

FORTY-FIRST DAY - MARCH 10, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 10, 2009

PRAYER

The prayer was offered by Reverend L. Bill Woods, People's Mission Missionary Baptist Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Rogert presiding.

The roll was called and all members were present except Senator Cornett who was excused; and Senators Fulton, Karpisek, and Nantkes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

ANNOUNCEMENT

Senator Gloor designates LB396 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 47. Introduced by Coash, 27.

WHEREAS, the 450 acre area of the City of Lincoln known as the Boulevards Historic District has been officially listed on the National Register of Historic Places; and

WHEREAS, the Boulevards Historic District contains such historic public buildings as the Westminster Presbyterian Church, Tifereth Israel Synagogue, Irving Middle School, and Sheridan Elementary School; and

WHEREAS, the Boulevards Historic District provides landmark examples of early twentieth century Period Revival architecture such as the Mark Woods House and the Frank Spalding House; and

WHEREAS, the landscape architecture of the Boulevards Historic District was designed by Ernst Herminghaus, designer of the State Capitol grounds, and "the dean of American landscape architecture," Jens Jensen; and

WHEREAS, the development of the Lincoln Country Club and the Boulevards Historic District contributed greatly to Lincoln's future community development; and

WHEREAS, the Boulevards Historic District has been and continues to be home to many Lincoln residents who have greatly contributed to the development of the City of Lincoln and of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Mr. Ed Zimmer, Lincoln Historic Preservation Planner, the Nebraska State Historical Society, the City of Lincoln, and the residents of the Boulevards Historic District on this auspicious designation.

2. That a copy of this resolution be delivered to the City of Lincoln.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 346A. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 105A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 356. Committee AM529, found on page 615 and considered on pages 675 and 676, was renewed.

The committee amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 356A. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 327. Placed on Select File with amendment. ER8029 is available in the Bill Room.

LEGISLATIVE BILL 346A. Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

ANNOUNCEMENTS

Senator Cook designates LB340 as her priority bill.

Senator Adams designates LB545 as his priority bill.

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

Tuesday, March 17, 2009 1:30 p.m.

Michelle Suarez - Board of Trustees of the Nebraska State Colleges
 William Roskens - Board of Trustees of the Nebraska State Colleges
 Stan Carpenter - Nebraska Educational Telecommunications Commission
 Clay Smith - Nebraska Educational Telecommunications Commission

Tuesday, March 24, 2009 1:30 p.m.

John Winkleblack - Coordinating Commission for Postsecondary Education

(Signed) Greg Adams, Chairperson

AMENDMENT - Print in Journal

Senator Giese filed the following amendment to LB121:
 AM628

- 1 1. Strike original section 3 and insert the following new
- 2 sections:
- 3 Sec. 4. Section 32-519, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-519 (1) Except as provided in this section and
- 6 sections 22-417 and 77-1340, at the statewide general election
- 7 in 1990 and each four years thereafter, a county assessor shall
- 8 be elected in each county having a population of more than three
- 9 thousand five hundred inhabitants and more than one thousand two
- 10 hundred tax returns. The county assessor shall serve for a term of
- 11 four years.

12 (2) The county board of any county shall order the
 13 submission of the question of electing a county assessor in the
 14 county to the registered voters of the county at the next statewide
 15 general election upon presentation of a petition to the county
 16 board (a) conforming to the provisions of section 32-628, (b)
 17 not less than sixty days before any statewide general election,
 18 (c) signed by at least ten percent of the registered voters of
 19 the county secured in not less than two-fifths of the townships
 20 or precincts of the county, and (d) asking that the question be
 21 submitted to the registered voters in the county. The form of
 22 submission upon the ballot shall be as follows: For election of
 23 county assessor; Against election of county assessor. If a majority
 1 of the votes cast on the question are against the election of a
 2 county assessor in such county, the duties of the county assessor
 3 shall be performed by the county clerk and the office of county
 4 assessor shall either cease with the expiration of the term of
 5 the incumbent or continue to be abolished if no such office exists
 6 at such time. If a majority of the votes cast on the question
 7 are in favor of the election of a county assessor, the office
 8 shall continue or a county assessor shall be elected at the next
 9 statewide general election.

10 (3) The county board shall submit the election of a
 11 county assessor to the registered voters of the county at a special
 12 election called for that purpose when required pursuant to section
 13 77-1340. A county assessor elected at a special election shall
 14 serve until a successor is elected at the next statewide general
 15 election.

16 ~~(3)-(4)~~ The county assessor shall meet the qualifications
 17 found in sections 23-3202 and 23-3204. The county assessor shall be
 18 elected on the partisan ballot.

19 Sec. 5. Section 32-559, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 32-559 Except as provided in section 77-3444, any
 22 election of a county assessor pursuant to section 77-1340 or
 23 any issue to be submitted to the registered voters at a special
 24 election by a political subdivision shall be certified by the clerk
 25 of the political subdivision to the election commissioner or county
 26 clerk at least fifty days prior to the election. A special election
 27 may be held by mail as provided in sections 32-952 to 32-959.

