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Redistricting Committee
May 13, 2011

[LB700 LB701 LB702 LB703 LB704]

The Committee on Redistricting met at 9:00 a.m. on Friday, May 13, 2011, in Room 1525 of the State Capitol, Lincoln, Nebraska, with videoconference sites at Columbus, Norfolk, Omaha, and Scottsbluff, for the purpose of conducting a public hearing on LB700, LB701, LB702, LB703, and LB704. Senators present: Chris Langemeier, Chairperson; Annette Dubas, Vice Chairperson; Bill Avery; Danielle Conrad; Deb Fischer; Scott Lautenbaugh; Heath Mello; John Nelson; and Ken Schilz. Senators absent: None.

SENATOR LANGEMEIER: You ready? We'll give this a shot. Good morning. This is Senator Chris Langemeier, Chairman of the Redistricting Committee. We're going to get started. Go ahead and kind of keep filing in. We can see there's people coming in to Scottsbluff and we'd like to welcome everyone. We'd like to...that's a good point. That will be in my description. Again, I'd like to start off by welcoming everyone. I'm going to introduce the committee here in the room for I guess the benefit of those watching and in the room. To my far left we have Senator Bill Avery from Lincoln. Next to him is Senator John Nelson from Omaha, then we have Senator Deb Fischer from Valentine, and then we have Senator Annette Dubas, the Vice Chair of the Redistricting Committee. Then to my far right we have Barb Koehlmoos as the committee clerk that will be making a record of today's hearings. Next to her we have Senator Heath Mello from south Omaha, and then we have Senator Ken Schilz from Ogallala, and then joining us momentarily we'll have Senator Conrad from Lincoln and Senator Lautenbaugh from Omaha. We have four remote sites that will be participating so those of you in those sites will be seeing us but, as we go forward, you'll be hearing from those other sites. We have helping us there we have Senator Paul Schumacher from Columbus. We want to thank him for manning our Columbus spot. We have Christina (sic) Ohl with the Norfolk Chamber manning the Norfolk... [LB700 LB701 LB702 LB703 LB704]

CHRISTIAN OHL: Christian Ohl. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Oh, Chris! Well, I got to change my sheet here. Thank you very much. Thank you very much. And then in Omaha we have Senator Burke Harr, and then at Scottsbluff we have Senator John Harms. We'd like to thank them for their participation and help with this. Today we're having a hearing on a number of bills dealing with redistricting. We will have the Public Service Commission, State Board of Education, state Regents, and legislative districts, and the Congressional districts. (See Exhibits 1, 2, 3, 4, and 5) We will take testimony on all of them at the same time. So as you come forward we allow...in this hearing we'll allow you five minutes to testify and those of you in the Capitol will get the light system, but those of you outstate, I will give you an audio, a verbal; I will tell you one minute to kind of give you an idea where you stand in your testimony. When you come up to the testifier's table, the first thing we

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need you to do, especially at the remote sites this is a little trickier than here, is we need you to say and spell your name, first and foremost, and then from there we need to tell you which bill you are actually testifying on, whether it's the legislative, Congressional or the others, and then tell us if you're in support or opposition, and then give us the testimony and your thoughts behind your position, and we appreciate that. And so with that, we're going to ask, looking at the screen, Senator Schumacher, do you have testifiers there and how many roughly? [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHUMACHER: Looks like we may have three here but I understand there's several more going to be here when it gets time to do the Congressional districts. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. Thank you. And, Senator...let's go to Senator Harms. Do you have any idea in Scottsbluff how many you're going to have? [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: We have...thank you, Senator Langemeier. We have approximately 15 people here. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Great. Great. Chris in Norfolk? [LB700 LB701 LB702 LB703 LB704]

CHRISTIAN OHL: We have three here in Norfolk. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. And do you know, you haven't heard that you're expecting more that are coming? [LB700 LB701 LB702 LB703 LB704]

CHRISTIAN OHL: I have heard more. We've got a crowd here just joining us but three right now that are testifying. I don't know if any more are coming or not. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. And Senator Burke Harr in Omaha? [LB700 LB701 LB702 LB703 LB704]

SENATOR HARR: Thank you, Senator Langemeier. It looks like we have five at this moment. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. Well, we're going to start that up. And since, Senator Harr, you're on the screen, why don't we start with your group and we'll let them... [LB700 LB701 LB702 LB703 LB704]

SENATOR HARR: That sounds great. All right, we'll start with Mr. Garcia. Do you want to come on up? Go ahead and give your name, spell your last name. [LB700 LB701

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SENATOR LANGEMEIER: Welcome. [LB700 LB701 LB702 LB703 LB704]

JOSE FRANCISCO GARCIA: (Exhibit 6) Good morning, everyone. I am Jose Francisco Garcia, J-o-s-e F-r-a-n-c-i-s-c-o G-a-r-c-i-a, Omaha, Nebraska. Not an election is in sight for more than a year, yet the political elite is heavily courting the 2012 Latino vote. Despite the fact that Latinos have been responsible over the past 20 years for positive population growth in the state of Nebraska, to my knowledge political representation of Spanish surname voters in Nebraska remains unfulfilled. This segment of the population will no longer be denied access to the political process. In my estimation, the potential of electing Spanish surname people does not lie on redrawing district lines; therefore, I am in testimony as an opponent to LB703. This potential of using the Spanish surname people is firmly on voter registration campaigns and their involvement in civic and civil education experiences. I urge the Redistricting Committee to follow the maps proposed by Senator Mello. Doing otherwise will create an illusion of a minority-majority district. When one begins to read on the front page of the Omaha World-Herald about the Republicans and Democrats snarling over what has become a banquet of Latino votes, you can be assured that indeed the United States Census of 2010 has become a watershed event for the Spanish surname electorate in Congressional District 2. Thank you very much for your time. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions? Seeing none, thank you very much for your testimony, well done. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARR: All right, we have four more (inaudible). [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: And, okay, Senator Harr, before we go to the next one, I want to remind everybody that in your locations and as well here in Lincoln there are green testifier sheets that we ask that you fill out and give that to the coordinator in the room so we can get those back to make a record. And Senator Harr, I see, has got his sheets coming forward there so thank you. Welcome. [LB700 LB701 LB702 LB703 LB704]

PEG LIPPERT: Peg O'Dea Lippert, L-i-p-p-e-r-t, 1112 Limerick Road, Papillion, Nebraska. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARR: And you're testifying... [LB700 LB701 LB702 LB703 LB704]

PEG LIPPERT: I'm testifying on LB704. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Ma'am, could we have to you spell... [LB700 LB701 LB702

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PEG LIPPERT: I have mailed each... [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: ...can I stop you? Can I have you spell that one more time, your name? [LB700 LB701 LB702 LB703 LB704]

PEG LIPPERT: L-i-p-p-e-r-t. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: And your first name? [LB700 LB701 LB702 LB703 LB704]

PEG LIPPERT: Is Peg, P-e-g. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Thank you. Go ahead. [LB700 LB701 LB702 LB703 LB704]

PEG LIPPERT: (Exhibit 7) I have mailed each of you the "reasonable person" discussion and I'm here today to hold you to your own standard as set forth in Legislative Regulation (sic) 102. It is interesting to note that the Redistricting Committee have failed to follow your own guidelines as set forth in the above-cited resolution. I will quote and then note some of the deviations. Paragraph 1 and 2 discuss the issues of redistricting being tied to census data. Paragraph 3, "boundaries shall follow county lines whenever practicable and shall define districts that are compact and contiguous as articulated by the U.S. Supreme Court." Paragraph 4, "boundaries shall define districts that are readily identifiable and understandable to voters and that preserve the core of prior districts." Paragraph 5, "boundaries shall not be established with the intention of favoring a political party." Contrary to what Senator Lautenbaugh said about Bellevue being "the right size," reality is that the numbers can be found wherever you have will to find them. In no way does plucking Bellevue and Offutt Air Force Base out of the eastern part of Sarpy County meet any of the above standards. The proposal that came out of committee strictly on party-line votes, implodes the core of the county, is not compact, and disrupts the contiguous affiliation of Offutt Air Force Base to the greater Omaha community. What does Offutt, or Bellevue for that matter, have in common with CD1, whose core is Lincoln? I venture you will not find a voter who will understand or be able to identify the proposed boundary in that it in no way preserves the core of the prior district. The conclusion one can draw, the only conclusion I might add, is in direct violation of Paragraph 5, "favoring a political party." President Obama gaining one electoral vote in CD2 in 2008 and the failure of LB21 to eliminate the split electoral vote in Nebraska getting out of committee has apparently driven the Governor and his supporters via this proposal to strip CD2 of the core of Democrats in Sarpy County and pull in the Republican-rich west Sarpy. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Well done. Are there any questions for Ms. Lippert? Seeing none, thank you very much. Well done. Senator Harr is that...oh, there we go. [LB700

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SENATOR HARR: Yeah, we have...sorry. We have a couple more. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: That's fine. [LB700 LB701 LB702 LB703 LB704]

GEORGE LIPPERT: (Exhibit 8) My name is George K. Lippert, L-i-p-p-e-r-t. I live at 1112 Limerick Road, Papillion, Nebraska. I'm here to seek some rationalization as to the revision of the boundaries of Congressional District 1 and 2 within Sarpy County, as proposed by the committee Chairperson, Senator Langemeier, and the redistricting map proposed by Senator Lautenbaugh. While I recognize that one of the goals of the committee was to balance, as practical, the population of Congressional districts, other guidelines seem to be...other guidelines, including those prescribed by the U.S. Supreme Court, appear to have not been considered. The proposal and map, as authored by Senator Lautenbaugh and forwarded to the Legislature by the majority of the committee, makes no sense. In particular, the plucking of the city of Bellevue and Offutt Air Force Base from CD2 and placing it into CD1 to achieve the population balance flies in the face of holistic, rational thinking. Considering the census shift from rural to urban within the state, I recognize that the growth of the metropolitan Omaha area, which includes Sarpy County, puts Sarpy County directly in the bull's-eye or at least on the edge for the balance of population. However, the proposed plan reverses the current constituency within the county; that is, it moves part of...that part of Sarpy in CD1 and their agricultural constituency into CD2. The current part of the county that is in CD2 is adjacent to and within the Omaha metro area and is moved to CD1. This latter area has been historically and economically a part of the Omaha metro area, sharing mutual association and interest with one another, be they jobs, commuting patterns, infrastructure, educational, taxing, urban growth and services, and a host of other common concerns. A more practical approach, considering the population of the Omaha metro area, is to consider areas currently of predominantly agricultural use, say northern and western Douglas County and western and southern Douglas County, into a Congressional district--areas with interests...within the areas and interests within that constituency. Much of southern and Sarpy County is already in CD1. Why not continue that designation? The proposed Redistricting Committee plan flip-flops Sarpy County's agricultural constituency into CD2, in spite of its current and more common constituency with that of CD1. The proposed relocation of Bellevue and Offutt Air Force Base into CD1 has and will probably continue to have little or no relationship with Lincoln and its adjacent areas currently assigned within CD1. In a nutshell, the proposed Congressional redistricting plan makes no sense. This should be a concern of all now residing in CD2. The Redistricting Committee was sharply split along political party lines. The majority plan was forwarded to the Legislature for consideration. It is my understanding that the public hearing phase of the plan should make a difference. Many observers have opined that the proposed plan is a foregone conclusion, citing political

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spoils as the rationale, such as the majority party rules. The process is widely recognized as favoring the majority political party. If this is so, and no convincing explanation of a proposed flip-flop of areas is forthcoming, then the redistricting plan as proposed with the relocation of...and the redistricting plan, as proposed with the relocation of Bellevue and Offutt Air Force Base into CD1, and if this plan is adopted and signed by the Governor, it is my firm belief that the Governor and the Legislature will come under the scrutiny of the federal court system for violation of the U.S. Supreme Court Congressional redistricting guidelines. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Thank you very much, Mr. Lippert. Are there any questions? Seeing none, thank you very much for your testimony, well done. Further testimony from Omaha? [LB700 LB701 LB702 LB703 LB704]

SENATOR HARR: We have Mary Kelly [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. [LB700 LB701 LB702 LB703 LB704]

MARY KELLY: Hi. I'm Mary Kelly. My name is M-a-r-y K-e-l-l-y. I live at 2813 Lillian Street in Bellevue, Nebraska, and I'm commenting on LB704. I live in Bellevue. I work about four blocks from the building that we're speaking in right now. Most of my neighbors also work in Omaha. My husband couldn't be here because he's working, and we discussed this proposal, which I must say to Senator Lautenbaugh, I did not e-mail him on because it seems to irrational I just didn't think it would actually (laugh) go through. In brief, we also pay taxes. We pay taxes to the Omaha Public School system. Bellevue Public Schools has a great new recreational facility we can't attend, we can't go to five miles away because we pay taxes to the Omaha Public School system. I guess I just don't see the rationale for moving my votes into Cass County. I just don't get it. I have nothing against Lincoln. I'd like to get there more. I've probably only been there honestly about ten times in my life. I'm ashamed of that. Sorry. But so I just...I have no affinity or understanding of Cass County, but I'm in Omaha every day. I grew up in Omaha. My house was once part of Omaha actually. Where I live used to be in Douglas County. So I guess in brief, the only purpose I see in doing this is to dilute my vote and that really offends me. I'm just really disappointed on a personal level. I've seen some crazy things in this country, gerrymandering and just crazy, crazy partisan bickering, and I just really had hoped that that wouldn't come to my state and impact me. And I don't know, I'm just disappointed. If you can explain to me, that's all I'm looking for. I'm trying to figure out why you want to do this. Thanks. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions for Ms. Kelly? [LB700 LB701 LB702 LB703 LB704]

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MARY KELLY: Oh. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Seeing none, thank you very much for your testimony. We appreciate it. [LB700 LB701 LB702 LB703 LB704]

MARY KELLY: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARR: We have two more: Mr. Forsee (inaudible). [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: William Forsee, F-o-r-s-e-e. I called almost all your offices a couple of days ago in reference to this issue of Congressional redistricting. I've lived in Nebraska for 37 years, 35 of those years have been in Bellevue, and I'm just curious. What do I have in common in Bellevue with the 1st Congressional District? I consider myself part of Omaha. My mail, if I address it Omaha, it gets there one day earlier than if I address it Bellevue. I'm curious. Senator Fischer, (inaudible) if Valentine and Ogallala were shoved into the 2nd Congressional District, would you have anything in common with us? I doubt it. I haven't seen this much gerrymandering since I went to school at the University of South Florida. I never thought I'd see that take place in the state of Nebraska where you actually come and swoop up and grab a section of Bellevue, pull Bellevue into an area that we have nothing in common with. I feel that Bellevue is an extension of Omaha. I feel in the next ten years, yes, we'll probably be part of the 1st Congressional District because we probably will lose a Congressional seat. But at this time I really feel sort of insulted that you make this gerrymander up into Bellevue to pull it out, to put it in with Nebraska City. I like Nebraska City, I go there quite often, but I don't have anything politically in common with Nebraska City. If you really want to do something and show fairness, why don't you adopt what Iowa did and take it totally out of partisan politics, set up an independent commission, and then vote up or down by the state of Iowa? That's been touted throughout the country as being the fairest form of redistricting in the nation. You're next door to them. You can see how it works. You can take a look at it. I feel if you do that I would not be sitting here looking at a gerrymander (inaudible) Congressional (inaudible). If Senator Fischer would like to make a comment in reference to what they would have in common with Omaha, if you gerrymandered those two cities into the 2nd, I'd appreciate that also. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Conrad. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you. Is it Mr. Forsee? Is that how it's pronounced? [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: Yes. [LB700 LB701 LB702 LB703 LB704]

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SENATOR CONRAD: Good morning. [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: That's correct. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you for your testimony. I had just a quick follow-up question in regards to the last part of your testimony where you brought forward a suggestion that we look to change the process for the future and maybe do something like Iowa does, and I wanted to let you know that I think that there is a great deal of interest in the Legislature and beyond in seeing that change in the future. So I want to thank you for bringing that forward and want to let you know that people are looking at that and working on that. But in terms of a short-term solution, because of course that won't fix any of the partisan issues until, at best, ten years down the road, do you think that we could just work to compromise the existing proposal in some manner that mitigates some of the partisan effects and takes into account some of the citizens' concerns that have been brought forward? [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: I feel that if you look at Sarpy County itself, the western part of Sarpy County is more rural. They would have more in common with the 1st Congressional District than Bellevue, which is basically an extension of Omaha. We're the third largest city, if I'm not mistaken, in the state of Nebraska so we do have a lot of culture interests, and a lot of interests as far as infrastructure, building connections, and just entertainment and things to do with the city of Omaha. So I feel that Bellevue really is truly a suburb of Omaha and we have so much in common. Why did they have to make that swing up there and gerrymander? If you took the western part of Sarpy, which is more rural, we'd have much more in common with the rest of the 1st Congressional District than if you looked at pulling the Bellevue area out. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Well, thank you for being solution oriented and thank you for taking time to testify this morning. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We have another question. [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We have one more question. Senator Avery. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: Thank you, Mr. Chair. Mr. Forsee, this is Bill Avery. [LB700 LB701 LB702 LB703 LB704]

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WILLIAM FORSEE: Yes, Senator. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: We have a resolution that we passed, LR102, that sets forth the procedures by which this committee conducts its business and sets forth the criteria that we use to draw district lines. One of those, I think it's number 5 on page 2 of the resolution, says that we shall not take into consideration the party affiliation of people in the populations when we're drawing these lines, and we are bound to follow those procedures and those criteria. Are you suggesting that the committee violated at least that principle in the way we drew the lines around Bellevue and Sarpy County? [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: After living in Florida, I've seen stuff in Florida that looks just like this and they called it down there gerrymandering because you're looking at changing the population demographics to favor one group or another. Now I don't have the numbers in front of me as far as how many Democrats are in Bellevue, how many Democrats are in the western party of Sarpy or Republicans in either of those areas, so I can't speak with any knowledge saying, well, they gerrymandered because of party affiliation. I'm looking at why did they pull that out, to me, which makes no sense, gerrymandered it into, say, the 1st, where we have nothing in common with the 1st at this time. I mean, to me, it looked like some of the senators maybe looked at, well, we're upset about what happened in '08. I think that was sort of a fluke. I don't know if that would ever happen again, even if you didn't gerrymander it out, because I think everyone was sort of taken by surprise. So I don't understand why you're trying to redistrict in such a fashion, pulling Bellevue into an area where I feel, again, like the previous speaker here, my students, my children went to Bryan High School, which is OPS. You know, I pay OPS school taxes. My mail gets to my house quicker using Omaha. So my affiliation, you know, is Bellevue is really part of Omaha and I'm just sort of baffled by why that (inaudible) you made big loop up in there to grab that town where you could have done it very easily just cutting part of western Sarpy off and putting it in with, you know, people that...constituents which have so much more in common. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: Let me refer you to also specifically on page 3 of our resolution, criteria for drawing district lines for the U.S. House of Representatives, and let me say that we were very careful in how we drafted these. The lines shall preserve...shall include a number of objectives, such as the preservation of municipal boundaries and the preservation of the cores of prior districts. Are you suggesting that we are not preserving the core of the previous districts in this proposal? [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: Actually, I feel you certainly...it appears that way, because the last time, I think, if I'm not mistaken, you took part of western Sarpy already and moved part of it off into the 1st Congressional. So why did you not continue with that process and

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keep those areas, Gretna, Springfield, all that, in and move that into, you know, the 1st Congressional where you'd have things in common, and then keep Bellevue, which is, you know, more in common with Omaha, and keep that as the 2nd Congressional where you have Omaha and Bellevue together? We share a lot of the...if you look at industrial and, you know, political, you know, infrastructure. Everything else you look at is basically sort of one city. I've lived in Cincinnati also. You know, there's a lot of towns that make up the metropolitan area of Cincinnati that have been incorporated and they try to keep this sort of, and Congressional districts, you know, that match up to those towns that have been incorporated in the Cincinnati area. So as I said, I'm just sort of baffled by how you sort of slipped around, grabbed Bellevue, pulled it out, and put it in with something that we have nothing in common. Yes, in ten years it's going to be totally different because we probably will lose a Congressional seat, but at this point, to look strictly, you know, from where I've lived and that, it looks, you know, it's like somebody had something against Bellevue or wanted to make changes for some political gain one way or the other, and (inaudible), you know, came around there and grabbed it. As I said, I can't read into the senators' minds why they did this, but, you know, as I said, with, you know, Senator Fischer, I don't think she has, in Valentine, has anything in common with Omaha, you know, and I say like Bellevue does not have much in common with the 1st Congressional District. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Lautenbaugh has a question. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Thank you for coming today, sir. [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: We did have some other maps we considered and, if memory serves, there was a map introduced by Senator Avery that divided the cities of La Vista and Papillion in half. Do you have an opinion as to which half of La Vista or Papillion has more in common with the 2nd or 1st Congressional District? [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: If I'm looking at the city of La Vista, how it developed, anything east of 84th Street was the original part of La Vista and it was sort of set up that way as a new community at that time, and that's a very working class area. They would have more in common with Omaha than, say, the western part of La Vista, which is a much newer district and a lot of new suburbs and SIDs have been set up in the western part there. So the western part on, say, the west side of 84th Street would probably fit in better with the 1st Congressional District compared with east of 84th Street, which is the

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older part of La Vista that was really set up, if I remember correctly, in the '50s, you know, to help low income. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: So even though that would... [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: And Papillion I don't...I'm not as familiar with Papillion as I was in La Vista. I lived a couple years or a year before I got married in La Vista so that's why I'm a little bit more familiar with the La Vista districts and how that came to exist. Papillion I am not familiar with and I'd really hate to say anything about Papillion because I really don't know anything about Papillion as far as the demographics. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: But vis-a-vis the city of La Vista then, even though that would have violated one of Senator Avery's provisions that he read you about dividing cities in half, it would have been okay because the people on one side of town are different than the people on the other side of town historically? [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: Well, the question was asked, why not take all of Papillion then, which is contiguous with the 1st Congressional District already? Why not just move into Papillion, which is already part, you know, the very western edge of it, if I'm not mistaken looking at the map, is already in the 1st CD? [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Well, and I guess I'm asking, since those two cities were proposed to be divided in one of the proposals and that seems to violate one of our rules, in your opinion, would that have been better than what we've advanced? [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: If you took Papillion and moved it into the 1st CD and then the rest of the western part of Sarpy County, then you wouldn't be dividing Papillion. You wouldn't be dividing...you know, you could keep La Vista whole in that. Sorry, I just got a copy of this. And at this point, I'm looking at 60th, it looks like part of 60th, that's a dividing line for La Vista. Why not keep, say, from Highway 50 west, you know? That's still not a part of the city of Papillion and La Vista at this point, if I'm not mistaken. I don't have a map of the city so I can't speak to that. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Now you mentioned that or you were asked I guess whether or not the city of Bellevue is a core of the 2nd District. Do you believe that to be the case? [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: Yes, I do. As I said, I've lived there 35 years in a little section up

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north near Bryan High School. As I said, I have so much in common with the city of, you know, Omaha. I belong to several different community organizations in the city of Omaha, so I, you know, I pay school taxes to the city, you know, to the OPS system and that and so I feel that I have a lot in common with the city of, you know, Omaha, whereas I have very little in common, you know, as I said, I've been...I like Lincoln, I've been to Nebraska City, but I don't feel that I have a connection to those two cities at this point as I do a great affinity towards the city of Omaha. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Do you feel that the people of Papillion and La Vista have more of a connection with the city of Lincoln in some way? [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: I think so in a way. It's a newer district. You know, I might be wrong but I can't speak for anyone in Papillion. I can only speak for my neighbors in a section of, you know, of Bellevue. I know that they were very surprised and somewhat shocked at the fact that all of a sudden they're now part, you know, of a new Congressional district. It seems to me that the lines are...you know, I don't know why the city of Bellevue is sort of being picked on in a way. I looked at it as being pulled out of an area where we have so much in common. That was my concern when I looked at this thing at first. That's why I called your offices. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. Thank you, sir. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Conrad has a question. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Yes, really more of a comment for the record so that Mr. Forsee knows and others who may be interested. In relation to the proposal that Senator Avery brought to the committee, discussion thereof at this point in time can be nothing more than academic. It was not moved for formal adoption amongst the committee and it was not presented to the public as our proposal. You have only what has gone through that process before you, in which you're reacting to. So thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Lautenbaugh. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: I would like to be clear that I guess the reason we brought that up is that we've listed a variety of principles that seem to come and go, depending on which map we're talking about and which map we prefer. And so I would...just wanted the record to reflect that people's passion for not dividing communities waxes and wanes, depending on which map we're talking about and whose community is

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being divided. So I think it is important to note that and so I did. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Avery. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: Thank you, Mr. Chair. Mr. Forsee, we are talking about criteria and procedures here and whether or not this committee is abiding by the very procedures and criteria that we adopted in LR102. There is no way, and I think we all can agree, there is no way we're going to be able to draw boundaries that make any sense for District 1 and 2 without dividing Sarpy County in some manner. One of the things that we say in our resolution is, "If a county, city, or village must be divided, the division shall be made along clearly recognizable boundaries, as described by census geography." You mentioned 84th Street in La Vista as a natural dividing boundary, did you not? [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: The question was presented to me about, you know, how I look at La Vista and Papillion. I don't know Papillion. I lived in La Vista for a while. I know the demographics of La Vista, how it originally came into existence. Now in the past they've taken part of the western part of Sarpy. You can keep La Vista whole. You can move all of Papillion, with is contiguous with the 1st Congressional District already, move that in there. Then you can keep Bellevue in the 2nd Congressional. So there's way that you could keep the city together. You could keep La Vista together. You could keep Bellevue together. You know, you could move Papillion, keep it together, and you have a lot of smaller towns, Gretna and that stuff out in the western part that could also then be moved over, contiguous with the 1st Congressional District. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: Well, if we are going to have to divide cities and villages and communities in order to get the numbers as close to 0 as possible, the deviations, we are bound to look at some natural divisions or natural and recognizable boundaries. I don't know La Vista very well, and certainly not like you, but you did say that 84th seemed to be a dividing point because people to the east of 84th you said were more working class, the people to the west were somewhat distinctly different. Am I correct in that? [LB700 LB701 LB702 LB703 LB704]

