

January 5, 1989

LB 81-160
LR 1-2

being here and thank you for your services. We also have guests of Senator Rod Johnson under the north balcony. We have Omer Troester of Hampton, Nebraska. With him is an exchange student, Alberto Porras of Costa Rica. Would you gentlemen please stand up and be recognized. Thank you for being here. We also have, over under the south balcony, a former member of this Legislature, Senator Tom Fitzgerald, would you please stand up and wave your hand. Thank you. Please welcome Senator Fitzgerald back. Thank you, Tommy. Mr. Clerk, back to the reading.

CLERK: (Read LB 81-98 by title of the first time. See pages 61-67 of the Legislative Journal.)

PRESIDENT: We'll stand at ease for some 15 minutes or half an hour while we get some of the work caught up up here in front. So be at ease, please, for a while. Thank you.

EASE

CLERK: Meeting of the Health Committee, under the north balcony, right now. Health Committee, north balcony right now.

SPEAKER BARRETT PRESIDING

SPEAKER BAPRETT: Additional bill introductions, Mr. Clerk.

ASSISTANT CLERK: (Read LB 99-150 by title for the first time. See pages 67-76 of the Legislative Journal.) That's all I have at this time, Mr. President.

SPEAKER BARRETT: More bill introductions, Mr. Clerk.

CLERK: (Read LB 151-160 by title for the first time. See pages 76-79 of the Legislative Journal.) Mr. President, in addition to those new bills I have new resolutions. (Read LR 1-2 for the first time. See pages 79-81 of the Legislative Journal.)

Mr. President, in addition to those items I have a series of announcements. Mr. President, there will be a meeting of the Executive Board today at three-fifteen for purposes of referencing. Executive Board, three-fifteen for referencing.

Mr. President, Senator Rod Johnson would like to have a meeting

January 18, 1989

LB 53, 57, 123, 537-597
LR 8-12

Mr. President, new bill. (LBs 537-538. Read for the first time by title. See page 268 of the Legislative Journal.)

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: The Chair is pleased to announce that Senator Jacklyn Smith of Hastings has visiting the Legislature today Dr. Robert Schlock and 20 students from Hastings College, specifically, psychology and law class, in the east balcony, the rear balcony. Dr. Schlock, would you and your students please stand and be recognized by your Legislature. Thank you. We are pleased to have you visiting with us today. Also under the north balcony from David City High School, Senator Schmit announces the following guests, 8 students from David City High School with their teacher. Would you folks please stand and be recognized. Thank you for visiting. We are glad to have you. Mr. Clerk, more bill introductions, please.

CLERK: Mr. President, first of all, your Committee on Urban Affairs, whose Chair is Senator Hartnett, to whom was referred LB 53, instructs me to report the same back to the Legislature with the recommendation that it be advanced to General File; LB 57 General File; LB 123 General File, all signed by Senator Hartnett as Chair of the committee.

Mr. President, new bills. (LBs 539-557 read for the first time by title. See pages 269-72 the Legislative Journal.)

SENATOR HEFNER PRESIDING

SENATOR HEFNER: Mr. Clerk, do you have some more bills to introduce?

ASSISTANT CLERK: Yes, I do, Mr. President. (LBs 558-593 read for the first time by title. See pages 273-81 of the Legislative Journal.)

SENATOR HEFNER: Do you want to read the bills into the record?

CLERK: Yes, Mr. President, thank you. (LBs 594-597 read for the first time by title. See page 281 of the Legislative Journal.)

Mr. President, in addition to those items, I have new resolutions. (Read a brief explanation of LRs 8-12. See

supported by the League of Municipalities. I have had no knowledge of any objections to this. It makes the accounting procedures just a little bit easier, doesn't affect the funds of the cities and it is generally I think a helpful thing to have. Thank you.

SPEAKER BARRETT: Thank you. Discussion on LB 57? Senator Coordsen, would you care to move for the advancement of the bill?

