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## 0514 Colorado Legislator's Handbook

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## 0514 Colorado Legislator's Handbook

# COLORADO LEGISLATOR'S HANDBOOK



Legislative Council  
Research Publication No. 514  
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## PREFACE

This handbook was originally prepared under the provisions of Section 1, House Joint Resolution No. 22, which was passed by the Forty-first General Assembly in the 1957 session. This resolution required the Legislative Council to prepare a handbook of information as a convenient reference guide to procedures and practices of Colorado's General Assembly, as well as the statutory and constitutional provisions relating thereto. Information that will assist individuals function as members of the General Assembly can also be included in the handbook.

The House, Senate, and Joint Rules in this handbook are current through January, 2003. The handbook is updated annually to incorporate changes from each legislative session. We welcome your suggestions for improving this publication.

Charles S. Brown  
Director  
Colorado Legislative Council

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# RULES OF THE HOUSE OF REPRESENTATIVES OF THE COLORADO GENERAL ASSEMBLY

## 1. Convening

- (a) At 10 o'clock a.m. no later than the second Wednesday of January of each odd-numbered year, the House of Representatives shall be called to order by the Speaker of the next preceding session of the House or, in his absence, by the person or one of them holding a certificate issued by the Secretary of State under the authority of the state canvassing board as a member and having served the longest continuous time in the House of Representatives, and the House shall proceed to organize as hereinafter provided for in Rule 2.
- (b) At 10 o'clock a.m. no later than the second Wednesday of January of each even-numbered year, and at such time as the General Assembly is convened in special session by the Governor, the House of Representatives shall be called to order by the Speaker, as provided for in Rule 4 hereof.

## 2. Organization

Upon convening pursuant to Rule 1 (a) hereof, the order of business or organization shall be:

- (a) Election of a clerk for the time being.
- (b) Reading of the official announcement and designation of all members elected to the House of Representatives as certified by the Secretary of State.
- (c) Calling of the roll.
- (d) Consideration of and action upon the credentials of the persons entitled to membership in the House of Representatives.

- (e) Administration of the oath of office.
- (f) Election of a presiding officer, who shall be called the Speaker and who shall hold office until his successor shall be elected and qualified.

### **3. Powers and Duties of the Speaker**

- (a) All officers of the House shall be subordinate to the Speaker in all that relates to the prompt, efficient, and correct discharge of their official duties under his supervision.
- (b) Possessing the powers and performing the duties herein described, the Speaker shall:
  - (1) Take the chair at the hour to which the House stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.
  - (2) Preserve order and decorum and have general direction of the chamber of the House and the approaches thereto, and in the event of any disturbance or disorderly conduct therein, order the same to be cleared.
  - (3) Decide all questions of order, subject to a member's right to appeal to the House. On appeal from such decisions, the Speaker shall have the right, in his place, to assign the reason for his decision.
  - (4) Rise to put a question, but may state it while sitting. He shall announce the result promptly on the completion of every vote.
  - (5) Have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond three days of actual session.

- (6) When the House shall resolve itself into committee of the whole, name a chairman to preside thereover, and shall call him to the chair.
- (7) Have the power to accredit the persons who shall act as representatives of the public, press, radio, and television, and assign them seats.
- (8) Determine the number of members and the number thereof from each political party of all committees, whether reference, joint, or special, and appoint the membership thereof; except that the minority leader of the House of Representatives shall appoint the minority membership of the committees of reference.
- (9) Refer each bill, and may refer any joint resolution, joint memorial, resolution, or memorial upon introduction, to the appropriate committee of reference of the House.
- (10) Sign all bills, resolutions, and memorials passed by the General Assembly, which fact shall be entered in or appended to the journal.
- (11) Sign all writs, warrants, and subpoenas issued by order of the House or by any committee thereof, and the same shall be attested by the chief clerk.
- (12) Administer all oaths required in the discharge of the business of the House.
- (13) Receive all messages and communications from other departments of the government and announce them to the House.
- (14) Represent the House, declare its will, and in all things obey its commands.

- (15) Vote upon all questions except upon appeals from his decisions.
- (16) Repealed 1989 Session.
- (c) The Speaker may, in addition to the exercise of the above powers and duties:
  - (1) Speak to points of order in preference to other members, rising from his chair for that purpose.
  - (2) Speak as other members on general questions when he shall call some other member to the chair.

#### **4. Hour of Meeting – Presiding Officer – Attendance of Members**

- (a) The regular hour of meeting of the House of Representatives shall be 10:00 a.m. daily, unless otherwise ordered.
- (b) Every member shall be present in his place at the hour to which the House was last adjourned, unless he shall have been excused by the House, or unless he shall be sick and unable to attend.
- (c) The Speaker shall take the chair each day promptly at the hour to which the House stands adjourned. He shall call the House to order and upon ascertainment of a quorum shall proceed to business.
- (d) If at the hour of meeting of the House the Speaker shall be absent, and if the Speaker shall not have designated a member to perform the duties of the Speaker, then the chief clerk shall call the House to order and the first order of business thereafter shall be the election by all members present of a member to act as presiding officer, and, when elected, such acting presiding officer shall continue to preside with all the powers and privileges of the Speaker until the Speaker shall appear.

## 5. Quorum

- (a) A majority of all members elected to the House of Representatives shall constitute a quorum, but a smaller number may adjourn from day to day, or for less than a day, and may compel the attendance of absent members.

## 6. Order of Business

- (a) The House shall be called to order at the hour to which it shall have adjourned.
- (b) Before proceeding to business, the Speaker or a member designated by the Speaker shall lead the members in a recitation of the pledge of allegiance to the flag of the United States of America, the roll of the members shall be called, the names of those absent shall be recorded in the journal and the Speaker shall declare the presence or absence of a quorum. The foregoing procedure shall in no event be postponed or omitted.
- (c) If a quorum be present, the journal of the preceding day or the second preceding day shall be corrected and approved, and the House shall then take up business in the following order:
  - (1) Special orders, if any, unfinished on previous legislative day.
  - (2) Reports of committees of reference.
  - (3) Reports of special committees.
  - (4) Messages from the Senate, messages from the Governor, messages from the revisor, and communications from state officers.
  - (5) Introduction of bills, first reading, by title.

- (6) Introduction of resolutions and memorials.
- (7) Third reading of bills.
- (8) General orders.
- (9) Conference committee reports – majority and minority reports.
- (10) Consideration of resolutions and memorials.

After having considered business in the above order the House may as necessary return to take up reports, introduction of measures, messages, and consideration of resolutions and memorials.

- (d) When the House shall have proceeded to consideration of general orders, no other business, unless it be a special order, shall be in order until general orders shall have been disposed of, except upon the affirmative vote of a majority of all members elected.
- (e) After a bill has been returned to the House by a committee of reference for consideration by the House sitting as a committee of the whole, such bill may be made a special order for a particular day or hour. Whenever any bill shall be so made a special order for a particular day or hour and consideration thereof shall not be completed at that sitting, such bill shall retain its place as a special order and shall be considered again as a special order immediately following approval of the journal on the next day of actual session. Whenever a special order shall be under consideration, it shall take precedence over any special order for a subsequent hour of the same day, but such subsequent special order may be taken up immediately after the previous special order shall have been disposed of.
- (f) Except as provided in subsection (b) of this rule, the House may, upon the affirmative vote of a majority of all members present, proceed out of order to any order of business or return to an order already passed, but should any business be set for consideration on



a certain day and hour, it shall in no event be considered at an earlier day or hour.

- (g) Notice of recall of a bill by the Senate shall be read immediately upon receipt if such bill shall then be under consideration by the House, otherwise upon conclusion of the business then before the House, and thereafter the House shall take no action on such bill except to return it to the Senate.

## 7. Motions

- (a) No motion shall be debated until it has been put by the chair; if requested by any member the Speaker may require the motion to be reduced to writing, delivered to the chief clerk's desk, and read.
- (b) Any motion, other than a motion to reconsider, may be withdrawn or modified by the mover at any time before amendment, decision, or ordering of the ayes and noes; a motion to reconsider may not be withdrawn except upon a motion adopted by a majority of all members elected.
- (c) When a question shall be under debate, the Speaker shall entertain no motion except:
  - (1) To call the House.
  - (2) To adjourn.
  - (3) To recess.
  - (4) To reconsider.
  - (5) To strike the enacting clause.
  - (6) To close debate at a specified time.

- (7) For the previous question.
  - (8) To postpone to a day certain.
  - (9) To refer to committee.
  - (10) To amend.
- (d) Subject to Rules 8, 14, and 16, such motions shall take precedence in the order named and, except for differing amendments, only one each of such motions may be entertained in the course of the disposition of the main question, unless a vote on some other motion has intervened.
- (e) No motion on a subject different from that under consideration shall be admitted under color of amendment.

### **8. Motions to Adjourn or Recess**

- (a) A motion to adjourn, except when an appeal from a decision of the chair is pending, and a motion to recess shall always be in order; but, having been decided in the negative, such a motion shall not be entertained again unless some motion other than for a call of the House, to adjourn, or to recess, shall have intervened.

### **9. Motion to Refer**

Motions to refer shall take precedence in the following order:

- (a) To a committee of reference of the House.
- (b) To a special committee of the House.
- (c) To a joint committee of reference or to a joint special committee.

## 10. Questions of Order

- (a) Questions of order shall not be debatable except in the course of an appeal from the decision of the chair.

## 11. Appeal

- (a) An appeal may be taken from any decision of the chair, in which event the member appealing shall state his reason therefor, taking not more than ten minutes for such purpose, to which the Speaker may respond. Such appeal shall be acted upon immediately, and no motion other than a motion to recess shall be entertained until the question "Shall the decision of the chair be overruled?" be directed by the vote of a majority of all members elected.

## 12. Division of Question

- (a) A question containing two or more propositions capable of division shall be divided whenever requested by any member. A motion to strike out and insert shall be divisible, but a motion to strike out having been decided in the negative, such action shall neither preclude amendment nor a motion to strike out and insert a different proposition.

## 13. Recognition – Speaking – Limitation on Speaking

- (a) No member rising to speak, debate, give a notice, make a motion, submit a report, or for any other purpose, shall proceed until he shall have addressed the chair and shall have been recognized, whereupon he may proceed to address the House from the central microphone, or from his desk, confining his remarks to the purpose for which he rose.

- (b) When two or more members shall rise at once, the Speaker shall name the one who shall speak first.
- (c) While a member is speaking, no one shall pass in front of him or otherwise interfere with his remarks or with the ability of others to hear them.
- (d) No member shall speak more than twice upon the same question without consent of the House, except the chairman of the committee of reference or the mover of the question, who may close the debate; and no member shall speak longer than ten minutes without consent of the House.

#### **14. Limiting Debate**

- (a) Upon the affirmative vote of a majority of all members elected, debate may be closed at a time not less than one hour from the adoption of a motion to that effect, and such motion having been made, no other motion except to adjourn or to take recess shall be entertained until the motion to close debate and fix an hour for the vote upon the pending question shall have been decided.

#### **15. Questions Decided Without Debate**

The following questions shall be decided without debate:

- (a) Adjournment to a day certain.
- (b) Taking a recess.
- (c) Questions relating to the priority of business.
- (d) Suspension of the rules.

- (e) Previous questions, and motions to limit or to extend the limits of, or to close debate.
- (f) Amending or reconsidering an undebatable question.
- (g) Considering the orders of the day.
- (h) Resolving into committee of the whole.
- (i) Calling the House.

