

Senate Committee Operations Resource Guide



INTRODUCTION

This Committee Resource Guide has been developed to assist Senate committee Chairs, Senate committee members, and bill patrons in the execution of their duties. It is designed to provide information about the operation of the Senate Clerk's office and the Senate committee process. It is not a manual but a quick reference to topics associated with the committee process.

We hope that you will find this guide useful in carrying out your duties as a Senator.

STANDING COMMITTEES

The Senate operates with a strong and active committee system. There are ten standing committees and the Rules Committee. The role of the committees is to deliberate and act on legislation referred to the committees. The committees receive feedback from interested parties while deliberating the merits of the legislation.

The composition and procedures of the Committees are set forth in the Rules of the Senate.

The Clerk of the Senate shall refer bills and resolutions to the committees for their consideration. The Clerk bases the referrals on the Rules of the Senate, the Code of Virginia and precedence. See Rule 18 through 19 (h).

I. PRIOR TO COMMITTEE MEETINGS

A. ORGANIZATIONAL MEETING

1. An organizational meeting is held between the Chair and the committee staff to organize the committee.

The committee staff is made up of a Legislative Services staff member and a committee clerk who is appointed by the Clerk of the Senate after consultation with the committee Chair and the Chair of the Rules Committee. (Rule 20 (j))

2. The group meets once, either on the Monday or Tuesday before session.

3. The Chair makes the following decisions:

- a. a day and time for weekly docket meetings
- b. establishing order of members for the roll call and seating
- c. establishing policy regarding AV Presentations and Teleconferencing
- d. whether to establish regular subcommittees and their membership/meeting times

(Subcommittees shall not take final votes and shall only make recommendations to the Committee.) (The Chair of the full committee shall be an ex officio member of all subcommittees and entitled to vote, but shall not be counted as a member for purposes of a quorum.) (Rule 20 (k))

- e. what extra information Legislative Services staff should list on the Chair's docket
4. Following the organizational meeting, the committee clerk will:
 - a. prepare the roll call
 - b. reserve rooms for subcommittees, if necessary

B. DOCKET MEETINGS

1. The Chair conducts a docket meeting with the committee staff weekly, on a regular day and at a regular time, at least two days before each weekly committee meeting.

2. Staff presents the Chair with a list of legislation in the committee.

3. The Chair decides:

- a. which legislation goes on the docket for the next meeting
- b. which legislation goes to a subcommittee or if a new subcommittee needs to be created (Rule 20 (k))
- c. which legislation may need amendments or a substitute
- d. whether or not a public hearing will be necessary

- The committee Chair must decide whether to hold a public hearing and, if so, whether it will take place during a regular committee meeting or at another time. The Chair will also determine if extra security is needed.

- Public hearings, if held outside of the regularly scheduled committee meeting time, require the approval from the Chair of Rules.

- Notice of public hearings will be published in the Senate Calendar (in a special "box" as well as in the meeting schedule) and on the Legislative Information System (LIS) meeting schedule.

4. Following the docket meeting the committee clerk will:

- a. create the docket, email an e-bill book link to members and post the docket on LIS
- b. notify patrons of legislation on the docket via an orange card (delivered to the member's office) and email

II. COMMITTEE MEETINGS

A. BEGINNING OF MEETING

1. The Chair calls the committee to order.
2. The Chair asks the committee clerk to open the roll to establish a quorum. A member may not leave a proxy before the roll is called and a quorum is established. (Rule 20 (e))
3. The Chair makes any announcements regarding the meeting or any specific order of business.
 - a. At the first meeting of the committee, the Chair should introduce the staff and pages assigned to the committee.
 - b. The Chair may also announce other preliminary matters of how the committee/subcommittees will operate. (no power points or teleconferencing)
 - c. The Chair may also announce subcommittee assignments for committee members.