SENATOR COORDSEN: Yes, Mr. President, I would move to advance LB 57.

SPEAKER BARRETT: Thank you. Those in favor of that motion please vote aye, opposed nay. Record please.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB 57.

SPEAKER BARRETT: LB 57 is advanced. LB 123.

CLERK: LB 123, Mr. President, offered by Senator Peterson. (Title read.) The bill was introduced on January 5, referred to Urban Affairs, advanced to General File. I have no amendments to the bill, Mr. President.

SPEAKER BARRETT: The Chair recognizes Senator Richard Peterson.

SENATOR PETERSON: Senator Hartnett, do you want to go first, or do you want me? Okay. Mr. President, members, I introduced LB 123 after the League of Municipalities made me aware of their need to ensure reimbursements to municipalities for insurance coverage they have purchased for real property improvements on behalf of an airport authority which has not purchased such insurance themselves. We all recognize the importance of having insurance for real property and improvements. The same need exists for airport authorities. If savings in premiums can be made by including such properties under the policies of a municipality, that is so much for the better for taxpayers. At any rate, whatever the reason for an airport authority not securing insurance on their own, it is clear that when a municipality secures insurance for an airport authority, that its cost should be paid by that airport authority. This bill is necessary since it is important to protect the municipality and taxpayers of a municipality when an airport authority does not

January 19, 1989

LB 123

provide the necessary insurance coverage, thus exposing the municipality to potential liability. This was a bill that Senator Hartnett will explain that came out of committee last year, didn't get...we didn't get time for it. I ask for advancement of the bill.

SPEAKER BARRETT: For purposes of discussion, Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker, members of the body, I think what Senator Peterson simply said, we heard the bill last year. We made some amendments, it came up to General File and I think we simply ran out of time. It was reintroduced this year and I think it helps clarify some of the problems with the city, with insurance in the cities in airport authorities so I'd ask, as Chairman of the Urban Affairs Committee, the advancement of this bill. Thank you.

SPEAKER BARRETT: Thank you. Any other discussion? Senator Chizek, is your light on? Thank you. Anything else? Senator Peterson, would you care to close?

SENATOR PETERSON: I move LB 123 be advanced.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 123 to E & R. Those in favor vote aye, opposed nay. Have you all voted? Please record.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 123.

SPEAKER BARRETT: LB 123 is advanced. Announcements, Mr. Clerk.

CLERK: Mr. President, Reference Committee will meet now in Room 2102; Reference Committee now in Room 2102.

SPEAKER BARRETT: The Legislature will stand at ease while the Reference Committee has an opportunity to meet and reference additional bills.

EASE

SPEAKER BARRETT: From the Bill Drafters Office, apparently all bills have now been distributed to the membership. If there are those of you who do not have bills from the Bill Drafters Office

January 20, 1989

LB 35, 36, 38, 45, 53, 57, 79
123, 158, 168-170, 189, 190

SPEAKER BARRETT: Proceed.

CLERK: Mr. President, I have a report of registered lobbyists for the week of January 19, as prepared by my office.

Mr. President, Business and Labor offers notice of hearing; Natural Resources Committee offers notice of hearing, signed by the respective chairs.

Natural Resources Committee reports on a confirmation hearing of Mr. Lawrence Myers.

Your Committee on Natural Resources to whom is referred LB 45 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 168 General File; LB 169 General File; LB 170 indefinitely postponed, those signed by Senator Schmit.

Enrollment and Review reports LB 190 to Select File; LB 35 to Select File with amendments; LB 36, Select File; LB 38, Select File with amendments; LB 158, Select File; LB 79, Select File; LB 53, Select File with amendments; LB 57, Select File and LB 123, Select File, those signed by Senator Lindsay as Chair, Enrollment and Review. (See pages 370-71 of the Legislative Journal for above announcements.)

Mr. President, the next amendment I have to LB 189 is offered by Senator Haberman. (Amendment appears on page 372 of the Legislative Journal.)

