



**A GUIDE TO COMMITTEE
STRUCTURE, PROCESS, AND PROCEDURE**

OFFICE OF THE SECRETARY OF THE SENATE

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INTRODUCTION

This *Guide to Committee Structure, Process, and Procedure* was prepared by the Secretary of the Senate to assist Georgia's Senators and staff in their work with committees. It provides a comprehensive discussion of the rules and customs that govern Senate committees, supplemented by applicable statutory provisions, and the relevant provisions of Mason's *Manual of Legislative Procedure*¹ (the Senate's adopted parliamentary authority).² We hope that you will find this *Guide* to be a useful reference tool and we encourage you to contact our office with any questions you may have.

TYPES OF COMMITTEES

Like most legislative assemblies, the Georgia Senate has created a variety of committees to distribute heavy workloads and explore increasingly complex issues. Committees are instruments or agencies of the Senate, and their function is to carry out the will of the Senate.³ Every committee falls into one of the three basic types: standing committees, special committees, and conference committees.

Standing Committees: Standing committees are created by each new Senate for the life of the body (i.e. the two-year term of the General Assembly). Like all committees, standing committees have specific areas of jurisdiction. However, the jurisdiction of standing committees is typically broader than other committees as these committees address issues of continuing importance that tend to evolve over time. Members are appointed to standing committees by the Committee on Assignments and, with some exceptions⁴, a member may not be removed from a standing committee after he/she has been appointed.⁵ The number of members on standing committees is capped by Senate Rules.⁶

The Georgia Senate has twenty-six (26) standing committees which are set forth in the Rules of the Senate.⁷ A list of Senate standing committees, their jurisdiction, and membership limits can be found in the Appendix. In addition, there are a few committees created by statute and function like standing committees.

Special Committees: Special committees are created to consider a special issue or to perform a special function. Special committees may also be named "ad hoc", "investigating", "select", or

¹ Mason's Manual of Legislative Procedure, 2010 ed., (hereinafter Mason's).

² Senate Rule 10-1.4.

³ Mason's § 615-1.

⁴ Senate Rule 2-3.1 (b) provides that a Senator may be reassigned by the Committee on Assignments as part of the process of filling a Senate seat vacated by death or resignation. Senate Rule 2-3.3 (b) provides that a Senator may be removed from a standing committee for absenteeism.

⁵ Senate Rule 2-1.3 (b).

⁶ Senate Rule 2-1.3 (a).

⁷ Senate Rule 2-1.3

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“study” committees.⁸ In some instances, both chambers may establish a joint special committee, most often to study a particular issue. There are two special committees created by the Senate rules: the Committee on Assignments and the Committee on Administrative Affairs.

Conference Committees: Conference committees consist of three members of the Senate appointed by the President⁹ to settle differences that may arise between the Senate and the House of Representatives. Only members that have voted in favor of the position adopted by the Senate are eligible to serve on the committee.¹⁰ It is important to note that each chamber appoints its own separate committee of conference. Thus, a meeting of Senate and House conferees is a joint meeting of two committees.¹¹ A majority vote of the entire membership of the Senate committee (two of three members) is required before the report can be submitted to the Senate for adoption.¹²

SUBCOMMITTEES

The chairs of standing committees have the authority to create subcommittees to consider a specific bill or a general subject matter within the jurisdiction of the committee.¹³ Members of subcommittees are appointed by the chair of the parent committee and must be members of that committee.¹⁴ In addition, the Committee on Assignments may create one or more standing subcommittees and appoint the members and officers thereof.¹⁵ For example, it is customary for the Committee on Assignments to appoint standing subcommittees for the Committee on Appropriations.

Procedurally, subcommittees function in the same manner as standing committees. They are governed by the Rules of the Senate as well as the rules of the committee from which they are appointed. The recommendations of any subcommittee must be reported to the full committee which, in turn, will make its recommendations (if any) to the Senate.¹⁶

Subcommittee staffing decisions are generally made by the chairman of the standing committee. Regardless of who staffs the subcommittee, minutes taken by staff during subcommittee meetings should be signed by the chair of the subcommittee and submitted to the chair of the standing committee, who in turn will submit the original signed subcommittee minutes to the Secretary of

⁸ Mason’s §639.

⁹ The one notable limitation on the President’s authority to appoint conferees is found in Senate Rule 2-1.13 which requires the President to appoint the President Pro Tempore, the Majority Leader, and the Chair of the Committee on Appropriations to the conference committee on the budget.

¹⁰ Senate Rule 2-8.1.

¹¹ Mason’s §770-2.

¹² Senate Rule 2-8.3 (a).

¹³ Senate Rule 2-1.4.

¹⁴ Mason’s §650.4.

¹⁵ Senate Rule 2-1.4.

¹⁶ Senate Rule 2-1.5 (b).

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the Senate for archiving. The report of recommendations from a subcommittee and any action taken on such reports should be reflected in the minutes of the standing committee.

