

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 10, 2023

ARCH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifth day of the One Hundred Eighth Legislature, First Session. Our chaplain for today is Senator Walz. Please rise.

WALZ: Good morning, colleagues. Let us pray. Lord, you are a good, good father. This morning we come to you with grateful hearts. We thank you for your sweet and your unconditional love. We thank you for casting out the enemies that live inside of us, thoughts that could easily destroy us: shame, guilt, blame, and disgrace. And accepting us for who we are and where we are in our lives. Help us to accept your gifts of love and grace and help us to let you work the plan that you have for us today without interference. Be with those who are physically, mentally and emotionally in need of healing. Be with those in prison and help restore families and give them hope for a future. I ask for wisdom when making decisions today and that your-- my actions are a reflection of how you would want us to care for others in need, without judgment or without criticism. I especially ask that you open our eyes and our hearts to serve others and glorify your name. Thank you for your word, the gift that continues to nourish our souls. Amen.

ARCH: I recognize Senator Bostelman for the Pledge of Allegiance.

BOSTELMAN: Thank you, Mr. Speaker. Please join me in the pledge. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

ARCH: Thank you. I call to order the fifth day of the One Hundred Eighth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There's a quorum present, Mr. President.

ARCH: Thank you, Mr. Clerk. Are there any corrections for the Journal?

ASSISTANT CLERK: No corrections this morning.

ARCH: Thank you. Are there any messages, reports or announcements?

ASSISTANT CLERK: There are, Mr. President. I have a Reference Report for LB75 and for LB92 through LB145. In addition, LR14CA. In addition, there are notice of committee hearings from the Natural Resources Committee. And an announcement: the Agriculture Committee will meet

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under the south balcony at 10:30 this morning. That's all I have at this time.

ARCH: Thank you, Mr. Clerk. There are several announcements this morning. One, first of all, we'd like to recognize a couple of guests with us today, Shawna Forsberg and Matt Wallen with United Way of the Midlands, Senator McDonnell's guests. If you could rise, we'd like to welcome you. We also have several announcements from Senators. Senator Briese, you're recognized for your announcement.

BRIESE: Thank you, Mr. President, and good morning, colleagues. A few announcements here. A final reminder that members should have received a memo from my office last week regarding appointments to the special committees made by the Executive Board. If you wish to be appointed to any of these committees, the deadline to send a letter or email to my office is today at noon. In addition, under Rule 5, Section 4, the deadline for introduction of new bills is the tenth legislative day, which is Wednesday, January 18. Bill requests submitted to the Bill Drafting staff by noon on Friday 13th, January 13, will be guaranteed to be ready for introduction before adjournment on the tenth legislative day. Requests received after 12:00 noon on the 13th will be drafted if time permits. However, priority will be given to the requests received before the Friday noon deadline. Finally, both Steve Ramos and the Tech Center are working diligently to get everyone's phones and computers fully set up in the next few days. Phone switchovers should all hopefully be completed today. If you have any questions or concerns, please contact Steve. The Tech Center is working their way through offices to get computer setup completed, starting with committee chairs. Staff will need to be present and in your office for this process. We ask that you be patient, as we have a significant number of new staff that need to be set up and everyone will be doing their best to ensure that this occurs as quickly as possible. Thank you, Mr. President.

ARCH: Thank you, Senator Briese. Senator DeBoer, you're recognized.

DeBOER: Thank you, Mr. President. Good morning, colleagues. I wanted to make an announcement today that we have with us some members from the Council of State Governments, Tim and Laura, which are, who are underneath the balcony over there. And this afternoon we are going to-- the Council of State Governments, if you're new, is an organization of state government, both the judiciary, the, the executive branch and legislative branches from throughout the United States. And they are a great resource. We in Nebraska, like every other state, are part of their organization and as a result, we get

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many of their services for us for free. So they have research, they have conferences. This last one was in Hawaii, need I say more? But it's a great place to learn what has worked in other states and what might work in our state, what hasn't worked in other states, etcetera. This afternoon, however, I am having a lunch with some of the other alumni of the BILLD program, which is the Bowhay Institute of Legislative Leadership or something. It's BILLD and that organization is a training for legislative leadership development, which happens in the summer. All of you who are in your first four years of service in this Legislature are eligible for the BILLD program, which will meet this summer. And I would encourage you all to learn more about this development program, this leadership training program, which all of you would be eligible for in your first four years. You apply for the program. It's a great program. There are quite a few of us in this body who have been through it. Nebraska has a proud tradition with the BILLD program. And so if you have any questions about that, please ask me and I'd be happy to tell you about it. It's a great program. And please come to the lunch this afternoon and that's over at Billy's at noon. Thank you very much.