WILLIAM FORSEE: I am sorry, you sort of broke up a little bit. Something...I heard part of your question but not all of it. Sorry. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: You mentioned 84th Street in La Vista as a dividing point in that community, that people to the east tended to be working class, lower income perhaps, and the people to the west had a different characteristic. Did I understand that correctly? [LB700 LB701 LB702 LB703 LB704]

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WILLIAM FORSEE: It's just a newer district. There are SIDs out there that have not been incorporated yet into the city of La Vista and that's at the further end of our district, so they don't have an affiliation at this point. Maybe later when they become part of the city of La Vista they would have more, you know, be part of that city, per se. But originally how La Vista was set up when I first moved here back in '75, it was basically very little west...well, 96th Street was about the end of La Vista at that point. And so you had sort of a small, compact city and the original part of La Vista was, yes, east of 84th. Now there are probably people here that lived here longer than I, would have a better history of that, but that is just from me living here since 1975. Papillion, again, I really don't know that much about that city and how it's growing. I know it is growing. I know it's a very fast-growing area and it's growing south and it's growing west, because it is stopped by the city of Bellevue at...and I'm not sure if it's 60th Street or in that area, and I'm not sure where the exact lines are between those cities because I'm not a demographic...you know, demographer on this as far as drawing lines. I'm just looking at the fact that we have so much in common, as a city, with Omaha that I'm just a little bit confused looking at why it got pulled out. There's ways of looking at (inaudible) and say, okay, we can move Papillion into the 1st, we can move all of western Sarpy County into the 1st, and that I'm sure, with the 10 percent variation that you allowed, that there is possibility of, you know, keeping things together and keeping the city of Bellevue together. And then in 2020, then we can go back and look at, you know, we'd probably have just the city of Omaha being one Congressional district. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: Thank you. You've made your point well. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Seeing no other questions, Mr. Force (sic), thank you very much, Forsee, excuse me. Further testimony from Omaha? [LB700 LB701 LB702 LB703 LB704]

SENATOR HARR: I believe we have two more. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. Welcome. [LB700 LB701 LB702 LB703 LB704]

KIERAN McCARNEY: Thank you. My name is Kieran, K-i-e-r-a-n, McCarney, M-c-C-a-r-n-e-y. I live at 16265 Emmet Plaza in Omaha, Nebraska, that's 68116, and I'm here to give testimony in opposition of LB704, the proposal for the redistricting of Congressional districts in Nebraska, and I do so on two sets of issues with the map. One is practical considerations and one set deals with my belief that it violates the core principles put forth by the committee on multiple towns. From a practical perspective, what we see in the state of Nebraska is the largest area of population growth exists in the west part of Douglas County and in rural and suburban Sarpy County. What the current proposal in LB704 does is instead of maintaining the metro area of Omaha or as

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much as possible within the 2nd Congressional District, it takes a large portion of rural Sarpy County and adds it into the 2nd Congressional District while taking a large portion of the urban metro area and putting it into the 1st. Now what I believe is when you combine that rural population with the rural population that continues to exist in western Douglas County, that ten years from now we're going to look at a situation where, though the deviation on the map is strong now, we're going to be facing a situation like we situation like we saw this year with Legislative District 39 where you have a legislative district that has to be more than cut in half because its population has grown to a level that over twice or almost twice the number of residents live there should be represented by the same individual. Now we can prevent this problem very easily by maintaining the Congressional district line on the urban area of Omaha where the possibility of growth and population expansion is somewhat limited. Moreover, there is the issue of Offutt Air Force Base, Strategic Air Command, which as long as I can remember has been represented by the 2nd Congressional District representative and for the entirety of his six and a half terms in office has been represented by Representative Lee Terry. By shifting this air force base and its focus and its representation to Representative Fortenberry in Lincoln, I'm concerned about the base and its ability to get adequate resources and representation in Omaha. Now this is a major economic stimulant, this is a major portion of our national security and defense, and it should be of the utmost consideration when we're talking about divisions and representation for the 2nd Congressional District in Nebraska. So those are my concerns as far as the practicality of the lines as they're drawn now and my issues with LB704. Now when we go to the core principles put forth by the committee as to what should be considered when drawing district lines, I believe that several of them have been violated. Now I understand that the standard deviation is 0 percent at this point and that's tied to census data. I agree with that wholeheartedly that you have maintained your population numbers as put forth by the census. However, I would once again point out that when we do the census again in ten years you're going to see a 2nd Congressional District that has significantly more people in it than it really should. As far as compact and contiguous, I think that by maintaining the 2nd Congressional District entirely within the metro area of Omaha, you're seeing a representation that is much more compact, geographically it certainly is so, and a much greater familiarity among the residents of this district with their representative. However, my biggest problems are with the preservation of the core of the district and allowing the district to be identifiable to its constituents, and that the redistricting process cannot favor a political party. First of all, as far as the core of the district is concerned, there's two situations that exist now that recognize Bellevue and, very clearly, the northern part of Bellevue as part of the Omaha metro area and as part of the 2nd Congressional District. We see Senator Mello's legislative district before this process apparently extends into the northern part of Bellevue and Sarpy County, which shows that ten years ago there was a recognition by this committee that the northern part of Bellevue was better represented by an individual living in south Omaha than an individual in Sarpy County. You also see, as has been brought up by several other members testifying today, that there's a portion of

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the Omaha Public School district that exists in northern Sarpy County. Now it's important, I agree, to maintaining municipal lines, but we're talking realistically about a school district that is going to be divided between two Congressional representatives and I think that that creates serious problems as far as federal funding and federal consideration. Now when Senator Lautenbaugh comes out and says that the core of the district is Douglas County and then everything else, I think that he's misrepresenting the history and the precedent that exists in drawing the district lines for the 2nd Congressional District in maintaining the Omaha metro area, including the cities of Papillion, La Vista, and Bellevue, as part of the 2nd Congressional District. That was certainly recognized ten years ago when the district lines were drawn to separate this urban area with the more rural portions of Sarpy County, and I think that those considerations should be maintained. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Mr. McCarney, we're at your five minutes. Can you wrap up real quick? [LB700 LB701 LB702 LB703 LB704]

KIERAN McCARNEY: Okay. Absolutely. The last point that I would make is that when we're talking about individuals identifying with their Congressional representative, it's very easy to maintain every person in the 2nd District right now or have no new individuals put into the 2nd District that would be represented by Lee Terry. However, this map, by flipping Sarpy County, has a whole host of people who are not currently represented by that individual, while taking a large section of the population in Bellevue and giving them a new Congressional representative. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Thank you. Are there any questions for Mr. McCarney. [LB700 LB701 LB702 LB703 LB704]

KIERAN McCARNEY: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Seeing none, thank you very much for your testimony. You did a great job. Further...? [LB700 LB701 LB702 LB703 LB704]

SENATOR HARR: And last but certainly not least, we have Senator Don Preister. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Well, welcome, Senator. [LB700 LB701 LB702 LB703 LB704]

DON PREISTER: (Exhibit 9) Thank you, Chairman Langemeier and senators of the Redistricting Committee. My name is Don Preister, P-r-e-i-s-t-e-r. I live at 4522 Borman, Bellevue, Nebraska, 68147. I appreciate this opportunity to comment on the legislative redistricting. Having actively participated in this process for the 2001 legislative session,

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I certainly understand the challenge. Thank you all for your service. The preserving of Congressional...my brief comments are in reference to LB704 for Congressional districts and LB703 for legislative districts. The reversing of Congressional districts for Sarpy County is not preserving the core of the existing district boundaries and is unfair to residents and representatives alike, I believe. Placing current Congressional District 2, Bellevue, into Congressional District 1, and taking the rest of Sarpy County from Congressional District 1 and putting it into Congressional District 2 is not in keeping with your redistricting guidelines of retaining the current core, i.e., existing boundaries of the district. The Omaha, Bellevue, Offutt area is the current core of the 2nd Congressional District. It is one large community that has a county line through it or it would have been annexed by Omaha years ago that even with the county line was attempted by Omaha. Bellevue is served by five Omaha public schools and two Omaha zip codes. My Bellevue home mail takes a day longer to arrive when it is addressed to Bellevue because it is not delivered by the Bellevue Post Office. The economies of Bellevue, Omaha, and Offutt have been directly linked for years. Most Omaha Chamber of Commerce promotional and other materials list Offutt and other Bellevue assets, like Fontenelle Forest, as part of Omaha. Businesses and workers have been interdependent for years. The Kennedy Freeway was built because of this tie. None of these connections can be said of western Sarpy County, which is also geographically closer to the rest of CD1 than is Bellevue. There is nothing in your redistricting guidelines to justify this move and, in fact, it is counter to them. That leaves many of us residents wondering why we will have to go through the confusion of the change. It does not meet your standard of "understandable to voters." Sarpy County is already split between Congressional districts so it is appropriate to keep it split and not split Douglas County. The best plan is to leave Sarpy County as close as possible to its present form with Bellevue and Offutt in Congressional District 2. Minor adjustments are all that is needed in the current boundaries, not complete reversal. Doing this will be good for residents and make life easier for both of the current representatives. They should not needlessly have to represent both a new and their current district at the same time. That is unfair to them and defeats the purpose of having district representation. Each district and representative deserves proportionality and should not have to do double work. Many of my earlier comments also apply to the legislative redistricting. LD5 was made a part of Bellevue for all of the community of interest reasons I already listed above, with Omaha schools, zip codes, economic and family ties being linked. South Omaha and north Bellevue have long been one community. They have been well represented this way for 20 years and should not be split. By making this change to a third of LD5, you then reconfigure every Omaha district. Why? With the exception of LD18 and LD39, none of the existing Omaha districts would need more than minor population adjustments. Your guidelines require you to "preserve the core of prior districts." That can easily be done and with only a 2 percent minimal deviation instead of the 10 percent that was used. One of your proposals by Senator Mello has all of that work already outlined. It's done. It is fairer than the current one and all ready to adopt. Adopting it to leave nearly all current districts intact would avoid voter confusion and

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adjustments, plus be in keeping with your own rules. I ask that you make these adjustments. I thank you. And I would just add that in the 2001 redistricting, we were very cognizant of the fact that there had been litigation that we faced still from the 1990 Census and the redistricting from that. Perhaps we were more sensitive to that. And I would point out, although there were a few people who were concerned, there really was no court challenge and there were very few upset people with what was did and I hope that that has made your job a little easier but it may also make you a little less sensitive to following guidelines. But thank you very much and I appreciate this opportunity to speak before you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Lautenbaugh. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: It's good to see you, Senator Preister. Thank you for coming today. I do recall the 2001 redistricting and as a plaintiff I do recall there being at least one court challenge. Were you familiar with that? [LB700 LB701 LB702 LB703 LB704]

DON PREISTER: I confess to not being. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. Well, then I won't take up any time with it. But thank you, sir. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Are there any other questions? [LB700 LB701 LB702 LB703 LB704]

DON PREISTER: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Thank you, Senator Preister. I see no other questions. At this time I'd also like to say good morning to Senator Council, who we can see in Omaha. Senator Harr, are there any other testifiers in Omaha? [LB700 LB701 LB702 LB703 LB704]

SENATOR HARR: No, I think we're done. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. Thank you very much. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARR: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: You'll still be on to listen to further testimony and we appreciate you. Now we're going to move back to Lincoln. We have one testifier, a professor from UNO that we've asked to come down who's going to testify and then he's

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going to catch a flight to D.C., is my understanding. Then we're going to head out to Columbus, will be next. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: I do have an identity. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Good morning and welcome. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Good morning, ladies and gentlemen. My name is Dr. Jonathan Benjamin-Alvarado. I am the assistant director for research and outreach of the Office of Latino Latin-American Studies at UNO and I'm also a political science professor. I'm here to speak very, very briefly to LB703 on the redistricting of the legislative districts and then just a quick point of fact regarding LB704. You may have been receiving e-mails regarding LB703 from members of the Latino community and I think what it reveals is an in-house squabble more than anything else. I am, as a political scientist, completely happy with the proposal as it's been presented because it essentially retains those districts as they're presently configured. And what is emerging in the Latino community is that you have members that have been more well-established for three or four generations directly at loggerheads with an immigrant community, that their interests may not be exactly the same, that they actually diverge rather significantly. And so to those individuals who would suggest that the current redistricting scheme divides south Omaha into several legislative districts and combines south Omaha neighborhoods with very different neighborhoods outside the area, that really is patently untrue, as the Latino community has expanded beyond the traditional boundaries of south Omaha and now extends into the midtown part of Omaha and south toward Sarpy County. I think that the idea here is that Latinos would be best served by choosing to prefer a proposal that packs a legislative district to create a minority-majority district. It's a false choice because any attempt to do so would constitute a violation of the Voting Rights Act by diluting the district representation in LD5. The other thing that I think is really important about this is that the population trends in both of those districts point to a rapidly increasing voter population in both of those districts over the course of the next ten years, and it's on the Latino community themselves, regardless of their partisan affiliation, to organize, register, and get people to the polls, and it shouldn't be determined at this particular level. Let me shift gears very quickly here and talk just briefly about Congressional redistricting, LB704. In conjunction with the Center for Public Affairs Research at UNO, we recently have done a study of the impact of redistricting on the Congressional districts and the removal of Bellevue and Offutt Air Force Base from CD2 and into CD1. What we have discovered, and this is rather surprising, is that there would be a significant racial dilution on the part of those two communities insofar as Bellevue is now 23 percent people of color and Offutt Air Force Base is 30 percent people of color. So if they were to be removed from CD2 and placed into CD1, this would in effect result in a racial dilution of their

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representation and essentially disenfranchise those individuals from the core of what already exists in CD2. I'm not here to tell you how to do your job. I'm merely here to inform you that to do so under the present proposal would be a direct violation of Section 2 of the Voting Rights Act of 1965. Such as is the case, I strongly recommend to this committee that the boundaries must be kept intact or that you must take that fact into consideration. Earlier we sent everybody this copy of this report. We're in the process of writing a real quick brief for you folks and we'll try to have it to you...I'm going to try writing in the airport while I'm on my way to D.C., but I will try to get something to you posthaste so that we make sure that everybody is informed on these particular issues. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Lautenbaugh. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Thank you, Mr. Chairman. Thank you for coming today. You seem to be using a particularly broad definition of disenfranchisement. As I understand it, that means taking away the right to vote. Are you under the impression that the people in Bellevue will not be able to vote if they... [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: That's not what I am suggesting. What I'm suggesting is using a very broad academic interpretation of disenfranchisement, meaning that their vote is somehow diminished because their lack of contiguity to a core population base that is racial is going to be diminished significantly. I don't mean to say that their right to vote is being taken away from them. That's all. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: So we're not talking the traditional dictionary version of disenfranchisement. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Oh, no, no, we're not talking Georgia 1920. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. Fair enough. You concede, veering back to the legislative districts, that there are people in the south Omaha community who would prefer the creation of a majority-minority district at this time. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: That's true, but I think that the authors of the Voting Rights Act were very prescient in ensuring that spoils were not the end result of redistricting or the reconfiguration of voting districts to benefit one particular group of individuals as opposed to another. There's no guarantee that all Latinos are going to vote Democrat, Republican, or Independent, and it's completely up in the air. And I

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continue to tell my friends in the Latino community it's clearly on them. If they don't like the results of the electoral process, they need to get organized themselves. It's not for anyone else to parachute into the communities and, you know, imbue them with some sort of spoils that's going to make that happen. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: And it's your belief that creating a district that is 50-some percent Latino would be impermissible packing under existing Supreme Court law? [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Correct, but I would also suggest that's still not a guarantee that it would allow for a Republican Latino to displace an existing Democratic incumbent either. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: That's probably true, but was that really what was at issue here? [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: No, that wasn't at issue. What was at issue was the contention on the part of people in the Latino community that their representation could only come from a supermajority district, and that's just not the case. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: And you're defining supermajority as something over 50 percent,... [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Correct. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: ...which seems to be the definition of majority. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Uh-huh. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: So does supermajority mean the same thing as majority now in your understanding of constitutional law? [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Well, I'm not a constitutional law scholar, but my interpretation of the Voting Rights Act would be that if you were to create a district in which there is in excess of 50 percent, there's still no guarantee for the Latino community that there's a shoo-in for election. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Absolutely. But does that really create a supermajority in your definition? Anything over 50 percent is a supermajority now? [LB700 LB701 LB702 LB703 LB704]

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JONATHAN BENJAMIN-ALVARADO: Because it's 70 percent population with a 57 percent voting age population. But because the Latino community has only 50 percent U.S. citizens, it does not. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: So that would just be a bare majority, not a supermajority. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Bare, yeah. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. I have nothing further. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Conrad. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you so much for being here. And thank you to the Chair for the professional courtesy in accommodating this testifier's scheduling and travel plans; appreciate that. Professor, a couple quick questions for you. Are you aware of anything within our redistricting principles, case law, or other authorities that indicate that a personal preference of an unspecified number of individuals or groups should be taken into account in making our decisions? Senator Lautenbaugh noted that some folks in the south Omaha community would prefer to have his alternative plan and I'm just not sure that's relevant for redistricting purposes. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Well, nothing that I could read in LR102 suggests that and perhaps, you know, it is more a matter of electoral positioning on the part of one or two individuals in the community to raise that particular issue. As I said earlier, that's clearly on them if that's the point that they want to drive home, but that's not germane to this discussion. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Okay. And then on that very point, and I don't pretend to know the intricacies of the demographics or the electoral consequences of the south Omaha community because I'm not from there. I'm learning more every day serving on this committee, of course. But is it your understanding that in fact Latino candidates have been successful under the current district boundaries? I know, I'm thinking, for example, State Board of Education and maybe some other areas. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Minimally. What we see in Omaha and other parts of the state of Nebraska is a growing political maturity on the part of Latinos, people who become much more familiar through political socialization and political participation. Those are the means by which that community will become more vibrant and more well-represented across the board. You know, as a political scientist, it's my

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contention that Latinos naturally lie, in terms of their values, in the way that they view community, clearly in a more Republican camp than they do a Democrat camp. And so I'm very interested to see how this unfolds over the course of the next 20, 25 years. I think it's going to make for a very vibrant political environment not only here in the state of Nebraska, but across the rest of the United States. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Yeah, I couldn't agree more. And then on that last note, I think it is important for this discussion to be very clear that when we're talking about proposals to either protect or create majority-minority districts, the standard isn't whether or not, say for example, a Latino candidate or an Asian candidate or an African American candidate would be successful, but whether that distinct disparate...or distinct community of interest, that that voting bloc's candidate of their choice would be elected. So of course the candidate could have any number of political philosophies or cultural identity and background. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: And one could only hope that. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Yes. Yes. Very good. And then finally on that very point, the committee talked in some detail and I don't know if we ever did receive an authoritative history on the subject because the proposal to create a majority-minority district was dismissed by the committee for a variety of reasons. But in your opinion, is there a important distinction between the protection of an existing majority-minority district like we see in north Omaha versus the creation of a new one as was proposed for south Omaha and, in particular, the many prerequisites that must come into play before that creation is appropriate? [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: I thought that we made it abundantly clear in the report that we issued to you folks awhile back that, you know, when you had a district that was nearly 40 percent of Latino voting age population and another that was at 30 percent, that any effort to diminish or to dilute that representation was not considered, you know, what we would call fair and equitable. And so the preservation of those two districts does not guarantee that there's going to be Latino representatives here in Lincoln, but there's nothing that really could be done to remove or to diminish that racial influence from those two districts. And like I said, that is clearly on the Latino population themselves whether or not they can become sufficiently organized to make that become a reality. That's not our decision to make. That's the voters' decision to make. But we do not have the ability to diminish that, if that's indeed the case. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Yes, thank you so much. [LB700 LB701 LB702 LB703 LB704]

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JONATHAN BENJAMIN-ALVARADO: Okay. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Senator Lautenbaugh. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Just one brief follow-up if I may. Thank you, sir. I know you have to get out the door. So you pointed out a successful Latino candidate for State Board of Education. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Senator Conrad did, yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Are you aware of any successful legislative Latino candidates from these districts, since we're discussing legislative districts? [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: To my knowledge, there's only been two: former Senator Aguilar, who served with distinction here in Lincoln, very proud of that; and then Rebecca Barrientos-Patlan, who ran in District 5 in the 2008 election. She received 31 percent of the vote so I thought it was a very credible candidacy on her part. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: But as successful candidates go from these particular districts in south Omaha that are Latino, you're aware of none? [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Zip. Zero. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. Thank you. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Yeah. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Avery. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: Thank you, Mr. Chair. Welcome, Professor. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: Is it your understanding based upon your knowledge of redistricting principles and the Voting Rights Act, that in order to create a majority-minority population, say, in District 7, it would require the dilution of a minority population in District 5? [LB700 LB701 LB702 LB703 LB704]

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JONATHAN BENJAMIN-ALVARADO: Under the proposal that was presented, yes, that would have been the case. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: All right. And is it also your professional opinion that that would have been unconstitutional because it would dilute the vote in one district in order to enhance the vote in another? [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Under the letter of the law, yes, it would have provided, as I like to say, grist for legal process. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Seeing no other questions, thank you very much. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: Oh, I want to thank you very much for suspending the order to allow me to testify. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Have a safe trip. [LB700 LB701 LB702 LB703 LB704]

JONATHAN BENJAMIN-ALVARADO: All right. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We are now going to go out to Columbus, but before we do that, Senator Harr, in Omaha, I've been asked if you would mute your mikes for us there. And now we're going to...if NET can take us out... [LB700 LB701 LB702 LB703 LB704]

SENATOR HARR: Is it on? (Laughter) [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Harr, can you mute your mikes? Yes, they are on. We're getting some...we're getting some conversation in the background from you. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARR: I'll try now. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: That will make an interesting transcript. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: (Inaudible) [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Yeah. (Laugh) [LB700 LB701 LB702 LB703 LB704]

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SENATOR HARR: All right. Are we on now? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Yeah, you're still on. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: We can hear you now. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay, just don't talk. We'll go that route. You're going to have to remain silent. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Oh, that will be tough. (Laughter) [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Now that we get to ask the questions. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Yeah, that will be a challenge. But now we'll move out to...let's move out to Columbus. Senator Schumacher, are you available? [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHUMACHER: Thank you, Senator Langemeier. We're here in Columbus and we have no one who desires to testify. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. Thank you very much. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHUMACHER: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Yeah, okay, now we will move out... [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: How about Senator Schumacher? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Schumacher, Senator Conrad has a question for you. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHUMACHER: Good morning, Senator Conrad. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Good morning, Senator, and good morning to our friends in Columbus. A quick question, Senator Schumacher, if you would like to address it or if any other members would like to address it. I know this committee received a

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communication from the Columbus Area Chamber of Commerce in regards to their desire to remain in the 3rd Congressional District. Of course, the map before us has a proposal that would bring them into the 1st Congressional District. So I know that the leadership of that community has communicated with us about their rationale for that issue and I didn't know if any members there wanted to specifically address that. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHUMACHER: Thank you, Senator Conrad. There are no prepared remarks, but Casey Belitz, who's president of the Columbus Chamber, is here and he indicated that he will respond to your question. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you. [LB700 LB701 LB702 LB703 LB704]

CASEY BELITZ: Thank you, Senator. Casey Belitz and I am the president of the Columbus Area Chamber of Commerce, last name is B-e-l-i-t-z, home address is 2509 34th Street in Columbus. As you indicated, the board of directors and the legislative committee of the Columbus Area Chamber did go on record with a resolution that we shared with all of you that suggested that our preference would be to remain in the 3rd District and really, as I would characterize or summarize that discussion amongst our legislative committee members and amongst our board members, really that desire came from what they felt like a good quality of representation from past 3rd District Congressmen, certainly currently Congressman Smith but those before as well, and not as much from any significant desire not to be part of the 1st District. Certainly we feel like we have a good relationship with both of those Congressional offices and would hope to maintain that, whichever way this decision gets made. So that was really the primary driver of our preference. Now in terms of the practicality of it, certainly there is some thought that as the 3rd District has to grow that it makes less sense to take one of the significant population centers out of the 3rd District so that it has to grow even more, and the 3rd District Congressman has that much more geography that they have to cover, not just currently but going forward as well. So that was certainly an issue that was discussed as well and seems like, you know, common sense might dictate that the district that has to grow the most would not have population taken out of it. So those were the...those were the factors that our board and our legislative committee discussed in making the decision that we wanted to share our opinion with the Unicameral regarding the Congressional district that Platte County is part of. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you so much. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Thank you for your testimony. And, Senator Schumacher, we will need a testifier sheet for him now. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHUMACHER: Well, we have green sheets here and we'll make sure that

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he doesn't leave here without signing one of them. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We appreciate it. That's why we got you doing this for us. So thank you very much in Columbus. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHUMACHER: (Inaudible) [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We will now move to Norfolk. Chris, are you there? [LB700 LB701 LB702 LB703 LB704]

CHRISTIAN OHL: Hello, Senator. I believe we have four that plan to testify this morning. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. [LB700 LB701 LB702 LB703 LB704]

SENATOR BLOOMFIELD: Dave Bloomfield. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Bloomfield, are you first? [LB700 LB701 LB702 LB703 LB704]

CHRISTIAN OHL: Senator Bloomfield is up first. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Great. [LB700 LB701 LB702 LB703 LB704]

