

April 24, 1981

LB 58, 283, 491,
LB 257, 466, 389A, 529A

SPEAKER MARVEL: The motion is carried. The bill is advanced. If there is objection we will revert back to item #2 which is LB 466.

CLERK: Mr. President, if I may, right before that, the committee on Ag and Environment gives notice of cancellation of hearing. (See page 1568 of the Legislative Journal.)

A new A bill, 389A offered by Senator Wesely. (Read. See page 1569 of the Legislative Journal.) 529A by Senator Schmit. (Read.)

Mr. President, your Enrolling Clerk respectfully reports that she has presented to the Governor LB 58, 283, and 491.

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LB 95A, 389A

to solve this dilemma, we've got bills to read on General File and we've got at least, three, four, five motions. How long is that going to take, Pat, the total of that category?

CLERK: Well, Senator, the A bills will probably take no more than five or ten minutes and the motions, depending on the amount of debate, somewhere between half an hour to an hour.

SPEAKER MARVEL: Okay, I would like to proceed with those General File items under General File, #4, and the three, four five items that you mentioned. Meanwhile I am going to try to see if I can't work out of this dilemma. So I would like to have you proceed and I will come back within an hour with some kind of comments.

PRESIDENT: Since there is no other motion before the House the Speaker has set his agenda and we will proceed then with agenda item #4 on General File, Mr. Clerk. We will take up General File, A bills, commencing with LB 95A.

CLERK: Mr. President, LB 95A offered by Senator Cullan, (Read.)

PRESIDENT: The Chair recognizes Senator Cullan on 95A.

SENATOR CULLAN: Move the advancement of LB 95A.

PRESIDENT: Any discussion? Senator Warner, did you wish to discuss any of these? Your light is on. 95A, alright, proceed then. Any further discussion? The question then is the advancement of LB 95A to E & R initial. All those in favor vote aye, opposed nay. Motion is to advance 95A. This is on General File, going to E & R initial. Record the vote.

CLERK: 32 ayes, 1 nay, Mr. President, to advance 95A.

PRESIDENT: The motion carries. LB 95A is advanced to E & R initial. The next bill is LB 389A.

CLERK: (Read.)

PRESIDENT: The Chair recognizes Senator Wesely.

SENATOR WESELY: I move the advancement.

PRESIDENT: Any further discussion? Hearing none, the question then is the advance of LB 389A. All those in favor vote aye, opposed nay. Have you all voted? Motion

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LB 389A, 396A, 477A, 506A

is the advance of LB 389A, E & R initial. Senator Wesely, what do you wish to do? Evidently nobody wants to vote so we had better get people in here. Record the vote.

CLERK: 27 ayes, 9 nays, Mr. President, on the motion to advance the A bill.

PRESIDENT: Motion carries. LB 389A is advanced to E & R initial. The next bill is LB 396A.

CLERK: (Read.)

PRESIDENT: The Chair recognizes Senator Carsten.

SENATOR CARSTEN: Move to advance LB 396A to E & R initial.

PRESIDENT: Motion is to advance LB 396A. Any further discussion? All those in favor of advancing LB 396A to E & R initial vote aye, opposed nay. Record the vote.

CLERK: 34 ayes, 0 nays, Mr. President, on the motion to advance LB 396A.

PRESIDENT: The next bill, Mr. Clerk, is LB 477A.

CLERK: (Read.)

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Pirsch.

SENATOR PIRSCH: Mr. President, I move that LB 477A be advanced.

SENATOR CLARK: The motion is to advance LB 477A. All those in favor vote aye. All those opposed vote nay. Have you all voted? Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, on the motion to advance LB 477A.

SENATOR CLARK: The bill is advanced. LB 506A.

CLERK: (Read.)

SENATOR CLARK: Senator Cullan.

SENATOR CULLAN: Mr. President, members of the Legislature, I move LB 506A be advanced to E & R initial.

SENATOR CLARK: Is there any discussion on the advancement of 506A? If not, all those in favor vote aye. All those opposed vote nay. Record the vote.

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LB 95A, 257A, 389A, 396A,
477A, 506A, 541A, 556

Mr. President, your Committee on Enrollment and Review respectfully reports that they have carefully examined and reviewed LB 95A and recommend that same be placed on Select File; 389A Select File; 396A Select File; 477A Select File; 506A Select File; 541A Select File and 257A Select File, all signed by Senator Kilgarin as Chair.

SENATOR CLARK: LB 556.

