

SENATOR WILL: Senator Brown, would you respond.

SENATOR BROWN: In a moment.

SENATOR WICKERSHAM: Well, Senator, what purpose would be served by allowing the Legislature through special legislation to designate the place of a county seat? Which county seat do you think we ought to move?

SENATOR BROWN: It was more directed to the section that dealt with.. the Legislature may direct a consolidation and allow some authority for where the seat would then lie after that merger.

SENATOR WICKERSHAM: Well, but, Senator, why would we want to designate the location of a county seat? I think we had a lot of trouble a few years ago, over 100 or so, designating where the State Capitol was. That was enough trouble. Why should we try to decide where county seats are?

SENATOR BROWN: Yes, and I think that what I was trying to do was to maintain some authority for the Legislature in being able to direct some elements of merger.

SENATOR WICKERSHAM: Well, okay, Senator. I just find that provision a little bit unusual. Personally, I don't want to get in the business no matter how long I'm in the Legislature of trying to tell somebody where a county seat ought to be. The other provisions in the proposal I don't find that they're something that I believe we ought to be considering now in this Legislature. I know that they will come back. The language about whether the Legislature "shall" do something as opposed to...

SENATOR WILL: One minute.

SENATOR WICKERSHAM: ...whether the Legislature "may" do something I think is a very important distinction. I know that there are people who want the word "shall" inserted. But I am unwilling to place that word in the constitution in this context. We do not know how the Supreme Court will interpret that word. And if we're talking about allowing the Legislature to have discretion, the discretionary word is "may," "may." May is the word that the Legislature reserves for itself the