SENATOR BLOOMFIELD: (Exhibit 10) Good morning, colleagues. My name is Dave Bloomfield, D-a-v-e B-l-o-o-m-f-i-e-l-d. I represent District 17 which, as currently configured, is made up of Wayne, Dixon, and Dakota Counties. District 17 is one of the few what I call perfect districts that experienced enough growth to maintain its boundaries without change under your guidelines. You propose to remove Dixon County and include Thurston County in District 17. While I'd be honored to serve the folks in Thurston County, there are reasons to keep Dixon County in this district. I'm going to relate four or five of them to you. Number one, as I said, we are within the guidelines as established. Number two, it would cause less disruption to Districts 16, 40, and 41. It would also leave all of District 17 in the same proposed Congressional district. The main connecting highway from Wayne to South Sioux City, the two largest cities in the district as currently configured or as proposed, runs through Dixon County, tying them together. South Sioux City, which is one of our rapidly growing communities, seems to be expanding more to the west toward Dixon County. Those are the reasons I think to keep 17 as it stands. I know there's a desire to make Washington County whole, which does not happen under my proposal, but it is, instead of being divided into three sections, it is only divided once. I know you guys down there will do what you need to do to be as fair as possible, but I would ask that you consider the map that I presented to you, along with the numbers on the back that show that we are within the guidelines

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and give this some consideration. Do what you think you have to do. I'm certainly not going to cry about serving people in Thurston County. They are good folks over there too, but I do believe there are reasons to keep Dixon County where it's at. That's about all I got to say. I'll try to answer any questions you might have. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. Thank you, Senator Bloomfield. Are there any questions for the senator? Seeing none, thank you very much for your testimony and your proposal and we'll look forward to talking to you in person back on Tuesday. [LB700 LB701 LB702 LB703 LB704]

SENATOR BLOOMFIELD: Okay. Thank you, all, and I'm pleased you're down there dealing with this and I'm up here where I can go home. (Laughter) [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Further testimony from Norfolk? Good morning. [LB700 LB701 LB702 LB703 LB704]

COLLEEN PADEN: (Exhibit 11) Good morning. Good morning, Senator Langemeier and members of the committee. My name is Colleen Paden, spelled C-o-l-l-e-e-n P-a-d-e-n. I live at 511 20th Street in Stanton. I am the mayor of the city of Stanton. Stanton is located 12 miles from Norfolk. I would like to, first of all, thank you for your hard work on this very difficult issue. I am speaking on behalf of the city council as well as myself when I say that the city of Stanton has been served very well in our current District 16. Our first choice would be to maintain our position in District 16. This would keep us in a smaller, rural district in line with other cities our size. Placing us in a district with larger cities could put us at a disadvantage. However, if changes must be made, our preference would be that we be moved to District 19 instead of District 22 for the following reasons. Norfolk, Nebraska is the trade and commerce hub for our area. Every day of the week there are hundreds of Stanton commuters driving back and forth to work in Norfolk. Many would call our city a bedroom community of Norfolk. Because of its location, the majority of our citizens travel to Norfolk for recreation and shopping. Our city belongs to organizations such as the Northeast Economic Development and Elkhorn Valley Economic Development Districts, both located in Norfolk. Over the years, Stanton residents and businesses have donated large amounts of money to Norfolk projects, such as the recently completed College of Nursing, the distance learning center, Norfolk YMCA, and several other valuable additions to our area. Clearly, Stanton has a lot invested in Norfolk. Four years ago, our city adopted the city of Norfolk's building codes through an interlocal agreement. Norfolk is also the dispatcher for all of our 911 services, we have fire mutual aid and temporary jail services. I have worked hard as mayor to extend our city's interest to Norfolk's Mayor Sue Fuchtman by attending regular mayors' meetings. We are always trying to find common goals that would best serve our communities. During a devastating flood that raged through our

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area last June, Mayor Fuchtman and the city of Norfolk employees extended help to our city as we restored our broken water line that was destroyed by floodwaters. As you can see, our community of interest rests with our friends and neighbors in Norfolk. With all due respect to District 22, we are convinced if we must make district changes we would be better served in District 19. Some possible solutions that we have come up with for you to consider would be to take, take from 19 and add it to 41, such as Tilden, which is already split, could be added to Antelope and Newman Grove added to Boone County. Or we could take the top half of Stanton County to 19. I appreciate the opportunity to testify and I ask that you reconsider a change to your proposal as it relates to Stanton. Thank you very much. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Well, very good. Are there any questions for the mayor? Seeing none, thank you very much for your testimony; great job. [LB700 LB701 LB702 LB703 LB704]

COLLEEN PADEN: Okay. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Good morning. [LB700 LB701 LB702 LB703 LB704]

SUE FUCHTMAN: Good morning, Senator Langemeier, members of the committee. My name is Sue Fuchtman, Fuchtman, F-u-c-h-t-m-a-n, and I'm the mayor of the city of Norfolk. I'm here this morning in support certainly of the testimony that you just heard by certainly a friend and a colleague, Mayor Paden. You've heard her remarks and I think what I, no need for me to repeat, but I would tell you that I think the key responsibilities, as she shared with you, that the city of Norfolk works with the city of Stanton in providing certainly what I believe the protective responsibilities that we have to our citizens is key. And so again, I just ask you to take consideration of what she shared. As well, the employees, certainly Stanton, Nebraska, supplies a number of businesses with several employees and I recognize certainly that they are supportive of our (inaudible) businesses here, helping us with our occupation tax certainly is a big piece of the city of Norfolk in these recent months. So again, I respect the task before you. I appreciate your efforts. However, I too am convinced that Stanton would be served well here within the District 19. So thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. We do have some questions. Senator Conrad. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you, Mayor, for your testimony. And thank you to the previous testifier for hers as well. And just a quick point of clarification. Currently, Stanton is in LD16. The proposal would move Stanton to LD22, and your position is that...both testifiers, that if it cannot remain in LD16 that it would instead move to LB19 to be in the same district of Norfolk. Is that correct? [LB700 LB701 LB702 LB703 LB704]

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SUE FUCHTMAN: That is correct. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Okay. [LB700 LB701 LB702 LB703 LB704]

SUE FUCHTMAN: I believe, as Mayor Paden stated, Norfolk serves the area here. It pretty much is the hub. And I guess as you look at the proposed district, that would be Columbus as the hub. Stanton certainly is much closer here to the city of Norfolk and as well, as Mayor Paden stated, we serve an awful lot of communitywide efforts together within this area. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Yeah, and that was my follow-up point because I don't know if the numbers would dictate or allow for the change as you propose. Of course it's something that we can consider and play with and see if it does work. But right now, in two distinct and separate legislative districts, the communities are already cooperative and have already established interlocal agreements, and so if they were to be in two separate and distinct legislative districts in the future, that really wouldn't affect that good and hard work and cooperation that has occurred. Is that correct? [LB700 LB701 LB702 LB703 LB704]

SUE FUCHTMAN: I'm going to tell you we would not let it, but I do feel the strength in having them served by certainly the same senator here, there is a great advantage to that. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Very good. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Are there any other questions? Seeing none, thank you, Mayor, for your testimony. [LB700 LB701 LB702 LB703 LB704]

SUE FUCHTMAN: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Further testimony from Norfolk? [LB700 LB701 LB702 LB703 LB704]

JOHN EBERLY: Good morning, Senators. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Good morning. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Good morning. [LB700 LB701 LB702 LB703 LB704]

JOHN EBERLY: My name is John Eberly. I'm a lifelong resident of Stanton and... [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: John... [LB700 LB701 LB702 LB703 LB704]

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JOHN EBERLY: John Eberly is spelled as J-o-h-n E-b-e-r-l-y. I'm, like I said, I'm a lifelong resident of Stanton. I'm president of the Stanton State Bank and we also have a branch office in Norfolk. I am just reinforcing Mayor Paden's testimony and Mayor Fuchtman's testimony. We are certainly a bedroom community of Stanton. We wouldn't have branched our bank...or a resident community of Norfolk, bedroom community. We wouldn't have branched our bank into Norfolk if that wasn't where all our people in Stanton are going. Every day Highway 24 is full of people employed in Norfolk, Nebraska. I understand that probably staying in 16, which was (inaudible) communities is not an option, but I think that we would be much better in 19 than 22. I think Norfolk is competing with Columbus for industry and other things and we would sure support Norfolk. Our county is already divided into four school districts and we're really not compact and contiguous to Platte County at all, and we just don't feel like that being part of the city of Columbus is a good option. I guess our county is kind of divided by school districts anyway. You know, if there could be some changes that way, it might be a possible solution. But I know you have a hard, hard deal to decide here and I just wanted to let you know how the majority of the people in Stanton feel. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: John, very good. Are there any questions? Seeing none, thank you very much for your testimony. Further testimony from Norfolk? [LB700 LB701 LB702 LB703 LB704]

CHRISTIAN OHL: That's it for Norfolk. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. Thank you very much. We'll now move out to Scottsbluff. Scottsbluff, are you there? Senator Harms? [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: Yes, Senator Langemeier, can you hear us? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We can hear you. Oh, there we go. Now we can see you too. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: Oh, I thank you. Senator Langemeier, we had approximately 25 people here originally. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: And because of the length of the hearing and their work schedule, they had to...many people had to leave. [LB700 LB701 LB702 LB703 LB704]

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SENATOR LANGEMEIER: Okay. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: I think we have now maybe five people or six who would like to testify. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Did you get a list of those individuals so we can put them in the record? [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: Yes, I do have all that taken care of for you. I'll bring them back when I come back on Monday. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. That sounds great. So let's...we'll go to your first testifier. [LB700 LB701 LB702 LB703 LB704]

FRANK JOHANNSEN: I am Frank Johannsen. I live in Morrill County. My last name is spelled J-o-h-a-n-n-s-e-n. My address is 13054 Rd. 83, Bayard, B-a-y-a-r-d, Nebraska. I have lived many years in the Panhandle already. I have had the opportunity to be on the executive committee of several agricultural organizations. I was also city exec inspector for the Farm Service Agency, and through those areas of representation I have become aware of trying to keep areas together that represent the population. I don't think a legislative number is the important thing. I think it's the interests of the people in an area that we should be looking at. I am opposed to LB703. I don't think it truly represents what kind of legislative representation that people have here. I am in support of Senator Harms's legislative 2-48006. I think that does a better job of giving representation to the population of the Panhandle. I would liked to have kept Cheyenne County in the Panhandle area but then, due to the requirements of population, that evidently is not possible. I do think that keeping Dawes County, the city of Chadron, Chadron State College is important that it be maintained in the Panhandle area of representation, particularly in an area that goes clear across more than half the top part of the state of Nebraska. I'm afraid that isn't good representation. The counties around us are...have more in common under legislative 2-48006, I feel, than doing what they have proposed in LB703. And as I repeat again, I think that we need to give better representation to the Panhandle area through Senator Harms's proposal. With that, I'm ready for questions. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. Very good, well done. Are there any questions? Seeing none, very good job. Thank you very much for your testimony. We'll move to the next testifier. [LB700 LB701 LB702 LB703 LB704]

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GARY PERSON: (Exhibit 12) Senators, my name is Gary Person, spelled like person, P-e-r-s-o-n. I'm the Sidney city manager and the development director for the Sidney, Cheyenne County area. The city of Sidney is going on record in support of the LB703 redistricting plan presented by the legislative Redistricting Committee. The Sidney City Council affirmed this position at its meeting on Tuesday, May 10. It is disappointing to all of us in western Nebraska that our voice and influence through the balance of the legislative districts seems to diminish with every census. The issues are unique with our location and our challenges to grow our economy as evidenced in several decades of regional population decline. We are very much at a competitive disadvantage because of these factors. It takes strong elected leadership from our limited state representation to continue to be heard and influence any kind of legislation. The loss of that representation does not pass the smell test with any of us. In Sidney we empathize with the concerns of the other districts in western Nebraska, but we do believe the proposed plan that came out of committee gives us the best opportunity to network with counties we are familiar with and a way of life we understand. It also does give the Panhandle the opportunity to have influence on the selection of representatives in three different realigned districts, just as we do today. As someone who has spent my adult lifetime trying to work towards the betterment of western Nebraska, let me say if we're ever going to turn the economic challenges of western Nebraska into better opportunities to sustain and embrace growth, there must be philosophical policy changes to the approach by the state of Nebraska to help enhance that, but those are arguments for a different day. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Thank you very much. Are there any questions? Seeing none, thank you very much. Well done. [LB700 LB701 LB702 LB703 LB704]

RICHARD SCHOMMER: (Exhibit 13) Good morning. My name is Richard Schommer, R-i-c-h-a-r-d S-c-h-o-m-m-e-r, and I'm a lifelong resident of Alliance. Chairman Langemeier and members of the committee, I am here today to speak against LB703, the proposed plan for redistricting the Legislature. Rural Nebraska faces some major changes when it comes to developing...major challenges when it comes to developing viable and coherent plans for economic development in an environment where population decline and brain drain are realities. The one asset that we do possess in much larger quantities than most of our counterparts in urban areas is our strong sense of community. Those communities aren't limited by the boundaries of our villages and towns. In sparsely populated areas it's easy to think of all of the residents of our county and even those in neighboring counties as our close neighbors. That sense of unity is a fragile asset that we can't afford to lose in the face of declining population and having our young people leave the area to seek their fortunes. For that reason, I would ask that any final plan for redrawing legislative districts avoid splitting Box Butte County. The proposed plan for redistricting does much more than split Box Butte County. It also splits the city of Alliance. The proposal would result in Alliance's largest employer, the Burlington Railroad, being placed in LD47 while most of their workers would reside in

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LD43. A potentially bigger problem could result from the fact that the proposal would effectively place most of the city of Alliance's infrastructure in LD47, while most of its residents would live in LD43. The municipal golf course, the municipal airport, the sewer fields, the landfill, most of our wells for drinking water and our electrical substations would all be in LD47, while most of the people would be in LD43. While those divisions have the potential to create problems for our community, there is another reality that will cause severe problems for the city of Alliance. The proposed dividing line would run through Alliance along Highway 2. For those of us who live in Alliance, that's Third Street. For the last 100 years, Third Street has been the imaginary dividing line that separates the haves from the have-nots. For most of the past century in Alliance, the area south of Third Street was reserved for blacks, Hispanics, Native Americans and poor whites. All of the bars and pool halls were south of Third Street. The porters on the passenger trains lived and stayed south of Third Street. Hispanic farm workers lived and stayed south of Third Street. Native Americans who left the reservation for a better life lived and stayed south of Third Street. In the 1920s and '30s, my widowed great grandmother cleaned houses north of Third Street and raised nine children south of Third Street. For much of the past 40 years, the community has tried to erase that arbitrary line that divides our community. There have been outreach task forces that included law enforcement, elected officials and other local leaders trying to unify our community. It's a constant struggle in Alliance to try and eliminate that imaginary dividing line that separates one group of citizens from another. The present proposal has already caused problems for our community. With the stroke of a pen, a single proposal has again divided a community. The Legislature has the power to undo 40 years of progress in Alliance if they sanction a division that will serve to disenfranchise the already disenfranchised. It would truly be a shame if a few politicians in the Legislature exercise their power to enact a plan that will be so destructive to the people of Alliance and Box Butte County. Residents of the Panhandle already consider themselves a single community separated by distance from the rest of Nebraska. The redistricting plan that consolidates the Panhandle in the way that Senator Harms is proposing would serve the residents much better for several reasons. Our media markets and trade area are separate and distinct. We don't have access to the Omaha World-Herald anymore so our printed information is limited to the Scottsbluff and Alliance papers. Both of them are widely distributed throughout the Panhandle. We don't have access to any of the regular broadcast media that covers central and eastern Nebraska. Our only source of local information on television is from KDUH based in Scottsbluff. Their signal covers the entire Panhandle. We have several radio stations that cover the area. A unified communications network is a vital asset for us as constituents and for our representatives in the Legislature. The Panhandle is a separate trade area from the rest of Nebraska. Our major trade center is Scottsbluff. We all try to support our local businesses, but limited shopping venues in rural areas require that we travel for some purchases. Most of the residents of Sheridan County trade in either Alliance or Chadron when they need to travel to do business. Those in Sioux County trade in either Chadron or Scottsbluff. In the southern counties of the Panhandle most

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outside trade goes to Scottsbluff. In the northern Panhandle any trade that leaves the area generally goes to Rapid City and in the southern Panhandle it goes to Cheyenne or Denver. Consideration for legislative district boundaries is supposed to be part of the process. I believe that likely future adjustments should also be given consideration. It's very likely that population shifts will require similar adjustments to legislative districts in ten years. The map proposed by Senator Harms is likely to result in boundaries that can more easily be adjusted to reflect population changes in the future. Term limits have eliminated much of the institutional memory in the Legislature. That obligates those that are serving today to exercise even greater judgment in anticipating problems for future members of the body. Please reconsider the proposed map for legislative districts. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Richard, well done. Are there any questions? Senator Schilz. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Thank you. Richard, thank you for coming in today; appreciate you taking the time. And thank you for your testimony. I guess, one question that I would have just to get it straight in my mind, and I understand what you're saying about your legislative district possibly splitting your town. What sort of...you say you've had some fallout already as to what that's done. I would like to hear a little more on that. And then I would like to know... [LB700 LB701 LB702 LB703 LB704]

RICHARD SCHOMMER: Senator, anybody that lives in Alliance recognizes Third Street as a dividing line. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Well, I'm sorry, that's... [LB700 LB701 LB702 LB703 LB704]

RICHARD SCHOMMER: Saturday morning when the map appeared in the paper, most of the people that picked it up lived in south Alliance didn't think they're dividing Alliance. They took the attitude that one more time they're throwing us out. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Throwing you out as to what? Out of the town? [LB700 LB701 LB702 LB703 LB704]

RICHARD SCHOMMER: No. Senator, when you take all of the disenfranchised and separate them as a voting bloc from the rest of the community, whether it's intentional or deliberate or anything else, it's very damaging to a community when they think they've been alienated. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Well, I can assure you that there was no one on this committee that intentionally tried to alienate anyone. But my... [LB700 LB701 LB702 LB703 LB704]

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RICHARD SCHOMMER: Well, Senator, I'd like to say it's obvious to those of us who live in Alliance that it's obvious that nobody on the committee was familiar with our community and nobody consulted the people in our community. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Okay. Thank you, sir. I know that that may be your feeling. You do have that right to feel that way. [LB700 LB701 LB702 LB703 LB704]

RICHARD SCHOMMER: That's not just my feeling, Senator. I've talked to all the leaders in the community, I've talked to a lot of people in the community. And nobody knows of anyone that ever consulted anyone in Alliance about splitting our city, at least nobody will admit to it. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Thank you, sir, very much. I appreciate that. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Nelson. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: Thank you, sir, I appreciate your testimony. I am from eastern Nebraska and so I have to confess I'm not familiar with the city of Alliance. It was my impression that the division line split the city, I mean, it went north and south. Is that not correct? Does it go east and west? Is... [LB700 LB701 LB702 LB703 LB704]

RICHARD SCHOMMER: No, sir, no, sir. The dividing line that runs north and south is for the most part on the west edge of the town. It's Highway 2 that runs east and west, that runs east and west, that has created the problem. It takes...basically it splits the business district, Box Butte runs north and south in the center part of town, and Third Street crosses it. And Third Street basically splits the business district in half. So the way they've split it, they have effectively taken the historically low income area on the south side of town and pushed them out. I honestly think you're setting yourselves up for a major legal challenge if you're going to disenfranchise all of the disenfranchised. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: I guess my question is, what are they being pushed out of? What is that, south of Third Street, what are they being pushed out of? [LB700 LB701 LB702 LB703 LB704]

RICHARD SCHOMMER: They're being separated from the rest of the community. And they will no longer have any influence on the major representative in the Legislature for our area. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: How are they being disenfranchised? [LB700 LB701 LB702 LB703 LB704]

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RICHARD SCHOMMER: Well,... [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: I mean, they're going to be able to vote. They may be voting for another legislator, you know, because they're in a different district. [LB700 LB701 LB702 LB703 LB704]

RICHARD SCHOMMER: Well, Senator, it's been my experience that the low income, they don't get paid attention to very much by anybody. But when they're separated from the rest of the community it's a lot easier to ignore them. If the individual who runs for the Legislature that represents the majority of the situation has to pay some attention to the people in south Alliance to maintain a voter base, I think it has a much more positive effect on how that representative will represent those people. If you take the people from south Alliance and put them in a district that's represented totally separate from the rest of the city of Alliance, they're going to be ignored. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: I hear your argument. I disagree with that. I think most of us have a diversity in all of our districts and it's incumbent on us to represent all of those people, whether they're in perhaps a lower economic or income strata than other parts of the district. But we have to represent them all. One of the reasons that it becomes necessary perhaps under our plan to divide Alliance is because of its population and because of the sparsity of population out in the rural areas. So I can understand. I'm sure, you know, it's difficult to think in terms of the city being separated. But it would seem to me that whoever represents either part of Alliance is going to pay attention to their needs and do a good job for them as part of their district. And I thank you for your testimony. [LB700 LB701 LB702 LB703 LB704]

RICHARD SCHOMMER: Well, I respectfully disagree with you, Senator. I think there's a reason that they stipulate that counties of a certain size should be in a consolidated district because they get better representation as a unit. And I think it's even a higher priority not to split a single community because we'll get half the representation from two representatives that we get from one representative as a single community. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Avery has a question. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: Thank you, Mr. Chair. One of the criteria that we are bound to follow in this committee is to retain, to the extent possible, communities of interest. I take it you are arguing that Alliance is an identifiable, distinct community of interest? [LB700 LB701 LB702 LB703 LB704]

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RICHARD SCHOMMER: Absolutely, Senator. [LB700 LB701 LB702 LB703 LB704]

SENATOR AVERY: All right, thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Conrad. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Good morning, thank you for your testimony. I'm sorry, I had to step out just briefly and I don't know if a previous testifier got to the issue. But I wanted to talk about just logistics in terms of what this proposed plan would do for your area, because I know some folks from the Alliance community who have contacted my office made this point in e-mails, which I thought was important and should be included on the record about, say for example, organizing townhall meetings with their state representative and how difficult that might be to schedule in two senators instead of one and just confusion amongst voters about who to contact if they needed help navigating various aspects of state government. And if you want to comment on any of those potential kind of practical or logistical issues that you see with the pending proposal, I think that would be helpful. [LB700 LB701 LB702 LB703 LB704]

RICHARD SCHOMMER: Well, part of that I covered in my testimony. With our media markets, just to advertise a meeting, it's a nightmare trying to get everybody informed if we're going to have to be split out from Harrison all the way to Ogallala. It's a different media market in Ogallala than it is for the rest of the Panhandle. But in the city of Alliance I can see where there would be some problems. I mean, it's going to be totally confusing to a lot of average people; they won't know who their representative is. And if you schedule a meeting, people show up thinking that it's their representative, and chances are 50 percent of the time it's going to be the other guy. Not that they won't necessarily represent them, they'll just not represent them very well. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Okay. Thank you, sir. This may be a question better suited for Senator Harms as he wraps up or as he brings the sheets back to Lincoln. But it sounds like there was a very strong turnout at your location this morning. And I was just wondering, it might be helpful for the committee to know is anybody in support of this plan out there? [LB700 LB701 LB702 LB703 LB704]

_____: Yeah. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Okay. [LB700 LB701 LB702 LB703 LB704]

RICHARD SCHOMMER: I think that's one out of a roomful. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Okay, thank you. [LB700 LB701 LB702 LB703 LB704]

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SENATOR LANGEMEIER: Seeing no other questions, thank you very much for your testimony. Next. Is there another testifier there? [LB700 LB701 LB702 LB703 LB704]

REGINA RHODES: Yes, we're just being orderly. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: One in favor, and we're being orderly. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Be nice. [LB700 LB701 LB702 LB703 LB704]

REGINA RHODES: Everybody is being very polite here. Good morning, Senators. I am representing the Morrill County Farm Bureau. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: I need to stop you. I need your name first. [LB700 LB701 LB702 LB703 LB704]

REGINA RHODES: Oh, I'm sorry. My name, I'm sorry, Regina Rhodes, last name is spelled R-h-o-d-e-s, first name Regina, R-e-g-i-n-a. I live at 10752 Road 94A. I'm from Morrill County. The Morrill County Farm Bureau is very concerned about losing the advantage we have along the farming community of the North Platte River. That whole basin is currently working together to solve a lot of water problems. We have a lot of feedlots, a lot of irrigation going on in the community that we have now, in the district we have now. And it's much, much closer to the LB703 than it is to the amendment. And we would appreciate keeping our representation as it is. Of course, we are cattle and crop oriented and that's what I'm speaking to now, the Morrill County Farm Bureau, as a spokesman for that group. We have to go with LB703 for that reason. I do have to say that that little blob up there with that Alliance-Hemingford thing, it is a very big concern. I do want to say that if these people advertise that correctly and said look, we have two representatives, we can gain from this. But I also understand the previous person speaking about the community feeling as a whole community. But they could work matters out. And LB703, as far as the Farm Bureau is concerned, does give us two water issue representatives. And it is so important now, and it's going to be so important the next ten years. We very much wish to keep the LB703. Thank you. Any questions? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions? Seeing none, thank you very much for your testimony, appreciate it. [LB700 LB701 LB702 LB703 LB704]

REGINA RHODES: Welcome. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Next testifier. [LB700 LB701 LB702 LB703 LB704]

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TOM PERKINS: Good morning. I am Tom Perkins, P-e-r-k-i-n-s, Scottsbluff, Nebraska, 69361, 1010 East 35th Street. I came in at a last moment to listen to the testimony and then maybe offer some more thoughts. I am in support of Senator Harms's and Senator Loudon's proposal in terms of the redistricting. I have a deep concern in regards to separating Chadron State College, as it is proposed, from the rest of the Panhandle. I am on the board of Western Nebraska Community College here in Scottsbluff. And I do represent all of our area as I am the person at-large. We have a close working relationship with Chadron State College. I'm deeply concerned about the possibility that that relationship in some fashion or other might be altered. And I would hope that you would reconsider and that you will support Senator Harms's and Senator Loudon's bill. I do not believe that splitting Chadron State Community College from the area will be beneficial in the long run for the entire Panhandle. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Schilz has a question. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Thank you, sir, for coming in today. You say...did you mention that you serve on the board of Western Nebraska Community College? [LB700 LB701 LB702 LB703 LB704]

TOM PERKINS: That's correct, yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Yes. And under Senator Harms's map, as I believe it, that would encompass Cheyenne County, to move them to the 44th District, if I understand that right. Is that correct? Do you understand that? [LB700 LB701 LB702 LB703 LB704]

