

MOCK FLOOR SESSION - SENATE SECOND READING

After a bill is heard by a standing committee, the committee makes one of several possible recommendations. If the recommendation is that the bill be sent to the committee of the whole for its consideration, the bill is scheduled and placed on the senate calendar for second reading two days after the report is read "across the desk". The senate resolves itself into a committee consisting of the entire senate membership for discussion on the bill and any amendments recommended by the committee and any amendments proposed by any senator. The debate is unfettered and unlimited. Bills passed by the committee of the whole on second reading are then placed on the third reading calendar for a final, recorded vote.

This outline demonstrates a typical discussion that takes place on bills during the committee of the whole (second reading). It includes parts for each "actor" and along with the provided bills, committee reports, and floor amendments, serves as a framework for arguments to be made during the mock session. Actual language is up to you. Mistakes are expected and questions are encouraged. You may also improvise to the extent time permits, i.e., make a motion not included in the outline or ask an unexpected question.

In order for the mock session to serve as a valuable learning tool, you are strongly encouraged to review these materials in advance. Additionally, please bring your file folders containing the introduced bills, committee reports, floor amendments, and motions booklet.

Staff and senators will be available on the floor during the mock session to assist you.

Legend	
 Senator Morse	 Senator-elect Jones
 Senator-elect Balmer	 Senator-elect Kerr
 Senator-elect Baumgardner	 Senator-elect Marble
 Senator-elect Crowder	 Senator-elect Ulibarri
 Senator-elect Hill	 Senator Carroll

① Daily opening proceedings

- Prayer
- Call to order
- Pledge of allegiance
- Roll call
- Approval of previous day's journal

② SENATOR MORSE:

Move that senate resolve itself into committee of the whole (COW).

Reading clerk reads title of SB 13-502.

③ SENATOR MORSE:

Recognize Sen. Carroll, bill sponsor.

④ SENATOR CARROLL:

Move SB 13-502 and committee reports in the order the committees met, first the judiciary committee report followed by the appropriations committee report.

Discuss the substance of each committee report and asks for its adoption.

The committee reports are adopted without objection.

①

- *The senate shall be called to order at the hour to which it shall have adjourned (SR 1a).*
- *The order of business for the senate is established by rule (SR 3). The senate may proceed out of order upon the affirmative vote of all members present.*
- *The senate may proceed to business if there is a quorum, a majority of all members of the senate (SR 1b)*

②

- *The committee of the whole (COW) is formed upon a non-debatable motion and the president formally appoints the chair, although the chair is actually selected by the majority leader (SR 28a).*
- *The rules of the senate govern the proceedings of the committee of the whole with some exceptions (SR 28b).*
- *All bills shall be considered by the senate sitting as the committee of the whole. A bill is read by title and shall be read at length upon request of any senator (SR 11a, 28 e).*

③

- *A senator must address the chair and be recognized prior to speaking or making a motion. When two or more members request recognition, the chair determines the order of speakers (SR 16b).*

④

- *Amendments recommended by committees of reference (called committee reports) shall be considered as adopted if there is no objection to them (SR 25c, 30f).*
- *Committee reports are adopted in order with the report of the first committee considered prior to the report of any subsequent committee.*

SENATOR CARROLL:

Discuss the substance of bill and why it should be passed.

5 SENATOR ULIBARRI:

Move floor amendment L.008, which amends bill, and explain it.

SENATOR HILL:

Speak in favor of floor amendment L.008 and asks for 'yes' vote.

SENATOR KERR:

Speak in opposition to floor amendment L.008 and asks for a 'no' vote.

6 Committee passes amendment on voice vote.

SENATOR MARBLE:

Move floor amendment L.011, which amends judiciary committee report, and explain it.

SENATOR BALMER:

Speak in favor of floor amendment L.011 and ask for 'yes' vote.

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- *Amendments must be in writing and are prepared by either the senate amendment clerk or by the office of legislative legal services. They are considered in the order in which they have been received by the secretary of the senate (SR 5h).*

Suggested explanation of L.008: *The amendment removes the licensure exception for news gathering agencies, and to the extent those agencies or employees engage in "private investigative services" as defined in the bill, they would need to obtain a PI license.*

Possible argument for amendment L.008: *Journalists are basically performing private investigatory functions and should have to obtain a license.*

Possible argument against amendment L.008: *Journalists are not private investigators and should have to obtain a license to perform news gathering functions.*

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- *All votes taken in the committee of the whole are voice votes.*
- *It takes a simple majority of those present in the chambers to pass an amendment during the committee of the whole.*

Suggested explanation of L.011: *This amends the Judiciary Committee report to add an exemption to licensing for bail bonding agents.*

Possible argument for amendment L.011: *Bail bonding agents are already licensed and regulated by the Division of Insurance & should not have to obtain a PI license, as well.*

Committee passes amendment on voice vote.

