

school district has been judicially recognized as a specie of municipal corporation. There is a definite difference between a business corporation and a municipal corporation, a distinction that has been recognized by the Supreme Court of Missouri in a quotation. A municipal corporation as a subdivision of the state is not a person guaranteed equal protection of the laws. Now, Judge Shanahan's conclusion is that a school district is not a person with constitutional stature to assert certain rights under constitutions and because that is so, if we organize this proceeding as if school districts had to be treated with a one man, one vote quality, and each school district needs to be treated separately and given the same amount of authority, that we make a faulty analysis that they are people and for that sense they can have an equivalency of one to one. Judge Shanahan is saying in that concurring decision that, no, they are not people for the purposes of equal protection. Individuals are, but school districts aren't and the upshot of that thought is this, that in fact, you can't do a one district, one vote analysis and escape the responsibility to provide the people inside those organizations with one man, one vote authority. And what I conclude by reading that language is that you always have the underlying obligation to provide one man, one vote authority or decision making even where they are organized in districts that do not comport to one man, one vote. Or in this kind of a mechanism where you have a small district having the same amount of vote as a large district. The districts themselves are not persons for the purpose of equal protection and, therefore, have to be guaranteed their individual equality of voting authority. They aren't entitled to equal protection, the citizens inside them are entitled to equal protection and that is where the appropriate level of analysis for equal...for one man, one vote should be aimed. I oppose the Lamb amendment. I think 444 in the way that it was written is appropriate policy. It certainly is a change, but, in fact, it seems to me that over time it is clear to me that those county reorganization districts are malapportioned. They are heavily weighted and unfairly weighted and it seems to me that this is a good policy that brings us into a more balanced mix and undoes what I think was probably a historically intended overbalancing in favor of Class I's.

PRESIDENT: Thank you. Senator Withem, then Senator Vard Johnson.

SENATOR WITHEM: Mr. President, members of the body, the first thing I would like to do, I'm really shocked that Senator Lamb