CLERK: Mr. President, with respect to 556, the bill was introduced by the Speaker at the request of the Governor. (Read.) The bill was read on March 30 of this year. It was referred to the Appropriations Committee for hearing. The bill was advanced to General File. There are committee amendments pending by the Appropriations Committee, Mr. President.

SENATOR CLARK: Senator Warner, on the committee amendments.

SENATOR WARNER: Mr. President and members of the Legislature, LB 556 is the bill that reflects the increased premiums when the health insurance that is provided for state employees, other than higher education, when those new bids were opened and those dollar amounts will be explained. The committee amendment that is offered merely, well, back up. The amendment was offered at the committee hearing requesting that the legislation require that coverage for abortion be made available at the employee's expense and the presentation was based upon the testimony by those who appeared that the prohibition or the requirement for this, for an abortion to be paid for by the individual employee had been suggested when the legislation that prohibited state funds was being considered and enacted and they wanted some assurance that, in fact, that would occur. If you look on page 1877 of the Journal there is a letter which I requested of the Attorney General requiring two things relative to the amendment, first, whether or not whether it would be constitutional and I think you can summarize the response on that, that if the original legislation prohibiting it is constitutional then this is probably constitutional or if LB 125 is not constitutional then neither would this be either. So that seems to be a draw. The other request for an opinion, however, was whether or not we would jeopardize by the adoption of this amendment the coverage that the state might have for its employees under the new bid and it would be my understanding from the Attorney General's letter that if the amendment is adopted, that then it would be expected that the state would find someone who would provide that coverage for those who wanted it and provided they could find some company of some kind that would provide this kind of coverage then the conditions would be met and

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LB 561, 95A, 389A, 477A,
506A, 541A, 257A, 556A

in more clarity, with more clarity any detail on the sheet.
Thank you.

SPEAKER MARVEL: Thank you, Senator Warner. Senator Kilgarin, are you ready? There are seven bills that have no amendments pending so we are going to advance the bills. Senator Kilgarin.

SENATOR KILGARIN: I move we advance LB 95A to E & R for engrossment.

SPEAKER MARVEL: The motion is the advancement of 95A to E & R for engrossment. All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Next one is 389A.

SENATOR KILGARIN: I move we advance LB 389A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The next one is 477A.

SENATOR KILGARIN: I move we advance LB 477A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. ~~Next~~ one, 506A.

SENATOR KILGARIN: I move we advance LB 506A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Next bill, 541A.

SENATOR KILGARIN: I move we advance LB 541A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. 257A.

SENATOR KILGARIN: I move we advance LB 257A to E & R for engrossment.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. Motion is carried. The bill is advanced. Last bill, 556.

SENATOR KILGARIN: I move we advance LB 556A to E & R for engrossment.

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LB 95A, 257A, 389A, 477A,
506A, 541A, 556

PRESIDENT LUEDTKE PRESIDING

PRESIDENT: The legislator chaplain today is Senator Rumery.

SENATOR RUMERY: Prayer.

PRESIDENT: Roll call. Has everyone registered your presence so we can begin the days activities. Record the presence Mr. Clerk.

CLERK: Quorum present, Mr. President.

PRESIDENT: Quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Journal stands correct as published. Any messages, reports or announcements?

CLERK: Mr. President, your committee on E & R respectfully reports they have carefully examined and engrossed LB 95A and find the same correctly engrossed, 257A correctly engrossed, 389A, correctly engrossed, 477A correctly engrossed, 506A correctly engrossed, 541A correctly engrossed, 556 all correctly engrossed (signed), Senator Kilgarin, Chair.

Mr. President an Attorney General's opinion addressed to Senator Carsten regarding section 4 and 10 of 284, be inserted in the Journal (pages 2060-2062).

Mr. President, I have received from the State of Tennessee a Joint resolution regarding Vietnam veterans. That will be on file in my office.

Mr. President, a communication from the Governor addressed to the Clerk regarding LB 190. See page 2062 of the Legislative Journal.

Mr. President, I have a report from the Department of Roads pursuant to Section 5(4) of LB 722 of 1980 Legislative Session. That will be on file in my office as well.

PRESIDENT: We are ready then for agenda item number four. Final Reading. If the Sergeant at Arms will secure the Chamber, all members will get to your desks. As soon as everyone is at their desks we will commence with Final

May 22, 1981

LB 472A, 389A, 472

CLERK: 34 ayes, 0 nays, Mr. President, on the motion to suspend and withdraw the bill.

SPEAKER MARVEL: Motion is carried. The Clerk will read on Final Reading LB 472.

CLERK: (Read LB 472 on Final Reading.)

