

# HOUSE ECONOMIC AND BUSINESS DEVELOPMENT COMMITTEE MEETING

## Blue Group

House Committee Room 0111

December 13, 2012

Chair: Representative Gardner

Legislative Council Staff: Bo Pogue

Sponsor: Representative Sonnenberg

Witness on H.B. 1501 & H.B. 1502 - Erin Vanderberg

Legend			
	<b>Representative Gardner, Chair</b>		<b>Representative-elect Nordberg</b>
	<b>Representative-elect Buckner</b>		<b>Representative-elect Rosenthal</b>
	<b>Representative-elect Everett</b>		<b>Representative-elect Wilson</b>
	<b>Representative-elect Ginal</b>		<b>Representative-elect Wright</b>
	<b>Representative-elect Landgraf</b>		<b>Bill Sponsor Representative Sonnenberg</b>
	<b>Representative-elect May</b>		

**Committee Script**

**HOUSE BILL 13-1501**

**① CHAIR:**

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

**CHAIR:**

Place House Bill 13-1501 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.

**②** Announce that one witness has signed up to testify on the bill.

**WITNESS:**

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

**CHAIR:**

Ask if there are any 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.

**CHAIR:**

**③** Place the bill on the table for amendment and ask if there are any amendments.

**REP. BUCKNER:**

Move amendment L.001.

**Explanatory Notes**

**①** The chairman of each committee determines the order of business for each meeting. Committees meet regularly at times and places specified in the House calendar. A quorum is necessary to take action on any bill; a quorum is a majority of the membership of the committee.

**②** 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.

**③** A motion is a formal proposal that a committee approve a specific action, such as amending a bill. In the House, motions for amendments are in order prior to a motion for final action. Only members of the committee may make motions.

REP. GINAL:

④ Second the motion



⑤ The Office of Legislative Legal Services Staff will explain how to read amendments.

REP. BUCKNER:

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.

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:

⑥ Ask if there is any objection to amendment L.001. Seeing no objection, announce that amendment L.001 passes without objection.

REP. EVERETT:

Move amendment L.002 to House Bill 13-1501 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 without compensation, since this may mean that teenagers who trade songs with each other may be guilty of a felony and go to prison.

REP. MAY:

Second the motion.

CHAIR:

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

REP. ROSENTHAL:

Object to the motion. Argue that the unlawful transfer of music, whether for compensation or not, needs to be addressed.

④ *In House committees, all motions require a second.*

⑤ *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.*

⑥ *Most 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 staff to call the roll. ⑦

Member	Yes	No
REP. BUCKNER		X
REP. EVERETT	X	
REP. GINAL	X	
REP. LANDGRAF		X
REP. MAY	X	
REP. NORDBERG		X
REP. ROSENTHAL		X
REP. WILSON		X
REP. WRIGHT	X	
REP. GARDNER		X
<b>Fails</b>	<b>4</b>	<b>6</b>

**CHAIR:**

Announce amendment L.002 failed on a vote of 4-6. Ask if there are additional amendments. ⑧

**REP. LANDGRAF:**

Move amendment L.003 to House Bill 13-1501. Explain that the amendment increases the penalty for theft of cable service. Argue that theft of cable is similar to music piracy, so the penalties should be similar.

**REP. WILSON:**

Second the motion.

**REP. MAY:**

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.

⑦ If there is objection to a motion, a roll call vote is taken. 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.

⑧ Motions fail if the "no" votes outnumber the "aye" votes. A motion also fails if there is a tie vote.



⑨ 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:

Note that the proper motion is to the Committee on Appropriations. Ask for a motion.



⑩ Legislative Council Staff will explain how bills are routed to the floor and to other committees based on their fiscal impact.

REP. WILSON:

Move the bill, as amended, to the Committee on Appropriations.

REP. NORDBERG:

Second the motion.

CHAIR:

⑪⑪ Ask staff to call the roll.

⑨ *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.*

⑩ *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 Speaker. Because this bill has a fiscal note indicating a fiscal impact, it should be referred to the Committee on Appropriations. Bills without a fiscal impact may be referred directly to the Committee of the Whole. Bills may also be referred to another standing committee.*

⑪⑪ *All motions for final action require a roll call vote. Members must vote on each bill unless they have a conflict of interest.*

Member	Yes	No
REP. BUCKNER		X
REP. EVERETT		X
REP. GINAL		X
REP. LANDGRAF		X
REP. MAY	X	
REP. NORDBERG	X	
REP. ROSENTHAL		X
REP. WILSON	X	
REP. WRIGHT	X	
REP. GARDNER		X
<b>Fails</b>	<b>4</b>	<b>6</b>

CHAIR:

Announce the motion fails on a vote of 4-6. Ask for another motion.

REP. ROSENTHAL:

①② Move to postpone indefinitely House Bill 13-1501.

REP. EVERETT:

Second the motion.

CHAIR:

Ask the staff to call roll.

①② 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.

