

2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HCR 3049

2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union Room, State Capitol

HCR 3049
2/28/2019
33003

- Subcommittee
 Conference Committee

Committee Clerk: Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the convening of the legislative assembly for a special session to amend state laws to comply with changes to federal laws or to adjust budgets as necessary

Minutes:

Attachment 1

Chairman Kasper opened the hearing on HCR 3049.

Rep. Marvin Nelson appeared in support. Attachment 1 (2:31-5:16)

Rep. B. Koppelman: Could the top sentence on Page 2 of the bill might not be read that you are only meeting to address budgets as they are affected by the federal government?

Rep. Nelson: I don't think so. I guess you could try and read it that way. Certainly that it is not the intention, and the drafter did not intend it that way.

Rep. B. Koppelman: Is "or" a better word for that top part?

Rep. Nelson: I don't think it actually changes it. I would have no objections to that.

Rep. Schauer: Give me a scenario on how this might play out.

Rep. Nelson: Right now we often do it more with the budget section where we say if this happens, the budget section may approve, or if that happens say nay, change this or whatever. That is where we have been unconstitutional, because we are turning them into a legislative body while we are giving them an executive function. He gave an example of after leaving session with everything good and oil prices having a great downfall, the governor mandating cuts across the board, and calling a special session. When that happens, we see how uneven the effects are on different agencies. Under this we could come in and make those suggestions where our priorities are. It is putting the legislature in charge of the spending in those situations.

Rep. Schauer: What about the cost?

Rep. Nelson: I do not see this happening for small things. That is the very thing we are talking about here when we say let us save a few days. By putting this in the constitution, we have that option for those important times. Yes, it costs to bring ourselves into special session, but it can cost a lot not to bring ourselves into special session as well.

Chairman Kasper: Who calls the legislative assembly back?

Rep. Nelson: Legislative management.

Chairman Kasper: We don't need to state that in this measure that is the process?

Rep. Nelson: I relied on the expertise of the drafter, but we didn't feel there was a need to spell that out in the constitution.

Chairman Kasper: He read Line 2, Page 2. What is missing there?

Rep. Nelson: He finished reading the sentence.

Chairman Kasper: That is a comma behind the word may on Line 3?

Rep. Nelson: I believe it is a comma.

Chairman Kasper closed the hearing.

Chairman Kasper opened the meeting. (13:02)

Rep. Schauer made a motion for a DO PASS.

Rep. Schneider seconded the motion.

Rep. B. Koppelman: I think on Page 2, Line 1 the "and" should be changed to "or". I hope the first and second would withdraw so we can make that amendment.

Reps. Schauer and Schneider withdrew their motions.

Rep. B. Koppelman moved the amendment to change the "and" to "or" on Line 1, Page 2.

Vice Chair Steiner seconded the motion.

Chairman Kasper: I think the three choices are to amend state laws, to comply with changes to federal laws, and to adjust budgets as necessary.

Rep. B. Koppelman: I will add a comma after state laws and a comma after federal laws. It would then read to amend state laws, to comply with changes to federal laws, or to adjust budgets as necessary.

Rep. Louser: I read that differently. If we have a comma, then we could come back and amend any law that is on our state books at any time. There are two reasons to come back to amend all laws to comply with the federal changes and or to adjust budgets as necessary.

Chairman Kasper: He clarified that this is then back to the original amendment made by Rep. Koppelman and second by Rep. Steiner. The **amendment is to change the “and” to “or” on Line 1, Page 2.**

Voice vote. Motion carries.

Rep. Schauer made a motion for a DO PASS AS AMENDED.

Rep. Schneider seconded the motion.

Rep. Rohr: I am going to resist the motion, because in the research that I did on the two bills that we covered regarding having sessions every year, there are some long term impacts there and that may be part of this process too. That is the auditing issue.

Rep. B. Koppelman: By having this only to adjust budget or to adjust for federal program changes will eliminate the wide scope of that second session.

Rep. Rohr: If you recall, those bills were specific to budget.

Rep. Schauer: This makes sense. We have control to have a five-day session. Secondly, it can be used in handling emergency situations. Third, it gives us a little flexibility.

