

appointments to the appropriate Standing Committee.

Mr. President, I have a confirmation report from the Business and Labor Committee. It is signed by Senator Coordsen as Chair.

Mr. President, a new bill, LB 817. (Read by title for the first time as found on page 1984 of the Legislative Journal.) The bill will be referred to Reference Committee, Mr. President, for referral to the appropriate Standing Committee for public hearing. Mr. President, that is all that I have.

PRESIDENT: The next bill on the list is LB 769.

CLERK: Mr. President, General File consideration of LB 769. It was a bill introduced by Senator Labeledz and a number of the members. (Title read.) The bill was introduced on January 19, referred to Judiciary Committee. The bill was considered, Mr. President, on April 24. At that time the committee amendments were adopted. Mr. President, I do have a series of amendments pending, however, I have a priority motion. Senator Chambers would move to reconsider the vote on Senator Lynch's amendment which was taken on April 24. That motion is pending.

PRESIDENT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, bringing up these bills in this fashion is no way to treat a grandfather, but I do the best I can in getting here. This is the reconsideration motion that I filed the other day on Senator Lynch's amendment. The wording of the amendment can be found on page 1824 and page 1825 of the Journal, and what it does is require that certain information be provided with reference to the requirements being laid down for these young ladies who want to obtain an abortion without going through their parents. And if the idea of this bill is not one to harass, to make the abortion decision a nullity in terms of being really a decision, the least that can be done would be to adopt this kind of language. It is not unusual for us to put language in a bill that would require assistance for those who were going to need it and going through those technical moves that are necessary to vindicate a right. We advanced LB 330 the other day which deals with domestic violence and domestic abuse and there is a requirement in there that assistance in completing forms that are necessary to obtain these protection orders be given to the person who needs it. In fact, on page 5 of LB 330 is that

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LB 603, 727, 743, 769, 813, 817

Members, please record your presence. Those outside the Chamber, please return and check in. Senator Haberman, the house is under call. I have a request for a roll call vote. All members in their seats. Apparently Senator McFarland is the only one absent, Senator Chambers. Senator Haberman was excused. Do you want to proceed or do you want to wait? Proceed. All members in their seats, please. Proceed with the roll call, Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1985-86 of the Legislative Journal.) 17 ayes, 22 nays, Mr. President.

SPEAKER BARRETT: Motion fails. The call is raised. Mr. Clerk.

CLERK: Mr. President, the next amendment I have is by Senator Lynch.

SPEAKER BARRETT: Senator Lynch.

SENATOR LYNCH: Mr. President, I move we adjourn until Tuesday morning at nine o'clock.

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

CLERK: Mr. President, I have reference report referring LB 817 to the Government Committee. I have notice of hearing on LB 817.

Senator Schmit has amendments to LB 813; Senator Smith has amendments to LB 743; Senator Wesely to LB 727; Senator Wesely to LB 813. Senator Abboud would like to add his name to LB 603 as co-introducer, Mr. President. (See pages 1986-88 of the Legislative Journal.) That's all that I have.

SPEAKER BARRETT: Thank you, Mr. Clerk. Shall the body adjourn until Tuesday morning at nine o'clock? Those in favor say aye. Opposed no. Motion carried. We are adjourned.

Proofed by:

Marilyn Zank
Marilyn Zank

May 5, 1989

LB 84, 444, 814, 817
LR 123-126

CLERK: Thank you, Mr. President. I have amendments to be printed by Senators Hartnett and Korshoj to LB 814. (See page 2124 of the Legislative Journal.)

Mr. President, a series of interim study resolutions, LR 123 by Senator Hefner, LR 124 by Senator Beyer, LR 125 by Senator Beyer, LB 126 by Appropriations. (See pages 2124-27 of the Legislative Journal.)

Senator Lindsay has amendments to LB 444 to be printed. Government Committee would report LB 817 to General File. That is signed by Senator Baack as Chair. I have two Attorney General's Opinions, Mr. President, one to Senator Beck and one to Senator Dierks. (See pages 2127-31 of the Legislative Journal.) That is all that I have.

Mr. President, the bill has been returned from Final Reading. I now have pending the amendment as offered by Senator Lamb and others, AM1711.

