

SENATOR CHAMBERS: The first election, by district, will occur in 1992.

SENATOR LABEDZ: So there is actually no harm in bracketing this bill until January 1990.

SENATOR CHAMBERS: Yes, there is, but in order to be brief I'll let that suffice as my answer, then I'll comment when my time comes.

SENATOR LABEDZ: Thank you. The bracket motion is to bracket the bill until January 1990. As amended by, I believe, Senator Hall on General File, it will not become effective until 1992. So I urge the members of the body to bracket LB 588 and give the Douglas County residents a chance to maybe convince Senator Chambers that we do not need seven county commissioners. It's expensive, they're paid, as I said in the beginning, \$21,000 for a meeting that occurs once every week for about an hour, hour and a half at the most, sometimes it runs until noon, but very, very seldom. So we're asking Douglas County to pay \$21,000 to seven county commissioners, and I can assure you there has been a lot of opposition to this proposal, and so that I ask you to postpone this until January 1990. There is no urgency to get this in effect now in 1989, so I'm asking for a bracket of LB 588 until January 1990, and hope that you will support that. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the motion to bracket. Senator Chambers, Senator McFarland on deck.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, as

May 18, 1989

LB 588

with the other amendments, I hope you will vote this motion down. You know why this is being done, and I had said that I would make no attempt to stop it, and I won't. But I hope, in the same way that we have dealt with the other motions, you'll deal with this one and vote it down, allow Senator Labedz to present all of her motions, then we will vote on the bill. So I'm opposed to this bracket motion, as I have with the others. And we're not going to be here all night because the amendments are not taking us that long to process.

SPEAKER BARRETT: Senator McFarland. Senator Korshoj next.

SENATOR MCFARLAND: I'd just call the question, Mr. Speaker.

SPEAKER BARRETT: Thank you, Senator McFarland. We have had very little discussion, in fact we've had one speaker. May I proceed with just one or two more speakers? If anyone...I do have a number of lights on. Senator Korshoj. Thank you. Senator Labedz, anything? Senator Withem. Thank you. Senator Schimek. Thank you. That does exhaust the list, Senator McFarland, you were very much in order. To close, Senator Labedz.

SENATOR LABEDZ: Thank you. There is no need for me to explain a bracket motion. Everybody knows what it is, it's to bracket LB 588 until January 1990.

SPEAKER BARRETT: Thank you. The question is the motion to...the adoption of the motion to bracket. All in favor vote aye, opposed nay. Senator Labedz.

SENATOR LABEDZ: Yes, I'd like a call of the house.

SPEAKER BARRETT: Clear the board, Mr. Clerk. The question is, shall the house go under call? All in favor vote aye, opposed nay. Record.

CLERK: 18 ayes, 3 nay to go under call, Mr. President.

SPEAKER BARRETT: The house is under call. Members, please check in. Those outside the Chamber, please return. Senator Langford, Senator Ashford. Senators Conway and Pirsch, the house is under call. Senators Haberman and Wehrbein. The house is under call. Senator Robak, record your presence, please. Senator Haberman, the house is under call. All present, Senator

Labeledz, what are your wishes? A roll call. Members, return to your seats for roll call. Again, the question is the motion to bracket. Mr. Clerk, proceed.

CLERK: (Roll call vote taken. See page 2534 of the Legislative Journal.) 17 ayes, 15 nays, Mr. President, on the motion to bracket.

SPEAKER BARRETT: Motion fails. Mr. Clerk, next item.

CLERK: Mr. President, the next motion I have is by Senator Labeledz. She would move to strike Section 3.

SPEAKER BARRETT: Senator Labeledz.

