

February 22, 1980

LB 743, 802

there is a school bus I am sure they would.

SENATOR VENDITTE: I would hope that they would, Senator, but I...

SENATOR HABERMAN: I will ask that that be included if it isn't.

SENATOR VENDITTE: Thank you, Senator.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor vote aye, opposed vote no. Hold the phone a minute. We have a... All those in favor of advancement of 743 to E & R for review vote aye, opposed no. We are voting on the advancement of 743 to E & R for review. Have you all voted? Record.

CLERK: 26 ayes, 0 nays on the motion to advance, Mr. President.

SPEAKER MARVEL: The motion carried. The next item is LB 802.

CLERK: Mr. President, LB 802 was introduced by Senator Don Wagner. (Read title.) The bill was read on January 17. It was referred to Public Works, advanced to General File. There are no amendments, Mr. President.

SPEAKER MARVEL: Senator Wagner.

SENATOR WAGNER: Mr. Speaker, members, LB 802 is a bill that clarifies a section of irrigation law that is 46-202 and it pertains to waters within the State of Nebraska affecting every natural stream and appropriation within the state. The word "within" is the key factor in this bill because it is not clear in this section of whether it includes the waters of the Missouri River and because of this and since this statute has set around for quite a while I asked for an opinion from the Attorney General and the Attorney General's opinion is imprinted in the Journal in 346, page 346, and their concluding factor was in relation to this was, it was not clear and it would actually be up to the Legislature or the courts to go ahead and clarify this and the purpose of this legislation then is to clarify this section and eliminate some future court cases. Unless there is some questions, I would move the advancement of the bill.

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature,