

November 9, 1989

SPEAKER BARRETT: Thank you. Any discussion? Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Labeledz, does that mean five days but during this Special Session?

SPEAKER BARRETT: Senator Labeledz.

SENATOR LABEDZ: Appointments more than five calendar days following the referral of such appointments by the Reference Committee, and we referred them yesterday.

SENATOR CHAMBERS: But more than five calendar days sets no limit as to how many calendar days after the referral.

SENATOR LABEDZ: Right.

SENATOR CHAMBERS: So could the committees hold the hearings next session if they chose to?

SENATOR LABEDZ: If they chose to, yes, I would assume so. Is that right? No, Mr. Clerk says no.

SENATOR CHAMBERS: Thank you. Members of the Legislature, I had some concerns about whether or not the Legislature officially voting to confirm people is within the call, since it is not mentioned in the proclamation. The Clerk gave me copies of two old Opinions by the Attorney General, one of which said that the Legislature, even if provision was not made in the call for the appropriation of expense money, could, nevertheless, enact legislation to make that appropriation. With that, I agree. Anything necessary to carry out a duty that the Legislature has, the Legislature can do that, even if it is not a part of the call. The second one deals directly with the issue of confirmations during a special session when no provision was made in the proclamation, and that Attorney General's Opinion is dated August 28, 1946, and it is signed by Walter R. Johnson, Attorney General, and this Attorney General's Opinion is that the Legislature appropriately could consider confirmations during a special session, even if the proclamation does not include that. That was a period during which the Attorneys General were saying that the Constitution prohibits the Legislature from having expenses. I disagreed with the Attorney General, who was in office at the time I pushed for the bill, and with all the Attorneys General before him who had arrived at