

COMMITTEE CLERK

BACKGROUND

A committee clerk staffs a standing committee. The legislative rules establish 11 standing committees in each house. The name of the committee identifies the general jurisdiction of the committee. The jurisdiction is important because bills and resolutions are referred to the appropriate standing committee for a hearing.

Any member, a standing committee, or the Legislative Council may introduce bills and resolutions. The Legislative Council staff approves bills and resolutions before introduction in the appropriate chamber. The bill clerk of the appropriate chamber receives each bill or resolution from the sponsor and numbers the item. The presiding officer then refers the bill or resolution to a standing committee for public hearing. Each day new bills and resolutions with their committee of referral are listed on the legislative calendar under **Bills and Resolutions Introduced**.

Through December 10 before a regular legislative session, any state agency may request that a bill or resolution be introduced by a standing committee. These bills and resolutions are commonly known as "agency bills" and constitute the majority of what are commonly known as "prefiled bills."

Prefiled bills are given numbers and referred to appropriate standing committees between the organizational session in December and the start of the regular session in January. Each chief committee clerk has a list of prefiled bills and the committee referrals. All prefiled bills and the committee referrals appear on the first day's legislative calendar under **Bills and Resolutions Introduced**. The Legislative Assembly is composed of two houses--the House of Representatives and the Senate. After the general election (in each even-numbered year), the Legislative Assembly meets in December to organize, adopt rules, and appoint committees. The Legislative Assembly then convenes in regular session in January of each odd-numbered year. During the legislative session, bills are introduced to appropriate funds for the support of government and to amend or enact laws governing the people of the state.

All bills that are introduced are referred to a standing committee. Each house has 11 standing committees, named for the general subject matter of assignments to that committee. One committee (Appropriations) meets Monday through Friday, five committees meet Monday through Wednesday, and five committees meet Thursday and Friday. Each committee holds hearings on every bill referred to the committee and reports back to the House or the Senate on the committee's recommendation on that bill.

Each committee is assigned a committee clerk. The committee clerk is responsible for safekeeping the bills referred to the committee, working with the committee chairman to schedule hearings on the bills, preparing committee hearing schedules, notifying various individuals of scheduled hearings, preparing three-ring binders containing copies of bills for committee members, preparing the committee meeting room, distributing the binders and other materials to committee members in the committee room, taking minutes of the hearings, preparing the minutes, preparing amendments to the bills as recommended by the committee, and preparing the committee reports on the bills.

WORKING HOURS

During the legislative session, a committee clerk must start work early enough on the days the clerk's committee meets to properly prepare the hearing room. On days the committee does not meet, the normal workday begins at 8:00 a.m. and normally ends at 5:00 p.m. However, if a committee chairman schedules late afternoon or evening committee meetings or if the House or Senate holds evening sessions, affected committee clerks must be available. A chairman's habits and hours have a tremendous influence on the hours a committee clerk works. The normal workweek is Monday through Friday. If the Legislative Assembly meets on weekends, those days are also workdays.

ESSENTIAL FUNCTIONS

The essential functions of a committee clerk are to prepare for committee meetings, track bills and assist the chairman in scheduling committee hearings, prepare and arrange for committee hearings, perform the procedures necessary for recording the events occurring during committee hearings, prepare committee reports and amendments, and prepare minutes of committee meetings and hearings.

ESSENTIAL SKILLS AND ABILITIES

The essential skills and abilities of a committee clerk are to perform the essential functions and the general and specific responsibilities as described in this job description.

GENERAL RESPONSIBILITIES

A committee clerk's first responsibility is to the chairman of the committee. When members are appointed to each committee, the first person named serves as committee chairman. Each committee clerk should read and understand the rules in the legislative rules and committees book with regard to standing and conference committees and the accuracy and proper form of minutes, reports, forms, and amendments and should perform any other tasks the committee chairman or the Legislative Assembly requires.