SPEAKER MARVEL: All provisions of law having been complied with, the question is, shall the bill pass? Those in favor vote aye, opposed vote no. 472 on Final Reading. Record the vote.

CLERK: (Record vote read. See page 2216, Legislative Journal.) 47 ayes, 0 nays, 1 excused and not voting, 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed on Final Reading. The next item of business on General File, no, I am sorry, item #5 on motions. The Chair recognizes Senator Wesely.

CLERK: Mr. President, Senator Wesely would move to return LB 389A to Select File for a specific amendment.

SENATOR WESELY: Mr. Speaker, members of the Legislature, with the amendment we just placed on 389 yesterday which put the delayed date back to July 1 of next year, there is no need for an appropriation to fund the services which are provided under that bill and so we are deleting that part of the A bill and we are also reducing the administrative costs involved from about \$27,000 down to \$15,000 and so the motion is to return and we will cut the A bill from two hundred and fifty-two thousand some dollars to about fifteen thousand dollars. I think you can all support that.

SPEAKER MARVEL: The motion is to return to Select File for the specific amendment. (Gavel) Can't hear up here. Senator Wesely, do you wish to speak to your motion?

SENATOR WESELY: I already did.

SPEAKER MARVEL: All right. The motion is the return of the bill as shown on item #5 under motions.

CLERK: 30 ayes, 0 nays on the motion to return the bill, Mr. President.

SPEAKER MARVEL: The bill is returned. Now the motion is to adopt the specific amendment. Those in favor of the amendment as explained by Senator Wesely vote aye, opposed vote no.

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LB 389A, 406

CLERK: 30 ayes, 0 nays on the motion to adopt the Wesely amendment, Mr. President.

SPEAKER MARVEL: The motion is carried. The amendment is adopted. The motion is to readvance the bill. All those in favor of that motion say aye, opposed no. Motion is carried. The bill is readvanced.

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Cullan has called a brief meeting under the South balcony of the Health and Wefare Committee, please. Before we continue, may I please announce that Senator Kilgarin and Senator Chambers have guests. They have 120 eighth graders from a school in Omaha. Is it Marshad? Marrs, they say, all right. They are in the North balcony. Would you please welcome them to our Legislature? They have eight teachers with them but I didn't have the names of the eight teachers. Also Senator Kilgarin has five eighth grade students from St. Joseph School in Omaha, Mr. Dick Roach and Sister Clementine. So they are in the South balcony. Would you welcome them please? Thank you for visiting the Legislature. We will proceed with LB 406.

CLERK: Mr. President, LB 406 was introduced by the Government, Military and Veterans Affairs Committee. (Read title.) The bill was first read on January 20 of this year. At that time it was referred to the Miscellaneous Subjects Committee for public hearing. The bill has been advanced to General File, Mr. President. There are committee amendments pending by the Miscellaneous Subjects Committee.

SENATOR NICHOL: Senator Hefner.

SENATOR HEFNER: Mr. President, members of the body, I move the committee amendments on LB 406. LB 406 redistricts the 49 Legislative Districts, and if you want to follow along with me, these amendments are the white pages in your bill book right ahead of LB 406, Requisition 2452, and this amendment becomes the bill. This morning it feels to me like it is D Day. The day has arrived. It has taken many hours, many days of preparation and it has finally arrived. We have had many early morning meetings. We have had meetings during the lunch hour and, of course, we had the three hearings several weeks ago on the six reapportionment bills that we have, and before I get into the committee amendments, I want to thank the committee for working these long hours and sometimes under adverse conditions. I also want to thank all of the Senators for their

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LB 213, 318, 322,
LB 412, 389, 389A

afraid of what might happen if it was passed anyway, so, I will go along.

SENATOR WARNER: Thank you, Senator Newell.

SENATOR CLARK: All right, that bill will be laid over. The motion is now to suspend the rules. The motion is right now, to suspend the rules to read the following bills: 213, 318, 822, 389 and 389A. That is the only bills we can read. The motion before the House is suspension of the rules. Is there anyone who wants to talk on that? Senator DeCamp, did you want to talk on the suspension of the rules? All right. All those in favor of suspending the rules vote aye. All those opposed vote nay. Senator Goodrich, did you want to talk on it?

SENATOR GOODRICH: Mr. President, you had said when you were quoting those numbers, 822. I think you mean 322. Would you have the Clerk read ...

SENATOR CLARK: No, I said 322, I thought, pardon me. 213, 318, 322, 389 and 389A.

SENATOR GOODRICH: Okay, no problem.

SENATOR CLARK: All those in favor of suspending the rules vote aye, opposed vote nay. It takes 30 votes. Voting aye.

