

May 16, 1989

LB 285, 285A, 309, 355A, 653, 653A, 813  
817A  
LR 215

of the Haberman amendment to LB 813. All in favor vote aye, opposed nay. Voting on the Haberman amendment to LB 813. Record, please. A record vote has been requested if anyone else would care to vote before we record. Please record.

CLERK: (Record vote read. See pages 2410-11 of the Legislative Journal.) 10 ayes, 17 nays, Mr. President.

SPEAKER BARRETT: The motion fails. The Chair is pleased to announce that Senator Byars has some guests in the north balcony, 85 fourth graders from Fairbury and Jefferson Schools and their teacher. Would you folks please stand and be welcomed by the Legislature. Thank you very much. We're glad you could visit us this afternoon. Anything for the record, Mr. Clerk?

CLERK: Mr. President, yes, thank you. New resolution, LR 215, by Senator McFarland. (Read brief description of LR 215. See page 2411 of the Legislative Journal.) That will be laid over.

I have amendments to be printed to LB 355A by Senator Wesely. (See pages 2411-12 of the Legislative Journal.)

Enrollment and Review reports LB 285, LB 285A, LB 653, LB 653A as correctly engrossed. (See pages 2414 of the Legislative Journal.)

Senator Hall has amendments to LB 309. (See pages 2412-13 of the Legislative Journal.)

And a new A bill, Mr. President, LB 817A by Senator Conway. (Read title for the first time as found on page 2413 of the Legislative Journal.)

Mr. President, the next amendment to LB 813 is by Senator Chambers.

SPEAKER BARRETT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this is an amendment that would raise the salary of the Parole Board. If you look for the pink sheet on your desk, you will find it. This is a matter that I had been working on for a number of years and last year there was an indication given to me by the Governor's Chief of Staff that she would support this proposition. We have finally discussed it and reached an accord



May 17, 1989

LB 761A, 762A, 817A

hands? I certainly do. Those in favor of ceasing debate please vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, to cease debate.

SPEAKER BARRETT: Debate ceases. Senator Warner, anything further? The question is then the advancement of 761A to E & R Initial. All in favor vote aye, opposed nay. Record, please.

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB 761A.

SPEAKER BARRETT: LB 761A is advanced. LB 762A.

CLERK: LB 762A was introduced by Senator Coordsen. (Read title.)

SPEAKER BARRETT: Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker, members of the body. LB 762A is an \$11,000 A bill that's been estimated, by the Department of Revenue, to cover the possible homestead exemptions that would result from the amendment that was placed on 762 last week. So I would be open to questions and would move the advancement of 762A.

SPEAKER BARRETT: Are there questions? If not, shall LB 762A be advanced? All in favor vote aye, opposed nay. Record, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of 762A.

SPEAKER BARRETT: LB 762A is advanced. LB 817A.

CLERK: 817A, by Senator Conway. (Read title.)

SPEAKER BARRETT: The member from Wayne, Senator Conway.

SENATOR CONWAY: Mr. Speaker, members, 817A has been brought to me. LB 817, as you may remember, was the bill that will transfer the 1,400 acres of Nebraska property into the State of South Dakota. There was some discussion previously about surveys and the like to identify that. We, at this point, really don't know whether or not the A bill would be necessary in the sense that South Dakota did not also pass an



May 17, 1989

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.



May 17, 1989

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.



May 18, 1989

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



May 18, 1989

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



May 22, 1989

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



May 22, 1989

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



attention to the body that this eventually will probably be an expense of surveying but there is a possibility of negotiating some of this, not the total amount. The total amount of the survey is fairly accurate but we may not have to spend even half ourselves, at least we're hoping to do some negotiation of that process. Time frame is uncertain so we felt it was acceptable to withdraw the appropriation at this time with the idea that in time we will probably be spending some money for this survey.

PRESIDENT: Thank you. Senator Lamb, please.

SENATOR LAMB: Senator Hefner wants to go home. Mr. President and members, I have a question of Senator Conway. Could you explain to me one more time why we're giving away a piece of Nebraska? And after you finish that explanation, will the same reasoning apply to Carter Lake?

PRESIDENT: Senator Conway, please.

SENATOR CONWAY: Senator Lamb, the reason we're giving these 1400 acres over to South Dakota is the land happens to be privately owned, is located on what is deemed to be typically the South Dakota side of the river. It's...there are no inhabitants of this particular property and it's literally inaccessible from Nebraska. The properties are currently in dispute in a couple of situations. Some of the residents are paying taxes to both sides because of the dispute. Basically, it provides a situation where it's going to be easier to let them have that particular property than to be in a position where we may have to deliver some form of services to the private property owners on that side, should they demand it. So it's out of convenience and it's an attempt to settle a very small piece along the river and I'm sure over the years there's going to be a lot more of those. As far as Carter Lake is concerned, that is, I believe Senator Lynch's problem as it gets into the question there. Or is it an Ernie Chambers problem? The point with Carter Lake is even...even when we entered into the 44 compact with Iowa and straightened out some of the boundaries, Carter Lake was carved to be its own unique little island sore spot in Nebraska that Iowa is totally encompassed by the state.

PRESIDENT: The question is, shall the bill be returned to Select File? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.



May 22, 1989

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