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

January 13, 2005

is thinking about it. But the rule change is, "The Executive Board is authorized to exercise jurisdiction over legislative including and resolutions, constitutional amendments, "...and that's the new language... "and hold hearings regarding such legislation when the issue presented by the legislative bill or resolution is one involving: a) the internal operations of the Legislature as a whole or in part or b) litigation or potential litigation wherein the Legislature or its members are parties." And it crosses out some existing language, and then says, "Such legislative hearings shall comply with the provisions in Rule 3, Section 13." Now, this is not a issue. This is actually an issue that I have pursued several times on behalf of the Government Committee. problem is, and the reason for the rules change, is that in the past few years, the Executive Board, according to a rule change we made back in 1993, has been referencing more bills to itself for public hearings. And that all came about in 1993 because Legislature got involved in an argument with the State Auditor about phone records. And those of you who were here will certainly remember that argument. And as a result of it, there was some potential for litigation between the Legislature and the Auditor. And at that time, the Executive Board Chair, Tim Hall, suggested that the Executive Board needed to handle issues because they were confidential, "litigative" kinds of issues. And I couldn't have agreed more. I thought the Executive Board did need to do that. Now subsequently -- and I don't remember the exact year, I think it was 1993 also--we did pass the rule, that is in the Rule Book now, that basically said that the Legislature...or the Executive Board could take bills are of general import to the legislation...to the Legislature and its operations as a whole. So...but if you look at the green handout that I just gave you, you'll see that...we went back to 1988, because that's when I started in the Legislature, and that's all the institutional memory I had. from 1988 to 1992, there were no bills referenced to the Exec Then, starting in 1993, you'll see there were five and those all pretty much involved the audit and the Board. bills, Then, in 1994, the next year, there were no State Auditor. bills referenced. By that time, I believe, the whole issue of the State Auditor was either resolved or almost resolved. Then, in 1995--and coincidentally, that's the year that I went off