

with what their requests were and we didn't really go after them and we just don't tend to do that. So I think the negatives that Senator Chambers brings up concerning this language are not all that valid and I think it's valuable to leave it in the Constitution. I'm going to vote to leave it in, but it's...as I indicated, if you don't think you want to give yourself in future years the authority to set these types of restrictions on serving on these boards, then you could vote to take the language out.

PRESIDENT: Senator McFarland, please. Senator McFarland. Senator Morrissey.

SENATOR MORRISSEY: Yes, Mr. President and members, I think I am...I agree with the intent that Senator Withem has stated and that's where I...what I believed all along, but I would like to relinquish my time to Senator Chambers. I appreciate him asking these questions.

SENATOR CHAMBERS: Thank you. Mr. Chairman and members of the Legislature, I want to say something for the record about the relationship between the Constitution's language and the power of the Legislature. Senator Withem, the Legislature can do anything that the Constitution does not prohibit it from doing. If language is put into the Constitution relative to the Legislature's power, it is deemed to be a limitation on that power because the Constitution is...does not, of itself, limit us. We have a plenary grant, as the legislative body of this state, to enact any and every law of any and every kind not restricted by the Constitution. So when we put language into the Constitution relative to the Legislature it's a limitation on what we can do. The Federal Constitution is based on grants of power. Everything under the Constitution of the United States is a grant of power from the Constitution to the federal government. The State Constitution is not based on a grant of power to the Legislature. It's a limitation on our power. So whatever we're not limited by the Constitution from doing, we can do. This language would have to be construed to serve the purpose of limiting what the Legislature can do. Without this language, we can set up districts from which appointees will come. We can set up requirements as to how many people from each political party would have to be on the board. We have a limitation only when the Constitution says that, so when we talk about, in another place, that the initial appointees must be...there must be no more than three from the same political