SPEAKER BARRETT: Further discussion on the amendment. Senator Moore, your light is still on. Thank you. Senator Abboud, would you care to discuss the amendment? Senator Hall. Senator Lamb. Senator Withem. Thank you. Senator Korshoj.

SENATOR KORSHOJ: Question.

SPEAKER BARRETT: There has been some earlier debate on the motion. Are there five hands? Do I see five hands? I certainly do. The question is up to the body, shall debate cease? Those in favor vote aye, opposed nay. Record, please.

CLERK: 29 ayes, 1 nay to cease debate, Mr. President.

SPEAKER BARRETT: Debate ceases. Senator Lamb.

SENATOR LAMB: Well, Mr. President and members, I think the issue has been pretty well discussed, and from the lack of debate on this last motion, I think most people agree to that, and so at this time I would just ask that the amendment be adopted.

SPEAKER BARRETT: Thank you, and the question is, shall the Lamb, et al, amendment be adopted to LB 84. Those in favor vote aye, opposed nay. Have you all voted? Record, please.

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LB 355A, 817

SPEAKER BARRETT: LB 355A is advanced. LB 817, Mr. Clerk.

CLERK: LB 817, Mr. President, was introduced by the Speaker, Senator Conway, and Senator Wehrbein at the request of the Governor. (Read title.) It was introduced on April 27, referred to Government, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: Senator Conway, will you handle?

SENATOR CONWAY: Mr. Speaker and members, LB 817, as some of you are aware, is a bill dealing with a change in the boundary provisions between Nebraska and South Dakota. I, as the senator in the very northeast corner of the state, have been working with some of the Iowa and South Dakota senators for quite sometime relative to some of the concerns for the boundary, and there are lots of other concerns that are not addressed here. What we did find was the ability to focus on one specific area that is common to both South Dakota and Nebraska that we were able to resolve without much difficulty, whatsoever, and that is what is presented to you in LB 817. On your desk you will see a map that was passed out that, basically, shows the majority of Dakota County, Nebraska, and the adjoining properties. If you follow the river, you will see that the river splits right north of South Sioux, between South Sioux City and Sioux City, Iowa, and you will see one blue line going straight north, that is the Big Sioux River, and that ultimately is the border between Iowa and South Dakota, and then as the river goes on as the Missouri River, which is the border between South Dakota and Nebraska. These two counties, Union County, South Dakota and Nebraska have come to an agreement that we can solve some of the problems that are inherent to the river that changed over the years. We entered into a boundary compact with South Dakota back in the early 1900's of what the boundary would be, and since that time, the Corps of Engineers and the natural course of the river has changed. The river is now rock lined and so, therefore, the boundaries should not be bouncing around. But what it did do in its stable state is left these three parcels that are marked out and they are very dark, you can see between the South Dakota and Nebraska boundary there is three blackened in portions there. Those are three parcels in Nebraska that are currently considered to be Nebraska property although they are on the South Dakota side of the river. Those properties are basically accretion ground, timberland, and the like that has...being

farmed and being used to some extent in a couple of the parcels, but for the most part, it is just pretty much wasteland. What the idea is is to put, under LB 817, is to put this land and proclaim it to be property belonging to South Dakota rather than Nebraska. There is about 1,400 acres in question. Some of the problems that probably should be considered as we are looking at why we are doing this, that property is literally inaccessible to Nebraska. Any services that would need to be rendered, whether it be schools, or fire services, and the like are literally inaccessible from the Nebraska side of the river and, therefore, we cannot provide any decent services. The tax authority is literally negligible. We contacted all of the subdivisions that had interest in this property with respect to the taxes and they have all signed off saying the services to be rendered would be more costly than would be the taxes recovered from that property, so, therefore, they would have no problem with relinquishing it. The other kinds of considerations that come in on this is there are people in these properties, in one situation, at least, where Nebraska and South Dakota both proclaim ownership now. They both have it on their tax rolls and these people are paying taxes to both Nebraska and South Dakota because it is cheaper to do that than it would be to litigate and find out whether or not the property truly does belong to one taxing authority or the other. There are all kinds of problems in that sense by virtue of this location and the declaration of this accretion ground. Senator Wehrbein, who is on the bill with me, I am on the bill by virtue of being in my district, Senator Wehrbein is also on the Boundary Commission, and as a member of this body, he has worked with me on this. He has physically gone up, and I am sure that he will speak to this in just a moment. What we have to do in order to make this change, though, is both South Dakota and Nebraska literally have to agree to an identical situation. South Dakota has already introduced their bill and it has passed in the South Dakota Legislature. We introduce ours, and if it is passed identical to South Dakota's, we then forward those two bills onto Congress and Congress has to ratify what we have agreed to. That really is what leads to the near urgency of why we are running this now, why it came in at this late date, after this bill's introduction, because we want to get our bill to catch up with South Dakota's so they can go to Congress together and show that we are mutually agreed as to what it is we are doing. One of the primary concerns, for instance, is these properties are also in the Homer School District, and you look at the map and follow the highway out of South Sioux City, you go through