ARCH: Thank you, Senator DeBoer. Senator Erdman, you are recognized for an announcement.

ERDMAN: Thank you, Mr. President. Good morning. I just want to make an announcement. The good news is we finished last evening about 6:00, maybe shortly before that, of all the rules and the text that go with those, of the changes that are going to be made in the rules. We have emailed those to the Clerk's Office and the Clerk told me that they will be available on the website after adjournment this morning. We emailed those to every legislator in the body. If you did not receive those, let me know. But we have completed that. There are over 100 pages of text and corrections that were included with the chart that I sent out yesterday. Our intent is to include every rule that we received. We did receive a couple of late requests late in the afternoon yesterday, 3:40, 3:45. Those two were not included because we had the chart all drawn up. And so if we missed those two, you may have to bring those later on to the floor. But we caught everybody else that we believe sent us a change. And I believe we have included all those, the texts that they sent to us. And those will be available, like I said, right after adjournment and I appreciate the Clerk's Office doing that. Thank you.

ARCH: Thank you, Senator Erdman. Mr. Clerk, for introduction of bills.

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ASSISTANT CLERK: Thank you, Mr. President. LB206 offered by Senator von Gillern. It's a bill for an act relating to revenue and taxation; change provisions related to taxation of partnerships; harmonize provisions; and repeal the original sections; declare an emergency. LB207 by Senator von Gillern. Its bill for an act relating to Nebraska Trust Deeds Act; to change provisions relating to location of the sale of trust property; repeal the original section; declare an emergency. LB208 by Senator Bostar. It's a bill for an act relating to counties; define term; prohibit a county from prohibiting the use of property in the short-term rental as prescribed; provide for regulation in the short-term rentals; provide a duty for the Revisor of Statutes. LB209 by Senator Bostar. It's a bill for an act relating to revenue and taxation; provide a property tax exemption and sales and use tax exemption relating to data centers; provide an operative date; and to repeal the original section. LB210 by Senator Bostar is a bill for an act relating to insurance; to adopt the Prior Authorization Reform Act. LB211 by Senator Blood. It's a bill for an act relating to revenue and taxation; to adopt the Property Tax Circuit Breaker Act; harmonize provisions; provide an operative date; repeal the original section. LB212 by Senator Slama. It's a bill for an act relating to roads; to require the Department of Transportation to plan, design and purchase rights-of-way for U.S. Highway 75 and all paved and unpaved state highways; declare legislative intent to appropriate funds. LB213 by Senator Slama. It's a bill for an act relating to economic development; to redefine a term and extend certain deadlines under the Nebraska Job Creation and Mainstreet Revitalization Act; change a matching fund requirement for the Rural Workforce Housing Investment Act; to repeal the original section; declare an emergency. LB214 by Senator Slama. It's a bill for an act relating to banking and finance; to adopt updates to federal law relating to banking and finance; change provisionally the Nebraska Installment Loan Act, loan brokerage agreements; provide for rules and regulations; define and redefine terms; harmonize provisions; and repeal original sections; declare an emergency. LB215 by Senator Briese. It's a bill for an act relating to the Legislature; to provide, move, change, and eliminate definitions; provide and move, change, and eliminate duties for the office of Inspector General, Child Welfare, the office of Inspector General of the Nebraska Correctional System as prescribed; harmonize provisions; and repeal the original sections. Mr. President, that's all I have at this time.

ARCH: Thank you, Mr. Clerk. We will now stand at ease for new bills.