SPEAKER BARRETT: Senator Haberman, please.

SENATOR HABERMAN: Would you like to read the amendment, Mr. Clerk?

CLERK: (Read Haberman amendment.)

SENATOR HABERMAN: Mr. President, members of the body, the bill, LB 189, said, in essence, the chairperson and members shall be chosen in the same manner as chairpersons and members of the standing committees of the Legislature. That's fine. That's what we did. I agree with that. But now we reach the point that in 1991 should it or should it not be a standing committee? So let's examine the issue. If you will look on the work sheet dated January 20, 1989, there are 14 bills referred to General

SPEAKER BARRETT: Thank you. Any discussion on the amendment proposed by Senator Weihing to LB 53? If not, those in favor of the adoption of the amendment please vote aye, opposed nay. Record, please.

CLERK: 27 ayes, 0 nays on adoption of Senator Weihing's amendment, Mr. President.

SPEAKER BARRETT: The amendment is adopted.

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

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 53 be advanced, as amended, to E & R Final.

SPEAKER BARRETT: Thank you. The question is the advancement of LB 53 to E & R, as amended. Those in favor say aye. Opposed no. Ayes have it, motion carries, the bill is advanced. LB 57.

CLERK: I have no amendments to the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 57 be advanced.

SPEAKER BARRETT: Shall LB 57 be advanced? Those in favor say aye. Opposed no. Ayes have it. Carried. The bill is advanced. LB 123.

CLERK: LB 123, Senator, I have no E & R. I do have an amendment to the bill by Senator Peterson.

SPEAKER BARRETT: Senator Richard Peterson, please.

SENATOR PETERSON: Mr. President, it's a simple amendment. It's just to add the E clause onto this bill. I don't know whether any other cities may use it quickly but it could happen that the City of Norfolk finds itself the titleholder of a city airport with many legal responsibilities, without any legal right to control factors which may create those legal responsibilities. The Norfolk Airport Authority finds itself subject to complying

January 23, 1989

LB 63, 94, 123, 180, 193, 341, 395
672

with various statutory duties, both state and federal, in carrying out those duties on occasion requiring to act contrary to what the city perceives as in the best interests and protection of its citizens. The city may find itself in an untenable position that it could not escape potential liability because of not carrying insurance. I ask for adoption of this E clause to help maybe not only Norfolk, but some other cities that may run into a problem. Thank you.

SPEAKER BARRETT: Any discussion? If not, those in favor of the adoption of the amendment offered by Senator Peterson vote aye, opposed nay. Record, please.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of Senator Peterson's amendment.

SPEAKER BARRETT: The amendment is adopted.

CLERK: Nothing further, Mr. President.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 123 be advanced.

SPEAKER BARRETT: You've heard the motion to advance the bill, as amended. Those in favor say aye. Opposed nay. Carried. The bill is advanced. Any messages, Mr. Clerk?

CLERK: Mr. President, I do. Senator McFarland would like to print amendments to LB 180; Senator Landis to LB 94. (See page 402 of the Legislative Journal.)

Mr. President, your Committee on Education whose Chair is Senator Withem offers notice of hearing. Signed by Senator Withem.

Mr. President, Senator Pirsch would move to rerefer LB 341. That will be laid over.

Mr. President, a series of adds; Senator Korshoj to LB 672; Senator Moore to LB 63; Senator Hartnett to LB 193; and Senator Lowell Johnson to LB 395.

One last announcement, Mr. President. A Reference Committee meeting at one o'clock today; Reference Committee at one o'clock

January 24, 1989

LB 1-6, 8-12, 14-17, 35, 36, 38, 53
57, 67, 71, 79, 103, 123, 133
158, 180, 181, 190, 223, 236, 255
257, 277, 295, 297

LB 255 to General File, LB 257 to General File with amendments, LB 223 as indefinitely postponed. Banking, Commerce and Insurance Committee, whose Chair is Senator Landis, reports LB 295 to General File and LB 297 as indefinitely postponed. Your Committee on Revenue, whose Chair is Senator Hall, reports LB 133 to General File, LB 277 General File, LB 236 General File with amendments, LB 67 indefinitely postponed, LB 71, LB 103 and LB 181 all indefinitely postponed, all signed by respective Chairs. (See pages 413-14 of the Legislative Journal.)