STUDY COMMITTEES

Study committees are special committees of the Senate created to meet during the interim with limited jurisdiction to study a specific issue. Study committees are usually created by Senate resolution. The subject area of study, the membership of the committee, and the duration of the study committee are set forth in the resolution creating the committee. Study committees are authorized to meet and take official action during the interim.

Study committees function procedurally in the same manner as other Senate committees. The committee may take action only at a properly called meeting with a quorum present. Like other committees, study committee meetings may be closed to the public to consider specific issues such as security against sabotage or criminal or terrorist acts which require confidentiality to be effective.¹⁷ Chairmen may not vote except they may vote to make a tie, and must vote to break a tie.

There is a significant procedural difference between a study committee and other committees. The chair of an interim study committee may permit a member to participate in the committee meeting and to vote via teleconference.¹⁸ Participation in a meeting by teleconference is not permissible for other types of committees. Members joining by teleconference should be connected on one line and voices verified and broadcast in the meeting by microphone.

Like most committees, study committees report their findings to the Senate. The reports of study committees are usually informational and their reports are typically filed with the Secretary of the Senate and distributed. Some study committees are joint committees, meaning they are created by a joint resolution of the Senate and the House of Representatives and include representatives from both chambers as members.

OTHER SPECIAL COMMITTEES

The Senate can create other special committees to consider specific measures, investigate and evaluate issues, propose legislation, or to perform a special function. Special committees may also be named “ad hoc”, “investigating”, “select”, or “study” committees.¹⁹ In addition, the President of the Senate is authorized to create a Senate study committee to serve during the interim.²⁰

¹⁷ Senate Rule 1-5.1.

¹⁸ Senate Rule 2-4.2 (d).

¹⁹ Mason’s §639.

²⁰ SR 7 (2019) Housekeeping Resolution.

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APPOINTMENT OF MEMBERS TO COMMITTEES

The Committee on Assignments appoints all standing committee members.²¹ After the public announcement of appointments to the standing committees, no other Senator shall be placed on a standing committee except to fill a vacancy caused by death or resignation from the Senate. In such case, the incoming Senator may be assigned to any standing committee, and other Senators, with their consent, may be reassigned by the Committee on Assignments.²² Members of study committees are appointed in the manner set forth in the resolution creating the committee. Members of subcommittees (except for those created by the Committee on Assignments) are appointed by the chair of the committee and must be members of the committee.²³

EX-OFFICIO MEMBERS²⁴

The Committee on Assignments may add ex-officio members to any committee at any time.²⁵ This is often done for the purpose of achieving a quorum. Once appointed, ex-officio members count towards achieving a quorum, can vote, and have all of the rights and privileges that extend to any other member of the committee. The appointment of an ex-officio member can be for any length of time. The chairman of the Committee on Assignments will send a letter to the committee chairman announcing the appointment. The original letter should be attached to the minutes of the first meeting at which the appointment is effective. A copy of the letter of appointment will also be sent to the Secretary of the Senate for inclusion in the Senate Journal and for archiving.

ATTENDANCE

Senate Rules require that every member of a committee shall be in attendance during each of its meetings.²⁶ A Senator may be excused from attending a committee meeting by being excused for the day by the Senate.²⁷ This usually occurs prior to the morning roll call. In addition, Senate Rules provide that if a member cannot attend a committee meeting because he/she is attending a conflicting or overlapping committee meeting, such member may file a written statement from

²¹ Senate Rule 2-1.3.

²² Senate Rule 2-3.1 (b).

²³ Mason's §650.4.

²⁴ The term "ex-officio" has a unique meaning under the Senate's rules. In normal parlance, the term "ex-officio" means "by virtue of an office." Thus, under the usual definition, a Senator would be a member of the committee by virtue of holding another office (i.e., majority leader). However, under the Senate rules, the term "ex-officio" does not relate to the office a member holds. Rather, it refers to any other member of the Senate who is appointed on a temporary or permanent basis as a means of increasing the number of members on a committee. Senators are often appointed as ex-officio members of a committee for a single meeting during the latter part of the session when it may be difficult to secure a quorum.

²⁵ Senate Rule 2-3.2.

²⁶ Senate Rule 2-3.3.

²⁷ Senate Rule 1-2.2.

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the other chairman so noting the reason for the absence. In such case, the status of the absent member should be included on the committee's roll call portion of the minutes.²⁸

REMOVAL FROM COMMITTEES

Once a Senator is appointed to a standing committee (except for the Committee on Rules and the Committee on Assignments²⁹), he or she may not be removed from that committee during that term of office unless removed for absenteeism. Failure to attend three (3) consecutive committee meetings without a prior excuse or a written statement may be cause for removal from the committee by the Committee on Assignments.³⁰ Members of the Committee on Rules and the Committee on Assignments may be removed at any time for any reason. The appointment of an ex-officio member can be for any length of time and ex-officio members may be removed from a committee at any time for any reason by the Committee on Assignments.³¹

COMMITTEE OFFICERS AND THEIR DUTIES

The Committee on Assignments appoints the chairman, the vice-chairman, and the secretary for all standing committees and a chairman for all standing subcommittees. The Committee on Assignments may remove a Senator from any appointed committee officer position at any time for any reason.³² It is customary for the chairman of a standing committee (as the appointing authority) to appoint the chairman of a subcommittee.