TOM PERKINS: It will encompass...I'm sorry. Please repeat your question. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Yeah. I just wanted to ask you if Senator Harms's map encompassed Cheyenne County to go to the representation of the 44th District? [LB700 LB701 LB702 LB703 LB704]

TOM PERKINS: It goes to the 44th District, yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Correct. Do you have a branch of your community college in Sidney? [LB700 LB701 LB702 LB703 LB704]

TOM PERKINS: We sure do. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Yeah. Would that split that then? [LB700 LB701 LB702 LB703 LB704]

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TOM PERKINS: And we would have a problem with that. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Okay. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Are there any other questions for Mr. Perkins? Senator Fischer. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Thank you, Chairman Langemeier. Thank you, Mr. Perkins, for coming in today; appreciate the time you're taking. Can you tell me what the service area is for Chadron State College, how many counties that encompasses? [LB700 LB701 LB702 LB703 LB704]

TOM PERKINS: I'm not entirely clear about that, but it appears to me that Chadron State College right now encompasses some of Wyoming up to South Dakota and Colorado, over to the edge of Phelps, Harlan, Custer, Loup, Rock, and Keya Paha Counties. I think that's the area. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Okay, thank you very much. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Conrad has a question. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you, sir. And I'm not readily familiar with the district boundaries for the various educational institutions that Senator Schilz and Senator Fischer asked you about. But I'm guessing, and please correct me if I'm wrong, the city of Alliance has probably one school district for their K-12 population there. And so I'm guessing that you're going to have a pretty distinct division if you do indeed divide Alliance amongst that school district. Is that right? [LB700 LB701 LB702 LB703 LB704]

TOM PERKINS: I'm terribly concerned about splitting Alliance. I think that it would do the people of Alliance a disservice. It seems to me that we should be very sensitive about the history that the previous speaker gave to us, very valuable history. I recognize that...and I grew up in Omaha, so I have a little bit of a feel for eastern Nebraska. But I am deeply concerned about the fact that we once more split a group of people who have felt disenfranchised in the past. What we are saying to them in an unconscious fashion, we'll split you off, then it won't matter if you're not a part of the community that you grew up in in terms of Congressional representation. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: And that's because there's a variety of other towns and other communities of interest that the representative...you feel, that the representative from

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that proposed area would be focused on (recorder malfunction) part of Alliance. Right?
[LB700 LB701 LB702 LB703 LB704]

TOM PERKINS: Yeah. That's going to be the forgotten part of that district. [LB700
LB701 LB702 LB703 LB704]

SENATOR CONRAD: Okay. Thank you so much. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Lautenbaugh has a question. [LB700 LB701 LB702
LB703 LB704]

SENATOR LAUTENBAUGH: Thank you for testifying, sir. And I don't know if you could
hear the testimony all morning long. But I just want to ask, when you talk about
disenfranchisement, are you using the newer, expansive academic version as opposed
to the actual dictionary version of the definition of that word? [LB700 LB701 LB702
LB703 LB704]

TOM PERKINS: I am using the term that I've often heard from minority people
regardless of whether or not they had an opportunity to vote. [LB700 LB701 LB702
LB703 LB704]

SENATOR LAUTENBAUGH: So you're using the expansive definition, not the dictionary
definition. [LB700 LB701 LB702 LB703 LB704]

TOM PERKINS: That's correct. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. Thank you, sir. [LB700 LB701 LB702 LB703
LB704]

SENATOR LANGEMEIER: Are there any other questions? Seeing none, thank you, Mr.
Perkins. [LB700 LB701 LB702 LB703 LB704]

TOM PERKINS: And thank you so much. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: You bet. Further testimony from Scottsbluff. [LB700 LB701
LB702 LB703 LB704]

ROBERT POST: Good morning. My name is Robert Post, P-o-s-t. I reside in Banner
County, Nebraska, my address is 4073 Highway 71, Gering, Nebraska. Being from
Banner County, we're in either plan, Senator Harms's or Senator Louden's LB703. I
want to support Senator Harms and his plan; it looks a lot more workable. It seems
inconceivable to me that you would split Alliance with the size of the town. I can
understand Omaha and Lincoln you'd have to split them to get the population. But

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Alliance, you could probably split the entire county rather than split that town. Then my other concern is the size of our district and the way it's spread out. Currently, we're not getting much representation in Banner County. So I'm quite sure that Sioux County isn't going to see much representation if they're even further away than we are with the proposed district. So those are my two concerns, the splitting Box Butte County which, like I said, in the Panhandle would just seem inconceivable to me, and the sheer size of the district and the lack of representation that we have now. Do you have any questions? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Are there any questions? Seeing none, thank you very much for your testimony. Well done. [LB700 LB701 LB702 LB703 LB704]

ROBERT POST: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: Senator Langemeier, I think we have completed our people who wanted to testify either in favor or opposed to LB703. I appreciate it. I'll bring everything back to you as quickly as possible. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Harms, do you want to read us that list of individuals that wanted to testify that had to go to work, for the record. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: (Exhibit 31) Yeah, hang on. I'll have to get them; just a second. Senator Langemeier, these are the people who signed the list who were basically all opposed: Margaret Kicken, Lauren Kicken, Wilma A. Post, Robert A. Post, John R. Hoehne, Rich Schommer. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Harms, can you give us their towns behind their names, just for reference. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: Can I give you what? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: What town they're from. Do you have that? [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: Yes, I do. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay, thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: Margaret Kicken is from Scottsbluff; Lauren Kicken is from Scottsbluff; Wilma A. Post is from Gering; Robert A. Post is from Gering; John Hoehne is from Scottsbluff; Rich Schommer is from Alliance; Lyle Long is from Scottsbluff; Audrey Wimmer is from Bayard, Nebraska; Russell Nielsen is from Potter, Nebraska;

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David Boeckner is from Scottsbluff, Nebraska; Mark Masterton is from Scottsbluff, Nebraska; Frank Johannsen is from Bayard, Nebraska; Gary Person from Sidney, Nebraska; Jim Holland from Scottsbluff, Nebraska; Tom Perkins is from Scottsbluff, Nebraska; John Blake is from Scottsbluff; Steve Erdman of Bayard, Nebraska; Carol Perkins from Scottsbluff; Elaine Pile is from Gering; Mackenzie Wardgen is from Scottsbluff; Randy Meininger from Scottsbluff; Kevin Howard from Gering; Kevin Mooney from Gering, and that's basically the list. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: And, Senator, I have also on there to let you know that the information you gave us shows whether they are supporting or opposed, and (inaudible) there's only several people who supported it, LB703. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay, thank you very much. [LB700 LB701 LB702 LB703 LB704]

SENATOR HARMS: You're welcome. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Now we will move to testimony here in Lincoln, for those that would like to testify in Lincoln; come on up. Welcome. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: (Exhibit 14) Well, good morning. My name is Charlene Ligon, C-h-a-r-l-e-n-e L-i-g-o-n. I'm a resident of Sarpy County and of the city of Bellevue. I live at 1801 Old Gaelic Street, 68123. I am a retired United States Air Force master sergeant with over 20 years of service. I am here today to express my opposition to the legislative Redistricting Committee's vote to move Bellevue and Offutt Air Force Base from the 2nd Congressional District to the 1st. I have two reasons to oppose this legislation. Number one, it violates the spirit of LR102; two, it disenfranchises the citizens of Sarpy County. It violates LR102 in two ways. It does not adhere to the requirements that whenever practicable district boundaries shall define districts that are compact and contiguous. It does not adhere to the requirement that boundaries shall define districts that are easily identifiable and understandable to voters and that preserve the core of prior districts. Dr. Michael W. Wagner, associate professor of political science at UNL, who is widely published on redistricting in outlets including "Political Research Quarterly" and "State Politics and Policy Quarterly," in a May 11 article in the Lincoln Journal Star addressed my second objection. I can only agree with his assertion that this move is "pure partisan politics, and regardless of your political stripes, the committee's behavior makes many Nebraskans worse off." Quoting Dr. Wagner again, "my research has shown that counties drawn into new districts receive, on average, nine to 18 fewer federal grants in the years after redistricting. Sarpy County

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residents have it the worst because counties that are needlessly split into multiple districts have lower voter turnout, citizens are less likely to know who their representative is and even fewer federal dollars are coming in to pay for needed programs and projects that neighboring counties continue to get." As a retired military veteran who faithfully and honorably served my country for over 20 years, it is Dr. Wagner's second point that makes this redistricting plan hard to swallow for me. I am loathe to think that the reward for years of honorable service is political disenfranchisement for thousands of military men and women like myself living in Sarpy County. Politicians publicly wear American flag lapel pins, put bumper stickers on their cars and enthusiastically shake the hands of service men and women with a hardy "thank you for your service." Then they return to their committees, such as this one, and vote to deny those same service men and women their rights. If you really want to thank me, I ask that you honor your commitment to serve the people of Nebraska with the same honor and integrity that me and thousands of other military members who live in Sarpy County did in the service of our country. Thank you for listening. Any questions? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Senator Conrad has a question. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you so much. And I'm sorry, I didn't catch at the beginning. Could you please tell me what your appropriate title is. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Oh, you mean what my military title was? It was master sergeant. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Is that what you prefer to be addressed by? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Oh, no, Charlene. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Charlene, that's a lot easier. Okay, thank you. I wanted to make sure that I utilized the appropriate and respectful title in regards to your distinguished service. Number one, Charlene, thank you for being here and thank you for your passionate testimony. And I'm glad you were able to bring forward not only some of your personal ideas related to the issue, but also some of the issues brought up in the Journal Star editorial. I think that ran yesterday, because I read that with great interest as well, and think it provides a lot of food for thought for this committee. And one thing that I wanted to ask you that relates to both of those issues, your personal concerns and also what the professor wrote in his article is, I'm sure you're aware, Nebraska has such a proud history in terms of being a nonpartisan Legislature. And I believe that's such a wonderful and unique system that's served our citizenry so very, very well. And do you

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believe that this proposal really flies in the face of that proud history and allows raw politics to be put in over our nonpartisan nature and history? And if you just want to comment on that. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yes, I think so. You know, we...the temperature has really risen in our country, I think, since '08 and that's unfortunate. You know, a lot of us thought it was actually going to get better but it has not. And the partisanship, you know, from what I've read, I've been in Nebraska now for almost 19 years. We arrived in '92 and retired in '95 and actually find it a great place to live. We love Bellevue, that's why we stayed there. I'm originally from the east coast. And from what I've read, you know, I would...I had heard when I first got here the Unicameral was wonderful, collegial, they worked together. But I'm not hearing that now. I'm hearing that the, especially when it came down to redistricting, that the opposing plans not only, you know, Senator Avery talked about his plan but Senator Mello had a plan also. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Right. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: If you will read the Omaha World-Herald this morning, you would think that we were considering both plans today. You guys had said, well, you know, we're going to consider Senator Mello's plan and we're going to consider the plan that Senator Lautenbaugh had proposed. But, no, that isn't true because that didn't come out of committee. But anyway, I do think that it's unfortunately very partisan. You know, the Unicameral has become, and I guess Dr. Wagner thinks it's because of the term limits so. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Um-hum. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: And I'm not an expert but that makes sense to me also, his logic that he gave in his article. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you. And then just finally, you know, I think obviously somebody like Dr. Wagner has a lot of expertise on the issue, far more so than lay people like you and I. But I want to talk about just that very perspective. It's just kind of a common-sense perspective. We all know that the population has grown in eastern Nebraska, and particularly in the Douglas and Sarpy County area and the census numbers back that up. So it seemed to me that, regardless of the partisan underlying issues or outcomes or results, that you're going to have to shrink the district rather than expand it geographically in order to meet the population guidelines. And the proposal that we have before us does the exact opposite. It takes into account more geographic area rather than shrinking and making the existing district more contiguous. I mean, just from a common-sense perspective, does that seem odd to you? [LB700 LB701 LB702 LB703 LB704]

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CHARLENE LIGON: Yes, it does because I would have thought they would have went about it in a different manner. I think that the method that...I would think that it would have been more compromise in trying to get...maybe if you didn't like, instead of just jumping from the west all the way over to eastern and taking in Offutt, and especially separating Offutt and Bellevue from the Omaha area,... [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Um-hum. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: ...that it would have been more of a compromise trying to work with a plan that kept the western portion of Sarpy County where it was and then trying to incorporate some of the other areas that you would kind of slice off to the west of that... [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Um-hum. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: ...or, you know, to make that workable that way. That's what I would have thought would have been more logical. I wouldn't have thought, you know, I was just shocked that it actually came out of committee that way, with no...seeing no compromise, no working together. It's just, you know, it's almost as if it was said it's our way or the highway. And that's my... [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: No, thank you. I think that that's probably how many of us on the committee feel as well. But just on a final note, because I'm sure my good friend Senator Lautenbaugh is going to ask the question in terms of dictionary definitions for disenfranchisement. When you talk about disenfranchisement, do you generally mean you feel excluded from your community, you feel you are a part of Offutt, you're a part of the Omaha community? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Exactly. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: And you feel that you're excluded from your existing community. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yes, that's correct. But you know, we talk about disenfranchisement, and Nebraska may be you might be a Nebraskan, you might not relate to it in maybe even the way I relate to it. I'm 62 years old and so I grew up in the sixties. And I know about poll tax and those kind of things that disenfranchise minority and poor people. It doesn't necessarily have to mean minorities, just plain poor people, people without means. So I know about that. And a lot of things that come back now, and I really don't think the younger generation thinks about it. But those things smack me in the face quite a bit. And it's because people are insensitive. It's just like I listened to, from Scottsbluff, I was very interested in that because I hadn't thought about Alliance

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I'm talking about, and the splitting down the middle of that community. And it was one side was once known as the side where the minorities and the poor people lived. And that has impact. You guys might not realize it. It has impact, it has impact on people's psyche. And I think when you haven't experienced that maybe you might not think about it. And you become so...you become insensitive and you say, well, I just don't understand why they don't understand. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Um-hum. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Well, I think they do. But until America moves along a little further, you have to still consider those things because people still have it in the back of their mind. You know, we tried to remove that. You know, I can say I'm wonderful, I know, I grew up in the south and so I know what it's like. And so I moved on and I came to Nebraska and I found a great place to live, find Bellevue a wonderful place to live. And that...Bellevue is a wonderful place because we all have that common core of being military people. So in this way you're separating because the majority of the military people still live in the Bellevue area. But they have branched off into Omaha. Omaha is our home. And when you start to take that away it just...I don't think that's a great thing to do. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: No, I don't mean to cut you short, if you have more to add on that point. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: No, no, I'm sorry. I could go on, so you need to. (Laugh) [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: No. We appreciate your passion and your testimony and your time being here this morning. And I think you were present in the audience when a previous testifier, Dr. Alvarado from Omaha, talked about something that I hadn't thought about before, but of course, we can all recognize and be very proud of the great diversity in our armed services and how some of those issues come into play with this proposal. And I was just very hopeful that this committee will take great pains to give careful reconsideration to some of the competing proposals. And that's my final question to you. Is your request that the committee reconsider its decision and maybe adopt a plan that is closer to Senator Mello's plan? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yes, I would. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Okay, thank you so much. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Lautenbaugh has a question. [LB700 LB701 LB702

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LB703 LB704]

SENATOR LAUTENBAUGH: Yes, thank you. And thank you for coming today, ma'am, and thank you for mentioning and discussing your military service. We salute you, I do at least, I'm sure we all do, for your service to our country. I think what we're struggling with here is that words actually do have meanings. And I think you'll agree with me that by any reasonable understanding of the word "disenfranchisement" no one is being disenfranchised like a poll tax would. Would you agree with that? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Well, not totally. You know why? Because if it discourages people from voting then it's disenfranchisement. There's no doubt about it. That's what a poll tax did and that's what this will do, in my opinion, is discourage people from voting because, okay, you have a whole group of people again don't know who their representatives are. And unfortunately, people do not pay attention. And I find, you know, I'll go back to one thing that I remember people being so proud of was when we liberated Iraq and they were proud when the Iraqis were showing their thumb print because they had voted. You know, Americans are atrocious at voting anyway, you know, they don't exercise their rights. But it seems in the last few years that we've started to discourage our voters. We aren't saying, come out and vote. There's a group of people that would just rather have those people stay at home. And I feel that this, along with all the rest of them, disenfranchisement, personally, means to me to discourage voters. And I think this does that. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: So by your personal definition it means that? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: And you think this map will create confusion amongst voters? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: And just telling people that if they live in Bellevue or around Offutt they're in one Congressional district, if you live in the rest of Sarpy County you're in another Congressional district, would that help to clear it up? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Well, it's...Senator, it's been...western Nebraska has been in the 1st for at least ten years. And Bellevue, Offutt area has always been in the 2nd Congressional District. Personally, I see no reason why that should change. Yes, I agree, the voters will be confused, I'm sure they will. And as I say, we glorified liberating

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Iraq and getting people out to vote and we at home here are discouraging our voters. Now tell me, you know, democracy that's the reason I served, that's the reason my family served. You know, I go back with a long history of military people, back to the Civil War, as I can remember. And we served because we love our country. We love our country and we are willing to put our lives on the line and we love democracy. And democracy says that everyone should vote, we shouldn't discourage those voters and we should try to get them to the polls. Now it would...this redistricting, as far as I'm concerned, and I hope, you know, I'm trying...I'm not being selfish about this, there are lots of people that feel the same way I do. Research, some research can say the same thing. It's disenfranchising the voters because they are going to be confused. And as we know, we should be encouraging people to vote, not discouraging them. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay, thank you, ma'am. And so you did quote the portion of the article down here that says that there's obviously a partisan purpose to this map; is that your opinion? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. Then we can go into that issue. Do you have a position currently with the Sarpy County Democratic Party? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yes, I'm a volunteer as executive director of Sarpy County Democrats. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Does Peg O'Dea Lippert have a position with the Sarpy County Democratic Party? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: No. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Is she involved in the party? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Is Mr. Lippert, George Lippert, involved in the party? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Is Mary Kelly involved in the party? [LB700 LB701 LB702 LB703 LB704]

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CHARLENE LIGON: Sometimes. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Kieran McCarney, is he the executive director of the Douglas County Democratic Party? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yes, he is. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: And Professor Jonathan Benjamin-Alvarado, is he on the executive committee for the Douglas County Democratic Party, if you know? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: But I'm assuming you and everyone else, all of these other people, are here in a nonpartisan capacity just to express your concerns regarding this map? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yes. And let me say something. Yes, I am a Democrat and proud of it, always have been. My Mom was too and we have a proud, you know, my Mom took a suit to the U.S. Supreme Court to knock down poll tax. I know a lot about disenfranchisement. And because I am a Democrat does not matter... [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Well, ma'am, I just, with all due respect,... [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: ...because I am a Democrat does not mean that I have...should have a different take on what democracy means. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Ma'am, I guess, with all due respect, if you're going to come here and accuse us of partisan motives, you've discussed your military service, you've discussed where you live, that's fine. The fact that you are the volunteer executive director of one of the parties might be germane to this as well. Wouldn't you agree? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Well, I would guess so. But I haven't...well, what...I don't know. You know, I tried to keep politics out of here. I got...that comment was not my comment, it came out of the newspaper from an authority at the University of Nebraska in Lincoln. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. [LB700 LB701 LB702 LB703 LB704]

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CHARLENE LIGON: Right? I did quote and said who that particular statement came from, correct? [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: And you did agree with that statement as well, I believe. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yeah, yeah, I do because we know we were down here for...I came up and testified for...against LB21 also. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: I'm on record for doing that. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Ma'am, I just want to be clear, as someone who's in this process, motives are constantly questioned from a partisan basis, that it is interesting to me that with the exception of one testifier regarding the 2nd Congressional District maps everyone has been affiliated with one party, not just by registration but active about it. And it would be refreshing if that were reported as well instead of constantly... [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Well, you know what, I don't have any problem saying that; if I thought it had any kind of impact, yes, I would. But you know, I actively, when I saw this, there was a lot of people that did not take this the same way I did. I will tell you I actively went out and e-mailed people, personally, not from a party standpoint. A lot of people...I tried to get my Republican neighbor to come also because I felt he lived in Bellevue and was military and it affected him also. The problem was I couldn't get any of those people to participate. I got the people I knew to participate, okay? It wasn't said that I excluded any party. I think that this for Bellevue, for Offutt Air Force Base is a mistake. I appeared at the Bellevue City Council Monday night because I felt the same way. And I asked the mayor, Mayor Sanders, for her help. And I called each member of the city council and asked for their help. Now I got help from the people that were willing to help. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: And, ma'am, that's fine. But I took some of your comments previously as decrying the level of partisanship in this country. Now... [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yeah. I think it's really sad that we are so partisan. But I don't...you know, I think we belong to parties and that's fine. We need opposition because opposition makes each party supposedly perform as it should. I don't think it's really working out. But I...but you know there's nothing wrong with that. We don't need to hate each other. We don't need to dislike each other. It's just like you guys here in the Unicameral, you know, from what I heard are collegial, that's as it should be. But it

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should be that way in my community. I should be able to relax in my community and know that my neighbor is a Republican or he knows that I'm a Democrat. I can put my yard sign in my yard, he can do his. And we are still going to say hello the next day. But you know what, I found that it's not necessarily like that, unfortunately. But that's the way I feel. So when you bring up about me being a Democrat, yes, I'm a Democrat, I'm proud, proud history, no doubt about it. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: And, ma'am, that's utterly fine. And I don't want you to miss my point. You have every right to be here. You have every right to testify. You have every right to be registered however you want. But we've seen a parade of people that with the exception of one gentleman, apparently, are all active in one party, not just registered, but members of the executive committee or in your case the executive director, and in Mr. Kieran McCarney's case the executive director. I'm just pointing out that if we're going to come here and decry partisanship, it seems to be the leaders of one party that are coming here and talking how bad all the rest of us partisans are. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Well, you know, I take it as you can say leaders of the party or just my civic duty. Now I don't...I wouldn't say that I have to put my civic duty aside because I am...also a volunteer in an organized party. So I don't put those...you know, I thought of this thing first not partisan, really and truly I did not. I don't think this is great for Bellevue. I think Bellevue has a long history of doing things that's not necessarily within its own best interest. Now I'm a taxpayer just like everyone else. So I want my city to prosper. If I have spent 19 years here and plan on spending the rest of my life here, then I want the best for my community. And I cannot separate the two, I guess. You know, yes, I'm a Democrat, but yes, I'm a citizen of Bellevue, yes, I'm a veteran of the United States Air Force. My husband is a veteran, you know retired from the Air Force also. Yes, we are, you know, that's not a problem. When you bring it up, you know, just like I said, the article said it was partisan, you know, the whole article said so, I thought so. Also we know it's going on all over the country. You know, you can't not know that partisanship has been in play. I mean, you turn on TV and watch the news. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Undeniably, ma'am. That's what...just what I was getting at is if I'm accused of being a partisan, I think it's fair to point out that the executive director of the other party is the one accusing me. I think that's a point worth making to the public. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Well, you know, yeah, you can make it in public, yes. I want people...and you also tell them I'm a volunteer. Not only do I volunteer and do that, you know, I do lots of volunteer work, other kinds of work also. [LB700 LB701 LB702 LB703 LB704]

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SENATOR LAUTENBAUGH: That's absolutely fine. I just want to be clear that there are partisans everywhere. And, you know, when I'm being called a partisan it's nice to know... [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Well, you know, Senator, I would like to know why there wasn't some kind of compromise made or why didn't you try...wasn't a plan worked with the other instead of you saying or we look at all the other remarks that have been said. Why it just had to be your plan instead of you working with some of the other senators on your committee and getting their input and making it our plan? [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Well, I would be happy to talk to you about that. But there's a principle that was ably stated by Senator Harr earlier this year that prohibits me from responding to you directly. I'd be happy to talk to you off the mike. But I don't think that anyone worked, and I was not requested to give my input on the other two plans either so. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: You know, but see, that's the part that's disturbing. You know, you didn't...you weren't asked. Why didn't you ask him or did they ask to work with you? I don't know, but maybe they should have. But you know, that's when everything starts to break down just like you look at what's happening in our Congress today. When everyone is so busy trying to have their way instead of compromising for the citizens of let me say Nebraska or the citizens for the U.S., then, you know, we all get cheated, even you, you know. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: I'll appreciate your call for bipartisanship then. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We're going to have to keep going. We only have 20 minutes here. Senator Conrad. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Nonetheless, I want to apologize on behalf of my colleague Senator Lautenbaugh for the assumptions and accusations contained in his line of questioning. In my five years in the Legislature I've never once seen a sitting senator do independent research during citizen testimony about their partisan or other volunteer affiliations. And I'm wondering what kind of police state we're creating where we have some sort of requirement for other sort of involvement or declaration thereof before citizens are allowed to come before us and testify and share their concerns. And you know,... [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: I'm not going to interrupt Senator Conrad, but I would thank you not to apologize for me for pointing out... [LB700 LB701 LB702 LB703 LB704]