[EASE]

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KELLY: Mr. Clerk, for items and new bills.

ASSISTANT CLERK: Thank you, Mr. President. First of all, the Banking Committee will hold a meeting under the north balcony at 10:30. And secondly, as a reminder that the Ag Committee will meet under the south balcony also at 10:30. New bills: LB216 by Senator Hughes. It's a bill for an act relating to Optometry Practice Act; to provide for certification requirements for optometrists, optometrists for performing certain procedures; and repeal the original sections. LB217 by Senator Hughes is a bill for an act relating to the Waste Reduction and Recycling Incentive Fund; to amend Section 81-15,160; to extend the sunset date for new scrap tire projects. LB218 by Senator Ibach. It's a bill for an act relating to the Noxious Weed Control Act; change provisions relating to intent to appropriate funds; to repeal the original sections. LB219, Senator Ibach, is a bill for an act relating to Medical Assistance Act; provide duties for the department regarding rates for critical access hospitals; to harmonize provisions; repeal the original sections. LB220 by Senator Ibach. It's a bill for an act relating to pardons; to change provisions relating to notice required to be given to certain crime victims and Board of Pardons' powers of duties; and to repeal the original sections. LB221 by Senator Ibach. It's a bill for an act relating to retirement; to redefine a term relating to firefighters of a city of first class. LB222 by Senator Fredrickson. It's a bill for an act relating to postsecondary education; prescribe requirements for publicly funded colleges and universities regarding criminal history and juvenile court record information of applicants for admission; to redefine term. LB223 by Senator McKinney. It's a bill for an act relating to the Municipal Density and Missing Mental Housing Act; change and provide reporting requirements as prescribed; harmonize provisions; and repeal the original sections. LB224 by Senator McKinney. It's a bill for an act relating to municipalities; to adopt the Aid to Municipalities Act; to create a fund; change provisions relating to budget limitation; provide a duty for the Revisor of Statutes; and repeal the original sections. LB225 by Senator Dungan. It's a bill for an act relating to schools; change provisions relating to the committee on American civics; and to repeal the original sections. LB226 by Senator Brandt. It's a bill for an act relating to transportation; change provisions relating to construction manager-general contractor contracts and public-private partnerships under the Transportation Innovation Act; harmonize provisions; and to repeal the original sections. That's all I have at this time, Mr. President.

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KELLY: Thank you. Mr. Clerk. Senators, Senator Albrecht would like to recognize the physician of the day, Dr. Dave Hoelting of Pender, Nebraska. Please rise and recognize Dr. Hoelting. Mr. Clerk, for an announcement.

CLERK: Mr. President, the Ag Committee will meet right now under the south balcony. Ag Committee, currently under the south balcony for a meeting. Thank you.

KELLY: Thank you, Mr. Clerk. Mr. Clerk, for bill introduction.

ASSISTANT CLERK: Thank you, Mr. President. LB227 offered by Senator Hansen. It's a bill for an act relating to Medical Assistance Act; to provide for reimbursement to certain hospitals for providing nursing facilities level of care services. LB228 by Senator Erdman, a bill for an act relating to the elections; provide for state holidays; to require in-person voting and photographic identification for certain elections; to provide exceptions; require all ballots to be counted on election day; to require all ballots to be counted at the precinct level; provide for further changes in the Election Act; harmonize provisions; repeal original sections; and declare an emergency. LB229 by Senator Erdman. It's a bill for an act relating to Livestock Brand Act; change provisions relating to inspection requirements at registered feedlots; and repeal the original sections. LB230 by Senator Erdman, a bill for an act relating to government; to change provisions relating to elections; to eliminate the fee for certain state identification cards and certified copies of birth certificates; to eliminate certain identification requirements, provisions regarding conduct of election by mail; harmonize provisions; repeal the original sections; and declare an emergency. LB231 by Senator Dungan, a bill for an act relating to schools; change provisions related to student attendance and require plans for excessive absences; and to repeal the original sections. LB232 by Senator John Cavanaugh. It's a bill for an act relating to Nebraska County and City Lottery Act; change provisions relating to the games of keno; provide for the sale of digital-on-premises tickets; harmonize provisions; and repeal original sections. LB233 by Senator John Cavanaugh is a bill for an act relating to child support enforcement; to provide for child support payment disregard; to eliminate child support income for purposes of determining eligibility for aid to dependent children program; to require implementation of a child support disregard policy; harmonize provisions; and repeal the original sections. LB234 by Senator Walz. It's a bill for an act relating to railroads; to amend Section 75-109; report blocked crossing complaints as prescribed; provide duties for the Public Service Commission; provide a duty for the Revisor of

