



**A GUIDE TO  
COMMITTEE PROCESS AND PROCEDURE**

**OFFICE OF THE SECRETARY OF THE SENATE**

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October 2016

**GEORGIA SENATE**  
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**TABLE OF CONTENTS**

Introduction: .....	Page 1
Types of Committees: .....	Page 1
Standing Committees; Membership and Jurisdiction: .....	Page 1
Subcommittees:.....	Page 4
Study Committees:.....	Page 5
Other Special Committees: .....	Page 5
Appointment to Committees:.....	Page 5
Ex-officio Members:.....	Page 5
Attendance: .....	Page 6
Removal From Committees:.....	Page 6
Committee Officers and Duties: .....	Page 6
Organizing a Committee:.....	Page 7
Committee Meetings: .....	Page 8
Committee's Power to Act: .....	Page 8
Committee Decorum and Debate:.....	Page 8
Voting in Committee: .....	Page 9
Committee Motions and Precedence: .....	Page 9
Reporting a Bill out of Committee: .....	Page 10
Return of Bills to the Secretary: .....	Page 11

# GEORGIA SENATE

## A GUIDE TO COMMITTEE PROCESS AND PROCEDURE

### INTRODUCTION

This *Guide to Committee Process & Procedure* was prepared by the Secretary of the Senate as a reference tool for the chairmen of Senate committees, members of those committees and their staff. It is our hope that it will be useful to everyone involved in the committee process. All references to "Senate Rules" refer to rules adopted in 2015. As always, please contact the Office of the Secretary of the Senate if we can be of assistance (David Cook, Secretary of the Senate 404-656-5040 or [david.cook@senate.ga.gov](mailto:david.cook@senate.ga.gov).)

### TYPES OF COMMITTEES

Virtually all legislative assemblies use committees to distribute heavy legislative workloads. Every committee falls into one of the three basic types: standing committees, conference committees, and special committees. Standing committees are appointed for the life of the body (i.e., the two-year term of the General Assembly.) Conference committees are appointed to settle differences that may arise between the two chambers. Special committees are created for the consideration of special measures or matters or for the performance of a special function. Special committees may also be named ad hoc, investigating, select, or study committees. [Mason's Sec. 639] In some instances, the both chambers may establish a joint committee, most often to study a particular issue.

### STANDING COMMITTEES: MEMBERSHIP & JURISDICTION

The Georgia Senate has twenty-seven (27) standing committees. These committees are established in the Rules of the Georgia Senate which are adopted at the beginning of each two-year term. [Senate Rule 2-1.3] The rule sets forth the maximum number of Senators that may serve on the committee.<sup>1</sup>

The following is a list of the standing committees in effect for the 2015-2016 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.

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<sup>1</sup> There are exceptions to the maximum number of members that may serve on a standing committee. First, the Committee on Assignments may add ex-officio members. [See Senate Rule 2-3.2 (a).] Second, a member may be removed for absenteeism. [See Senate Rule 2-3.3.] Third, the limit does not apply in the case of a Senator elected in a special election. [See Senate Rule 2-1.3 (b).]

**GEORGIA SENATE**  
**A GUIDE TO COMMITTEE PROCESS AND PROCEDURE**

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: (10 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.

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: (11 members)

The Committee on Judiciary has general jurisdiction over legislation affecting judicial proceedings dealing with civil practice and procedure. Its jurisdiction also includes civil liberties as well as governmental information and frequently will consider constitutional issues.

**GEORGIA SENATE**  
**A GUIDE TO COMMITTEE PROCESS AND PROCEDURE**

Judiciary Non-Civil: (11 members)

The Committee on Judiciary Non-Civil has general jurisdiction over Georgia's criminal laws and procedure, drug enforcement, sentencing, parole, and pardons. Any legislation that carries a possibility of criminal penalties can be referred to the committee, including criminal law related to juveniles.

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.

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 relate 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.

## GEORGIA SENATE A GUIDE TO COMMITTEE PROCESS AND PROCEDURE

### 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.

### Veterans, Military & Homeland Security: (6 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.

## **SUBCOMMITTEES**

The Committee on Assignments may create standing subcommittees and appoint the members and officers thereof. [Senate Rule 2-1.4] The actions of a subcommittee must be approved by the standing committee before the measure can proceed through the legislative process. [Senate Rule 2-1.5 (b)]

In instances where the Committee on Assignments has not created a subcommittee, the chairman of the standing committee has the authority to create a subcommittee for a specific bill or a general subject matter. [Senate Rule 2-1.4] 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. [Mason's Sec. 650.4]

From a procedural perspective, subcommittees generally function in the same manner as standing committees. If at all possible, 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 meeting that is not held in the same time slot allocated their standing committee requires a written request from the standing committee chairman or the subcommittee chairman to the Secretary of the Senate.

