

March 14, 1990

LB 1031, 1064, 1153, 1222A
LR 239, 292, 293

CLERK: Senator Elmer voting yes. Senator Smith voting yes.

SENATOR HANNIBAL: A roll call vote has been requested. Please take your seats so that the Clerk can call the roll call vote and hear your responses. Senator Chambers, the house is under call. Would you please report to the Chamber. Do you want to wait for Senator Chambers, Senator Hall, or are you ready to go? Mr. Clerk, would you please call the roll.

CLERK: (Roll call vote taken. See page 1365 of the Legislative Journal.) 28 ayes, 7 nays, Mr. President.

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: The amendment is adopted. Any matters for the record?

CLERK: I do, Mr. President.

SPEAKER BARRETT: The call is raised.

CLERK: Mr. President, items for the record, amendments to be printed to LB 1064 by Senator Withem; Senator Schmit to LB 1031; Senator Crosby to LB 1153. (See pages 1366-68 of the Legislative Journal.)

Mr. President, new resolutions, LR 292 by Senators Rogers, Dierks, Wehrbein, and Schellpeper calls for an interim study. LB 293 by Senator Schmit asks the Legislature to congratulate the Wahoo High School boys' basketball team. And, Mr. President, a new A bill, LB 1222A by Senator Hartnett. (Read for the first time by title.) And I have amendments to LR 239CA by Senator Schimek to be printed. (See pages 1368-70 of the Legislative Journal.)

SPEAKER BARRETT: The next amendment, Mr. Clerk.

CLERK: Mr. President, I have nothing further to the committee amendments at this time.

SPEAKER BARRETT: We are then addressing the committee amendments. Senator Warner, we now are to the matter of the committee amendments, the adoption of the committee amendments, would you care to take the floor?

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LB 571A, 1222A

PRESIDENT: (Gavel.) Could we hold it down a little. We're having difficulty hearing the speaker. Thank you.

SENATOR CONWAY: As you may recall, the money laundering bill was amended into Senator Hefner's steroid bill and there was a fiscal note on the money laundering bill for the Nebraska State Patrol for the purpose of handling the additional paper work that they would get as the financial institutions are reporting the over \$10,000 transactions. The state patrol felt that they needed, I believe it's an additional, around \$18,000 to handle the paper work and have a clerical support for that particular addition and so the A bill was brought to me for those purposes. So, with that, I offer LB 571A.

PRESIDENT: Thank you. Any further discussion? If not, the question is the advancement of the A bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 1 nay, Mr. President, on the advancement of LB 571A.

PRESIDENT: The bill is advanced. LB 1222A.

CLERK: LB 1222A, Mr. President, offered by Senator Hartnett. (Read title.)

PRESIDENT: Senator Hartnett, please.

SENATOR HARTNETT: Mr. President, members of the body, this appropriates for the Department of Social Services \$216,000 from General Fund for...and \$54,000 from federal funds for fiscal year 1990-91 and \$199,843 from the General Fund and 49,931 from the federal fund for '91-92 to the General Fund. This funds also the bill we put for foster care training and also for the Foster Care Review Board 160,000 for the first year and 167 for the second year and the green sheet shows a little higher figure and I simply appreciate the work done by the fiscal office to kind of cut the figures down so it's not as expensive. So with that, if there is no questions, I'd ask for the advancement of this A bill.

PRESIDENT: Thank you. Senator Schellpeper, but just a moment. (Cavel.) Please, let's hold it down, we're having difficulty hearing the speakers. Appreciate it very much. Thank you.

SENATOR SCHELLPEPER: Thank you, Mr. President and members, I just rise to support Senator Hartnett's bill here. My wife, Faye, is a member of the Northeast Nebraska Foster Care Board and this is a very important bill for the foster care children of Nebraska and I would just urge everyone to support this bill. Thank you.