### 16. Previous Question

- (a) The previous question may be moved upon all recognized motions or amendments which are debatable; it may be moved upon a single motion or amendment pending, or upon a series of motions and amendments pending, or upon part of them.
- (b) The previous question shall be stated in this manner: "Shall the main question be now put?" and, until it be decided, it shall preclude all amendments or debate; if decided in the negative, the main question shall be considered as still remaining under debate, but if decided in the affirmative by a majority vote of all members elected, it shall put an end to all debate and bring the House to a direct vote upon all motions and amendments involved, in the inverse order in which they were offered.
- (c) When a motion for the previous question has prevailed, it shall not be in order to move for a call of the House until the main question has been decided. However, if the main question is not decided because the vote thereon indicates that a quorum is no longer present, it shall be in order to move for a call of the House.

## 17. Secret Session

- (a) When in the opinion of any member, the business before the House requires that the discussion thereof be carried on in secret, such member may move that the House proceed in executive session, and when such motion shall have been adopted by the affirmative vote of a majority of all members elected, the Speaker shall direct all persons in the House chamber, except members, the chief clerk, and the sergeant-at-arms, to withdraw and the doors of the House chamber to be closed and to remain closed until such executive session shall have been completed; and every member and officer shall keep secret all such proceedings, matters, and things whereof secrecy shall be enjoined by order of the House, and for divulging the same before the order of secrecy shall be revoked by the House, they shall be subject to expulsion or dismissal, as the case may be.

## 18. Absence

- (a) No member shall absent himself from a session of the House unless he shall be sick and unable to attend, or unless he shall have secured consent of the House to be excused from the session. If absent without being sick or having been excused, the sergeant-at-arms may be sent for him and may take him into custody and bring him forthwith to the House chamber; and the expense thereof shall be assessed to such member, and a reprimand, fine, or other disciplinary measure may be imposed upon him.
- (b) When roll is called at the beginning of a legislative day, the chief clerk shall make a note in the journal when a member has been excused for the day to attend to other legislative duties. In addition, the chief clerk shall make a similar note in the journal when a member is present for the beginning roll call but is subsequently excused to attend to other legislative duties and a recorded vote is taken.

## 19. Call of the House

- (a) Ten members may require a call of the House and cause absent members to be sent for, but a call of the House shall not be moved after voting shall have commenced.
- (b) Whenever a call of the House is properly sustained, the Speaker shall order the doors of the House chamber to be closed, and no member shall be permitted to leave the House chamber until the call shall be lifted.
- (c) The Speaker shall direct the chief clerk to call the roll and note the names of those absent; the names of the absentees shall again be called, and those members who shall not have been excused, or whose excuse is insufficient, shall be sent for and taken into custody by the sergeant-at-arms, or his assistants, and brought before the chair, where they shall be reprimanded by the Speaker for neglect of duty, and fined, respectively, at least the amount of the expenses incurred in their apprehension and return.
- (d) Notwithstanding a call of the House, a motion to adjourn or to take a recess may be made at any time pursuant to Rule 8.

## 20. Voting

- (a) Voting shall be by ayes and noes, and the names of those voting for and against entered in the journal, in the following instances:
  - (1) Upon all bills and concurrent resolutions upon third reading and final passage.
  - (2) Upon concurrence by the House in amendments made by the Senate to House bills.
  - (3) Upon the adoption of conference committee reports.

- (4) Upon adoption or amendment to a report of the committee of the whole.
- (b) All other votes shall be taken viva voce, but any member shall have the right to demand the ayes and noes upon any question before the decision shall be announced by the chair.
- (b.5) A member shall not be compelled by a majority of a political caucus to cast his vote for or against any legislative measure.
- (c) No member or other person or persons shall visit with the chief clerk or remain by his desk while the ayes and noes are being taken.
- (d) When the electric roll call system is utilized for the taking of the ayes and noes, the presiding officer shall state the question and announce: "All those in favor shall vote aye; all those opposed shall vote no. The House members will proceed to vote."

When sufficient time has been allowed for each member to vote, the presiding officer shall ask: "Have all members present voted?" The presiding officer shall then direct the chief clerk to close the machine and record the vote. When the vote has been completely recorded, the presiding officer shall announce the result to the House.

- (e) A member may change his vote until the machine has been ordered closed by the presiding officer. It shall be the responsibility of each member to determine the accuracy of his vote as registered opposite his name on the electric roll call board. Except as otherwise provided in House Rule 18 (b), votes of absent or excused members shall be recorded only as absent or excused.
- (f) No member shall cast the vote of any other member, nor shall any other person cast the vote of a member. In addition to such penalties as may be prescribed by law, any member casting or attempting to cast the vote of a member may be punished in such manner as the House may determine.



## **21. When Members Shall Vote – Personal Interest – Changing Vote**

- (a) Every member who shall be within the House chamber when a question shall be stated from the chair shall vote thereon, unless he shall be directly interested in the question or shall have been excused from voting by the House; but, when a vote is taken without the use of the electric roll call system, no member shall be obliged to vote upon any question unless he shall be within the House chamber when his name shall be called.
- (b) A request by a member to be excused from voting shall be made before the call for the ayes and noes has begun; any member desiring to be excused from voting on a question shall make a brief statement of his reasons, and the question shall be put without further debate.
- (c) A member who has an immediate personal or financial interest in any bill or measure proposed or pending before the General Assembly shall disclose the fact to the House, and shall not vote upon such bill or measure.
- (d) When a vote is taken without the use of the electric roll call system, a member shall be allowed to change his vote before the result has been announced, but not thereafter.
- (e) A member shall not be compelled by a majority of a political caucus to cast his vote for or against any legislative measure.

## **22. Personal Privilege**

- (a) Any member may, as a matter of personal privilege, speak for a period not longer than five minutes upon such matters as may collectively affect the House, its rights, its dignity, and the integrity of its proceedings, or the rights, reputation, and conduct of its individual members in their respective capacities only.

- (b) In no event shall any member be permitted to utilize personal privilege to debate any motion, bill, resolution, memorial, or other business pending before the House.

### **23. Decorum**

- (a) No member shall walk across or out of the House chamber while the Speaker is putting the question.
- (b) No member shall engage in loud private discourse or commit any other act tending to distract the attention of the House from the business before it.
- (c) Should any member, in speaking or otherwise, transgress the rules of the House, the Speaker on his own initiative, or upon the objection of another member, may call him to order whereupon, subject to his right to appeal from a decision of the chair as in other cases, he shall immediately sit quietly in his place.
- (d) When speaking or debating before the House, a member shall confine his remarks to the question under discussion or debate, avoiding personalities.
- (e) When the General Assembly is in session, members and such employees as authorized by the chief clerk shall be the only persons to use the center aisle of the House chambers, the aisles between the member's desks, and the well of the House chambers immediately in front of the House front desk. The center aisle of the House chambers may also be used during joint sessions by Senators and by such guests as may be authorized by the Speaker.
- (f) Members shall be the only persons to use the chairs provided for use of the members in the House chambers. However, a member may authorize a Senator to use his or her chair during joint sessions or an immediate family member to use his or her chair during special ceremonies.

- (g) Whenever the House is conducting business in the House chambers, gentlemen members shall be required to wear a suit coat or sport coat. The requirement to wear a suit coat or sport coat may be suspended by the Chair when the House is sitting as a committee of the whole or by the Speaker when the Speaker deems suspension appropriate. The majority party leader shall develop guidelines for proper dress for members and staff attending to legislative business in the House chambers and assure that such guidelines are communicated to the members and staff.

## 24. Protest

- (a) Any member shall have the right to protest any action of the House, stating his reasons therefor, and having obtained consent of the House and reduced his reasons to writing, he may have the same entered in the journal, provided such reasons do not impugn the motives or character of any member of the General Assembly.

## 25. Committees

- (a) Committees of reference of the House shall be:
- (1) Agriculture, Livestock, and Natural Resources.
  - (2) Appropriations.
  - (3) Business Affairs and Labor.
  - (4) Education.
  - (5) Finance.
  - (6) Health, Environment, Welfare, and Institutions.
  - (7) Information and Technology.
  - (8) Judiciary.
  - (9) Local Government.

(10) State, Veterans, and Military Affairs.

(11) Transportation and Energy.

- (a.1) The Committee on Legal Services shall be considered a committee of reference for any bill introduced pursuant to section 24-4-103 (8) (d), Colorado Revised Statutes.
- (a.3) On and after January 8, 2003, any reference in these Rules, the Joint Rules of the Senate and House of Representatives, or in the Colorado Revised Statutes, to the Civil Justice and Judiciary Committee or to the Criminal Justice Committee shall be deemed to refer to the Judiciary Committee.
- (b) Other permanent committees of the House shall be:
- (1) Repealed 1989 Session.
  - (2) House Services.
- (c) All of the committees specified in (a) and (b) above shall be appointed at the commencement of the first regular session of the General Assembly convening after a general election and shall remain constituted as such committees until the first regular session of the General Assembly convening after the next ensuing general election.
- (d) The first member appointed shall be the chairman and the second member appointed shall be the vice-chairman of each committee.
- (e) (1) Repealed 1989 Session.
- (2) Repealed 1989 Session.
- (f) The House services committee shall consist of four members. It shall authorize and review all expenditures for equipment, supplies, and

services necessary for the efficient conduct of the business of the House, and shall employ such officers and employees of the House as may be authorized and assign them to their duties, filling any vacancies that may occur from time to time. It shall have full power to summarily remove any officer or employee of the House, but shall be excused from making reports thereon unless requested by some member. It shall attend to the revision, engrossment, and enrollment of all bills, as directed by the House and its committees, reporting thereon from time to time as occasion requires.

- (g) All other committees shall consist of not less than nine nor more than nineteen members, as determined by the Speaker.
- (h) The party representation on committees shall be in proportion generally to the relative number of members of the two major political parties in the House.
- (i) All committees specified in (a) and (b) above shall not:
  - (1) Take action upon any bill or other matter before it unless a quorum be present, a quorum being a majority of the entire membership of the committee.
  - (2) Sit or meet while the House is in session without first having obtained consent of the House upon a showing of special need.
  - (3) Occupy the House chamber at any time without prior consent of the Speaker.
- (j) All committees of reference, as listed in (a) above, shall observe the following rules of procedure:
  - (1) (A) The committees of reference of the House shall meet at the times and places specified in a Schedule of Committee Meetings and distributed to the members of

the House at the beginning of each regular session of the General Assembly; the committees shall be scheduled to meet according to the categories in subsection (k) of this rule.

- (B) A committee of reference may hold a special committee meeting at a time and place other than is provided in the Schedule of Committee Meetings, provided the chairman publicly announces the special meeting to the House as much in advance of the actual meeting as possible and provided the announcement is made while the House is in actual session.
- (C) If a regularly scheduled committee meeting is canceled, the chairman shall announce such cancellation while the House is in actual session prior to the time the meeting is scheduled to take place.
- (D) The chairman of each committee of reference shall determine the order of business for each committee meeting, including the measures that will be considered at each meeting, and shall announce on the floor of the House the measures that are to be considered. However, at least seven days after a measure has been delivered to the chairman, two-thirds of all members appointed to the committee may petition the chairman in writing that a specific measure be considered, such petition to be submitted at a regularly scheduled committee meeting. Upon receipt of the petition, the chairman shall announce such fact to the committee and shall have the petitioned measure listed on the subsequent daily calendar for consideration by the committee, such consideration to be no later than seven days after receipt of the petition.

