

SENATE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEE MEETING

RED GROUP

Senate Committee Room 352

December 13, 2012

Chair: Senator Morgan Carroll

Legislative Council Staff: Hillary Smith

Sponsor: Senator Mark Scheffel

Conferee to the Board of Real Estate Appraisers - Dave DeNovellis

Witness on S.B. 501 and S.B. 502 - Dave DeNovellis

Legend



Senator Morgan Carroll, Chair



Senator-elect Jones



Senator-elect Balmer



Senator-elect Kerr



Senator-elect Baumgardner



Senator-elect Marble



Senator-elect Crowder



Senator-elect Ulibarri



Senator-elect Hill



Sponsor

Committee Script

❶ CHAIR:

Call the meeting to order and ask Legislative Council Staff to call roll.

STAFF:

Call the roll.

CONFIRMATION HEARING

CHAIR:

Ask the Governor's appointee to the Board of Real Estate Appraisers to come to the table.❷

CHAIR:

Ask the appointee to introduce him or herself and explain why he or she wants to serve on the board.

APPOINTEE:

State name and discuss reasons for wanting to serve on the board.

CHAIR:

Ask if committee members have any questions for the appointee.

CHAIR:

Ask for a motion.❸

SEN. ULIBARRI:

Move the confirmation of the appointee to the full Senate with a favorable recommendation.

CHAIR:

Ask staff to call the roll.❹

Explanatory Notes

❶ The chair of each committee determines the order of business for each meeting. Committees meet regularly at times and places specified in the Senate calendar. A quorum is necessary to take action on any bill; a quorum is a majority of the membership of the committee.

❷ Governor's appointees to certain boards and commissions are subject to confirmation by the Senate, and confirmation hearings are often the first order of business in a meeting of a Senate committee of reference. Information about the board and the appointee is distributed to committee members prior to the meeting. Public testimony is not taken during confirmation hearings unless the committee votes to allow it.

❸ Two motions are proper: to refer the appointee to the full Senate with a favorable recommendation; or to refer the appointee to the full Senate with an unfavorable recommendation. Traditionally, the vice-chair makes the motions on confirmations.

❹ For roll call votes, committee members are called in alphabetical order prior to the vice-chair and chair. Committee members may pass during a roll call vote, but are typically required to vote prior to the vice-chair and chair.

Member	Yes	No
SEN. BALMER	X	
SEN. BAUMGARDNER	X	
SEN. CROWDER	X	
SEN. HILL	X	
SEN. JONES	X	
SEN. KERR	X	
SEN. MARBLE	X	
SEN. ULIBARRI	X	
SEN. CARROLL	X	
Passes	9	0

CHAIR:

Announce that the motion passed on a 9-0 vote.

SENATE BILL 13-501

CHAIR:

Place Senate Bill 13-501 on the table and call the bill sponsor to the witness table to begin discussion on the bill.

SPONSOR:

Present the bill.

CHAIR:

Ask if any committee members have questions for the sponsor. Entertain questions from members of the committee.

CHAIR:

⑤ Announce that one witness has signed up to testify on the bill.

WITNESS:

Introduce yourself, explain who you represent, and testify on the bill.

⑤ All persons testifying on a bill must sign in and orally identify themselves and who they represent for the taped record of each meeting. The identification of witnesses also helps individuals who listen to meetings over the internet broadcast.

CHAIR:

Ask if any committee members have questions for the witness.
Entertain questions from members of the committee.

CHAIR:

Ask if there are additional witnesses who are present, but who did not sign up to testify. Seeing none, place the bill on the table and ask for a motion, noting that, based on the bill's fiscal note, the proper motion is to the Committee on Appropriations. ⑥

SEN. MARBLE:

Move the bill to the Committee on Appropriations.

CHAIR:

Ask if there are any amendments.

SEN. HILL:

Move amendment L.001.



⑦ The Office of Legislative Legal Services Staff will explain how to read amendments.