B. CALL OF LEGISLATION

1. Patron Sign Up
 - a. The Committee clerk will provide a sign up tablet for patrons 30 minutes prior to the meeting. (this is done in the committee room and legislative assistants may sign up for patrons).
 - b. Traditionally, the Chair determines the order in which bills will be heard, based in order of the sign up sheet and not in order of the docket.
 - c. If a patron must leave before presenting their bill, the committee clerk will notify that patron's office prior to their bill being heard.
2. Presentation of Legislation
 - a. The Chair announces the bill number and asks the patron to present the legislation.
 - b. After the patron's presentation, the Chair should ask if anyone else would like to speak to the legislation.
3. Rules of Committee Decorum
 - a. The Chair sets the tone for the committee realizing that every bill is important to someone.
 - b. All presenters should be treated with courtesy and made to feel comfortable while giving testimony.
 - c. The Chair may set time limits or other restrictions on the consideration of bills with consideration given to the time restraints of the committee.
 - d. The Chair ensures that the discussion does not become a running debate.
 - e. All questions and follow-up questions shall go through the Chair.
 - f. If the Chair is the patron of the legislation to be considered, he/she shall pass the gavel while presenting, only reclaiming the gavel after the committee has voted on the legislation.
 - g. No one shall be allowed behind the committee dais except for legislators and Clerk's office staff. Legislative assistants and others should not approach a member on the dais. They should wait at the end of the dais until the member can speak with them.
4. Amendments and Substitutes
 - a. A committee member may offer an amendment to a bill or resolution.
 - b. If a patron or committee member needs an amendment drafted, the request should be forwarded to the DLS staff person as soon as possible.
 - c. After a bill or resolution is amended and reported to the Senate, the Committee Clerk will process the amendment. It is entered into the Legislative Information System (LIS) which makes the amendment available for the Senate Calendar and the public.
 - d. A committee may amend a bill to the extent it would be impractical to consider the large number of amendments on the Senate floor, in which case, the legislation is reported as a substitute. The legislation will be redrafted to include the amendments approved by the committee and then reprinted. Substitutes are drafted by the Division of Legislative Services staff.

B. CALL OF LEGISLATION (continued)

5. Voting (For proper motions see page 6)

- a. The Senate Rules state that a vote must be taken on each measure considered by the committee unless otherwise stated in the Rules. Each Senator who is present at the time that a vote is called shall cast a vote. A Senator may vote “yea” in the affirmative, “nay” in the negative, or “abstain.” If a Senator has a conflict of interest in the particular bill or resolution, the Senator should abstain.
- b. Prior to the vote, the Chair states the motion before the committee.
- c. Votes will be recorded if required by the Rules of the Senate. (Rule 20 (d))
- d. After a committee member makes a motion, the Chair will ask the members to vote by using their voting machines or by a voice vote.
- e. The Chair may use the committee clerk as a resource regarding the status of any motion. Any question regarding parliamentary procedure will be referred to the Clerk of the Senate.

6. Re-referrals and Re-committals

- a. A committee may re-refer a bill to another committee if the committee of origin decides that another committee may have jurisdiction of that bill pursuant to Senate Rule 20 (m) or 20 (n). If the originating committee makes any changes to the bill, the committee shall report and re-refer the bill.
- b. The receiving committee may include those changes or may offer other amendments or substitutes as part of their recommendation.
- c. A bill may also be re-referred from the floor of the full Senate by a vote of the Senate.
- d. A bill may also be recommitted to the committee of origin, pursuant to Senate Rule 28 (a), by a vote of the Senate. The title of the bill must be read twice before the bill can be recommitted. If the bill is reported from the committee a second time it will be restored on the calendar to the status it had prior to being recommitted.

7. Proxies – Rule 20 (e)

- d. A member may not leave a proxy before the roll is called and a quorum is established.
- e. Members may use the voting machine to leave a proxy.
- f. A committee member who must leave the meeting shall inform the Chair and the clerk of the proxy authority before departing.
- g. Proxies are not transferable.