- (E) **Committee consideration and action required.** Each measure assigned or referred to a committee shall be set for committee consideration at a scheduled meeting, considered by the committee upon its merits, and acted upon by the committee.
- (E.1) **Bills must be considered within legislative deadlines.** Each bill assigned or referred to a committee of reference shall be considered and acted upon by the committee within any deadlines applicable to the bill which are imposed on committees of reference to report bills by the Joint Rules of the Senate and House of Representatives.
- (E.2) **Discretion of chairman to limit testimony and discussion.** The chairman of each committee of reference may limit testimony and discussion on a measure to that which is adequate, in the chairman's discretion, to enable the committee to consider the measure on its merits. In particular, the chairman may limit the length of testimony and discussion and may exclude testimony or discussion which he determines to be repetitious or irrelevant.
- (E.3) **Scope of consideration by appropriations committee following consideration by another committee.** In the case of a measure assigned or referred to the appropriations committee which has previously been considered on its merits by another committee of reference of the House, consideration on the merits shall be consideration of the measure's fiscal impact; but the chairman may, in his discretion, permit consideration of other relevant matters. "Fiscal impact" includes but is not necessarily limited to the necessity of appropriations to implement the measure and the amount and source of such appropriations.

- (E.4) **Applicability of (E) to (E.3).** The provisions of subparagraphs (E) through (E.3) of this paragraph (1) apply to measures originating in the Senate when they are considered in the House, as well as to measures originating in the House. When a measure is assigned or referred to more than one committee of reference, the provisions of subparagraphs (E) through (E.3) of this paragraph (1) apply to each committee of reference.
- (F) **Motions.** Only a member of a committee may offer a motion. No motion shall be subject to debate by a committee until it has been seconded and put by the chair.
- (G) **Consideration of measure required when motion is made out of order to report measure favorably - measure treated as postponed indefinitely if motion fails to pass.** If a motion is made that a committee report a measure favorably to the committee of the whole, with or without amendments, when such measure is not in the order of business determined by the chairman pursuant to subparagraph (D) of this paragraph (1), then such measure shall be considered by the committee upon its merits. If such motion fails to pass, the failure of such motion to pass shall have the same effect in all respects as the adoption of a motion that consideration of the measure be indefinitely postponed. In such case, the chairman of the committee shall deliver a report in accordance with paragraph (3) of this subsection (j) that the committee recommends that consideration of the measure be postponed indefinitely.
- (H) **Protection of committee deliberations - disruptions.** In accordance with section 2-2-404, Colorado Revised Statutes, when conducting a legislative hearing or



meeting, the chairman of a committee of reference may request that a sergeant-at-arms remove any person who is violating the provisions of section 18-9-110, Colorado Revised Statutes, or who otherwise impedes, disrupts, or hinders the proceeding or endangers any member, officer, or employee of the General Assembly or any member of the public.

- (1.5) The chairman of a committee of reference may delegate any duty or responsibility provided for in this subsection (j) to the vice-chairman of the committee.
- (2) Proxies, either written or oral, shall not be permitted for any purpose.
- (2.5) Repealed, January 15, 2001, HR 01-1006.
- (3) After a committee of reference has taken its final action on a measure, the chairman of the committee shall make a report of such action to the chief clerk of the House within three legislative days, and the chairman shall not delay or withhold making or signing such a report. For committees that meet on Wednesday or Thursday, the chairman shall have two legislative days in which the general assembly is in actual session to make such a report rather than three legislative days. However, during the last three days of a legislative session, the chairman of the committee shall make any committee of reference report as soon as possible. Final action shall consist of reporting a measure out of committee, with or without amendments, for consideration by the committee of the whole, a recommendation for reference to another committee of reference, or postponing the measure 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 shall be considered a motion to postpone

indefinitely. In addition, a measure shall be considered postponed indefinitely when there has been a tie vote on a motion that would constitute final action and the applicable deadline for House committees of reference to report bills has passed without action by the House Committee on Delayed Bills to extend the deadline for the measure. The chairman shall make a report to the chief clerk of the House indicating that any such measure is deemed postponed indefinitely. Following the date of the applicable committee deadline, the chairman shall have three legislative days in which the general assembly is in actual session to submit such report.

- (4) The staff assistant assigned to each committee of reference shall be responsible to the chairman of the committee for the proper preparation of all reports.
- (5) Upon receipt of a measure by the chairman of a committee of reference, he shall be responsible for the safekeeping of the measure, but he may give custody of the measure to a staff assistant.
- (6) The chairman of a committee of reference shall vote on every question coming before the committee unless he has an immediate personal or financial interest in the proposed measure, but he shall not vote twice, as in the case to make a tie and then to cast the deciding vote. Every other member shall vote on each measure coming before the committee except proposals in which the member has an immediate personal or financial interest.
- (7) If a member of a committee of reference is absent from three consecutive scheduled committee meetings without being excused, the committee chairman shall report such fact to the floor leader of the party to which the member belongs.

- (8) A recommendation of any committee of reference to amend a measure shall not become an integral part of the measure in question until adopted by the committee of the whole.
- (9) Roll call votes shall be taken and recorded in each committee on final action and on proposed amendments to which one or more committee members have voiced objection. The record shall include the names and numbers of those voting on motions to amend and on final action. Said record shall be available for public inspection.
- (10) In order to take any action on a measure by a committee of reference, a quorum must be present and the affirmative vote of a majority of a quorum or a majority of those present and voting, whichever is greater, shall be necessary.
- (k) (1) The committees of reference as listed in subsection (a) of this rule shall be placed in the following categories for the purpose of scheduling meetings:

<b>Category</b>	<b>Committee</b>
1	Business Affairs and Labor. Judiciary. State, Veterans, and Military Affairs.
2	Education. Health, Environment, Welfare, and Institutions. Information and Technology. Local Government.
3	Agriculture, Livestock, and Natural Resources. Finance. Transportation and Energy.
4	Appropriations.

- (2) A member of the House shall serve on no more than one committee of reference within a category.
- (l) Reconsideration in a committee of reference shall be governed by the provisions of Rule 35 (e) and (f).

### **25A. Electronic Participation in Committees of Reference**

Members of the House of Representatives shall not be permitted to participate in any meeting of a committee of reference through telephone or other electronic connection.

### **26. Resolutions and Memorials**

- (a) Resolutions and memorials originating in the House shall be of the following classes:
  - (1) House concurrent resolutions, which shall propose amendments to the constitution of the state of Colorado or recommend the holding of constitutional conventions, and ratify proposed amendments to the federal constitution.
  - (2) House joint resolutions, which shall pertain to the transaction of the business of both the House and the Senate or the establishment of committees comprised of members of both houses or which shall express the will of both houses on any matter not mentioned in Rule 26A.
  - (3) House resolutions, which shall relate solely to matters not mentioned in Rule 26A concerning the House.

- (4) House memorials or House joint memorials, which shall express sentiment on the death of any person or persons who served as members of the General Assembly.
- (b) House concurrent resolutions as well as Senate concurrent resolutions shall be treated in all respects as bills, and all provisions of these rules applying to bills shall apply to concurrent resolutions, except that the affirmative vote of two-thirds of all members elected shall be required for adoption of House and Senate concurrent resolutions upon third reading and final passage.
- (c) House resolutions, House joint resolutions, House memorials, and House joint memorials, upon introduction shall be read at length and ordered printed. At the discretion of the Speaker they shall then either:
- (1) Lay over one day before being acted upon; or
  - (2) Be referred to a committee of reference, where they shall be considered as House bills are considered.
- (d) Senate joint resolutions and Senate joint memorials upon introduction shall be read at length. At the discretion of the Speaker they shall then either:
- (1) Lay over one day before being acted upon; or
  - (2) Be referred to a committee of reference, where they shall be considered as bills originating in the Senate are considered.
- (e) No measure governed by the provisions of this rule shall be considered by the House unless and until it shall have been printed.
- (f) At the discretion of the Speaker, any former member of the House may be admitted to the floor of the House chamber in order to

address the members of the House regarding a house memorial, house joint memorial, or senate joint memorial expressing sentiment on the death of any person who served as a member of the House. Prior to the commencement of an address by a former member concerning a house memorial, house joint memorial, or senate joint memorial, the House shall recess for the purpose of hearing the address.

## **26A. Tributes**

- (a) Tributes are nonlegislative actions which do not require introduction, calendaring, or floor action.
- (b) Tributes issued by the chief clerk of the House shall be of the following classes:
  - (1) House joint tributes or House tributes, which shall:
    - (A) Offer congratulations for significant public achievement;
    - (B) Recognize meritorious individual achievement;
    - (C) Express appreciation for service to the state or the General Assembly;
    - (D) Extend greetings to prominent visitors to the state.
  - (2) House joint memorial tributes or House memorial tributes, which shall express sentiment on the death of a person who has not served as a member of the General Assembly.
- (c) The chief clerk of the House shall not issue:

- (1) A House tribute or memorial tribute unless the Representative requesting the issuance of such tribute has obtained the permission of the Speaker;
  - (2) A House joint tribute or joint memorial tribute unless the Representative requesting the issuance of such tribute has obtained the permission of the Speaker, and a Senator has obtained the permission of the President of the Senate.
- (d) A copy of each House tribute or memorial tribute and each House joint tribute or joint memorial tribute issued shall be retained by the chief clerk of the House for a period of at least two years.

### **27. Introduction of Bills, Resolutions, and Memorials**

- (a) Any member may introduce a bill, resolution, or memorial at such times as the introduction of bills, resolutions, and memorials is the order of business, and such bill, resolution, or memorial shall be numbered in the order introduced. No bill shall be introduced by title only.
- (b) Every bill shall be read by title when introduced, which shall constitute first reading, and at length on two different days prior to its being finally passed. Reading before the House sitting as committee of the whole shall constitute second reading. Unless a member shall request the reading of a bill in full when it is being considered on second or on third reading, it shall be read by title only, and the unanimous consent of the members present to dispense with the reading of the bill at length shall be presumed.
- (c) The House, by the affirmative vote of a majority of all members elected, may adopt a resolution fixing a date after which a bill may not be introduced except as provided in said resolution.

## 28. Amendment

- (a) Any bill, resolution, or memorial shall be subject to amendment, but all amendments shall relate to the same subject as the original bill, resolution, or memorial.
- (b) All substantial amendments shall be printed, and all House and Senate bills which have been substantially amended shall be reprinted on order of the Speaker and laid upon the desks of the members before final vote is taken.

## 29. Course of Bills

The course of every bill in its introduction, reference, consideration, and passage through the House shall be as follows:

- (a) Introduction of the bill, in quadruplicate, and first reading, by title.
- (b) Reference of the bill by the Speaker, by number only, to the appropriate committee of reference, not later than the close of actual session on the third calendar day following deposit of the bill with the chief clerk. The Speaker may refer the bill to two separate committees of reference in succession if in his judgment the subject matter of the bill so requires.
- (c) Docketing of the bill by the docket clerk.
- (d) Every House bill, if not printed under House Rule 45, shall be ordered printed, upon introduction, by the chief clerk.
- (e) Delivery of the bill by the docket clerk to the chairman of the committee of reference, taking his receipt therefor.



- (f) Consideration of the bill upon its merits by the committee, and the committee after such consideration shall recommend either that:
- (1) The bill lay on the table.
  - (2) The bill be favorably recommended for consideration by the House sitting as a committee of the whole.
  - (3) The bill be amended and, as amended, be favorably recommended for consideration by the House sitting as a committee of the whole.
  - (4) Consideration of the bill be indefinitely postponed.
  - (5) The bill be referred to another committee of reference.
- (g) (1) If the bill be favorably recommended as provided for in paragraphs (2) and (3) of subsection (f) of this rule, or consideration thereof be indefinitely postponed as provided for in paragraph (4) of subsection (f) of this rule, or recommended for reference to another committee of reference as provided in paragraph (5) of subsection (f) of this rule, a report to that effect, together with the bill, shall be delivered by the chairman to the chief clerk in accordance with Rule 25 (j) (3) of these rules.
- (2) No further action may be taken on any bill indefinitely postponed and delivered to the chief clerk.
  - (3) All other bills shall be placed on the calendar for consideration by the House sitting as committee of the whole.
  - (4) Repealed 1989 Session.

