

PRESIDENT: Senator Kristensen, would you respond, please?

SENATOR KRISTENSEN: Yes.

SENATOR CHAMBERS: Senator Kristensen, could you turn to page 6 of the white copy of 239? It is that E & R amendment which has become the bill.

SENATOR KRISTENSEN: Okay.

SENATOR CHAMBERS: Okay, now the lines that I am looking at, starting in line 2, the Legislature may provide, and goes through line 6.

SENATOR KRISTENSEN: Okay, yes.

SENATOR CHAMBERS: Now if that language were stricken, in your opinion, could the Legislature, nevertheless, set up a type of geographical representation basis for these appointments?

SENATOR KRISTENSEN: As long as the rest of the constitutional provision allowed for the appointment, if it allows for appointment or allows for election and just becomes a matter of how you carry that out, I think that you could probably do that as long as you don't invade the power and do contrary to what the constitutional amendment asked it to do.

SENATOR CHAMBERS: Right.

SENATOR KRISTENSEN: In other words, yes, you can I think enact legislation that would give reasonable meaning to what the constitutional words were. We do that all the time.

SENATOR CHAMBERS: Right, in other words, none of these are self-executing provisions. We enact law to carry out what the Constitution authorizes.

SENATOR KRISTENSEN: As long as it is consistent with what the constitutional provisions are interpreted to be.

SENATOR CHAMBERS: Right. Now if this language were to remain in place and we would decide on a type of geographical representation, would it, in your opinion, be necessary because of the word "shall" in line 3, it tells if you are going to do this, it shall be done in the following manner, could any