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SENATE FINANCE COMMITTEE
 CHAIR

SENATE APPROPRIATIONS COMMITTEE
 MEMBER

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January 13, 2009

TO: Members of the Senate Finance Committee

FROM: Senator Paula E. Sandoval, Chair

SUBJECT: Organization and Procedures for the Senate Finance Committee

This memorandum sets forth the procedures to be followed by the Senate Finance Committee during the first session of the Sixty-Seventh General Assembly. It is intended to give all committee members a clear expectation of how the committee will operate and help eliminate the need for additional committee hearings or extended meetings.

Committee Meetings

The Senate Finance Committee has two regularly scheduled meeting times:

- **Tuesday afternoons (1:30 p.m. to 6:00 p.m.); and**
- **Thursday mornings (upon adjournment to 12:00 noon).**

If additional committee meetings are necessary, the committee may also meet on Fridays from 4:00 p.m. to 5:30 p.m., or on Thursday mornings before the Senate convenes. The committee will meet in Senate Committee Room 354 unless otherwise scheduled.

Meetings will begin **on time**, so you are encouraged to be prompt. Committee members are responsible for bringing copies of bills (bill folders) scheduled to be considered by the committee to meetings. Committee meetings and bills scheduled for consideration are published daily in the Senate calendar. The chair or vice-chair may also announce committee meetings while the Senate is in session. Meeting cancellations are announced while the Senate is in session.

For committee meetings, please observe the following guidelines:

- cell phones, laptop computers, and pagers will have the sound turned off prior to the beginning of each meeting and the use of cell phones and pagers is prohibited at any time;

- the use of laptop computers is at the discretion of each member, however, please show courtesy to other committee members and witnesses while using them during committee proceedings;
- members not present will be recorded as absent by staff unless they contact the chair in advance; and
- if you step out of a committee meeting to present a bill in another standing committee, please notify the chair and/or staff.

Oversight Responsibilities

The Joint Rules of the House and Senate require committees to stay advised of the activities, functions, problems, new developments, and budgets of the principal agencies within the executive and judicial branches and other instrumentalities of state government (Joint Rule 25). Further, Section 2-7-201, C.R.S., and Joint Rule 25 require committees to hold budget review hearings with the agencies for which they have oversight. The deadline for completing this requirement is February 5, 2009. The Senate Finance Committee has oversight responsibility for the following four agencies:

- Department of Revenue;
- Public Employees' Retirement Association;
- Governor's Office of State Planning and Budgeting; and
- Department of Treasury.

Joint meetings with the House Finance Committee are scheduled for Wednesday, January 14; Wednesday, January 21; and Wednesday January 28 from 12:00 noon to 1:30 p.m. in **LSB Hearing Room A**. These meetings will provide briefings from the above four agencies along with a presentation by members of the Joint Budget Committee.

Parliamentary Procedure

Parliamentary procedure in the Senate is generally governed by *Mason's Manual of Legislative Procedure*. Action on a measure in a Senate committee of reference requires the affirmative vote of a majority of a quorum or a majority of those present and voting, whichever is greater. A quorum is four members, and a majority of a quorum is three members in the Senate Finance Committee.

Motions made by members of Senate committees of reference do not require a second. Committee members must be recognized by the committee chair before speaking on a measure. The chair rules on proper motions and whether an amendment fits under the title of the bill.

Committee Deadlines

The General Assembly operates under a deadline schedule found in Joint Rule 23. Senate committees are required to:

- report out Senate bills by February 12, 2009; and
- report out House bills by March 20, 2009.

Attendance

Please be prompt. Interested individuals sometimes travel great distances or take time away from their employment to testify on legislation. Thus, it is a matter of courtesy that we start committee meetings at the time listed in the Senate calendar.

Attendance is recorded at every meeting and these records are available for public inspection. Please discuss unavoidable absences with the committee chair so that you may be marked excused for purposes of the legislative tape and meeting summary. If a member is absent from three consecutive committee meetings without being excused, the rules require the chair to report such fact to the party floor leader.

Calendaring of Bills

Bills are scheduled by the committee chair within the applicable deadlines and usually with the concurrence of the sponsor. The chair determines the order of business for each committee meeting. As bills are calendared, sponsors will receive a written notice from committee staff concerning the date, time, and location that his or her bill will be considered. Sponsors need to be flexible about the scheduling of their bills. Scheduling early within the applicable deadlines may allow more time for committee consideration.

Testimony

All persons testifying before a committee are requested to sign the attendance sheet that is located at the end of the committee table prior to the start of the meeting. The chair may limit opposing sides on any issue to a set amount of time, or limit the number of individuals who may testify if it appears the committee will not be able to hear all of those who wish to speak. Committee members are urged to be courteous to those who are testifying.

Order of Business

Below is a review of the order of business followed by standing committees of the General Assembly:

- call to order by the chair or vice-chair and attendance is taken;

- chair announces the day's schedule;
- chair puts the appropriate bill on the table for discussion;
- bill sponsor makes introductory comments;
- chair allows committee members to ask questions;
- chair calls for witness testimony; and
- chair asks for an appropriate motion to report the bill out of committee. Once the motion is made, the bill is in the proper posture to be amended.