Mr. President, I have notice of hearing from the Urban Affairs Committee, that is signed by Senator Hartnett; from the Education Committee signed by Senator Withem and from the Retirement Systems Committee signed by Senator Haberman.

Your Committee on Enrollment and Review respectfully reports they have carefully examined and engrossed LB 35 and find the same correctly Engrossed, LB 36, LB 38, LB 53, LB 57, LB 79, LB 123, LB 158 and LB 190 all correctly Engrossed. (See pages 415-16 of the Legislative Journal.)

Mr. President, a communication from the Governor addressed to the Clerk. (Read communication re: LBs 1-6, LBs 8-12, LBs 14-17. See page 416 of the Legislative Journal.) Mr. President, that is all that I have at this time.

SPEAKER BARRETT: Thank you. Proceeding then to General File discussion, LB 180.

CLERK: Mr. President, 180 is a bill introduced by Senator McFarland. (Title read.) The bill was introduced on January 5, referred to Education. The bill was considered on the floor, Mr. President, on January 19. I now have pending an amendment from Senator McFarland. Senator, I understand the amendment you had printed on page 402 you want to withdraw that amendment.

SENATOR MCFARLAND: I'd like to withdraw that, Mr. Clerk.

CLERK: Mr. President, Senator McFarland would move to amend the bill and, if I may, Senator, I'll read the language.

SENATOR MCFARLAND: Please.

CLERK: (Read McFarland amendment. See page 417 of the Legislative Journal.)

February 7, 1989

LB 51, 53, 79, 123, 190

PRESIDENT: LB 53 passes. LB 79, please.

CLERK: (Read LB 79 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 79 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 617 of the Legislative Journal.) 38 ayes, 0 nays, 2 present and not voting, 9 excused and not voting, Mr. President.

PRESIDENT: LB 79 passes. LB 123 with the emergency clause attached.

CLERK: (Read LB 123 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 123 pass with the emergency clause attached? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: (Read record vote. See page 618 of the Legislative Journal.) 40 ayes, 0 nays, 2 present and not voting, 7 excused and not voting, Mr. President.

PRESIDENT: LB 123 passes with the emergency clause attached. LB 190.

ASSISTANT CLERK: (Read LB 190 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 190 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 619 of the Legislative Journal.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President.

PRESIDENT: LB 190 passes. LB 51, please.

ASSISTANT CLERK: (Read LB 51 on Final Reading.)

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LB 35, 38, 45, 51, 53, 60, 79
92A, 123, 168, 169, 189, 190, 207
379

Committee on Education whose Chair is Senator Withem would report LB 379 to General File and that is signed by Senator Withem as Chair of the Education Committee, Mr. President, and that is all that I have. (See page 625 of the Legislative Journal.)

PRESIDENT: While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 35, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60, LB 189, LB 207, LB 45, LB 168, LB 169. (See page 625 of the Legislative Journal.) We'll move on to the General File A bills and, Senator Barrett, did you wish to make an announcement about later taking up the Select File?

SPEAKER BARRETT: Yes, Mr. President. Thank you, and members, just a reminder of something we've done in the past on numerous occasions, if we perchance have not completed Select File by adjournment time at noon, I'd like very much with your leave to move those bills on to Final that are not amended. Those bills that are clean, I'd like to move them, if at all possible, before we adjourn if we haven't completed Select File. Thank you.

PRESIDENT: Thank you, and in checking with the Clerk, he tells us he will be in shape to take those up a little bit before noon, so that will be fine. Thank you, Speaker Barrett. LB 92A, Mr. Clerk.

