

January 31, 1989

rather...that has to be defined rather than some broad definition that you can generally apply all over to many places. At least most cases dealt with some very specific office that wouldn't necessarily be interpreted to apply to others and it gets a little fine-line perhaps but nevertheless the broad distinguishing between office and employment is in part what we would base our report on and those are contained in that paragraph and spelled out.

PRESIDENT: Thank you. Senator Warner, would you like to close on your motion, please.

SENATOR WARNER: Only again that there is a sense of precedent being perhaps established. I would somewhat point out that, at least from my perspective, the one other contest that has been in this body that I had any contact with, in fact, did follow the same precedent or rather included the same precedent as we are following here and that is that the provisions of statute should be followed even though we acknowledge that under the Constitution the Legislature could choose not to follow the statutes if it wished. But, again, as I indicated in my opening, in the sense of fairness and the sense the public can anticipate reasonably how a Legislature would consider and react to a challenge that it was important to follow those statutory guidelines even though, under the Constitution, we could opt to have different procedural rules than what the statute called for. There is no disagreement about that. We do not have to abide by it but I think as a matter of precedent it is important that we do. Based upon the report, why I would renew the motion of seating Senator Conway and dismissing the protest as it was filed.

PRESIDENT: The question is the adoption of the motion as outlined by Senator Warner and Senator Chambers. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of the motion as offered by the Credentials Committee.

PRESIDENT: The motion carries. Mr. Clerk, the second motion, please.

CLERK: Mr. President, Senator Warner and members of the Credentials Committee would move that a complete record of the