

Committees of Reference¹

Committee assignment and consideration. Each bill introduced will be assigned to a committee of reference by the Speaker or the President. A bill may be assigned to multiple committees of reference and each committee that hears the bill will refer it to the next committee in the sequence of assignment. Committees also may decide independently to refer a bill to another committee of reference for further hearing on the matter. The Committee on Appropriations is the last committee of reference in a sequence to hear a bill.

Section 20 of Article V of the Colorado Constitution requires that every bill be heard by a committee of reference, considered on its merits, and voted on. A committee may do one of three things with a bill:

- ▶ a bill may be reported out of a committee, with or without amendments, for consideration by the committee of the whole;
- ▶ a committee may refer a bill to another committee of reference for further consideration; or
- ▶ a committee may postpone a bill indefinitely.

A motion to postpone consideration of a measure for more than 30 days or until a date beyond the date for adjournment *sine die* of the legislative session has the same effect as postponing it indefinitely. Additionally, a measure is considered postponed indefinitely when there has been a tie vote on a motion that would constitute final action and the applicable deadline for the committee of reference to report bills has passed.

Committee procedures. Many committee procedures are covered by rule. Those that are not are left to the committee chair's discretion to determine. Typically, committees run in the following order:

- ▶ call to order by the chair;
- ▶ presentation by the bill sponsor;
- ▶ public testimony;
- ▶ questions from committee members;
- ▶ wrap-up by the sponsor;
- ▶ amendments;
- ▶ final action on the bill; and
- ▶ adjourning or recessing the meeting.

Committee Meetings

- ▶ Committees are permitted to meet only at the times and places specified in the schedule of committee meetings adopted at the beginning of the session.
- ▶ A special committee meeting may be held if the chair publicly announces the time and place of the meeting while the appropriate body is still in session. In the House, the announcement must be made with as much advance notice as possible before the actual meeting. Senate rules require the chair to announce a special meeting at least 24 hours in advance.

¹The information contained in this document was compiled from the Rules of the House of Representatives and the Rules of the Senate, current through January 22, 2010. The general rules pertaining to the procedures for committees are House Rule 25 and Senate Rule 22.

- ▶ The daily calendar lists all committee meetings and the bills to be heard in each committee. Any meeting and the bills scheduled must be publicly announced in either the daily calendar or on the House or Senate floor.
- ▶ The committee chair runs the meeting. All requests to speak on the record must go through the chair and the chair will recognize each speaker as he or she deems appropriate. This helps keep order and reduces confusion for individuals listening to the audio broadcast of the meeting.
- ▶ The committee chair determines which bills will be heard at each committee hearing and also sets the order of business.
- ▶ If a member of the committee is absent from three scheduled committee meetings without being excused, the committee chair must report the absences to the floor leader of the party to which the member belongs.

Bills

- ▶ Every bill introduced is given a deadline by which it must be considered and acted on by the committee of reference to which it is assigned. While a bill cannot die just because final action is not taken prior to the deadline, it is important to make every reasonable effort to meet the established deadlines.
- ▶ Bill sponsors present their bills to the committee. The sponsor provides a brief explanation of the bill's purposes and its impact. In many cases, witnesses will assist the sponsor in presenting the bill. Other witnesses may comment favorably or negatively on the bill.
- ▶ Committee members are given a chance after the sponsor's introduction to ask questions about the bill.
- ▶ Final action on a bill requires the affirmative vote of a majority of a quorum. In the House, a quorum must be present to take final action on a bill. A quorum is the majority of the members of the committee.

Fiscal Notes and Memorandums

- ▶ In the House, bills or concurrent resolutions may not be passed from the committee of reference unless a fiscal note has been prepared.
- ▶ In the Senate, bills or concurrent resolutions may not be passed on second reading unless a fiscal note has been prepared.
- ▶ Fiscal notes are written to the introduced version of the bill, and revised fiscal notes are written when amendments to the bill are adopted.
- ▶ Amendments are often offered to reduce or eliminate the fiscal impact of a bill. When requested by a member, fiscal note analysts will prepare a memorandum on an amendment to the bill that explains its fiscal impact. It is best to request a memorandum with sufficient advance notice to allow for analysis of the amendment.

- ▶ If an amendment is adopted and the fiscal note analyst has written a memorandum stating the amendment removes the fiscal impact of the bill, the chair may choose to refer the bill to the Committee of the Whole rather than the Committee on Appropriations. However, if a bill is dually assigned to the committee of reference and the Committee on Appropriations, it must go to the Committee on Appropriations regardless of any amendments adopted that negate the fiscal impact.

