

January 18, 1979

SPEAKER MARVEL: All those in favor of the amendment vote aye, opposed vote no. Have you all voted? It takes 25 votes. Have you all voted? I'm ready to record the vote. Have you all voted? The Clerk will record the vote.

CLERK: 19 ayes, 21 nays, Mr. President.

SPEAKER MARVEL: Motion lost. We're now ready to vote on the Newell amendment. Okay, the Newell rule change found on Page 81 with the amendment. Right? Okay. The Chair recognizes Senator Murphy.

SENATOR MURPHY: Mr. President, I passed on addressing the amendments, because I think we've got a basic proposition here that possibly we are ignoring. I don't think anyone in this body has been more aggressive in trying to hold in check the executive branch of this government when it intrudes into the area of legislative concern, and certainly we all very much resent the judicial branch when through their interpretation of the law they seem to legislate. Senator Newell at the Rules Committee indicated that his desire in making this rule change was to permit a committee to bring before them, and I think he cited as an instance the Director of Revenue, and exact from him certain promises that he would do thus and such, that he would respond to the Legislature's requests and that the Legislature, when it made demands on him, he would fulfill them. I suggest to you that we're intruding into the executive branch of government. We have absolutely no right to make demands on any Governor's appointment. The Committee on Committees has presently passed in a general way on the general character of these people, but if we are going to submit to a seven-man committee a Governor's appointee and have that recommendation come back to the Legislature based on four members of that committee's vote, I much prefer the ham sandwich lunch. The fact of the matter is the Governor has every right to make his selection, and we have no right whatsoever in statute or rule to demand performance from the executive branch of government in response to the Legislature's whims. Certainly I would like to, but if we are to maintain the structure of our government, and a separation of powers, I say this rule is a very gross intrusion into the right of the Governor to select those people whom he feels will support him, and that our judgment is strictly with regard to the character, to the general abilities of these people, and in no way to extract allegiance from them in order for them to be confirmed as the people the Governor has chosen to assist him. I would very much oppose this rule change.

SPEAKER MARVEL: Senator Warner.