PRESIDENT: Thank you. Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President, I would just rise to say that LB 1222A contains the amounts to provide training for all foster care providers and it does include then the costs for the foster care training, and I want to make that very clear so that people understand that it's in addition to what your bill originally was attempting to do, Senator Hartnett. Thank you.

PRESIDENT: Thank you. Senator Hartnett, did you wish to close on your...okay, the question is the advancement of LB 1222A. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to advance 1222A.

PRESIDENT: The bill is advanced. May I introduce some guests, please. We have several groups with us this morning. First of all, a very special group in the south balcony. You'll see them in red up there and they have been visiting us for several years. It's called the W.I.F.E. group, Women Involved in Farm Economics. Would you ladies please stand and be recognized this morning. Thank you very much. This group started in Sidney, Nebraska, you'll recall, about 10, 12 years ago and it expands over quite a large area now. We're happy to have you back with us today. Senator Rod Johnson, would you like to introduce a group that is here.

SENATOR R. JOHNSON: Mr. President, I just wanted to say thank you as Chairman of the Agriculture Committee. We'd like to thank both the W.I.F.E. organization and the Wheat Hearts for distributing these loaves of wheat bread to the legislators and also to the many families who are shut in, our neighbors or families who are sick. They deliver these to those folks and we want to thank them for their hospitality today and providing us with this gift of wheat and thanking them very much for sharing

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LB 220A, 348, 369A, 542, 571A, 594, 866
880A, 958, 965, 1032, 1059, 1094, 1141
1141A, 1146, 1222A, 1236
LR 382, 383

CLERK: 25 ayes, 2 nays to go under call, Mr. President.

PRESIDENT: The house is under call. Will you please record your presence. Senator Schmit is the only one excused, so everyone else should be here. We're looking for Senator Wesely, Senator Lynch, Senator Schellpeper, Senator Pirsch, Senator Landis, Senator Emil Beyer. Senator Wesely and Senator Beyer are here now, so that is it, and there is a roll call vote. Oh, Senator Lynch is not here. I thought I saw him. Okay, we'll wait for Senator Lynch. Senator Lynch is here and the question is the advancement of the bill. Roll call vote in regular order. If you'll hold it down so the Clerk can hear your response. Mr. Clerk.

CLERK: (Roll call vote taken. See pages 1547-48 of the Legislative Journal.) 34 ayes, 12 nays, Mr. President, on the advancement of LB 1059.

PRESIDENT: The bill is advanced. Anything for the record, Mr. Clerk, at this time.

CLERK: I do, Mr. President.

PRESIDENT: The call is raised.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 220A and find the same correctly engrossed, LB 369A correctly engrossed, LB 880A correctly engrossed and LB 1146 correctly engrossed, those signed by Senator Lindsay. Enrollment and Review reports LB 1141 to Select File with E & R amendments, LB 1141A, LB 958, LB 571A, LB 1222A to Select File. (See page 1548 of the Legislative Journal.)

A communication from the Governor to the Clerk. (Read communication. Re: LB 348, LB 542, LB 594, LB 965, LB 1032, LB 1236 and LB 1094. See page 1549 of the Legislative Journal.)

Two study resolutions, Mr. President, will be referred to the Exec Board. (Re: LR 382, LR 383. See pages 1549-50 of the Legislative Journal.)

Senator Lamb has amendments to be printed to LB 866. (See page 1551 of the Legislative Journal.) That's all that I have.

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LB 1222A, 1222

SENATOR WESELY: Yes, Mr. Speaker, this provision was added as a committee amendment. I did participate in a meeting in Senator Hartnett's office with Senator Coordsen and felt that by retaining the written report by the guardian ad litem we could delete this measure and it shouldn't have any negative impact. So I would support the amendment.

SPEAKER BARRETT: Thank you. Senator Hartnett.

SENATOR HARTNETT: Just to reaffirm what Senator Wesely did. The three of us met and I think it was broader and would have caused more work for the courts and there is also already a review in Section 11, page 18. So with that I would move for the amendment.

