

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 3, 2004

SENATOR CUDABACK: Thank you, Senator Smith. Senator Chambers. And this will be your third time.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the reason I will not say the system is broken is because it is functioning the way it was intended to. But it is not achieving the result intended, because the information needed is not being presented. If there are to be changes, the changes would not be in the system. For example, we would not alter the structure by saying the Governor must consult with the Legislature before making a nomination, the Governor must establish a council which will offer names. That's how you change the system. The structure itself is modified. What we need to do is alter the way the system is being utilized. We will keep in place this system, where the Governor recommends people for appointment and the Legislature will confirm or reject. That is what constitutes the system. The way the system is utilized is a different matter. We need to have presented to us any and all relevant information in the hands of those either who advise the Governor, so that when he makes the appointment that information can be provided to us at the same time. The person being appointed must be instructed by the Governor or the appropriate committee Chair to give any and all information that may have a bearing on this person's suitability, just as when a person is trying to become a judge he or she must make his or her own case. Then, if any information falls into the hands of our colleagues, whether members of the committee that hears the nomination or otherwise, that has a bearing on this person's suitability or lack thereof, that information should be given to those of us who are going to vote. Never ever would I say that it is the responsibility and duty of each individual Senator to undertake to do the work of the committees. That is a part of our legislative structure. There are duties and responsibilities these committees are to assume. And although nobody has argued directly that each Senator has to somehow get information and form judgments on these individuals, I'm stating categorically that is not the duty of each senator, that is not the way the system is to work, and if that became the way the system works, we can do away with the committee, and we can in fact just rubber stamp everything