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SENATOR CONRAD: Sir, it's my time. Well, I'll apologize on my own behalf then. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: And that is fine, thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: And I'll apologize on behalf of what I consider to be an inappropriate line of questioning because we, as politicians, regardless of our partisan philosophy and stripe, should all work to ensure that there's less voter apathy and there's less cynicism and there's more chances for involvement. We frequently say, why don't more people come testify at hearings? Why don't more people weigh in on important issues, because I'm wondering if maybe they feel like they're going to be subjected to those kinds of personal accusations. And I think that's really troubling considering there's no question that there is a very clear First Amendment right of any citizen to petition their government. There is very clear First Amendment right on behalf of any citizen to associate with any political party. And I think that there is a clear distinction amongst elected officials who are elected and serve in a nonpartisan manner and private citizens. Thank you for your testimony, ma'am; if you'd like to respond in any way, please feel free to do so. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Well, I guess, it's unfortunate. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Yes, it is. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: I guess, I didn't expect that. But just hope things could get better. And you know, the bottom line is not me, you know, it's not about me, it's about Nebraska we're talking about now, it's about Bellevue and Offutt mainly. And I do feel that it's not going to serve us well, us being separated from Omaha, all the economic base is there. And, you know, it's just a lot of military people have retired, like myself, that has moved on to the 2nd Congressional District in the Omaha area, just live in the south area, just over the border of Omaha, you know, to me Omaha and Bellevue. So those are people I feel are going to...you know, we aren't going to have that same mind anymore. You know, we aren't going to have, you know, they talk about well, we're going to have two representatives from Congress. Well, we may...I know, you know, for the most part that most of our Congress people from all three districts work for the good of Offutt Air Force Base. So I'm not saying that's not going to happen. But I think on a smaller scale that Bellevue, especially the town of Bellevue is really more my concern than Offutt. Offutt, you know, is major and we are all...they're all going to support Offutt. I worry about my town of Bellevue. And we are just starting to really grow. And then now, you know, we're thrust in CD1, which has a totally different makeup. Bellevue is becoming just more urban. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: And I think it's also important to note for the record that the

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previous testifiers' political affiliations or volunteer affiliations that testified from the satellite locations were never disclosed. And I think it's strange that we'd hold the testifiers from Omaha to a different standard. So thank you. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: That's true. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Nelson has a question. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: Thank you very much. Our previous testifiers, for the most part, were concerned with nonpartisan legislative districts. So I don't think that's a factor. I want to thank you for coming today. And I wanted to thank you for your service in the military. I think it's wonderful that you served that period of time, that you achieved master sergeant and that you decided to retire here and stay in the Bellevue area. You've already alluded to the question I was going to ask. Currently, you're represented by Representative Terry. That's right. And it's Representative Fortenberry, I believe, in the 1st District, is that correct? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: Would you agree that they've both been very supportive of the military and Offutt Air Force Base in a lot of measures, especially on the national level and trying to protect Offutt? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Well, you know, I only know of Congressman Terry, I have direct knowledge of Congressman Terry because he, you know, has been the active Congress person and, of course, he's in the Bellevue area often. I don't know what Senator (sic) Fortenberry has done for Offutt. But I would assume, because it's one of the major employers for the state of Nebraska, that he would do what he could to help out. Now that's only an assumption on my part. And I would think that with Congressman Smith it would be the same thing. But I'm sure that Congressman Terry has had the most involvement because he's the one that's representing us. But we have to get back and we'll get back from Offutt back to Bellevue, the city of Bellevue. That's what I'm concerned about. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: Well, I am too. Now perhaps we will... [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: I'm concerned as far as economics go, yeah. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: ...perhaps we will hear from some people from Bellevue. At least

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I've not received any correspondence from anyone, you know, in an administrative position in the city of Bellevue. But maybe we'll hear that a little later. I just would simply like, you know,... [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Well, let me...I will say, I called them and asked them to participate. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: All right, thank you. I just want to point out that it's my impression, having seen the development of Sarpy County, a lot of the military people have moved west. And there's quite a large concentration over in the Papillion area. Would that be correct? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: I don't have the exact statistics on that, but yes. But the majority of them are still in Bellevue, especially, well, you, the age group of me and maybe I would say that's retired in the last...maybe from ten years back to they did. But, yeah, it's... [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: Well, there might... [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: ...still a huge amount in Bellevue. The portion that you...they have chosen to give to the 1st Congressional District, that has the largest concentration of active duty military, we're talking base housing and that, and we also are talking about military retirees. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: Um-hum. Well, you would know better than I. But I do know that there are lot of military that are moved west and they live...and they're going to be, in our present plan, they're going to be part of the 2nd District and vote there. And I just want to point out that we've had to make major movements all over the state of Nebraska, especially in the legislative areas. And there's going to be confusion created and we really can't help that. But I think people that are politically aware are going to know who their Congressman is and whether or not they're supportive and that they will not be disenfranchised, they will be able to vote for that person selectively. And I thank you for your testimony. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Fischer. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Thank you, Chairman Langemeier. Thank you, ma'am, for being here today. And I'd like to also thank you for your service to our country. My understanding is you are speaking as an individual and you're not representing any group. Is that correct? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: That's correct. [LB700 LB701 LB702 LB703 LB704]

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SENATOR FISCHER: In your testimony you did, or in answer to a question you did say that you had contacted the mayor of Bellevue and members of the city council and they did not respond, that you know of, in stating an opinion? Is that correct? [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Well, you know, some of them did give an opinion and some of them... [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: But did they give it to you, personally? I'm trying to be short. I'm sorry if I sound rude. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Yeah. Well, a few of them did. The mayor told me personally that she was concerned. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Okay. I don't know if they're here or not or if we'll hear from them. I can tell you I have not heard from any elected official from the city of Bellevue on this matter. My office has received no correspondence on it. So I just wanted to clarify that. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Well, let me say something. Senator Preister is on the Bellevue City Council. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Okay, but he... [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: And he testified against the plan, right? [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Exactly, but I believe... [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: But he did not throw the weight of Bellevue and I guess he had a reason for doing that. But he is...so...and you knew that. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: No, I did not. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: And I'm sure that Senator Lautenbaugh knew that when he found that I was a member of...I was a Democrat, then I'm sure he knew Senator Preister was a council member of the Bellevue City Council. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: I would assume, though, that he was speaking also as an individual since he didn't... [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: That's right, he did not have authority to speak and he felt that it

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wasn't anything that the Bellevue City Council probably had done as a body, so he would not speak. Same as I am speaking for Charlene Ligon, no other Democrat,... [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Okay. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: ...and Charlene Ligon's friends is whom I'm speaking for. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Okay, thank you very much; appreciate it. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Seeing no other questions, thank you very much. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: You know, do you guys want a copy of my statement? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Yes, if you'll just give it to Barb as you exit, we'll be perfect. [LB700 LB701 LB702 LB703 LB704]

CHARLENE LIGON: Thank you. Have a nice...great day. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Thank you. Well done. Further testimony? Yep, she'll take that from you. Come on up. [LB700 LB701 LB702 LB703 LB704]

ROGER FOSTER: Good morning. I think it's still morning. I'm Roger Foster, F-o-s-t-e-r. I'm from Crete. I also have the pleasure of serving as Crete's mayor. And I'll start with a compliment. (Laugh) I'm also part of LD32 and it does make sense to me to move LD32 into Lancaster County because it's kind of a natural boundary for our school district. And Crete being the largest school district in District 32, that made sense. I guess, where, where my request that is small but not insignificant to my community, Crete is roughly 50 percent of the population of Saline County. And actually probably 80 percent of the population of Saline County is within 35 miles of Lincoln, which is...Lincoln and Lancaster County is the majority of the population for Congressional District 1. In the year 2000, Saline County was moved out of District 1 into District 3. And the city of Crete is a growing community. And with it being as close to Lancaster County, it would make sense to me to have us as part of Congressional District 1. And I was pleased to hear that Platte County would like to stay in Congressional District 3. So we would gladly switch them. I guess, from an economic standpoint as a city, we have residents who commute to Lincoln daily, myself included. And I'll apologize for the work attire because I didn't know I was going to have time to make it up here. And we also have

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residents from Lincoln and Lancaster County that commute to Crete and work at our Nestle's facility and at our Farmland Smithfield Foods facility. Farmland Foods has roughly 2,400 employees, and the city of Crete is just 40 shy of 7,000. So I know from the standpoint that those 2,400 employees do not all reside in Crete. I guess what my concern was is the fact that how intermingled we are with Lincoln and Lancaster County and how close we are to them. And our access to our representation would be so much more beneficial if we were part of Congressional District 3 (sic). Currently our Congressman resides out in Gering. And it's tough to not necessarily communicate with him, but I just think that the eastern part of Nebraska probably understand the issues of Crete and the relevance of the two communities of Crete and Lancaster County. It just makes sense to me that we...they would understand our needs more than Congressional District 3 would. And I guess I'll add also that Saline County is the majority of the population of LD32 currently. And the city of Crete is the largest community within that legislative district. And that's why I said it made sense to add that part of Lancaster. I know it could have gone into Gage. But my primary concern is with the Congressional district and having the access to our representation as a community. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions? Seeing none, thank you very much. [LB700 LB701 LB702 LB703 LB704]

ROGER FOSTER: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Well done. Further testimony. Still good morning. [LB700 LB701 LB702 LB703 LB704]

EARL WAYNE BOLES: (Exhibit 15) Good morning. I'm Earl Wayne Boles, B-o-l-e-s. I go by my middle name, Wayne, and you may call me that. Thank you all for your service. I'm opposed to the Congressional redistricting plan that the majority of the committee voted for. I live in Lincoln, Nebraska and I am a Democrat and I'm personal friends with Mike Johanns. I have supported him when he was a Democrat and I've supported him when he was a Republican. I am not an official of the Democratic Party. I am friends with County Commissioner Deb Shore and I am a strong supporter for Senator Kathy Campbell. Do we have all that out of the way now? (Laughter) Every Nebraskan has loved ones who are Republicans, Democrats and Independents. Some loved ones are Libertarians and Natural Law and Green Party members. Almost every Nebraskan has loved ones who are rural, small town residents and urban dwellers. These three population segments, rural residents, ranchers, farmers, feeding operators, small town residents and businesses, urban dwellers and their employers, however, are very interdependent in many ways. It is therefore counterproductive for any segment to plot against another. Each segment has unique representation needs in order to be strong. The combined strengths of the components enable the state of Nebraska as a whole to be strong. I apologize for preaching to the choir, (laugh) you already know this.

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Each of the 1,800,000 Nebraskans are entitled to representation at all levels of government. Commendably, 1,142,247 Nebraskans are registered to vote. And in a laudable gesture of nonpartisan ethics, it's my impression that the Redistricting Committee, your committee, issued LR102, and I apologize if I'm incorrect in this, resolving to follow the guidelines of the United States Supreme Court. But then there was a gerrymandered Congressional redistricting map that came out. Regrettably, every time there is a partisan ethical lapse defections occur, either to a different political party or to Independent status. Gerrymandering is an embarrassing form of corruption with costly penalties. One of the results of disenchantment with partisanship is the growth of Independent registration in Nebraska from 14 percent in 2000 to 19 percent in 2010. It is documented that 52 percent of Nebraska's registered voters are now not Republican in this alleged conservative state. Another development, actually it's a great development, is that female registered voters now outnumber males in Nebraska. The Republican Party's membership will further erode unless a majority of voting senators resolve to play fair on the issue of representation. What does that light mean? [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: You have a minute. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: You have one minute left. [LB700 LB701 LB702 LB703 LB704]

EARL WAYNE BOLES: Okay. (Laugh) If 30 state senators decide to play fair in this, here are some facts to consider. Thirty-eight percent of the voters in Sarpy County are Democrats, 40 percent in Douglas County, 36 percent in Lancaster County, 31 percent in Cass. Therefore, the Democratic people in Nebraska deserve to have one elector out of three for the presidential elections, and the Republicans can still have two, like we have now, without doing any gerrymandering. If we, if both sides, and I have been criticizing the Democratic people lately about their lapses. But if both sides will stop this stuff, then there will be harmony, I think, and Nebraska will be stronger. If we don't stop it, my prediction is that since the Independent vote has increased by 5 percent in the last ten years, that it will start increasing exponentially. I have wealthy Republican friends who have stopped giving money to the Republican Party. And I'm...I know that this is happening also on the Democratic side. Let's let everybody be represented. Questions? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Senator Lautenbaugh has a question. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Thank you, sir. And I appreciate you disclosing that you come here representing yourself and no others. And I think it's remarkable...I don't think we live in a police state, let's say that for clarity sake. And we can deal with that later. You didn't get to finish your comments. What you've come down to in the end is you

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prefer Senator Avery's proposal? Is that safe to say? [LB700 LB701 LB702 LB703 LB704]

EARL WAYNE BOLES: I looked at his proposal and I saw that it was developed by a research, I'm not an expert on your departments here in the Legislature, but it was developed by a research department of the Legislature. And it looked like there were 608,000 people in each of the three Congressional districts in that plan. And it just seemed like a fairer plan. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: So in a word, yes? [LB700 LB701 LB702 LB703 LB704]

EARL WAYNE BOLES: My suspicion is...right now that's my recommendation, yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay, thank you. [LB700 LB701 LB702 LB703 LB704]

EARL WAYNE BOLES: My suspicion is the committee would work on a compromise. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Thank you, sir. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions? Seeing no other questions, thank you very much, Wayne. [LB700 LB701 LB702 LB703 LB704]

EARL WAYNE BOLES: Yeah, thanks. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Further testimony. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Mine is on LB703. You want that? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: I don't care, any time. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Okay. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Welcome, Senator. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: (Exhibits 16, 17, 18) Yes and thank you. I have some maps to hand out. I presume you already have them, but not knowing I brought some along. And here's some more. Here's some more. And also I have testimony from John Burke. I don't know if you received it or not, but he sent letters in and he wanted that entered into the record from Alliance, from a Box Butte County resident. And with that, I'll get started with my testimony. Well, yeah, it's still good morning, Senator Langemeier and

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members of the Redistricting Committee. My name is LeRoy Loudon and that's spelled L-o-u-d-e-n and I represent District 49. I come before this committee this morning to voice my concern and to protest the redistricting map that is labeled LEG 2-43002-D, which is the one that's presented in LB703. That is a map that has been circulated statewide and that moves Legislative District 49 to Sarpy County. First, I will point out the problems that I see with the map as it applies to western Nebraska. It divides a major population area which is Alliance and not only puts the town in District 43 but divides the town down the middle of a business district and the division line is Third Street, which is shown on that smaller map that's being passed around with businesses on both sides of the street. And I think the one gentleman from Alliance elaborated quite well on what Third Street meant to the city of Alliance. There weren't any bars, as we say, above Third Street and there weren't any liquor stores above Third Street, and the way the police work was done made a difference on Third Street or above. And I must admit though that...and I was born down on Second Street, so (laugh) I've been around that part of the town for quite a while. The line continues along the west side of Alliance and it goes up to the Dawes County line and then goes west to Sioux County. All to the west of this line is in District 47, as your map shows. And I have noticed that other towns have been circumvented and, of course, Omaha and the eastern populated areas such as Grand Island have been divided but not until there were legislative districts carved out of the center of them. The map I propose is the one that Senator Harms and I worked with, with Jack Dohrman, labeled LEG 2-48006, which is the one that's passed around. And I would point out that this map keeps the districts more compact and puts communities in the western rural areas aligned with their trade areas and puts communities together in the same district that are working together for business development, tourism, and transportation. The map 48006 has a district moving to Sarpy County such as the other map, legislative 4302 and the numbers can be changed on the map but the map would still stay the same whether you want to put 44, 47, or 49 in any one of those three areas, but the map should still stay the same. Also, 48006, the one that Senator Harms and I worked on, puts Custer County in District 43, and that's been traditional trade territory in the Sandhills for the Broken Bow area. The two maps have similar deviations. The legislative 43 is 7.3 and I think legislative 48 is 7.2, and both maps split eight counties. What I would point out is that redistricting is about setting up districts to represent the people of Nebraska. They should be drawn to align communities that work together and have similar interests and trade relations. Legislative 2-48006 accomplishes this. Also, the will of the people must be considered. The first consideration for redistricting should be the best way to represent the people that live in the area. Senators come and go, but the people that live and work there live in that area, many of them for generations. So the first consideration is the citizens. If that is prioritized, then much of the other issues can be more easily dealt with. The issue of a senator seat should be a very low priority. I think many of you know senators that have served and left office and then have left the district they represent. I mean, we have them in town already. I mean, I can pop four or five in my mind right now. And at last when I see an issue or problem arise, I always try to figure out what the reasoning

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was behind it, such as legislative map 2-43002-D. I wondered why areas like Box Butte County in the city of Alliance were divided as draw--a major population area and a very large rural area. Was it to split representation? Why was Custer County moved to Dawson County when Custer County is mostly ranching and Dawson County is farming and a higher population density? I would be interested if someone could explain why a line was drawn from Lincoln County or near North Platte to South Dakota. And to quote Senator Tom Hansen, he always says you're only half way to Chadron when you get to North Platte. I believe the map labeled legislative 48006 is a solution to redistricting and I would ask that the committee consider amending it into LB703 as a committee amendment. Also, I would point out the very first map that showed up around here I think was a base map, and that was I think number 23002 or something like that, and as you will notice, the 48 map that Senator Harms has brought forward and myself is patterned off of that. So I know there's been better ideas before the committee than this legislative 43002-D because that was one of the first base maps that came out. So I wonder what the thinking was, is to go and to split those counties up in the areas like that and stretch them out, whereas there was a map brought before the committee in the beginning that put these in a compact manner. So I question what the reasoning was behind it because I don't understand it I guess and I would wonder when we talk about splitting towns such as Alliance, it splits their voting block. I mean, if they were someone...if you're going to split a town, are you splitting it so that there aren't as many people to vote for certain people or how are we doing it? What was the reason behind that? And with that, as I say, I would ask that the committee to consider Senator Harms's map, as we've been calling it, as a committee amendment when you bring it to the floor. Any questions? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Lautenbaugh. Very good. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Thank you, Mr. Chairman. Thank you, Senator Louden. I don't have a...and this isn't your fault, I just can't tell from the map, it looks like on your proposal you still split Nebraska City, is that correct? [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: What we did with that map is we didn't tinker with anything east. That's the same on that map as it is on your map. Now if you got other ideas, I mean, that's up to those people in Nebraska City if they...we had our battles to fight out west, and Nebraska City, I have no problem however that goes there. Our map mostly affects people from about, oh, where Columbus or so. I think the difference is I think Senator...District 34 is different than on the other map where...and that's about in there about the first difference in there. Antelope County I think is split on our map and District 34 goes clear down to the Kansas line. But as far as splitting counties, I think Antelope County was the only one we split and we left everything from you might say York or someplace in there to the east was the same as either map, whatever, shouldn't have

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been any difference. Whatever you've agreed to over there, then that's what's on there. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: So it does split it but that's just their business, I guess is what you're saying. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Well, you guys had it split on your map, the one you brought forward, isn't that correct? [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Yes, yes, we did. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Yeah. So, I mean, yeah. That's up to them. I'm not going to try to dictate what they want to do down there. We're working with mostly up in the Custer County area and western Nebraska and what we're doing for the Panhandle area, and I think the testimony from John Burke mentioned that that 11-county area has always been considered the Panhandle area and they pretty much always...most everything political goes on on that area like that out there. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: What is the biggest city in Box Butte County? [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Alliance. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Are there any other cities even close? [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Well, no, not even close. Hemingford is the next one I suppose. What's Hemingford, 800, 900 or something like that. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: And how many in Alliance if you know? [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: I think it runs around 7,000 or 8,000 in the city of Alliance. I think it's over 7,000. Now it was at 10,000 but they had a loss in population. The whole Box Butte County, I haven't looked lately, but it runs...in my mind it's running somewhere around 12,000 or 13,000 or something like that. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: So if you needed to pick up people for a map in Box Butte County, you'd probably have to go to Alliance to get population, would you agree? [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: What are you saying now? [LB700 LB701 LB702 LB703 LB704]

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SENATOR LAUTENBAUGH: If you had to add population to a district adjoining Box Butte County, you'd probably have to go all the way to Alliance to get population in significant numbers. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Okay. Now you're saying in order to carve this district out, you have to go up there and carve a piece out of Alliance in order to get enough numbers in another district, that's what you're saying? [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: I'm asking. Is there any other way to get a thousand people, say, if you need it for another district short of going to Alliance and Box Butte County? [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Well, other than the map we propose and put the whole county, Sheridan, Dawes, and all of Box Butte County, Morrill, and Banner, and Kimball, all into one district so we didn't have to split any of those towns or any of those counties. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: And I understand, so I guess what I'm getting at is if you're going to have to split a county somewhere based upon other choices you've made and you have to find population in Box Butte County of a significant number, you pretty much have to go to Alliance, do you not? [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Well, if you put it that way, but I say there's a better way of doing it without having to do that because you would go back and put Custer County back into the 43rd; then you don't have to have that problem. You can put Sheridan, Dawes, and that piece of Alliance back into the district on the western end of the state. I don't care whether you call it 47, 49, or 44, but whatever that community is or that area, it can be made whole by rearranging what has been there because we've come up with a map to show that. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Schilz. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Thank you. Senator Louden, thanks for coming in. Looking at...and just going off of some things, you talked about those 11 counties in the Panhandle. And I know, having served there with you and enjoyed serving with you, that we've always looked at those 11 counties as a community of interest, haven't we? [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Well, yeah, for your counties. The counties themselves, their own county organizations usually go in those 11 county areas. [LB700 LB701 LB702 LB703

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LB704]

SENATOR SCHILZ: Right, absolutely. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: And with your...as a state or whoever it is decides the rainfall and everything, and that's usually been the... [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Um-hum. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: ...the division line is right, it comes off the Panhandle from the Colorado. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: And as far back as I can remember, which I mean obviously isn't a whole long time, but the senators within the Panhandle have always tried to work together to make things happen down here at the Legislature, is that correct? We try to. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Most of the time while I've been down here. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Yeah. Absolutely. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Have you been helping us with I guess the Heartland Expressway because that's in your district. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Absolutely. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Okay. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Absolutely. I mean, it goes right through the community of Kimball and up through there. That makes a lot of sense. In fact, I think we got the overpass in this year down there in Kimball or the last couple of years, so that's a good thing. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: And they're finishing up on it. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: The next question that I have is I want to talk a little bit and ask you a little bit. Obviously as we look at representation from the Panhandle and as we look at what would be best for the Panhandle, just you and me having a conversation, understanding that we do have term limits now and the fact that you, Senator Louden, do have one more year after this year to serve, Senator Fischer I believe also has one more year to serve, and I, in the map that you're proposing, would have one more year

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to serve. As I look at that, do we not also need to keep in mind the integrity of the Legislature and the power of the Panhandle representation to say if all three of us are gone, would the Panhandle interests surely be represented or would you be putting yourself behind and, as others have used the statement, disenfranchising the voters of the Panhandle by taking away all the experience that's there now? [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Okay. Then as you look at this...Senator Harms and myself worked long and hard to try to find a way that everybody stayed in their seat down there, and I mean that's... [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: As did I, Senator. If you'll remember, we worked together on that. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Okay. And we finally come to the conclusion that we were going to lose a seat. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Absolutely. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: And so the next question was, is let's try to compact these districts so that they would represent as much as they could and so that the representative of that district would be able to cover it and that sort of thing. Now this is the reason we come up with that map. That's the reason I say now you can put 44 in that part of there or you can put 47 or you can put them up...you can do it in 49. I'd say you've got three...you got the two areas there. Do you want to...and you got two numbers to put in. What two numbers do you want to pick? I, myself, don't care because I'm out of here in another year. But should we set this up now at the present time, the map we have has 44 there. Would you rather have 47 there? [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: You know... [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Either way you're going to lose a district and one person is going to go east. Now should we do this to satisfy a senator's seat or should we do this to represent the people in that district in that area? [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: And that's exactly my question. Let's talk a little bit about distances. On your map, District 49, do you know how far it is from the corner of Sheridan County down to the corner of Kimball County because I heard somebody talk about distances before? [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Oh...yeah. I don't know. It isn't as far as it is from the corner of Keith County to the corner... [LB700 LB701 LB702 LB703 LB704]

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SENATOR SCHILZ: It's 190 miles approximately. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Okay. And how far is it from the corner of Keith County up to the corner of Sioux County? [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: About 220 miles. Okay? [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Or a little... [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: If you look at District 44 and you go from the edge of Hitchcock County to the edge, I looked at Potter, if you look at those, that's approximately 190 miles as well. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: From... [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: I didn't look at Grant County up there. That might even be further. I guess that as I've looked at this and as I've gone through the process, what I have found is that every argument that each one of us has can be applied with whichever map you want. And... [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Other than the fact that on 48006 we didn't split a county or split a town. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Oh yes, you did. Nebraska City and nobody seemed to like that... [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: No. Well, that's your guys' problem. That's what you guys did. I'm talking about in the western end of the state. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Right. Well, I understand that. I understand it, and that's one of the issues that I'm sure we'll discuss. But as we go forward, we have to be honest and say that the distances, whether it would be Legislative District 43, 49, 44, 47, are going to be big districts no matter what we do. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Sure, they're going to be big but are they...which ones are squared up more? Look at on map 48006, look at... [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Are you calling District 44 a square? That looks pretty long and skinny to me. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Well, I'm comparing it...I'm talking about District 43 up there. I

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think that shortened that up a little bit by...on the 48006 map than what it did from the map that came out from the committee, 43002. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Sure, and it expanded District 44 immensely. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Not immensely. There's about the same amount of counties as what there was before. Before, it went along the south, south along the Kansas border and that's always been a problem along that Kansas border with it. And I think as Senator Harms or someone testified from Scottsbluff, that as you come up with the district of this map of 48006, in the future as you have to redistrict again you can probably have a little less problems than you will with one of these that's stretched out across like that. Besides the fact is as we have this \$5 word floating around here today about disenfranchise and whatever that means, I...when you split Alliance and Box Butte... [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Well, that's... [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: ...County, why, I mean, yeah, you have two different people. You split a voting block there and I wonder why you split a voting block. [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Yeah. Well, as we worked on a compromise and as we looked at how to do it, that was the one that came out with where we could find agreement on the committee. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: What was wrong with that base map, that very first one that came out? There were 23... [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: The base map? Well, I think that as you look, we have Republican River representation coming up into the Panhandle area which we've already said here those 11 counties that are a community of interest. That representation will be in place till 2014. So that was an issue with what I was told to work towards to maintain the integrity of the Panhandle. The second thing was the fact of keeping the integrity of the experience in the Legislature as well. And with term limits, I didn't want to see three rural senators get basically term limited out and restrict us to one representative with only one representative with any experience within the Panhandle. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Well, they come and go. In eight years, there's going to be a lot of them that are...come and go without experience, that part. [LB700 LB701 LB702 LB703 LB704]

