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LB 813, 814, 815A, 815

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

SPEAKER BARRETT: Senator Kristensen, please.

SENATOR KRISTENSEN: Thank you, Mr. Speaker. The amendment which I have is one that has received a considerable amount of discussion this afternoon from a variety of people to myself and from a variety of people in the Rotunda, and this amendment deals with putting \$18 million directly into state aid for education. I'm very serious about this amendment, however, I'm not sure that now is the time or the place to do that, and I believe it's important to move this budget bill along. There's another vehicle that I may look at to put this amendment there and so, in that spirit, to move this along, I would pull this amendment with the sincerity that the amendment is valid and I believe has some very good points and one that needs to be discussed before this session is over. But I will pull it at the time, thank you.

SPEAKER BARRETT: Thank you, Senator Kristensen. It is withdrawn.

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

SPEAKER BARRETT: Thank you. Senator Warner.

SENATOR WARNER: Mr. President, I move that LB 813 be advanced.

SPEAKER BARRETT: Any discussion? Senator Moore? Thank you. Shall LB 813 be advanced? Those in favor say aye. Opposed no. Carried. The bill is advanced. Anything for the record before we go to LB 814, Mr. Clerk?

CLERK: Mr. President, I have one item. I have an A bill, LB 815A by Senator Smith. It's a bill for an act to appropriate funds to implement LB 815. That's all that I have, Mr. President.

SPEAKER BARRETT: Thank you. Moving then to LE 814.

CLERK: Mr. President, the first item on LB 814 are Enrollment and Review amendments.

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LB 815A, 817A

appropriation. We'll be splitting some of those costs for reestablishing that survey. But we want to put it forth in front of you so it's available. If we move it over, hopefully we will have very definitive information between now and the time that we'll need to advance again, so that we can be more clear on it. But it's here as a precaution. So, with that, I would offer its advancement to Select File.

SPEAKER BARRETT: Thank you. Discussion, Senator Wehrbein.

SENATOR WEHRBEIN: Yes, Mr. Speaker and members. Just briefly, I'll too...we wanted to be sure that it was called to the attention that this may be necessary, in time it may not be. Frankly, South Dakota did not pass any bill allocating any money to this potential survey cost. But in time there will be a survey cost, we're not sure when and where. This is a precaution, hopefully we won't need it this time, but it may be necessary down the road when the Congress ratifies the compact. In other words there will be some expense in time. We're not sure when and we're not intending to put it in at this time.

SPEAKER BARRETT: Any other discussion? Anything further, Senator Conway? The question is then the advancement of 817A. Those in favor vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of the motion to advance LB 817A.

SPEAKER BARRETT: LB 817A is advanced. With your permission I'd like to address one more A bill which is now ready, 815, LB 815A.

CLERK: Mr. President, 815A, by Senator Smith. (Read title.)

SPEAKER BARRETT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. Speaker. Members of the body, this is simply the appropriation of funds from the Charitable Gaming Operations Fund to the Petty Cash Fund that I discussed in the amendment that I had this morning. I would ask for your vote of support for this.

SPEAKER BARRETT: Is there discussion? Seeing none, those in favor of the advancement of LB 815A please vote aye, opposed nay. Please record.

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LB 89, 247, 525, 815A
LR 217, 218

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to advance LB 815A.

SPEAKER BARRETT: LB 815A is advanced. Mr. Clerk, have you anything for the record?

CLERK: I do, Mr. President. Thank you. Senator Moore has amendments to LB 247 to be printed. Mr. President, I have new resolutions. (Read LR 217, and LR 218. See pages 2477-79 of the Legislative Journal.) That's all that I have.

SPEAKER BARRETT: Thank you. As per the instructions on the agenda, we'll now return to Item 5 on the agenda. I believe we left LB 525 before lunch. After handling 525 we'll then return to item 9 on the agenda, Final Reading. Mr. Clerk, 525.

CLERK: Mr. President, 525 was considered this morning by the Legislature. At that time there were amendments offered to the bill by Senator Landis, an amendment by Senator Kristensen and an amendment to the Kristensen amendment by Senator Warner. Senator Lynch and Bernard-Stevens then have moved, Mr. President, to reconsider the vote on the Kristensen amendment. That motion is now pending.

SPEAKER BARRETT: Back to the motion to reconsider. Senator Lynch, will you handle the reconsideration motion?