SPECIFIC RESPONSIBILITIES

A. Preparation

At the beginning of the session, the committee clerk should obtain all necessary supplies for the clerk's desk and for the clerk's committee room. (These supplies will be available in the joint supply room and the committee clerks' work areas.) The supplies include:

1. Tape recorder, microphones, and tapes.
2. Bill books--one for each committee member, one for the intern, and one for the clerk. A label should be prepared for each book identifying the committee. Each legislator's bill book should also be labeled with the legislator's name.
3. Gavel and block.
4. Pens and pencils.
5. Wire basket for carrying supplies to and from the committee room.
6. Forms for attendance, roll call votes, sponsor notification, standing committee reports, witness registration sheets, and envelopes for tapes.
7. Paper clips, large and small.
8. Scotch tape, Scotch tape dispenser.
9. Stapler, staples.
10. Rubberbands.
11. Ruler.
12. Scissors.
13. Markers.
14. Glue stick.

B. Tracking and Scheduling

The committee clerk must check the ~~calendar~~ journal daily to see what bills have been referred to the clerk's committee. This information can be found under **Bills and Resolutions Introduced FIRST READING**.

The committee clerk must keep a record of each bill referred to the committee. This record must contain the bill number, a brief description of the bill, the hearing date, and committee action and must identify the committee member who is to "carry" the bill on the floor. (see Appendix A for an example of this kind of record)

The record of bills referred to the committee can be used by the committee chairman and the clerk to schedule public hearings. The committee clerk must inform the chairman of every bill and resolution referred to the committee and of when the hearing schedule must be delivered to the chief committee clerk. (see Appendix B)

C. Committee Hearing Preparation

The committee hearing schedule is the joint responsibility of the committee clerk and the committee chairman. Once the schedule has been set, it is the responsibility of the clerk to:

1. Enter the schedule in the committee hearing schedule system. Print the schedule from the committee hearing schedule system and give a copy of the schedule to the chief committee clerk. The chief committee clerk delivers copies of all schedules to Central Services.

2. Make sure all arrangements are made for a larger hearing room with the Chief Clerk of the House or the Secretary of the Senate when a larger room is needed.
3. Notify the committee members.
4. Notify the sponsors of the bill. Except for a state agency outside the Capitol, complete the notification form. (see Appendix C) Hand deliver the form to the legislator's desk on the floor, the Legislative Council office, or the state agency, as appropriate. Notification of a hearing is given to all sponsors of a bill at least one day before the hearing.

If a bill is introduced by the Legislative Council and identifies an interim committee, notify the Legislative Council staff member who staffed the interim committee and notify the chairman of the interim committee. If that person is no longer a legislator, contact the vice chairman. If the vice chairman is unavailable, notify another member of the interim committee.

If the bill is introduced at the request of a state agency, notify that agency. If the agency is outside the Capitol, telephone that agency and keep a record of the time and date.

5. Check the tape recorder before each hearing to make sure it is working properly; have enough tapes available to record the entire hearing, even if it goes past the regularly scheduled time.
6. Arrange for beverages and snacks for the committee members each hearing day. This subject is discussed the first time the committee meets. The committee chairman usually asks members for contributions so the clerk can purchase items for the coffee breaks. It is the responsibility of the clerk to make the necessary arrangements.
7. Pick up the ~~original covered~~ bills from the bill clerk before the committee hearing. The committee cannot act on a bill unless the ~~original covered~~ bill is in its possession. It is imperative that the committee clerk always knows where the ~~original covered~~ bill is. ~~Original Covered~~ bills are not to be written on or given to anyone. After being checked out from the bill clerk, ~~original covered~~ bills remain in the custody of and become the responsibility of the committee clerk.
8. Check the bill cover of the bills to be heard in committee. A **yellow** cover signifies an ~~original a~~ Senate bill without amendment. An **orange** cover signifies an engrossed Senate bill which means the Senate has amended the original bill. A **tan** cover signifies an original Senate concurrent resolution without amendment. A **buff** cover signifies an engrossed Senate concurrent resolution which means the Senate has amended the original resolution. A **light blue** cover signifies an original Senate resolution without amendment. An **ivory** cover signifies it is an engrossed ~~a~~ Senate resolution which means the Senate has amended the original resolution.