SEN. HILL:

Explain that the amendment reduces the penalties in the bill.
Explain that as introduced, the bill had a large fiscal impact.
Because the amendment reduces the bill's penalties, the fiscal impact of the bill will also be reduced.

CHAIR:

Ask if there is any discussion on amendment L.001.

SPONSOR:

Argue that you believe that the bill's penalties are appropriate. However, if the committee agrees that the penalties in the introduced bill should be reduced, you won't object to the amendment.

CHAIR:

⑧ Ask if there is any objection to amendment L.001. Seeing no objection, announce that amendment L.001 passes without objection.

⑥ *A motion is a formal proposal that a committee approve a specific action, such as amending a bill. In the Senate, a motion for final action must be made before motions for amendments are in order. Only members of the committee may make motions.*

⑦ *Amendments are a precise set of instructions as to how to change the language of the bill. Most often, amendments offered in committee are prepared in advance of the committee hearing by the bill drafter at the direction of the bill sponsor or a committee member.*

⑧ *Motions require approval by a majority of the committee members present, or of the quorum, whichever is greater. If there is no objection to an amendment, a roll call vote is not taken.*

CHAIR:

Ask if there are additional amendments.

SEN. CROWDER:

Move amendment L.002 and explain that the amendment removes the bill's changes to the crime of unlawful transfer of a sound recording. Argue that you do not believe it is fair to expand the crime to include transferring recordings to others regardless of compensation, since this may mean that teenagers who trade songs with each other may be guilty of a felony and go to prison.

CHAIR:

Ask if there is any discussion on amendment L.002.

CHAIR:

Ask if there is any objection to amendment L.002.

SEN. MARBLE:

Object to the motion. Argue that you believe song trading is making the record business very difficult, and the unlawful transfer of music, whether for compensation or not, needs to be addressed.

CHAIR:

Ask staff to call the roll.⑨

⑨ If there is objection to a motion, a roll call vote is taken.

Member	Yes	No
SEN. BALMER	X	
SEN. BAUMGARDNER	X	
SEN. CROWDER	X	
SEN. HILL	X	
SEN. JONES		X
SEN. KERR		X
SEN. MARBLE		X
SEN. ULIBARRI		X
SEN. CARROLL		X
Fails	4	5

CHAIR:

Announce amendment L.002 failed on a vote of 4-5. ⑩ Ask if there are additional amendments.

SEN. JONES:

Move amendment L.003. Explain that the amendment increases the penalty for theft of cable service. Since the bill is addressing theft, it is appropriate that the amendment be added to the bill. Theft of cable is similar to music piracy, so the penalties should be similar.

CHAIR:

Ask if there is any discussion on amendment L.003.

SEN. ULIBARRI:

Argue that since the bill's title addresses only music recordings, you do not believe the amendment fits under the bill's title. Ask the chair to rule on whether the amendment fits under the title.



①① The chair will explain title rulings.

CHAIR:

Announce that the amendment does not fit under the bill's title.

CHAIR:

Ask if there are any additional amendments. Seeing none, ask the sponsor to briefly wrap-up.

CHAIR:

Ask Sen. Marble to renew her motion.

SEN. MARBLE:

Renew motion to refer Senate Bill 13-501 to the Committee on Appropriations.



①② Legislative Council Staff will explain how bills are routed to the floor and to other committees based on their fiscal impact.

⑩ Motions fail if the "no" votes outnumber the "aye" votes. A motion also fails if there is a tie vote.

①① All bills are subject to amendment but all amendments must relate to the same subject as the bill. If a title question arises, the chair determines whether the amendment fits under the title of the bill. If the chair rules the amendment to be outside the title, the motion on the amendment is ruled out of order and no vote is taken on the motion.

①② Bills with a fiscal note indicating a fiscal impact are referred to the Committee on Appropriations or the Committee on Finance based on direction provided by the President. Because this bill has a fiscal note indicating a fiscal impact, it should be referred to the Committee on Appropriations.