CLERK: Mr. President, 92A was a bill offered by Senator Landis. (Title read.)

PRESIDENT: Senator Landis, please.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, this is the omnibus insurance act. The Insurance Department is a cash funded agency based on examination fees that they obtain. This, I believe, is the reappropriation of roughly \$50,000 to accomplish the tasks of the bill and I would ask that we advance LB 92A to accompany LB 92.

PRESIDENT: Any further discussion? If not, the question is the advancement of LB 92A. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of

February 7, 1989

LB 36, 38, 45, 46, 51, 53, 60
79, 123, 145, 168, 159, 189, 190
207, 237, 273, 308, 338, 410, 414
418, 431, 449, 458, 506, 706, 733

LB 36, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60,
LB 189, LB 207, LB 45, LB 168, and LB 169.)

Retirement Systems reports LB 46 to General File; LB 308,
General File; LB 145, General File with amendments; LB 237,
General File with amendments; LB 418, General File with
amendments; LB 506, General File with amendments. Those are all
signed by Senator Haberman as Chair. (See pages 635-40 of the
Legislative Journal.)

Health Committee reports LB 449 to General File with amendments;
LB 733, General File with amendments. Those are signed by
Senator Wesely as Chair. Business and Labor reports LB 410 to
General File; LB 414, General File. Those are signed by Senator
Coordsen as Chair. Banking Committee reports LB 431 to General
File; LB 706, General File. Those are signed by Senator Landis
as Chair. (See page 637 of the Legislative Journal.)

Mr. President, Senator Rogers has amendments to be printed to
LB 273; Senator Labedz to LB 338; Senator Smith to LB 338; and
Senator Nelson to LB 458. That's all that I have,
Mr. President. (See pages 637-38 of the Legislative Journal.)

SPEAKER BARRETT: Thank you. The Chair recognizes Senator
Conway. Would you care to adjourn us, Mr. Conway.

SENATOR CONWAY: Mr. Speaker, members, I move that we adjourn
until 9:00 a.m., February 8th.

SPEAKER BARRETT: Thank you. You've heard the motion to adjourn
until tomorrow morning at nine o'clock. Those in favor say aye.
Opposed no. Carried, we are adjourned.

Proofed by: Arleen McCrory
Arleen McCrory

February 10, 1989 LB 35, 36, 38, 42, 44, 45, 51
53, 60, 79, 110, 123, 140, 168
169, 189, 190, 207, 408, 607, 610
708, 775
LR 2, 29

for the record, Mr. Clerk, at this time?

CLERK: I do, Mr. President. Mr. President, your Committee on Judiciary whose Chair is Senator Chizek reports LB 42 to General File; LB 44, General File; LB 708, General File; and LB 110 as indefinitely postponed. Those are signed by Senator Chizek.

Mr. President, Revenue committee whose Chair is Senator Hall reports LR 2CA to General File; LB 607, General File with amendments; LB 775, General File with amendments. Those are signed by Senator Hall. (See pages 690-91 of the Legislative Journal.)

Health and Human Services Committee whose Chair is Senator Wesely reports LB 610 to General File with amendments. (See page 691 of the Legislative Journal.)

Mr. President, Report of Registered Lobbyists for this past week as required by statute. (See page 692 of the Legislative Journal.)

I have amendments to be printed to LB 408 by Senator Barrett.

Mr. President, communication from the Governor to the Clerk. (Read communication regarding signing of LB 35, LB 36, LB 38, LB 53, LB 79, LB 123, LB 190, LB 51, LB 60, LB 189, LB 207, LB 45, LB 168 and LB 169. See page 693 of the Legislative Journal.)

Mr. President, your Committee on Enrollment and Review reports LB 140 to Select File with E & R amendments attached. (See page 693 of the Legislative Journal.) That's all that I have, Mr. President.

PRESIDENT: We'll move on to LR 29, please.

CLERK: Mr. President, LR 29 was offered by Senator Langford. It's found on page 656. (Read resolution.)