SENATOR LABEDZ Thank you, Mr. President. Senator Chambers, you didn't teach me as well as I thought you did. I'm not an expert on trying to hold up 588, but I am an expert knowing that the members of the Legislature don't approve of something that I was trying to do. And I will withdraw the rest of the amendments and ask that you not advance LB 588. It's a bad bill, it's something that the Douglas County residents should have the opportunity to vote on. They don't have that opportunity. I always thought the right to vote was a very precious thing in our life. And, Senator Chambers, and many of you have thrown at me on LB 769 that it's choice. Well, you deny the choice of the Douglas County residents to vote on a proposal that will affect them and their families. And I certainly can't believe that you'd be choice or pro-choice on one and not on the other. Many, many people have said that I'm doing this to LB 588 because of LB 769. But Senator Chambers knows and I know, and that is all that is important, that I've been against district elections even when he had district elections for the city council. And I will continue to oppose district elections for the county commissioners, as I have in the past. My amendments had absolutely nothing, and I want that strongly in the record, to do with LB 769. I opposed it long before LB 769 was even debated, so this has nothing to do with it. And, Senator Chambers, I would not continue on and hold these people here until ten o'clock. Probably I could, and maybe introduce several more amendments, just ridiculous amendments. And I've sat up in the Chair when it's been done before, and it's very frustrating, not only to the Chair but to the people in this Legislature. So now I urge you, and I'm going to ask for a vote to advance LB 588. I don't want a voice

vote.

SPEAKER BARRETT: Thank you. Withdrawn.

CLERK: Mr. President, I have nothing further on the bill.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, the motion I'm making is that the bill be advanced. It has been discussed thoroughly. There are those of you who realize that the majority of counties are elected by district. The majority of city councils are elected by districts, as are the school boards. There is something that I have to get clearly into the record partly because of a World-Herald editorial. And, Senator Lynch, I hope you will listen to this, because if I'm stating something incorrectly you can correct me. I had never said that the members...the present members of the Douglas County Board are racist, and when I brought up the issue, I had brought it up in the context of a recent ruling by the U.S. Supreme Court which said that the at large system of election dilutes the voting strength of minority groups. And based on that, the cases that have come before them have resulted in the imposition of district elections. So that's the context in which I mention the ethnic aspect of it. But there are multiplicity of reasons why this bill should be advanced, why it should be passed and become the law of the state. Senator Pirsch and others who have spoken in behalf of it have mentioned the interest that they have in their parts of the county. So, with that having been said, I'm asking that you vote to advance this bill.

SPEAKER BARRETT: Discussion? Senator Labedz. Thank you. Senator Lynch.

SENATOR LYNCH: Mr. Chairman, I stand certainly not to talk for long, because I sure hope we can get to LB 89 one of these days, too. But I do want to make sure that people understand. Very seldom am I ever mentioned in editorials at all, but the impression was left in that editorial, and I had to correct a lot of people who called me, in some cases thought it was wonderful. Well, that didn't do me any good, I wasn't very happy with that because they obviously misinterpreted the debate. It was very even-handed and a very calm discussion. Ernie and I had an honest disagreement, I offered him an observation from the kind of a person that we talked about being

represented, et cetera. What concerned me was that some of the people who thought it was great did that for the wrong reasons, not for the right reasons. I never said what I said to offend Ernie or anyone else as well. So I hope we can, notwithstanding editorials or anything else, put that kind of an issue behind us. I still, I have to admit, feel that the present system is working well. There is no reason to change it at the present time. I still stand by that opinion. However, since Ernie mentioned what he did, I felt obliged to also editorially comment on what happened ever since then. For what it's worth, I still feel pretty strongly about the system being adequate in its present form. I'm not sure how many more amendments we'll have to consider. I can understand Senator Labedz's concern as well on this issue, because she feels strongly about it, like Ernie has and I have and Senator Lamb, Senator Hannibal, who's been taking the heat during appropriations discussions as well. But, for what it's worth, this amendment, I'm not even sure what this amendment is, Bernice, come to think of it now. Striking Section 3, I'm not sure what....Does it really? That shows how much I've been listening, doesn't it. I've been sitting here thinking about LB 89, ladies and gentlemen, to tell you the truth with that.

SPEAKER BARRETT: Senator Beck.

