

(See FA451 on page 1808 of the Legislative Journal.)

PRESIDENT: Okay, Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman, and members of the Legislature, this amendment is on page 6 and it is the one that I had withdrawn earlier because some members had come in under the call of the house and thought that there was going to be a close where there could be more information given about the amendment because they had an interest in it. Rather than take the vote, then move to reconsider and discuss it again, I withdrew the amendment and I am offering it now. And the reason I am offering the amendment is because what is in the amendment can be done by the Legislature without it. We can provide that elections for cities or school boards or county boards be by district or at large without having a specific provision in the Constitution that says we can do that. The fact that the Constitution does not prohibit it means that we can do it. There is nothing in this 239 that prohibits the Legislature from doing the type of thing which is envisioned by the language that I would like to strike. Since there is nothing that prohibits the Legislature from doing that, the Legislature may do it. If the Constitution is silent on how these appointments are to be made, then the Legislature can enact laws governing these appointments, putting in restrictions, putting in criteria, or whatever. There is nothing in this provision that we have in this Constitution, in this constitutional amendment, as proposed, that would talk about any qualifications of the person in terms of knowledge, education, or what not. The Legislature can, by statute even not specifically authorized by the language of 239, put in such requirements. So this idea of perhaps a day coming when there will be a desire or it will seem wise to require a geographical representation on these boards, the Legislature could do that. If the language which is in the statute in the Constitution stays and if this becomes a part of the Constitution and the Legislature decides on a geographical type of representation, then any statute is going to be limited to what this constitutional provision says because in line 3 it says that...it comes up to that by saying if the Legislature decides to do this, these people shall be appointed from areas of the state which are consistent with the institution's primary service responsibilities. No definition of those terms, but any statute enacted must do it in the way that this constitutional provision says, or the legislative act would violate the Constitution. This is a restriction which is not wise. It is