- (h) Consideration of the bill, on second reading, by the House sitting as committee of the whole, during which the following motions shall be in order:
- (1) That the enacting clause of the bill be stricken.
  - (2) That the bill be recommitted to any committee of reference for further study and consideration.
  - (3) Repealed 1989 Session.
  - (4) That the bill be passed over and retain its place on the calendar.
  - (5) That the bill be amended.
  - (6) That the bill be adopted.
  - (7) That the committee rise, report progress, and ask leave to sit again.
  - (8) That the committee rise and report.
- (i) Action by the House, either by adopting, by amending, or by rejecting the report of the committee of the whole. Any bill adopted by such action of the house shall be engrossed or revised and placed on the calendar for third reading and final passage.
- (j) Printing of all substantial amendments made to the bill by committee of the whole, which amendment shall be laid upon the desk of each member.
- (k) Consideration of the bill by the House on third reading and final passage, during which the following motions shall be in order:

- (1) That the enacting clause of the bill be stricken.
- (2) That the bill be adopted.
- (3) Repealed 1989 Session.
- (4) That the bill be recommitted to any committee of reference.
- (5) That the bill be laid over.
- (6) That the bill be amended, consent to consider such amendment having first been given by a majority of members elected to the House.

### **30. Demand**

- (a) Three days after reference of any bill to a committee of reference, and upon a 24-hour demand by any member for a report, the committee of reference may be required to report such bill back to the House upon a motion adopted by the affirmative vote of a majority of all members elected.
- (b) Repealed 1989 Session.

### **31. Consideration by Committee of the Whole**

- (a) Every bill on general or special orders shall be considered by the House sitting as committee of the whole. The title of every bill shall be read in any event, but reading at length may be dispensed with in accordance with the provisions of Rule 27 (b) of these rules, or in the event the committee votes to recommend that the enacting clause be stricken.

### 32. Committee of the Whole .

- (a) Committee of the whole shall be formed upon motion, and upon adoption of such motion the Speaker shall appoint a chairman, who shall, for the time being exercise all the powers of the Speaker necessary to conduct the business of the committee of the whole. Such chairman shall not be entitled to vote unless the committee be evenly divided on a question.
- (b) The rules of the House shall govern the proceedings of the committee of the whole insofar as practical, except that a member may speak more than twice upon the same subject, a call for the ayes and noes may not be made but any member shall have the right to demand a standing division of the ayes and noes upon any question before the decision is announced by the chair, a motion for the previous question shall not be in order, a motion for reconsideration shall not be in order, and there shall be no appeal from the decision of the chair.
- (c) A motion to strike out the enacting clause of a bill shall be in order and shall have precedence to any other motion relating to the bill; such motion shall open the question of passage of the bill to general debate and, if adopted, shall be equivalent to rejection of the bill.
- (d) The final question upon consideration of any bill or concurrent resolution shall be whether it shall be adopted, engrossed, and placed on the calendar for third reading and final passage.
- (e) Deliberations of the committee of the whole shall be terminated by a motion to rise and report, but if the work of the committee shall not have been completed and resumption of deliberations is desired, the motion shall be to rise and report progress, asking leave to sit again, and the adoption of such motion shall constitute consent by the House for the committee to sit again, when deliberations shall be

resumed exactly where suspended. Such motions shall always be in order and shall be decided without debate.

- (f) A motion may be in order, during deliberations of the committee of the whole, that a bill be laid over and proposed amendments which have been offered to such a bill be printed and placed on the desks of the members.
- (g) When the work of the committee shall be completed, a report of the recommendations of the committee, containing all amendments to bills considered by the committee, shall be signed by the chairman and submitted to the House. The chairman of the committee shall move for adoption of such report.
- (h) Reports of the committee of the whole shall be adopted by a majority vote of the members elected, and the vote taken on the adoption of the report of the committee of the whole shall constitute passage on second reading of each bill considered and approved by the committee of the whole.
- (i) Members shall refrain from interrupting the deliberations of the committee of the whole for the introduction of guests or visitors.

### **32A. Fiscal Notes**

- (a) No House bill or House concurrent resolution shall be passed from a House committee of reference unless accompanied by a fiscal note on the printed measure or a statement that the printed measure has no fiscal impact in accordance with Rule No. 22 of the Joint Rules of the Senate and the House of Representatives; except that a fiscal note shall not be required for a bill not reviewed for its fiscal impact pursuant to Rule No. 22 (b) of said Joint Rules. The requirement of this subsection (a) may be waived by the Speaker, and such waiver shall be noted in the journal.

- (b) When a measure for which a fiscal note has been prepared is amended by a committee of reference and referred for further action, the Legislative Council staff shall, if practicable, review the measure as amended for its fiscal impact and prepare an updated fiscal note or a statement that the measure has no fiscal impact.
- (c) The Legislative Council staff shall update or prepare a fiscal note on a bill prior to consideration of the bill on second reading, if so requested by at least ten members of the House.
- (d) The Legislative Council staff shall update or prepare fiscal notes, when appropriate, after second and third readings and after a report has been submitted by a conference committee.
- (e) Copies of any updated fiscal note or statement that a measure has no fiscal impact shall be reproduced for use by all members of both houses.

### **33. Third Reading and Final Passage of Bills**

- (a) Upon third reading, a motion to strike out the enacting clause of a bill shall be in order only after the title of the bill has been read.
- (b) No amendment to a bill on third reading shall be in order except with the consent of a majority of all members elected.
- (c) The final vote shall be taken by ayes and noes, and the names of those members voting for and against the bill shall be entered in the journal.
- (d) No bill shall be declared passed, or signed by the Speaker, unless a majority of all members elected shall be recorded as voting for the same.

### 33A. General Appropriation Bill

- (a) No amendment to the annual general appropriation bill shall be in order on second reading unless:
- (1) A request that the amendment be drafted was submitted by a member to the staff of the Joint Budget Committee at least twelve hours prior to consideration of the bill on second reading; and
  - (2) The completed amendment was delivered to the member requesting the amendment, and delivered by such member to the chief clerk, prior to consideration of the bill on second reading or was delivered as part of a packet of all amendments prepared by the staff of the Joint Budget Committee prior to consideration of the bill on second reading. The chief clerk shall provide a copy of each amendment to the House prime sponsor of the bill and to the majority and minority leaders of the House on or before the day of second reading or shall deliver a copy of the packet of amendments to all members prior to consideration of the bill on second reading.
- (b) An amendment not meeting the requirements of subsection (a) of this Rule may be considered on second reading with the consent of a majority of all members elected. The question of such consent shall be decided without debate.
- (b.5) An amendment offered on second or third reading or on consideration of the report of the committee of the whole to the annual general appropriation bill for the upcoming fiscal year or to the annual general appropriation act for the current fiscal year that increases the amount of any appropriation from a general fund, general fund exempt, cash funds, cash funds exempt, capital construction fund, or capital construction fund exempt column shall not be in order unless the amount identifies the source or sources of

the entire amount of the increase. The part of an amendment that increases the amount of any appropriation shall not be severable from the part that identifies the source or sources of the entire amount of the increase. Such sources may be specified reserves, specified reductions in the amount of other appropriations in the same column, or a specified combination of such reserves and reductions.

- (b.7) An amendment offered on second or third reading to the annual general appropriation bill for the upcoming fiscal year or to the annual general appropriation act for the current fiscal year shall not be in order if the effect of the amendment would be to cause or allow a violation of:
- (1) Any limit on state fiscal year spending contained in section 20 of article X of the state constitution; or
  - (2) Any limitation on state general fund appropriations contained in section 24-75-201.1, Colorado Revised Statutes.
- (c) Repealed 1993 Session.

### **34. Action Final**

- (a) When any bill, resolution, memorial, amendment, report, order, or other matter shall have been finally acted upon by the House or by the committee of the whole, either by having been adopted or rejected, no further action may be had thereon in the same body that will have the effect of defeating or resurrecting the same, except as provided for hereinafter in Rule 35. For the purpose of this rule, each committee of the whole shall be considered a separate body. Nothing herein shall prevent the introduction of a new bill on the same subject.



### 35. Reconsideration

- (a) After a question has been decided by the House, any member recorded as having voted on the prevailing side may, at any time before adjournment of the current legislative day, move to reconsider or may give notice of intention to move to reconsider. Notice having been given, such member may move to reconsider on the same day or before 12 o'clock noon of the next day of actual session, but after the adoption of a resolution fixing the time for adjournment sine die, any member may so move.
- (b) A motion to reconsider shall require the affirmative vote of two-thirds of the members elected to be adopted, and if such motion be defeated, no further motion to reconsider shall be in order; but during the last two days of a session, such a motion shall require only a majority vote of those elected to the House, and reconsideration may be had concerning any bill acted on during the previous two days.
- (c) Notice of intention to move to reconsider any bill, resolution, or memorial having been given, the chief clerk shall retain such bill, resolution, or memorial in the possession of the House until such time as a motion to reconsider shall have been made and acted upon, or until the time for making such motion shall have expired; and should such bill, resolution, or memorial have been transmitted to the Senate or to the Governor, such notice shall constitute a mandate upon the chief clerk to request its return to the House, unless said bill, resolution, or memorial has already been introduced in the Senate.
- (d) Adoption of the report of the committee of the whole or any amendment thereto and readoption of vetoed bills shall not be subject to reconsideration upon this rule.
- (e) After a question has been decided by a committee of reference, any member having voted on the prevailing side may move to reconsider.

A motion to reconsider shall require the affirmative vote of two-thirds of the members of the committee and no further motion to reconsider in the committee shall be in order; but during the last two days of a session, such a motion shall require only a majority of the members of the committee. Such a motion may be made at the meeting at which the decision was made by the committee or at the next meeting of the committee. However, such a motion may not be made if a committee report regarding the decision of the committee has already been signed by the chairman of the committee and delivered to the chief clerk. Notice of intention to move to reconsider a question decided by a committee shall not apply.

- (f) When there has been a tie vote on a question decided by the House or by a committee of reference, for purposes of the making of a motion to reconsider, a member who voted "no" shall be deemed to have voted on the prevailing side.

### **36. Disagreement**

- (a) No amendment made by the Senate to a House bill shall be concurred in by the House except by a vote of a majority of members elected, taken by ayes and noes and the names of those voting for and against entered in the journal.
- (b) In case of a disagreement between the House and the Senate, the House may either adhere to its position, recede from its position and concur with the position of the Senate, or request a conference on the matter at issue.
- (c) The House may recede from any matter of difference existing between it and the Senate at any time prior to consideration of a conference committee report by either the House or the Senate, or after rejection of the conference committee report by the Senate, not

later than the next day of actual session following the rejection of the report.

- (d) In the event the House shall vote to request a conference, the Speaker shall appoint a committee of three members to represent the House. No vote on concurring in any amendment made by the Senate to a House bill or on the adoption of a report of a conference committee shall be taken until such amendment or report shall have been placed on the desk of each member, and particularly referred to in the calendar, but this rule may be suspended during the last three days of session. In addition:
- (1) No vote on concurring in any amendment made by the Senate to a House bill shall be taken unless notice of such action shall have been referred to in a calendar that has been printed and distributed at least twenty-four hours before such vote.
  - (2) The provisions of paragraph (1) of this subsection (d) shall be suspended during the last three days of any regular session and during any special session.
  - (3) The provisions of paragraph (1) of this subsection (d) shall be suspended upon the nondebatable announcement of the majority leader that the vote on concurring in any amendment made to a House bill by the Senate should occur in less than twenty-four hours because of an emergency, an impending deadline, or the need to comply with any state or federal requirement, or in order to address a stated public policy issue.