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SENATOR SCHILZ: And I can... [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: When you talk about the Republican River area there, where does the Republican River come in down here? Doesn't it come in around Benkelman or some place like that down there in Dundy County? [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: Well, you've got tributaries that come in all along. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: But the people...Grant and Perkins County, don't those people go north to Ogallala more as their business in? [LB700 LB701 LB702 LB703 LB704]

SENATOR SCHILZ: You know, I guess you'd have to ask them. I'm not sure where they go. But thank you for your answers, Senator Louden. Appreciate it. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Are there any other questions? Seeing none, thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LOUDEN: Okay. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Now I'm going to make the rest of the crowd really mad because we lost our feeds; that means we're done. How far did you come? Okay. We're going to start back at 1:00. We're going to conclude this right now. I do have one letter from Tim Schram, the chairman of the Nebraska Public Service Commission in support of their map, I need in the record. (Exhibit 19) We're going to conclude for now. We'll be back at 1:00. Sorry about that. We'll get you back in. Good afternoon and welcome to the afternoon's portion of the testimony for our legislative maps. We had a good-spirited debate this morning and now we're moving into our afternoon session. We'd like to welcome Senator Utter is in Hastings and he will be handling that location with us. He's currently on our screen. We'd like to thank Mayor Berry from McCook in McCook. And we'd like to thank Senator Tom Hansen for handling North Platte. And we'd like to help...is it Chelsie Herian? Did I say that right? [LB700 LB701 LB702 LB703 LB704]

CHELSIE HERIAN: Herian, yep. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Herian? [LB700 LB701 LB702 LB703 LB704]

CHELSIE HERIAN: I'm here in Alliance. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Well, thank you very much for standing with us in Alliance. We would like to thank you all for your participation. It looks like, oh, we flipped to

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Alliance there...it looks like we're going to have a good crowd out there. I'd like to thank all of you that are here in Lincoln as well. We had to end. We kind of ran over our first session, so we're going to pick up there and we're going to start with our testifiers here in Lincoln, and then we will move outstate as we continue to hear testimony from all of those that would like to participate. For the benefit of those that are seeing us on the screen in your remote locations, I'm going to start to my far left, it should be your right on your screen. We have Senator Bill Avery from Lincoln; and then we have Senator Deb Fischer from Valentine; we have Nancy Cyr is the legal counsel for the redistricting process. To my immediate right or your left, we have Senator Danielle Conrad from Lincoln; and then we have Senator Ken Schilz from Ogallala; then we have Senator Heath Mello from Omaha; and then we have Barb Koehlmoos is our committee clerk. So that's who we have here. We have other senators who will be joining us in a little bit. We ask that as each of you wants to testify, there should be green sheets that the individuals have and are ready to have you fill out. When you come up to testify when we recognize your community that if you would fill that green sheet out, give it to our proctor in that particular location. And then when you come up to testify, we really need you to say and spell your name so we have it correct for the record. We have to enter it in our computer here and we only get one chance to enter it, so if we don't enter it right here, it's not going to be spelled right for our record. So we need you to say and spell your full name and then start your testimony. And so with that, we're going to ask that those people here in our room turn their cell phones off not to disrupt our testifiers here, and is the same in your location. We do allow five minutes for testimony. We'll give you a warning towards the end to kind of get you to summarize if you've gone over that. We have not had a problem yet as of so far. And so with that, we're going to start with Lincoln because we shut them off earlier today and we had some people that sat here all morning and are back now promptly at 1:00 to testify. So if they would come forward, we'll start the process. And welcome. And thanks for coming back. [LB700 LB701 LB702 LB703 LB704]

DAVID SHIVELY: (Exhibits 20, 21) No problem. Good afternoon, Senator Langemeier and members of the Redistricting Committee. My name is David Shively, it's spelled D-a-v-i-d S-h-i-v-e-l-y. I am the Lancaster County Election Commissioner. And I...one of the processes that we have to do after you complete your redistricting is to redraw our precinct lines. And when I reviewed the Lancaster County legislative district map, which is LB703, I noticed some minor areas that I wanted to bring to your attention and hope that maybe you would consider redrawing the lines just "minorly" just to make some sense for us when we go to redraw our precinct lines. Numbers 1, 2, 4, and 5 on the list that I just provided you, and I'm not going to read them for you, but I don't think would really involve any population at all in those changes. Number 3 I noticed was a change in the...is a change when you added Legislative District 32 to Lancaster County and had a dividing line between 30 and 32, it went down Highway 77, and that was just a mile off of what our existing precinct line between two precincts that we have, Buda and Centerville in southern Lancaster County, and I just wanted to bring that to your

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attention. If there's a possibility of that being brought back over, it would be less confusing for those voters in that area. With that, I just wanted to bring this to your attention and make sure that you're aware. If there's any way that you can make those minor changes for us, it'll make my life a little less challenging when we go to redraw precincts lines once you complete your work. With that, I'd be happy to answer any questions. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. And we will note that and try and accommodate to tweaks like that. We had an e-mail to that regard earlier when you looked at that. Senator Conrad. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Yes, thank you. Thank you, Mr. Shively, for coming in. And I don't have any specific questions. I think we've communicated via e-mail and personally about these issues. And, you know, pending any changes to the deviations as they're set forward and the population impacts or aspects that come with these suggestions, you know, we'll be happy I think to try and work with these and incorporate these. And I just wanted to say thank you to you and Maura Tolzin in your office who have been great partners for the Lancaster County delegation and moving through this process. [LB700 LB701 LB702 LB703 LB704]

DAVID SHIVELY: Appreciate that. I did bring copies of our precinct map here where I've identified those areas and I'll just leave that with the clerk as well. But I appreciate your time. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Great. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any other questions? Seeing none, thank you very much. Come on up. Good afternoon. [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: Good afternoon. My name is Ron Nolte, it's R-o-n N-o-l-t-e. My address is 10014 54th Street at Murray, M-u-r-r-a-y, Nebraska. I am a Cass County Commissioner and I'm coming before you this afternoon to represent the Cass County Board of Commissioners and as a private citizen. I fully support your LB703 and redistricting Legislative District 2, taking all of Cass County into District 2 now. And I also support what you've done with District 1, Lavon Heidemann's district. And there has been some controversy about maybe splitting a city across the state. I think this is a win-win situation for Otoe County and for Nebraska City in the fact that...not detracting from you other commissioners, but how could you have anything any better than having a Lavon Heidemann in District 1 and Dave Pankonin in District 2 representing Nebraska City? We have nearly 26,000 people in Cass County. Of course we've had to go up into Sarpy County and expand a little bit more up there, but it's a give and take. This is a tough job for all of you. But the Cass County Board of Commissioners fully endorse what you're

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doing and we've sent an e-mail to your office stating this. But just looking at the history of Districts 1 and 2, Floyd Vrtiska, for years a state senator, done so much for southeast Nebraska. Senator Roger Wehrbein represented District 2, again, 20 years in the Legislature has done so much. Going farther back than that, we look at Cal Carsten represented us for a number of years. Back when I was in college, Senator Rick Budd, a businessman in Nebraska City, represented our areas. We have a long history of very good senators and I think this is a win-win situation where you've divided this up with our senators that are representing us now and probably in the future. Thank you very much. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions? Senator Conrad. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you, Commissioner Nolte. And to be clear, we've had a chance to discuss this in great detail with both Senator Pankonin and Senator Heidemann and I think we could probably all agree amongst these contentious issues involved in redistricting that any city would be lucky to have those two fine senators representing them, as we all admire and respect those colleagues very much so. And just to get to the heart of the matter, I know that early on in the process Senator Pankonin conveyed to us, and I believe there was also official communications from Cass County, that the number one concern was to try and keep Cass County whole... [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: ...and that is reflected on our legislative proposal. [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: And so as to the other issue about the division of Nebraska City, which I've stated many times on the record I think is problematic in terms of our redistricting principles, as long as Cass County is kept whole, that's really your community of interest's main interest, and however the corresponding districts elsewhere have to interface with that, that's another matter. [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Is that right? I just want to be clear if that's your position and if it's not, then I don't want to speak for you, but. [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: No, you're not speaking for me, but I want to say that Cass and Otoe

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County, Cass County is still an agricultural county. We are a growing metropolitan county because we adjoin Sarpy; we're tied into Douglas County and Lancaster County. We are growing populationwise and we have heavy industries in Louisville and Weeping Water and of course the Lyman-Richey sandpits, nonrenewable resources. Nebraska City is a growing city. It is one of the business centers of southeast Nebraska right now. My perspective, I went to Kearney State College and Peru State College. I graduated in Peru State College. I was in the Nebraska National Guard in Nebraska City when I was a youngster. I have a lot of friends in Nebraska City in Otoe County. Our farming communities work together. Another thing, I was past-president of the Southeast Nebraska Corn Growers Association. We called it CORN--Cass, Otoe, Richardson County, Nemaha County. So we all worked together, not that we don't work with our neighbors to the north which District 2 represents a considerable amount of Sarpy County. But we're part of the metropolitan area but we're still an agricultural county, and I'm speaking as a Cass County Commissioner. I'm very happy with what you've done with District 2, Legislative District 2, but we are part of District 1 also. So that's the...representing the county board and representing some of my personal viewpoints also. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Appreciate that. Thank you. [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Dubas. [LB700 LB701 LB702 LB703 LB704]

SENATOR DUBAS: Thank you, Senator Langemeier. Thank you very much for coming. I'd kind of like to pick up where Senator Conrad left off. This morning, the testifier from Alliance gave us a historical perspective as to why he thought the splitting of Alliance would really be detrimental to that community. [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR DUBAS: And I think these public hearings, what we're talking about today drives home the importance of these public hearings because we'll be able to bring those local perspectives into the record and allow you to speak to them. You're not seeing that type of a split being detrimental to your community? [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: No. [LB700 LB701 LB702 LB703 LB704]

SENATOR DUBAS: There's not past history that you've had to work to overcome? [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: Absolutely not. [LB700 LB701 LB702 LB703 LB704]

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SENATOR DUBAS: Your community, you get along well, you've done things... [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR DUBAS: ...cooperatively in the past. [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR DUBAS: So the issues raised this morning are not issues that you feel you would have to deal with. [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: No. The boards of commissioners of adjoining counties, we work well together. As I say, a lot of friends from back...high school, college, military service, etcetera. The college, I think half of the people in the Nebraska City/Otoe County area graduated from Peru State College. So we work well together and I'm saying that on a personal basis. We do a lot of business in Nebraska City: Debruce Grain, the Steinhart Park Terminals on the Missouri River. There is so much business to be done in that community because it being on the river, and a good infrastructure because of Highway 2 being four-laned in from Lincoln to Nebraska City now. We're working on the Kennedy Freeway south to Plattsmouth. But we do have good infrastructure south of the Platte River, and that helps the delivery of grain, and that's so important to our agricultural counties. [LB700 LB701 LB702 LB703 LB704]

SENATOR DUBAS: Thank you very much. [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Conrad. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: I'm sorry. Senator Dubas made me think of one more question. I hope if you don't mind responding to something along that Nebraska City division. And I appreciate that you live and represent Cass County and so the Nebraska City area might not be personally within your purview, but as you noted, you visit there frequently, do business there frequently. [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: So would it be fair to say though that...and I don't know exactly where this division is in Nebraska City, but you noted that there really haven't been any distinctions or disparate factions within Nebraska City in the past so you'd see that as a reason why the division would be okay. But would it also be fair to say that there's no

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separate communities of interest here that deserve separate representation? [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: I don't believe so. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Okay. [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: From my personal viewpoint, your division line goes down, oh, Highway 75 that goes through Nebraska City and basically splits the city north and south or south-southwest and north-northeast. That is a strong community, good economy, good business district, and I don't really believe personally there's any economic division in that community. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Okay. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Seeing no other questions, Mr. Nolte, thank you very much for your testimony. [LB700 LB701 LB702 LB703 LB704]

RON NOLTE: Thank you, Chairman. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Further testimony here in Lincoln? Welcome. [LB700 LB701 LB702 LB703 LB704]

ANDREW SHELDEN: Okay. My name is Andrew Shelden, S-h-e-l-d-e-n. I live here in Lincoln. And to get these out of the way although Senator Lautenbaugh is not here, in the interest of full disclosure, as soon as Mr. Shively's office processes it, I will again be a registered Republican. I've never worked for the Democratic party, never done any type of fund raising or work for them of them of any kind, but I did work with Senator Mello when I was in college so I do know him personally. And I just want to comment that I've heard lots of comments this session about people not participating or that we're disenfranchising voters through these...and I don't think it's...I think it's politicians in general and the partisan politics and the media and probably our schools not teaching people about the importance of getting involved and voting. I mean, voting in the Lincoln city primary at my precinct voting place, I was the 31st person to vote at 6:00 at night. I find that sad. And I think one of the reasons people aren't participating is they don't feel they're being heard or they don't know...although I think this hearing was well-publicized, they don't know that the hearings exist and they think...especially I think because I've heard many times on the floor of the Legislature watching on NET that, well, the Chamber of Commerce thinks this and, well, that's what the Legislature does. It can be a little frustrating. But as far as the legislative districts are concerned, the phrase I've heard a lot this year is "having a dog in the fight" and I don't have one since I don't live along the border. But I do think the Legislature has proposed at least at this point taking the wrong side of Sarpy County into the first district. I think Bellevue should stay

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with Omaha. To me, that seems to be a better natural connection. And I think it was Senator Mello's map I saw that actually had better population distribution, was more even than the proposal that was advanced. As far as the legislative districts are concerned, I would say that having grown up in Woodland Park in northwest Stanton County, I think it's about time that they joined the 19th District under Senator Flood's area. As far as a I know, that's a rather unique piece of Nebraska because it has almost 3,000 people but it can't incorporate because of its proximity to Norfolk. Some of the zoning ordinances of Norfolk are enforced in half of the community but can't be enforced in the other half because they're too far outside the city limits. So it seems it's an odd place, but I think it's good to get that in with Madison County as there's a much more natural connection to Madison County than into the 16th or into the 22nd where the rest of Stanton County is or may end up. And express my concerns about the Lancaster County districts, the first thing is that I think the shape of most of the districts just seems odd that all of them except the 29th and 30th I believe is the numbers, I think it was Senator Fulton's and Senator Wallman's districts, touch O Street except those two. And the way they're shaped just seems odd, and for me, I don't like the changes proposed because it moves me from Senator Avery's district into Senator Coash's district. And I've been...while we disagree on some things, I've been a supporter of Senator Avery. You know, maybe it works well for me because it opens up. Senator Coash is up for election next year and I could just run against him. (Laughter) But there seems to be a very arbitrary line there in I moved, well, two houses from being...from staying in Senator Avery's district and moving into Senator Coash's district, and it just seems an odd place where it starts running down 13th Street and then switches over to 14th Street. That just seems to be an odd place to pick a dividing line that I think should be looked at. And Lincoln doesn't seem to keep geography and areas that are similar together as it is now, because I would argue that where I live has much more in common with the rest of Senator Avery's district than the Capitol Beach area that Senator Coash represents. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Senator Conrad. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Mr. Sheldon, thank you for being here. And in terms of your point on citizen engagement, it does make a difference. And I believe you've e-mailed me just recently about an issue unrelated to redistricting and I haven't had a chance to respond yet. I think it was in the last day or two, but I recognized your name when you came forward. I was hoping you were the same Andrew Sheldon. Anyway, those don't fall on deaf ears. They make a great deal of difference whether it's for redistricting or other purposes. So thank you for being an engaged citizen and taking the time to be here and engage your Legislature on other topics as well. Your point as to Lancaster County, I agree. At first blush when you take a look at the proposal, the lines do seem strange. Part of that I think unusual shape, if you will, is that one of our key principles when we're redistricting is to try and keep the core districts together and they were strange to start

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(laugh) off with. So it's kind of difficult, particularly in a densely populated urban area. You know, one street, one block, one neighborhood makes a dramatic difference in terms of our overall deviations and trying to keep those as fair as possible. It's not to say that that proposal can't be improved upon, because any proposal can be. And I take into account neighborhoods are so important to us in Lincoln and it's how we identify ourselves and define ourselves. And I think that you've given the committee food for thought in regards to your area. [LB700 LB701 LB702 LB703 LB704]

ANDREW SHELDEN: Well, if I can... [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Please. [LB700 LB701 LB702 LB703 LB704]

ANDREW SHELDEN: That just seems, especially there where you split along 13th Street which as far as Lincoln is concerned is a fairly major street to 14th Street which... [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Yeah. [LB700 LB701 LB702 LB703 LB704]

ANDREW SHELDEN: ...is definitely not. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Yeah. [LB700 LB701 LB702 LB703 LB704]

ANDREW SHELDEN: It just seems to me to be an odd dividing line that could be moved to something a little more substantial. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Are there any other questions? Seeing none, thank you very much. Well done. Further testimony? Come on up. [LB700 LB701 LB702 LB703 LB704]

VIRGIL PATLAN: My name is Virgil Patlan, P-a-t-l-a-n, Virgil, V-i-r-g-i-l, and I'm from south Omaha, currently in LD5, which would be Senator Mello's district. It's a pleasure to come down here and speak to you in person. I want to talk to you about the proposed map that is currently...I'm currently opposed to that map. A few years ago, south Omaha, 24th Street, was nearly becoming a ghost town. Both sides of the street had empty storefronts; residents had continued to move out west leaving a lot of "for sale" signs in the community. Then one day all of a sudden a boom occurred, and this boom is attributed to the Latinos or Hispanics or whoever...we prefer Latino. You'll not get a smirk from us. But currently sold signs are coming up in our neighborhood, businesses are popping up, churches are growing, and that's only attributed to the Hispanic population. There's no other word for it. On Sundays if you try to come down 24th Street, there's a traffic jam, believe it or not. It may take about three or four minutes just to get from L Street to Q Street. And don't even think about trying to find a parking spot.

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That is a good thing. That's growth and that's love of a community, and that's why I'm here today is because I love my community. What I'm going to be fighting for is representation. We have no Latino senator that you can call your colleague. We have none that we can reach out to. I'd spent times calling Senator Aguilar when he was here because we are able to talk together. When I was a police officer, for some reason working in my district Latinos would be more comfortable talking to me than a white officer, which is a good thing because I could get more information or work directly and deal because, you know, we have the same skin color and we felt the same thing on certain issues. A lot of it has to do with the heart. And so as these things continue to grow, I feel that it's unacceptable that we don't have a senator here as a Latino. And I don't care if he's Democrat, Republican, or Independent. The idea is that we want one here. We are not going to agree on everything. My wife and I don't agree on everything but we're still together, (laughter) but that's another issue. But the important thing is that the lines be drawn to reflect a south Omaha district that is primarily Latino as...hey, I can't...that's no my fault but that's the way it's coming out. Dr. Alvarado who is a good friend of mine, him and I don't agree all the time and I don't agree with him on this issue either, but it's time and it's way past due. Now I...the map that was drawn the first time that caused all the controversy had gone up 41st street from L. Well, if I had it to redo, I would include all of 42nd, come off the Highway 80 and include 42nd in that big district and include...I would...that would put me in Senator Nordquist's district. That would also include...right now the way that was drawn, there is a Latino that I know of that had run for office that could possibly run in that district now, saying that he wouldn't do it anyway. And I've been hearing this all day or in the past is that Latinos have ran and won but I can only remember two. There's...I remember the two that have won, but there's seven that have actually tried to run and lost. And if that's your game record, that's not a good one. Two out of seven is not good. What the Latino district would do, it's not a guarantee of course, but would inspire I believe Latino voters to get involved in voting, period. There was a lady that was at the meeting with us that night, and we hadn't seen her, and in her broken English she said she wanted a Latino representative, and I didn't ask her her party affiliation or anything. With that in mind, I ask you all to sit down and reconsider that issue not because of it's a politically good thing to do, but it's a morally right thing to do. We want to have a representative down here. And if that's possibly, you can make it darn near possible by redrawing that line and maybe sitting down with some members of the community and trying to figure out a line that's acceptable. But I think you should do it. If Senator Mello would have introduced this bill, I would be up here fighting for this bill because it doesn't matter to me who introduces it. I think it's important that it should be done and not wait five more years until the actual progression happens naturally. It may happen sooner or later, five, six years down the road. But now is the opportunity and, actually, a candidate for 2012 could actually be ready to be sent down here. And I ask you again to reconsider that map and do it because it's the right thing to do. And with that, I'll...if you have any questions. [LB700 LB701 LB702 LB703 LB704]

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SENATOR LANGEMEIER: Very good. Are there any questions? Senator Lautenbaugh. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Thank you, Mr. Chairman. Thank you for coming today, sir. I think that, just for clarity sake, the first map you reviewed that would have created such a district is one that I've provided, is that correct? [LB700 LB701 LB702 LB703 LB704]

VIRGIL PATLAN: That's the only one I've seen, yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: And you didn't contact me prior to the drawing that map, did you? [LB700 LB701 LB702 LB703 LB704]

VIRGIL PATLAN: No. We had no idea that that map was coming out. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Then I think I have to first extend to you an apology because you were kind of drawn into the processes. It was implied that the district was drawn to put you and your wife in a majority Latino district. It didn't really do that, did it? [LB700 LB701 LB702 LB703 LB704]

VIRGIL PATLAN: No, sure didn't. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: You remained in the district you're currently in. [LB700 LB701 LB702 LB703 LB704]

VIRGIL PATLAN: Senator Mello would still be our senator. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. And then I apologize you had to have that inference that was floated out there because that isn't factual. Have you done any...I think you talked to...you looked at a map that maybe had different lines than even the one that I had. Has anyone run the numbers to know what the population variances would be on that one yet? [LB700 LB701 LB702 LB703 LB704]

VIRGIL PATLAN: No. And I guess that's where your wisdom and knowledge is going to come in. I think I even heard Mr. Alvarado say today that that would not create...you know, some of those numbers would not create a supermajority, but a majority I think we could all live with. It's going to happen eventually and this is going to be a moot point probably in about four or five years. But the point is it's something that we can live and be acceptable at this point. That would be a good thing. So that's something you guys are going to have to come up with because I don't know. I don't have that expertise or

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ability. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Any other...Senator Conrad. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you, Mr. Patlan, for coming down. I think that you obviously have given a great deal of time and consideration and thought to this issue and you represent yourself and your community very adeptly. [LB700 LB701 LB702 LB703 LB704]

VIRGIL PATLAN: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Just as a quick point of clarification, when we talk about creating or protecting majority/minority districts and you're here in support of the creation of a majority/minority district, and just so I'm clear, the main reason that you are so is so that you could...you believe there would a greater probability that there would be a successful Latino candidate. Is that correct? [LB700 LB701 LB702 LB703 LB704]

VIRGIL PATLAN: I think what we're saying is the natural progression of the lines west, which is automatically going to bring more Latinos into that district and I'm talking about LB7,... [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Um-hum. [LB700 LB701 LB702 LB703 LB704]

VIRGIL PATLAN: ...just naturally moving...like I say, from my district or my area, our homes in that certain areas are getting to be almost 90 percent Hispanic. So naturally moving to 36th Street, to 42nd Street is going to increase it. That's going to be a natural progression. And, yeah, doing it naturally and legally, I think that's possible. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Because my understanding in reading the case law and the research surrounding these very issues that you're bringing forward is not the certainty in outcome in terms of the minority or now majority/minority district in terms of the ethnicity of the candidate that's ultimately elected, but ensuring that it's the candidate of that community's choice, which could be Caucasian, could be African American, could be any other race or ethnicity. Are we on the same page in terms of that understanding or your perspective is different and that you think it's important to have a majority/minority district so that a member of that particular ethnic group or cultural group would be elected? [LB700 LB701 LB702 LB703 LB704]

VIRGIL PATLAN: I think what I am saying is and I think we're pretty close is that it

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creates the ability for someone...for a Latino to actually get elected. Is it going to happen? There's no guarantee. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: That's what campaigns are for. Yes, we agree. Yes, yes. [LB700 LB701 LB702 LB703 LB704]

VIRGIL PATLAN: Yes, yes. There's no guarantee. But I think for this Legislature to send that signal to the...especially to the large Latino community that is popping up all over the state...you know, I lived out in Scottsbluff for a while so I know it's growing over there too. It's just growing everywhere. So I think it would send a good signal to the Latinos that this is important. And if we can help get representation here, that's the important thing. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you for that clarification. Appreciate it. [LB700 LB701 LB702 LB703 LB704]

VIRGIL PATLAN: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Are there any other questions? Seeing none, thank you very much for your time and testimony. [LB700 LB701 LB702 LB703 LB704]

VIRGIL PATLAN: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: You did a great job. Further testifiers? Welcome. [LB700 LB701 LB702 LB703 LB704]

REBECCA BARRIENTOS-PATLAN: Good afternoon. My name is Rebecca Barrientos-Patlan, that's R-e-b-e-c-c-a B-a-r-r-i-e-n-t-o-s-P-a-t-l-a-n. I thank you this afternoon. I'm just going to read off my letter here. The issue of boundaries is and has been a heated topic and one of the areas you are considering today is why I'm here. As you know, I was a candidate in 2008 for LD5 in south Omaha. I feel it is necessary to share my ideas on the subject since I was the controversial topic in the past weeks in the Omaha World-Herald. This article and the perception that was felt within my neighborhood and south Omaha community was an eye opener. I will set the record straight. I am disgusted at the thought of some of the senators using and abusing my name in fear trying to tarnish my integrity by causing an unnecessary internal investigation in this great Capitol on this issue of redistricting. So why investigate me personally? This has created divisive thoughts about my integrity. I would appreciate senators not playing politics with my name again, whoever you are. Many people in my community and Nebraska have read these articles on redistricting and now may wonder if I'm dishonest and cahooting, in which I have not. I will make this very clear today that no party has me in their pocket. I may have friends and acquaintances on both sides of the aisle, but today I am an Independent American Mexican. In fact, I believe that all

