

language. I don't believe it has ever been a provision that has been necessary to activate but I think maybe for constitutional reasons it's a good idea to have in there so that we can have an additional member. The second part of the amendment, and I often get accused of introducing things that are partisan on this floor, and I want to call your attention to this, all my good Republican friends, because the second part of the amendment is Section 2 of the amendment, Section 2, paragraph 2 and it says, that basically that at least four of the appointed members of this board shall be of one political party. And the reason for that, of course, is that you don't get a stacked board, but in this case at this time, if we were to enact this legislation because the Secretary of State serves as a member of the board and that person is a Republican, that would mean that you could have five members from the same political party so I just want to call that to your attention, let you know that this is a nonpartisan amendment. Then the third part that goes on and it just harmonizes really the selection, the initial selection with this provision that four of them be from the same political party. Because they are appointed for different sized terms to begin with, we needed to go back by changing that, no more than four of the same political party. We had to go back and harmonize those appointments with that language, so that is all that section does. I would be happy to answer questions.

PRESIDENT MOUL: Thank you, Senator Schimek. I will now recognize senators who wish to speak on this amendment. I believe Senator Haberman put on his light. Senator Warner, would you like to be recognized?

SENATOR WARNER: Madam President, members of the Legislature, I suspect I have some questions, Senator Schimek. One of the things that this amendment does which is also contained in the bill itself, it limits the Governor's selection to a list submitted by the chairperson of whichever party is involved. It runs in my mind that we cannot restrict the Governor, any Governor, unless we're constitutionally provided with the authority to restrict the list.

SENATOR SCHIMEK: Unless we're what, Senator?

SENATOR WARNER: Unless the Constitution permits the restriction of a list of names from which a governor must choose. It seems to me that we normally have to, they may do it by custom, but it runs in my mind that we cannot limit a Governor's selection to a