

November 17, 1989

ask you to vote against the confirmation and to disallow these people to serve. As far as what I can figure out is going on, it's probably not the fault of any of these 12 individuals that they weren't there, it's the fault of the individual who was supposed to have notified them that they did not appear. So we think it would be improper to ask you to vote against their confirmation. What we are asking is that you confirm our report, agree with our report, which asks us that we retain these appointments in committee and act upon them at a later date. This will allow these individuals to continue to serve. There will be no interruption with the work of the Safety Center Advisory Council, but it does retain the legislators' prerogative to act upon these at a later date. If there are any questions, I'd be happy to respond to those.

PRESIDENT: Thank you. Senator Chambers, please.

SENATOR CHAMBERS: Members of the Legislature, I'm not going to talk about the work that you all did while I was gone, but I do have to discuss what Senator Withem has just said, and this has nothing to do with the merits of the people involved or anything else. You all agreed with the Clerk's interpretation the other day that when nominations are submitted to the Legislature they must be acted upon at the next meeting of the Legislature, which would be this Special Session. The failure to act during the Special Session would automatically confirm those nominations. So, they will not be retained by the committee or the Legislature for further action, they will automatically be confirmed.

PRESIDENT: Thank you. Any further discussion? The question is the adoption of the re...Senator Withem, please.

SENATOR WITHEM: I would like to close on that, just in response to what Senator Chambers says. Frankly, I don't know if by voting in favor of this motion at this time we maintain a legal right in the future to act on a fashion, other than to confirm them. It at least sends a signal out to these folks that are running the Safety Center Advisory Council that we aren't pleased with the fact that they did not show up for the hearing, and that we at least want to question those individuals in the future. I think it is a matter of some interpretation, in the future, as to whether taking this action constitutes taking some action and will allow us to take a different action at a future date. I recognize that as a question that is up in the air.