

January 17, 1974

SENATOR KEYES: Lieutenant Governor, I think it takes the majority to move a bill and a tie simply means that the bill is not moved. There is really no such thing as a tie in this Legislature.

PRESIDENT: That's correct. Now, Senator Simpson, did you want to be recognized?

SENATOR SIMPSON: Mr. President, members of the Legislature. In speaking to uphold the Chair, I'd only make mention of a couple of facts in the rules. First of all, that anyone who gets caught in a corner and does not get to vote on an issue, may later put an explanation of how they would have voted in the Journal or they have the alternate of coming back under a time schedule and re-considering the motion because they have not voted so they have an out to again do any action and get in on the vote any way they wish.

PRESIDENT: Now then, let's make sure that we're clear what we're doing. The Chair has ruled.....

(End of Belt #4)

(Start Belt #5)

Senator Barnett has challenged the ruling of the Chair. The question is shall the Chair be sustained in the ruling. All those in favor of sustaining the Chair will vote aye. All those opposed, vote no. Question is, shall the Chair be sustained in the ruling regarding LB568. The question is, shall the Chair be sustained in the ruling that the proxy vote should not be cast regarding LB568. Have you all voted? Once again, the Chair would ask, have you all voted? The question is, shall the Chair be sustained in the ruling I have just given on LB568. That the vote should not have been cast by proxy. Once again, I can't hold the board open forever, I get criticized for that too. The Clerk will record.

CLERK: 22 ayes, 18 nays.

PRESIDENT: The challenge of the Chair is lost and as that takes 25 votes, therefore, the ruling is not upheld so that settles the matter and it stays, as the Chair understands it, where it's at then. LB568, you've just resolved the issue then because it now remains as it was, indefinitely postponed. Senator DeCamp, your light's still on. For what purpose do you rise?

SENATOR DE CAMP: I am baffled at this moment. Has it been indefinitely postponed or is it not?

PRESIDENT: It is now indefinitely postponed. That is correct.

SENATOR SIMPSON: Mr. President.

PRESIDENT: Just a moment. Senator Simpson.

SENATOR SIMPSON: Now I'm going to get up and question the Chair. Now, what ruling did you make on what vote? Get a clarification first, then I'll....

PRESIDENT: Okay. The Chair ruled that the vote by proxy should not have been cast. The Chair was not sustained in that. Therefore, the Body has said, therefore, that vote was properly cast. That leaves the vote at 23-22 on LB568 to indefinitely postpone. Therefore, the bill remains indefinitely postponed because the ruling of the Chair was not over-ruled.

SENATOR SIMPSON: Okay. Now, I'll quote from the rules. Mr. Chairman, in order to override the decision of the Chair, it takes 25 negative votes and we're not 25 negative votes so the

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