

a person can run for any office that is available in this state, there is nothing that we can do right now in haste now, I don't think to correct the situation. We can pass any bill that we want to. I don't think that it would even stand necessarily against the state constitution. Right now we have a provision in the state constitution which can not measure against the requirements of the federal constitution. So the best thing that I can think of to do right now is to leave the law as it stands. The constitutional provision which amended the state constitution and required the selection of the Governor and the Lt. Governor as a team should be allowed to stay there, it is unconstitutional by federal standards, but a statute passed pursuant to this provision which would provide some kind of machinery for selecting of a team at a primary conducted by the two parties is also unconstitutional so that means the law is the same as it was prior to the enactment of this invalid constitutional provision and the invalid statute pursuant to this invalid constitutional provision and it means that a person would run for Governor and people would run for Lt. Governor, whoever got the most votes for either office would obtain that office which means again you can have a democrat for Governor which is unlikely or you can have a republican for Governor which is unlikely, or an independent for Governor which is very likely, and a member of one of the other parties as a Lt. Governor. If we act in haste now, I don't think that we can properly handle the situation, and as far as suits being filed to challenge the validity of any act or constitution of the state, I wonder if Senator Duis, if it is alright with the Chair, would comment on a situation like that that had occurred with reference to a particular law and it might give additional light.

PRESIDENT: Senator Duis, do you care to respond?

SENATOR DUIS: Well Mr. President, I was telling Senator Chambers here that a couple of years ago, a law was passed here which was amended by Senator Carpenter and myself which was not liked apparently and was vetoed, and we passed the statute over the veto, this had to do with taxation of school districts from one county to another, in an equalization effort and also in the household goods situation. I didn't think that anyone would test the validity of this constitutionally until the Attorney General's office notified me that they were doing it, so I am sure that the Attorney General's office is in a position to file suit as to the constitutionality of this particular statute and then we will find out, and I don't think that any individual has to file this suit, and I certainly would hate to see Senator Chamber's have to be the one to file and pay for a suit that he has need for and not only he but the other people who are running for this particular office, and also the state of Nebraska, when the Attorney General's office and don't ask me why, I don't, I can't tell you, but the Attorney General's office actually filed suit and then we in turn, through the Department of Revenue, in this particular case, were allowed to hire an attorney at the expense of the Revenue Department to defend ourselves against the Attorney General's office. So, this actually happened and in this case is in the Supreme Court and has been heard and we are waiting for a decision now so I would suggest that the Attorney General's office file a suit as to the constitutionality and take it directly to the Supreme Court so we may know what is going on, because I think that Senator Ernest Chambers is absolutely correct. I think that what is going to happen here is that if we go ahead and we pass a statute, we go ahead and have an election, a Governor and a Lt. Governor are elected and they serve in their office, and a suit is brought afterwards, then what they have done is going to be invalid, and I think that should be settled right at the present time, and I think that Senator Chambers, as well as anybody else is entitled to the Attorney General's office filing the suit.

PRESIDENT: We really have nothing before the body other than that Senator Syas was asked to comment as Chairman of the Constitutional Revision Committee on a couple of situations that have arisen, now