SPEAKER BARRETT: Thank you. If there is nothing further, the question is the adoption of the Coordsen amendment to LB 1222. Those in favor vote yes, opposed no. Record.

ASSISTANT CLERK: 26 ayes, 0 nays on Senator Coordsen's amendment, Mr. President.

SPEAKER BARRETT: The amendment is adopted. The next item.

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

SPEAKER BARRETT: Senator Lindsay, please.

SENATOR LINDSAY: Mr. President, I move that LB 1222, as amended, be advanced to E & R Final.

SPEAKER BARRETT: Any discussion? Seeing none, those in favor of the advancement of LB 1222 to E & R Engrossing please say aye. Opposed no. Carried. The bill is advanced. As previously announced, there is an A bill. (LB 1222A.) Mr. Clerk.

ASSISTANT CLERK: Mr. President, I have no E & R amendments on the A bill.

SPEAKER BARRETT: The Chair recognizes Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 1222A be

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LB 42A, 923A, 1222A, 1244

advanced to E & R Final.

SPEAKER BARRETT: Is there discussion? If not, those in favor of the advancement of 1222A please say aye. Opposed no. Ayes have it. The motion carried. The bill is advanced. LB 42A, Mr. Clerk.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 42A be advanced to E & R Final.

SPEAKER BARRETT: Any discussion? If not, those in favor of the advancement of 42A please say aye. Opposed no. Carried. The bill is advanced. LB 923A, Mr. Clerk.

ASSISTANT CLERK: Mr. President, I have no E & R amendments. I do have a motion from Senator Wesely to indefinitely postpone the bill.

SPEAKER BARRETT: Thank you. The Chair recognizes Senator Wesely.

SENATOR WESELY: Mr. Speaker and members, 923 deals with asbestos regulation. This A bill reduces the appropriation to the Health Department. It's not an increase in appropriation so it wasn't felt that we actually needed the bill so this motion would kill the bill.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the Wesely motion please vote aye, opposed nay. Record, please.

ASSISTANT CLERK: 26 ayes, 0 nays to indefinitely postpone the bill, Mr. President.

SPEAKER BARRETT: The motion prevails and the bill is killed. To LB 1244, Mr. Clerk.

ASSISTANT CLERK: Mr. President, I do have E & R amendments on LB 1244.

SPEAKER BARRETT: Senator Lindsay.

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LB 42A, 923, 931, 1059, 1059A, 1063A, 1221
1222, 1222A, 1241, 1244A
LR 11

Mr. President, Enrollment and Review reports LR 11CA to Select File. That's signed by Senator Lindsay as Chair.

Mr. President, your Committee on Enrollment and Review reports LB 42A, LB 931, LB 1059, LB 1059A, LB 1063A, LB 1222, LB 1222A, LB 1241, LB 1244A, all reported correctly engrossed. (See pages 1648-53 of the Legislative Journal.)

Hearing notice from Business and Labor for confirmation hearing, signed by Senator Coordsen as Chair. (See page 1653 of the Legislative Journal.)

Mr. President, Senator Beck would like to add her name to LB 923 as co-introducer. That's all that I have, Mr. President.

SPEAKER BARRETT: Mr. Clerk, proceeding to LB 1221.

CLERK: Mr. President, LB 1221 was a bill introduced by Senator Hannibal. (Read title.) The bill was introduced on January 18, referred to the Urban Affairs Committee for public hearing, advanced to General File.

SPEAKER BARRETT: Senator Hannibal, would you care to open on your bill?