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Statutes; and to repeal the original section. Mr. President, that's all I have at this time.

KELLY: Mr. Clerk, for additional bill introduction.

ASSISTANT CLERK: Thank you, Mr. President. LB235 by Senator Wayne. It's a bill for an act relating to the Imagine Nebraska Act; to transfer a definition; change provisions relating to the use of credits for certain child care expenses; harmonize provisions; repeal the original sections. LB236 by Senator Wayne. It's a bill for an act relating to courts; to provide appointment and powers of problem-solving court judicial officers; create a problem-solving court pilot project. LB237 by Senator Wayne. It's a bill for an act relating to appropriations; to appropriate funds to the Department of Environment and Energy. LB238 by Senator Wayne. It's a bill for an act relating to schools; change reporting requirements; to define and redefine terms; to include virtual school students in the calculation of aid under the Tax Equity and Educational Opportunities Support Act. LB239 by Senator Wayne. It's a bill for an act relating to revenue and taxation; change individual income tax brackets and rates as prescribed; to harmonize provisions; and to repeal the original sections. LB240 by Senator Wayne. It's a bill for an act relating to the Nebraska Juvenile Code; provide for modification of disposition orders or conditions of probation or supervision upon motion by the juvenile; and repeal the original sections. LB241 by Senator Briese. It's a bill for an act relating to the regulation of water; to change provisions relating to transfers of water to another state; and repeal the original section. LB242 by Senator Briese. It's a bill for an act relating to the Nebraska Property Tax Incentive Act; to redefine a term; change provisions relating to the amount of tax credit for school district taxes; and repeal the original sections. LB243 by Senator Briese. It's a bill for an act relating to the Property Tax Credit Act; change the minimum amount of relief granted; and repeal the original sections. LB244 by Senator Briese. It's a bill for an act relating to the Nebraska Property Tax Incentive Act; define and redefine term; provide an income tax credit for certain property taxes paid; to harmonize provisions; and repeal the original sections. LB245 by Senator Walz. It's a bill for an act relating to the Board of Barber Examiners; to change per diem compensation for board members; and repeal the original sections. LB246 by Senator McKinney. It's a bill for an act relating to sanitary and improvement districts; change provisions relating to powers and duties, extraterritorial zoning jurisdiction, and publication of notice; require compliance with municipal planning requirements; to harmonize provisions; eliminate obsolete provisions; and repeal the original sections. LB247 by

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Senator Lippincott is a bill for an act relating to motor vehicles; to change provisions relating to issuance of a certificate of title for certain motor vehicles; and to repeal original sections. LB248 by Senator Vargas is a bill for an act relating to civil rights; define term; prohibit discrimination based upon lawful source of income or compliance with public assistance requirements; create the Landlord Guarantee Program; to state intent regarding funding; to harmonize provisions; and to repeal the original sections. Mr. President, that's all I have at this time.

KELLY: Mr. Clerk, for new bills.