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Latinos and Hispanics should be Independent because both parties are using and abusing our heritage for their good in issues of redistricting and on other immigration issues. So in clearing that up, I want to share exactly why I'm here. The issues of redistricting starts way back for me that would be born to a Mexican immigrant parents. Like many American Mexicans, Mexican Americans, Latinos, or Hispanics, I am tired of feeling like I should be ashamed of my Mexican heritage because of the immigration issue in Nebraska or in the United States. This issue of immigration needs fixing and no one wants to take the necessary steps to do so, including in this Capitol. There are no issues...there are other issues such as redistricting which pulls my people against other nationalities. This divisive move seems to always happen during the candidate's run for election or reelection and it always seems to affect the Hispanic nationality. I was taught and raised to stand up and never be ashamed of who I am. My brothers and uncles fought in three wars for that. My dad, Juan Barrientos, God rest his soul, came to Nebraska as an immigrant and settled in south Omaha. He belonged to a group of Hispanic men who were seeking a better life for their families, much used and abused at the time, still so many as they are hidden by their employers. My mom is a feisty 90-year-old American girl that will stand up and fight if you dare call me an "anchor baby". I am proud. I am a very proud American woman who loves my country and I don't forget where I come from. Before there were boundaries in America, our Mexican families watched, worked, and traded with the American Indian tribes way before...I'm sorry, with the Indian tribes way before Columbus discovered America. Boundaries came after. So redistricting is no new news for us. I am surprised at the census and finding out that the population grew over 77 percent from 97,000 to over 167,000 in Nebraska alone. I am amazed and it is no wonder that elected officials are at odds on how to handle us. We have a saying in this great Capitol, "The salvation of the state is watchfulness in the citizen," and we are watching and many of us are citizens. Not only watching, the citizens, residents, and aliens are diligent in vying for equal rights in all quality of life issues. I'm asking today, don't hate and fear the Hispanic population. We are a good people, hard working and kindhearted. By embracing us, you will embrace God's grace because he is our creator. Both you and I are different as we are all the same. We all are seeking a better quality of life. Here, we stand on Earth, one Earth, together. I hope you senators on this panel today remember that you once came from immigrant parents or grandparents. Like most of you senators here today, I believe that I can say that you are probably proud of your heritage, whatever that may be. Don't forget your roots and give others the opportunity of letting them come out of the shadows, documenting them by work permits as they become citizens. This will help our Nebraska economy and strengthen our nation. As I watched this morning's committee hearing, former-Senator Don Preister, a very good friend of mine, he...a group of his stats he left out were Hispanics. The Hispanic boom, I call it. What he didn't say is that he was the one that left south Omaha 20 years ago to move to Bellevue, out of the boundaries. Don is a friend and we worked together on environmental issues. But Bellevue and south Omaha have very different problems. We have the heavy industrial areas next to residential. That lower...the heavy industrials...I'm sorry, we have the

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heavy industrial area next to residential that lower the resident standards of air quality in south Omaha, and we both tried to change what is wrong with that. I breathe the air; he doesn't. As you all are making decisions on boundaries in our great state, I thank you so much. God bless you. As you all are making decisions on the boundaries in our great state of Nebraska, I did not realize just how much the controversy would be in our district throughout all races. After concerting what has happened through the new census in considering my Hispanic roots being the new major majority, I believe we need to redistrict. As a south Omaha girl, the families have never felt that downtown Omaha/Eppley was a part of south Omaha. The streets in Omaha state clearly 100 blocks south of Dodge, 100 blocks north of Dodge. Bring our district back south. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Ms. Patlan? [LB700 LB701 LB702 LB703 LB704]

REBECCA BARRIENTOS-PATLAN: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We've hit our five minutes. [LB700 LB701 LB702 LB703 LB704]

REBECCA BARRIENTOS-PATLAN: Oh. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Are you close to a summary? [LB700 LB701 LB702 LB703 LB704]

REBECCA BARRIENTOS-PATLAN: Well, you just took a couple of minutes away. (Laughter). Yeah, I am almost done. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. Finish up quick. [LB700 LB701 LB702 LB703 LB704]

REBECCA BARRIENTOS-PATLAN: Okay. Senators, I'm asking you to please remember to use sound judgment, don't be swayed by politics or your position or on the hatred of our people, but by the respect of numbers from the new census. I ran because I believed I could be a strong voice for my neighbors and Hispanic family and friends. Both districts are a strong growing Hispanic population needing representation. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We won't have time to read that whole page, so I just need you to summarize. [LB700 LB701 LB702 LB703 LB704]

REBECCA BARRIENTOS-PATLAN: Okay, okay. Summarize? [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: You can leave a written copy too. [LB700 LB701 LB702 LB703

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LB704]

SENATOR LANGEMEIER: Yeah, leave us the written copy. [LB700 LB701 LB702 LB703 LB704]

REBECCA BARRIENTOS-PATLAN: It's all scribbled. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Oh, okay. [LB700 LB701 LB702 LB703 LB704]

REBECCA BARRIENTOS-PATLAN: Can I just read this last in my closing? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. Yup, yup. [LB700 LB701 LB702 LB703 LB704]

REBECCA BARRIENTOS-PATLAN: I do miss Senator Aguilar, but we have a dream that one day again we will have a Hispanic representation in south Omaha soon. Some say we have to wait to redistrict. In a few years, we will have more Hispanics. I say we need representation now. So in closing, Senators, I pray that the Lord help you decide to set these new boundaries. It will be a challenge. God give you that strength, take that challenge, and be up-front and transparent to your constituents. And again for the record, no one wrote my speech. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good closing. Are there any questions? Senator Lautenbaugh. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Thank you. Thank you for coming today, ma'am. And just briefly I'll extend the same apology I extended to your husband and I'm glad the two of you continue to agree on a majority of the issues and that you're sticking together. So thank you for coming here. [LB700 LB701 LB702 LB703 LB704]

REBECCA BARRIENTOS-PATLAN: Thank you, guys. Thank you, everyone. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Any other questions? Thank you. Further testimony. Don't be shy, come on up. Welcome. [LB700 LB701 LB702 LB703 LB704]

JEAN SEIBEL: My name is Jean Seibel, S-e-i-b-e-l. I'm a resident of Bellevue, Nebraska, and I appreciate having this time to speak and it's very short. Webster defines gerrymandering as to manipulate the boundaries so as to give undue influence to some party or state. LR102, paragraph 4 states that, "Insofar as possible, and within the context of principles set forth by the United States Supreme Court, district boundaries shall define districts that are easily identifiable and understandable to voters

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and that preserve the cores of prior districts" in not favoring a political party. Why have the eastern and western portions of Sarpy County been flipped? It makes no sense. Bellevue and Omaha are two of the largest cities in the state and are separated for the most part by a street while there are no such strong bonds between Bellevue and Lincoln. The wants and the needs of Bellevue do not mesh with the wants and the needs of CD1. Please leave the city of Bellevue in CD2. To many, the plan could look like gerrymandering and/or sour grapes after the Nebraska electoral vote was split in 2008. The change for those two CDs cannot be justified. And as a person who actually has spent a lot of time in the Unicameral chamber and as the daughter of someone who was part of the last bicameral Legislature in Nebraska, I ask you legislators to act more like the statesmen you profess to be than simple politicians. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions for Ms. Seibel? Seeing none, very well. Well done. [LB700 LB701 LB702 LB703 LB704]

JEAN SEIBEL: Okay. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Further testifiers? Mr. Twiss, I think you're the last one here. [LB700 LB701 LB702 LB703 LB704]

BOB TWISS: Thank you. Good afternoon. My name is Bob Twiss, that's B-o-b T-w-i-s-s as in Sam-Sam. And I reside in western Sarpy County. And I got tired of...I wasn't even planning to come because I've been fighting a little head cold and some sinuses, but bear with me. We'll make it through. I wasn't planning to come until I heard western Sarpy getting thrown under the bus it seems like all the time. I will comment very quickly on the Judiciary Committee because that was one of them when it first came up. Western Sarpy just seems to be those, well, we could move about. There's farmland there and maybe few people and this and that. Well, folks, we dealt with that ten years ago and I'm one of the few, perhaps the only one who has testified in three decades. Three censuses I have testified either for or against various things I supported. Growing up in northeast Nebraska, I have an affinity for rural Nebraska. Also, I've been in Sarpy County now two different times for a total, I totalled it up coming down here, of about probably 37 years. I lived in the twin cities in Minneapolis/St. Paul. We lived in St. Louis, so we're familiar with jurisdictional boundaries and those sorts of things. But Senator Langemeier, as chairman of the committee, members of the committee, this is the best redistricting set of plans I have seen in three decades. It is very good overall. Sarpy allowed things to happen ten years ago. We're the ones that made things work for the rest of Nebraska, and we didn't have anybody from Sarpy on the special Redistricting Committee. All three were from Douglas County and represented Douglas County. We ended up with what I consider a very constitutionally suspect redistricting, especially on the legislative districts. So I've come here to commend you for what you have. I will make some comments from what I heard this morning as I was tracking it. There was

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some folks from eastern Sarpy said there was recognition that Bellevue was part of Omaha last time. I don't think so. I don't think there was any recognition because we ended up with three full senators' legislative districts within Sarpy and four pieces, and those four pieces weren't even connected to each other. We allowed it to happen. There wasn't any particular recognition. I will tell you this, I'm very familiar with Sarpy County since I live there, worked for the newspaper in Sarpy County in the early sixties when I was still single and then returned to Sarpy County in '78 after we came back to Nebraska. So I think I'm well in tuned with what happens in Sarpy County and especially central and western Sarpy County. For example, we do have an affinity to Omaha. Now I was astounded last time as many in Sarpy County were astounded that the greater geographical area of Sarpy became part of Congressional District 1. That's fine. It had to work somewhere. We lived with it. That wasn't a big problem. But our affinity, especially in central and western Sarpy, is more to the Omaha area. I might add that we're aware that Omaha Public Schools does come into northern Sarpy in the Bellevue area. However, Papillion-La Vista School District does not cross the county line going into Douglas County. Millard district is in both Douglas and Sarpy County. The Gretna School District is in both Douglas and Sarpy County. And we feel, quite frankly, more apportioned, more a part of the Omaha area than anywhere else. So it's important and you probably would have missed me had I not come since I was the only one who testified on LR102. And I do appreciate you...you didn't adopt what I wanted necessarily on the plus or minus in the deviation, however, it looks like the deviations have been kept well within order and I think that's a great move there. And I'm certainly pleased that the current proposal, especially LB703, I think that's the...yes, the legislative districts, there are four full districts within...totally contained within Sarpy and one piece. That is a great move for us and we really appreciate that. And also the congressional district, it really doesn't make that much difference whether it's eastern or western unless we wanted to start picking on...if people feel picked on, picking on Douglas County, for example. We could do a lot of things in Douglas County to dance around that head of the pin. But we can live with it in Sarpy County. Whether I'm in Congressional 1 or 2 doesn't make a great deal of difference on that. I'm very pleased to get back into Congressional 2. And I see the light is on, and if I might just make a couple of other comments. There was a suit and I was disappointed quite frankly...that's after the 2000 census in 2001, I was disappointed that didn't go forward with a great deal of vigor because there were us in Sarpy County, those of us in Sarpy County were relying on that suit to go forward. But you have done a great job in addressing a lot of the concerns that have been on my mind for almost 30 years. And a lot of you folks and others I've talked to are tired of hearing me talk about redistricting and how Sarpy got treated last go around. So, again, I commend you. I came here as an individual. Nobody asked me to come. In fact, as I said earlier, I wasn't planning to come but I came and will make do. So thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions? I do say, Bob, when I didn't see you at the first one I was surprised, but I figured I'd see you this afternoon

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then. [LB700 LB701 LB702 LB703 LB704]

BOB TWISS: (Laugh) Well, actually I was...as I said, I wasn't planning to come. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Well, we appreciate it. [LB700 LB701 LB702 LB703 LB704]

BOB TWISS: But I'm glad I did because I don't want any portion of Sarpy County thrown under the bus. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Thank you very much. Well done. Is there anyone still waiting to testify? Does not look like it, so we will move out to...my understanding is, is McCook, there was no one there. And then the city of McCook lost power, so we lost the town but we've been in communication over the phone that they don't have anybody out there to testify anyway. We'll move on to North Platte. Senator Hansen? [LB700 LB701 LB702 LB703 LB704]

SENATOR HANSEN: Yes, Senator Langemeier, we're here. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Do you have individuals that would like to testify? [LB700 LB701 LB702 LB703 LB704]

SENATOR HANSEN: We do. We have two, both on LB703, I believe. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. [LB700 LB701 LB702 LB703 LB704]

SENATOR HANSEN: And I'll let the first testifier go ahead and start. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. Thank you. Welcome. [LB700 LB701 LB702 LB703 LB704]

MARK SPURGIN: Welcome. My name is Mark Spurgin, M-a-r-k S-p-u-r-g-i-n. I'm a farmer and cattle feeder in Keith County, southwest of Paxton, Nebraska. Chairman and members of the Redistricting Committee, thank you for allowing us to participate at North Platte today. I support LB703 because it keeps the integrity of the Panhandle, rural representation, and maintains the Panhandle values. I am against Senator Harms's proposal because it splits up the Panhandle and it makes District 44 having two distinct and separate watershed areas together, the Platte and the Republican, and I think these areas need to have their own representation by themselves. This plan also disrupts the unity of the Panhandle. The areas, the new area of District 49 would include

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Chadron and Alliance and that vote could very well be an urban vote and we would also lose rural representation. I think that maybe we might have to go to a two-house system in the future. I'm not in favor of more government, but we need a form of equal representation. If the urban population keeps growing, creating less representation for rural areas, a second house would give very equal representation. The urban population as it stands today is two to three generations removed from the farm, thus, making rural representation more important. Thank you. Any questions? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions for Mark? Seeing none, thank you very much. Well done. [LB700 LB701 LB702 LB703 LB704]

SENATOR HANSEN: Thank you, Senator Langemeier. We do have another testifier and I...before we go there I would like to thank ESU for their fine facilities here and picture is great from Lincoln and I hope it's the same way there too. So at this time I'd like to introduce the second testifier. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Welcome. [LB700 LB701 LB702 LB703 LB704]

HOWARD LAMB: (Exhibit 22) Thank you, Senator. My name is Howard Lamb, H-o-w-a-r-d L-a-m-b, from Anselmo, Nebraska. Senator Langemeier and members of the committee, we appreciate again the opportunity to testify from North Platte because it's better than driving to Lincoln. I live and ranch in Custer County in District 43, but I represent myself only and not any group. I served as the senator representing the 43rd District for 16 years from 1977 to 1993, so you can see that Bob Twiss is not the only old guy in the area. (Laughter) I appear here to oppose the map in LB703 which I assume is the one that I got previously which was also labeled 43002-D. I assume that's the same map. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: You're correct. [LB700 LB701 LB702 LB703 LB704]

HOWARD LAMB: I'm correct. Okay. Thank you. I oppose LB703 with LEG 2-43002-D because it violates the community of interest over most of western Nebraska and because it unnecessarily crosses county lines. Both proposals conform to the population guidelines. Both proposals accommodate the compromises reached in the Omaha and Lincoln areas. But the crux of the matter is that 43002 requires the 49th District to move to eastern Nebraska and 48006, which is Senator Harms's map, requires the 47th District to move to eastern Nebraska as a result of the population shifts. Now I recognize that it's politically more expedient to move the 49th District because the senator representing that district is term limited in 2012. Thus, LB703 in its present form is serving the interests of the legislators rather than the interests of the people involved. This should not be allowed to happen. And there may be other political considerations which are not apparent. In my opinion, anyone with knowledge of the

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demographics and geography of Nebraska would immediately realize at a glance that the two maps that LEG 2-48006 is most logical in the state for the state. I have these two maps here on the desk. I don't suppose the members of the committee have those, have the other one, and I don't think you can see if from here. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator, we do have both copies. [LB700 LB701 LB702 LB703 LB704]

HOWARD LAMB: You do have them? Okay. Thank you. Two of the prerequisites in redistricting are to recognize the community of interest and to cross county lines only when necessary. Also, districts should be as compact as possible. And then all this is laid out in LR102 which the Legislature passed this year. Among the advantages of 48006 over 43002-D are these. Box Butte County and the city of Alliance would not be split. They are split under the present version of the bill. Alliance and Chadron would retain their community of interest with the Panhandle. Under the bill, those two cities are connected to the 43rd District and Alliance is split, as I mentioned, between two districts. And so the great Sandhills district does not have a lot in common with those two western cities and that's vice versa. And Custer County, the county in which I live, has a greater interest, a community of interest to the north, to the Sandhill counties than it does to the south, to the counties along the Platte River which are heavier in farming, whereas the counties to the north are the Sandhill grazing counties. Another item I'd like to mention is that Custer Public Power District headquarters is in Broken Bow which, of course, is in Custer County and in the 43rd District. The service area is almost wholly in the 43rd District including parts of or all of eight Sandhill counties. In 43002, these eight counties would be in the 43rd District and the headquarters, which is Broken Bow, would be in the 36th District, which is another violation of the community-of-interest concept. I believe...I could not tell for sure what's on the map, but I believe under the committee version the Buffalo County is divided into three different legislative districts, whereas in Senator Harms's map, it's only divided into two districts. And as you know, we should be following district (sic) lines and not splitting cities and when possible, and that is possible. I've included some maps of the Custer Public Power District service area for your convenience. In my opinion, LEG 2-43002-D, which is the present bill, LB703, is unnecessarily disruptive and illogical. I respectfully ask that LB703 be advanced from the Redistricting Committee with 48006 instead of the 43002 map. Thank you very much and if there are any questions, I'd be happy to respond. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. Thank you, Senator Lamb. We do have a question. Senator Lautenbaugh. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Thank you, Mr. Chairman. And thank you for coming today, Senator Lamb. I think your criticism of the bill as proposed for the legislative

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district is that it splits Box Butte County and you would like to avoid that? [LB700 LB701 LB702 LB703 LB704]

HOWARD LAMB: That's one of them. I have several of which I think I enumerated all of them. Box Butte County is split; the town of Alliance is split; Buffalo County is split, and I believe if I'm correct here, Buffalo County is split three ways instead of two ways; and Custer County does not have a community of interest to the south as it does to the north. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Thank you, Senator. Do you understand that the map you prefer splits Holt County and Antelope County and also splits Hall County four ways? [LB700 LB701 LB702 LB703 LB704]

HOWARD LAMB: What I do know is that...you see, I don't have the sophisticated software that you have, but Hall County was split, is split now, and also Cherry County is split. So we can say that, you know, Hall County is going to have to be split a lot of ways because it has greater population than so-called 38,000, best number. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. Thank you, sir. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Are there any other questions for Senator Lamb? Senator Fischer has a question. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Thank you, Chairman Langemeier. Senator Lamb, this is Deb Fischer. I just wanted to thank you and also thank Mark Spurgin for making the trip into North Platte today to offer your testimony. I appreciated your comments. I understand the community of interest in the 43rd District and I think you presented that well. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Are there any other questions? Seeing none, Senator, thank you very much for your testimony. And Senator Hansen, thank you for hosting our North Platte location. We're going to move... [LB700 LB701 LB702 LB703 LB704]

SENATOR HANSEN: Thank you for hearing this teleconference. And both of these gentlemen here that testified today are not in my district, but the people I've talked to were okay with District 42. (Laughter) [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We will duly note that, Senator. We will now move to Hastings. Senator Utter, are you there? [LB700 LB701 LB702 LB703 LB704]

SENATOR UTTER: Thank you very much, Chairman Langemeier. I assume I'm coming

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through to Lincoln. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: You are. [LB700 LB701 LB702 LB703 LB704]

SENATOR UTTER: While you have been on the camera with the other locations and in Lincoln, I have been out on the street trying to recruit somebody (laughter). We have interested citizens here and I appreciate very much their coming. I don't know, unless they've changed their minds since I last asked them, I don't believe they want to testify. My son from Philadelphia is even here and I couldn't get him to testify. (Laughter) So while we appreciate the opportunity to be a part of these hearings and have enjoyed and appreciated the testimony that we have heard, I just want to remind Senator Hansen to not forget the cookies when he comes back to Lincoln. (Laughter) [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Well, thank you, Senator Utter. Senator Lautenbaugh does have a question for you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Thank you, Senator Utter. I believe I see Mrs. Utter there in the background. Is she not willing to testify? (Laughter) [LB700 LB701 LB702 LB703 LB704]

SENATOR UTTER: No, she doesn't want to testify either, Senator Lautenbaugh. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. Well, thank you then. [LB700 LB701 LB702 LB703 LB704]

SENATOR UTTER: She'd testify on some other subjects but on redistricting she said "no." (Laughter) [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Thank you very much. We will now move to Alliance. And Chelsie, can you hear us? [LB700 LB701 LB702 LB703 LB704]

CHELSIE HERIAN: Yes. Yes, I can. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. We are ready and we can see you have a room full. That's great! So do have... [LB700 LB701 LB702 LB703 LB704]

CHELSIE HERIAN: We have about five or six to testify. [LB700 LB701 LB702 LB703 LB704]

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SENATOR LANGEMEIER: Very good. That sounds great. [LB700 LB701 LB702 LB703 LB704]

DEB COTTIER: (Exhibit 23) My name is Deb Cottier, and that is C-o-t-t-i-e-r. I live in Chadron, Nebraska, and today I'm representing my employment base, the Nebraska Northwest Development Corporation. Representation for all citizens to the lawmaking body of the state is a fundamental right. And the proposed redistricting map considered the committee's favorite moves the 49th District to Sarpy County and reassigns those current 49th District residents to two other existing districts. This seriously undermines reasonable access to our elected representative. The proposed new 43rd and 47th Districts would be well over 200 miles wide and encompass more geography than is reasonable. In other words, we don't believe it's a compact district. While the Unicameral system makes it inherently difficult to provide truly equal access, I think we can do better than what's being proposed. Even with the improvements in communications, the sheer geographical distance from one end to the other of these districts make it so varied in commerce, agricultural product, and lifestyle, it's hard to imagine where the elected official would reside and still have a proper understanding of all the nuances of the communities and the people that they would represent. Add to that a two-term limit, and the elected official will have a very difficult time getting to know the district as is needed to fairly represent us. Another major flaw we see in the proposal is splitting Box Butte County between two districts and specifically splitting the community of Alliance. It appears as though the city of Alliance will be split down the highway with many folks who consider themselves residents being in two different legislative districts. It has long been policy to try to keep counties in one contiguous district. Given the population base of Box Butte County, in excess of 10,000, it is of considerable difference in which district they are placed. It seems more effort was given to achieve that result in Douglas County than was given in western Nebraska. The redistricting effort should be about fairness and what is the best for the constituents, not a battle to see which senator has the clout to save their current district. The districts do not belong to the senators. They have the honor of representing the people in that district. Let's not forget what they were elected to do. We urge the committee to consider other options presented that keep districts more compact, similar in commerce, agriculture, and current trade alliances. And I'd also like to thank you for holding the video site here in Alliance where we're able to participate and only have to give up one day out of our office and travel a mere 120 miles to do so. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Thank you. Are there any questions. Seeing none, thank you very much for your testimony. We also want to thank the city of Alliance going out of their way to help us line this site up. It wasn't the easiest site we lined up today. So the next testifier. [LB700 LB701 LB702 LB703 LB704]

DAVID BRIGGS: Good afternoon, Senator Langemeier. My name is David Briggs. I'm at

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256 Burnham Drive in Alliance where I live and... [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: David, could I have you spell your name? [LB700 LB701 LB702 LB703 LB704]

DAVID BRIGGS: I'm sorry. D-a-v-i-d B-r-i-g-g-s. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Thank you. [LB700 LB701 LB702 LB703 LB704]

DAVID BRIGGS: I serve as president and CEO of Western Cooperative Company headquartered in Alliance. We have 13 communities that we serve in the Panhandle. I also am chairman of the board of Box Butte General Hospital headquartered here in Alliance. I'd like to comment on LB703, in particular, the lines that have been composed in the Panhandle of Nebraska. I believe it's irrational to draw a line east and west on Third Street in Alliance, separating our town into two separate districts, and north to south along Highway 385, separating Box Butte County into two districts. Box Butte County only has two towns, Alliance and Hemingford, and the proposed map would put those two towns in different districts. Again, this seems very irrational. In western Nebraska we are very used to driving long distances to interact with our neighbors and to transact business. However, there are normal connections between communities that should be taken into consideration in the redistricting process. In most of the communities in Nebraska our schools are a large part of the daily routine and social activity. We rise in the morning to hear what is on the lunch menu at school, schedule our day according to our children, grandchildren, and friends' children's activities, and make sure to attend extracurricular activities the school schedules. As anyone who knows me will tell you, I enjoy basketball as a sport and a great learning activity for the youth of our communities. I thought it would be revealing to look at the basketball schedules of the towns affected by the redistricting. Our schools have developed their schedules over many years, many of them playing schools that are in close proximity to one another they consider a peer. I find it very interesting that Ogallala did not play a single school in the 49th District and Valentine only played one school in the 49th District, which was Gordon. This is not intended to be a negative against either one of these schools, but it clearly shows that the communities of Ogallala and Valentine do not have strong relationships to the current 49th District. I believe the map that is being proposed by Senator Harms and Senator Loudon better serves the Nebraska Panhandle population. This map draws lines on the county boundaries in the Panhandle and more closely aligns those Panhandle communities that work together on a daily basis. Thank you for allowing me to testify today, and I'd be happy to answer any questions. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions for David? Seeing none, thank you very much for your testimony. Well done. [LB700 LB701 LB702 LB703 LB704]

