

January 31, 1989

procedural statutes that we have enacted. Our power, authority and duty to deal with the judging of the qualifications of our members are set by the Constitution. By statute, the Legislature can neither limit nor expand its authority as imposed by the Constitution. In determining how we're going to handle a contest, we are authorized to establish a procedure. That procedure was laid out in the statutes referred to by Senator Warner as he discussed the report. The reason for laying those statutes out is so that anybody who would make a challenge would not be confronted with the prospect of the Legislature using its plenary power and perhaps deviating whenever a challenge arose and doing what that particular Legislature saw fit to do at that particular time. We cannot bind a future Legislature and should there be a contest in the future that Legislature could disregard the statutes, but it could not expand on the basis for the Legislature judging a challenge. We cannot rule on every issue that is raised in a challenge. The Constitution limits us to the qualifications of our members. That would go, in our opinion, and when there were federal challenges to the eligibility of the members, based on that, only one provision related to eligibility was available for us to cover. The statutes had laid this out so that it would be clear to anybody how we would go about judging a challenge. That having been said, the matters raised that did not fall within the purview of the Legislature to judge were dismissed. And I don't think it's the Legislature's place to give legal counsel, recommendations, urgings or advice to somebody making a challenge as to other action they might take because they have a grievance against an individual or anything else. So I hope you will read this report and I hope that you will vote to adopt the motion that grew out of the work that the committee did, but you will not see it as an attempt to influence anybody to do anything. All that we have done as a committee is to review the facts that were presented to us, placed them against the standards set out by the Constitution of what we can judge in ruling on a contest relative to the seating of a member. That is all we are authorized to do. That is all that we were supposed to do and intended to do. Anything beyond that does not fall within the province of the charge given to us by the Legislature nor the responsibilities and authority imposed on us and in us by the Constitution.

PRESIDENT: One minute.

SENATOR CHAMBERS: Maybe what I'm saying is confusing to some