A **blue** cover signifies an original ~~a~~ House bill without amendment. A **green** cover signifies an engrossed House bill which means the House has amended the original bill. A **gray** cover signifies an original House concurrent resolution without amendment. A **red** cover signifies it is an engrossed House concurrent resolution which means the House has amended the original House concurrent resolution. A **pink** cover signifies an original House resolution without amendment. A **rose** cover signifies it is an engrossed ~~a~~ House resolution which the House has amended.
9. Go to the bill and journal room and obtain copies of the bills that have been referred to the committee. Place one copy of each bill in each committee member's bill book.
10. ~~Place amendments to bills and resolutions~~ Go to the Legislative Council office and obtain a copy of engrossed bills and resolutions that have been referred to the committee, photocopy the number of copies needed for each committee member's bill book and the prime sponsor, and place the copies in the appropriate place in each committee member's bill book and provide a copy to the prime sponsor.
11. Place a copy of the fiscal note in front of the corresponding bill in each committee member's bill book. If the front of the ~~original covered~~ bill is stamped with **Fiscal Note Required**, but no fiscal note is attached, check with the Legislative Council staff.
12. Prepare the hearing room a day before the hearing by putting out bill books and nameplates and by posting hearing schedules on the board outside the hearing room and on the lectern.
13. Enter any changes regarding hearing schedules in the committee hearing schedule system.
14. Prepare a listing of the bills scheduled for the day and the times and provide a copy to the committee chairman before the meeting starts. (see Appendix D)

15. Take the following items to the committee hearing:
 - a. Bill books. Set at each member's place.
 - b. Clerk's bill book.
 - c. Notepads. Always take one extra. Furnish committee members with a notepad and pen to keep in their bill books.
 - d. Tape recorder and tapes. Always take extra tapes.
 - e. Pens and pencils.
 - f. Paper clips.
 - g. Folder for handouts, written testimony, or amendments.
 - h. Nameplates for committee members and a block and gavel for the chairman (these items are furnished and may be kept in the committee room).
 - i. Minutes from past hearings (these should be in the committee clerk's bill book).
 - j. Paper punches. Two should be picked up at the beginning of the session and left in the committee hearing room.
 - k. Witness registration sheets, a clipboard, and a pen. This should be put on the lectern so that each witness can complete the information requested.
 - l. Original bills.
 - m. Committee attendance sheets.
 - n. Committee roll call vote sheets. Always take extra.

D. Hearing Procedures

1. Tape recordings and notes

Record every committee meeting, including conference committee meetings, and be sure to take enough tapes and their storage envelopes. Prepare handwritten notes and type them as minutes. (Every effort should be made to take good notes, thus avoiding the need to listen to each entire tape. Follow the memorandum from Legislative Council regarding labeling of tapes and their storage envelopes.)

2. Attendance

Take attendance at the start of each hearing. The attendance sheet provides the space to record the roll for several meetings. (see Appendix E)

3. Reading the bill

Read the ~~original~~ covered bill and its fiscal note as the chairman requests. The chairman decides whether to read or assign that task to the clerk or to dispense with the reading altogether. NOTE: If a fiscal note is required, the bill will be stamped to indicate one is needed. Be sure the fiscal note is attached to the ~~original~~ covered bill. A bill cannot be heard without the fiscal note attached. (see Appendix F)

4. Testimony

See that witnesses fill out the registration sheet provided at the lectern. (see Appendix G) The chairman may want to remind the witness to fill out the registration sheet and to turn in any written testimony. Get copies of any written testimony from witnesses. Proposed amendments may be submitted by witnesses. If not indicated on the testimony or amendments, mark on the testimony or amendments the bill number, the date, and name of the person submitting the testimony or amendments.

5. Roll call vote

Record the roll call vote when any action is taken on a bill following testimony and discussion. Be sure to indicate if an amendment passed with the bill, e.g., "Do Pass As Amended." On the roll call vote form fill in the blanks next to each name with "aye," "nay," or "AB" if the member is absent. Roll call vote forms are prepared for each bill. After placing the name of the committee and the names of the legislators on a master roll call vote form, make enough copies for your use. (see Appendix H) Record the vote on each bill and on each amendment. It is extremely important that this be done correctly and accurately because

the vote for each bill is recorded at the front desk and ends up in the journal as the official record. Number roll call vote forms in the appropriate space. These numbers aid persons who research committee action.

E. After the Committee Hearing

1. Preparation of the standing committee report

Prepare the standing committee report immediately following final action on a bill in committee. (See Appendix I for examples of the "menus" for preparation of the report by use of the on-line system) Complete the reports for those bills that have a "Do Pass," "Do Not Pass," or "Be Placed on Calendar Without Recommendation" first and deliver to the front desk as soon as possible. Prepare reports for bills with amendment last unless otherwise instructed by the chairman.