CLERK: Senator Clark voting yes.

SENATOR CLARK: Have you all voted on suspending the rules to read those five bills? Record the vote.

CLERK: 34 ayes, 2 nays, Mr. President, on the motion to suspend the rules and read those five bills.

SENATOR CLARK: The rules are suspended. The Clerk will now read LB 213 with the emergency clause attached.

ASSISTANT CLERK: (Read LB 213 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall 213 pass with the emergency clause attached. All those in favor vote aye. All opposed vote nay.

ASSISTANT CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Record the vote.

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LB 285, 531, 544
LB 389, 389A, 234A

SENATOR CLARK: The bill is declared passed without the emergency clause attached. The Clerk will now read LB 389.

ASSISTANT CLERK: (Read LB 389 on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall LB 389 pass. All those in favor vote aye. All those opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: (Read record vote as found on pages 2348-2349 of the Legislative Journal.) 34 ayes, 9 nays, 5 excused and not voting and 1 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed on Final Reading. The Clerk will now read LB 389A.

CLERK: (Read LB 389A on Final Reading.)

SENATOR CLARK: All provisions of law having been complied with, the question is, shall the bill pass. All those in favor vote aye, opposed vote nay.

CLERK: Senator Clark voting no.

SENATOR CLARK: Have you all voted? Record the vote.

CLERK: (Read record vote as found on page 2349 of the Legislative Journal.) 31 ayes, 11 nays, 5 excused and not voting, 2 present and not voting, Mr. President.

SENATOR CLARK: The bill is declared passed. Do you have anything to read in?

CLERK: Yes, sir, I do.

SENATOR CLARK: All right, go right ahead.

CLERK: Mr. President, your committee on Enrollment and Review respectfully reports that they have carefully examined and engrossed LB 285 and find the same correctly engrossed; 544 correctly engrossed; 234A correctly engrossed and 531 correctly engrossed. Those are all signed by Senator Kilgarin as Chair.

SENATOR CLARK: How many more do you have to come up yet, Pat? What? We are waiting for seven more bills. Senator Marvel, I imagine we had better stand at ease until they come up. This might be a good time to discuss a lot of

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LB 111, 118, 129, 129A, 213,
318, 389, 389A, 523, 556,
556A

bills we didn't have time for before.

SPEAKER MARVEL: It is my understanding we have got about an hour, Mr. Clerk, is that right...?

CLERK: Yes, sir.

SPEAKER MARVEL: ...and at the end of that time we should have the bills up here and I appreciate your cooperation. I have nothing else to say because Senator Clark can't understand English.

SENATOR CLARK: We will be "easy" until then. Senator Marvel.

SPEAKER MARVEL: Where did you go? Oh. The Legislature will be at ease until seven o'clock.

SENATOR CLARK: Or until the bills come up?

SPEAKER MARVEL: Pardon me?

SENATOR CLARK: Or until the bills come up?

SPEAKER MARVEL: I think what we need, Mr. Clerk, and you can correct me, we need a quorum.

CLERK: That would be desirable, yes, sir.

SPEAKER MARVEL: Okay.

EASE

SPEAKER MARVEL: While the Legislature is in session and capable of transacting business I am about to sign and do sign LB 111, LB 118, LB 129, LB 129A, LB 523, engrossed LB 523, engrossed LB 556, engrossed LB 556A, one of the smaller bills of the session, engrossed LB 213, engrossed LB 318, reengrossed LB 389 and reengrossed LB 389A. Okay. Senator Goll, will you adjourn us until nine o'clock tomorrow morning.

SENATOR GOLL: I move that we adjourn until nine o'clock tomorrow morning.

SPEAKER MARVEL: All in favor of that motion say aye, opposed no. The motion is carried. We are adjourned until nine o'clock tomorrow morning.

Edited by LaVera M. Benischek
LaVera M. Benischek

May 28, 1981

LR 192
LB 111, 118, 129, 129A, 213, 318, 322,
389, 389A, 472A, 523, 540, 548, 556, 556A

PRESIDENT LUEDTKE PRESIDING

DR. ROBERT PALMER: Prayer offered.

PRESIDENT: Would you all register your presence? We would like to get started. Senator Carsten, would you give us a green light and then we will start. Thank you, you got us under way. Record the presence, Mr. Clerk.

CLERK: Quorum present, Mr. President.

PRESIDENT: Quorum being present, are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT: The Journal will stand as published. Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined LB 540 and find the same correctly enrolled; 322 correctly enrolled.

