

January 13, 1982

LB 69, 139, 805-809

SENATOR CLARK: The bill is advanced. We are now ready for #7, General File, priority bill and I understand that wants to be passed over. Is that right?

CLERK: Yes, sir. I have a request to have the bill passed over, Mr. President.

SENATOR CLARK: Alright. We're ready for #8 on General File, LB 139 by Senator Marsh. Oh, you've got a few things to read in first.

CLERK: Yes, sir, I do. Mr. President, I have a new resolution, LR 205. (Read. See pages 260-261 of the Legislative Journal.) Mr. President, pursuant to our rules that resolution will be laid over.

Mr. President, I have a series of new bills. (Read by title for the first time LB 805-809. See pages 261-262 of the Legislative Journal.)

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The next bill is LB 139.

CLERK: (Read.) The bill was first read on January 13 last year. At that time it was referred to the Banking, Commerce and Insurance Committee for public hearing. The bill was advanced to General File, Mr. President. There are committee amendments pending by the Banking, Commerce and Insurance Committee.

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Mr. President, members of the Legislature, the bill that about a year and a half time has been invested in trying to work out a solution and maybe it is living proof that if you push hard enough long enough you can bring the sides together. I am going to ask to defeat the committee amendments unless your amendment, Senator Marsh... Senator Marsh has an amendment that has been agreed upon by all sides in this controversy from the Insurance Department through the opponents, proponents and so on and so forth. Is your amendment to the committee amendments or is it a separate amendment?

SENATOR MARSH: I believe it is a separate amendment. Patrick, is that the way it is written?

CLERK: Senator, it is written so that it amends the standing committee amendments.

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of a checkoff and they are envious I think of what pork producers have done in the State of Nebraska. So I certainly add my congratulations to Miss Dannehl and for that matter, to all the girls that participated. There was a first runner up and a second runner up and that sort of thing just like they do it up in the city. So I hope you will all support this resolution. Thank you.

SPEAKER MARVEL: The motion is the adoption of LR 204. All those in favor of the resolution vote aye, opposed vote no. Have you all voted? Have you all voted? Record the vote.

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of LR 204.

SPEAKER MARVEL: The motion is carried. The resolution is adopted. The next order of business is LR 205, Mr. Clerk.

CLERK: Mr. President, LR 205, found on page 260 of the Journal. (Read.)

SPEAKER MARVEL: Senator Carsten.

SENATOR CARSTEN: Mr. President and members of the Legislature, I bring this resolution to you this morning with deep concern of the activities of the State of Iowa and its relationship to the agreement that was signed by both Iowa and Nebraska in a 1943 compact which the State of Iowa has since that time violated and continues to violate to the tremendous expense of taxpayers in Nebraska, landowners of Nebraska and is a serious situation clear along the whole Iowa-Nebraska border. I am fully aware that the Public Works Committee had a hearing this interim relative to this subject. I am also aware that there is a bill that is going to, if it has not been, will be introduced relative to this subject, but the immediate action is certainly necessary and well-founded and it is in that light that we bring to you this resolution this morning. Iowa has continued bad faith in their conduct since this compact of 1943. And in 1973 the master of the special... or it was a special master of the United States Supreme Court in an action brought by Nebraska versus Iowa, said that Iowa was in violation of that compact and even since then the State of Iowa continues to be aggressive, grabbing land that is not in the interest of the compact or the provisions of the compact. We have visited with the Attorney General, we have visited with the Governor, we are proposing in this resolution that the Attorney General proceed with an injunction against the State of Iowa to stop this land grab unjustifiably. The Attorney General

consented that he would proceed in this area. However, there is some monies that is going to have to be made available to him but this would not be a long, drawn out procedure but could be handled relatively quickly with a relatively small investment by the state to provide counsel for the Attorney General to use. Now he may want to use someone within his office or he may want to use someone outside his office but that is up to him and I think that in the interests of the State of Nebraska and the people of the State of Nebraska, the Office of the Attorney General certainly has a responsibility of protecting both and it is in that interest that Senator Remmers who has landowners in his district as well as mine and as well as other senators in this body, along the Iowa border, that have a deep concern and we need to take some action and do it now and to prevent this continuing violation of a compact that was sincerely and honestly entered into. With that I would release the rest of my time to Senator Remmers or whatever time he may want in support of the resolution and move to adopt this resolution, Mr. President.

SPEAKER MARVEL: Senator Remmers.

SENATOR REMMERS: Mr. President, members of the Legislature, I hope that you were listening to what Senator Carsten was saying. It is a story that is a little bit hard to believe if you don't know the facts. It is a little hard to understand that the State of Iowa would pursue the course that they have been going after the compact between Nebraska and Iowa in 1943 after the Supreme Court decision I believe as recent as 1976 that they are still trying to take some of this land from Nebraska landowners. Those of you that know the history of the Missouri River know that the river has kind of wandered in its course and the boundary lines were always in doubt. But the compact of 1943 between Iowa and Nebraska did lay out the conditions of the ownership of this land. We have some Nebraska citizens, I know one family in particular, the time that they have spent, the money, the effort they have put in to trying to save their land from the Iowa conservation group that wants to make conservation lands out of it. They have developed this land. They have cleared it. It is very productive farmland but they are never sure from one day to the next whether the land is still going to be theirs. It is pretty hard for an individual in the State of Nebraska to battle the government of an adjoining state and I say I know it is very hard to believe that the State of Iowa would pursue this course but if you will read carefully Senator Carsten's resolution, the one that he wrote and one that I cosponsored with him, those are the facts and I

think it is very important that we have our Attorney General defend the rights of our citizens against this land grab by the State of Iowa. The Supreme Court reaffirmed the compact but Iowa is not abiding by this decision and I urge you to support this resolution. Thank you.

