

November 9, 1989

SENATOR LAMB: Mr. President and members, I rise to support the motion by Senator Labedz, and it really is only a matter of convenience for those appointees. It so happens that the Transportation Committee will be acting on several Highway Commission appointees, and the Highway Commission is scheduled to meet in Lincoln on the 17th, a week from Friday. So we would like to have a hearing on those appointees on Friday morning at eight-thirty so those people won't have to make a special trip into Lincoln. Now under the rule that Senator Labedz has pointed out, in special sessions, it says in no case shall the hearing be more than five calendar days after the appointments have been referred to committee. So we would be in violation of the rules unless we held it much sooner than a week from Friday, since those appointments were referred to the committee yesterday or this morning when they were read in. So it is merely a matter of convenience and economy for those people who are being appointed and I would ask that the rule be suspended.

SPEAKER BARRETT: Thank you. Senator Labedz, there are no other lights. Would you care to close on the motion?

SENATOR LABEDZ: Thank you, Mr. President. I just wanted to read part of an Attorney General's Opinion. I know that Senator Chambers brought this up at length yesterday at the Exec Board meeting as to whether or not we could confirm the Governor's appointees during a special session, and I will just read you what I think is the most important part. The date of the Attorney General's Opinion is August 28th, 1946, and part of it says, "The Committee on Committees of the Legislature would like your opinion as to whether or not confirmation of appointments of the Governor can properly be made at a special session without the same having been mentioned in the call." At the end of the request, the Attorney General says, "The courts have uniformly held that the confirmation by the Senate of appointments made by the Governor is not a legislative act and may be made at a special as well as at a regular session of the Legislature, even though such business was not included in the call. It is our opinion that confirmation of the appointments of the Governor can properly be made at a special session of the Legislature even though such business was not mentioned in the Governor's Proclamation calling the Legislature together." And that is the end of it, but it is actually three pages long and I don't want to take the time to read it all. Thank you.