SENATOR LYNCH: Yes, Mr. President, thank you, and members, I, immediately, when I walked in this morning walked in on a conversation dealing with 89 because of the amendment to 525 and I'm grateful for all those good words that were mentioned like, you know, they don't want to kill LB 89, they don't mean to hurt 89 and I think 89 has enough votes to go anyhow, but I'm not sure of any of those things so I rise to talk about my amendment to reconsider with mixed emotions. I just would mention a couple of things so you understand. When we talk about aid to education, I know back in '86-87 it was 125 million and then it was dropped in '87-88 to 122, but it jumped back up to 133 million in '88-89. There looks like the request is fairly constant at that number. However, there is an increase, substantial increase in special education money of about \$4 million requested. I'm not quite sure how that will work out. It depends on how you think and consider this kind of a compromise and a trade-off in a sense. I can't tell you what is

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LB 137A, 525, 761A, 762A, 815A, 817A

SENATOR SCOFIELD: Thank you, Mr. President, and I've moved in the bracket motion we do it, we bracket this bill until Friday at 1:30 p.m. Hopefully by that time we'll be through with everything else. This is the trailer bill and maybe by that time we can have sorted out some things. This bill obviously has too much money in there to be a legitimate trailer bill. It's more like a stone around all our necks rather than a trailer bill at this point, and so that's the rationale behind the motion. I'd urge you to accept it.

PRESIDENT: Senator Lamb, please. Senator Warner. Senator Abboud. Senator Lindsay. Senator Conway.

SENATOR CONWAY: I'll call the question.

PRESIDENT: Did I see five hands? The question is, shall debate cease? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 1 nay to cease debate, Mr. President.

PRESIDENT: Senator Scofield, would you like to close, please? The question is...

SENATOR SCOFIELD: (Mike not activated immediately.) ...the bill.

PRESIDENT: ...the bracket motion by Senator Scofield. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 23 ayes, 5 nays, Mr. President, on the motion to bracket the bill.

PRESIDENT: The bill is bracketed until, what was that, one-thirty, Friday?

CLERK: It was bracketed until May 19, Mr. President.

PRESIDENT: Okay, the bill is bracketed. Do you have some things to read into the record, Mr. Clerk, please?

CLERK: Mr. President, Enrollment and Review reports LB 137A to Select File, LB 761A, LB 762A, LB 817A and LB 815A all reported to Select File, all signed by Senator Lindsay.

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LB 228, 762A, 815A, 817A

favor say aye. Opposed no. Carried, it is advanced.

CLERK: Mr. President, the next bill I have is LB 817A, and, Senator, I have no amendments to that bill.

SPEAKER BARRETT: LB 817A, Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 817A be advanced to E & R Final.

SPEAKER BARRETT: Shall 817A be advanced? All in favor say aye. Opposed no. Carried, the bill is advanced.

CLERK: Senator, I next have LB 815A. I do have E & R amendments to that bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move the adoption of the E & R amendments to LB 815A.

SPEAKER BARRETT: Question is the adoption of the E & R amendments to 815A. All in favor say aye. Opposed no. Carried, they are adopted.

CLERK: I have nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 815A, as amended, be advanced to E & R Final.

SPEAKER BARRETT: Shall 815A, as amended, be advanced? All in favor say aye. Opposed no. Carried, the bill is advanced. Thank you. Mr. Clerk, have you an item on the desk?

CLERK: Mr. President, I do. I have a motion from Senator McFarland to direct the Clerk to request the return from the Governor of LB 228 for further consideration.

SPEAKER BARRETT: Senator McFarland. Senator Withem, proceed.

SENATOR WITHEM: Yes, Senator McFarland has asked me to handle this amendment. This was an Education Committee bill. If you recall, it's one that we passed yesterday. LB 228 was a bill

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LB 89, 137, 137A, 211, 215, 228, 279
289, 289A, 352, 639, 651, 651A, 761A
762A, 815A, 817A

Teachers buy books. Teachers buy supplies for kids that don't have them. They take money right out of their own pockets and give it to kids. And so it's...I guess that's one of the reasons why I feel very strongly about giving the money directly to teachers. Senator Warner's remarks struck a chord with me and reminded me of all the contributions that I know that individual teachers make to kids. And so I would urge us to get on with it. Let's pass this bill. It's time we did something for teachers.

SPEAKER BARRETT: Senator Schellpeper.

SENATOR SCHELLPEPER: I will give my time to Senator Moore.

SPEAKER BARRETT: Senator Moore.

SENATOR MOORE: Yes, Mr. Speaker. just to say I guess it's time to withdraw this. I apologize to the...to the original supporters of this bill, at least, because I think some of them wanted to read it tonight and because if my amendment was adopted, they couldn't, but I think it makes it a better bill, obviously, a bill that I can now support and I think there has been some fights among some varying entities on this bill. I think now we've got a bill that really does help education in the state. And, with that, I withdraw the amendment. The last things I will say on LB...the last things that all of us will say on LB 89 and come Monday we'll pass the bill over to the Governor.

SPEAKER BARRETT: Thank you. It is withdrawn. Anything further, Mr. Clerk?

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

SPEAKER BARRETT: Yes, for the record.

CLERK: Mr. President, amendments to be printed, Senator Scofield to LB 761A; Senator Chizek to LB 279. (See pages 2546-47 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 137, LB 137A, LB 211, LB 215, LB 228, LB 289, LB 289A, LB 352, LB 639, LB 651, LB 651A, LB 761A, LB 762A, LB 815A and LB 817A, Mr. President. (See pages 2548-50 of the Legislative

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LB 137A, 137, 211, 215, 228, 352, 639
761, 762, 780, 815, 815A, 817, 817A

voting, Mr. President.