SPEAKER MARVEL: Senator Pirsch.

SENATOR PIRSCH: Thank you, Mr. Speaker, members of the body, my husband does happen to be on the Nebraska Boundary Commission and they have met numerous times to sit down with the Iowa Boundary Commission to solve this problem satisfactorily but there is no other alternative and I commend Senator Carsten for coming in and bringing a head to this matter and we need some immediate action and I hope that you will support him in this effort.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman, members of the Legislature, I want to wholeheartedly support the resolution before us for your consideration. Senator Carsten and Senator Remmers have given you the background of our problem. It is more serious than most of us are led to believe. We have some of our good Nebraska people that have clear title to land that some morning finds itself over on the Iowa side and Iowa, of course, under their Constitution, they tell us, have a right to take that land in their possession and they are doing that. A number of our people have spent literally thousands of dollars and many hours of time in trying to hold on to this property that they are losing. Now as Senator Pirsch has indicated our Commission has met with the Iowa Commission a number of times and we got simply no place because they feel they are justified in what they are doing because their Constitution reads, "any land between the high bank and the river belongs to Iowa." And of course our Constitution says the property to the middle of the river belongs to the people in Nebraska and it is a disagreement of course and we got no place until the last time we met in Omaha several months ago and at least they did agree to sit down together and discuss this. They may do that and they may not. It is not only Iowa. We have some problems with South Dakota and probably a few with Missouri and LB 69 has been introduced. It will streamline the Nebraska Commission and provide for just a little bit of money under which the Commission can operate, not very much, but people like Al Pirsch have spent literally hundreds of dollars of their own money and their own time. He is chairman of the Commission and I hope you will consider that bill when it comes up. In the

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meantime I think it is highly necessary that we pass this resolution and at least put our Attorney General in a position so he can hire someone and defend our good people of Nebraska that are losing their property.

SPEAKER MARVEL: The motion is the adoption of LR 205. All those in favor of the resolution vote aye, opposed vote no. Have you all voted? Have you all voted? Clerk, record the vote.

CLERK: 36 ayes, 0 nays on adoption of the resolution, Mr. President.

SPEAKER MARVEL: The motion is carried. The resolution is adopted. Do you have any other items in there before we go to General File?

CLERK: Mr. President, new bills. (Read by title for the first time LBs 834-836 as found on pages 287-288 of the Legislative Journal.)

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign engrossed LB 664. Okay, the Clerk will read LB 278.

CLERK: Mr. President, LB 278 was a bill offered by Senators Goodrich, Hefner and Howard Peterson. (Read.) The bill was first read on January 16 of last year. It was referred to the Revenue Committee for public hearing. The bill was advanced to General File. The Legislature considered the bill yesterday, Mr. President. At that time there was a motion to adopt committee amendments. That was approved and a motion to amend offered by Senator Beutler that was also accepted. I now have, Mr. President, a motion to advance the bill.

SPEAKER MARVEL: Senator Goodrich.

SENATOR GOODRICH: Yes, Mr. President and members of the body, this is the bill that you will recall that we left off with yesterday. Just to reiterate to refresh everybody's memory, the bill provides that if a contractor and an owner sign a contract to build a particular building and the contract is going to extend over a two year period, the contractor doesn't buy the material he is buying for that project until possibly a year later. If the sales tax goes up he can apply for a refund from the Department of Revenue for the amount of the increase only. If the rate of tax goes down, he must then refund to the State of Nebraska the difference between what the contract provided for in the form of the rate or the rate that was in effect at the time of the signing of the contract and the lower

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SENATOR MARSH: It will be kept in separate file now rather than having them placed together. It will be the same number as this that you are referring to, the emergency number, so there is not duplication of services.

SENATOR PIRSCH: It will be the same number, and as I understand it, they are reporting these on the child abuse hot line that we now have established.

SENATOR MARSH: That is correct.

SENATOR PIRSCH: Will this remain the same number or will they add another?

SENATOR MARSH: No. We need to have one number that is known throughout the state for those emergency services. We will keep them in separate files. They will be treated separately at that end but the response is through an emergency number, not to try to duplicate services at our state level. To make our state dollars go as far as they possibly can go, we need not to be adding but combining services wherever necessary and there are plans, as I understand it, to incorporate even other things into that emergency number. Thank you.

SENATOR PIRSCH: Thank you. I just wanted to clarify that.

SPEAKER MARVEL: The motion is the advancement of the bill. All those in favor of that motion vote aye, opposed vote no. The advancement of the bill. Have you all voted? Clerk, record the vote.

CLERK: 29 ayes, 0 nays on the motion to advance the bill, Mr. President.

SPEAKER MARVEL: Motion carried. Bill is advanced. Yes, the Clerk has some items on the desk.

CLERK: Mr. President, a new bill, LB 840 (title read); LB 841 (title read); LB 842 (title read); LB 843 (title read); LB 844 (title read); LB 845 (title read).

Mr. President, I have a report of registered lobbyists for January 9 through January 14.

And LR 204 and LR 205 are ready for your signature.

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business, I am about to sign and do sign LR 204; LR 205. Next order of business, LB 353.