

whether or not that should be an amendment.

CHAIRPERSON HARRIS: It should be an amendment.

SECRETARY COOPER: Or whether or not this is, in fact, our old section.

DELEGATE SIMMONS: I will accept the ruling of the Chair. If it must be an amendment, I will so move.

CHAIRPERSON HARRIS: Okay, is there a second for the amendment?

DELEGATE KAMENY: Second.

[Motion made and seconded.]

CHAIRPERSON HARRIS: It has been moved by Delegate Simmons that section 10 read "Appointments subject to the advice and consent of the legislature require a majority vote." Period. Delegate Talmadge Moore.

DELEGATE TALMADGE MOORE: I would like to know what appointments you are referring to. I do not know whether this paragraph is redundant or does not give much validity or what. I do not know who you are referring to.

DELEGATE SIMMONS: Delegate Moore, you have been here and you will recall that there were various junctures where the Governor had powers to make various appointments with the advice and consent of the legislature and advice and consent, it was direction and advice of our counsel that we

define it -- we must spell that out some place in the documents.

We had considered the deletion of this section as a committee because we thought it was -- you know, advice and consent is understood. It was not in the judgment of our legal counsel that you leave that out. That definition has to be in there some place and rather than to engage in more than a definition, we have deleted that which simply define and add something.

CHAIRPERSON HARRIS: Delegate Schrag.

DELEGATE SCHRAG: I support the committee's amendment; this amendment makes the section much more traditional. It is the standard procedure to require the permanent vote of the legislature rather than a negative one for appointment and it also will prevent a small minority in the legislature from using dilatory tactics to ensure the appointment of a gubernatorial candidate.

This is the standard procedure for confirming appointments and I support the committee's proposal.

CHAIRPERSON HARRIS: Delegate Love.

DELEGATE LOVE: Yes, I have a question. It is going to read "A majority vote" period?

CHAIRPERSON HARRIS: Yes, "By a majority vote", period.