8. Reconsideration – Rule 48 (b)

- a. The committee must still have possession of the bill.
- b. The member who makes the motion must have voted on the prevailing side.
- c. A motion to reconsider a bill the first time needs a majority vote.
- d. A motion to reconsider a bill after the next meeting needs unanimous consent.
- e. A motion to reconsider a bill the second time needs a unanimous consent.

C. DIVISION OF LEGISLATIVE SERVICES

1. Drafts legislation
2. Drafts amendments and substitutes
3. Advises members on constitutionality of proposed legislation

D. PAGES

1. During the meeting, the page sits at the end of the clerk's table and is available to run errands as directed by a senator or the committee clerk (frequently this involves making copies, sharpening pencils, getting coffee, etc.).
2. Pages may be dismissed from the committee when certain topics are discussed.

E. END OF MEETING

1. The Chair adjourns the meeting.
2. Committee staff reviews votes and motions to ensure accuracy.

F. ENTERING THE COMMITTEE VOTE INTO THE LEGISLATIVE INFORMATION SYSTEM (LIS)

1. Immediately after the meeting, the committee clerk enters the votes for each piece of legislation into the LIS system. Votes are then accessible for creation of the Senate Calendar and to the public.
2. Once the meeting is adjourned, a committee member who wishes to correct a vote may only do so prior to the vote being entered into the LIS system.
3. A member may only correct a vote if it does not affect the outcome of the bill.
4. The committee clerk will create and distribute copies of the Chair's Report to Chamber desk staff to create the calendar.

III. MOTIONS IN COMMITTEE

A. RECORDED (Each member's vote is recorded by the committee clerk.)

Included in the history of the bill on LIS

1. Report
2. Report with amendment(s)
3. Report with a substitute
4. Report with a substitute with amendment(s)
5. Report and re-refer to another committee (with or without amendment(s) or substitute)
6. Re-refer (without reporting) to another committee
7. Incorporate into other legislation
8. Pass by indefinitely
9. Pass by indefinitely with letter -- (Rule 20 (o))*
10. Strike at request of patron or Strike from the docket
11. Continued (only during even-numbered years) -- Rule 20 (f)

Not included in the history of the bill on LIS

1. Reconsider (Rule 48 (b))
 - a. The committee must still have possession of a bill.
 - b. The member who makes the motion must have voted on the prevailing side.
 - c. A motion to reconsider a bill the first time needs a majority vote.
 - d. The motion needs unanimous consent if it is the second reconsideration of a motion.
 - e. The motion needs unanimous consent if it is after the next meeting.
2. Pending Question (used to end debate - Motion is not debatable.) (Rule 34)
 - a. A member moves the pending question.
 - b. No debate is allowed on motion for pending question.
 - c. The Chair immediately calls for vote on moving the pending question.
 - d. If the motion passes, then the Chair calls for vote on motion.
 - e. If motion fails, then discussion continues on motion.
3. Previous question (calls for primary motion instead of substitute motion - Motion is not debatable.) (Rule 35)
 - a. A primary motion is made.
 - b. A substitute motion is then made.
 - c. The committee discusses the substitute motion.
 - d. A member then moves the previous question.
 - e. No debate is allowed on the motion for the previous question.
 - f. The Chair immediately calls for a vote for the previous question.
 - g. If the motion is agreed to, the Chair then calls for a vote on previous motion.
 - h. If the motion fails, then the committee may continue to discuss the substitute motion.
4. Passed by for the Day

B. VOICE VOTE (Each member's vote is not recorded by the committee clerk, unless directed by the Chair.)

1. Adopt an amendment(s)
2. Adopt a substitute

*Pursuant to Senate Rule 20 (o) a committee may refer the subject matter of a bill or resolution to any agency, board, commission, council, or other governmental or nongovernmental entity for comment, but the bill or resolution shall remain with the Committee. The Chair of the Committee shall direct the Clerk of the Senate to prepare the appropriate letter and the action of the Committee shall be made available to the public. This committee action is recorded and entered into the LIS system using the motion "Pass by indefinitely with Letter."