CHAIR:

13 Ask staff to call the roll.

Member	Yes	No
SEN. BALMER		X
SEN. BAUMGARDNER		X
SEN. CROWDER		X
SEN. HILL		X
SEN. JONES		X
SEN. KERR	X	
SEN. MARBLE	X	
SEN. ULIBARRI	X	
SEN. CARROLL		X
Fails	3	6

CHAIR:

Announce the motion fails on a vote of 3-6.

CHAIR:

Ask for another motion.

SEN. BALMER:

Move to reverse the previous roll call vote and postpone indefinitely SB 13-501. 14

CHAIR:

Ask if there is objection to the motion. Seeing none, announce that the bill is postponed indefinitely on a vote of 6-3.

13 All motions for final action require a roll call vote.

14 A motion to postpone indefinitely, or PI, a bill is a motion to kill the bill. A motion to PI a bill is generally made only after another motion has failed, e.g., a motion to send the bill to the Committee on Appropriations. In the Senate, once a motion for final action has failed, a member may move to PI a bill by a reversal of the previous roll call vote. If there is no objection to this motion, the bill is PI'd and another roll call vote is not taken.

SENATE BILL 13-502

CHAIR:

Place Senate Bill 13-502 on the table and call the bill sponsor to the table to begin discussion on the bill.

SPONSOR:

Present the bill.

CHAIR:

Ask if any committee members have questions for the sponsor.

Note that there is one witness signed up to testify on the bill, and call the witness forward.

WITNESS:

Introduce yourself, explain who you represent, and testify on the bill.

CHAIR:

Ask if any committee members have questions for the witness. Entertain questions from members of the committee.

CHAIR:

Ask if there are additional witnesses who are present, but who did not sign up to testify. Seeing none, place the bill on the table and ask for a motion, noting that the proper motion is to the Committee on Appropriations.

SEN. BAUMGARDNER:

Move Senate Bill 13-502 to the Committee on Appropriations.

CHAIR:

Ask if there are any amendments.

SEN. CROWDER:

Move amendment L.002. Explain the amendment.

CHAIR:

Ask if there is any discussion on amendment L.002.

SEN. BAUMGARDNER:

Move amendment L.004. Explain that amendment L.004 amends L.002.



15 Legislative Council Staff will explain amendments to amendments.

SEN. BAUMGARDNER:

Argue in support of L.004.

SEN. CROWDER:

Argue in support of L.002, unamended.

CHAIR:

Ask if there is objection to L.004. If there is objection, ask staff to call the roll. Announce the outcome of the vote, if one is taken.

CHAIR:

Ask if there is further discussion on amendment L.002. **16**
Ask if there is objection to L.002. If there is objection, ask staff to call the roll. Announce the outcome of the vote, if one is taken. Ask if there are additional amendments.

SEN. HILL:

Move amendment L.003. Explain the amendment.

CHAIR:

Ask if there is any discussion on amendment L.003.

SEN. MARBLE:

Request that the amendment be severed.



17 Legislative Council Staff will explain the process of severing amendments.

CHAIR:

Announce that amendment L.003 will be severed, with severed section A consisting of lines 2 through 8, and severed section B consisting of lines 9 through 11.

Ask for a motion on severed section A. Ask if there is objection to severed section A. Ask staff to call the roll if there is objection. Announce the outcome of the vote on severed section A, if one is taken.

15 Once an amendment is moved a committee may amend the amendment. Multiple amendments to amendments may occur before the committee acts on the original amendment. Each amendment to the original amendment should be acted on prior to considering a new amendment to the original amendment.

16 After action on the amendment to the amendment is taken, the committee returns to the original motion, adoption of L.002.