Amendments

- ▶ Members of the committee may offer amendments to bills being considered by the committee when the chair puts the bill on the table for action. A bill sponsor who is not a member of the committee may not offer an amendment to the bill, but may request that a member of the committee offer an amendment.
- ▶ An amendment that **strikes everything below the enacting clause**, also known as a SEBEC, replaces the provisions of the original bill with a new version.
- ▶ Usually, a member who wants to offer an amendment to a bill being heard in committee will ask the bill drafter to prepare the amendment prior to the committee hearing. In the House, if the amendment exceeds one page or is a SEBEC, the amendment is to be shared with the committee members at least 24 hours before the hearing. There is no requirement for prior distribution of amendments in the Senate.
- ▶ Amendments may be offered in committee without being prepared in advance; however, prepared amendments are preferred. Amendments made in concept, if adopted, will be included in the committee report and shown to the amendment sponsor and committee chair before the report is signed and delivered to the front desk. The chair has discretion to allow or prohibit amendments made in concept.
- ▶ A member may request that an amendment be severed. Severing an amendment means that the committee will not vote on the amendment as a whole, but rather on separate sections that are identified as severed sections.
 - A request to sever an amendment does not require a motion. The chair will make a ruling as to whether the amendment is severable and announce where the amendment will be severed.
 - Each severed section must be moved and voted on separately in order to pass.
- ▶ All bills are subject to amendment as long as the amendment fits under the single subject expressed in the title of the bill. If a question arises about whether an amendment fits under the title of the bill, the chair may make a ruling. If the chair rules the amendment does not fit under the title, the motion on the amendment is ruled out of order, and no vote is taken on the motion.
- ▶ Members occasionally attempt to amend a portion of the bill amended earlier in the committee meeting. A chair may rule the amendment a "settled question." This means that the committee has previously resolved any question regarding the portion of the bill the amendment seeks to amend, and any action to undo or change the previous amendment is precluded. If an amendment is ruled a "settled question," the amendment is not considered. There is no rule in either the House or the Senate regarding settled questions. Traditionally, the House has recognized questions as settled, but the Senate has not.

Motions

- ▶ Only a member of the committee can make a motion. If the sponsor of a bill wishes to offer an amendment, he or she must request that a member of the committee move the amendment on the sponsor's behalf.
- ▶ A committee member must be recognized by the chair to make a motion, and the chair will determine whether the motion is in order.
- ▶ Motions in the House require a second.
- ▶ A substitute motion may be moved prior to a vote being taken on the original motion. A member may not make a substitute motion to a substitute motion, although a member may move to amend a substitute motion. If a substitute motion fails, the committee votes on the original motion.
- ▶ A successful motion to postpone a bill indefinitely kills the bill.
- ▶ After a question has been decided by a committee, any member who voted on the prevailing side may make a motion to reconsider. A motion to reconsider may be made at the committee meeting at which the question was decided, or at the next meeting of the committee; however, the motion may not be made if the committee report has been signed by the chair and delivered to the House or Senate front desk.
 - In the House, a motion to reconsider requires an affirmative vote of two-thirds of the members of the committee; except that in the last two days of session, the motion requires only a majority vote.
 - In the Senate, a motion to reconsider requires an affirmative vote of the majority of committee members. A member of the committee who voted on the prevailing side may give notice of intention to reconsider. If notice is given, the bill is held in committee until the next regularly scheduled committee meeting. At the next regularly scheduled meeting, the Senator who gave the notice may make a motion to reconsider. If that Senator does not make the motion, the notice is considered withdrawn.

Voting

- ▶ Roll call votes are taken and recorded on final action and proposed amendments to which there is objection. The votes are recorded in the committee minutes, and they are available to the public immediately following the meeting.
- ▶ The chair may ask if there is objection to an amendment. If no member objects, no roll call vote will be taken, and the motion will be recorded as having passed without objection.
- ▶ If a member is not ready to vote when his or her name is called during the roll call vote, the member may pass. When a member passes, committee staff will return to all members who passed to obtain their vote before the chair and the vice-chair vote.
- ▶ Any member present in the committee meeting must vote unless he or she has an immediate personal, private, or financial interest in the proposal. Section 24-18-107 (2), C.R.S., provides guidance in determining whether a member has such an interest.

Legislation that affects the entire membership of a class (e.g., all teachers or all owners of rental property) does not present a conflict of interest.

- ▶ A conflict of interest must be announced by the member during the roll call vote. The chair will excuse the member from voting under House Rule 21(c) or Senate Rule 17(c). The member may wish to discuss a potential conflict of interest with his or her leadership and with the chair prior to consideration of the proposal by the committee.
- ▶ A motion fails on a tie vote. A measure is considered postponed indefinitely when there has been a tie vote on a motion that would constitute final action and the applicable deadline for the committee of reference to report bills has passed.