

November 17, 1989

consensus, based on an Attorney General's Opinion, that we can take action. Number three, Senator Chambers I believe has said, and others have said that if we don't take action, then they are assumed to be confirmed. Number four, what happens to those appointments which did not come down but which have been made but have not been submitted to the committee for confirmation? Are they then automatically confirmed without even a hearing? Number four (sic), I'm sure this would never happen, but suppose that some time in the distant future we have an unscrupulous Governor who would use the system then to make appointments that would automatically be final without legislative action? Don't think we want that. I think that the other alternative, the final alternative then would be to reject the appointments, except that Senator Chambers says we can't do that either, because we can't act on those appointments during the Special Session. I find it very...I'm not legally trained, as is Senator Chambers. But, if that's true, then we are drastically diminishing the role of the Legislature in the appointment process. And, as Senator Morrissey has pointed out, and most new members have complained to me, do we just rubber stamp, automatically confirm these people, or is there some real reason for us to go through the confirmation process? If, in fact, what we have proposed here, both Senator Withem and myself, is not a positive action, then I apologize for it. But it would appear to me it is the responsible action to take. It lets the Legislature and the Governor and the appointees know that we are not rejecting them, we need to have more information, that they will be considered for appointment at the regular session. If, in fact, someone wants to challenge our action, they can do so. That may be what has to happen. And Senator Chambers is a person who could do that. But I believe that this is a responsible method for the Legislature to take and one which indicates that we are not abdicating our responsibility in the appointment process. I support what Senator Withem is doing. I would hope the Legislature will do it and will also support it, and that they will support the motion of the Natural Resources Committee also.

PRESIDENT: Thank you. Senator Withem, please.

SENATOR WITHEM: Am I closing, or are there other lights on?

PRESIDENT: There are other lights on.

SENATOR WITHEM: Yeah, let me just make two or three points at