IV. CHAMBER FLOOR

A. COMMITTEE REPORTS

Committee reports will be delivered by the Committee Clerk to the Chamber Desk. The legislation from morning committees will be printed on the next day's Senate Calendar. The legislation from afternoon committees will appear on the Senate Calendar in two days.

B. CALENDAR

1. Reported legislation is delivered to the Chamber Desk, where desk staff will create the Senate Calendar. Per Senate Rule 25 (b), bills are divided between Uncontested Calendar (Committee votes with no negative votes or abstentions) and Regular Calendar (Committee votes with at least one negative vote or abstention). Senate Bills are usually placed in numerical order under the appropriate calendar on First Reading. House bills are usually placed in numerical order under the appropriate calendar on Second Reading. Bills that may have been recommitted or re-referred from the floor will retain the reading at the time the bill was recommitted or re-referred.
2. Senate amendments and substitutes on legislation will appear on the Senate Calendar on Second Reading. Amendments and substitutes on House legislation will appear on the Senate Calendar on Third Reading.

C. MOTIONS ON THE FLOOR

1. On Senate bills, the patron of the bill makes motions on the bill on the floor. The patron should always be prepared to explain the bill, a committee amendment or a substitute.
2. On House bills, the Chair of the committee to which the bill was referred makes motions on the bill. If the Chair voted in the negative on the bill the Chair needs to appoint the next senior committee member to make motions on the bill.
3. If the House of Delegates has rejected a Senate amendment or substitute to a House bill, the Clerk's desk staff will notify the appropriate Chair of the motion.
4. If Senate legislation is returned from the House of Delegates with amendment(s) or with a substitute, the patron makes the motion to accept or reject the House's change. The Patron should be prepared to explain what the House change does to the Senate legislation.
5. Pursuant to Senate Rule 39 (a), the Chair of the committee to which the bill was first referred appoints conferees. The chief patron shall be appointed to the conference committee. A conference committee form will be provided by Clerk's desk staff. It is customary for the first person named from the Senate on the conference report to handle the explanations and motions of the conference report.
6. The patron of a Senate bill that has been returned with Governor's recommendations (amendments or substitute) makes the motion on the consideration of the recommendations. The Chair of the Senate committee that first heard the House legislation makes motions on the Governor's amendments or substitutes to House bills. Explanations of Governor's action (amendments, substitute or veto) are usually provided to the Senate by the Governor's Office.

D. COMMITTEE MEETINGS ON THE FLOOR

1. Due to timing, it is sometimes necessary for the Chair to call a committee meeting at the Chair's desk.
2. The Chair shall get clearance to hold a meeting from the Rules Chair.
3. As soon as possible, the Chair should alert the desk staff a meeting will take place.

V. INTERIM

A. APPOINTMENTS

1. Following adjournment *sine die*, committee operations staff researches legislation to determine appointments to the various joint subcommittees and/or commissions.
[The existing commissions and studies are also researched for any vacancies.]
2. Information on appointments is then compiled for consideration by the Committee on Rules and at the Chair's direction that information is sent to all members of the Senate via a link to the appointments website.
3. Members can recommend people they feel are qualified to serve or ask to be appointed themselves where applicable.
4. The Committee on Rules will hold a meeting and, if they desire, fill new and vacant appointments.
5. The Clerk will send a letter as to your appointment to a joint subcommittee or commission.
6. Committee Operations maintain files on all commissions and studies.
7. The Clerk's Office maintains a listing of all committees, commissions and subcommittees on which members serve.