Amendments

In the Senate, once a motion to report a bill out of committee has been made, the bill may be amended. (This differs from the House, where the amendment phase is completed before a motion to report a bill out of committee is requested by the chair.) Only committee members may offer amendments. The chair then states the name of the individual making the motion and asks if there is any objection. If there is no objection, then the motion passes. If there is objection, the chair asks staff to conduct a roll call vote.

There are a variety of allowable amendments which are described below.

Prepared amendments. Anyone wishing to present an amendment, should prepare and submit proposed amendments to staff prior to the committee meeting. Please prepare complex amendments in writing. In addition, please try to distribute amendments that strike below the enacting clause to committee members at least 24 hours before the meeting.

Amendments to an amendment. Once an amendment is offered, a member may amend the amendment. Once such a motion is made, the chair asks the committee whether there is an objection to that motion, and if there is no objection, the amendment is amended as requested. If the amendment to the amendment is approved, the chair will call for a vote on the amendment, as amended. Multiple amendments to an amendment may occur before the committee is prepared to take final action on the original amendment.

Severing the amendment. Amendments that contain multiple concepts may be severed at the discretion of the chair. Since prepared amendments have line numbers, the typical motion is to sever the amendment between lines. As motions to sever are made, the chair will assign a number to each section of the amendment. Parts may or may not be voted on in order.

Substitute motions. If an amendment has been offered, another member may offer a substitute motion. Only one substitute motion can be offered at a time. Language in the substitute motion precludes language offered in the original amendment. Once committee members are clear on the language in the substitute motion, the chair will call for the vote. If the motion fails, the question before the committee is the adoption of the original amendment, since it was offered through a formal motion.

Verbal amendments. "Conceptual" amendments should be in as specific language as possible and are subject to approval by the chair. If a conceptual amendment is adopted with specific language to be developed by staff, staff should prepare the appropriate language subject

to the review and approval of the committee chair and the sponsor of the amendment. If such an amendment is very substantive, the chair may direct staff to prepare copies for all committee members' to review prior to submission of the committee report, or for review at the committee's next meeting. The purpose of such review is to ensure the amendment reflects the committee's intent.

Handwritten amendments. Committee members frequently write out amendments as debate occurs. A member will offer the amendment, will be asked by the chair to read the amendment, and will then hand the amendment to staff.

Settled questions. A member may attempt to amend a portion of a bill previously amended. Although Senate chairs traditionally accept these amendments, the chair may rule the issue a "settled question," which precludes additional committee action on that part of the bill.

Voting

Action on a measure in a Senate committee of reference requires the affirmative vote of a majority of a quorum or a majority of those present and voting, whichever is greater. Staff maintains a written record of all votes taken in committee and a final roll call vote is required on all bills (final action). Whenever a member has an objection to a motion, a roll call vote is taken. Senate rules provide that if a member has a personal or private interest in any bill, he or she must disclose that fact and not vote on the bill. The committee may take the following action on bills:

- postpone indefinitely (in essence, to kill the bill);
- refer to another committee of reference (sometimes bills are dual assigned, or the committee may decide review by another committee of reference is appropriate);
- referral to the Committee on Appropriations;¹ or
- refer to the Committee of the Whole.

Committee members may pass during the roll call vote, but must vote prior to the chair of the committee.

If a motion to favorably report the bill fails, the only remaining motions that are acceptable are to refer the bill to another committee or postpone the bill indefinitely. If those motions fail, the bill is still in committee and the chair will table the bill. The chair may elect to put the bill back on the table at a later date, or may elect to let reporting deadlines expire, since the bill had a fair hearing as required by Article V, Section 20 of the Colorado Constitution (GAVEL).

If a bill is heard in committee, but no action is taken, the bill will be laid over for another hearing.

¹ A bill must go to the Committee on Appropriations if it is assigned to appropriations or it requires an appropriation or provides for the increase of any salary.

Reconsideration

Members may move to reconsider prior committee action on a bill or amendment. The effect of adopting this motion is to place before the committee the bill or amendment in the exact condition it had before it was voted on. A motion to reconsider may only be made by a member voting on the prevailing side of the original motion. A motion to reconsider must be approved by a majority of the committee membership and may be made at the meeting at which the decision was made by the committee, or at the next meeting of the committee. A motion to reconsider cannot be made if the bill's committee report has been signed by the chair and delivered to the Secretary of the Senate (Senate Rule 18 (e)).

Committee Report

Following a meeting, committee staff prepares a report of the committee's action on each piece of legislation. After the report is signed by the chair and delivered to the Secretary of the Senate, it appears in the Senate Journal.

Record of Committee Meetings

Committee meetings are tape recorded and a brief summary of the meeting is prepared by the staff. Draft meeting summaries are accessible through the CLICS system and available to legislators in draft form during meetings. Final meeting summaries are usually available to legislators and the public within 24 hours after a meeting's completion.

Constitutional Requirements (GAVEL)

Every bill must be heard by a committee, considered on its merits and voted on (Article V, Section 20, of the Colorado Constitution). A motion that the committee report the measure favorably to the Committee of the Whole, with or without amendments, shall always be in order within appropriate deadlines.

For Further Information

Detailed questions related to the scheduling of bills or actions of the committee can be directed to Elizabeth Hanson at (303) 866-4146 or elizabeth.hanson@state.co.us with the Legislative Council Staff.