

DRAFT MINUTES

HOUSE & SENATE INTERIM COMMITTEES ON STATE AGENCIES AND GOVERNMENTAL AFFAIRS Meeting Jointly

January 23, 2014

The Senate and House State Agencies and Governmental Affairs Interim Committees met jointly on Thursday, January 23, 2014, at 10:30 p.m., in Room 171 of the State Capitol.

Members in Attendance

The following committee members attended: Senators Eddie Joe Williams, Chair; Jimmy Hickey, Bryan King, and Bobby Pierce. Representatives Andrea Lea, Chair; Bob Ballinger, Nate Bell, John Catlett, Jim Dotson, Deborah Ferguson, Charlene Fite, Mary "Prissy" Hickerson, Debra Hobbs, Karen Hopper, John Hutchison, Allen Kerr, David Kizzia, Betty Overbey, and Wes Wagner.

Other members attending were: Senators Eddie Cheatham, Linda Chesterfield, Joyce Elliott, and David Wyatt. Representatives Scott Baltz, Mary Broadaway, Les Carnine, Charlotte Vining-Douglas, Dan Douglas, Jeremy Gillam, David Hillman, Joe Jett, Sheilla Lampkin, Homer Lenderman, Stephanie Malone, Mark McElroy, Sue Scott, Mary Slinkard, and Marshall Wright.

The House and Senate Interim Committees on State Agencies and Governmental Affairs were called to order by Senator Williams who recognized Representative Lea for comments.

Consideration to Adopt Minutes

[EXHIBIT B]

Senator Pierce made a motion to approve the December 17, 2013, meeting minutes.

Representative Overbey seconded the motion, and the motion passed.

Discussion of the Role of the Secretary of State's Office Regarding Preparing a Popular Name and Ballot Title for Referred Constitutional Amendments

[EXHIBIT C1 & C2; HANDOUT 1]

Martha Adcock, General Counsel, Secretary of State's Office, referred to Handout 1, and stated based on the Attorney General's opinions and precedent, SOS determined when these resolutions were passed, the last legislative activity for SJR7, SJR16, and HJR 1009, when the final work completed by either house or the senate, that legislative activity occurred before passing sb821, act 1413. So, legislature might have assumed popular names would be prepared created by the AG. he did that for these popular names are the ones provided to sos by ag. popular names on handout are the ones provided by ag's office. Law was that you take the title of the bill, if nothing is designated, so that's what you see here. To publish them with popular name, ballot title, and full text beginning in May, because there is a constitutional requirement to publish for six months.

Williams stated this requires no action from the committee. Matthew Miller agreed.

Review of Committee Comments on the Joint Rules, Section 21, Pertaining to the Joint Committee on Constitutional Amendments

Jennifer Waymack, Staff Attorney, Bureau of Legislative Research, been compiling suggestions from members of joint committee concerning ways to improve the efficiency of the Joint Committee on Constitutional Amendments. She referred to Exhibit D and stated the first issue to address is

- the date and regularity of meetings. Suggested to set date of first meeting by rule, then set regularity of meetings. Can allow within rule change for suspension of those rules to meet more or less often if needed.
- Early in session chairs meet with joint committee to refresh committee on rules and provide guidance of procedural policies preferred by the chairs

- Shell resolutions and when they should be filled in. this would have to be changed in house and senate rules as well as joint rules. Ideas are to prohibit filing shell resolutions altogether, require they are filled in before first meeting to be considered, and to be filled in within a set number of days after filing deadline.
- Order committee addresses resolutions presenting constitutional amendments – address in order they are filed. If member is not resending resolution at time scheduled, they drop to end of agenda. If a member passes three times, the resolution becomes inactive.
- How many resolutions presenting constitutional amendments are referred to body of general assembly. Historically house and senate alternated in sessions as to who has two and who has one. Also presented, house and senate each get one amendment and forfeit the third, might bring that back with vote of members. Also, each side gets three, joint committee votes on which ones to send to general assembly.

Nothing requires or limits joint committee to send only three to the general assembly, but constitutional considerations if you send more than three. Constitution says ga cannot send more than three to the people, but also says an amendment that receives a majority vote, must be sent to the people.

Matthew Miller said you can refer a fourth amendment to the people – referring to salaries of the general assembly and elected constitutional officers – narrow category. Addresses only salaries for constitutional officers and ga.

Bell - Plain language says no more than three amendments should be proposed or amended at the same time. You would have to pull one back before you could consider another one.

Only the three that passes both bodies makes it to the ballot.

Williams – goal is to streamline process and narrow down proposed amendments. Gentlemens agreement that they have one and two alternating each year.

Lea – agrees the gentlemens agreement worked fine until now. the discussion and what is passed to a vote of the people should be transparent and body should have input on whether they want to send that to the people. Idea of finding rules that bring this committee on track is important.

Cheatham – historically tried to put out the best amendments. Not uncommon for one body to leave the room after one passes.

Nickels – when legislative activity ends, is there a role the governor plays signing something on joint resolutions and if so, when did the governor sign the joint resolution? Before or after passing senator ingram's bill? What are the steps do joint resolutions take? Are they official when legislative activity ends or are there other administrative things required.

Matthew Miller – hard to answer b/c article 19 section 22 doesn't mention concurrent resolution as the way to do it, but the concurrent resolution does become a common sense way to do it. Does not mention governors approval.

Steve cook – governor does not have veto power of constitutional amendment. Signing of constitutional amendment is immaterial.