17 Amendments that contain multiple concepts may be severed at the direction of the chair. Typically, a member requests to sever a prepared amendment between specific lines and the chair assigns an identifier, such as a letter, to each section of the amendment. Sections may or may not be voted on in order. However, the chair calls for a vote on each section as if it were a separate amendment. No action is required on amendment sections that are not separately moved.

CHAIR:

Ask for a motion on severed section B. Ask if there is objection to severed section B. Ask staff to call the roll if there is objection. Announce the outcome of the vote on severed section B, if one is taken.

Ask if there are additional amendments.

SEN. KERR:

①⑧ Move an amendment to page 5, line 19, to change the date by which private investigators must be licensed from January 1, 2014, to July 1, 2013.

CHAIR:

Ask if there is any discussion on Sen. Kerr's amendment.

CHAIR:

Ask if there is objection to the amendment. Ask staff to call the roll if there is objection. Announce the outcome of the vote, if one is taken.

CHAIR:

Ask if there are additional amendments. Seeing none, ask Sen. Baumgardner to renew his motion.

SEN. BAUMGARDNER:

Renew motion to refer Senate Bill 13-502 to the Committee on Appropriations.

CHAIR:

Ask staff to call the roll. Announce the outcome of the vote.

SENATE BILL 13-503

CHAIR:

Place Senate Bill 13-503 on the table and call the bill sponsor to the table to begin discussion on the bill.

SPONSOR:

Present the bill.

①⑧ *Whenever possible, amendments offered in committee should be prepared in writing in advance of the meeting. However, verbal amendments are sometimes offered during hearings. Some chairs may preclude members from offering verbal amendments, especially if they are substantive.*

CHAIR:

Ask if any committee members have questions for the sponsor.

Ask if there are any witnesses who have not signed up, but who wish to testify. Seeing none, ask for a motion, noting that the proper motion is to the Committee on Appropriations.

SEN. KERR:

Move Senate Bill 13-503 to the Committee on Appropriations.

CHAIR:

Ask if there are any amendments.

SEN. MARBLE:

Move amendment L.001. Explain the amendment.

CHAIR:

Ask if there is any discussion on amendment L.001.

CHAIR:

Ask if there is objection to the amendment. Ask staff to call the roll if there is objection. Announce the outcome of the vote, if one is taken.

Ask if there are additional amendments

SEN. ULIBARRI:

Move amendment L.002. Explain that the amendment "strikes everything below the enacting clause."



①⑨ Legislative Legal Services Staff will explain "strike-below" amendments.

CHAIR:

Ask if there is any discussion on amendment L.002.

SEN. ULIBARRI:

Withdraw the amendment.②①

CHAIR:

Announce that amendment L.002 has been withdrawn. Ask if there are additional amendments.

①⑨ *A "strike-below" amendment strikes the text of the bill following the enacting clause and replaces it with new text. The new text must still be germane to the bill's original title. Chairs sometimes require that strike-below amendments or other amendments of length be distributed to the members of the committee prior to a committee hearing.*

②① *Motions may be withdrawn by the member who made the motion as long as a vote has not been taken.*

SEN. JONES:

Move amendment L.003. Explain the amendment.

CHAIR:

Ask if there is objection to L.003. Ask staff to call the roll if there is objection. Announce the outcome of the vote, if one is taken.

Ask if there are additional amendments. Seeing none, ask Sen. Kerr to renew his motion.

SEN. KERR:

Renew motion to refer Senate Bill 13-503 to the Committee on Appropriations.



⌚⌚ Legislative Council Staff will explain an additional option for bill referral: the Consent Calendar.

CHAIR:

Ask staff to call the roll. Announce that the outcome of the vote.

Announce that the committee is adjourned.

⌚⌚ *A noncontroversial bill may be referred to the Committee of the Whole, with a recommendation that it be placed on the consent calendar. No separate vote is required to place a bill on the consent calendar. The Committee of the Whole takes one vote on all bills on the consent calendar. Substantial debate or floor amendments to bills on this calendar is prohibited.*