### **37. Vetoed Bills**

- (a) In the event of the veto of any bill passed by the General Assembly, the veto message of the Governor shall be read, together with the title of the bill.

- (b) It shall then be in order to proceed to consideration of the bill, in which event the motions shall be:
- (1) That the bill do pass notwithstanding the veto, and the affirmative vote of two-thirds of all members elected shall be required for the adoption of such motion.
  - (2) That the bill be referred to committee.
  - (3) That the bill lay on the table.
  - (4) That consideration of the bill be postponed to a day certain.
- (c) The merits of the bill may be debated before the vote be taken, but the vote on a vetoed bill shall not be reconsidered. In the case of a bill containing several items or sections, one or more of which has been vetoed, and approval given to the remaining items or sections, each item or section so vetoed shall be separately voted upon by the House.
- (d) Action by the House upon all vetoed bills shall be endorsed on the bill and certified by the Speaker.

### **38. Admittance to the Floor**

In addition to members and officers and employees of the House, the following persons shall be entitled to admittance to the floor of the House chamber and to House committee rooms:

- (a) Members of the Senate and elective officers of the state.
- (b) Persons exercising official duties concerned directly with the business of the House.

- (c) Representatives of the press and radio.
- (d) Former members of the House or Senate or former members of the House who are to address the members of the House pursuant to Rule 26 (f) regarding a house memorial, house joint memorial, or senate joint memorial expressing sentiment on the death of any person who served as a member of the House.
- (e) The immediate families of members.
- (f) Such other persons as may be invited by members.

### 39. Lobbyists

- (a) For the purposes of this Rule and Rules 40 and 41 of the House, a lobbyist is any person defined as such in the Joint Rules of the Senate and House of Representatives.
- (b) No lobbyist or member of the Governor's staff shall be admitted to the floor of the House:
  - (1) At any time the House is in session, including while it is sitting as a committee of the whole.
  - (2) Under any circumstances prior to 12 o'clock noon of any day the House is in session.
  - (3) Unless the lobbyist or member of the Governor's staff is a former member of the House who has been admitted pursuant to Rule 38 (d).
- (c) A legislator shall not request a lobbyist or an employee of the General Assembly to make donations to any type of charitable organization.

- (d) A legislator shall not request an employee of the General Assembly to make a donation to the legislator's campaign.

#### **40. Registration of Lobbyists**

- (a) Any lobbyist, except a volunteer lobbyist, desiring to observe the session of the House or to appear before any committee of the House shall first register as a lobbyist with the Secretary of State as required in Section 24-6-303 or 24-6-303.5, Colorado Revised Statutes. A volunteer lobbyist shall first register with the chief clerk.
- (b) The sergeant-at-arms shall thereupon conduct said person to the desk of the chief clerk, where said person shall register in the record kept for that purpose, entering thereon his name, address, and the interest or interests he represents, and also the bill or bills upon which he desires to be heard. The chief clerk shall thereupon issue a card to said person, which card shall permit said person to appear before the committee or committees to which said bill or bills have been referred.
- (c) At any meeting of any committee of the House, the chairman thereof, or a majority of the committee, may permit any interested person to address the committee upon said person's stating to the chairman his name and address and the subject upon which he desires to be heard.

#### **41. Material Distributed to Members**

- (a) No member, lobbyist, department, organization, or person shall distribute or cause to be distributed any material in the House chamber without having indicated on such material clearly the name, identification, and address of the person, department, or organization

publishing or sponsoring such distribution; and in all cases the Speaker at his discretion may prohibit distribution of any material whatsoever.

#### **42. Messages**

- (a) Messages from the House shall be sent by the chief clerk or his assistants.
- (b) Messages from the Senate, the Governor, or other branches of government may be received at any time.

#### **43. Chief Clerk**

- (a) The chief clerk of the House shall attend to the orderly conduct of the business of the House, under direction of the Speaker.
- (b) He shall keep a journal of each day's proceedings and business, in which shall be correctly entered:
  - (1) The result of the roll call taken each day at the hour of convening.
  - (2) The full titles of all bills and the full texts of all House resolutions, House joint resolutions and House memorials and House joint memorials introduced.
  - (3) Reports of reference, permanent, special, or conference committees.
  - (4) Proposed amendments to bills, resolutions, and memorials.
  - (5) Each report of the committee of the whole.

- (6) Messages from the Senate and the Governor and communications from other state officers and departments.
  - (7) The result of every vote taken, with the ayes and noes, if such were demanded or required.
  - (8) The ayes and noes and the names of those voting for and against every bill and concurrent resolution on third reading and final passage, the concurrence by the House in amendments made by the Senate to House bills, and the adoption of all reports of conference committees.
  - (9) An enumeration of the bills introduced, sent to the printer, and returned from the printer each day, and he shall attest to the fact that bills returned from the printer have been correctly printed.
  - (10) Such other matters as the House may direct.
- (c) He shall keep a record called the docket, in which shall be entered the number, title, and sponsor or sponsors of each and every House or Senate bill, and the number and sponsor or sponsors of each and every resolution or memorial with proper indexing and continuing notations relative to the status and progress of each of the same until final disposition thereof.
  - (d) He shall cause any Senate bill, resolution, or memorial not appearing in the records of the House in the form in which passed by the Senate to appear in correct form in the journal or otherwise, as the House may direct.
  - (e) Repealed 1989 Session.
  - (f) He shall prepare a list of all bills and concurrent resolutions arranged as general or special orders.



- (g) He shall prepare a list of all bills and concurrent resolutions, adopted by the House on second reading, entering same in the order in which adopted, which list shall be called "Third Reading – Final Passage."
- (h) He shall cause the lists hereinabove specified, together with such other matters as the House may direct, to be posted on a bulletin board, and also printed and laid upon the desks of the members, and such shall constitute the calendar.
- (i) He shall also prepare and cause to be printed and laid upon the desks of the members at appropriate times a supplement to the calendar containing a list of conference committee reports, resolutions, memorials, and other matters, in the order named.
- (j) He shall guard all documents and records of the House and shall permit no bill or record of any nature to be taken from his desk or out of his custody, except in the regular course of business of the House, and he shall not, at any time or place, allow the same to be handled or examined by any persons other than the Speaker, members, officers and employees of the House, or the authorized printer in the necessary performance of their official duties.
- (k) He shall take a receipt for every document which may pass from his custody in the regular course of the business of the House, and between the House and Senate, and shall keep record thereof; should any bill or other record in his custody be missing, he shall report the fact to the Speaker, immediately upon discovery.
- (l) All officers and employees at the chief clerk's desk and in the enrolling room shall be under his direction, and shall perform such duties as he may from time to time assign to them.

#### **44. Other Officers and Employees**

- (a) The sergeant-at-arms shall attend the House during its sittings, shall maintain order in the House chamber and the approaches thereto at all times, under the direction of the clerk pending the election of the Speaker, and under direction of the Speaker thereafter, and shall at all times execute the commands of the House and all processes issued by its authority, as directed to him by the Speaker.
- (b) The sergeant-at-arms shall supervise the assistant sergeants-at-arms in the performance of their duties.
- (c) The chaplain shall be present each day at the hour to which the House stands adjourned and, preceding the call to order, he shall offer prayer.
- (d) All officers and employees of the House shall be present each day as directed by the chief clerk.
- (e) No expense shall be incurred by any officer or employee of the House in its behalf except upon authority and written order of the chief clerk or the chairman of the House services committee.
- (f) Any officer or employee of the House who, while carrying out the duties of his position on the premises of the state capitol building, shall invite, solicit, or urge any member to vote for or against any bill or other measure or to use his influence for or against any bill or measure before the House or any of its committees shall be summarily dismissed from service or employment. Nothing in this subsection (f) shall prohibit an officer or employee of the House from exercising the same rights and privileges as other citizens of Colorado with regard to legislation of interest if such attempts are made away from the premises of the state capitol and not while

fulfilling the responsibilities of whatever position the officer or employee has been hired to carry out.

#### **45. Printing of Bills Prior to Session**

- (a) Any time after December 1st but preceding the convening of the General Assembly at its next regular session, a member or member-elect of the House of Representatives may prefile a bill for introduction with the chief clerk or the chief clerk-designate. Prior to the convening of any legislative session, the Speaker shall order the printing of any bill prefiled for introduction in order to facilitate the business of the pending session of the General Assembly.

#### **45A. Acting Speaker – Succession**

- (a) In the event of the death, resignation, disability, or absence from the state of the Speaker, the majority floor leader, as acting Speaker, shall exercise all the powers and duties of the Speaker when the General Assembly is not in session, but the exercise of such powers and duties by the acting Speaker shall continue only until the General Assembly shall meet or until the disability or absence from the state of the Speaker is removed, whichever shall first occur. In the event of the death, resignation, disability, or absence from the state of such majority floor leader, then the following persons shall succeed to the office of acting Speaker: The chairman of each of the committees of reference of the House in the order listed in Rule 25 (a) of these rules.

## **46. Matters Not Covered by Rules**

- (a) Any matter not covered by these rules shall be governed by the decision of the Speaker, subject to the right of appeal by any member as in these rules provided for.

## **47. Amendment of Rules**

- (a) These rules or any part thereof may be suspended, amended, subtracted from, added to, or rescinded by the affirmative vote of two-thirds of all members elected.

## **48. Code of Ethics**

Repealed 1977 Session

## **49. Committee on Ethics**

- (a) Any person who has knowledge concerning misconduct involving legislative duties by a member of the House, including but not limited to the alleged violation of the Rules of the House of Representatives or of section 40 of article V of the state constitution, may file a written, signed complaint with the Speaker setting forth the facts that constitute the alleged misconduct and specifying the statutes, rules, constitutional provisions, or other ethical principles alleged to have been violated. The Speaker shall provide the member complained against with a copy of the complaint. The Speaker shall consult with the majority leader and the minority leader about the complaint. If at least two of the three leaders conclude that the complaint does not state an ethical violation, the complaint shall be dismissed, and the complainant and the member complained against shall be so notified.

- (b) If the complaint is not dismissed pursuant to subsection (a) of this rule, the Speaker shall appoint a committee on ethics, which shall consist of not less than five nor more than seven members. The party representation on the committee shall be in proportion generally to the relative number of members of the two major political parties in the House. The majority party members of the committee shall be selected from among the chairmen of committees of reference of the House. The minority party members of the committee shall be selected, after considering recommendations by the minority leader, from among the members of the House who are senior in service and experience. The Speaker shall designate the chairman and vice-chairman of the committee from among its members.
- (c) The person complained against may submit a written answer to the committee within ten days after appointment of the committee. The committee shall make a preliminary investigation of the complaint. The preliminary investigation shall consist of an examination of the complaint, the answer, if any, and any other evidence compiled pursuant to the request of the committee, but the committee shall not receive testimony or other evidence from other sources. The preliminary investigation shall be completed within thirty days after appointment of the committee. If, after the preliminary investigation, the committee determines no violation has occurred, the complaint shall be dismissed.
- (d) If, after the preliminary investigation, the committee determines probable cause exists to find that a violation may have occurred, it shall so notify the person complained against. Within seven days after such notification, such person may request a hearing before the committee, at which he or she shall be entitled to appear, present evidence, cross-examine witnesses, and be represented by counsel. The committee shall have the power to take testimony under oath and to issue subpoenas and subpoenas duces tecum in the manner provided by Joint Rule No. 33 (b), (c), and (d) of the Joint Rules of

the Senate and House of Representatives. The hearing shall commence within fourteen days after receipt of the request for a hearing.