SENATOR HANNIBAL: Thank you, Mr. Speaker, and members of the Legislature, LB 1221 is a bill, as you heard, came through the Urban Affairs Committee and LB 1221 does two things basically. It deals with the Omaha Plumbing Board and most of you have been made familiar with the issue even though it doesn't affect anybody...anybody's district with the exception of the City of Omaha. I hope I have had a chance to talk with all of you and I have heard...and I imagine you have been talked to by those that are not necessarily in favor of the bill. But anyway LB 1221 does two things to the Omaha Plumbing Board and, for those of you who are not familiar, the Omaha Plumbing Board is a five-member board consisting of four members that are considered in the plumbing industry, a journeyman plumber, a master plumber, four members there, and one health officer. LB 1221 expands that to add two new members to it, to the plumbing board and those two members would be a mechanical engineer and an architect. The third...second thing it does with that plumbing board is it removes...the specific requirement that the health officer serve on the board and allows the mayor to appoint a person from the general public as the fifth...or the seventh

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LB 1136, 1222A, 1222

personal privilege to point that.

PRESIDENT: I think you might be stretching it a little bit, Senator Landis, to have that as a point of personal privilege.

SENATOR LANDIS: So the Chair would be saying that I probably couldn't use a point of personal privilege...

PRESIDENT: Yeah, that would be the idea.

SENATOR LANDIS: Gotcha.

PRESIDENT: Thank you. Okay. Move on with the next bill, LB 1136, please.

CLERK: (Read LB 1136 on Final Reading. See pages 1844-1845 of the Legislative Journal)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 1136 pass? All those in favor vote aye, opposed nay. Please return to your seats, ladies and gentlemen, so we can vote on this. Please return to your seats and vote so we can move on, please. The last bills are shorter than the one we just had so please stick around. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1845 of Legislative Journal.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1136 passes. LB 1222.

CLERK: (Read LB 1222 on Final Reading. See pages 1845-1846 of Legislative Journal.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 1222 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1846 of Legislative Journal.) 42 ayes, 1 nay, 3 present and not voting, 3 excused and not voting.

PRESIDENT: LB 1222 passes. LB 1222A.

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LB 42, 42A, 642, 656, 799, 866, 880
880A, 953A, 1004, 1004A, 1019, 1019A, 1059
1059A, 1064, 1064A, 1080, 1080A, 1113, 1113A
1136, 1146, 1184, 1184A, 1222A
LR 418

CLERK: (Read LB 1222A on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is shall LB 1222A pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote as found on page 1847 of Legislative Journal.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT: LB 1222A passes. Do you have something for the record, Mr. Clerk?

CLERK: Mr. President, I do, a new resolution by the Judiciary Committee, (LR 418.) a study resolution. Enrollment and Review reports LB 1064 and LB 1064A as correctly engrossed, both signed by Senator Lindsay as Chair; and LB 1059 and LB 1059A is correctly enrolled. Enrollment and Review reports LB 1113 and LB 1113A to Select File, signed by Senator Lindsay. Amendments to be printed by Senator Hartnett to LB 953A, Senator Hall to LB 866. And, Mr. President, a confirmation report from Transportation Committee signed by Senator Lamb as Chair. That's all that I have, Mr. President. (See pages 1847-52 of the Legislative Journal.)

PRESIDENT: While the Legislature is in session, capable of transacting business, I propose to sign and do sign LB 880, LB 880A, LB 1004, LB 1004A, LB 1080, LB 1080A, LB 1184, LB 1184A, LB 656, LB 1146, LB 42, LB 42A, LB 799, LB 1019, LB 1019A, LB 1059A, LB 1059, LB 1136, LB 1122, correction, LB 1222, and LB 1222A. We're ready to go. Mr. Clerk, do you have something on the desk?

CLERK: Mr. President, motion pending from this morning was one offered by Senator Chambers and that motion was to overrule or change the Speaker's agenda to permit consideration of a suspension motion relating to LB 642.

PRESIDENT: (Gavel). Could we have your attention so we can hear the speaker? Senator Chambers, please.

