

have in the...on the floor, can in the fact the Legislature then by, apparently as provided in this bill, say that yes, we understand the Supreme Court has ruled, however we are going to decide that that ruling won't go into effect until we decide it will? Is that constitutional, or do you think it is constitutional?

SPEAKER NICHOL: Senator Lynch, direct your question to a specific person, please.

SENATOR LYNCH: Okay. Senator Landis.

SPEAKER NICHOL: Senator Landis, could you respond to that? Senator Landis, did you hear the question?

SENATOR LANDIS: Would you restate the question, please, Senator Lynch.

SENATOR LYNCH: Yes. Senator Landis, I asked the question, since the Supreme Court has, of course, ruled that employees have the right to negotiate and the state has the obligation to negotiate with them, and it went into effect two years ago, is it consistent or could it be construed to be unconstitutional for this body to say, yes, we agree with that ruling except that in the case of the state employees, for this year and for next year in some ways, you can't use the right to arbitrate in your own behalf?

SENATOR LANDIS: I would give a two-tiered response. I believe that the Legislature would be empowered to make a moratorium with respect to state employees as I understand it in the committee amendments, a one year moratorium. There is a second issue, and that has to do with those cases affected under the original Supreme Court decision. And my own, I am not nearly so certain that we are able to forego or undo that decision having been rendered. So with respect to all state employees I think a one year moratorium can be done. With respect to the teachers who won their case a couple of years ago, I think we do get ourselves into an ex post facto issue there. There I'm not nearly so certain that the Legislature has the power to ignore the order of the Supreme Court. So that is as good as I can do.

SENATOR LYNCH: Very good, thank you very much, Senator.

SPEAKER NICHOL: Senator Labeledz, then Senator DeCamp.