SENATOR BECK: Thank you, Mr. Speaker and members of the body. I just wanted to mention here I think this is important that I have followed 588 and supported it all the time. And I guess it's because I'd like to see us have more commissioners, and I guess I've told the people who sit back here close to me, well, I would like to have my own district commissioner. But I want to make a point and I want this in the record, that I am not feeling anything anti to the commissioners that we have. I think that they do a good job. I have no question with that. It's just that I believe that we would have more representation, I think that all of the district elections work well. And, with that in mind, I would just like to mention that I do support 588 and the district election of county commissioners, because I think perhaps they would be spread better through the county. But this is nothing against those people who are commissioners now, and I would never want it misconstrued that I had some kind of a vendetta, or that anyone else did against any of the county commissioners, because I think they're fine people and they've been elected. It's just that I'd like to have more and I guess district...a district commissioner, as other counties have. So



I just ask that we'd advance this bill. Thank you.

SPEAKER BARRETT: Thank you. Senator Pirsch.

SENATOR PIRSCH: I will be brief, because I know we will want to go on. I just want to reiterate that the district nomination and election by district will be more reasonable in cost, it will be more representative for those people. And I passed out a map, which you may have in your file, that the entire county will have better representation. And, quite frankly, I did oppose Senator Chambers in the city elections, and he'll remember that, but my constituents now like district elections by city. They have a councilman that they can call on and that will represent them. In the northwest area of the county, we need that same kind of representative that we can call on. There is no objection by those people in my district to increasing the number, and, indeed, because of the large number of population in Douglas County that is almost imperative. Some have brought up the fact of the 21 counties at large, and I point out to you that 17 of those have populations of 5,000 or less. Douglas County is the most populous county in the state, and requires district elections, and I hope you advance 588. Thank you.

SPEAKER BARRETT: Senator Labedz, followed by Senator Withem.

SENATOR LABEDZ: Just a brief remark, Senator Pirsch and Senator Beck both said they believe it will be better representation. Believe me, when we do get this, and we probably will, this will probably pass and Senator Chambers has won again, but I will tell you that when you want better representation and you have a problem in your area, in your district, and you've only got one vote out of seven, that to me is not better representation because you've got six other commissioners that feel if they're going to have a landfill in Senator Pirsch or Senator Beck's district, six county commissioners are going to vote yes to have that landfill there. And yours, yes, will represent you, and they will vote no. But I don't call that good representation. They...the other six will not be accountable to you in any way possible. I've seen it in the district elections, and you will see it in the county board. When you have a problem, yes, you will pick up the phone and your county commissioner will be most happy to talk to you and take your problem and do what he can, and do what is best for you and your district. But there are six other county commissioners that will feel that this has

nothing to do with my district and it's better for Douglas County if that landfill is in Senator Pirsch's district or in Senator Beck's, because you never vote for the other six, so why should they care whether or not you've got a problem in your district. You know we talk so much about the urban/rural split, and that's exactly what happens here, that's one of the main reasons we've got it, because you've got district, and I would not be afraid to run statewide, as a state senator, believe me, I wouldn't because I would work for all the people. And I have voted as much for agriculture as I have for the City of Omaha or the City of Lincoln. But when we elect seven county commissioners by district, believe me, that's not better representation than what we have now because you will have only one. I've tried it, I know. Senator...Steve Tomasek has been a wonderful representative for south Omaha, you read that in the paper yesterday, the way he organized the South Omaha Capital for a Day, he did a tremendous job, and the south Omaha people did turn out. But I'm talking about when they're voting on an issue that affects Douglas County or your district, your representative will be on your side because it's his district, but the other six will vote against you, believe me, they will, you just wait and see. Thank you.

SPEAKER BARRETT: Thank you. Senator Withem.

SENATOR WITHEM: Question.

SPEAKER BARRETT: Question has been called. Do I see five hands? I do. Shall debate cease? All in favor vote aye, opposed nay. Record, please. Record.