Dakota City, clear down to Homer. It is about 25 miles to get down there. A couple of years ago, there was one child on one of these properties and that school district had to contract with South Dakota for its services, and given the amount of taxes they collected, it was very definitely a costly situation for them to have those services provided in South Dakota rather than in Nebraska. So with that, I offer the legislation, and like I say, I expect Senator Wehrbein will have a comment or two.

SPEAKER BARRETT: Senator Wehrbein, please.

SENATOR WEHRBEIN: Yes, Mr. Speaker and members, I thought I would enlarge a little bit upon what the Boundary Commission has done. I was appointed to the Boundary Commission about a year ago. There are several of us serving across the state appointed by the Governor. We did meet in February with the South Dakota Boundary Commission over in the State Office Building and signed an agreement. I thought I would go over that just briefly. The center line of the river no longer coincides with the one that was the 1905 compact, so we established a new boundary based on the present center line of the river, and as Senator Conway said, this is very stable now. This is probably one of the few areas up in that area that is stable. Beyond that it is not, but in this area it is stabilized by the Corps of Engineers and so should remain stable. The agreement is intended to be an interstate compact recommendation to the legislative bodies of Nebraska and South Dakota. That is what we did as Boundary Commission members. Its ratification is intended as a necessary first step in striving for interstate comity. It is understood subsequent adoption of a compact by the states must be followed by U.S. Congressional ratification. So I want you to understand clearly that this is recommending to Congress to establish this designated boundary. It is not the commissioners' intent to settle disputes of ownership for certain tracts of land. This is simply transferring the boundary, putting that that is now in Nebraska back into South Dakota based on how the river had changed. We have had Mike Jess, as you may know, is Chairman of the Missouri Boundary Commission. He and his staff have verified all of the statements that we will be making. State Surveyor, Jim Brown, has been involved, and also serves on that commission. We have, as Senator Conway said, this has been approved by the South Dakota Legislature, and we are seeking, then, agreement from the Nebraska Legislature to send this off to Congress. This will not take effect until ratified by

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LB 817

Congress, so it is hard to tell how long this will take. Sometimes these functions take quite awhile. It could be a year or even two before it is ratified by Congress. But that is the general intent of this, and I would urge support of this bill in order to move this along, and I would be happy to answer any questions if there were, too.

SPEAKER BARRETT: Thank you. Senator Lindsay.

SENATOR LINDSAY: Thank you, Mr. President. Would Senator Conway yield to a question?

SPEAKER BARRETT: Senator Conway, please.

SENATOR CONWAY: Yes, sir.

SENATOR LINDSAY: Senator, looking on the map, I think the land we are talking about is...isn't that presently in your district?

SENATOR CONWAY: Yes, it is.

SENATOR LINDSAY: And we have had, I guess, some discussion and there seemed to be some support for it, would you be willing to accept I guess a friendly amendment to cede the entire 17th Legislative District to South Dakota?

SENATOR CONWAY: I have my days I might consider that, yes.

SPEAKER BARRETT: Senator Hannibal, please.