SENATOR CHAMBERS: Thank you. Mr. Chairman and members of the Legislature, this is a continuation from what I was attempting

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LB 42, 42A, 571A, 834, 843, 843A, 855
855A, 880, 880A, 896A, 920, 1004, 1004A
1019, 1019A, 1043, 1059, 1059A, 1030A, 1090
1109, 1222, 1222A, 1241

Mr. President, I have received veto messages on the following bills: LB 1059, LB 1059A, LB 42, LB 42A, LB 880, LB 880A, LB 1004 and LB 1004A, LB 1019 and LB 1019A, LB 1080A, LB 1222 and LB 1222A, LB 571A, LB 834, LB 843 and LB 843A, LB 855 and LB 855A, LB 896A, LB 1043, LB 1090 has a line-item reduction, LB 920 has a line-item reduction, LB 1241 has a line-item reduction. (See Messages from the Governor as found on pages 1985-98 of the Legislative Journal.) All those, Mr. President, as I indicated, are available to the members on their desks. Have an Attorney General's Opinion addressed to Senator Schmit regarding LB 1059 and I believe that's all that I have, Mr. President.

PRESIDENT: Thank you. We have a motion from Speaker Barrett. Speaker Barrett.

SENATOR BARRETT: Thank you, Mr. President and members. I offer the motion to suspend Rule 6, Section 7, subsection (b), and Rule 5, Section 6, to permit these bills to be read on Final Reading this morning. The first part, of course is to waive the two-day limitation, and the second is to allow the A bills to be read. I would urge the body to adopt the motion. Thank you.

PRESIDENT: Thank you. Any discussion? If not, the question is the adoption of the suspension of the rules motion. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 32 ayes, no nays, Mr. President, on the suspension of the rules to permit reading of the bills this morning.

PRESIDENT: The rules are suspended and we'll begin Final Reading. If you will find your ways to your own desk, why, we would start Final Reading. (Gavel.) Please return to your desks so we can begin Final Reading. Senator Haberman, would you come home, please? Mr. Clerk, LB 1109, please.

CLERK: Mr. President, I had amendments from Senator McFarland.

PRESIDENT: Is anyone prepared to handle Senator McFarland's motion on this bill? Senator McFarland, you had a motion on this first bill.

SENATOR MCFARLAND: Mr. President, could you read the motion for me?

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LB 1222A, 1222

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

SPEAKER BARRETT: Debate ceases. Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker, could I have everybody check in I guess before I close.

SPEAKER BARRETT: Certainly. Would members please record your presence, please check in. Senator Warner, Senator Wesely, Senator Lamb, Lynch, Landis. Senator Rod Johnson. Senator Withem. Senators Abboud and Hartnett. Senator Ashford. Senator Goodrich. Senator McFarland. Senator Rod Johnson. Senator Goodrich. Senator Wesely. Senator Hartnett, would you like to proceed with your close?

SENATOR HARTNETT: Yes, I will start. Mr. Speaker, and members of the body, I do appreciate the words, the wise, wise words of the Dean of the Legislature, Senator Warner, in that if we are going to pass the bill, we need the A bill, and so I really do think that we need this bill because I think it allows the Foster Review Board to expand and maybe we wouldn't have had something like the Franklin if we would have had this in place a few years ago. And so there is little money left so we are getting down to the short rows, but I think I would ask for people to override the veto on this, and also the A bill. Thank you.

SPEAKER BARRETT: Thank you. Senator Goodrich, would you check in. Thank you. The question is, shall the veto of LB 1222 be overridden? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See page 2049 of the Legislative Journal.) 35 ayes, 12 nays, Mr. President, on the override of LB 1222.

SPEAKER BARRETT: Motion prevails and LB 1222 becomes law notwithstanding the Governor's veto. The A bill, Mr. Clerk.

CLERK: Mr. President, Senator Hartnett would move that LB 1222A become law notwithstanding the objections of the Governor.

SPEAKER BARRETT: Senator Hartnett.