<b>Member</b>	<b>Yes</b>	<b>No</b>
REP. BUCKNER	X	
REP. EVERETT	X	
REP. GINAL	X	
REP. LANDGRAF	X	
REP. MAY		X
REP. NORDBERG		X
REP. ROSENTHAL	X	
REP. WILSON		X
REP. WRIGHT		X
REP. GARDNER	X	
<b>Passes</b>	<b>6</b>	<b>4</b>

**CHAIR:**

Announce that the motion to PI passes 4-6 and that the bill is postponed indefinitely.

**HOUSE BILL 13-1502**

**CHAIR:**

Place House Bill 13-1502 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 there are any questions for the witness.

CHAIR:

After the committee has finished asking questions, put the bill on the table for amendment.

REP. WRIGHT:

Move amendment L.001. Explain the amendment.

CHAIR:

Ask if there is a second. Ask if there is any objection to the amendment. Ask staff to call the roll if there is objection to the amendment.

REP. MAY:

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



**13** Legislative Council Staff/Legislative Legal Services staff will explain verbal amendments.

**13** *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 there is a second. Ask if there is any objection to the amendment. Ask staff to call the roll if there is objection to the amendment.

REP. WILSON:

Move amendment L.002. Explain the amendment.

CHAIR:

If necessary, ask if there is a second.

CHAIR:

Ask if there is any further discussion.

REP. NORDBERG:

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



**14** Legislative Council Staff will explain amendments to amendments.

**14** *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.*

REP. NORDBERG:

Explain the amendment and why it is necessary to amend L.002.

CHAIR:

If necessary, ask if there is a second.

REP. WILSON:

Argue in support of L.002.

CHAIR:

Ask if there is objection to L.004. If there is objection, ask staff to call the roll.

CHAIR:

Announce the outcome of the vote, if one is taken.

**15** Ask if there is objection to L.002. If there is objection to L.002, ask staff to call the roll.

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

CHAIR:

Announce the outcome of the vote.

Ask if there are additional amendments.

REP. GINAL:

Move amendment L.003. Explain the amendment.

CHAIR:

If necessary, ask if there is a second.

REP. ROSENTHAL:

Request that amendment L.003 be severed.



**16** Legislative Council Staff will explain the process of severing amendments.

**16** *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 and seconded.*

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.

CHAIR:

Ask for a motion and a second 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.

CHAIR:

Ask for a motion and a second 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.

CHAIR:

Ask if there are additional amendments.

REP. LANDGRAF:

Move amendment L.005. Explain the amendment.

CHAIR:

If necessary, ask if there is a second.

REP. WRIGHT:

Ask for a ruling from the chair on whether the issue is a settled question.



①⑦ The Office of Legislative Legal Services Staff will explain settled questions, and possible ways to avoid settled questions.

①⑦ *In the House, once an amendment is adopted or rejected, the provisions in the amendment become "settled questions." (House Rule 34). The chairman determines whether an issue is "settled." If an amendment is ruled a "settled question," the amendment is not voted on.*

CHAIR:

Rule on amendment L.005. Ask if there are additional amendments.

If there are no additional amendments, ask the sponsor to briefly wrap-up.

CHAIR:

Note that the proper motion is to the Committee on Appropriations. Ask for a motion.

Ask staff to call roll on the motion.

Announce the outcome of the vote.

**HOUSE BILL 13-1503**

**CHAIR:**

Place House Bill 13-1503 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.

**CHAIR:**

Note that there are no witnesses signed up to testify on the bill.

Put the bill on the table for amendment.

**REP. GINAL:**

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

**CHAIR:**

If necessary, ask if there is a second.



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

**CHAIR:**

Ask if there is discussion on the amendment.

**REP. GINAL:**

Withdraw amendment L.002. **19**

**CHAIR:**

If necessary, ask the member who seconded the amendment to withdraw their second.

**CHAIR:**

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

**REP. NORDBERG:**

Move amendment L.003.

**18** A "strike-below" amendment strikes the text of the bill following the enacting clause and replaces it with new text. The new text must not change the original purpose of the bill and must fit under 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.

**19** Motions may be withdrawn by the member who made the motion as long as the second is also withdrawn and a vote has not been taken.

CHAIR:

If necessary, ask if there is a second.

REP. EVERETT:

Move amendment L.004 as a substitute motion to amendment L.003.



②① Legislative Council Staff/Chair will explain substitute motions.

REP. EVERETT:

Explain the amendment.

CHAIR:

If necessary, ask if there is a second.

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 amendment L.004 passes, announce that L.003 will not be voted on.

If amendment L.004 does not pass, announce that L.003 is now in order. Ask if there is objection to L.003. If there is objection, ask staff to call the roll and announce the outcome of the vote.

CHAIR:

Note that the proper motion is to the Committee on Appropriations. Ask for a motion.

Ask staff to call roll on the motion.

Announce the outcome of the vote.

CHAIR:

Announce that the committee is adjourned.

②① *A substitute amendment can be moved prior to a vote being taken on the original motion. A substitute amendment takes the place of the original amendment. If the substitute fails, the chair will direct the committee back to the original amendment. If the substitute passes, the original motion is not voted on.*