Chairman

The chair has overall responsibility for the functioning of the committee. His/her principal duties are:³³

- To schedule a meeting of the committee through the Secretary of the Senate.³⁴ Official notice of the meeting shall be posted on the Senate website.
- To provide notice of the meeting to committee members.
- To set the agenda for the meeting.
- To arrange for minutes to be taken.³⁵
- To preside fairly over the meeting and put all questions to the committee for a vote.
- To decide all questions of order subject to appeal.³⁶

²⁸ Senate Rule 2-1.7 (f).

²⁹ Senate Rule 2-3.1 (c).

³⁰ Senate Rule 2-3.3 (b).

³¹ Senate Rule 2-3.2.

³² Senate Rule 2-2.1.

³³ Senate Rule 2-2.3.

³⁴ Senate Rule 2-1.7.

³⁵ Senate Rule 2-1.7.

³⁶ Senate Rule 2-6.2.

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- To preserve order and decorum in the meeting.
- To prepare and submit accurate committee reports.
- To appoint subcommittees to study legislation and report their findings to the committee.³⁷
- To assign a Senator to handle House bills or resolutions on the floor of the Senate.³⁸

Vice-chairman

The primary duty of the vice-chairman is to preside at the direction of the chairman if the chairman is absent, or when the chairman is incapacitated, at the direction of the Secretary of the Senate. The name of the presiding Senator should be noted on the committee report and in the minutes of that meeting.³⁹

Secretary

Standing committee minutes should be signed by the secretary of the committee (or the chairman if the secretary was absent from the meeting).

COMMITTEE'S POWER TO ACT

In General: There are certain indispensable requirements for making valid committee decisions.⁴⁰ These include:

- The formal creation of a committee along with a description of its jurisdiction and structure.
- A properly called (or noticed) meeting.
- The presence of a quorum at the meeting.
- Members in attendance are afforded an opportunity to speak.
- A question is put to the committee and a vote of members present is taken.

Committee reports on any matter not acted on in accordance with these principles are out of order.⁴¹ However, functions that do not constitute the official action of a committee (i.e., actions that do not require a vote such as the taking of testimony at a hearing) may be conducted without a quorum present.

Interim Meetings: As a general rule, committees are not authorized to act during the interim.⁴² Standing committees are specifically prohibited from taking official action during the interim unless

³⁷ Senate Rule 2-1.4.

³⁸ Senate Custom. The assignment of a Senate sponsor to handle a House bill on the floor should be made at the time the bill is reported out of committee. The House author can usually give you this information which should be written in the designated space on the bill back.

³⁹ Senate Rule 2-2.4.

⁴⁰ Mason's Chapter 7.

⁴¹ Mason's §42.

⁴² Senate Rule 2-1.5; Mason's §622 and §803.

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authorized by statute or the Rules of the Senate. In addition, the Senate may adopt a resolution authorizing interim meetings.⁴³ For example, a study committee may act at any time after it is created and before the date the committee is terminated which is usually set forth in the resolution creating the committee.

ORGANIZING A COMMITTEE

At the first scheduled meeting of the committee, the chairman should organize the committee by establishing committee rules, setting the number needed for a quorum, and making arrangements for the taking of minutes.⁴⁴

Committee Rules: A committee may establish rules not in conflict with the Senate rules or the most current version of Mason's. A committee may not suspend its rules if the effect of such suspension would be to circumvent a Senate rule.⁴⁵

Setting a Quorum: Senate rules require that a quorum of a committee shall be not less than a majority of the membership, excluding ex-officio members. Ex-officio members should be counted as a member in attendance to obtain a quorum at any given meeting, but not be counted when setting the number needed to obtain a quorum.⁴⁶

Minutes: The chair of each standing committee and each subcommittee shall arrange to have minutes kept and shall assure that proceedings of all meetings are reduced to writing.⁴⁷ This requirement to take minutes applies to all meetings, including meetings at which no official action is taken. Minutes are typically taken by the chairman's administrative assistant.

Minutes shall include, at a minimum, the following:

- The time and place of the meeting.
- A record of those committee members who were present and those who were absent.
- An accurate record of all votes taken.
- The bill number of each bill acted upon.
- The LC number of each substitute acted upon.
- The AM number of each amendment acted upon.

⁴³ SR 7 (2019) also provides that the chairperson of any standing committee is empowered to authorize his/her committee to meet during the interim for the purpose of hearing testimony or gathering information on legislative issues; provided, however, that standing committees or their subcommittees, may not take official action unless authorized by the Rules of the Senate or by statute.

⁴⁴ Senate Rules 2-1.5 (d); 2-1.8; and 2-1.7(d).

⁴⁵ Senate Rules 2-1.5 (c) & (d).

