

Colorado Senate

Selected Rules at a Glance

Prepared by the Office of
Legislative Legal Services

November 2016



Powers and Duties of President

- To serve as presiding officer of the Senate when seated as the body. **Senate Rule 12 (a) (1)**
- To preserve order and decorum. **Senate Rule 12 (a) (6)**
- To decide all questions of order, subject to Senator's right to appeal to the Senate. **Senate Rule 6 (a)**
- Questions of order are **not debatable**, except by appealing Senator. **Senate Rule 6 (a)**
- To appoint the chair of the committee of the whole. **Senate Rule 28 (a)**
- To create a Senate select committee to review a single specified subject; President determines size, scope, and duration of a Senate select committee and appoints the majority of the members. **Senate Rule 22C (a) and (b)**
- To decide any matter not covered by the Senate rules or Mason's Manual of Legislative Procedure, but a Senator may appeal any decision. **Senate Rule 40 (c)**

Previous Question and Limiting Debate

- Previous Question.** Senator may move for consideration of previous question; until motion decided, debate suspended. If motion fails, debate continues on main question. If motion receives 18 ayes, Senate must vote on question. **Senate Rule 9 (b)**
- Limiting debate.** Senator may limit debate by moving to close debate at a specified time that is at least an hour after the motion is made. Senate will not consider another motion until it votes on motion to close debate or and fix time for a vote on the pending measure. **Senate Rule 9 (c)**

Senate Calendar and Consent Calendar

Consent Calendar: Senate Rules 25A, 30 (g) and 36 (d):

- A committee of reference may recommend that a bill or confirmation be placed on the consent calendar or, if the Majority Leader thinks an item is noncontroversial, he or she has sole discretion, after consulting with the Minority Leader, to place the item on the consent calendar.
- If the Majority Leader thinks a resolution or memorial is noncontroversial, he or she has sole discretion, after consulting with the Minority Leader, to place the item on the resolutions and memorials consent calendar.
- If a Senator verbally objects, at the mic, to including an item on a consent calendar, the item is removed and placed at the end of the general orders calendar for that day. Items on the consent calendar are considered without substantial debate or substantive floor amendments.
- The Committee of the Whole takes a single vote that covers all of the bills on the consent calendar for 2nd reading; the Senate takes a single vote that covers all of the bills on the consent calendar for 3rd reading. The Senate takes a single vote that covers all the items on the resolutions and memorials consent calendar for final passage. The Senate takes a single vote on all of the items on the confirmation consent calendar. But a Senator may register a "no" vote on any individual item on any consent calendar.

Calendar: Senate Rule 15 (a): The Senate Secretary prepares the calendar for each day's business, including:

- Items that are referred to the Committee of the Whole, that have been recommended for placement on the consent calendar or that the Majority Leader finds to be noncontroversial, which are listed under the title of "general orders — consent calendar";
- Items that are referred to the Committee of the Whole but are not recommended for placement on the consent calendar or have been removed from the consent calendar, which are listed under the title of "general orders";
- Items that are set for consideration at a particular day and hour, which are listed under the title of "special orders";
- Items that have passed 2nd reading and are on 3rd reading, which are listed under the title of "third reading of bills"; and
- Resolutions and memorials for final passage, which are listed under the title of "general orders".

Senate Order of Business

- General Orders.** When Senate proceeds to general orders, no other business, except a special order, is in order until consideration of general orders is completed. **Senate Rule 3 (b)**
- Special orders.** A bill or other measure may be made a special order only if approved by the affirmative vote of two-thirds of all Senators elected. **Senate Rule 4 (a)**
- Proceeding out of order.** With exceptions, Senate may, by a majority of all Senators present, proceed out of order to an order of business or return to an order of business already passed. **Senate Rule 3 (c)**

Motion to Adjourn or Recess

A motion to adjourn or recess is always in order; but if motion fails, it cannot be considered again unless a motion other than for a call of the Senate, to adjourn, or to recess, intervenes. **Senate Rule 7 (a)**