ASSISTANT CLERK: Thank you, Mr. President. LB249 offered by Senator Briese. It's a bill for an act relating to the Rural Workforce Housing Investment Act; to redefine and eliminate terms; to change provisions related to grant limitations; transfer funds; harmonize provisions; and repeal original sections. LB250 by Senator Brewer. It's a bill for an act relating to the Nebraska Army and National Guard; to state legislative findings; to require a command climate survey of the guard and a report by the Adjutant General. LB251 by Senator Brewer is a bill for an act relating to the Tobacco Products Tax Act; to change provisions relating to the tax on cigars, cheroots, and stogies; to provide an operative date; and repeal the original sections. LB252 by Senator Brewer. It's a bill for an act relating to veterans; to change reference to a veterans' home; change provisions relating to veterans aid, Department of Veterans' Affairs Office, and duty of the Director of Veterans' Affairs; to eliminate an obsolete provision; and repeal original section; to outright repeal Section 80-336, Revised Statutes Cumulative Supplement, 2022. LB253 by Senator Brewer is a bill for an act relating to Nebraska Law Enforcement Training Center; to provide for another location for the center; provide for administrators; to harmonize provisions; repeal the original sections. LB254 by Senator Brewer. It's a bill for an act relating to the Legislature; develop and maintain a publicly accessible, digital Internet archive of closed-captioned video coverage of the Legislature as prescribed; change provisions of the Nebraska Educational Telecommunications Act; change powers and duties of the Nebraska Educational Telecommunications Commission; harmonize provisions; repeal the original sections. LB255 by Senator Brewer is a bill for an act relating to public power; to change eminent domain and renewable energy generation provisions relating to certain power suppliers; to redefine a term; to harmonize provisions; repeal the original sections. LB256 by Senator Brewer. It's a bill for an act relating to insurance; change provisions relating to telehealth insurance coverage; repeal the original sections. LB257 by Senator Lowe. It's a

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bill for an act relating to cemeteries; to change provisions relating to abandonment and reversion of cemetery lots as prescribed; to authorize investment of funds from the sale of cemetery lots as prescribed; harmonize provisions; and repeal the original sections. LB258 by Senator Lowe is a bill for an act relating to Nebraska Liquor Control Act; change [SIC] provisions relating to near beer; harmonize provisions; repeal original sections; to outright repeal sections 53-103.24 and 53-160.02. LB259 by Senator Lowe. It's a bill for an act relating to the Nebraska Liquor Control Act; to allow farm wineries to obtain additional retail license under the Nebraska Liquor Control Act; and to repeal the original sections. LB260 by Senator Wayne. It's a bill for an act relating to courts; to designate the Nebraska Appellate Courts Online Library as the repository for published judicial opinions of the Nebraska Supreme Court and the Nebraska Court of Appeals; provide for sale of extra circulating copies of printed volumes of court decisions; provide duties for the Reporter of Decisions; harmonize provisions; repeal the original section. LB261 by Senator Riepe. It's a bill for an act relating to the Funeral Directing and Embalming Practice Act; change provisions relating to apprenticeships; and to repeal the original sections. Mr. President, that's all I have at this time.

KELLY: This is the last call for bill introduction. We'll be adjourning shortly. Mr. Clerk, for new bill introduction.

ASSISTANT CLERK: Thank you, Mr. President. LB262 introduced by the Agriculture Committee. It's a bill to define, redefine, eliminate terms; change permit and fee provisions relating to food establishments, food processing plants, salvage operations; change permit posting and certain changes of address, location, and inspection requirements; eliminate water supply requirements; harmonize provisions; repeal the original sections. LB263 by the Agriculture Committee. It's a bill for an act relating to the Nebraska Hemp Farming Act; change provisions relating to state plan for regulation of hemp and rules and regulations, fees, duties, violations, testing and transporting of hemp; provide for remediation of certain hemp; change a meeting requirement for the Nebraska Hemp Commission; harmonize provisions; repeal the original sections; declare an emergency. LB264 by the Agriculture Committee. It's a bill for an act relating to agriculture; change provisions under the Nebraska Grain Dealer Act and the Grain Warehouse Act; to redefine terms; change a fee; change filed security provisions; change criminal history record check requirements; change references to warehouseman; eliminate obsolete provisions; and repeal the original sections. LB265 by Senator Brewer. It's a bill for an act relating to state personnel;