⁴⁶ Senate Rule 2-1.8.

⁴⁷ Senate Rule 2-1.7.

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- All motions (including who made the motion and who seconded the motion) and the result of the vote taken on the motion.
- The appearance by any person other than members of the committee.
- The date and time the committee convened and adjourned.
- Such additional information as the committee deems important to include.

A copy of the minutes of all committee meetings should be submitted to the Secretary of the Senate shortly after sine die for review, signature, and posting on the Senate's webpage. Minutes of a meeting of a standing committee that is held during the interim are due to the Secretary of the Senate 30 days after the meeting. The final minutes should be signed by the secretary of the committee (or the chairman if the secretary was absent from the meeting). It is also customary for the recording secretary (usually the administrative assistant to the chairman) to co-sign the minutes.

The chairman of a subcommittee is required to arrange to have minutes kept in the same manner as a standing committee.⁴⁸

Minutes submitted to the Secretary must follow the basic format for structure and grammar provided by the Secretary of the Senate. An instructional template for use by committee staff can be found in the "Senate Forms" section of the Secretary of the Senate's website.

SCHEDULING COMMITTEE MEETINGS

Scheduling and Cancelling Meetings: At the beginning of each term, the Secretary of the Senate will prepare and publish a master meeting schedule for the term.⁴⁹ If a chairman wants to add a meeting, he/she must submit a written request to the Secretary of the Senate who will set a time and place for the meeting that does not conflict with other meetings. The request to add a meeting should be made more than 24 hours in advance of the meeting so that notice can be published 24 hours in advance of the meeting. Once approved by the Secretary, he will post official notice of the meeting on the Senate webpage. Committee staff may then send notice to members and other interested parties. A chairman may cancel a meeting by notifying the Secretary of the Senate in writing no later than one (1) hour prior to the meeting.⁵⁰ The Secretary will post notice of the cancellation on the website. Forms to request an additional meeting or to cancel a meeting can be found on <http://www.senate.ga.gov/sos/en-US/Forms.aspx>.

Subcommittee meetings held during the session should be scheduled during the standing committee's designated meeting time to avoid conflicts. The scheduling of a subcommittee

⁴⁸ Senate Rule 2-1.7 (d).

⁴⁹ Senate Rule 2-1.7 (a)

⁵⁰ Senate Rule 2-1.7 (a).

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meeting that is not held in the same time slot allocated to their standing committee requires a written request from the standing committee chairman or the subcommittee chairman to the Secretary of the Senate.

Notice of Meetings: Official notice of standing committee meetings during the session is accomplished by posting the master committee schedule on the Secretary of the Senate's website along with any other committee meeting specifically requested. The master schedule of committee meetings will be published no later than Friday for meetings scheduled for the following week.

In addition to the official notice posted by the Secretary, the chair should provide notice of the meeting to each member of the committee. This can be accomplished by email and/or delivering a hard copy of the notice to the Senator's office. The chair should post a copy of the written notice on the red bulletin board in the hallway just outside of Room 353 of the Capitol. It is also common for the chair to place a copy of the notice on his or her door.

As a courtesy, your committee staff should notify the offices of committee members' offices that a meeting has been added or cancelled. Notice of all subcommittee meetings should be posted in the same manner as standing committee meetings.

Committee Agendas: The business of committees can be expedited by the chair preparing an agenda of items of business to be discussed at the meeting and providing advance notice to members. While it is good practice to prepare and distribute an agenda in advance of a regular meeting, an agenda is not required. Any matter assigned to a committee may be brought up at a regularly scheduled meeting. A special committee meeting (as distinguished from a regular committee meeting) is called to transact definite specified business and is usually called for a time different than a regularly scheduled meeting due to some urgency. Business to be transacted at a specially called committee meeting must be set out in the call (or notice) of the meeting.⁵¹

Posting Agendas and Committee Materials: Notice of committee meetings is accomplished by the Secretary posting notice of the meeting on the website. However, if the chairman wants to publish additional committee documents such as agendas or presentations, please send these documents to the email account senatecommitteeinfo@senate.ga.gov. The Secretary will retrieve and post these documents as expeditiously as possible. Please do not email agendas or other committee documents directly to individual members of the Office of the Secretary of the Senate, as this will delay posting.

⁵¹ Mason's §§ 626-627

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Open to the Public: The Georgia Constitution requires that “*all standing committee meetings shall be open to the public. Either house may by rule provide for exceptions to this requirement.*”⁵² Senate Rules prohibit any committee from meeting in any place where a person is denied admittance.⁵³ All committee meetings shall be open to the public, except when the committee is discussing issues such as the purchase of real estate, personnel issues, or when discussing matters the public disclosure of which would compromise security against sabotage, or criminal, or terrorist acts. Please consult Senate Rule 1-5.1 for more specific examples. A committee meeting may be closed for the limited purposes stated above by a majority vote of a quorum.

