

HOUSE COMMITTEE ON RULES AND REORGANIZATION

March 10, 1993                      Hearing Room E 1:30 p.m.                      Tapes 36- 37  
MEMBERS PRESENT: Rep. John Watt, Chair Rep. Lonnie Roberts,  
Vice-Chair Rep. Avel Gordly Rep. Dave McTeague Rep. Eldon Johnson Rep.  
Fred Girod Rep. Delna Jones Rep. Cedric Hayden Rep. Michael Payne STAFF  
PRESENT: Adrienne Sexton, Administrator Betina Rothauser, Coordinator  
MEASURES CONSIDERED:     HJR 22 - Proposes constitutional amendment to  
require legislative approval before administrative rules take effect. HB  
2640 - Specifies that state managers have exclusive right to determine  
performance measures and performance improvements for state employees.

These minutes contain materials which paraphrase and/or summary  
statements made during this session. Only text enclosed in quotation  
marks report a speaker's exact words. For complete contents of the  
report, please refer to the tapes.

TAPE 36, SIDE A WORK SESSION ON H.1R 22

001 REPRESENTATIVE JOHN WATT! CHAIR: Calls meeting to order at 1:30pm.

004 REPRESENTATIVE FRED GIROD: Informs Chair Watt that HJR 22 passed  
out of the Rules Subcommittee with a do pass recommendation to the  
floor. It gives legislative oversight to the legislative joint committee  
and makes it possible to reject rules that come to administrative rule.  
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013        ADRIENNE SEXION. COMMITTEE ADMINISTRATOR: Summarizes HJR 22 with  
-5 Amendments. (EXHIBIT A). The amendment permits the legislature to act  
on the results of the rule adoption. The constitutional amendment is  
necessary to permit the legislature to review and change acts resulting  
from the authority that it has delegated to state agencies to adopt  
rules. Fiscal impact implementation will be dealt with if this were  
referred to the ballot. 066        WATT: Would like to change amendment,  
page 1A, line 20K and 20L to read "within 6 months" to "within 12  
months" to benefit proponents. 098        REPRESENTATIVE DELNA JONES: Did  
the question of timing come up in the subcommittee? 107 GIROD: The -5  
amendments came under a work session, so no testimony was taken. Sees no  
problem lengthening it to a year. 112        WATT: As a member of  
subcommittee, takes responsibility for addition. 111        MOTION:  
Rep. GIROD: Moves to AMEND the -5 amendment to read "within 12 months"  
instead of "within 6 months". VOTE: In a roll call vote, the AYES were:  
Girod, Hayden, Johnson, Jones, McTeague, Payne, Roberts, Watt. Voting  
NAY: Gordly. The motion passes. 130        REPRESENTATIVE DAVE MCTEAGUE:  
Proposes and explains -6 amendments. (EXHIBIT B). Feels -5 amendments  
allow for suspending the implementation and enactment of a law that was  
passed by the full body of the legislature. Wants a standard, proposes  
line 18. 209        WATT: Doesn't believe this constitutionally empowers  
another committee. It would be hard to identify the "scope and intent of  
enabling legislation" by people who weren't there when legislation was  
passed. 256        REPRESENTATIVE LONNIE ROBERTS: Doesn't supreme court  
already have jurisdiction? 269        MCTEAGUE: The -5 amendments  
specifically exclude just judicial review of any decision by this body.  
271        ROBERTS: If it's outside a constitutional question we can't  
forbid supreme court to move. 274        JONES: Did members of subcommittee  
review this proposal? 277        GIROD: The committee has never seen these  
-6 amendments. Part of this concept was voted down, because stipulations  
would be hard to enforce. 279        JONES: Normally these changes should be

brought to subcommittee before full. 285SEXTON: Clarifies full committee rules, specifically those dealing with subcommittee. Gives examples of other committees, and explains how Legislative Rules and Reorganization differs. rs.

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Amendments may take place in subcommittee, but the full committee is not precluded from amending. 327 WATT: Will see that amendments be taken at subcommittee level in the future. 338 REPRESENTATIVE MICHAEL PAYNE: Didn't we just adopt -5 amendments?

339 SEXTON: The amendments weren't adopted, rather -5 were amended. 339

PAYNE: Point being we just used that loophole. 345 REPRESENTATIVE

CEDRIC HAYDEN: This concept was discussed in subcommittee and defeated.