1 Any other special election under this section shall be subject to
 2 section 32-405.

3 In lieu of submitting the issue at a special election,
 4 any political subdivision may submit the issue at a statewide
 5 primary or general election or at any scheduled county election,
 6 except that no such issue shall be submitted at a statewide
 7 election or scheduled county election unless the issue to be
 8 submitted has been certified by the clerk of the political
 9 subdivision to the election commissioner or county clerk by March
 10 1 for the primary election and by September 1 for the general

11 election. After the election commissioner or county clerk has
12 received the certification of the issue to be submitted, he or she
13 shall be responsible for all matters relating to the submission of
14 the issue to the registered voters, except that the clerk of the
15 political subdivision shall be responsible for the publication or
16 posting of any required special notice of the submission of such
17 issue other than the notice required to be given of the statewide
18 election issues. The election commissioner or county clerk shall
19 prepare the ballots and issue ballots for early voting and shall
20 also conduct the submission of the issue, including the receiving
21 and counting of the ballots on the issue. The election returns
22 shall be made to the election commissioner or county clerk. The
23 ballots shall be counted and canvassed at the same time and in
24 the same manner as the other ballots. Upon completion of the
25 canvass of the vote by the county canvassing board, the election
26 commissioner or county clerk shall certify the election results to
27 the governing body of the political subdivision. The canvass by the
1 county canvassing board shall have the same force and effect as if
2 made by the governing body of the political subdivision.

3 2. On page 10, strike beginning with "The" in line 24
4 through line 25 and insert "The appointed assessor shall continue
5 to perform the county assessor's duties until (a) an assessor is
6 elected at the next statewide general election for appointments
7 which will be effective July 1, 2010, or (b) an assessor is elected
8 at a special election and the county canvassing board declares
9 a winner under the Election Act for appointments which will be
10 effective July 1, 2011.".

11 3. On page 11, line 1, strike "the next election.".

12 4. On page 13, line 12, after "next" insert "statewide
13 general".

14 5. Renumber the remaining sections, correct internal
15 references accordingly, and correct the operative date section
16 and repealer so that the sections added by this amendment become
17 operative on their effective date.

GENERAL FILE

LEGISLATIVE BILL 63. Title read. Considered.

Committee AM212, found on page 629, was considered.

Pending.

ANNOUNCEMENT

Senator Utter designates LB477 as his priority bill.

AMENDMENTS - Print in Journal

Senator Pirsch filed the following amendment to LB63:

AM637

(Amendments to Standing Committee amendments, AM212)

1 1. Insert the following new sections:

2 Sec. 15. Section 28-1207, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 28-1207 (1) Any person who knowingly possesses, receives,
5 sells, or leases, other than by delivery to law enforcement
6 officials, any firearm from which the manufacturer's identification
7 mark or serial number has been removed, defaced, altered, or
8 destroyed, commits the offense of possession of a defaced firearm.

9 (2) Possession of a defaced firearm is a Class ~~IV~~III
10 felony.

11 Sec. 16. Section 28-1208, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 28-1208 (1) Any person who intentionally removes,
14 defaces, covers, alters, or destroys the manufacturer's
15 identification mark or serial number or other distinguishing
16 numbers on any firearm commits the offense of defacing a firearm.

17 (2) Defacing a firearm is a Class ~~IV~~III felony.

18 Sec. 18. Section 28-1212.03, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 28-1212.03 Any person who possesses, receives, retains,
21 or disposes of a stolen firearm knowing that it has been or
22 believing that it has been stolen shall be guilty of a Class ~~IV~~
1 III felony unless the firearm is possessed, received, retained, or
2 disposed of with intent to restore it to the owner.

3 2. On page 42, line 23, strike "28-1212.02," and insert
4 "28-1207, 28-1208, 28-1212.02, 28-1212.03,".

5 3. Renumber the remaining sections and correct internal
6 references accordingly.

Senator Pirsch filed the following amendment to LB63:

AM638

(Amendments to Standing Committee amendments, AM212)

1 1. Insert the following new section:

2 Sec. 35. The Office of Violence Prevention shall conduct
3 public awareness activities designed to publicize the increased
4 penalties under this legislative bill for violent criminal
5 offenses. The public awareness activities may include, but need
6 not be limited to, public service announcements, information kits,
7 brochures, posters, booklets, billboards, and radio and television
8 promotions.

9 2. Renumber the remaining sections accordingly.

ANNOUNCEMENT

Senator Wightman announced the Executive Board will hold an executive session Wednesday, March 11, 2009, at 8:30 a.m., in Room 2102.

UNANIMOUS CONSENT - Add Cointroducer

Senator Howard asked unanimous consent to add her name as cointroducer to LB235. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bob and Wilma Knuth from Wahoo and Doris Hartman from Seward; members of Leadership Nebraska City from Nebraska City; Travis Moore from Kearney; members of Girl Scout Troop 918 from Omaha and Bellevue; and members of Girl Scouts - Spirit of Nebraska from across the state.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Cook, the Legislature adjourned until 9:00 a.m., Wednesday, March 11, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