Attendance of Members: Every member of a committee shall be in attendance during each committee meeting.⁵⁴ If a member cannot attend a committee meeting because he/she is attending a conflicting or overlapping committee meeting, such member may file a written statement from the other chairman so noting and thus be included on the committee’s roll call portion of the minutes.⁵⁵

Recording Testimony: Testimony before the committee may be recorded at the discretion of the committee. Additional paid personnel to take testimony must be pre-approved by the Senate Committee on Administrative Affairs.⁵⁶

CONDUCTING A COMMITTEE MEETING

Notice and Agenda: Be sure the meeting is properly scheduled with the Secretary of the Senate and that notice is posted on the website. Copies of the agenda and all relevant material should be made available to all committee members.

Call the Meeting to Order: Bring order to the room. Ascertain that a quorum is present if you plan to take official action.

Introduce the First Item of Business: Typically, the chair will call the first item on the agenda (or order of business). An agenda is usually set before the meeting which identifies the order of business for the meeting. While it is always a good idea to set and publish an agenda in advance of the meeting, an agenda is not required for a regularly scheduled meeting, as any issue within the committee’s jurisdiction is appropriate for consideration. However, a specially called meeting requires that notice of the business to be conducted be included in the call for the meeting.⁵⁷

⁵² Ga. Const. Art. III, §IV, Par. XI. Senate rules provide that the meetings of the Committee on Assignments and Committee on Administrative Affairs are not open to the public. Senate Rule 1-5.1 (b).

⁵³ Senate Rule 2-1.7 (c).

⁵⁴ Senate Rule 2-3.3.

⁵⁵ Senate Rule 2-1.7 (f).

⁵⁶ Senate Rule 2-6.1.

⁵⁷ Mason’s §627.

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Presentation by Sponsor: Senate Rules require that the author of a piece of legislation must be given an opportunity to speak to the legislation before the committee votes on the measure.⁵⁸ After the author has explained the measure, committee members should be permitted to ask the author questions, but should not engage in debate until a motion is made.⁵⁹

Public Input: After the author has explained the measure, it is common, but not required, that the committee allow members of the public, governmental agencies, and other interested parties to present their views on the proposed legislation. The chair should formally recognize the person before that person speaks. It is permissible to limit, or even exclude, testimony by the public. When a controversial measure is before the committee, it may be useful to limit the time each person has to speak and to organize in advance how many speakers each side will be permitted to avoid redundant testimony. Committee members should be permitted to ask questions of the person testifying. Members should not engage in a debate with the presenter.

A Motion is Made: In order to formally put the measure before the committee for debate and amendment, a member of the committee should be recognized to make a motion.⁶⁰ The presiding officer has a duty to entertain any proper motion whenever it is in order.⁶¹ All motions in committee must be seconded. A main motion presents a question that is substantive in nature and relates to the final disposition of the measure in committee. Since the committee's role is strictly advisory, the main question almost always relates to what recommendation the committee will report to the Senate.

The following are the basic main questions:

1. A motion to recommend that a bill "do pass" (or "do pass as amended" or "do pass by substitute).
2. A motion to recommend that the bill "do not pass".
3. A motion to report the bill to the Senate with "no recommendation".

A motion to "do pass" is not necessarily an expression of an opinion that the person making the motion supports the bill in its current form. Rather, it is a motion that, if seconded, formally places the measure before the committee for debate and amendment. If the motion is not seconded, the chair should move on to the next item of business. The failure to achieve a second does not kill a bill nor does it mean that the committee has made an unfavorable recommendation.

⁵⁸ Senate Rule 2-1.9 requires the committee to provide in writing the details for carrying out this requirement. This should be done when the committee rules are adopted at its organizational meeting.

⁵⁹ Mason's §100-1. "There can be no debate unless there is a question before the house."

⁶⁰ Mason's §100.

⁶¹ Mason's §156.

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Decorum and Debate: Once a main motion is made and seconded, it is in order to debate the bill and consider subsidiary motions, including motions to amend. Each member of the committee has the right to be recognized to express their opinion on the pending question.⁶²

The rules of debate in committee are often relaxed in order to allow committee members free discussion and to promote the work of the committee. However, the chair has broad discretion to ensure order so that the committee can function properly. All debate and speech is conducted through the chair. Before a member may speak or make a motion, he or she must be recognized by the chair.

Certain basic principles of comity and decorum always apply. Senators shall conduct themselves at all times with dignity and in a manner to insure decorum in the committee.⁶³ Members should not interrupt others when speaking, or engage in conduct that disturbs or disrupts the meeting. No member shall refer to any private conversation with another Senator, nor impugn the motives of another Senator.⁶⁴

After discussion of the motion is complete, the chair should state the question before the committee and call for a vote. The chair should announce the result of the vote. After all subsidiary and incidental motions are decided and all amendments considered, the chair should return to the main question of whether to report the bill out of committee.