Confirmation of Appointments

- Gubernatorial appointments that require Senate confirmation must be referred to at least one committee of reference. **Senate Rule 36 (a)**
- The committee of reference considers an appointment in open session and without a public hearing, unless a majority of the present committee members decide otherwise. **Senate Rule 36 (b)**
- Confirmations may be placed on the consent calendar for approval by the full Senate. A confirmation is removed from the consent calendar upon the objection of any Senator. **Senate Rule 36 (d) (1) (A), (d) (1) (B), and (d) (3)**

Questions Decided Without Debate

- Fix time to which to adjourn (except sine die adjournment)
 - Adjourn
 - Take a recess
 - Call for orders of the day and questions relating to priority of business
 - Suspend the rules
 - Object to the consideration of a question
 - Previous question, and motions to close, limit, or extend the limits of debate
 - Amend or reconsider a nondebatable motion
 - Dispense with reading of the journal
- Senate Rule 9 (a)**

Speaking and Voting

Speaking: Senator who rises to speak must first address and be recognized by President. Senator cannot speak longer than one hour at any time without Senate consent. Senators must confine remarks to question under debate and avoid personalities. **Senate Rule 16 (b)**

Limits on speaking:

- Debating motion to make a special order. Senator can speak only once, not longer than 10 minutes **Senate Rule 4 (a);**
- On third reading, Senator, other than sponsor or Senator moving question, can speak only twice on same subject; no Senator can speak longer than 10 minutes each time. **Senate Rule 9 (d)**

Voting — Conflict of Interest: Senator who has a personal interest in a bill or question shall disclose that fact to Senate and shall not vote on the bill or question. **Senate Rule 17 (c)**

Every Senator present must vote, unless excused by the Senate for special reasons or because of conflict of interest. **Senator Rule 17 (d)**

Senator may demand a recorded vote of ayes and noes on any question. After roll call vote starts, no further debate. **Senate Rule 17 (e)**

Introduction, Reading, and Passage of Bills

Every bill is read by title when introduced and by title or at length when considered by the Committee of the Whole or on 3rd reading. **Senate Rule 25 (b)**

Unless a Senator requests reading a bill at length on 2nd or 3rd reading, it is read by title only and the unanimous consent of the Senators present to dispense with reading at length is presumed. **Senate Rule 11 (a)**

A bill is declared passed only if a majority of all Senators elected to the Senate (18) are recorded as voting for the bill. **Senate Rules 17 (f) (1) and 25 (b)**

Votes Required for Passage

Measures may pass by a majority vote of a quorum, except:

Measures that require 18 votes:

- Passage on 2nd or 3rd reading of most legislative measures;
- Motion to suspend, amend, or repeal Senate rules, if Senator gives 3 days' notice;
- Confirmation of Governor's appointments;
- Reconsideration of Senate action;
- Recall from the House;
- Adoption of Committee of the Whole report and adoption of amendment to report to show that bill or concurrent resolution passed;
- Consent to offer 3rd reading amendment;
- Passage of 3rd reading amendment; and
- Motion to adjourn sine die.

Measures that require 24 votes:

- Passage on 3rd reading of concurrent resolution or bill to change number of district judges or judicial districts;
- Override Governor's veto;
- Motion to make a measure a special order;
- Motion to suspend, amend, or repeal Senate rules if Senator doesn't give 3 days' notice.

Senate Rule 17 (f)

Senate Select Committees

President may create up to 2 select committees in each session to review a single, specified subject or issue. President and Minority Leader appoint members, which total either 3 or 5. Committee operates only during legislative session in which created. Committee member may introduce bill during session if gets delayed status. **Senate Rule 22C**

Committees of Reference

Members appointed at beginning of first regular session after general election and at other times if necessary. **Senate Rule 21 (a)**

Party representation on committees proportional to representation in full Senate. For each committee, Majority Leader decides number of total members and number of members from each party. Majority Leader appoints majority members and designates chair and vice-chair. Minority Leader appoints minority members. **Senate Rule 21 (a)**