- (e) All proceedings of the committee shall be governed by the provisions of part 4 of article 6 and part 2 of article 72 of title 24, Colorado Revised Statutes.
- (f) After a hearing held pursuant to subsection (d) of this rule, the committee may dismiss the complaint, or, if it finds that action should be taken against the member complained against, it shall make appropriate recommendations to the House of Representatives, including reprimand, censure, or expulsion. Expulsion of a House member shall require the affirmative vote of two-thirds of the members elected to the House. Reprimand or censure of a member shall require the affirmative vote of a majority of the members elected to the House.
- (g) Action of the leadership, the ethics committee, or the House pursuant to this rule is final and not subject to court review. Nothing in this rule shall prohibit the House of Representatives from taking any action based upon its authority to judge the qualifications of its members pursuant to Section 10 of Article V of the state Constitution.
- (h) The committee may retain such counsel and may hire such investigators as it deems necessary for the performance of its duties under this rule. All expenditures incurred pursuant to this subsection (h) shall be approved by the Speaker and paid by vouchers and warrants drawn as provided by law from appropriations made to the General Assembly.
- (i) The committee may adopt rules of procedure for the orderly conduct of its meetings, investigations, and hearings, which rules shall be consistent with this rule and other applicable rules and statutes.

- (j) If the complaint concerns misconduct of the Speaker, then the duties of the Speaker in this rule shall be the duties of the majority floor leader and the duties of the majority floor leader shall be the duties of the assistant majority leader. If the complaint concerns misconduct of the majority floor leader or the minority leader, then the duties of such leader in this rule shall be the duties of the assistant majority leader or the assistant minority leader, as the case may be.

### **50. Review of Certain Bills by the Capital Development Committee**

- (a) A copy of any bill introduced in the House and determined under the rules of the House to be dealing with capital construction requests, controlled maintenance requests, or proposals for the acquisition of capital assets shall be reviewed by the Capital Development Committee, appointed pursuant to Part 13 of Article 3 of Title 2, Colorado Revised Statutes. The Capital Development Committee may make advisory recommendations thereon to any committee of reference considering any such bill or to the House. Under the provisions of this rule, the Capital Development Committee shall not be considered a committee of reference of the General Assembly.

### **51. Control of Smoking**

- (a) Smoking is prohibited in the House chambers, rooms adjoining the House chambers, House lounge, House rest rooms, House gallery, House committee rooms, lobbies adjacent to such committee rooms, and all areas that provide immediate access to such chambers, adjoining rooms, lounge, rest rooms, gallery, porch area, committee rooms, and lobbies. When the House is not in session or in a recess, smoking is permitted in the porch area.

- (b) As used in this rule, "smoking" includes the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind and includes the lighting of a pipe, cigar, or cigarette of any kind.

**Editor's Note:** Traditionally, pursuant to a resolution adopted at the beginning of each biennium, the rules of the previous biennium of the House of Representatives are the temporary rules of the House and such rules may be amended upon the affirmative vote of a majority of all members elected to the House.



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**RULES OF THE SENATE OF  
THE COLORADO GENERAL ASSEMBLY**

**1. Hour of Meeting – Presiding Officer**

- (a) Unless otherwise ordered, the regular hour of meeting of the Senate shall be 10 o'clock a.m. on Mondays, and 9 o'clock a.m. on other days. The hour of adjournment shall be as ordered.
- (b) The President of the Senate, or in his absence the President pro tempore, shall take the chair every day promptly at the hour to which the Senate stands adjourned, shall call the Senate to order, shall lead or designate another Senator to lead the members in a recitation of the pledge of allegiance to the flag of the United States of America, and on the ascertainment of a quorum, shall proceed to business.
- (c) If at the hour for the convening of the Senate, the President and the President pro tempore shall be absent, the senior Senator present shall call the Senate to order and shall continue to preside, with all the powers, privileges, and duties of the President, until the President or President pro tempore shall appear.

**2. Quorum**

- (a) A majority of all Senators elected shall constitute a quorum, but a smaller number may adjourn from day to day, or for less than a day, and compel the attendance of absent members.

### **3. Order of Business**

- (a) The order of business of the Senate shall be as follows:
- (1) Reading, correction, and approval of the journal.
  - (2) Reports of committees of reference.
  - (3) Reports of special committees.
  - (4) Messages from the House of Representatives.
  - (5) Messages from the Revisor.
  - (6) Introduction of resolutions and memorials.
  - (7) Introduction of bills and first reading by title.
  - (8) Third reading of bills.
  - (9) General orders.
  - (10) Consideration of resolutions and memorials.
  - (11) Messages from the Governor and other state officers.
  - (12) Other business.
- (b) When the Senate has proceeded to the general orders of the day, no other business, unless it be a special order, shall be in order until the general orders have been disposed of.
- (c) Except as otherwise provided in Rules 3 (b), 6, 7, 9 (b), 9 (c), and 25 (b), the Senate may at any time, by the affirmative vote of a majority of all members present, proceed out of order to any order of business or return to an order already passed.
- (d) Notice of recall of a bill by the House shall be read immediately upon receipt if such bill then be under consideration by the Senate, otherwise upon conclusion of the business then before the Senate, and thereafter the Senate shall take no action on such bill. Such bill

shall automatically be returned to the House without the necessity of a motion or vote.

#### **4. Special Orders**

- (a) No bill or bills, or any other measure which takes the same course as a bill, may be made a special order unless approved by the affirmative vote of two-thirds of all members elected. In discussion of a motion to make a special order, no Senator shall speak more than once, nor longer than ten minutes, and a vote shall thereafter immediately be taken. Whenever any bill or other measure is made a special order for a particular day and hour, and the consideration thereof shall not be completed at that sitting, it shall retain its place as a special order and be considered immediately following the reading and approval of the journal on the next succeeding day of actual session. When a special order is under consideration, it shall take precedence over any special order for a subsequent hour of the same day, but such subsequent special order may be taken up immediately after the previous special order has been disposed of.

#### **5. Motions and Amendments**

- (a) No second shall be required of any motion presented to the Senate. When a motion is made it shall be stated by the President, or, being in writing, shall be handed to the secretary and read aloud before debate. A motion shall be reduced to writing if the President or any Senator so requests.
- (b) Any motion or resolution except a concurrent resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the ayes and noes, except a motion to reconsider, which shall not be withdrawn except by a majority vote of all members elected.

- (c) When a question is under debate, the President shall receive no motion except:
- (1) To adjourn.
  - (2) To take a recess.
  - (3) To question the presence of a quorum or request a call of the Senate.
  - (4) To strike the enacting or resolving clause.
  - (5) To lay on the table.
  - (6) For the previous question.
  - (7) To close debate at a specified time.
  - (8) To postpone to a day certain.
  - (9) To commit.
  - (10) To amend.
  - (11) To postpone indefinitely.

Such motions shall take precedence in the order named; but no one motion may be made more than once at any stage of any particular bill or proposition.

- (d) No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.
- (e) A motion to postpone to a day certain, or indefinitely, being decided, shall not again be allowed at the same stage of the bill or proposition;

and if a bill or proposition be set for consideration on a certain day, it shall not be considered at an earlier day.

- (f) No person other than a Senator shall present any petition, memorial, or address while the Senate is in session.
- (g) All so-called substitute motions and resolutions shall be considered as amendments only, and shall be subject to the rules relating thereto, except such matters as may be reported by committee.
- (h) All amendments to bills, resolutions, and memorials, to reports of the committee of the whole, or to reports of committees of reference, must be typed on appropriate amendment forms and presented to the secretary, who shall number such amendments as received, and when presented in this manner each such amendment shall be deemed to be pending and shall be considered in the order received. Each amendment should be checked for technical errors by the sponsor of the amendment before it is presented to the secretary.

## **6. Questions of Order – Appeal**

- (a) All questions of order shall be decided by the President without debate, but any decision of the chair shall be subject to an appeal to the Senate by any Senator. The Senator making such appeal shall state his reasons therefor, using not more than ten minutes for such purpose, to which the President may respond. Such appeal shall be acted upon immediately, and no motion or other business, except a motion to adjourn or to take a recess, shall be entertained, until the question be determined by a majority vote of the members present.



## **7. Motion to Adjourn or Recess**

- (a) A motion to adjourn, or a motion to take a recess shall always be in order, but being decided in the negative, shall not be again entertained unless some motion other than a call of the Senate, motion to adjourn, or motion for recess shall have taken place.

## **8. Division of Question**

- (a) If the question in debate contains two or more points, any Senator may have the same divided; but on motion to strike out and insert, it shall not be in order to move for a division of the question; but a rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition.
- (b) Amendments of the House to a Senate bill, resolution, or memorial, shall not be divisible.

## **9. Debate**

- (a) The following questions shall be decided upon without debate; but any Senator making such a motion shall be given three minutes to explain his motion:
  - (1) Fix the time to which to adjourn, except the fixing of sine die adjournment.
  - (2) Adjourn.
  - (3) Take a recess.
  - (4) Call for orders of the day and questions relating to priority of business.

- (5) Suspension of the rules.
  - (6) Objection to the consideration of a question.
  - (7) Previous question, and motions to close, limit, or extend the limits of debate.
  - (8) Amend or reconsider an undebatable motion.
  - (9) Dispense with reading of the journal.
- (b) The previous question shall be stated in this form: "Shall the main question be now put?" and, until it is decided, shall preclude all amendments or debate. When it is decided that the main question shall not be put, the main question shall be considered as still remaining under debate. When, by the affirmative vote of a majority of all members elected, it is decided that the main question shall be put, it shall put an end to all debate and bring the Senate to a direct vote; first, upon all amendments reported or pending, in the inverse order in which they are offered. After the motion for the previous question has prevailed, it shall be in order to move for a call of the Senate, but it shall not be in order to move to adjourn, prior to a decision on the main question.
- (c) Upon a majority vote of the members elected, debate may be closed at any time not less than one hour after the adoption of a motion to that effect, and an hour may be fixed for a vote upon the pending measure. No other motion shall be entertained until the motion to close debate, or to fix an hour for the vote on the pending question, shall have been determined.

## **10. Legislative Day**

- (a) Each calendar day shall be considered a legislative day.

## **11. Reading of Bills**

- (a) Unless a member shall request the reading of a bill in full when the bill is being considered by the committee of the whole or on third and final reading, it shall be read by title only, and the unanimous consent of the members present to dispense with the reading of the bill in full shall be presumed.

## **12. President and Presiding Officers**

- (a) The President shall:
  - (1) Preside over all sessions of the Senate, except as otherwise provided in these rules.
  - (2) Appoint all committees except those enumerated in Rule 21 (a), (b), and (j), unless otherwise ordered by the majority vote of all members elected.
  - (3) Cast his vote as any other member of the Senate.
  - (4) Administer all oaths required in the discharge of his duties; and issue, under his hand and attested by the secretary, all writs, warrants, and subpoenas ordered by the Senate or any committee thereof.
  - (5) Sign all bills and concurrent resolutions passed by the General Assembly; and sign all other resolutions, memorials, and orders.

