

LB 500

SENATOR DUIS: Mr. President, members of the Legislature, just a brief part of an explanation regarding my part of the amendment. It came to my attention that the bill as it presently reads says that he can only do it annually which meant that he could not do it any other time. There are instances where they know that a scale or a meter is off and they call and ask to have that checked so that it could be corrected and he couldn't come and do it because he could only do it annually. This is not meant to put in that bill any harassment on the part of the department of agriculture to harass anybody, but merely to give them the right to check these meters when obviously something is wrong and it is called to their attention so that they can do it instead of having to wait until the annual inspection.

PRESIDENT: Any further discussion of the motion? Question is shall the bill be returned to Select File for the specific amendment. That was LB17. All those in favor of the motion vote aye, those opposed vote no. Motion is to return LB17 to Select File for specific amendment. Thank you. Clerk will record.

CLERK: 31 ays, 0 nays Mr. President.

PRESIDENT: Bill is returned. Stand by lets take it up when we have the other bills on Select File. Senator Simpson did you wish to be recognized before we begin Final Reading here.

SENATOR SIMPSON: Yes, Mr. President, I want to talk specifically to the presiding officer and I am asking for a ruling from the presiding officer. Now we had an issue Friday which was decided by one vote and this was the indefinite postponement of LB568. It was brought to my attention in the newspapers over the weekend in rather generous stories, or news items that the deciding vote in killing this bill was one which would have been the deciding vote came from a member who was excused and not present. Now I'm not trying to embarrass anybody or anything else. This has made the newspaper and I would ask for a ruling of the Chair as to the validity of that vote and the status of the bill.

PRESIDENT: Under the rules of the Legislature I, the presiding officer knows of no exception in the rules for anyone who is absent to cast a vote. This is done by machine tally and obviously for that purpose and this if for only those persons who are here and present and push their buttons and indicate by their light their approval or disapproval of that bill are the votes which should be counted. Does that clarify the issue.

SENATOR SIMPSON: Well to that extent then, then what is the status of LB568?

PRESIDENT: The Chair is not aware of the vote that you are speaking on.

SENATOR SIMPSON: The vote was 23 to 22 to indefinitely postpone.

PRESIDENT: I am aware of that.

SENATOR SIMPSON: The vote in question was on the prevailing side. So if you would say that this vote was illegal then the

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