Bill as Introduced

SB 31- AS INTRODUCED

2003 SESSION

03-0572
10/09

SENATE BILL ***SB 31***

AN ACT changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee.

SPONSORS: Sen. D'Allesandro, Dist 20

COMMITTEE: Internal Affairs

ANALYSIS

This bill changes the name of the legislative facilities committee to the legislative management committee, lists the powers and duties of the committee, establishes an employee means of address, and repeals certain session laws relating to the facilities committee.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 31- AS INTRODUCED

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Joint Committee on Legislative Management. RSA 17-E is repealed and reenacted to read as follows:

CHAPTER 17-E

JOINT COMMITTEE ON LEGISLATIVE MANAGEMENT

17-E:1 Committee Established. A joint committee on legislative management is hereby established.

17-E:2 Membership. The committee shall consist of:

I. The president of the senate or designee.

II. The speaker of the house or designee.

III. The majority leaders of each house or designee.

IV. The minority leaders of each house or designee.

V. The chairperson of the senate finance committee.

VI. The chairperson of the house finance committee.

VII Two members of the house appointed by the speaker of the house.

VIII. Two members of the senate appointed by the president of the senate.

17-E:3 Chairperson. The chairperson for the committee shall rotate biennially between the president of the senate or designee and the speaker of the house or designee. In the event that the presiding officer or his or her designee serving as chairperson resigns or for any reason is unable to serve, the other presiding officer or his or her designee shall become chairperson, provided that such substitution shall not change the rotation provided for in this section.

17-E:4 Meetings.

I. The committee shall meet on a regular basis and at such other times at the call of the chair or upon written request of 4 members and any such special meeting shall be held within 5 days of such call or request. A notice of the time and place of each meeting of the committee, or of the house or senate subcommittee established in RSA 17-E:5, including a nonpublic session, shall be advertised in the house and senate calendars no fewer than 4 days prior to any meeting. An agenda clearly describing all subjects to be discussed or acted upon by the joint committee or subcommittees shall be prepared and provided to committee members, and to any person upon request, at least 2 days prior to any scheduled meeting.

II. Minutes of all meetings shall be made and the entire proceeding shall be recorded by such means as may be approved by the committee. The minutes shall include the names of members in attendance and of persons appearing before the committee, and a brief description of the subjects discussed, votes taken, and final dispositions of all actions. The minutes shall be available and open to public inspection within 144 hours of the meeting. Minutes of the joint committee shall be filed with the house clerk and the senate clerk within 144 hours of the meeting. Minutes of the house and senate subcommittees shall be filed with the clerk of the respective body within 144 hours of the meeting.

III. A quorum for the transaction of business by the joint committee shall be 7 members.

IV. The business of the joint committee and subcommittees may be transacted by telephone, exchange of correspondence, or an informal poll of members, unless one or more members object; provided, however, that no action that involves the termination, demotion, or reduction of salary of any employee shall be taken except upon deliberation and the affirmative vote of a majority of the committee present at a meeting. Any business conducted outside of a meeting shall be ratified at the next meeting of the committee or subcommittee.

17-E:5 House and Senate Subcommittees. The house members, with the speaker as chairperson, shall be a subcommittee for legislative management for the house; and the senate members, with the president as chairperson, shall be a subcommittee for legislative management of the senate. All transfers within the house or senate appropriations and all salaries of legislative employees of the house or senate, unless otherwise specifically provided by statute, shall require the approval of the respective subcommittee. The salaries as determined hereunder shall be a charge upon the appropriation made for the legislature. A quorum for the transaction of business by the house and senate subcommittees shall be 4 members.

17-E:6 Powers and Duties. The committee shall have the following powers and duties:

I. To review and approve all joint legislative budgets.

II. To appoint the directors or heads of all joint legislative agencies, departments, or offices, and to establish the salary for such positions, except as otherwise provided.

III. To approve the appointment and compensation recommendations for the employees of the office of legislative services made by the director of that office, and the appointment and compensation recommendations made by the director or head of any other joint legislative agency, department, or office for the employees of those offices, except as otherwise provided.

IV. To establish a compensation and classification schedule for all employees of joint legislative service agencies, departments, and offices, except the legislative budget assistant and employees of that office. The house subcommittee shall establish salary schedules and benefits for all house employees. The senate subcommittee shall establish salary schedules and benefits for all senate employees.

V. To develop, adopt, and publish a uniform manual of personnel policies and procedures.

VI. To enter into contracts and hire consultants.

VII. To establish rules of procedure for the conduct of the business of the committee in accordance with rules of the house and the senate.