SENATOR JONES:

Move floor amendment L.009, which amends bill, and explain it.

SENATOR CROWDER:

Ask that the amendment be severed into two sections between lines 4 and 5.

Senators debate severed section 1. On voice vote, severed section 1 is adopted;

Senators debate severed section 2. On voice vote, severed section 2 fails.

SENATOR MARBLE:

Move floor amendment L.010, which amends first severed section of L.009, and explain it.

Suggested explanation of L.009: This amendment has 2 purposes. Lines 1 through 4 cap the license and renewal fees at \$650 & \$350, respectively. Lines 5 through 7 eliminate the director's ability to impose administrative fines on licensees

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- If a question in debate contains two or more points, a senator may have them severed or divided into more than one part. Separate votes are taken on each of the points in the same manner as other questions during second reading (SR 8a).

Possible argument for severed section 1: The fee amount should reflect the actual costs. According to the fiscal note, a \$650 license fee should cover the Division of Registration's costs.

Possible argument against severed section 1: The fiscal note is an estimate, and the director needs the flexibility to adjust the fees as appropriate based on actual costs to administer the program

Possible argument for severed section 2: The director has many methods of disciplining a licensee for wrongful conduct. Adding fining authority is not necessary and is just another way for government to collect money from taxpayers.

Possible argument against severed section 2: Fining authority is just another tool in the toolbox, giving the Director the authority to impose a fine rather than take more severe action against a person's license and livelihood

Suggested explanation of L.010: This is an amendment to the first portion of floor amendment L.009 to reduce the amount of the license fees to \$350 for a new license and \$175 for a renewal.

Possible arguments for L.010: Although the fiscal note suggests the fee needs to be \$645, that seems excessive. \$350 for a new license seems more appropriate and would encourage PIs to comply and get licensed.

⑧ SENATOR BAUMGARDNER:

Speak in opposition to floor amendment L.010 and ask for 'no' vote and for a division.

The amendment fails on a division.

SENATOR BALMER:

Ask that the bill be laid over 2 days for further study.

Committee passes motion on voice vote. Bill is laid over 2 days.

Reading clerk reads title of SB 13-503.

③ SENATOR MORSE:

Recognize Sen. Carroll, bill sponsor.

④ SENATOR CARROLL:

Move SB13-503 and committee reports in the order the committees met, first the judiciary committee report followed by the appropriations committee report.

Discuss the substance of each committee report and asks for its adoption.

⑧

- *A division may be called if there is any doubt on a vote or if a senator requests one, and those in favor will first rise and be counted by staff followed by those who are in opposition (SR 17a).*
- *The chair announces the results of the vote, but not the actual count.*
- *It takes a simple majority of those present in the chambers to pass an amendment on a division during the committee of the whole.*

Possible arguments **against** L.010: *The fee needs to cover the Division's costs; otherwise, we will have to make it up with an appropriation from the general fund, which we cannot afford. If the \$650 fee generates too much revenue, the Director can reduce the fee.*

③

- *A senator must address the chair and be recognized prior to speaking or making a motion. When two or more members request recognition, the chair determines the order of speakers (SR 16b).*

④

- *Amendments recommended by committees of reference (called committee reports) shall be considered as adopted if there is no objection to them (SR 25c, 30f).*
- *Committee reports are adopted in order with the report of the first committee considered prior to the report of any subsequent committee.*

The committee reports are adopted without objection.

SENATOR CARROLL:

Discuss the substance of bill and why it should be passed.

SENATOR HILL:

Move amendment L.006, which amends the bill, and explain it.

⑨ SENATOR BAUMGARDNER:

Move amendment L.007 dealing with the same issue as the previous floor amendment L.006 and explain the amendment

Senators discuss floor amendment L.007 and whether it should replace floor amendment L.006.

SENATOR HILL:

Withdraw floor amendment L.006.