CLERK: 28 ayes, 0 nays, Mr. President, to cease debate.

SPEAKER BARRETT: Debate ceases. Senator Chambers. Thank you. Thank you. The question is the advancement of the bill. Those in favor say aye. Opposed. Machine vote has been requested. Thank you. All in favor of the advancement of the bill vote aye, opposed nay. Have you all voted? Have you all voted, if you care to vote? Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, I will have to ask for a call of the house. And, if we are under call, I would like us to check in.

SPEAKER BARRETT: Thank you. We are still under call. Members,

May 18, 1989

LB 228, 272A, 289A, 588, 651A

please record your presence.

SENATOR CHAMBERS: And I'll accept call ins.

SPEAKER BARRETT: Call ins are accepted. Senator Labedz.

SENATOR LABEDZ: I request a roll call vote.

SPEAKER BARRETT: Roll call vote has been requested. Please record your presence. Check in, please. Senator Moore. Senator Nelson, please. Senator Goodrich. Senator Bernard-Stevens, for what purpose?

SENATOR BERNARD-STEVENS: I would just like to request reverse order.

SPEAKER BARRETT: Reverse order has been requested. Senator Schmit. Thank you. On the motion to advance the bill. Mr. Clerk, roll call in reverse order.

CLERK: (Roll call vote taken. See page 2535 of the Legislative Journal.) 25 ayes, 17 nays, Mr. President, on the motion to advance.

SPEAKER BARRETT: Motion prevails, the bill is advanced. The call is raised. Anything for the record?

CLERK: Mr. President, amendments to be printed by Senator Schmit to LB 289A; and Senator Warner to LB 651A; Senator Landis to LB 272A. That's all that I have, Mr. President. (See pages 2536-42 of the Legislative Journal.)

SPEAKER BARRETT: Mr. Clerk, let's move back to the issue of LB 228, I believe it was, the bill that is to be returned from the Governor's office.

CLERK: LB 228 has been returned from the Governor's office pursuant to action by the Legislature. I now have a motion, Mr. President, to reconsider the Final Reading vote on LB 228. That motion is offered by Senator McFarland. Senator McFarland is excused, however.

SPEAKER BARRETT: Senator Withem, would you please handle it.

SENATOR WITHEM: Yes, again I'd be happy to. A few moments ago

May 19, 1989

LB 258, 279, 301, 302, 305, 308, 309  
309A, 310, 355, 355A, 469, 588, 727  
813, 814, 816, 816A

and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 816 passes. LB 816A.

ASSISTANT CLERK: (Read LB 816A on Final Reading.)

SPEAKER BARRETT: All provisions of law relative to procedure having been complied with, the question is, shall LB 816A become law? All in favor vote aye, opposed nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read. See pages 2566-67 of the Legislative Journal.) The vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

SPEAKER BARRETT: LB 816A passes. Pursuant to the agenda that you have in front of you, we will proceed to Select File and then return to item 6, Select File, LB 525, which was bracketed at one-thirty. The call is raised. And while the Legislature is in session and capable of transacting business, I propose to sign and I do sign LB 813E, LB 814E, LB 301, LB 302, LB 308E, LB 309E, LB 309AE, LB 469E, LB 727, LB 305, LB 310E, LB 816 and LB 816A. Mr. Clerk, proceed to LB 279.

CLERK: Mr. President, I have some items for the record. May I read?

SPEAKER BARRETT: Certainly.

CLERK: Mr. President, explanation of vote by Senator Beck. (See page 2567 of the Legislative Journal.)

I have a report of Registered Lobbyists for this week. (See page 2568 of the Legislative Journal.)

Mr. President, Enrollment and Review reports LB 258, LB 355, LB 355A and LB 588 as correctly engrossed. (See pages 2567-68 of the Legislative Journal.) Those are offered by Senator Lindsay as Chair of Enrollment and Review.