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DAN KUSEK: Good afternoon, Senator Langemeier and senators of the committee. My name is Dan, D-a-n Kusek, K-u-s-e-k. I reside here in Alliance. I...if it went through, I sent an e-mail to all of you yesterday--I hope you got it--on this topic. I just wanted to see if there was any questions that you might have from that. I would also point out that in this split of Alliance, the gentleman from Sarpy County talked about being thrown under the bus. Not only do I think your plan throws the city of Alliance under the bus, but you're backing over us again with the bus. So I, we are definitely against splitting the city of Alliance and Box Butte County as well. The gentleman from Paxton talked about how Senator Harms's map would disrupt the unity of the Panhandle. I think that your map goes far further in disrupting the unity of the Panhandle than Senator Harms's--his map does. As I e-mailed you...and you do no harm or do the least harm, and that certainly is not with regard to the city of Alliance in particular about doing no harm. And I know that it's not going to get any consideration, but I really do think that you all need to consider, as I mentioned in my e-mail, adding that 50th district and moving Senator Number 50 to the Omaha and Douglas/Sarpy County area and reapportioning everything else into 37,000 people. That would do far less harm than I think what you have proposed here. And I think that would even do less harm than what Senator Harms's map proposes. And with that, I would answer any questions that any of you might have. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Thank you very much, Dan. Is there any questions? Seeing none...and just a reference to those of you watching there, we had good testimony from individuals from Alliance in Scottsbluff this morning. So we--so we've got a very good background on history of Alliance and Third Street this morning. So thank you very much for your testimony. [LB700 LB701 LB702 LB703 LB704]

DAN KUSEK: As one more aside, Senator, I'm heading out from where we're sitting here in Alliance out to the veterans cemetery, the new state veterans cemetery that opened last year, to bury my aunt and uncle. They're in two different districts and were two miles apart, so it just doesn't seem like it makes any sense. So thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: You bet. Thank you. [LB700 LB701 LB702 LB703 LB704]

RACHEL GONZALEZ: (Exhibit 24) My name is Rachel Gonzalez. I live in Alliance, Nebraska. And I spell it R-a-c-h-e-l G-o-n-z-a-l-e-z. And like Dan Kusek, I am on the city council, but I'm speaking for myself. I noticed in many of the talks today they mentioned the Supreme Court and the fact that we should try to follow county lines--easily identifiable and do not dilute any minority populations. Splitting Alliance into two parts, into two districts, puts hundreds of residents, maybe a thousand or so, in another district than the rest of the city. The BNSF offices and yards, several businesses, the Indian Mission church, there's a lot of lower income voters who live and work in this area that

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would be in the other district. And it really splits Alliance economically. I live out in the very southeast part of town, and we're mainly low income to middle income. And I really feel that we would not be properly represented, because we would be clear in the northern reaches of this district. And I think we would just be out there by ourselves; at least it feels that way. I also feel that the split of our county and city with Highway 2 is ill-advised and detrimental, not only to south Alliance, but also to people who live in that area of the county. Here again, I think it would just isolate us. That's basically all I have to say. I do think we do need adequate representation. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions for...? Seeing...oh, Senator Nelson has a question. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: Thank you very much for testifying. We appreciate that. We heard testimony this morning and then didn't have the benefit of looking at a map of Alliance, and we have that now. Basically, the division of Alliance, you come down 385; can you hear me all right? Are you able to hear me? [LB700 LB701 LB702 LB703 LB704]

RACHEL GONZALEZ: Yes, I can hear. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: All right. Do you have a map of Alliance there? [LB700 LB701 LB702 LB703 LB704]

RACHEL GONZALEZ: It's breaking up. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: Do you have a map of Alliance? [LB700 LB701 LB702 LB703 LB704]

RACHEL GONZALEZ: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: All right. In our current plan, LB703, we come down Highway 2 and then take a direction from south and head east and go across the southern part of Alliance. Is that correct? [LB700 LB701 LB702 LB703 LB704]

RACHEL GONZALEZ: Yes, it is. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: What if we only came down 385 to about West 25th Street and went a ways east and then came south and divided Alliance that way? Would, would you, would that make a substantial difference? [LB700 LB701 LB702 LB703 LB704]

RACHEL GONZALEZ: In the north end of town, which is a nice, large area...what if you came all the way down to the county line in all directions? (Laughter) [LB700 LB701 LB702 LB703 LB704]

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SENATOR NELSON: All right. But you live in the southeast area; if we did that, that would put you in 43 and probably equally divide the area between--or south of Highway 2, which would kind of split up that district, which you say, you know, is economically different. Do you have any comment on that? [LB700 LB701 LB702 LB703 LB704]

RACHEL GONZALEZ: It's breaking up pretty badly. I can't quite hear what you said. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: All right. Thank you very much. I appreciate that we can't communicate here with the transmission, I guess. Thank you very much. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: I don't... [LB700 LB701 LB702 LB703 LB704]

RACHEL GONZALEZ: Could you try again? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Yeah, we have no other questions. [LB700 LB701 LB702 LB703 LB704]

RACHEL GONZALEZ: Okay. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Thank you. Further testifiers? Welcome. [LB700 LB701 LB702 LB703 LB704]

JUDY MESSERSMITH: (Exhibit 25) My name is Judy Messersmith, J-u-d-y M-e-s-s-e-r-s-m-i-t-h; I reside at 5591 Otoe Road here in Alliance. And I am the Box Butte County Clerk/Election Commissioner, and I am here to ask you to reconsider dividing Box Butte County and also the city of Alliance. As the election commissioner, this would impact our office greatly, because it would divide three precincts here in Alliance. Presently, the commissioners have been keeping our budgets within line. I was hoping not to ask for any increase in the election budget for this coming year. If this was to go into effect and we were to divide Box Butte County and the city of Alliance, we would need addition of poll workers, we would need additional ballots. And there are certain requirements by law now that we have to maintain in each election, and we would have to buy at least one new piece of equipment. And as election commissioner, I'm just here to ask you to reconsider dividing Box Butte County. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Thank you for your testimony. We do have some questions. Senator Conrad. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you for your testimony. And I'll throw this out to you or any

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of the subsequent testifiers, and it's kind of in response to Senator Nelson's question. I don't want to speak for anybody in Alliance, but would it be a fair assessment of your position that the first preference would be for no division of Alliance and that the dividing line is really not acceptable, no matter along what street or what geographic boundary. Is that a fair assessment of what you or other people there in Alliance are thinking about the proposal? [LB700 LB701 LB702 LB703 LB704]

JUDY MESSERSMITH: Well, as the election commissioner and county clerk, I would like to see no division in Box Butte County... [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Okay. [LB700 LB701 LB702 LB703 LB704]

JUDY MESSERSMITH: ...at all. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Okay. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Are there any other questions? Seeing none, thank you very much for your testimony. Well done. [LB700 LB701 LB702 LB703 LB704]

JUDY MESSERSMITH: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Further testimony from Alliance. Good afternoon. [LB700 LB701 LB702 LB703 LB704]

BRENDA McDONALD: (Exhibit 26) Good afternoon. I'm Brenda McDonald, B-r-e-n-d-a M-c-D-o-n-a-l-d. As the past president of Box Butte Development Corporation and the executive director of the Alliance Area Family YMCA and a native and resident of Box Butte County, I urge the committee to reconsider other options than to move the 49th District to Sarpy County. In recent conversations it has been suggested that it might be a good idea to have two senators working for the town of Alliance. I have reflected on this, thought extensively, and would ask, if this is such a good idea, why aren't all towns of significant population split? I do not feel it is a good idea. And splitting our county would just dilute our representation and split Alliance, which we have many years worked at uniting. While growing up in Alliance, south of Third Street, which is a proposed dividing line, was also known as Indian Town. Fortunately, today our minority residents are not so geographically distinct, but in reference to income levels it is generally true, as Rachel mentioned. It has been my observation that people from lower income levels do not feel connected to those making laws. By splitting Alliance, you would put one more barrier of understanding in place to prevent them from understanding how our government works and how their voice can be heard. Alliance has a great connection to the Pine Ridge Indian Reservation. Many of those are members of the YMCA. I am concerned about the negative effects some redistricting proposals may have on the needs of these families and seriously undermine their

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reasonable access to their elected representative. I know you're all aware of the challenges of White Clay. Once again, I agree with what has been spoken in favor of redistricting more similar to Senator Harms's proposal. And I have nothing further to add. But I would, please, urge the committee to consider other options than to move the 49th District to Sarpy County. The fact is that it doesn't have to occur; there are alternatives to serve the interests of citizens of Box Butte County better. Do you have any questions? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Are there any questions for Ms. McDonald? Seeing none, thank you very much for your testimony. Well done. Further testifiers. [LB700 LB701 LB702 LB703 LB704]

CHELSIE HERIAN: One gentleman had to step out; his name was John Burke, J-o-h-n B-u-r-k-e. And I will just send that with these documents, if that is okay. (See Exhibit 18) [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: That's excellent. Are there any others? [LB700 LB701 LB702 LB703 LB704]

CHELSIE HERIAN: No. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. Thank you very much. I want to thank you for coordinating and, Chelsie, for being our moderator in Alliance. Thank you very much. [LB700 LB701 LB702 LB703 LB704]

CHELSIE HERIAN: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: With that and no further testifiers here...oh, we have one more in Lincoln. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: Hi. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Come on up. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: This will be short and sweet; I hope it's sweet. I'm sorry Senator Lautenbaugh isn't here. I am...I'm sorry, my name? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Name. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: My name is Ellen Moore, E-l-l-e-n M-o-o-r-e. I live in eastern Sarpy County. I am part of that, of the district that has been scooped up into Congressional District 2. And it just smacks, to me, and I would think to any clear-thinking person there, of classical gerrymandering. And that, as Joan spoke before, Joan Cavanaugh,

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hello, we did ride up, Jean Seibel said, that has been specifically stated in Nebraska law that you shouldn't be doing that, should not be putting party politics above common sense. And frankly, having been born and raised in Nebraska, Ogallala, but having lived the majority of my adult life in other places...when I came back to Nebraska, I expected better. I really did not expect to see this kind of scooping up for what is clearly a partisan effort. And I feel like I'm bringing things down by bringing up that word "partisan," but it is very clear. And I feel like in this day and age, when we're supposed to be talking about civility, that to have that in black and white is just so clearly uncivil; it is so clearly undemocratic, with a small "d." And it erodes the confidence that people have in their government when they see this kind of thing being attempted. The last time I was here in Lincoln it was to hear the testimony that was given about the disallowing of splitting Nebraska's electoral vote. And the Legislature as a whole body voted that down and, I feel, justifiably so. But this gerrymandering, of taking, you know, part of Legislative District 1, the congressional district, and putting it in 2, is like a backdoor way of accomplishing the same thing. And again, it erodes our confidence and our trust and our admiration. What we should have is admiration of our public officials, elected officials, of whatever party. I am very definitely a partisan Democrat, but I remember, I remember a day when there were Republicans I could really respect. And I'm not saying that if you're a Republican here I don't respect you...but it seems like the ones who are out in front. And it hurts. I yearn for those days when we could really civilly speak to each other and not have such transparent things happening. You had a question? Looked like. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Conrad. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Yes, if that's okay. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: Time to shut up. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Thank you. No. No, no. I don't want to cut you short, because you still have time, if... [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: No. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: ...but I did have a quick follow-up question. Thank you for being here. And I think that regardless of our personal party affiliations or political philosophies, we share your values and sentiment in terms of let's keep the partisan bickering in Washington, and we do things a little bit differently here on the state level and at the local level. And I can tell you for a fact that I've been proud to cast my vote for members outside of my party when I feel like they're the best candidate for the job. And I want to talk just a little bit about the partisan issues that may or may not exist with the proposal. I share your opinion; I think that they do exist. Others on the committee have a different perspective. And that's the fun of democracy. But, for example, you

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currently reside in Congressional District 2, is that right? [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: As of this...no. I mean, when it changes I would be in 2. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Right. Oh, okay. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: I--I am at... [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: You're on 1 now? [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: ...basically, Capehart Road and 25th... [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Okay. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: ...which, you know, will--I will move from... [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: From 1 to 2. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: ...Lee Terry to Jeff Fortenberry. [LB700 LB701 LB702 LB703 LB704]

JEAN SEIBEL: So you're in 2, and you'll go to 1. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: Oh, I'm...I'm getting my numbers mixed up. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: That's okay. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: That's right. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Yeah. So you're in District 2 now, which is represented by Representative Terry. And the new proposal, if it's adopted... [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: Um-hum. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: ...as it stands today... [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: Um-hum. [LB700 LB701 LB702 LB703 LB704]

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SENATOR CONRAD: ...then you'd move to... [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: Right. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: ...to Representative Fortenberry and Congressional District 1. It's okay; we get our numbers confused from time to time as well. And my point is, you noted that you're a proud Democrat who lives in CD2... [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: Um-hum. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: ...and you've been represented by Congressman Terry for I don't know how many terms, but I believe he's a Republican, is that right? [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: Yes, he is; they both are. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: That's right. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: I know that, no matter what, I probably will be represented by a Republican. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Right. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: I can live with that. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Sure. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: It's the issue that I spoke to, of transparency and being above board about party politics. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Right. And I think we can all agree that many of the issues that are at stake and that touch upon redistricting issues to a certain extent are best left to elections and campaigns, and that's why we have different candidates with different staffs and... [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: Um-hum. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: ...resources to make their case about why they're the best person for the job, of course. But the best that we can do from a redistricting perspective is respecting current boundaries, not confusing voters, and trying to move forward in accordance with our own principles. [LB700 LB701 LB702 LB703 LB704]

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ELLEN MOORE: Um-hum. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: And I don't want to speak for you, but I think that, maybe, is the gist of... [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: Yeah. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: ...the point. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: Exactly. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: Okay. Well, thank you. [LB700 LB701 LB702 LB703 LB704]

ELLEN MOORE: Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Thank you. Seeing no other testifiers in Lincoln... [LB700 LB701 LB702 LB703 LB704]

CHELSIE HERIAN: Senator Langemeier... [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Yeah, I think we gained one in Alliance? [LB700 LB701 LB702 LB703 LB704]

CHELSIE HERIAN: Yes, we did, if that is okay. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Yep. They'll be our last testifier. Go ahead. [LB700 LB701 LB702 LB703 LB704]

J.D. COX: (Exhibit 27) Well, good afternoon. My name is J.D. Cox. That's initials J and D; last name is Cox, C-o-x. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. [LB700 LB701 LB702 LB703 LB704]

J.D. COX: I'm the city manager for the city of Alliance. I live at 1119 Box Butte Avenue in Alliance [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Go ahead. [LB700 LB701 LB702 LB703 LB704]

J.D. COX: Can you hear me okay? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We can. Go ahead. [LB700 LB701 LB702 LB703 LB704]

J.D. COX: Okay. Very good. Thank you. I appreciate your time today to hear our

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thoughts and concerns regarding the current redistricting. We understand that members of this committee have already invested a great amount of time into this process, and we certainly appreciate that. As elected officials I'm sure that your goal is to conduct the necessary realignment with as much care and thought as necessary to ensure the new redistricting is as fair as possible. To that end, many folks here in Alliance are concerned that the proposed LB703 map that actually splits our community between two different districts. And it's left many of us scratching our heads and wondering why. Although figures from the previous census shows that we lost approximately 500 of our 9,000 residents, we believe with the hiring and business expansion currently that is under way in our community we've probably gained most of that back now. Further, we also understand that in the larger communities such as Lincoln and Omaha... [LB700 LB701 LB702 LB703 LB704]

SENATOR DUBAS: Oh-oh. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Oops. Oh, we've lost it. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We lost you. Maybe not. McCook lost their power; I hope Alliance didn't lose theirs. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: Timed out. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: It is stormy. [LB700 LB701 LB702 LB703 LB704]

SENATOR DUBAS: I don't know if there are storms up there or not. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Chuck is trying to get... [LB700 LB701 LB702 LB703 LB704]

J.D. COX: ...Colfax Street is... [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: There we go. [LB700 LB701 LB702 LB703 LB704]

SENATOR CONRAD: There we go. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We lost you there for a little... [LB700 LB701 LB702 LB703 LB704]

J.D. COX: Oh, I'm sorry. Can you hear me okay? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: We lost you. [LB700 LB701 LB702 LB703 LB704]

J.D. COX: Can you hear me now? [LB700 LB701 LB702 LB703 LB704]

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SENATOR LANGEMEIER: Can you hear us? [LB700 LB701 LB702 LB703 LB704]

J.D. COX: Yes, we can. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay. We lost you a couple seconds back. So why don't you backtrack a little bit and re-go again. [LB700 LB701 LB702 LB703 LB704]

J.D. COX: Sure. Sure. Well, what I...did you hear the comment about we don't believe that splitting Alliance's 8,500 residents serves the folks of Alliance nor the whole state of Nebraska? [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Yeah, we lost you where you were talking about you lost 500 people but you thought you gained them back. [LB700 LB701 LB702 LB703 LB704]

JD COX: That's correct. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Okay, go from there. [LB700 LB701 LB702 LB703 LB704]

J.D. COX: So...sure. Sure. And I appreciate your patience too. Anyway, we understand that in larger communities such as Omaha and Lincoln there is, naturally, a need to divide those large populations; and it may, in fact, enhance the representation, having more representatives from the cities. And that makes sense. But what we are questioning is whether dividing Alliance's 8,500 residents into two different districts makes sense for us, for Alliance, or for the state. And if one might imagine the community of Schuyler, it has a population, as I understand, of about 5,000 folks. If we were to split Schuyler into two segments along Colfax Street just because it happens to be Highway 15, it would be in a situation similar to Alliance, in that a, the hospital and part of the population is on one side and then a substantial part of the population is on, in a totally different district. Or perhaps in Valentine, if one drew a line along Fourth Street or Fifth Street just because Highway 83 or Highway 12 looks good on a map, that the population of 3,000 within the community of Valentine necessarily wouldn't be served too well having being split apart and diluted into two different districts. And another example might be Fullerton, which I understand has about 2,000 folks. If it were split along Third Street just because a map shows Highway 22 looks like a good place to divide the districts. So our point would be what is proposed for Alliance, that very thing is being done to our community. At the end of the day, I don't think anyone here would advocate that any of those other communities be divided in this way. And we're just simply asking that you give the same consideration to us and not divide Alliance or, hopefully, not even divide Box Butte County. So we would like to strongly urge you to modify 43002-D to not carve up Alliance and Box Butte County or, better yet, perhaps consider map 48006, which keeps our community whole and also keeps our community aligned with the rest of the folks in the Panhandle. We happen to be at the center

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geographically of the Panhandle. So again, I'd like to thank you for taking the time and care in crafting a solution that makes sense for everyone. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Very good. Are there any questions for Mr. Cox? Senator Fischer has a question. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Thank you, Chairman Langemeier. Thank you, Mr. Cox. I appreciate the comments you've made. I'm looking at a map of Alliance. If we are trying to keep the city whole, would you propose following the city lines, then, or do you have another proposal? I notice in following the city lines, there's that finger that goes down that follows the railroad tracks, is that correct? [LB700 LB701 LB702 LB703 LB704]

J.D. COX: Yes. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Would you--would your proposal be to follow the city lines on that, or do you have another idea, maybe, on how to square that up a little bit? [LB700 LB701 LB702 LB703 LB704]

J.D. COX: Well, the preferred solution would be just to keep the county together. We've been working a lot in Box Butte County on working together. Hemingford is also located in Box Butte County; it's population 900. And we feel it would make much more sense just to keep Box Butte County together. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: I realize that, and I can appreciate it. I do represent the 43rd District, and I have two split counties out of my 13 currently. But if we are unable to keep Box Butte County whole on a map that would be approved, I guess what I'm trying to look for is how we can keep Alliance whole. [LB700 LB701 LB702 LB703 LB704]

J.D. COX: If...I assume that perhaps you have seen Map 48006. It would appear that your District 43 is kept whole--whole counties in... [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Yes. [LB700 LB701 LB702 LB703 LB704]

J.D. COX: ...in that map. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Yes, I'm aware of that map. I like that map, personally. But it would (laugh) but it... [LB700 LB701 LB702 LB703 LB704]

J.D. COX: So do we. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: ...if I...and I can appreciate that. But if it would be my privilege to represent you in a map, what I'm trying to find out is and trying to get your help on is

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where do we draw the lines to make the city of Alliance whole? [LB700 LB701 LB702 LB703 LB704]

J.D. COX: I don't know what population we had from this area. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Maybe if you could...Mr. Cox? Maybe if you could get back to us on that within, you know, the next day or so, I know that's a rush. But if you could offer a proposal and then we would have to, of course, work on the population numbers in order to be within the deviations that this committee is trying to achieve, that would be helpful. [LB700 LB701 LB702 LB703 LB704]

J.D. COX: Okay. Yeah. We will be happy to do that. We'll get together, and we'll look at the map, and we'll be happy to provide that correspondence to you. [LB700 LB701 LB702 LB703 LB704]

SENATOR FISCHER: Okay. I--and I do appreciate it. And it's not that I don't want to represent you. But I do agree with you on your choice of maps too. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Nelson has a question for you. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: Thank you. Thank you, Mr. Chairman. And, Mr. Cox, you're the city manager, is that correct? [LB700 LB701 LB702 LB703 LB704]

J.D. COX: Yes, sir. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: All right. I'd like to just go a littler further than Senator Fischer does here. I live in Omaha, where we have multiple districts, lines drawn all over the place. So I have a little different experience than you do when it's necessary to divide up a town or a city. But I still want to ask the same question or maybe ask if you will...if, in fact, the only way we can make things work is still to divide Box Butte County and divide Alliance in some way, I mean, the preference is to keep Alliance whole, I understand but at the same time, if it's necessary to divide Alliance in some way to get a split of population, would you also, when you send us the information, suggest a way that you think would be preferable. Could you do that? [LB700 LB701 LB702 LB703 LB704]

J.D. COX: I don't think there is any support in our community for splitting our community. So I think you're--the task you're asking is next to impossible. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: What's impossible about drawing a different line? I know you don't

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want to do it... [LB700 LB701 LB702 LB703 LB704]

J.D. COX: To do it--to... [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: ...but if... [LB700 LB701 LB702 LB703 LB704]

J.D. COX: You're asking us to divide our own community and (inaudible) we're sharing with you all that other solutions other than dividing the community are preferable. [LB700 LB701 LB702 LB703 LB704]

SENATOR NELSON: I understand that. But it's up to you; I'm just suggesting that maybe you might want to propose an alternative in the event it does seem that we don't have any other course of action but to divide Alliance in some way. So that's all I'm asking--and submit that for your consideration. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Mello has a question. [LB700 LB701 LB702 LB703 LB704]

SENATOR MELLO: Mr. Cox, thank you for your testimony. And I guess it's just something to help, to some extent, I think, what Senator Fischer was requesting. And while myself being a Douglas and Sarpy County senator, I did not focus time and energy on the greater Nebraska area. But my office did tinker around a little bit with some of these maps to see different ways to keep geographies more whole. And we looked at an option where it might keep...the dividing line in Box Butte County would be Highway 385, everything west of it being in one area and everything east of it being in another district. Is that something that when you guys are putting up considerations, is that something you guys could look at as well? Understanding that you prefer not to have Box--understanding that you... [LB700 LB701 LB702 LB703 LB704]

J.D. COX: There's just very little support to break apart our community here. I...and I don't know if you all can hear the reaction from the folks here in the room. It's very strong; I'll share that with you. You know, I might share one other thing for you as well. I am new to Alliance, actually. I love this community, but I've had the opportunity to live in a lot of different communities over the years. Some have been much larger than Omaha; some have been smaller than Alliance. And it's very different when you're in a very large city. You identify with communities, with neighborhoods. And when you come to a community that is in a rural setting, as Alliance is, it's very, very important that, sense of community, and that everyone sort of is represented as one, as a whole. And I think it really needs to be impressed upon those of you who perhaps haven't had the opportunity--I'd like to invite all of you to come out to Alliance sometime. Love to have you. But the sense of community is very strong, and the sense of community in our county is strong. And so we feel that it's very important that we keep our county and community together. [LB700 LB701 LB702 LB703 LB704]

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SENATOR MELLO: So just so, I guess, maybe for clarification purposes, then, for the committee, is that you view Alliance more as Box Butte County as a whole, then, and less of a--less Alliance as a city of its own, that you...would that be a safe way to look at what you're suggesting? Is that you--for not to cut any part of Box Butte County or split any part of the county up, because you view that entire county as part of Alliance? [LB700 LB701 LB702 LB703 LB704]

J.D. COX: That is correct. [LB700 LB701 LB702 LB703 LB704]

SENATOR MELLO: Okay. Thank you. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Senator Lautenbaugh has a question. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Thank you, sir. And thank you for testifying today. I'm looking at, again, Legislative Map 48-006, which you've indicated that you prefer. The problem I have as I look at it is it splits Holt County, it splits Antelope County, and it splits Hall County four different ways. And so I hope you understand the complexity of our task and that every time we make a change to accommodate someone somewhere, something else, just by mathematics, is going to get split; and neither of these maps is immune from that criticism, would you agree? [LB700 LB701 LB702 LB703 LB704]

J.D. COX: That would appear to be correct. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: And I don't say that, I don't want you to not feel like you shouldn't voice your preference for not splitting your county, but I just want you to understand that it's something we struggle with when we have to look at the map as a state. [LB700 LB701 LB702 LB703 LB704]

J.D. COX: I understand. I really, I certainly do appreciate the tough job you have. You know, the census comes out, and you have to make decisions and you have to, you all are each charged with looking out for the best interests of the entire state. And that's quite a challenge, and we all understand that. But what we need to, I guess, just share with you as strongly as we possibly can, that it's very, very important that we keep our community together. And we're not a large, like Omaha or Lincoln, where you have more of a sense of neighborhood communities. This is an entire county population is one community. [LB700 LB701 LB702 LB703 LB704]

SENATOR LAUTENBAUGH: Okay. Thank you, sir. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: Seeing no other questions, Mr. Cox, thank you very much

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for your testimony. And I'd like to... [LB700 LB701 LB702 LB703 LB704]

J.D. COX: Thank you for your time. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: I'd also like to thank Chelsie for hosting us out there and being our coordinator; we thank you very much. And with... [LB700 LB701 LB702 LB703 LB704]

CHELSIE HERIAN: You're welcome. [LB700 LB701 LB702 LB703 LB704]

SENATOR LANGEMEIER: And we look forward to...thank you. And send the paperwork back. And with that, that concludes our hearings on the redistricting maps for today. And thank everybody that participated. Thank you. (See also Exhibits 28, 29, 30, 31) [LB700 LB701 LB702 LB703 LB704]