

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 27, 2024

TIME: 11:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Guthrie, Vice Chairman Bernt, Senators Winder, Anthon, Harris, Lee, Toews, Wintrow, and Shea (Ruchti)

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Guthrie** called the meeting of the Senate State Affairs Committee (Committee) to order at 11:08 a.m.

WELCOME: **Chairman Guthrie** welcomed all to the Committee meeting.

RS 31745 **Relating to a Senate Resolution Stating Findings and the Intention of the Senate Regarding Rules of the Department of Administration and the Division of Purchasing.** **Senator Lee** stated that **RS 31745** was a clarification of **HCR 29**. Per the Committee's intention, **HCR 29** applied prospectively, and not retrospectively. The implications of any other understanding beyond July 1, 2024, impacted not only a current dispute, but every other contract awarded prior to July 1, 2024. She remarked that if the date was not clarified, then standing was impacted for many other contracts. **RS 31745** clearly provided a public statement of the Senate's intention that **HCR 29** was prospective.

DISCUSSION: **Senator Winder** remarked that Senator Lee's comments were very tempered. The Senate had been assured that **HCR 29** was prospective and only applied to future contracts, and it was appropriate to clarify the Senate's position.

MOTION: **Senator Winder** moved to send **RS 31745** to print. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Guthrie passed the gavel to Vice Chairman Bernt.

RS 31746 **Relating to the Duties of the Governor.** **Chairman Guthrie** stated **RS 31746** related to gubernatorial appointments and obligated the Governor to make an appointment or fill a vacancy within 90 days of the expiration of a term. **RS 31746** was intended to initiate a conversation regarding some items that were larger in scope, which could include the number of boards and appointments. He provided examples of gubernatorial appointments considered by the Committee in 2024, and in one case, there was a lag of over two years from the commencement of the term to the request for Senate confirmation. This appointee had served in the appointed capacity for over two years before being considered for confirmation by the Senate, and he resigned just prior to the confirmation hearing. **Chairman Guthrie** remarked that there was concern regarding whether this appointee's decisions held during this time frame because he had never been confirmed. **RS 31746** required the Governor to offer a reappointment or a new candidate within 90 days of a vacancy, after which time the position became vacant.

MOTION: **Senator Harris** moved to send **RS 31746** to print. **Senator Lee** seconded the motion.

DISCUSSION: **Senator Shea** inquired if **RS 31746** applied to judicial appointments, which sometimes took longer than 90 days. **Chairman Guthrie** responded that it applied to all appointments that required confirmation by the Senate. He clarified that **RS 31746** did not require the Governor to make an appointment; if the Governor did not make an appointment, then the position was vacant after 90 days.

Senator Lee clarified that the only positions affected were those requiring confirmation. The appointments on the judicial council were subject to **RS 31746**, but not the other appointments over which the Governor had constitutional authority.

VOTE ON THE MOTION: **Vice Chairman Bernt** called for a vote on the motion to send **RS 31476** to print. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Vice Chairman Bernt** adjourned the meeting at 11:18 a.m.

Senator Guthrie
Chair

Peggy Caraway
Secretary