Motion to Amend: The chair should recognize any member who wishes to make a motion to amend and offer that member an opportunity to explain the amendment.⁶⁵ All motions, including a motion to amend, must receive a second before they are debated or voted upon.⁶⁶ There are three ways in which a proposition may be amended: (1) by inserting or adding at the end of the bill; (2) by striking out; and, (3) by striking out and inserting.⁶⁷

The chair should organize amendments in a logical manner. Amendments should be put to a vote as follows:

- The first amendment offered is taken before the second amendment, the most distant day is taken before a more recent day, and the largest sum is taken before a smaller sum.⁶⁸
- A paragraph (or section) should be perfected before an amendment is put that strikes the paragraph (or section).⁶⁹

⁶² Mason's Introduction p. 3. "An opportunity to debate is necessary to enable members...to reach a collective judgement. A member has the right to express personal opinions and to hear the opinions of the other members."

⁶³ See Senate Rule 9-1.1.

⁶⁴ Senate Rule 8-1.5. Also see Senate Rules 8-1.13 and 5-1.9.

⁶⁵ Mason's §155 and §156. Each member of the committee has the right to offer a proper motion whenever it is in order.

⁶⁶ Senate Rule 2-5.1.

⁶⁷ Senate Rule 7-1.1; Mason's §400.

⁶⁸ Senate Rule 7-1.4.

⁶⁹ See Senate Rule 7-1.8; Mason's §397-5.

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Points of Order and Appeals: A member may raise a point of order asking for a ruling of the chair on an issue of procedure, including whether a proposed amendment is germane to the subject matter of the bill.⁷⁰ The presiding officer may rule on the point of order or put the question to the body. The presiding officer's ruling is subject to appeal if the motion to appeal is seconded. When seconded, the chair shall state the motion as follows: "Shall the ruling of the chair be sustained?" It takes a majority of the committee (not a majority of a quorum) to overturn the ruling of the chair.⁷¹ There is no further appeal to the full Senate.

Other Motions: Motions other than the four listed in Senate Rule 2-5.3 may be made and must receive a second to be considered. Frequently used motions include a motion to amend, a motion to reconsider a vote, a motion to table or to take from the table. Please refer to Senate Rule 6-1.2 to determine precedence of motions.

VOTING IN COMMITTEE

- Members Required to Vote: A Senator may not abstain from a vote unless he or his family has a direct pecuniary interest in the result of the vote.⁷²
- Chairman: The chairman (presiding member) shall not vote except as follows:
 - a chairman may vote to create a tie;
 - a chairman must vote to break a tie.⁷³
- Call for the Yeas and Nays: Votes shall be recorded (by a show of hands) if at least one-third of the members present sustain a call for the yeas and nays.⁷⁴
- Proxy Voting: No member is allowed to pair his or her vote with another member nor shall any member vote by proxy.⁷⁵
- Teleconference: Members of a standing committee are not allowed to participate or vote in a committee meeting by teleconference (or video conference). The single exception to this rule is that a member who is prevented from attending due to military service may participate and vote by teleconference.⁷⁶ The requirement of an in-person meeting is

⁷⁰ See Senate Rule 7-1.2 (a).

⁷¹ Senate Rule 2-6.2.

⁷² Senate Rule 2-4.2 (f).

⁷³ Senate Rule 2-2.2.

⁷⁴ Senate Rule 2-4.1.

⁷⁵ Senate Rules 2-4.2 (a) and (b).

⁷⁶ Senate Rule 2-4.2 (c).

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relaxed for study committees where, at the discretion of the chair, members may participate and vote via teleconference.⁷⁷

PUTTING THE MAIN QUESTION TO THE COMMITTEE

Seconding a Motion: All motions in committee must receive a second before being put to a vote.⁷⁸

Precedence of Motions: When a bill or resolution is before a committee, the following shall be the precedence of motions:⁷⁹

1. A motion that the bill “do pass”.
2. A motion that the bill “do not pass”.
3. A motion to “postpone to a certain time”.
4. A motion to “refer a bill to a subcommittee”.

Effect of “Do Pass” and “Do Not Pass” Motions: When a “do pass” motion fails, no action has been taken. There must be an affirmative vote to move a bill out of committee. When a “do not pass” motion is adopted, a committee report containing the recommendation must be filed and the legislation may not be taken up by the full Senate.⁸⁰

ADJOURNING

A motion to adjourn is a privileged motion and may be made at any time that a member can legitimately gain the floor.⁸¹ It is not debatable.⁸² It may not be made after voting has commenced, but may be made after the result of the vote is announced. The absence of a quorum does not automatically adjourn a meeting. Once a meeting is adjourned, the committee reconvenes at its regularly scheduled time.⁸³

⁷⁷ The in-person meeting requirement was relaxed for study committees because they typically meet and take action during times between sessions of the General Assembly. During the interim, members are not at the Capitol and requiring them to come together in person in one location in the state to take action is inconvenient and at times impractical.

⁷⁸ Senate Rule 2-5.1.

⁷⁹ Senate Rule 2-5.3.

⁸⁰ Senate Rule 2-5.2.

⁸¹ See Senate Rule 6-2.1.