Committees meet at time and place specified in schedule of committee meetings adopted by Senate. Committee scheduled to meet upon adjournment convenes 15 minutes after adjournment or recess. Committee may meet at different time or place if Chair publicly announces meeting at least 24 hours in advance and while Senate is in actual session. During last 2 weeks of session, Chair must announce different time, place, or meeting day as much in advance as possible and while Senate is in session. **Senate Rule 22 (a) (1) and (2)**

Chair must announce cancellation of committee meeting while Senate is in actual session and before the meeting is scheduled to take place. **Senate Rule 22 (a) (3)**

Chair decides the order of business for each committee meeting, including measures to be heard. But, at least 7 days after a measure is delivered to the Chair, upon request of a majority of committee members to hear the measure, which request is made at a regularly scheduled meeting, Chair shall announce the request and schedule measure for next committee meeting. **Senate Rule 22 (e) (1)**

After final action on a measure, Chair must report action to the Secretary within 5 legislative days.

- During last 3 days of session, Chair must report action as soon as possible.
- Measure considered PI'd if tie vote on motion that constitutes final action and committee deadline has passed without getting deadline extended.
- No further action may be taken on a bill that has been PI'd by a committee and delivered to the Secretary. **Senate Rule 22 (f)**

Chair and each committee member shall vote on every question before the committee unless Chair or member has conflict of interest. Chair cannot vote twice to break a tie. **Senate Rule 22 (i)**

Reconsideration

Reconsideration. After Senate decides a question, Senator who voted on prevailing side may move to reconsider on the same day or either of the next 2 days of session or any Senator may give notice of intent to reconsider. Motion to reconsider requires 18 votes. If motion fails, another motion to reconsider is not in order except by unanimous vote. If there is a tie vote on a question, a Senator who votes "no" is deemed to have voted on the prevailing side. **Senate Rule 18 (a) and (g)**

Reconsideration — committee of reference. Senator voting on prevailing side on question in committee can make motion, or give notice, to reconsider at same meeting or next meeting, unless committee report has been signed and delivered to Secretary. If Senator gives notice of intent to reconsider, report must be held until next committee meeting. Reconsideration is out of order if it would cause a bill to miss a deadline. **Senate Rule 18 (e) and (f)**

Committee of the Whole - 2nd Reading

All bills reported favorably out of a committee of reference must be considered in the Committee of the Whole. Committee of the Whole formed upon adoption of motion, and President appoints chair, who exercises all the powers of the President. All bills read by title only, unless Senator requests a bill be read at length. **Senate Rules 11 and 28 (a) and (e)**

Rules of the Senate govern, except:

- Senator may speak more than twice on the same subject;
- A call for the ayes and noes **cannot be made**;
- Senator **may not appeal** a decision of the chair. **Senate Rule 28 (b)**

A motion that the Committee rise is always in order and is nondebatable. The Committee may rise and report or rise, report progress, and beg leave to sit again on the same day or the following day. **Senate Rule 28 (c) and (d)**

Each amendment in Committee of the Whole and to Committee of the Whole report must be typed and turned in to Secretary. Each amendment submitted is considered pending and is offered in the order received. **Senate Rule 5 (h)**

Final question on 2nd reading is whether bill shall be engrossed or revised and placed on 3rd reading calendar. Before Senate adopts report of Committee of the Whole:

- Senate must consider any amendments to report, whether considered by Committee or not, that are submitted to Secretary;
- Senate may request a roll call vote on any bill considered by Committee and bill must receive 18 votes to pass. **Senate Rules 25 (f)**

Disagreement - Conference Committee

If the Senate and the House disagree on the language of a measure, the Senate may adhere to its position, recede from its position and concur with the House, or request a conference committee. **Senate Rule 19 (a)**

If the Senate requests a conference committee, the President appoints 2 majority members and the Minority Leader appoints one minority member. **Senate Rule 19 (b)**

Secret and Executive Sessions

A Senator may move to close the doors of the Senate to discuss business that the Senator feels requires secrecy or move that the Senate go into executive session. If motion passes, President directs everyone except Senators, the Secretary, and the Sergeants-at-Arms to leave the chambers. During executive session, doors remain shut. Each Senator and officer of the Senate must keep secret all matters, words, and proceedings that occur while in executive session. **Senate Rule 27 (a)**