

April 11, 1979

LR 5

CLERK: (Read record vote found on page 1434 of the Legislative Journal.) 43 ayes, 0 nays, 5 excused and not voting and 1 present and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed. Now the Clerk will read LR 5.

CLERK: Mr. President, I have a motion on the desk. Senator Newell moves to return LR 5 to Select File for a specific amendment, that amendment being to strike the enacting clause.

SPEAKER MARVEL: The Chair recognizes Senator Newell.

SENATOR NEWELL: Mr. President, members of the body, I have got Senator Murphy where I want him now. Bobby, we need to answer some questions. One of the questions that I have is as I asked you earlier, does this allow, this constitutional amendment allow for the Legislature to approve the appointment of the Governor?

SENATOR MURPHY: Senator Rumery led me through that on General File, Senator Newell, and this section, section 11, does not indicate that, however, section 10 of article 4, does explicitly say that the Governor shall appoint to fill constitutional offices which this would be and that he does that only with the approval of the Legislature, so the Legislature under article 10, or under section 10 of article 4, rather than 11, but under 10, we very definitely would have the authority to approve or disapprove.

SENATOR NEWELL: Okay, now that is... The reason I ask this question is simply this. I wanted some legislative intent and I wanted to make sure that we have that kind of legislative intent. With that, I would, since I have these great assurances, right, Senator Murphy. One more time, just say yes.

SENATOR MURPHY: Yes.

SENATOR NEWELL: Thank you, thank you, Bob. I withdraw the motion.

SPEAKER MARVEL: Unanimous consent has been asked to withdraw the resolution. There was no enacting clause incidently, Senator Newell. The Clerk will read. Excuse me, first it is my pleasure to introduce underneath the South balcony from Senator Stoney's district, a guest friend of Senator Hoagland, Jenny Dodge. Jenny, will you wave your hand so we can say hello to you? The Clerk will read.