SENATOR BAUMGARDNER:

Move floor amendment L.007 again and explain it.

Suggested explanation of amendment L.006: The amendment eliminates the diversion of sales & use tax revenues to the Colorado travel and tourism promotion fund.

Possible argument for L.006: While tourism promotion is important, we cannot afford to divert \$5M from the general fund for this purpose.

⑨

- There are 2 ways in which a substitute amendment can be acted upon: a) the original amendment is withdrawn by the sponsor (SR 5b); b) the original amendment fails to pass and then the substitute amendment is voted on as any other amendment..
- All so-called substitute amendments shall be considered as amendments only, i.e., considered in the order they were presented to the secretary of the senate (SR 5g).

Suggested explanation of amendment L.007: The amendment reduces the diversion of sales & use tax revenues to the Colorado travel and tourism promotion fund from \$5M to \$150,000.

SENATOR CROWDER:

Speak in favor of floor amendment L.007 and ask for a 'yes' vote.

SENATOR JONES:

Speak in opposition to floor amendment L.007 and ask for a 'no' vote.

Committee passes amendment L.007 on voice vote.

SENATOR BALMER:

Move floor amendment L.008 which amends the bill and explain it.

SENATOR KERR:

Question whether amendment L.008 fits under the title of the bill and ask for a ruling from the chair.

SENATOR MORSE:

Rule that amendment does not fit under title of bill.

SENATOR CARROLL:

Renew motion for passage of bill.

Motion is adopted by voice vote.

*Possible argument **for** L.007: While we should not divert \$5M from the general fund, we do need to emphasize tourism & travel in CO and can afford to divert \$150,000 for this purpose in an effort to boost the state's economy.*

*Possible argument **against** L.007: We need to emphasize tourism and travel and CO, and a \$5M investment will go a long way in our recovery efforts to stimulate the state's economy.*

Suggested explanation of amendment L.008: This amendment diverts \$1M of the \$5M for tourism to the CO State Fair Authority.

*Possible arguments **for** L.008: The state fair is an important type of tourist attraction in the state. To the extent that we can afford \$5 million dollars to promote tourism, it is only fair that we give \$1 million towards the state fair.*

⑩

- *All measures are subject to amendment and all amendments shall relate to the same, single subject as the title of the measure (SR 5d).*
- *If a title question arises, the chair determines whether the amendment fits under the title of the bill. If ruled to be outside the title of the bill, no vote is taken on the motion.*

11 SENATOR CARROLL:

Move that the committee rise and report.

12 SENATOR MORSE:

Move for the adoption of the COW report.

13 SENATOR JONES:

Move amendment 001 to the COW report regarding SB 13-503 showing that L.007 did not pass.

14 SENATOR CARROLL:

Move a call of the senate.

SENATOR CARROLL:

Move to raise the call.

Senators speak in favor of and in opposition to the COW amendment.

11

- *At the conclusion of the work of the committee of the whole, the majority leader makes a non-debatable motion to 'rise and report', terminate the work of the committee and reconvene as the senate (SR 28d)*
- *If the committee did not complete its work and the desire is to resume deliberations at a later time, the majority leader makes a motion to 'rise, report progress, and beg leave to sit again' at a designated date and time (SR 28c).*

12

- *When the work of the committee of the whole is complete, a report of recommendations is created and submitted to the senate. The chair moves to adopt the report.*

13

- *Amendments to the COW report are considered prior to the adoption of the report. Votes are taken by listing the votes of each senator and these are included in the senate journal (SR 28g).*

Possible argument for COW amendment: We need to emphasize tourism and travel and CO, and a \$5M investment will go a long way in our recovery efforts to stimulate the state's economy. We should restore the full \$5M diversion to the travel and tourism promotion fund.

14

- *Any five senators may move a call of the senate and cause absent members to be sent for. Senators in the chambers are not permitted to leave and the sergeants-at-arms are directed to bring others to the chambers (SR 20a).*
- *A call of the senate cannot be made after the alphabetical roll call has commenced (SR 20a).*

The COW amendment fails on a recorded vote.

15 SENATOR MORSE:

Renew motion to adopt the COW report.

15

- *The committee of the whole report must be adopted by a majority vote of the elected members and the vote taken on the adoption of the report constitutes passage on second reading. The vote on the COW report is a recorded vote and entered into the journal (SR 28e).*