B. INTERIM MEETINGS

1. Senate Committee Operations provides administrative staff for certain studies as assigned by legislation passed by the General Assembly.
2. Senate Committee Operations, after consultation with the Chair of a Joint Subcommittee or Commission will:
 - conduct a polling with suggested meeting dates and times
 - report the results of the polling to the Chair and legal staff
 - locate a venue and reserve a meeting room
 - distribute meeting notices, press releases and reminders to members of the committees, the public, and news media
 - distribute and collect expense vouchers and deliver completed vouchers to the Senate Fiscal office
 - maintain database for the purposes of sending notices, reminders and press releases regarding interim meetings (database consists of legislative members, agency representatives, and interested parties)
3. All legislative meetings are subject to the provisions of the Freedom of Information Act (FOIA), which has provisions regarding:
 - public notices
 - electronic meetings
 - see page 10 for rules regarding Executive Session

VI. OTHER ITEMS OF IMPORTANCE

A. RULES ON BILL REFERRAL

1. The Clerk of the Senate shall refer the bills to each committee based on the descriptions set out in Rules 18 (a) – 19 (a).
2. If there is any objection as to the referral by the Clerk of the Senate of any bill or resolution to any standing committee or any matter relating to the Office of the Clerk, the Committee on Rules shall hear the same, resolve the issue and report to the Senate. – Rule 19 (b)
3. Any bill sent down by the Governor whose principal objective is taxation or to establish a special fund shall first be referred to the committee which has jurisdiction of the subject matter. – Rule 20 (n)

B. ATTENDANCE OF WITNESSES; PRODUCTION OF EVIDENCE (Code § 30-10)

When the Senate or House of Delegates, a joint committee or commission thereof, or any committee of either house authorized to send for persons and papers, shall order the attendance of any witness, or the production of any paper as evidence, a summons shall be issued accordingly by the clerk of such house, directed to the sheriff or other officer of any county or city, or the chief officer of the Virginia Capitol Police, or his designee, and, when served, obedience thereto may be enforced by attachment, fine and imprisonment in jail, at the discretion of the house which, or the committee of which, caused the summons to issue, or in the case of a joint committee or commission, at the discretion of such joint committee or commission or as the two houses may determine by joint resolution.

C. CONTINUED BILLS

1. Continued bills, also known as carry-over bills, are bills that committees have chosen to delay action on until the next year. Bills may be continued from a session in an even numbered year to the following session in an odd numbered year. See Rule 20 (f).
2. The committee may hold hearings during the interim regarding any continued legislation. Committees have to act on continued bills by a date specified in the scheduling resolution that is adopted at the beginning of each session.
3. The Senate may recommit a bill from the floor to the reporting committee with the instructions to continue the bill for such hearings and study as the Committee may deem proper.
4. At the end of session in the even numbered year, the Committee Operations staff will compose a letter for the signature of the Chair of the continued bills in that committee. The letter then will be entered into the Senate Journal.

D. PRESS COVERAGE

The Rules for the press in committee rooms are similar to those for Senate floor sessions:

1. Photographers may only set up in designated areas.
2. During meetings the press should not conduct interviews with members in the committee rooms.
3. Press shall not block the aisles or block a member's view of the podium.
4. Press shall not use additional lighting (including flash) in committee rooms.
5. Press shall not block committee staff's access to members.

E. EXECUTIVE SESSION

1. All committee meetings shall be held in public. See Rule 20 (d).
2. Committees may hold closed meetings for the following purposes:
 - a. The protection of the privacy of individuals in personal matters not related to public business
 - b. Consultation with legal counsel pertaining to litigation
 - c. Disciplinary action against a Senator
3. Please refer to Code Section 2.2-3711 for other reasons for executive session.
4. The procedure for a committee meeting to go into executive session is cited in Code Section 2.2-3712.

F. AUDIO/VISUAL EQUIPMENT

1. All A/V usage must be approved in advance by the Chair.
2. The Senate also has amplification equipment available for individuals during committee meetings.
3. Interpreters for the hearing impaired can also be arranged through the Committee Operations office with at least 24 hours notice.

G. ROOM RESERVATIONS

Room reservation requests should be made through the Senate Clerk's Office. 804.698.7400