change provisions relating to the duties of the Director of Correctional Services; to require protective vests for correctional officers as prescribed; to allow the Department of Health and Human Service employees to use justified force as prescribed; and repeal the original sections. LB266 by Senator Brewer. It's a bill for an act relating to Military Honor Plates; change eligibility for Military Honor Plates as prescribed. LB267 by Senator Brewer. It's a bill for an act relating to emergency response; to adopt the Critical Infrastructure Utility Worker Protection Act. LB268 by Senator Halloran. It's a bill for an act relating to the State Treasurer; to authorize participation of certain entities in trusts, investment pools as established by the State Treasurer. LB269 by Senator Halloran. It's a bill for an act relating to government; to eliminate obsolete provisions relating to adjusting certain boundaries after the federal decennial census and charter amendment procedures for certain public power districts; harmonize provisions; repeal the original sections. LB270 by Senator McKinney. It's a bill for an act relating to rental property; provide duties for cities and villages that adopted rental registration ordinances; change provisions related to landlord duties and certain remedies under the Uniform Residential Landlord and Tenant Act; harmonize provisions; repeal the original sections. LB271 by Senator McKinney. It's a bill for an act relating to child abuse and neglect; to define terms; change reporting requirements; provide training requirements for certain reporters; and repeal the original sections. LB272 by Senator Vargas. It's a bill for an act relating to the Workers' Compensation Act; change provisions relating to the date when compensation begins; and repeal the original sections. LB273 by Senator Vargas. It's a bill for an act relating to appropriations; to state intent regarding appropriations to the Coordinating Convention for Postsecondary Education; declare an emergency. LB274 by Senator Holdcroft. It's a bill for an act relating to handicapped parking; change provisions relating to handicapped parking; provide for disabled veterans parking in handicapped parking spaces as prescribed; define terms; provide duties; harmonize provisions; repeal the original sections. LB275 by Senator Wishart. It's a bill for an act relating to appropriations; to state intent regarding an appropriation to the Foster Care Review Office; and declare an emergency. LB276 by Senator Wishart. It's a bill for an act relating to Nebraska Behavioral Health Services Act; to amend Section 71-801; to adopt the Certified Community Behavioral Health Clinic Act; to harmonize provisions; and repeal the original sections; declare an emergency. LB277 by Senator Brewer is a bill for an act relating to government; to adopt the First Freedom Act; to authorize wearing of tribal regalia by students as prescribed; define terms; to harmonize

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provisions; provide an operative date. Mr. President, that's all I have at this time.

KELLY: Thank you, Mr. Clerk. Speaker Arch, for a message.

ARCH: Thank you, Mr. President. Just a couple quick announcements regarding the Rules Committee and that functioning. First of all, Senator Erdman, his staff now have successfully posted the rule, the proposed rule changes. They're now live on the legislative website. Secondly, I know in yesterday's discussion, we talked about streaming the public hearing. I think Senator Erdman and I said, absolutely, let's do that. So public-- the Rules Committee public hearing on Thursday will be live streamed both on the legislative website and close circuit within the building. And that's my announcement. Thank you.

KELLY: Thank you, Mr. Speaker. Mr. Clerk, for items.

ASSISTANT CLERK: Mr. President, one additional bill, LB278 by Senator Walz. It's a bill for an act relating to persons with disabilities; provide duties for the Nebraska Investment Finance Authority and Department of Economic Development relating to housing for persons with disabilities. In addition to that, a series of name adds: Senator Conrad, Wishart, McDonnell, Bostar and Aguilar to LB5; Senator Conrad to LB8; Senator Raybould to LB9; Senator Conrad to LB10, LB12, LB13, LB14, LB16, LB27, LB31; Senator Raybould to LB31; Senator Conrad to LB36, LB38; Senator Machaela Cavanaugh to LB39; Senator Conrad to LB39; Senator Blood to LB44; Senator Raybould to LB46; Senator Conrad to LB54; Senator Conrad to LB56, LB57, LB58 and LB60; Senator Ben Hansen to LB66; Senator Aguilar to LB126 and to LB188. In addition to that, Mr. President, the Reference Committee will meet in Room 1525 upon adjournment. That's the Reference Committee, 1525, upon adjournment. And finally, a priority motion. Senator Riepe would move to adjourn until Wednesday, January 11, 2023, at 10:00 a.m.

KELLY: Senators, you heard the motion. All those in favor say aye. Those opposed. We are adjourned.