Suggest a vote. 349 REPRESENTATIVE AVEL GORDLY: Asks whether concepts were discussed. 337 ROBERTS: Won't support ~ amendments. Sees committee

being tied up in courts more than in committee. 366 MOTION: Rep. Watt

Moves to ADOPT -6 amendments. VOTE: Voting AYE: Gordly, McTeague. Voting NAY: Girod, Hayden, Johnson, Jones, Payne, Roberts, Watt. The -6

amendments are not adopted. 360 REPRESENTATIVE ELDON JOHNSON: Was there discussion about number of members on the committee. 383 WATT:

Designates existing standing committee. 394 ROBERTS: Doesn't want to

see Emergency Board doing this. 403 WATT: Standing committee is a

Legislative Counsel Committee. Bill does not specify this, but based on

conversation with Legislative Counsel, that's where action should take

place. 421 SEXTON: Refers to language of HJR 22 and clarifies. There

is currently a Legislative Counsel Committee which has authority to

review administrative rules with specific guidelines. TAPE 37, SIDE A

007 JOHNSON: Wants committee named when carried on the House floor. 011

WATT: Statutory provisions for administrative rules is a Legislative

Counsel committee so companion legislation has been passed to specify

this. 014 JONES: If changes need to be made, do so in the statutory

provision already laid out. 019 WATT: Will clarify between now and

then. House Committee on Rules and Reorganization March 10, 1993 - Page

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023 GIROD: If Rep. McTeague looks at statutory arrangements already on the books, a lot of his concerns incorporated in the -6 amendments will be addressed.

024 MCTEAGUE: Legislative Review committee deals with proposed administrative rules. Under this arrangement, committee can suspend an administrative rule after adoption.

030 JONES: Changes are constitutional, not statutory. May need another bill to address this.

043 WATT: There is a companion bill in the Rules Subcommittee. Send to get a fiscal for the full committee to pass to the floor

WORK SESSION HB 2640

051 SEXTON: Introduces and summarizes HB 2640 with -7 amendments. (EXHIBIT C). Puts into place a hiring and salary freeze for the duration

of 91-93 biennium and for the 93-95 biennium. Has a provision for

unrepresented employees of higher education and existing collective

bargaining agreements. 102 WATT: Realizes projected budget shortfall.

Summarizes unwillingness of Senate to make reductions. This measure

would move in the opposite direction, saving money to give to other

areas that face extreme budget cuts. 120PAYNE: Wants to save money, but not for suspending rights in collective bargaining. 130 MOIION: Rep. Jones: Moves HB 2640 with -7 amendments to the Floor with a DO PASS recommendation. 135 SEXTON: Clarifies -7 amendments and what took place in subcommittee.

143 JONES: This body gives collective bargaining authority and also limits it. This is within the prerogative of this body to make decisions regarding this agreement.

156 JOHNSON: Did it come out of subcommittee with -7 amendments?

159 WATT: Yes.

163 GORDLY: Not sure there is a clear picture about costs associated with this measure.

177 MCTEAGUE: Will this freeze in salaries affect some public employees who are below current assistance levels?

179 WATT: Doesn't recall if specifically brought up in public testimony.

183 SEXTON: A representative from Fairview spoke to the subcommittee.

192 MCTEAGUE: Does this freeze impact employees who do not get their funding from general funds?

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195 WATT: Yes, it does.

198 HAYDEN: Hasn't there been a two year volunteer legislative cut already taken? Current level of production is above last session and processing more bills. Wants volunteer freeze of legislature recognized. 210 WATT: This does include the legislature. 212 GIROD: Further salary increases are equated to more layoffs and unemployment. Recognizes this is a hard vote, but supports bill.

220 MCTEAGUE: Believes bill is deceptive. There is willingness by unions to look at other provisions. Believes this takes away from collective bargaining process. Doesn't think public is well served. 244 WATT: Would be happy to entertain other ideas for better cost saving measures.

VOTE: In a roll call vote, members voting AYE: Girod, Hayden, Johnson, Jones, Watt NAY: Gordly, McTeague, Payne, Roberts. HB 2640 -7 passes. Carrier: Rep. Watt 243 PAYNE: Would like to serve notice of a possible minority report. 260 MCTEAGUE: Seconds to serving notice of a possible minority report. 272 C HAIR WAIT: Adjourns meeting at 2:45 pm

Submitted by: Reviewed by:

Betina Rothauser Adrienne Sexto Coordinator Administrator

EXHIBIT LOG: A - Amendments to HJR 22 - Adrienne Sexton - 2 pages B -  
Amendments to HJR 22 - Rep. McTeague - 2 pages C - Amendments to HB  
2640- Adrienne Sexton -2 pages

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