⁸² See Senate Rule 6-2.2.

⁸³ See Senate Rule 6-2.4.

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COMMITTEE REPORTS

The report of a committee is the committee's recommendation to the Senate on a piece of legislation or on a particular matter referred to it. Every properly adopted recommendation made by the committee must be reported to the Senate. Recommendations that were not properly voted on are not in order and will cause the report to be returned to the committee.

The Secretary of the Senate will not accept a committee report that does not include the LC number of any substitute (or AM number of any amendment) adopted by the committee. *It is critically important that the reports of committees include the correct LC (or AM) numbers for each bill reported out of committee. Committee reports that contain the wrong LC (or AM) numbers will cause the wrong piece of legislation to be considered on the floor of the Senate which can cause the committee and its chairman great embarrassment. Accuracy of the committee report is the responsibility of the chairman who signs the report.*

Recommendations: Typically the recommendation(s) set forth in a committee report are as simple as "SB 1 Do Pass". Committees frequently recommend that legislation pass with amendments or by substitute (i.e., "SB 3 Do Pass by Substitute (LC 44-1234)").

Note: If a substitute is offered and amendments are offered to the substitute, the motion in committee shall be first on the adoption of the amendments to the substitute and then on the adoption of the substitute as amended. If adopted, the report of the committee in this case would be "Do Pass by Substitute."

Similarly, if one or more amendments to a bill or resolution are adopted by the committee, the chair will often request that the amendment(s) be consolidated into a substitute and recommend that the bill "do pass by substitute." A perfected copy of the substitute must be obtained from Legislative Counsel and submitted with the report of the committee before the report will be accepted by the Secretary of the Senate.

Submitting Committee Reports: The Secretary of the Senate is not authorized to accept a committee report unless the report contains all of the following:

- The name of the committee.
- The specific recommendations of the committee on each bill or resolution reported out (i.e. "SB 1 Do Pass"; "SB 2 Do Pass as Amended"; "SB 3 Do Pass by Substitute"; and "SB 4 Do Not Pass.")
- If a bill or resolution is favorably reported out of committee, the number of the bill and the LC number of any substitute (or AM number of any amendment) adopted must be set

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forth in the report. It is the responsibility of the chairman to make sure that the correct substitute or amendment(s) is submitted to the Secretary of the Senate.

- The committee report must be signed by the chairman (or the Senator presiding in the absence of the chairman) affirming the accuracy of the report.
- In the case of a House bill or resolution, it is the chairman's responsibility to assign a Senator to sponsor the measure on the floor of the Senate before it is reported out of committee. This information should be written on the bill back in the designated space.

The original bill along with the 01 and 02 copies of recommended amendments or substitutes must be submitted to the Secretary of the Senate along with the committee report. The committee report will not be accepted unless it is accompanied by the perfected version of amendments and substitutes drafted by Legislative Counsel. An accepted report of the committee will be date and time stamped by the Secretary of the Senate.

A sample committee report can be found in the "Senate Forms" section of the Secretary of the Senate's website.

Minority Reports: A minority of a committee may make a report in writing setting forth succinctly the reasons for their dissent. It is good practice to include the names of those members of the committee who concur with the minority report. Notice of a minority report must be given when the majority report is read to the Senate. A minority report must be filed with the Secretary of the Senate before the third reading and consideration of the bill or resolution to which there is dissent.⁸⁴

RETURN OF BILLS TO THE SECRETARY

At the end of each session, standing committee chairmen must return all bills and resolutions that were left in committee to the Secretary of the Senate for safekeeping between sessions and for archiving after the term. The bills should be accompanied by a cover letter indicating which bills are being returned. A sample letter can be found in the "Senate Forms" section of the Secretary of the Senate's website.

⁸⁴ Senate Rule 2-1.6 (b).

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APPENDIX

STANDING COMMITTEES OF THE GEORGIA SENATE

The following is a list of the standing committees in effect for the 2019-2020 term and their general areas of jurisdiction. It is important to note that these areas of jurisdiction are not exclusive and do not bind the President of the Senate in referral of a bill, resolution, or other item of legislative business. [Senate Rule 4-2.5]

Agriculture & Consumer Affairs: (9 members)

The Committee on Agriculture and Consumer Affairs has general jurisdiction over agricultural land use, commodities, commissions, fairs and expositions, marketing and consumer protection issues, pest management, and the use of pesticides. This committee may also review legislation related to consumer protection.

Appropriations: (30 members)

The Committee on Appropriations has broad jurisdiction over legislation involving the expenditure of state and federal funds. The committee is responsible for developing the state's budget with specific appropriations to the various government agencies, departments, and organizations on an annual basis. The committee has fourteen (14) standing subcommittees. The primary responsibility of the committee is to develop a balanced budget which is required by Georgia law.

Banking & Financial Institutions: (10 members)

The Committee on Banking & Financial Institutions has general jurisdiction over financial institutions, real property finance, and corporate securities law.