Notice of all subcommittee meetings should be posted in the same manner as standing committee meetings. The chairman of a subcommittee is required to arrange to have minutes kept in the same manner as a standing committee. [Senate Rule 2-1.7 (d)]

Staffing for the subcommittees should be determined by the chairman of the standing committee. Regardless of who staffs the subcommittee, minutes taken by staff during subcommittee meetings should be provided to the chairman of the standing committee. A copy of the signed minutes of subcommittee meetings should be submitted to the Secretary of the Senate for archiving. The report of

## **GEORGIA SENATE A GUIDE TO COMMITTEE PROCESS AND PROCEDURE**

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

Study committees function procedurally in the same manner as other Senate committees. A majority of members is required for a quorum, the committee may take action only if there is an in-person meeting with a quorum present [Senate Rule 2-2.3], the chair may vote to make a tie and must vote to break a tie, and so on.

A study committee is different from a subcommittee in that it reports its findings to the Senate, while a subcommittee reports its findings to its parent standing committee. The report of a study committee is usually informational and their reports are typically distributed and filed. 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 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. [Mason's Sec. 639]. The President of the Senate is authorized to appoint committees from the members of the Senate to serve as interim legislative study committees. [SR 4 (2015) Housekeeping Resolution]

### **APPOINTMENT TO COMMITTEES**

The Committee on Assignments appoints members to standing committees. [Senate Rule 2-1.3] 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. [Senate Rule 2-3.1] 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. [Mason's 650.4]

### **EX-OFFICIO MEMBERS**

The Committee on Assignments may appoint ex-officio members to any committee at any time. This is often done for the purpose of achieving a quorum. The appointment of an ex-officio member can be for any length of time. [Senate Rule 2-3.2] The chairman of the Committee on Assignments will send a letter to the committee chairman announcing the appointment. A copy of the letter should be attached to the

## GEORGIA SENATE A GUIDE TO COMMITTEE PROCESS AND PROCEDURE

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. [Senate Rule 2-3.3] A Senator may be excused from attendance for the day by the Senate. 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 the other chairman so noting and thus be included on the committee's roll call portion of the minutes. [Senate Rules 2-1.7 (f)]

### REMOVAL FROM COMMITTEES

Once a Senator is appointed to a standing committee (except for the Committee on Rules and the Committee on Assignments [Senate Rule 2-3.1]), 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. [Senate Rule 2-3.3 (b)] 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. [Senate Rule 2-3.2]

### COMMITTEE OFFICERS/DUTIES

The Committee on Assignments appoints a chairman, a vice-chairman, and a 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. [Senate Rule 2-2.1] It is common practice for the chairman of a standing committee (as the appointing authority) to appoint the chairman of a subcommittee.

#### Chairman

The principal duties of the chair of a committee are to:

- Call the meeting to order, preside over the meeting and preserve order and decorum in the meeting.
- **Prepare and submit accurate committee reports.** [See committee report below.] [Senate Rule 2-2.3]
- Appoint subcommittees to study legislation, but the legislation must be acted on by the full committee before it may progress in the legislative process. [Senate Rules 2-1.4 and 2-1.5(b)]
- It is the chairman's responsibility to assign a Senator to sponsor each House bill or resolution at the time it 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.

## GEORGIA SENATE A GUIDE TO COMMITTEE PROCESS AND PROCEDURE

### Vice-chairman

A vice-chairman may 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. [Senate Rule 2-2.4]

### Secretary

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

### **ORGANIZING A COMMITTEE**

At the first scheduled meeting of the term, the chairman should organize the committee by establishing committee rules, setting a quorum, and making arrangements for the taking of minutes. [Senate Rules 2-1.5 (d); 2-1.8; and 2-1.7(d)]

Committee Rules: A committee may establish rules not in conflict with the Senate rules or the most current version of *Mason's Manual of Legislative Procedure*. A committee may not suspend the rules governing committees. [Senate Rules 2-1.5 (c) & (d)]

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 for attendance to obtain a quorum at any given meeting, but not be counted when setting the number needed for a quorum. [Senate Rule 2-1.8]

Minutes: The chair of each standing committee and each subcommittee shall arrange to have minutes kept and shall see that proceedings of all meetings are reduced to writing. [Senate Rule 2-1.7] This function is typically performed by the chairman's administrative assistant. Minutes shall include at a minimum the following:

- The time and place of each meeting.
- The attendance of committee members.
- An accurate record of all votes taken.
- The number of each bill acted upon.
- The LC number of each substitute acted upon.
- The AM number of each amendment acted upon.
- All motions and results.
- Any 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 shall determine.

A copy of the minutes of all standing 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. 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.