PRESIDENT: LB 780 passes. We'll move on to LB 13....Oh, Senator Barrett, please.

SENATOR BARRETT: Thank you, Mr. President. I would move to suspend the rules in order to read the bills that were shared with the body just before lunch today. I believe the Clerk has the motion.

PRESIDENT: Mr. Clerk.

CLERK: Well, Mr. President, Senator Barrett would move to suspend Rule 6, Section 7(b) to permit consideration of LB 137, LB 137A, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761, LB 762, LB 815, LB 815A, LB 817, and LB 817A on Final Reading today.

PRESIDENT: You've heard the motion. All in favor say aye...or vote aye. All in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 36 ayes, 0 nays, Mr. President, on the motion to suspend the rules.

PRESIDENT: The rules are suspended and we'll go to LB 137 with the emergency clause attached.

CLERK: (Read LB 137 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 137 pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on pages 2664-65 of the Legislative Journal.) 46 ayes, 0 nays, 3 present and not voting, Mr. President.

PRESIDENT: LB 137 passes with the emergency clause attached. LB 137A with the emergency clause attached.

CLERK: (Read LB 137A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 137A pass with the

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LB 211, 215, 228, 352, 639, 739, 761
762A, 815, 815A, 817

LB 739, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761. Move on to LB 762A.

ASSISTANT CLERK: (Read LB 762A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 762A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2672-73 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 762A passes. LB 815, please.

ASSISTANT CLERK: (Read LB 815 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 815 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See pages 2673-74 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 815 passes. LB 815A.

ASSISTANT CLERK: (Read LB 815A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 815A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 2674 of the Legislative Journal.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

PRESIDENT: LB 815A passes. LB 817, please.

ASSISTANT CLERK: (Read LB 817 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having

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LB 762, 762A, 815, 815A, 817A, 817

CLERK: 40 ayes, 0 nays on the motion to return the bill, Mr. President.

PRESIDENT: The bill is returned to Select File.

SENATOR CONWAY: I would move that we strike the enacting clause.

PRESIDENT: Okay, Senator Conway moves to strike the enacting clause. All those in favor of killing the bill vote aye, opposed nay. Senator Kristensen, your light came on, did you wish to speak? Okay. Record, Mr. Clerk, please.

CLERK: 38 ayes, 4 nays, Mr. President, on the motion to strike the enacting clause.

PRESIDENT: LB 817A is indefinitely postponed. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 762, LB 762A, LB 815, LB 815A, LB 817. Mr. Clerk, anything for the record?

CLERK: One item, Mr. President, a motion from Senator Warner to be printed in the Journal. That's all that I have.

PRESIDENT: Senator Barrett.

SPEAKER BARRETT: Mr. President and members, I move we adjourn until tomorrow morning at eight o'clock.

PRESIDENT: You have heard the motion. All in favor say aye. Opposed nay. You are adjourned till tomorrow at eight o'clock, did you say? We are adjourned until eight o'clock. Thank you very much, ladies and gentlemen, for your fine cooperation today. I'm sure the Speaker appreciates it and I certainly do. Thank you. Good night.

Proofed by:


Sandy Ryan

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LB 137, 137A, 211, 215, 228, 352, 639
739, 739A, 744, 761, 762, 762A, 767
767A, 780, 815, 815A, 817
LR 115

PRESIDENT NICHOL PRESIDING

PRESIDENT: (Microphone not activated immediately) ...W. Norris Legislative Chamber. We have with us this morning, as our Chaplain of the Day, Reverend Homer Clements of Saint Luke's United Methodist Church in Lincoln. Would you please rise for the invocation.

REVEREND CLEMENTS: (Prayer offered.)

PRESIDENT: (Gavel.) Thank you, Reverend Clements. We appreciate it. Roll call, please.

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

PRESIDENT: Thank you. Any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Good. Any messages, reports or announcements?

CLERK: Mr. President, just one item and that is a...your Enrolling Clerk did present to the Governor the last few bills read on Final Reading last evening, and that's all that I had, Mr. President. (See bills presented to the Governor regarding LB 767, LB 767A, LB 137, LB 137A, LB 744, LB 780, LB 739, LB 739A, LB 211, LB 215, LB 228, LB 352, LB 639, LB 761, LB 762, LB 762A, LB 815, LB 815A, and LB 817 as found on page 2677 of the Legislative Journal.)

PRESIDENT: Good. We'll move on to Legislative Resolution, LR 115.

CLERK: Mr. President, LR 115 is offered by Senator Baack. It's found on page 2092. It asks the Legislature to acknowledge the centennial celebration of Cheyenne County...Banner County. Banner County, excuse me, Senator.

PRESIDENT: Senator Baack, please.

SENATOR BAACK: They're fairly close together, I guess. Banner County at one time was a part of Cheyenne County, but is now a Banner County. Mr. President and colleagues, this is a resolution honoring Banner County for their 100th birthday that will take place this summer. Banner County was the first county