

November 17, 1989

called by the Governor. When you decide to deal with confirmations, you vote one way or the other. You vote to confirm, or you vote not to confirm. If you take a vote saying that you will do neither, then what you have said is that by your vote the Legislature is not going to act on these confirmations. The Legislature cannot say we're voting to act, but not to act. A thing cannot be and not be...cannot be and not be at the same time. You cannot affirm and deny the same thing at the same time, and that is what's being attempted here. And, again, I don't want to get into why people feel the way they do about these nominations. But, if the Constitution, as it does, talks about two types of legislative gatherings, then I think when it mentions what the Clerk talked about, in general terms, the necessity of dealing with a nomination in the next meeting of the Legislature, I think it means the next regular meeting of the Legislature, since a special session cannot be called the next meeting of the Legislature in the same way as a regular session. It is a unique bird, feathered and created by the Constitution to distinguish it from other sessions. If what you all have agreed to do at the beginning of the session is correct, then you have indeed put an awesome power in the hands of the Governor, because that person can call a special session and make a nomination a day before the special session convenes. Then you are compelled to either rubber stamp those nominations by confirming, or reject them out of hand because you don't have enough information. But in either case, the decision is made without adequate information and without deliberation. So, rather than give the Governor this kind of power by acquiescing, if we have to make a determination as to who is right on this matter, because the Attorney General has given opinions before that were shown wrong in court, notably that pertaining to our expenses during session, I disagreed with him and I was right. The point here is that we should not have done any confirming, period, and then have a way to challenge or test in court what it is we're entitled to do. But to run headlong and say we were called down here to do this, we're going to do all of these things we were told to do, and then get on out of here and you don't worry about the ramifications,...

PRESIDENT: One minute.

SENATOR CHAMBERS: ...is the very attitude that brings us where we are now. When serious questions are raised, nobody listens because it doesn't relate to an individual or an issue that they are concerned about. But the issue encompasses all of these