2. Number of copies and distribution of standing committee report

- a. Deliver to the front desk four copies of the report for a bill without amendment. Also make a copy and insert it in your bill book.
- b. Deliver to the front desk six copies of the report for a bill with amendment and six copies of the amendments. Also make a copy and insert it in your bill book. It is important that standing committee reports be completed as soon as possible after the committee hearing. This allows bills to be promptly turned in to the front desk and placed on the calendar for floor action.
- c. Attach one copy of the standing committee report and one copy of the amendments to the ~~original~~ covered bill when making deliveries to the bill clerk at the front desk. NOTE: When checking the calendar for your committee's bills that will be heard on the floor that day, send a note that morning reminding the carrier (and chairman if requested) that the bill is on the calendar. Indicate the bill number, the carrier, and order scheduled on the floor. (see Appendix J)

3. Amended bills - Proper headings

Prepare the amendments to go with a standing committee report. The committee clerk is primarily responsible for preparation of the amendment; however, the Secretary of the Senate, the Chief Clerk of the House, the intern, and the Legislative Council staff are all sources of assistance. The legislative drafting manual shows examples of amendments in proper form.

Once prepared, a copy of the amendment and a copy of the standing committee report should be attached to the ~~original~~ covered bill and taken to the Legislative Council staff for form and style approval by the persons responsible for engrossing and enrolling bills.

After the amendments have been approved, the committee clerk makes copies and attaches the copies to the standing committee report. Reports and amendments then are attached to the ~~original~~ covered bill and delivered to the front desk. (The requirements for attaching amendments to the standing committee report and the ~~original~~ covered bill may vary from session to session. The chief committee clerk should inform the committee clerks of the proper procedures at the beginning of the session.)

All Senate bills and resolutions amended by the Senate and all House bills and resolutions amended by the House must be engrossed before second reading and final passage. When a bill or resolution is engrossed, all the amendments adopted by the respective house are inserted in their proper places. The engrossed version then becomes the official version of the bill. ~~Copies are not printed and available in the bill room unless so ordered by the House or Senate. An engrossed Senate bill has an orange cover and an engrossed House bill has a green cover.~~ Any bill or resolution amended more than once becomes a reengrossed bill. Thus, a bill or resolution can have one of three designations:

- a. Original (not engrossed).
- b. Engrossed.
- c. Reengrossed.

When proposing amendments to a bill or resolution that has not been engrossed or reengrossed, the heading of the first page of the amendments should be:

PROPOSED AMENDMENTS TO SENATE BILL NO. 2001

When proposing amendments to a bill or resolution that has been engrossed, the amendments must be made to the engrossed version. The heading of the first page of the amendments should be:

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2001

When proposing amendments to a bill or resolution that has been reengrossed, the amendments must be made to the reengrossed version. The heading of the first page of the amendments should be:

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2001

F. Divided Committee Reports

If the members of a committee cannot agree upon a recommendation, the majority and minority positions may each submit a special report. Also, any committee member or members dissenting, in whole or in part, from the reasoning and conclusions of both the majority and minority may also present a minority report. In these instances the committee clerk must prepare divided committee reports. (see Appendix I for examples of "menus" for preparation of the report by use of the on-line system)

A divided standing committee report is slightly different from the usual standing committee report--both the majority and minority report must contain the actual signatures of the majority and minority. The committee clerk retains the copy containing the signatures. The recommendations from both the majority and minority will be the same as on a standing committee report.

The bill with all reports is placed on the seventh order of business. In such a case the lead minority legislator moves that the minority report be substituted for the majority report.

G. Recording Minutes

Start working on the minutes once the bills have been delivered to the front desk for a particular day. Remember that the minutes **are not** an exact transcript of the hearing. They should be a summary of the proceedings which reflects the intent of the bill, the intent of the individuals testifying, the intent of the amendments, if any, and the wishes of the committee. Minutes are prepared by using your personal computer and its word processing software. (see Appendix K for examples of minutes format) Print and place a copy of completed minutes in the Legislative Council basket provided in the committee clerks' offices. Deposit the tapes in the appropriate basket for tapes. The Legislative Council staff picks up these records once a day. Also place a copy of the minutes in your own bill book.

