

EDITED TRANSCRIPTION OF TESTIMONY
Interim Committee Training for Chairs and Vice Chairs
Monday, September 26, 2011

Following is an edited transcript of the questions asked and answers given at the Interim Committee Training for Chairs and Vice Chairs beginning at 8 p.m. on Monday, September 26, 2011.

Linda J. Eissmann, Principal Research Analyst, Legislative Counsel Bureau (LCB), and Michael J. Stewart, Supervising Principal Research Analyst, LCB, gave a Microsoft PowerPoint presentation titled "Interim Committee Training for Chairs and Vice Chairs."

Senator Valerie Wiener: You seem to suggest having public comments before the general topic and then we would do our consideration. Is it possible to have it after the body has considered it so the public comments on what we've discussed?

Mr. Stewart: The goal is to make sure that, when we have the agendas posted, they have the choices that are set forth in A.B. 257, at least that the agenda shows public comment at the beginning and public comment at the end, or the other option is before each action item. Now, that doesn't preclude the chair from doing something else. Where you could, if you wanted to, invite someone up for additional public comment. There's flexibility in that regard. I think just as long as that you have listed on the agenda the requirements in A.B. 257, and then if there are other public comment periods you'd like to insert along the way, I think that would be perfectly acceptable.

We have done this in the past with some flexibility with regard to work sessions, for example. We have had a public comment period prior to the start of a work session to make sure you get input from people. Maybe someone wants to remind you on a particular recommendation that you do x, y, and z, instead of a, b, c. As chairs, you're pretty free to call people up for clarification at any time. There's no restrictions on that at all.

Ms. Erdoes: I would just confirm what you said. The requirements are the minimum requirements and you do need those posted. But the chairs are free at any point to call up public comment, in addition to that.

Mr. Stewart continued with the PowerPoint presentation.

Assemblywoman Smith: I just wanted to remind the chairmen and the members that we won't have NELIS during the interim like we did during session. We got quickly spoiled with the way NELIS worked and having instant access to handouts and information. The handouts will eventually be put on the committee's website, if I am not mistaken, but it won't be real time like we were used to during session. Maybe we'll get there at some point, but not for this interim. Please know that and make sure that your members know that.

I think in the beginning of your process, one of the important things I would stress is getting familiar with your committee members. You're going to be working with people now from the other House and so there will be people you haven't worked with necessarily during session, or don't have a relationship with. It helps to know what their interests are, and what their schedules are like.

Attendance is critically important in the interim process to get our work done and to have an understanding of what's going to be happening moving forward. It is so important that our members be present at meetings and, if they are not, that we catch everyone up, because then you get to work session in a very rapid pace and you have people who may not be in the loop on what's going on. Understanding that's important, and making sure that you thoroughly understand the creation of your committee. We have all the varieties of committees—the statutory committees, interim studies, the nonlegislative committees—and every committee has a different structure. So, make sure you understand the structure of your committee.

We have some committees with alternates and that is a huge help. If you can't get all of your members there, having those alternates is really important, but only a few of the committees have that. Last week we had a last-minute struggle because we had a member who got held up at work and couldn't get there. We were trying to get the committee organized at its first meeting, and we had to do some last-minute juggling to make sure we could get everything done that morning. So, working with your members and knowing what your limitations are is really important.

I think in the beginning notifying your constituency groups that will follow your committee is really important. I call them the groupies, that follow the different subject matter from session to session and interim to interim, and they will want to know what work you're doing and may want to meet with you. For the statutory committees, the Health and Human Services, Public Lands, and Education, it's really hard because there is such a vast array of information that you could and would want to be able to study and consider. But your time is so limited and trying to make everything work in a short period of time is incredibly hard, so I think you have the greatest challenges. The interim study committees have one subject and it's a little easier to manage, but for those statutory committees I think it's a real challenge to pull all that information together in an even shorter period of time than what we're used to. You'll have to decide whether you want to have long meetings, all-day meetings. I'm a big fan of that because I think I'd rather have longer meetings and be able to hear everything we want to hear and make sure that we have given everybody an opportunity for input. That's hard, too, because you have people who are having to leave work and take time off from work to come and participate in these meeting. It's a hard call to make and I think that the use of the time in those committees will be one of your biggest challenges.

The vice chairs can be a huge help to the chairmen in connecting with the members and having conversations with the members if the chairman can't make all those calls, or if you want to have some conversations about goals, and what you'd like to see. Of course, the staff is always so great about making those connections for you, as well. Using the vice chairman in this particular place will be really critical to you. Assigning the vice chairman to specific subject areas or getting a working group together will save you a lot of time.