SENATOR HANNIBAL: Thank you, Mr. Speaker. I intend to support the bill. It sounds like it is a good idea. I would have a question either of Senator Conway or Senator Wehrbein. This bill is affecting just the South Dakota and Nebraska border. Is there a similar compact working towards establishment of boundaries between Iowa and Nebraska?

SENATOR CONWAY: What we have done, if I can respond, what we have done on this, and I have been working on both, with Iowa and South Dakota. This is the one area that we have common agreement on. We are working on other areas, as you are well aware, between Sioux City, Iowa, for instance, where we start the Iowa border, all the way down to Missouri, we have all kinds of problems where the Corps of Engineers have changed. We have not come to much of a resolve in that area as yet, in part

because Iowa has a different property rights standard than does Nebraska, and so, therefore, if we were to proclaim and do this kind of thing with Iowa, the property, the actual property owners that own this property lose some rights. Iowa's property rights do not allow them to go to the water's edge but 32 inches above aquatic life. Nebraska's is to the water's edge so, therefore, we have got some real technical legal difficulties in trying to iron out the Iowa problems, but we are going to continue to work on those because...

SENATOR HANNIBAL: The reason why I have asked the question is because of the headlines in the newspapers lately about Iowa's riverboat gambling bills that have passed. This is recently. I think it is this morning or last night, there was a real question as to whether those riverboats could operate on the Missouri River because some parts of the Missouri River are, or some parts of the land are on the other side that belongs to Nebraska and vice versa, and there may be real complications as to whether they could do that. Would this kind of a compact affect that situation?

SENATOR CONWAY: This compact would not because this is only with South Dakota and (interruption).

SENATOR HANNIBAL: If it were Iowa, though?

SENATOR CONWAY: If it were Iowa, I would assume that, yes, eventually the desire on the part of Iowa is to make the current center of the river the boundary rather than what the center of the river of 1944, I believe, when we entered into the last compact was less Carter Lake. If we were to continue that negotiation, eventually, yes, it would have its impact, and without negotiation, I think it also impacts the riverboat gambling because there are times when the entire Missouri River is actually in Nebraska and there is times when it is entirely in Iowa. So I interviewed with a radio station this morning and suggested that I would assume that their rights to have riverboat gambling is only when they are truly in Iowa under the current standards. But you are perfectly right, I think that will keep boiling this question up.

SENATOR HANNIBAL: Thank you.

SPEAKER BARRETT: Any other discussion? Senator Wehrbein.

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LB 311, 817

SENATOR WEHRBEIN: Mr. Speaker, members, I would just like to comment on that. I predict that we will be facing that issue here in, probably in this body, in a few years as whatever happens on that Missouri River. As Boundary Commission members, we have decided we are only going to take a piece at a time because agreement is extremely difficult in many of these areas. There is as much as 20,000 acres, I understand, give or take a few thousand, up and down the Iowa-Nebraska border, particularly, that are going to be in question back and forth. This is an attempt, this is an agreement between Union County, South Dakota, Dakota County, Nebraska, where there is stabilized bank, where there is an agreement, so we are probably doing the easy ones first, but I think this might serve to forewarn the body that perhaps we will be into this area heavy, and I would also stick my neck out and say it might be a 100 to 200 years before some of these are solved because they have been around that long already.

SPEAKER BARRETT: Thank you. For purposes of closing, Senator Conway, any closing summary.

SENATOR CONWAY: Very quickly in closing, I think, hopefully, if there were any questions, that people did raise them. If not, later on, between now and Select File, any individual, I would be willing to work with and discuss that, any concerns they may have. Also in closing, I would like to ask unanimous consent to expedite the legislation. It is crucial that we catch up with the South Dakota legislation while we have an agreement and get the two common agreements to Washington. So I would also ask unanimous consent for the body to deal with this in an expedite fashion.

SPEAKER BARRETT: Is there objections? Certainly. You have heard the closing and the question is the advancement of the bill to E & R Initial. All in favor vote aye, opposed nay. Have you all voted? Record, please.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB 817.

SPEAKER BARRETT: LB 817 is advanced. To Select File, Mr. Clerk, senator priority bills, LB 311.

CLERK: Mr. President, the first order on 311 are Enrollment and Review amendments.