1. Preparation

Use notes taken during the hearings in addition to tapes to prepare minutes. This information must be placed in the appropriate document format: tape number and the meter setting, bill number, the committee name, and hearing dates. The text of the minutes must include the names of witnesses and the organizations they represent, whether witnesses are proponents or opponents, and a brief summary of the testimony. (If testimony is furnished, rather than keying it, key "written testimony attached" in parentheses.) If action is taken on the bill, also include the motion, roll call vote, and the carrier of the bill.

2. What to attach to minutes

Label everything that goes with the minutes for a particular bill to avoid later confusion.

Keep a set of minutes and copies of items listed below by bill number within your bill book. At the end of the session, committee clerks' bill books are used by the Legislative Council staff as a crosscheck against the books on file with the Legislative Council so the final record is accurate and complete.

When preparing minutes, attach copies of the following:

- a. Fiscal notes. If there is a fiscal note attached to ~~an original~~ a covered bill, a copy must be kept with the minutes. A copy should also be included in the bill books for committee members.
- b. Attendance sheet.
- c. Witness sheet.
- d. Prepared testimony.
- e. Proposed amendments.
- f. Roll call vote.
- g. Standing committee report.

3. Labeling and depositing tapes and minutes

Tapes - To ensure uniformity and provide improved access, on each tape as well as on the tape case, please note the following:

- a. Committee name (i.e., Senate Judiciary).
- b. Hearing date.
- c. Bill numbers.
- d. Tape number.

Number tapes each hearing day beginning with number 1. To facilitate use of the tapes, indicate in the minutes the appropriate tape number, side, and the meter setting where discussion begins for that particular bill.

Envelopes - Envelopes are available in the committee clerks' offices. (see Appendix L) Use a new envelope each day. On the next hearing day, begin with new tapes and a new envelope. Each day's tape should begin with the number 1. Complete the information requested on the envelope and place the tapes inside. When finished with each day's minutes and tapes, place a copy of the minutes, along with the tapes in their respective envelope, in the baskets labeled for that purpose. If you need to refer to the tapes later, contact the Legislative Council staff.

H. Conference Committees

When a bill or resolution has passed the house of origin, it is presented to the opposite chamber for consideration. If the other house amends that bill or resolution, the measure is sent back to the originating house to concur or not to concur in the amendments. When the originating house does not concur, it notifies the other house and requests appointment of a conference committee. When the originating house makes that request, the other house appoints members to meet with members of the originating house. Each house appoints the same number, usually three.

The members appointed from each house form separate committees with the first named in each instance being chairman. The two chairmen set a time and place for the conference committee to meet. Any agreed-upon compromise between the two groups must be approved by a majority vote of the members of each committee. Thus, a conference committee does not operate as a single committee but as two sets of conferees.

Conference committee meetings are scheduled as time allows between the House and Senate schedules. The conferees named by their respective chambers are listed in the journal and on the calendar. The committee clerk who clerked the committee that heard the bill in the house of origin serves as the committee clerk for the conference committee. For example, House committee clerks are responsible for conference committees on House bills and Senate committee clerks are responsible for conference committees on Senate bills. Minutes are taken the same as at a regular hearing. A separate conference committee report is completed for the House and for the Senate. The report must include the name of each member of the conference committee who agrees to the report. (see Appendix M for examples of the "menu" for preparation of the report by use of the on-line system) If a member does not agree to the report, simply key "refused to sign" on the appropriate signature line. The front desk force of each house determines how many copies of each conference committee report must be turned in with the bill. Senate bills with conference committee reports are turned in to the Senate bill clerk. House bills with conference committee reports are turned in to the House bill clerk.

A conference committee report can only do the following:

House Bill

1. Senate recede from its amendments.
2. House accede to the amendments.
3. Senate recede from its amendments and House bill be amended.
4. House accede to the amendments and House bill be further amended.

Senate Bill

1. House recede from its amendments.
2. Senate accede to the amendments.
3. House recede from its amendments and Senate bill be amended.

4. Senate accede to the amendments and Senate bill be further amended.

Accede and Recede Clause

Accede means to agree to the other house's proposal; recede means to withdraw from your proposal.

Material to Take to a Conference Committee

1. Six copies of the original bill.
2. If the bill has been engrossed or reengrossed, six copies of the engrossed or reengrossed version.
3. Six copies of the amendments adopted by the opposite body.
4. Tape recorder and tapes.
5. Notepads.
6. Conference committee report forms for each chamber.
7. Attendance and roll call sheets.

ATTACH:13