- (6) Have general direction of the Senate chamber and of approaches thereto, and preserve order and decorum, and in case of any disturbance or disorderly conduct in the lobby or galleries, have power to order the same to be cleared.
- (7) Designate, when he desires to leave the chair for a brief period and the President pro tempore is absent, a Senator to act as temporary presiding officer, who shall be invested during such time only with the duty of presiding over the Senate and preserving order, and such appointment shall not extend beyond the return of the President pro tempore or beyond an adjournment.
- (b) At the beginning of each regular session convening after a general election and at such other times as may be necessary, the Senate shall, by a majority vote of all members elected, elect one of its members as President, and another member as President pro tempore, who shall, during the absence or inability of the President to serve, preside over the Senate and exercise and perform all the powers, privileges, and duties of the President.
- (c) Neither the President, President pro tempore, nor any acting or temporary presiding officer shall be excused from or prohibited from voting on any question because of so presiding, but shall not vote on appeals from such person's decision.

### **13. Secretary and Assistant Secretary**

- (a) A secretary of the Senate shall be elected at the commencement of each session, and at such other times as may be necessary, to hold office at the pleasure of the Senate. The secretary of the Senate shall be elected without reference to party affiliation and solely on the basis of ability to perform the duties of the position. In addition to other duties imposed by these rules, the secretary shall:

- (1) Have custody and care of every bill, resolution, and memorial, and other papers coming into his possession, and of all records of the Senate, none of which shall he permit to be examined or to be taken from his custody except by the President, Senators, and officers and employees of the Senate, and the printer of Senate papers, acting in the necessary performance of their official duties.
- (2) Take a receipt for every document which passes from his possession in the due course of business of the Senate, and keep a record book of all such receipts.
- (3) Report in writing to the President if any papers in his charge shall be missing, which report shall be publicly announced to the Senate.
- (4) Keep a docket book of all bills, resolutions, and memorials introduced in the Senate or received from the House, in which shall be entered the number, title, and introducers of all such bills, resolutions, and memorials, and every action taken thereon and the date thereof, until final disposition of the same shall be made.
- (5) Unless otherwise directed by the President, have general supervision over all employees of the Senate and report to the Senate services committee any misconduct or neglect of duty on the part of any such employee.
- (6) Attend to the printing and distribution of all bills, journals, calendars, and documents or other papers printed by the Senate, and to the purchase of all Senate supplies, under the direction of the Senate services committee.
- (7) Enter in the journal on a daily basis an enumeration of the bills or other measures ordered printed each day.

- (b) An assistant to the secretary of the Senate shall be appointed. Appointments to such position shall be made without reference to party affiliation and solely on the basis of ability to perform the duties of the position.

#### **14. Journal**

- (a) The secretary shall keep a correct journal of each day's proceedings, which shall be printed after the close of each day's session, and before the convening of the next day's session, one copy shall be placed on the desk of each Senator.
- (b) Before proceeding to any other order of business each day, the journal of the preceding day shall be corrected and approved. On any day, the journal for the preceding day shall be read at the request of any Senator. No corrections of the original journal after it is approved shall be made without consent of the Senate.
- (c) After the journal for any particular day has been approved, the President shall sign, and the secretary shall attest, four copies as corrected and approved, one of which shall be filed in the office of the Governor and one in the office of the Secretary of State, the remaining two copies to be retained for the use of the Senate, or for such disposition as the Senate shall direct.

#### **15. Calendar**

- (a) The secretary shall prepare a calendar for each day's order of business, and unless the Senate shall otherwise direct, have the same printed and distributed to the members before the convening of the day's session. Such calendar shall include:
- (1) All bills and concurrent resolutions which are committed to a committee of the whole Senate and which are not made the

order of the day for any particular day or hour, shall be listed under the title of "general orders," in the order in which they were reported from committees.

- (2) All bills, resolutions, reports of committees, and other business of the Senate, which have, by order of the Senate, been set down for consideration at some particular day and hour, shall be listed under the title of "special orders."
  - (3) All bills and concurrent resolutions which may be upon their third reading, shall be listed under the title of "third reading of bills," in the order in which they were ordered upon third reading unless the Senate shall, by a majority vote of members elected, otherwise direct.
  - (4) Miscellaneous orders which require action of the Senate, including "consideration of resolutions and memorials," "House amendments to Senate bills," "reports of conference committees," shall each be listed under their respective titles.
- (b) The secretary shall include on the calendar any references or explanatory notes which, in his judgment, will be of aid to the members, and when a bill or resolution coming from the House does not appear in print in the form in which it was passed in the House, the secretary may have the amendments to the bill or resolution printed on the calendar.
  - (c) Bills, resolutions, and memorials referred to the committee of the whole or to the Senate by committees of reference shall be placed on the calendar the second actual day of session following the day on which the committee report is delivered to the Senate.
  - (d) Any objection to the calendar shall be made and disposed of before the Senate proceeds to the consideration of the orders of the day.

## 16. Senators

- (a) Every Senator shall be present within the Senate chamber during sessions of the Senate unless duly excused, or necessarily prevented from attendance. No members shall be excused without the consent of the President.
- (b) Any Senator rising to speak in debate or to present any matter, shall, before proceeding, first address the President and be recognized by him. If two or more Senators rise at the same time, the President shall name the Senator who is to speak first. No Senator shall speak longer than one hour at any one time without the consent of the Senate, and he shall confine himself to the question under debate and avoid personalities.
- (c) Any Senator may call for a statement of the question. No Senator shall in any manner interrupt the business of the Senate while the President is putting the question or while journals, bills, or other papers are being read, nor when any Senator is speaking, except to raise a question of order, or, with the consent obtained through the chair of the speaking Senator to make a personal explanation or propound an inquiry.
- (d) (1) If any Senator, in speaking or otherwise, transgresses the rules of the Senate, the President shall, or any member may, call him to order, in which case he shall immediately sit down, and shall not speak, except in explanation, until it shall have been determined whether or not he is in order.
- (2) If any Senator is called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be reduced to writing by the secretary; but no Senator shall be held to answer or be subject to censure of the Senate therefor if further debate or other business has intervened after the words spoken and before exception to them shall have been made.



- (e) Any Senator shall have the right to protest or remonstrate against any action of the Senate, and such protest or remonstrance, with the reasons therefor, if reduced to writing, shall without alteration or delay be, with the consent of the Senate, entered in the journal if the protest or remonstrance is not personal in its nature.

## 17. Voting

- (a) All votes shall be taken viva voce, except as otherwise provided in these rules. If the President is in doubt as to the result of any vote, or if a division is called for by any Senator, the Senators shall divide and those in the affirmative shall first rise and be counted, then those in the negative; and if the President is still in doubt, he shall direct that the roll be called.
- (b) The vote shall be by ayes and noes and entered in the journal:
  - (1) Upon the final passage of a bill or of a concurrent resolution.
  - (2) Upon consideration of amendments to Senate bills or concurrent resolutions made by the House of Representatives.
  - (3) Upon consideration of reports of conference committees.
  - (4) On any question at the desire of any Senator.
  - (5) Upon consideration and confirmation of appointments made by the Governor.
- (c) Any Senator having a personal or private interest in any question or bill pending, shall disclose such fact to the Senate and shall not vote thereon, and if the vote be by ayes and noes, such fact shall be entered in the journal.

- (c.5) A Senator is not now compelled nor shall a Senator be compelled by a majority of a political caucus to cast a vote for or against any legislative measure or to sustain a Governor's veto.
- (d) Every Senator present, when the question is put, shall vote, unless the Senate, for special reasons, excuses him, or unless he shall have a personal or private interest in the matter. A request to be excused from voting shall be determined without debate by the President. Any Senator present and not excused from voting who refuses to vote on any question, if the vote be by ayes and noes, shall be noted in the journal as "present but refusing to vote."
- (e) Any Senator has the right to demand the ayes and noes upon any question and upon such demand, the President shall direct the reading clerk to call the names of Senators in their alphabetical order, and before the result is declared, the reading clerk shall read over the names of those voting in the affirmative, and those voting in the negative. After the alphabetical roll call of the ayes and noes has commenced, no debate on the measure before the Senate shall ensue, except that any Senator may be allowed one minute to explain his vote at the time his vote is recorded. No Senator shall be permitted to vote, under any circumstances, after the decision on the voting has been announced by the chair.
- (f) Any matter may be passed by a majority vote of a quorum except:
- (1) Any bill on second or on third reading shall require 18 votes for passage, except as provided in (8).
  - (2) Any simple or joint resolution or memorial shall require 18 votes.
  - (3) Concurrent resolutions on second reading, which propose amendments to the state constitution or recommend the calling of a constitutional convention, shall require 18 votes for

passage. However, on third reading such concurrent resolutions shall require 24 votes for passage.

- (4) Concurrent resolutions which ratify proposed amendments to the United States Constitution shall require 18 votes for passage on both second and third readings.
- (5) A motion to adjourn sine die shall require 18 votes.
- (6) To suspend the rules shall require 24 votes, except upon three days' notice, in which event 18 votes shall be required.
- (7) The confirmation of Governor's appointments shall require 18 votes for confirmation.
- (8) Bills to increase or diminish the number of district judges or increase or diminish the number of judicial districts shall require 18 votes for passage on second reading and 24 votes for passage upon third reading.
- (9) To reconsider any action of the Senate shall require 18 votes for passage. To recall from the House anything acted upon by the Senate shall require 18 votes for passage.
- (10) Passage on third or final reading of any measure, following concurrence in House amendments, shall require the same number of votes as is required on third reading for the original instrument for passage.
- (11) Overriding Governor's veto shall require 24 votes for passage.
- (12) An amendment to the report of a committee of the whole which amendment in effect shows that a bill or concurrent resolution did pass shall require 18 votes showing passage of such bill or concurrent resolution.

- (13) To make a bill or other measure a special order shall require 24 votes.
- (14) To amend or repeal rules requires 18 votes if three days' prior notice is given; without such notice, 24 votes are required.
- (15) To amend any bill on third reading shall require the consent of a majority of all members elected.

## **18. Reconsideration**

- (a) When a question has been decided by the Senate, any Senator voting on the prevailing side may, on the same day, or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote of those elected, without debate, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.
- (b) When a bill, resolution, memorial, report, amendment, order, or message upon which a vote has been taken, shall have gone out of the possession of the Senate, and been communicated to the House, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.
- (c) This rule has been repealed.
- (d) Upon notice being given by any Senator of his intention to move a reconsideration of any vote taken, the secretary shall enter the same in the journal, and shall retain the bill or other paper with reference

to which the vote was taken (except petitions, enacted bills, and orders of inquiry), until the time for reconsideration has expired; but the operation of this rule shall be suspended during the last three days of the session.

- (e) After a question has been decided by a committee of reference, any member voting on the prevailing side may move to reconsider. If the committee shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Notwithstanding Senate Rule 22 (b) and 22 (n), a motion to reconsider shall require the affirmative vote of a majority of the members of the committee. Such a motion may be made at the meeting at which the decision was made by the committee or at the next meeting of the committee. However, such a motion may not be made if a committee report regarding the decision of the committee has already been signed by the chairman of the committee and delivered to the Secretary of the Senate.
  
- (f) After a question has been decided by a committee of reference, a member of the committee who has voted on the prevailing side may give notice of intention to reconsider. If such notice is given, a measure affected by the notice shall be held in the committee of reference 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 a motion to reconsider, the notice shall be deemed withdrawn. However, unless the Committee on Delayed Bills has extended the deadline, notice of intention to move to reconsider shall be out of order if the next regularly scheduled meeting of the committee of reference will not be held until after the passage of an applicable legislative deadline for reporting the measure out of the committee of reference.

- (g) When there has been a tie vote on a question decided by the Senate or by a committee of reference, for purposes of the making of a motion to reconsider, a member who voted "no" shall be deemed to have voted on the prevailing side.

### **19. Disagreement Between Senate and House**

- (a) In case of a disagreement between the Senate and House of Representatives, the Senate may adhere to its position, recede from its position and concur with the position of the House, or request a conference on the matter at issue.