## GEORGIA SENATE A GUIDE TO COMMITTEE PROCESS AND PROCEDURE

Author's Testimony Required: Senate rules prohibit a committee from voting on a piece of legislation until the author or his designee has been given the opportunity to speak to the legislation. Senate rules require the committee to provide in writing the details for carrying out this requirement. [Senate Rule 2-1.9] This should be done at the organizational meeting.

### COMMITTEE MEETINGS

Scheduling/ Cancelling Meetings: At the beginning of each term, a meeting schedule for the entire term will be prepared by the Secretary of the Senate and approved by the Committee on Administrative Affairs. A chairman may add or cancel a meeting, but must give 24 hour notice in writing to the Secretary of the Senate. If no agenda has been published, notice of cancellation must be given to the Secretary of the Senate at least one hour before meeting time. [Senate Rule 2-1.7 (a)] Committee staff should place a copy of the written notice on the bulletin board in the hallway just outside of Room 353 of the Capitol. Also, place a notice on the door of the meeting room. Please forward an electronic copy of the notice of any added or cancelled meeting to the Secretary of the Senate and we will post meeting and cancellation notices on the Senate website. Please have your committee staff notify the members of the committee and any scheduled guests that the meeting has been cancelled.

Open to the Public: Committees are prohibited from meeting in any place within the state where a person is denied admittance. [Senate Rule 2-1.7 (c)] 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 other sensitive issues. 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. [Senate Rule 2-2.3] 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. [Senate Rules 2-1.7 (f)]

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. [Senate Rule 2-6.1]

### POWER TO ACT

A standing committee may act upon a bill, resolution or other matter referred to it after the opening day of the session and prior to the last day of that session. [Senate Rule 2-1.5] Special committees (such as study committees) 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.

### COMMITTEE DECORUM & DEBATE

In legislative assemblies, the meetings of committees are typically less formal than the meetings of the body. Generally, the rules of procedure in the committee are the same as the rules for the body insofar as such rules are applicable to committee procedure. [Mason's Sec. 632] Senate rules are largely silent

## GEORGIA SENATE A GUIDE TO COMMITTEE PROCESS AND PROCEDURE

on committee decorum and debate leaving most of the decisions on manner of operating up to the committee itself. [See Senate Rule 2-5.1 (d) which allows Committees to adopt their own rules, provided they do not conflict with Senate Rules.]

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, 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. Members should seek recognition from the chair before speaking, should not interrupt others when speaking, and should not pass in front of another member speaking and the chair. Section Nine of the Rules of the Senate provides good guidance on issues of decorum.

### **VOTING IN COMMITTEE**

Members Required to Vote: A Senator may not abstain from a vote unless he or his family have a direct pecuniary interest in the result of the vote. [Senate Rule 2-4.2]

Proxy Voting: There shall be no voting by proxy. [Senate Rule 2-4.2]

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. [Senate Rule 2-2.2]

Call for the Yeas and Nays: Votes shall be recorded if at least one-third of the members present sustain a call for the yeas and nays. [Senate Rule 2-4.1]

### **COMMITTEE MOTIONS AND PRECEDENCE**

Seconding a Motion: All motions in committee must receive a second before being put to a vote. [Senate Rule 2-5.1] An appeal from the ruling of the chair must be seconded before it is entertained. [Senate Rule 2-6.2]

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

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 [Senate Rule 2-5.3]

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 passes, the bill or resolution is considered unfavorably reported. A committee report on such recommendation must be filed and the legislation may not be taken up by the full Senate. [Senate Rule 2-5.2]

## GEORGIA SENATE A GUIDE TO COMMITTEE PROCESS AND PROCEDURE

### REPORTING A BILL OUT OF COMMITTEE

The report of a standing committee is the committee's recommendation to the Senate on a piece of legislation or particular matter referred to it. Every measure reported by a committee must be accompanied by a committee report. 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.

**Note:** If a substitute is offered and amendments are offered to the substitute, the motion in committee shall be 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 committee may move to consolidate all amendments into a substitute and report the bill out by substitute. A separate and specific motion to accomplish this is required. A perfected copy of the substitute must be obtained from Legislative Counsel and submitted with the report before it will be accepted by the Secretary of the Senate.

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 forth in the report. It is the responsibility of the chairman to make sure that the correct substitute or amendment(s) is submitted.
- The report must be signed by the chairman (or person acting as 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 before it is reported out of committee. This information should be written on the bill back in the designated space.

**GEORGIA SENATE**  
**A GUIDE TO COMMITTEE PROCESS AND PROCEDURE**

In addition, the original bill along with the 01 and 02 copies of recommended amendments or substitutes must be submitted 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 committee report form 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. 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 it dissents. [Senate Rule 2-1.6]

**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.