

February 27, 1996 LR 46

SENATOR KRISTENSEN: But then there's that other four words that follow that,...

SPEAKER WITHEM: One minute left.

SENATOR KRISTENSEN: ...before the conjunctive "and", "as may be necessary".

SENATOR HILLMAN: Okay, but you could not appoint is, I guess, you couldn't appoint, they have to be elected. And that's what the court case was in Omaha.

SENATOR KRISTENSEN: Okay.

SENATOR HILLMAN: When someone filed for...they had gone ahead, it was in statute at one time, and they hired a manager. And when someone wanted to file for an elected position, and I think the name was O'Connor, I'll have to look it up here, yeah, J. O'Connor. He went to file and was told that he could not file for an elected office because the constitution...because in statute they had said they were going to be appointed. He said, according to the constitution, that he could be elected. And the court said that the Legislature had no authority to authorize a county to adopt the county manager plan.

SENATOR KRISTENSEN: That was the old...and if I remember right...

SPEAKER WITHEM: Time. Senator Brown.

SENATOR BROWN: Mr. President, members of the body, I rise to oppose the Chambers amendment. (LR) 46CA is, in my estimation, permissive language which would allow counties to restructure. And I would want to see Douglas County have the same opportunity for restructuring that we would be allowing other counties with the adoption of this bill (sic). (LR) 46CA is permissive language which allows local subdivisions to create the structure which meets the needs of the voters in those local subdivisions. As we contemplate, in this body, greater and greater state control over local spending we must, I believe, allow greater and greater options to the local subdivisions to make the decisions for them to control themselves and their structure. A lot of what I've heard about Douglas County on the floor seems