

thought we needed to include that language in order to give the Legislature the opportunity to make such types of restrictions. If Senator Kristensen's and Senator Chambers' interpretation is correct, then I see no problem with adopting the Chambers amendment.

PRESIDENT: Thank you. Senator McFarland, please, followed by Senator Warner.

SENATOR MCFARLAND: I will pass, thank you.

PRESIDENT: Okay, Senator Warner, please.

SENATOR WARNER: Well, Mr. President, and members of the Legislature, I'd just make a couple of comments. Senator Withem indicated a number of times that the reason for making this permissive was so that some institutions, which may have a regional role and mission responsibility, that the selection of the Board of Trustees for those kinds of institutions would primarily come from the area in which that institution was to be given a regional responsibility, as is true of existing role and mission for some of the institutions, other than have what is defined as a statewide role and mission. I would agree, in the general sense, that certainly what the Legislature is not prohibited from doing it can do, but then, and, Senator Chambers, you may or may not want to comment on this but I think back, and you and I have both served on committees that have dealt with membership in this body in which you always argue that the only criteria that counts is what is in the Constitution, and if the Constitution is...as long as the individual meets the constitutional requirements, statutory provisions are of no consequence, which I would tend to agree with. So I am not so sure that it is always necessary that the Legislature could be more restrictive in this area, more restrictive than what the Constitution permits, the Constitution language would permit, as I read it, rather than a limitation that is not otherwise authorized without this language. And certainly to be consistent with arguments that where I think you and I were on the same side, in other areas, we have argued that the only criteria that counted was what was constitutionally required and that statute would not supersede, which I certainly have agreed with on those. So it seems to me that this may be necessary as a permissive type of constitutional provision to allow the Legislature to put some criteria in that otherwise they would be putting in criteria beyond which the Constitution