VIII. To conduct its proceedings in compliance with the provisions of RSA 91-A.

IX. To establish policies regarding the use of the facilities under control of the legislature in the state house, the legislative office building, the Upham Walker house, parking garages and lots, and any future facility that may come under legislative management.

X. To perform all actions authorized by statute.

XI. To study ways and means to improve legislative operation, facilities, and working conditions.

17-E:7 Employee Means of Address. The joint committee, or the house or senate subcommittee, shall afford any employee who is subject to any action that involves termination, demotion, reduction of salary, or other unfavorable action, the opportunity to appear before the committee. The legislative employee shall be entitled to have counsel, and shall have the right to adduce evidence, produce and cross-examine witnesses, and present all relevant arguments.

2 References to Legislative Facilities Committee Changed to Legislative Management Committee. Amend the following RSA provisions by replacing "facilities" with "management": 14:5-a; 14:7; 14:19; 14:20; 14:21; 14-B:4, VIII; 17-A:2; 17-A:4; 20:1; 20:2-b; 20:16; 125:13-a; 198:49, VII; 541-A:2, II; 663:3-a.

3 Repeal. The following are repealed:

I. 1973, 368, relative to establishing a legislative facilities committee.

II. 1974, 38:23 and 24, relative to the legislative parking facility.

III. 1975, 308, relative to legislative printing.

IV. 1975, 430:2, relative to renovating the Old Post Office in Concord.

V. 1975, 465:1, relative to duties of the legislative facilities committee.

VI. 1975, 479:4, relative to a legislative parking facility.

VII. 1975, 491:1 and 2, relative to state house renovations.

VIII. 1981, 568:79, relative to legislative branch employee fringe benefits.

IX. 1983, 469:110, relative to the office of legislative accounting.

4 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

Date: January 29, 2003
Time: 11:15 a.m.
Room: LOB Room 103

The Senate Committee on Internal Affairs held a hearing on the following:

SB 31 changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee

Members of Committee present: Senator Flanders
Senator Kenney
Senator Larsen
Senator O'Hearn

The Vice Chair, Senator Flanders, opened the hearing by calling on Senator D'Allesandro, prime sponsor, to provide testimony.

Senator Lou D'Allesandro, D. 20: Thank you, Mr. Chairman and members of the Committee. For the record, I'm Senator Lou D'Allesandro representing District 20, which is Manchester Wards 3, 4, 10, 11 and the Town of Goffstown and I come as the prime sponsor of SB 31, changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee.

I have just a couple of examples that I would like to bring forth before I get into my testimony. This is a Facilities Committee Handbook that was compiled in the last session by Representative Howard Dickinson, who was an alternate member of the committee. These are the Revised Statutes Annotated, which are the code of the State of New Hampshire and these are Session Laws. There is a difference between Session Laws and the RSAs.

I will just go back from a historical standpoint because I was here in 1973 when we created the Legislative Facilities Committee and the Legislative Facilities Committee was created by George Roberts. The purpose was facilities. It was to take this building, which was an abandoned post office courthouse, and make plans to renovate this building so that it would become the Legislative Office Building. In essence, that was done. As time has

progressed, the Joint Committee on Legislative Facilities has really gone a long way beyond facilities.

So, let me say what this particular piece of legislation would do in terms of addressing the expanding duties of the Legislative Facilities Committee. First, the name would be changed and it would establish in the RSAs, RSA 17-E, to the Joint Committee on Legislative Management because that more appropriately identifies what this Committee does. It codifies the powers and duties of the Committee currently scattered through at least twenty-three separate session laws enacted since 1975 and places them all in RSA 17-E. The amended RSA 17-E would consist of the following sections:

RSA 17-E:1 changes the name of the Committee to the Joint Committee on Legislative Management.

RSA 17-E:2 Membership. It makes no changes to the Committee's current membership.

RSA 17-E:3 Chairperson. Makes no change to the existing law.

RSA 17-E:4 Meetings. Eliminates the requirement in the existing statute that the Committee shall meet on a regular stated date monthly, which the Committee has rarely, if ever, done. It establishes specific requirements for noticing meeting times and for the preparation and availability of a meeting agenda prior to all regular meetings. It requires that minutes shall be prepared and made available within 144 hours of a meeting. It requires a quorum of seven members for all meetings. It allows for the transaction of Committee business by telephone, exchange of correspondence or informal poll of members unless one or more members object, but requires that such business be ratified at the Committee's next meeting and prohibits the termination, demotion or reduction of a salary of an employee by such means.

RSA 17-E:5. House and Senate Subcommittees. Makes no substantive changes to the existing statutes.

RSA 17-E:6 Powers and Duties. Makes no significant change to the Committee's existing powers and duties that are currently scattered in session law. It simply codifies them in one place in the statute.