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LB 289A, 813, 814, 817
LR 193-206

Journal.) 17 ayes, 19 nays, Mr. President, on adoption of the amendment.

PRESIDENT: The amendment fails. Do you have anything further, Mr. Clerk, on it?

CLERK: Mr. President, I have items for the record, if I may.

PRESIDENT: Please.

CLERK: New A bill, LB 289A, by Senator Schmit. (Read by title for the first time. See page 2231 of the Legislative Journal.) LB 817 is reported to Select File, Mr. President. Senator Wesely has amendments to LB 813. (See pages 2231-32 of the Legislative Journal.) Study resolutions LR 193, LR 194, LR 195, LR 196, LR 197, LR 198 are offered by Senator Schmit, all calling for studies. (See pages 2232-35 of the Legislative Journal.) LR 199 by Senator Hefner, study resolution. LR 200, LR 201, LR 202, LR 203, LR 204, offered by Senator Wesely, study resolutions. LR 205 and LR 206 by Senator Schmit, also study resolutions. Mr. President, all those will be referred to the Reference Committee. (See pages 2235-40 of the Legislative Journal.)

Mr. President, Senator Hartnett would move to amend by striking original Section 39.

SENATOR HARTNETT: Mr. President and members of the body, 39 is...

PRESIDENT: Senator Hartnett.

SENATOR HARTNETT: ...is Section 39, Program 928, constructs a fine arts building at the University of Nebraska at Omaha. It appropriates money, '89-90 of 1,907,000, and '90-91 of 5,769,000, and in '91-92 of 3,674,000.

PRESIDENT: Thank you. Senator Warner, please, followed by Senator Ashford.

SENATOR WARNER: Mr. President, others will be talking in more detail. I just want to make a couple of remarks, particularly in view of the discussion we had just in the previous item. You will recall that there was \$160,000 appropriated last time, planning money. And, based upon that, then construction ought

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LB 182A, 817

PRESIDENT: Senator Smith, please.

SENATOR SMITH: Thank you, Mr. Chairman. Members of the body, the Governor recently reappointed Mrs. Pauline Dye and Mrs. Susan Renken to the Nebraska Arts Council, and she also appointed Robert Duncan and Mrs. Ann Spence as new members. They are all to serve three year terms. The General Affairs Committee conducted confirmation hearings for these appointments and found that these four individuals expressed a lot of knowledge and interest in the arts, and they possess the desire to promote the arts and improve the state's cultural resources through their work on the council. Therefore the General Affairs Committee, on a unanimous vote of the members present at Tuesday's Executive Session, recommends that all four appointments be confirmed by the Legislature. Thank you.

PRESIDENT: Thank you. Any further discussion? If not, the question is the acceptance of the recommendation. All those in favor vote aye, opposed nay. Please vote, if you care to. Record, Mr. Clerk, please.

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

PRESIDENT: The confirmation report is adopted. Move on to Select File, please.

CLERK: Mr. President, Select File. The first bill I have is LB 182A. I have no amendments pending to the bill, Mr. President.

PRESIDENT: Senator Conway, would you help us on this, please, on the Select File.

CLERK: I just need a motion to advance, Senator.

SENATOR CONWAY: I would like to move LB 182 to...over to Final Reading, please.

PRESIDENT: You've heard the motion. All in favor say aye, opposed nay. It is advanced.

CLERK: Mr. President, LB 817, I have no amendments to that bill, Senator.

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LB 211, 817

PRESIDENT: Senator Conway, please.

SENATOR CONWAY: Thank you, Mr. President. LB 817, I would also like to request that it be moved over to Final Reading. That was the bill dealing with the boundary bill between the State of Nebraska and the State of South Dakota. I would like to move its advancement, please.

PRESIDENT: You've heard the motion. All in favor say aye. Opposed nay. It is advanced. Very good, Senator Conway. Move on to General File, please. LB 211.

CLERK: Mr. President, LB 211 was a bill introduced by Senators Langford, Bernard-Stevens and Smith. (Read title.) The bill was introduced on January 9 of this year, referred to the Judiciary Committee. The bill was advanced to General File, Mr. President. I have no committee amendments.