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LB 187, 1031, 1222A

SENATOR HARTNETT: Mr. Speaker, and members of the body, I simply ask the body to adopt the A bill to 1222. Thank you.

SPEAKER BARRETT: Thank you. Any discussion? If not, the question is, shall LB 1222A become law notwithstanding the Governor's veto? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 2049-50 of the Legislative Journal.) 31 ayes, 14 nays, Mr. President.

SPEAKER BARRETT: Motion prevails and the veto of the A bill is overridden. LB 898.

CLERK: Mr. President, I have a priority motion. Senator Wesely would move to reconsider the Coordsen motion with respect to the line-item veto override of Section 8 of LB 1031.

SPEAKER BARRETT: Senator Wesely, please.

SENATOR WESELY: Thank you, Mr. Speaker, members. Senator Coordsen came to me and asked, as a courtesy, for me to offer this motion, and I'm doing so to allow the opportunity for him to again address that issue.

SPEAKER BARRETT: Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. Speaker. Thank you, Senator Wesely, for giving us this opportunity again. For those of us that had been supporting this, we had heard rumors off and on throughout the afternoon that there may have been members of the body who had changed their position on this particular issue. Rather than live in doubt, I asked Senator Wesely to offer the reconsideration motion. He graciously consented. And I would simply, with that, since we discussed this at some length, I'm well aware of where we're at in the funding. But it would give the body a chance to reaffirm or deny the decision made earlier today. Thank you.

SPEAKER BARRETT: Thank you. Senator Lynch.

SENATOR LYNCH: Mr. Speaker and members, Senator Coordsen and I did, in fact, try to offer a motion to reconsider both LB 187 and 1031 as a package. There could have been, even though there is no specific rule that we can see that would say we can't, the

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LB 42, 42A, 163, 163A, 164, 164A, 503
503A, 536, 834, 843, 843A, 1004, 1004A
1031, 1043, 1059, 1059A, 1126, 1170, 1222
1222A

employee is 21, State Patrol is 21, other school employees in Omaha, no age limit and the judges are no age limit. So, therefore, I would ask that you override the veto of 834. It doesn't cost any more money. It doesn't cost any money. It will keep young people in Nebraska. It will want them to help work for the state and do a good job for the state and I ask for your override. Thank you, Mr. President.

SPEAKER BARRETT: Thank you. Discussion? Senator Elmer, followed by Senator Schellpeper.

SENATOR ELMER: Thank you, Mr. Speaker. To be very brief, and Senator Haberman said it and said it well, all private businesses are required to allow their employees to participate when they're 19. I think the state should go at least as low as 20 to give consideration, allow these young people to accumulate a little more for retirement. It's not going to cost the state any money. I would urge your override. Thank you.

SPEAKER BARRETT: Thank you. Senator Schellpeper.

SENATOR SCHELLPEPER: Thank you, Mr. Speaker, and members, I also rise to support this override. We have some very dedicated employees in this state and I think this is just another thing we can do for the employees. So I think Senator Haberman said it all and I would just move for the override.

SPEAKER BARRETT: Thank you. Anything further, Senator Haberman? If not, the question is, shall LB 834 be overridden? All in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: (Record vote read. See pages 2054-55 of the Legislative Journal.) 31 ayes, 0 nays, Mr. President, on the override of LB 834.

SPEAKER BARRETT: LB 834 is overridden. And let the record show that the Chair is certifying that the Legislature has overridden the following vetoes, notwithstanding the objections of the Governor, LB 834, LB 1043, LB 1222 and LB 1222A, LB 1170, LB 1004 and LB 1004A, LB 843 and LB 843A, LB 1059 and LB 1059A, LB 1126, LB 11...excuse me, LB 536, LB 42 and LB 42A, LB 164 and LB 164A, LB 1031, LB 503, and LB 503A, LB 163 and LB 163A, and LB 834. Anything for the record at all, Mr. Clerk?