PRESIDENT: Senator Langford, please.

SENATOR LANGFORD: Mr. President and colleagues, I offer this resolution with a great deal of joy because this gentleman plays cards and plays golf with Jack, my husband, every day, practically, in the summer. He has been instrumental in the

strike the bill itself and repeal provisions related to the liability of persons associated with nonprofit sports programs. As you may recall, we passed LB 123 previously that dealt with trying to exempt persons affiliated with sports programs, particularly nonprofit sports programs, from liability for any negligent or willful misconduct and any liability therefrom. That bill apparently created a lot of confusion and created a lot of administrative problems for persons organizing nonprofit sports leagues, such as the Babe Ruth Baseball Program and the Little League Programs and so on. So this bill was brought by Senator Johnson to try and clarify some of the language in that particular legislation and try to bring some kind of semblance of organization and understanding to it. My understanding is during the course of a hearing before the Judiciary Committee it was just decided that it would be better to repeal the whole issue because it had created so much confusion and concern and misunderstanding that it wasn't worth keeping. So, as a result, the committee amendments were adopted, as I understand it, with the consent of the bill's sponsors. And, of course, Senator Abboud, as one of the sponsors, is a member of our Judiciary Committee, as is Senator Pirsch also a member of our Judiciary Committee, and my understanding is that Senator Ashford also is a sponsor and Senator Johnson, who is the chief sponsor, are in agreement that the committee amendments should be adopted and just correct the confusion and repeal the particular legislation. So, with that, I would urge the adoption of the committee amendments. Thank you.

SPEAKER BARRETT: Thank you. Discussion on the adoption of the committee amendments. Senator Lowell Johnson, please.

SENATOR L. JOHNSON: Mr. Speaker and members of the Legislature, I think Senator McFarland has portrayed the intent of the bill. The previous law is ambiguous language and the cumbersome requirements for collecting and storing the release forms has caused several businesses in my own district, who, prior to the passage of LB 123, annually sponsored nonprofit sports, to withdraw their support for fear that the law subjected them to additional liability. At this point, I would like to direct your attention to the two handouts which I had the Pages distribute this morning. These two letters, one from Dan Carman, President of the Fremont YMCA, the other by David Simmons, Vice President of the Fremont National Bank, provide excellent cases in point of how the sports liability law is having an unintended negative impact on nonprofit sports in

SPEAKER BARRETT: Thank you. Discussion on the advancement of 594. Senator Smith.

SENATOR SMITH: Thank you, Mr. Speaker. Senator Johnson, could I ask a question, please.

SPEAKER BARRETT: Senator Johnson, would you respond?

SENATOR L. JOHNSON: Yes.

SENATOR SMITH: Senator Johnson, I remember now with the committee amendment which appears to totally undo what we have been trying to do and bringing us back to where we were before we dealt with 123, is that where we are now in time?

SENATOR L. JOHNSON: That's correct.

SENATOR SMITH: So we're back about three years or something like that. Now, how will we deal with the problems that were brought to us at that time? Or will we have to start all over again next year in trying to look at that whole area?

SENATOR L. JOHNSON: I think Senator McFarland indicated that and Senator Pirsch also in her remarks said that we're back to square one and would have to deal with it again.

SENATOR SMITH: Okay. So I just want to make it very clear as far as I concerned because I...I signed on this bill with you because of the concern that was expressed by people in my district and when we worked on the bill, on LB 123, that was I thought trying to respond to a problem. All right, so I can get back to my people and tell them we're going to be working on this issue again then probably next year.

SENATOR L. JOHNSON: Very likely, yes.

SENATOR SMITH: Thank you very much.

SENATOR L. JOHNSON: Thank you.

SPEAKER BARRETT: Any other discussion? There are no other lights on, Senator Johnson, anything further? Thank you. The question before the house is the advancement of LB 594 to E & R Initial. All in favor vote aye, opposed nay. Have you all