

March 25, 1974

SENATOR FOWLER: Is there a motion up there from Senator Cavanaugh on the same bill?

PRESIDENT: Yes.

SENATOR FOWLER: I defer to that motion. I would withdraw my motion.

PRESIDENT: Senator Fowler withdrawing his motion. That's permissible under the rules. We will move to what..Senator Cavanaugh's motion then?

SENATOR CAVANAUGH: I would move to return LB897 for a specific amendment, which would be to reinstate stricken matter on page 8 and page 11 and to add some language on page 11 and that the recommendation of the Attorney General. The stricken matter on page 11, pertains to an individual holding more than one elective office. Concurrently the language is written would apply to any elective office, and the Attorney General maintains that the Legislature can only prohibit the holding of more than one elective office to elective offices created by the legislature and cannot install such prohibition against the constitutional offices. And I would add the language that which there elective offices created by the Legislature would also strike the language to be a candidate for office. I think that language is superfluous and probably confusing. The basic provision on page 11 that is stricken pertains to prohibiting an individual from holding two elective offices and the language on page 11 or page 8 pertains to a candidate appearing on the ballot for more than one elective office at one given election. I think these provisions were stricken at the request of the Secretary of State after receiving an opinion by the Attorney General as to the provision on page 8 that it was nonenforceable. While it may still be nonenforceable I think that it is desirable that we maintain that language and perhaps seek some way to

(End Belt #3)

(Start Belt #4)

plement an enforcement of it. And on page 11, I simply feel that it is desirable that we retain in law the fact that the Legislature does not desire individuals to be eligible to hold more than one elective office. I move this bill be returned for those specific amendments.

PRESIDENT: The Chair recognizes Senator Barnett and then Senator Skarda. Senator Barnett.

SENATOR BARNETT: I wonder if Senator Cavanaugh would yield to a question.

PRESIDENT: Senator Cavanaugh yield?

SENATOR BARNETT: Senator Cavanaugh, have you checked back with the Secretary of State office as what you intend to do with this bill?