Mr. President, your enrolling clerk has presented to the Governor for his approval the bills that were read on Final Reading yesterday. (See page 2356 of the Journal regarding LBs 111, 118, 129, 129A, 523, 556, 556A, 213, 318, 389, and 389A.)

Mr. President, I have an Attorney General's Opinion addressed to Senator Beutler regarding LB 472A. (See pages 2356 through 2358 of the Journal.)

Mr. President, I have a report from the Department of Administrative Services regarding lease approval.

Mr. President, new resolution, LR 192, offered by Senator Rumery. (Read LR 192 as found on pages 2358 and 2359 of the Legislative Journal.) That will be laid over, Mr. President.

Mr. President, LB 548 and 322 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of doing business, I propose to sign and I do sign LB 548 and LB 322. Before we get started with today's activities, the Chair would like to introduce fifteen students from across the whole State of Nebraska,

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LB 318, 321, 344, 389, 389A, 401

PRESIDENT: LB 321 passes without the emergency clause attached. Messages may be read in at this time.

CLERK: Mr. President, I have two veto messages from the Governor. (Read veto messages from the Governor Re. LB 389A and 389. See pages 2403-2404 of the Legislative Journal.)

Mr. President, I have a second veto message addressed to Dear Mr. President and Senators: (Read. Re. LB 318.)

Mr. President, I have explanation of vote from Senator Howard Peterson.

Mr. President, Senator Wesely asks unanimous consent to add his name to LB 404 as cointroducer.

PRESIDENT: No objections, so ordered.

CLERK: That is all that I have, Mr. President.

PRESIDENT: All right, we are ready then for the next bill on Final Reading, is LB 344, Mr. Clerk. We might ask... Speaker Marvel, there have been some questions about when we want to break for lunch. Do you wish to give some indication so that they know we are?

SPEAKER MARVEL: I think it would be a good idea if we broke at noon and then recess until one-thirty. The way we are going this morning, we are going to have trouble meeting the deadline.

PRESIDENT: All right, thank you.

SPEAKER MARVEL: The deadline when we get out of here. When you get whatever business you have I would appreciate it if you would recognize Senator Newell. He has a proposal that he wants to make.

PRESIDENT: Senator Newell, do you want to...? What is this? Senator Newell, we recognize you for whatever purpose. Okay, go ahead, Senator Newell.

SENATOR NEWELL: Mr. President, members of the Legislature, the Omaha delegation has asked me to present this plaque to Senator Fitzgerald for his tremendous sacrifice, primarily giving up his legislative district, which is important so that I could still serve in the Legislature next year and, very important as you can well understand. Senator Fitzgerald, if you would come forward the delegation would like to present you this for your hard work and your sacrifice. (Applause.)

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want to take one more bill then? Okay, fine. Have you all voted? Record the vote.

CLERK: (Read record vote as found on pages 2406-2407 of the Legislative Journal.) 37 ayes, 8 nays, 2 excused and not voting, 2 present and not voting, Mr. President.

PRESIDENT: LB 352 passes with the emergency clause attached. The next bill on Final Reading before the break for lunch is LB 385.

ASSISTANT CLERK: (Read LB 385 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 385 pass. All those in favor vote aye, opposed nay. Record the vote.

CLERK: (Read record vote as found on pages 2407-2408 of the Legislative Journal.) 29 ayes, 14 nays, 2 excused and not voting, Mr. President, 4 present and not voting.

PRESIDENT: LB 385 passes. If you would read some matters in and then we will get ready for recess.

CLERK: Mr. President, a letter from the Governor addressed to the Clerk. (Read. Re. LB 406, 548, 389 as found on page 2409 of the Legislative Journal.)

Mr. President, your committee on Enrollment and Review respectfully reports we have carefully examined LB 321 and find the same correctly enrolled.

Mr. President, I have a veto message from the Governor addressed to Dear Mr. President and Senators. (Read. Re. 129A. See page 2408 of the Legislative Journal.)

Mr. President, finally LB 95, 95A, 172, 218, 234, 234A, 235, 302, 389A, 318, 344 and 352 are ready for your signature.

PRESIDENT: While the Legislature is in session and capable of transacting business I propose to sign and I do sign LB 95, LB 95A, LB 172, LB 218, LB 234, LB 234A, LB 285, LB 302, LB 318, LB 344 and LB 352. Well, let's let somebody... Senator Marsh, do you wish to recess us until one-thirty.

SENATOR MARCH: I move we recess until one-thirty.

PRESIDENT: The motion is to recess until one-thirty. Any... All those in favor to recess until one-thirty signify by saying aye, opposed nay. We are recessed until one-thirty.