Rep. Vetter: Yesterday, in judiciary we heard a bill very similar to this. It would call us back into session without taking any days if we have to address a veto. Maybe we could combine those two.

Rep. P. Anderson: With the veto thing, we have 60 or 90 days to come right back. With this we could come back in a year, so I don't know how we can combine those two.

Rep. Hoverson: I am going to resist. I think it is the beginning of a problem.

A roll call vote was taken. 6-8, 0 absent. Failed.

Rep. Rohr made a motion for a DO NOT PASS AS AMENDED.

Vice Chair Steiner seconded the motion.

A roll call vote was taken. 8-6, 0 absent.

Rep. Laning will carry the bill.

DP 2/28/19

19.3107.01001
Title.02000

Adopted by the Government and Veterans
Affairs Committee
February 28, 2019

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3049

Page 2, line 1, replace "and" with "or"

Renumber accordingly

Date: 2-28-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 3049**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Rep. Schauer Seconded By Rep. Schneider

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Pamela Anderson		
Vice Chair Vicky Steiner			Rep. Mary Schneider		
Rep. Jeff Hoverson					
Rep. Craig Johnson					
Rep. Daniel Johnston					
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Karen Rohr					
Rep. Austen Schauer					
Rep. Steve Vetter					

Withdraw motions

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-28-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 3049**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. B. Koppelman Seconded By Rep. Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Pamela Anderson		
Vice Chair Vicky Steiner			Rep. Mary Schneider		
Rep. Jeff Hoverson					
Rep. Craig Johnson					
Rep. Daniel Johnston					
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Karen Rohr					
Rep. Austen Schauer					
Rep. Steve Vetter					

*Vote
 motion
 carries*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
Line 1, Page 2 Change the "and" to "or"

Date: 2-28-19
 Roll Call Vote #: 3

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 3049**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Schauer Seconded By Rep. Schneider

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper		X	Rep. Pamela Anderson	X	
Vice Chair Vicky Steiner		X	Rep. Mary Schneider	X	
Rep. Jeff Hoverson		X			
Rep. Craig Johnson		X			
Rep. Daniel Johnston		X			
Rep. Karen Karls		X			
Rep. Ben Koppelman	X				
Rep. Vernon Laning		X			
Rep. Scott Louser	X				
Rep. Karen Rohr		X			
Rep. Austen Schauer	X				
Rep. Steve Vetter	X				

failed

Total (Yes) 6 No 8

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-28-19
Roll Call Vote #: 4

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 3049

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider _____

Motion Made By Rep. Rohr Seconded By Rep. Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson		X
Vice Chair Vicky Steiner	X		Rep. Mary Schneider		X
Rep. Jeff Hoverson	X				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls	X				
Rep. Ben Koppelman		X			
Rep. Vernon Laning	X				
Rep. Scott Louser		X			
Rep. Karen Rohr	X				
Rep. Austen Schauer		X			
Rep. Steve Vetter		X			

Total (Yes) 8 No 6

Absent _____

Floor Assignment Rep. Laning

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HCR 3049: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO NOT PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HCR 3049 was
placed on the Sixth order on the calendar.

Page 2, line 1, replace "and" with "or"

Renumber accordingly

2019 TESTIMONY

HCR 3049

#1
HCR 3049
2-28-19

Chairman Kasper and Members of the House Government and Veterans Affairs
Committee

I am Representative Marvin Nelson from District 9

HCR 3049 is a constitutional amendment to add one potential five day special session each biennium which does not count in the 80 day limit to the legislative session. It would allow the legislature to call itself into session, it does not change the process of the Governor calling a special session.

It would be limited to budget adjustments, which could be up or down, and to comply with federal law.

It does not have any effect on any of the other sessions or interim meetings.

As we work to try and handle our responsibilities while riding an up and down income, I believe this is a workable, limited means of doing that. We would be able to avoid using the budget section as a legislature. We could avoid changes to how we handle bills or such to try and cut down on the days we are in regular session. We could avoid the across the board cuts to the general fund spending that creates its own problems.

We can try and save days from the 80, but right when things get tough, it is the hardest to do.

Of course, voters would have to approve this in order for it to take effect.