Mr. President, LB 279 is on Select File. I have no E & R amendments to the bill. I do have other amendments, however. The first is by Senators Landis, Wesely and Hartnett. Senator, I have AM1192 in front of me. That was printed earlier this year. It's on page 1464.

May 23, 1989

LB 525, 566, 588

Final Reading. We'll be starting on LB 525E, so if you would find your way to your seats, please. If you would return to your seats, we could start, please. LB 525 with the emergency clause attached.

CLERK: (Read LB 525 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complained with... complied with, the question is, shall LB 525 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read as found on pages 2708-09 of the Legislative Journal.) 35 ayes, 2 nays...6 nays, excuse me, 2 present not voting, 6 excused not voting, Mr. President.

PRESIDENT: LB 525 passes with the emergency clause attached. LB 566, please.

CLERK: (Read LB 566 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 566 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read as found on pages 2909-10 of the Legislative Journal.) 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 566 passes. LB 588.

CLERK: Mr. President, Senator Ashford would move to return the bill for purposes of striking the enacting clause.

PRESIDENT: Senator Ashford, please.

SENATOR ASHFORD: Thank you, Mr. President and members. This motion will be withdrawn after I have an opportunity to say a few words about LB 588. First of all, I notice from the handout that Senator Chambers has passed out that I am one of the Omaha senators that has not supported LB 588. In fact, I have voted not voting each time that the bill has come up and I intend to do that today. I am not getting up to comment on this bill in

any way to persuade people not to vote for LB 588. Senator Chambers has done an excellent job in persuading the body so far and has made good arguments why the system in Omaha needs... or in Douglas County should be looked at and changed. My position has been and continues to be that the change that is provided for in LB 588 goes too far. I think Senator Labedz, in a couple of the amendments she raised, and one of the amendments that I didn't run earlier were the right ways to go, but I must say that Douglas County has, I think, given this body cause to look at the process of how they legislate. And they have sent confusing signals to this body from the beginning of this session and have made statements about taxation and so forth, that they don't raise taxes, but then come to us on a continuous basis for tax relief. I think maybe Senator Hall might have the right idea with the home rule amendment, which gives to the county board more authority but also more responsibility. I suggest that something short of district elections is appropriate because of the fact that Douglas County, the Douglas County Board does deal primarily or to a great extent in administrative rather than in legislative matters, but having said that I will withdraw the motion and I will continue to vote not voting but not because I don't believe that there needs to be a change but because I feel that the change being suggested in LB 588 is too drastic and further suggesting that what Senator Hall is recommending in the area of home rule probably has some good arguments for it. We...this bill does not come into effect until 1992 and no matter what happens today on today's vote, I hope we have another opportunity to take a look at the structure of the Douglas County Board, what it's authority is and how it's structured so maybe we can correct some of the problems that have arisen in the last couple of years. Thank you. With that, I withdraw the motion.

PRESIDENT:       ; withdrawn. Would you read the bill, please, Mr. Clerk? I might remind you, you're supposed to be in your seats, please.

ASSISTANT CLERK: (Read LB 588 on Final Reading.)

PRESIDENT:       All provisions of law relative to procedure having been complied with, the question is, shall LB 588 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read as found on pages 2710-11 of

May 23, 1989

LB 588, 651, 651A, 695

of the Legislative Journal.) Vote is 26 ayes, 17 nays, 6 present and not voting, none excused, Mr. President.

PRESIDENT: LB 588 passes. LB 651 with the emergency clause attached.

ASSOSTAMT CLERK: (Read LB 651 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 651 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read as found on pages 2711-12 of the Legislative Journal.) Vote is 49 ayes, 0 nays, Mr. President.

PRESIDENT: LB 651 passes with the emergency clause attached. May I introduce some guests, please, in the north balcony? Senator Morrissey has 45 third and fourth grade students from the Johnson-Brock School at Johnson and their teachers. Would you folks please stand and be recognized by the Legislature, students and teachers both? Thank you for visiting us today. Senator Wehrbein has a couple of guests in the north balcony, Laura Cutter, Laurie and Connie and Melissa of Nebraska City. Would you folks please stand and be welcome. And thank you for visiting us today. LB 651A with the emergency clause attached.

