

statute that did not do it in that precise manner be ruled constitutional, if it did it in a way inconsistent with the language following that "shall"?

SENATOR KRISTENSEN: And this is just my opinion, I assume what would happen is that any piece of legislation would say that they would have to be appointed and it would have to be from a geographical area...well, not necessarily geographic...well, yeah, I think it would. From areas of the state, we'd have to define what primary service responsibilities, what those areas were, but we could make rational, reasonable a statute that would define what those primary service areas or primary service responsibilities areas are.

SENATOR CHAMBERS: Okay, that is what we would have to do if the language stays, but now both of those points having been made, if the language is not there and we are going to provide for a geographical type of representation for the purpose of these appointments...

PRESIDENT: One minute.

SENATOR CHAMBERS: ...and there is nothing that prohibits the Legislature from doing that, then the Legislature can effectuate this provision as it does others with legislation that is not in conflict with the Constitution, itself?

SENATOR KRISTENSEN: Generally, that is true. The Constitution wouldn't necessarily define what those powers are but they would limit the power of the Legislature. Any power that they don't limit, they grant.

SENATOR CHAMBERS: Thank you. Members of the Legislature, I hope you will vote to strike this language and give the Legislature a free hand to do what it may feel is necessary, should that day arise, when we want a type of geographical representation or to place criteria that must be observed when these appointments are made.

PRESIDENT: Senator Withem, please.

SENATOR WITHEM: Yes, Mr. President, and members of the body, given that explanation of that understanding that this is not necessary language for this provision to be implemented by the Legislature, which was my previous understanding, frankly, I