### **20. Call of the Senate**

- (a) Any five Senators may demand a call of the Senate, and require absent Senators to be sent for; but a call of the Senate cannot be made after alphabetical roll call has commenced; and the call of the Senate being in order, the President shall order that the doors of the Senate be closed, and that no Senator be allowed to leave the Senate chamber until the pending motion is voted upon, and shall direct the reading clerk to call the roll and note the absentees; after which the names of the absentees shall be again called, and those absent shall be sent for and taken into custody by the sergeant-at-arms, or his assistants, and brought before the bar of the Senate, where, unless excused by a majority of the Senate present, those for whose absence no excuse or an insufficient excuse is made shall be reprimanded by the President for neglect of duty, and fined, respectively, at least to the extent of the expenses incidental to their apprehension and return. The roll call shall be entered in the journal unless the call shall be raised before the President announces the result of the roll call.

- (b) No more than two calls of the Senate may be made at any particular stage of any proceeding, except by the unanimous consent of the members present.
- (c) A call of the Senate may be raised by a majority vote of those members present in the chambers.

## **21. Committees**

- (a) The following committees of reference of the Senate shall be appointed by resolution at the beginning of each regular session of the General Assembly convening after a general election, and shall remain constituted as such committees until the first regular session convening after the next ensuing general election:
  - (1) Agriculture, Natural Resources, and Energy.
  - (2) Appropriations.
  - (3) Business Affairs and Labor.
  - (4) Education.
  - (5) Finance.
  - (6) Health, Environment, Welfare, and Institutions.
  - (7) Judiciary.
  - (8) Local Government.
  - (9) State, Veterans, and Military Affairs.
  - (10) Transportation.

The party representation of such committees shall be in proportion, as nearly as practicable, as determined by the majority leader, to the relative number of members of the two major political parties in the Senate. The majority leader of the Senate shall determine the number of members, shall designate the number from each political

party, and shall appoint the majority members to the committees of reference. The minority leader shall appoint the minority members to such committees.

(a.1) For the purposes of section 24-4-103 (8) (d), Colorado Revised Statutes 1973, the Committee on Legal Services shall be considered a committee of reference.

(a.3) For purposes of the period between January 1, 2001, and January 8, 2003, any reference in these Rules, the Joint Rules of the Senate and House of Representatives, or in the Colorado Revised Statutes, to the following committees as they existed prior to January 1, 2001, shall be deemed to have referred to the following committees:

<b>Committees Prior to 1/1/01</b>	<b>Committees between 1/1/01 and 1/8/03</b>
1 Agriculture, Natural Resources, and Energy.	Agriculture and Natural Resources.
2 Business Affairs and Labor.	Business, Labor and Finance.
3 Finance.	Business, Labor and Finance.
4 Health, Environment, Welfare, and Institutions.	Health, Environment, Children and Families.
5 Local Government.	Government, Veterans and Military Relations, and Transportation.
6 State, Veterans, and Military Affairs.	Government, Veterans and Military Relations, and Transportation.
7 Transportation.	Government, Veterans and Military Relations, and Transportation.

(a.4) For purposes of the organization of committees of reference on and after January 8, 2003, any reference in these Rules, the Joint Rules of the Senate and House of Representatives, or in the Colorado



Revised Statutes, to the following committees as they existed between January 1, 2001, and January 8, 2003, shall be deemed to refer to the following committees:

<b>Committees - 1/1/01 to 1/8/03</b>	<b>Committees - after 1/8/03</b>
1 Agriculture and Natural Resources.	Agriculture, Natural Resources, and Energy.
2 Business, Labor and Finance.	Business Affairs and Labor.
3 Health, Environment, Children and Families.	Health, Environment, Welfare, and Institutions.
4 Government, Veterans and Military Relations, and Transportation.	Depending on the context, to either: State, Veterans, and Military Affairs; or Transportation.

(b) The following committees shall be appointed by resolution at the beginning of each regular session of the General Assembly convening after a general election, and shall remain constituted as such committees until the first regular session convening after the next ensuing general election:

(1) Senate Services.

(2) Joint Budget Committee.

(c) No committee shall sit during the sessions of the Senate nor at any time occupy the Senate chamber without leave granted by the Senate.

(d) Committees shall report upon all matters referred to them without unnecessary delay, and in case of an adverse report, shall at all times state explicitly reasons therefor, in which case such adverse report shall not be acted upon until the following day. They shall

return all petitions and other papers referred to them with the bill or resolution, if any, to which they relate.

- (e) If a committee of reference decides that a bill referred to it should be referred to another committee it shall do so by means of a committee of reference report.
  
- (f) The Senate services committee shall see to the proper revision, engrossment, and enrollment of bills. The committee may examine all bills, joint resolutions, joint memorials, and amendments, or other papers which are required to be engrossed before they go out of the possession of the Senate; they may also compare such amendments as shall be made in the House to Senate bills, that are concurred in by the Senate, for the purpose of seeing if they are correct for enrollment in the bill. No bill shall have its third reading unless it shall have been printed, nor until it has been correctly engrossed. The said committee may examine all bills before third reading and final passage, for the purpose of avoiding repetitions, unconstitutional provisions, securing proper title and of ensuring accuracy in the text and references and consistency with the language of existing statutes, and as to whether any amendments adopted by the Senate, if not already printed, are of that material character required by the constitution to be printed. If the committee examines any bills, it may report the nature of errors, with a concise suggestion as to the change necessary to correct the same. The committee may examine all bills originating in the Senate to see that they are correctly enrolled, signed by the President and the Speaker of the House, and presented to the Governor for signature. The committee may also authorize, review, and audit all expenditures for equipment, supplies, and services necessary for the efficient conduct of the business of the Senate and may employ such officers and employees of the Senate as authorized and assign them to their duties. The committee shall have leave to report at any time on its activities and may delegate any of its responsibilities to the secretary, as appropriate.

- (g) Repealed, SR 02-004, January 16, 2002.
- (h) This rule has been repealed.
- (i) Repealed, SR 02-004, January 16, 2002.
- (j) Repealed, SR 01-7, January 22, 2001.

## **22. Committee Rules**

- (a)
  - (1) The committees of reference of the Senate shall meet at the times and places specified in the Schedule of Committee Meetings adopted by the Senate at the beginning of each regular session of the General Assembly; the committees shall be scheduled to meet according to the categories in subsection (l) (1) of this rule.
  - (2) A committee of reference may hold a special committee meeting at a time and place other than is provided in the Schedule of Committee Meetings, provided the chairman publicly announces the special meeting to the Senate as much in advance of the actual meeting as possible and provided the announcement is made while the Senate is in actual session.
  - (3) If a regularly scheduled committee meeting is cancelled, the chairman shall announce such cancellation while the Senate is in actual session prior to the time the meeting is scheduled to take place.
- (b) A majority of the members of each committee of reference shall constitute a quorum.
- (c) Proxies, either written or oral, shall not be permitted for any purpose.

- (d) No final committee action shall be taken upon a measure unless notice of the measures that are to be considered is posted at least one calendar day prior to the scheduled meetings at which the measures are to be considered. The numbers, prime sponsor, and abbreviated title shall be included in the posted announcement and shall be printed in the appropriate daily calendar of the Senate. Failure of the chairman to post such notice shall not preclude the committee of reference from taking any action on a measure if such action shall receive a favorable vote of a majority of the members of the committee.
- (e) (1) The chairman of each committee of reference shall determine the order of business for each committee meeting, including the measures that will be considered at each meeting. However, at least seven days after a measure has been delivered to the chairman, upon the request of a majority of all members of the committee of reference that a specific measure be considered, such request to be made at a regularly scheduled committee meeting, the chairman of the committee shall announce such fact, have it listed on the subsequent daily calendar of the Senate, and schedule such measure for consideration at the next regularly scheduled meeting of the committee.
- (2) Repealed, Senate Resolution 03-10
- (f) After a committee of reference has taken its final action on a measure, the chairman of the committee shall make a report of such action to the Secretary of the Senate within five legislative days. However, during the last three days of a legislative session, the chairman of the committee shall make any committee of reference report as soon as possible. Final action shall consist of reporting a measure out of committee, with or without amendments, for consideration by the committee of the whole, a recommendation for reference to another committee of reference, or postponing the measure 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 shall be considered a motion to postpone indefinitely. In addition, a measure shall be deemed postponed indefinitely when there has been a tie vote on a motion that would constitute final action and subsequently the applicable deadline for Senate committees of reference to report bills passes without action by the Senate Committee on Delayed Bills to extend the deadline for the measure. The chairman shall make a report to the Secretary of the Senate indicating that any such measure is deemed postponed indefinitely. Following the date of the applicable committee deadline, the chairman shall have five legislative days in which the General Assembly is in actual session to make such report. Every bill shall be reported out of committee for consideration by the Committee of the Whole or indefinitely postponed by a committee of reference prior to the adjournment sine die of the legislative session, and a report to that effect shall be delivered to the secretary. No further action may be taken on any bill that has been indefinitely postponed by a committee of reference and delivered to the secretary.

- (g) The staff assistant assigned to each committee of reference shall be responsible to the chairman of the committee for the proper preparation of all reports.
- (h) Upon receipt of a measure by the chairman of a committee of reference, he shall be responsible for the safekeeping of the measure, but he may give custody of the measure to a staff assistant.
- (i) The chairman of a committee of reference shall vote on every question coming before the committee except those in which he has an immediate personal or financial interest, but he shall not vote twice, as in the case to make a tie and then to cast the deciding vote. All other members shall vote on all measures before the committee except proposals in which the member has an immediate personal or financial interest.

- (j) If a member of a committee of reference is absent from three consecutive scheduled committee meetings without being excused, the committee chairman shall report such fact to the floor leader of the party to which the member belongs.
- (k) A recommendation of any committee of reference to amend a measure shall not become an integral part of the measure in question until adopted by the committee of the whole.
- (l) (1) The committees of reference as listed in Rule 21 (a) shall be placed in the following categories:

<u>Category</u>	<u>Committee</u>
1	Business Affairs and Labor. Judiciary. State, Veterans, and Military Affairs.
2	Agriculture, Natural Resources, and Energy. Education. Health, Environment, Welfare, and Institutions.
3	Finance. Local Government. Transportation.
4	Appropriations.

- (2) A member of the Senate shall serve on no more than one committee of reference within a category.
- (m) Roll call votes shall be taken and recorded in each committee on final action and on proposed amendments to which one or more committee members have voiced objection. The record shall include the names of those voting on motions to amend and on final action, and how they voted. Said record shall be available for public inspection.

- (n) In order to take any action on a measure by a committee of reference, the affirmative vote of a majority of a quorum or a majority of those present and voting, whichever is greater, shall be necessary.
- (o) Reconsideration in a committee of reference shall be governed by the provisions of Rule 18 (e) and (f).

### **22A. Protection of Deliberations**

- (a) This rule is adopted pursuant to the constitutional, statutory, and inherent powers of the Senate and is intended to protect the deliberations of the Senate, Senate committees, Senate party caucuses, and other official meetings from undue disruption and interruption.
- (b) Audible electronic devices and audible telephone devices used for transmitting and receiving communications shall be rendered inoperable in the Senate chambers, in the hearings of Senate committees, in Senate party caucuses, or in any other official meetings of Senate members held in the Capitol or the Legislative Services Building.
- (c) Violations of this rule shall be punishable as prescribed by the President of the Senate, and punishments may include, but need not be limited to, temporary or permanent confiscation of said audible devices.

### **22B. Electronic Participation in Committee of Reference**

Members of the Senate shall not be permitted to participate in any meeting of a committee of reference through telephone or other electronic connection.