RSA 17-E:7 Employee means of address. Establishes a procedure for an employee to address the Committee prior to any disciplinary action taken by the Committee.

In essence, that's what this bill does. As I said, I was here when the Legislative Facilities Committee was created. The duties and responsibilities have expanded; they have been expanded both in session law and in the RSAs. To repeat my initial statement, they are scattered through twenty-three separate session laws enacted since 1975. This takes all of that and places it in RSA 17-E. That's the rationale for the piece of legislation. It's been something that we've been looking at over a period of years and trying to come up with a process by which we have one place to go to look for all that this Committee does.

I appreciate your attention and I thank you very much for the opportunity to speak before you and hope that you will consider this piece of legislation.

Senator Robert B. Flanders, D. 7: Any questions? Senator, I have one. Explain to me because, as you said, you were here when this was first started. On page 2, lines 12, 13 and 14, isn't that a big change? No reduction of salary, termination or demotion?

Senator Lou D'Allesandro, D. 20: The change is this. There is a procedure for an employee to address the Committee prior to any disciplinary action taken by the Committee. So, there is a process by which the individual gets a chance to address that before being the recipient of that action. Now, in RSA 17-E:4, it allows for the transactions of the Committee and prohibits the termination, demotion or reduction of an employee by such means. So, it goes back to you can't do it, you can't do it by phone, you can't do it by an informal poll, and it requires that the business be ratified at the next meeting. So, you can't prohibit without having that person be told why.

Senator Robert B. Flanders, D. 7: All of that now is under the control of the President's office?

Senator Lou D'Allesandro, D. 20: That's all in a series of session laws and statute. I believe the answer to your question is, whoever is chairman of the Committee calls the Committee and the Committee deliberates at this point. So, I believe, doesn't the chairmanship rotate? Yes, so it's either the President of the Senate or the Speaker of the House.

Senator Robert B. Flanders, D. 7: I am confused. If someone has a job change, or reduction, or some sort of change and the President's Office decides to do that, we don't, does that go before the Facilities Board?

Senator Sylvia B. Larsen, D. 15: No.

Senator Robert B. Flanders, D. 7: This is saying you have to, doesn't it?

Unidentified speaker: Right.

Senator Robert B. Flanders, D. 7: That's the big difference. Okay.

Senator Lou D'Allesandro, D. 20: This says that the person has an opportunity to have address before that takes place.

Senator Robert B. Flanders, D. 7: Any other questions? Thank you very much for your testimony. I don't think anybody else is signed up over there.

Senator Lou D'Allesandro, D. 20: Just one anecdote, if I might, because I have to go to sponsor another piece of legislation. What's happened periodically over the years is you come in one day and a person isn't here any more and you say, why, and nobody knows. That person all of a sudden disappeared, was terminated, and that person didn't have recourse. This tries to address that, I think, in a fair and equitable manner. We obviously want good employees, want employees to feel comfortable in their surroundings. It has been the case in the past that actions have been taken and no one knew the reason why. This tries to address that. But, I leave it to your wisdom, the wisdom of the fabulous five, to make this decision.

Thank you very much.

Senator Robert B. Flanders, D. 7: Thank you. There is no one else to testify, I will declare the meeting closed.

Meeting concluded at 11:25 a.m.

Respectfully submitted,

L. Gail Brown
Senate Secretary
2/3/2003

Speakers

SENATE INTERNAL AFFAIRS COMMITTEE

Date 1/29/03 Time 11:15 a.m. Public Hearing On **SB 31**

SB 31 - changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee

Appearing in **FAVOR**: *(Please print)* ***Please check box at left to speak.***

Speaking?	*Name*	*Address*	*Representing*
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Appearing in **OPPOSITION**: *(Please Print)* ***Please check box at left to speak.***

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Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Internal Affairs

to which was referred Senate Bill SB 31

AN ACT changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee

VOTE: 4-1

Having considered the same, report the same with the following resolution:
Resolved, that it is: **INEXPEDIENT TO LEGISLATE.**

Senator Robert K. Boyce
For the Committee

SB31 Docket

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Bill Title: changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee.

Date	Body	Description
1/9/2003	**S**	Introduced and Ref. to Internal Affairs; SJ 2, Pg.24
1/14/2003	**S**	Hearing; January 29, 2003, Room 103, LOB, 11:15 a.m.; SC3
1/31/2003	**S**	Committe Report; Inexpedient to Legislate [02/06/03]; SC7, Pg.2
2/6/2003	**S**	Inexpedient to Legislate, MA, VV ==== KILLED ===; SJ 4, Pg.43

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Docket Abbreviations