

party, after that initial appointment then they don't have to be. There, all of them can be from the same political party because the limitation applies only to the initial appointment. So, since we're doing this constitutionally, if we want to be sure that not more than three members from the same political party are on these boards, then we should strike that language relative to the initial and make it crystal clear that there should never be more than three members from the same political party, but the bill does not give that assurance. In this instance, the language cannot be taken to bestow any additional legislating authority on the Legislature because we have all of that soon as we became a Legislature. What I'm trying to figure is why we would put something in that seems designed to limit us. By putting these requirements in the Constitution, the only way that we can legislate is by doing something statutorily that would first define "primary service responsibilities". Then we would have to state statutorily which areas of the state those services affect, because the Constitution requires both of those elements before the Legislature can do anything, and that complicates the Legislature's work. Maybe you want to look at one of these items but not the other, but you cannot do that because this...

SENATOR LAMB PRESIDING

SENATOR LAMB: One minute, Senator.

SENATOR CHAMBERS: ...places a limitation on what the Legislature can do. The two elements are areas of the state, then the second, which are consistent with the institution's primary service responsibilities. If a statute were enacted that attempts to deal with the appointment of these people based on this provision, those elements that are in the Constitution would have to be contained in that language of the statute. And because of the number and types of laws we may have on the books already, or choose to put on the books, this language could indeed become a limiting factor that not only would limit but disrupt what already is on the books.

SENATOR LAMB: Time, Senator. The Chair recognizes Senator Schimek.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members of the body. I would like to follow-up on some things that Senator Chambers has brought to our attention, and he was talking about