ASSISTANT CLERK: (Read LB 651A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 651A pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read as found on pages 2712-13 of the Legislative Journal.) Vote is 48 ayes, 0 nays, 1 present and not voting.

PRESIDENT: LB 651A passes with the emergency clause attached. LB 695, please.

ASSISTANT CLERK: (Read LB 695 on Final Reading.)

May 23, 1989

LB 525, 566, 588, 651, 651A, 695, 706  
781

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 695 pass? All those in favor vote aye, opposed nay. Have you all voted at least once? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read as found on page 2713 of the Legislative Journal.) Vote is 46 ayes, 1 nay, 2 present and voting, Mr. President.

PRESIDENT: LB 695 passes. LB 706 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 706 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 706 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read as found on page 2714 of the Legislative Journal.) Vote is 46 ayes, 0 nays, 3 present not voting, Mr. President.

PRESIDENT: LB 706 passes with the emergency clause attached. Senator Robak has some visitors in the north balcony. I believe they're just leaving. Have 19 eighth grade students from Holy Name School at Lindsay, Nebraska, and their teacher. Wave to us so that we can recognize you folks. Thank you for visiting us today. LB 781 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 781 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 781 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Record vote read as found on page 2715 of the Legislative Journal.) 44 ayes, 3 nays, 2 present not voting, Mr. President.

PRESIDENT: LB 781 passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 525, LB 566, LB 588, LB 651, LB 651A, LB 695, LB 706, LB 781. Mr. Clerk.



May 24, 1989 LB 95, 132, 134, 158, 158A, 175, 175A, 182, 182A  
183, 183A, 198, 228A, 228, 261, 261A, 280, 283  
285, 285A, 302, 303, 303A, 305, 309, 309A, 310  
312, 312A, 335, 335A, 340, 340A, 469, 525, 566  
588, 651, 651A, 695, 706, 727, 781, 816, 816A

PRESIDENT NICHOL PRESIDING

PRESIDENT: Welcome to the George W. Norris Legislative Chamber. We have with us on our closing day as our Chaplain, Reverend Harland Johnson. Would you please rise for the invocation.

REVEREND HARLAND JOHNSON: (Prayer offered.)

CLERK: I have a quorum present, Mr. President.

PRESIDENT: Do we have any corrections this morning?

CLERK: Mr. President, one small correction. (Read correction found on page 2719 of the Legislative Journal.)

PRESIDENT: Okay, do you have any messages, reports, or announcements today?

CLERK: Mr. President, I do. I have a series of communications from the Governor. First of all, Mr. President, the last few bills read on Final Reading yesterday afternoon have been presented to the Governor as of 2:48 p.m., yesterday. (Re: LB 525, LB 566, LB 588, LB 651, LB 651A, LB 695, LB 706, LB 781. See page 2720 of the Legislative Journal.)

Mr. President, a series of communications from the Governor. (Read. Re: LB 228A.) A second communication to the Clerk. (Read. Re: LB 134, LB 158, LB 158A, LB 175, LB 175A, LB 182, LB 182A, LB 198.) A third communication. (Read. Re: LB 95, LB 261, LB 261A, LB 280, LB 283, LB 303, LB 303A, LB 312, LB 312A.) A fourth communication, Mr. President, to Mr. President, and Senators. (Read. Re: LB 183, LB 183A.) A fourth, Mr. President, to the Clerk. (Read. Re: LB 132, LB 285, LB 285A, LB 302, LB 305, LB 309, LB 309A, LB 310, LB 335, LB 335A, LB 340, LB 340A, LB 469, LB 727, LB 816, LB 816A.) The last letter I have received, Mr. President, with respect to signing of bills. (Read. Re: LB 228. See pages 2720-22 of the Legislative Journal.)