The constituency groups, just like during session, can be meeting outside of your meetings and helping you get speakers together and help shape the things that you want to discuss. Again, I think for the statutory committees where you have also been directed to study some particular things out of session in addition to the variety of things you could study is a greater challenge for you. I know that Health and Human Services, for example, will have a group that is trying to develop a State plan for Alzheimer's. That's a big assignment within your normal committee work. I encourage you to tap your committee members, especially if they have a particular interest in something, and let them help you get that work accomplished.

On the Open Meeting Law, you can think through what makes the most sense for you and what works for you on the public comment. As the chairman of Interim Finance, I chose to take public comment before every action. And so it was a big change and I had to put a Post-it on my mike button so that I would remember to take that public comment before every vote. I felt that, if we are trying to get to the point of hearing from the public before we make decisions, for me it made sense that we took public comment before the committee made a decision. In Interim Finance it is hard because every single agenda item is an action item. But it went fine, it flowed well after we got used to it. You can think through what makes more sense and figure it out by agenda, if you need to do that.

It's important for you to figure out who on your committee can help champion either a bill when you get to the end or a piece within a bill draft. When you get to session, you have your own bills. If you are a committee chairman then, it's hard to be able to move all that legislation without help. Within your committee, you're going to see those people who are the natural champions of a particular issue and you'll need to rely on them to help you. It is much harder to move your interim legislation because you have people from both parties and both houses and everybody ends up with their own issues.

The last piece of advice I have, especially with the statutory committees, is about managing your committee time because there's so much to consider. You're going to have to prioritize and work with staff and figure out, based on what came out of the last session and what you see as the priorities for this State, what you want to concentrate on. Health and Human Services,

Education, Child Welfare, Public Lands will all have so much on their plates that you're going to find that more than ever you have to figure out how to manage your committee time. At least during session, we can go to 11 o'clock at night if we want to. You're not going to have people wanting to hang around till 11 o'clock at night. Figuring out those priorities is hard, but important. And then when you get down to work session and taking public input, you are going to have to find that while we are not used to limiting people's time, you'll have to do something about that or you'll end up with some subjects getting a lot of time, and some getting almost none. And then our Legal staff ends up having to try to draft bills based on what amounted to very little discussion, or the committee having to vote based on what amounts to very little discussion. The whole time management piece for the chairman and the vice chairman is the most critical piece of what you'll have to face and have to deal with.

Assemblywoman
Teresa
Benitez-Thompson: So, with the statutory committees having up to eight meetings, do they typically take all eight, or do they tend to run six?

Assemblywoman
Smith: I don't know that I have ever seen them use fewer meetings than they have coming to them, just because there is so much information.

Ms. Erdoes: I have just a couple things to add. One is if you're thinking of forming a subcommittee, remember that when you do it officially, then you have now brought in the Open Meeting Law for that subcommittee. So, if you say the words, "I am going to create a subcommittee and appoint these people," then we need to follow the Open Meeting Law for that subcommittee meeting. You need minutes, and that involves additional staff. So, it's something to talk with your staff about before you do that, if you can. Some things can be accomplished by just assigning one person, for example, to work with others and do something a little bit more unofficial. But we can certainly work it out, however you need to. I just want to make sure that you know that would happen.

On a BDR from a committee if you're not able to give all the details at the time that you need to request the BDR, another option for you is to designate some member of the committee, the chair or anyone else who might know about the bill, that could work with the Legal Division to flesh out the rest of that bill and then generally it would be sent out to the committee with the rest of the BDRs. So people would have a chance to see that.

I want to explain the way that the BDRs get split up during session. The Executive Branch BDRs and the subcommittee BDRs are split. The Executive Branch BDRs are split, the rules say randomly, and so we try to do that a little bit less than randomly so that each of the topics get covered in a different committee and all of the committees, if possible, get some BDRs. Those decisions are made early on, and there's a master list if you ever need to see

that, a list of where those bills are going to go. With the committee bills, we work with the chairmen usually, and the vice chairmen if they are part of it, to determine where those BDRs should be delivered in each House, to split them, also.

Ms. Partida described the Legal Division's role in staffing the committees during the interim.

Senator Wiener: Does every statutory committee have an assigned attorney, as well. Whether or not they are there all the time, is there an attorney assigned to each statutory committee?

Ms. Partida: Brenda is saying "yes."