

April 9, 1973

SENATOR STAHMER: Well, that's... My point would be, why even put it in the statute when it would be unconstitutional anyway to make them retire if it isn't specified in the Constitution?

SENATOR WHITNEY: Well, definitely the employees of the Legislative Council, that would be something that definitely should be in there. Now, the reason was simply to clarify so there wouldn't be any constitutional questions there so we wouldn't have any law suits on the matter. That was the reason for putting those in.

SENATOR STAHMER: Well, I'm questioning the words, the Legislature. We talking about employees of the Legislature or are we talking about the Legislature itself?

SENATOR WHITNEY: Itself.

SENATOR STAHMER: Well, you couldn't make them retire anyway it would be unconstitutional.

SENATOR WHITNEY: Well, I'm not certain.

SENATOR STAHMER: Well, there's no provision for it in the Constitution.

SENATOR WHITNEY: Well, there's no forbidding in the Constitution either in my judgment of the Legislature doing that and the Legislature can do anything it's not forbidden to do in the Constitution.

SENATOR STAHMER: I think an Attorney General's opinion would render otherwise, but I guess this debate is not too fruitful. It wouldn't hurt anything, I suppose, to have it in there. I think you would find out that you cannot make a Senator retire, as a matter of fact.

SENATOR WHITNEY: This is the purpose of putting it in, Senator Stahmer, so it would clarify it so there wouldn't be any lawsuits on the matter.

PRESIDENT: Senator Marsh.

SENATOR MARSH: This appears to me to be superfluous language and I would hesitate to put in exceptions in this because if judges have to retire at age 72 it seems like it would be a good rule of thumb for the rest of us to apply unto.

PRESIDENT: Senator Simpson. We're still speaking on the second committee amendment offered by Senator Whitney.

SENATOR SIMPSON: Mr. President, members of the Legislature, I too would oppose the second amendment. It would seem to me that in setting the mandatory age at 72 that we have done something that is necessary to be equal in all areas and with this I think that we should also eliminate this amendment and allow it to take its course.

PRESIDENT: Senator Barnett.

(End of Belt #15)

(Begin Belt #16)

SENATOR BARNETT: Mr. President, I have a question of Senator Whitney if he'd yield, please.

PRESIDENT: Senator Whitney, will you yield?

SENATOR WHITNEY: Yes.

SENATOR BARNETT: I guess, Senator Whitney, the real question