PRESIDENT: Senator Langford, are you going to begin on this?

SENATOR LANGFORD: Yes, thank you.

PRESIDENT: Okay.

SENATOR LANGFORD: It's been so long, I've almost forgotten what the bill is about, Mr. President. Mr. President and colleagues, this bill does one thing, it's a real trust me. It changes the statutes of limitations from three to five years on sexual assault for children under 16 years of age. Actually children hesitate to reveal the assault until they are older and can fully comprehend what has happened to them. The extra two years will make it easier for prosecutors to bring these people to justice. I think the most important thing about this is that it has been found that once a person commits an assault, a sexual assault against a child, frequently this doesn't stop until the person is stopped. The only, the only really thing that has been said about this bill is that some of the people wanted it to be ten years instead of five. The Nebraska Domestic Violence, Sexual Assault Coalition wanted ten years, as did the Rape/Spouse Abuse Crisis Center. However, I feel that five years is a good compromise. The Nebraska County Attorneys Association, the Lincoln Police both testified, as did the Committee for Alcohol and Drug Education. It's a little hard to say very much about this problem since everyone is very well

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LB 308, 639, 769, 813, 814, 817

motion.

SPEAKER BARRETT: Motion fails. Senator Landis, for what purpose do you rise?

SENATOR LANDIS: I move we recess until one-thirty this afternoon.

SPEAKER BARRETT: Motion to recess until one-thirty. Mr. Clerk, for the record.

CLERK: Mr. President, one item. I have amendments to be printed to LB 813 by Senators Lynch, Crosby, Chizek and Hall. That's all that I have. (See pages 2300-01 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. The question is recessing until one-thirty. All in favor say aye. Opposed no. Ayes have it, motion carried, we are recessed.

RECESS

SPEAKER BARRETT PRESIDING

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

SPEAKER BARRETT: Thank you. Anything for the record?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 817 and find the same correctly engrossed. Enrollment and Review also reports LB 814, and LB 308 to Select File, Mr. President, with E & R amendments. (See pages 2302-03 of the Legislative Journal.) That is all that I have.

SPEAKER BARRETT: Thank you. Proceeding then to General File, committee priority bills, LB 639.

CLERK: Mr. President, LB 639 was a bill that was originally introduced by the Government, Military, and Veterans Affairs Committee. It is signed by its members. (Read title.) The bill was introduced on January 19, referred to Government Committee. The bill was advanced to General File. Senator, do

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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 817A, 817

been complied with, the question is, shall LB 817 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Record vote read. See page 2675 of the Legislative Journal.) The vote is 49 ayes, 0 nays, Mr. President.

PRESIDENT: LB 817 passes. LB 817A.

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator Conway would move to return the bill to Select File for a specific amendment, that being strike the enacting clause.

PRESIDENT: Senator Conway, please.

SENATOR CONWAY: Mr. President and members, I'm going to be the Judas goat today and offer up my A bill for a striking of the enacting clause which will probably be the only spending bill today that, hopefully, will go down in defeat. The A bill has basically been deemed not to be necessary at this time, primarily in the fact that this is somewhat of a long term venture with respect to this compact that needs to go to Washington, be approved by Congress. The A bill was designed to provide some surveying, splitting the cost with the State of South Dakota to provide the surveying to identify the new boundary when it's...when it's ratified by Congress. And so, therefore, it's that portion or that money that was dedicated in the A bill is probably not needed or if it is needed, it will be needed in the future. South Dakota did not appropriate funds in this regard this year on their other identical presentation in their legislative body and so, therefore, I am offering this up to strike the enacting clause and, therefore, not spend this dedicated funds this year. So if striking the enacting clause should...should stick, that will be our first hit for the day. Thank you.

PRESIDENT: Thank you. Senator Wehrbein, please, followed by Senator Lamb.

SENATOR WEHRBEIN: Yes, Mr. President and members, just to follow up a little more. Chances are there will be a cost to this survey in time. It's estimated at \$50,000 to be shared with South Dakota. They did not appropriate the money, as Senator Conway said, and we felt that we wanted to call

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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
Sandy Ryan

May 23, 1989

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