Economic Development & Tourism: (12 members)

The Committee on Economic Development & Tourism has general jurisdiction over economic development, business, trade, and any proposed measures that will affect the presence of tourism throughout the state.

Education & Youth: (10 members)

The Committee on Education & Youth has general jurisdiction over K-12 education, certificated employees of schools, and school facilities. It also reviews legislation related to childcare and Pre-K activities.

Ethics: (13 members)

The Committee on Ethics has general jurisdiction over ethical issues relating to the Senate, governmental entities, and public officials, as well as election and voting issues. The committee is authorized by statute to independently investigate allegations of ethics violations made by the general public (O.C.G.A. § 45-10-90 et. seq.) or by staff.

Finance: (11 members)

The Committee on Finance has general jurisdiction over the state's taxing authority and revenue collections. It also deals with the financial services industry, including the securities and housing industries.

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Government Oversight: (11 members)

The Committee on Government Oversight has general jurisdiction over state government programs and policies.

Health & Human Services: (14 members)

The Committee on Health & Human Services has general jurisdiction over legislation that relates to health care and social services. This committee also addresses areas related to the licensing and regulation of health care professionals.

Higher Education: (9 members)

The Committee on Higher Education has general jurisdiction over issues related to the University System of Georgia, the Technical College System of Georgia, other postsecondary institutions, and student financial aid.

Insurance & Labor: (9 members)

The Committee on Insurance & Labor has general jurisdiction over insurance, workers' compensation and unemployment compensation. Committee jurisdiction also includes child labor, convict labor, labor standards, and labor disputes.

Interstate Cooperation: (5 members)

The Committee on Interstate Cooperation is established by statute (O.C.G.A. 28-6-1) and has general jurisdiction over issues concerning the relations between Georgia and other states, as well as any matter that involves collaboration between states.

Judiciary: (10 members)

The Committee on Judiciary has general jurisdiction over legislation affecting judicial proceedings dealing with civil and criminal practice and procedure. Its jurisdiction includes criminal laws and trial procedures, enforcement, sentencing, parole, and pardons for both adults and juveniles. Its jurisdiction also includes civil practice and procedure related torts, property, contracts and other civil matters and will often consider constitutional issues.

Natural Resources & the Environment: (11 members)

The Committee on Natural Resources & the Environment has general jurisdiction over issues that relate to the development, regulation, and conservation of the state's public lands and its natural resources including water, energy (such as surface mining and oil and gas production), and wildlife (including hunting and fishing.)

Public Safety: (8 members)

The Committee on Public Safety has general jurisdiction over legislation related to the security and safety of Georgia's citizens. Additionally, the Committee reviews most legislation related to the licensing of drivers and safety on Georgia's roads.

Reapportionment & Redistricting: (15 members)

The Committee on Reapportionment & Redistricting is responsible for creating and updating state and congressional district lines in accordance with data from the United States Census.

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Regulated Industries & Utilities: (11 members)

The Committee on Regulated Industries & Utilities has general jurisdiction over legislation related to utilities such as gas, electricity and telecommunications. It also may consider legislation related to some regulated and licensed professionals as well as legislation related to regulated products such as alcoholic beverages.

Retirement: (7 members)

The Committee on Retirement has general jurisdiction over all issues related to the state's retirement systems.

Rules: (14 members)

The Committee on Rules has jurisdiction over the Rules of the Senate and its order of business, including the setting of Senate calendars for consideration of bills and resolutions on the floor of the Senate.

Science & Technology: (5 members)

The Committee on Science & Technology has general jurisdiction over areas related to the promotion and use of technology and science.

Special Judiciary: (9 members)

The Committee on Special Judiciary provides additional committee support to the Committees on Judiciary and Judiciary Non-Civil on legislation related to the courts in both civil and criminal law.

State & Local Governmental Operations: (7 members)

The Committee on State & Local Governmental Operations has two general areas of jurisdiction. The first area of jurisdiction relates to general laws that apply to counties and cities throughout the entire state. The second area of committee jurisdiction involves the processing of local bills which are often assigned as local legislation. Special abbreviated procedures are available to pass local legislation.

State Institutions & Property: (7 members)

The Committee on State Institutions & Property has general jurisdiction over legislation related to the construction and maintenance of buildings, lands, and other property owned or managed by the State of Georgia.

Transportation: (10 members)

The Committee on Transportation has general jurisdiction over issues related to highway safety, regulation of intrastate common carriers including railroads, buses, trucks, vessels, pipelines, and civil aviation. Its jurisdiction also includes issues related to inland waterways and any other means of transportation.

Urban Affairs: (11 members)

The Committee on Urban Affairs has general jurisdiction over legislation related to transportation, public safety, healthcare, recreation, infrastructure, and economic development that uniquely impact the urban areas of metropolitan Atlanta.

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Veterans, Military & Homeland Security: (8 members)

The Committee on Veterans, Military and Homeland Security has general jurisdiction over legislation related to Georgia's Department of Defense, military personnel, Department of Homeland Security, emergency response organizations, and organizations providing service to military veterans.