

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

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SR20-005

SENATE SPONSORSHIP

Fenberg,

Senate Committees

SENATE RESOLUTION 20-005

101 **CONCERNING THE ADDITION OF A SENATE RULE AUTHORIZING THE**
102 **SENATE PRESIDENT TO PROMULGATE REGULATIONS ALLOWING**
103 **REMOTE PARTICIPATION IN SENATE LEGISLATIVE PROCEEDINGS**
104 **AND PROVIDING FOR A SAFE AND HEALTHY WORK ENVIRONMENT**
105 **DURING A DECLARED PUBLIC HEALTH DISASTER EMERGENCY.**

1 *Be It Resolved by the Senate of the Seventy-second General*
2 *Assembly of the State of Colorado:*

3 That in the Rules of the Senate, **add** Rule No. 44 as follows:

4 **44. Regulations for The Senate During a**
5 **Public Health Disaster Emergency**

6 (a) (1) PURSUANT TO SECTION 2-2-404 (2), COLORADO REVISED
7 STATUTES, THIS RULE AUTHORIZES THE PRESIDENT TO
8 PROMULGATE REGULATIONS TO ENABLE MEMBERS OF THE
9 SENATE TO PARTICIPATE REMOTELY IN SENATE
10 LEGISLATIVE PROCEEDINGS. REGULATIONS PROMULGATED
11 PURSUANT TO THIS SUBSECTION (a)(1) MUST BE

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 DISTRIBUTED TO EACH MEMBER OF THE SENATE AND TO THE
2 SECRETARY OF THE SENATE AND BE POSTED ON THE
3 WEBSITE OF THE SENATE.

4 (2) THE PRESIDENT, AFTER CONSULTATION WITH THE
5 MAJORITY LEADER AND THE MINORITY LEADER, MAY
6 INVOKE THE REGULATIONS FOR REMOTE PARTICIPATION
7 ONLY IF THE CONDITIONS CONCERNING A DECLARED PUBLIC
8 HEALTH DISASTER EMERGENCY, AS DESCRIBED IN JOINT
9 RULE 44 (a) OF THE JOINT RULES OF THE SENATE AND
10 HOUSE OF REPRESENTATIVES, ARE MET AND THE PRESIDENT
11 FINDS THAT HOLDING IN-PERSON SENATE LEGISLATIVE
12 PROCEEDINGS POSES AN INCREASED HEALTH RISK TO THE
13 MEMBERS OF THE SENATE OR TO THE PUBLIC. WITHIN
14 TWENTY-FOUR HOURS AFTER INVOKING THE REGULATIONS
15 FOR REMOTE PARTICIPATION, THE PRESIDENT SHALL
16 PROVIDE WRITTEN NOTICE TO EACH MEMBER OF THE
17 SENATE AND TO THE SECRETARY OF THE SENATE AND
18 SHALL POST THE NOTICE OF INVOCATION ON THE WEBSITE OF
19 THE SENATE. THE REGULATIONS FOR REMOTE
20 PARTICIPATION MAY REMAIN IN EFFECT ONLY SO LONG AS
21 THE DECLARED STATE OF PUBLIC HEALTH DISASTER
22 EMERGENCY CONTINUES.

23 (b) (1) THE REGULATIONS THAT THE PRESIDENT MAY PROMULGATE
24 PURSUANT TO SUBSECTION (a) OF THIS RULE MUST ADDRESS
25 THE FOLLOWING ISSUES AS THEY PERTAIN TO REMOTE
26 PARTICIPATION:

27 (A) THE EXTENT TO WHICH A MEMBER OF THE SENATE
28 MAY PARTICIPATE REMOTELY IN SENATE
29 LEGISLATIVE PROCEEDINGS, INCLUDING ANY
30 LIMITATIONS ON A MEMBER'S REMOTE
31 PARTICIPATION, SUCH AS ALLOWING A MEMBER WHO
32 PARTICIPATES REMOTELY TO ONLY VOTE FOR
33 PURPOSES OF RECORDED VOTES OR ALLOWING A
34 MEMBER WHO PARTICIPATES REMOTELY TO ALSO
35 MAKE MOTIONS, MOVE BILLS AND AMENDMENTS,
36 AND PARTICIPATE IN DEBATE;

37 (B) THE TYPE OF TECHNOLOGY OR SOFTWARE THAT A
38 MEMBER OF THE SENATE MUST USE TO PARTICIPATE

1 REMOTELY IN A SENATE LEGISLATIVE PROCEEDING;

2 (C) THE PROCEDURE FOR ASCERTAINING THE PRESENCE
3 OF A QUORUM FOR A SENATE LEGISLATIVE
4 PROCEEDING WHEN ONE OR MORE MEMBERS OF THE
5 SENATE ARE PARTICIPATING REMOTELY;

6 (D) THE PROCEDURE FOR CONDUCTING A CALL OF THE
7 SENATE WHEN ONE OR MORE MEMBERS OF THE
8 SENATE ARE PARTICIPATING REMOTELY; AND

9 (E) THE PROCEDURE BY WHICH MEMBERS OF THE
10 SENATE WHO ARE PARTICIPATING REMOTELY IN A
11 SENATE LEGISLATIVE PROCEEDING MUST CERTIFY IN
12 WRITING THE ACCURACY OF THE MEMBERS' VOTES
13 AND THE REQUIREMENT THAT SUCH WRITTEN
14 CERTIFICATIONS BE KEPT IN THE SENATE RECORDS
15 FOR REVIEW.

16 (2) THE REGULATIONS THAT THE PRESIDENT MAY PROMULGATE
17 PURSUANT TO SUBSECTION (a) OF THIS RULE MAY ADDRESS
18 SUCH ADDITIONAL MATTERS AS THE PRESIDENT
19 DETERMINES ARE NECESSARY, INCLUDING MEASURES TO
20 FACILITATE A SAFE AND HEALTHY WORK ENVIRONMENT
21 AND TO PROTECT VULNERABLE MEMBERS OF THE SENATE
22 AND OTHER PERSONS DURING A DECLARED PUBLIC HEALTH
23 DISASTER EMERGENCY.

24 (c) ANY REGULATIONS THAT THE PRESIDENT MAY PROMULGATE
25 PURSUANT TO SUBSECTION (a) OF THIS RULE SUPERSEDE ANY
26 PROVISIONS IN THE RULES OF THE SENATE THAT MAY BE
27 INTERPRETED AS PROHIBITING A MEMBER OF THE SENATE FROM
28 PARTICIPATING REMOTELY IN SENATE LEGISLATIVE PROCEEDINGS,
29 OR LIMITING OR OTHERWISE CONFLICTING WITH A MEMBER'S
30 ABILITY TO PARTICIPATE REMOTELY IN SENATE LEGISLATIVE
31 PROCEEDINGS.

32 (d) A MEMBER OF THE SENATE WHO IS NOT PHYSICALLY PRESENT BUT
33 WHO IS PARTICIPATING REMOTELY IN A SENATE LEGISLATIVE
34 PROCEEDING PURSUANT TO THE REGULATIONS PROMULGATED BY
35 THE PRESIDENT PURSUANT TO SUBSECTION (a) OF THIS RULE IS
36 DEEMED TO BE:

1 (1) PARTICIPATING IN THE LEGISLATIVE PROCEEDING AT THE
2 SEAT OF GOVERNMENT AND THE LEGISLATIVE PROCEEDING
3 IS DEEMED TO BE TAKING PLACE AT THE SEAT OF
4 GOVERNMENT; AND

5 (2) PRESENT AND IN ATTENDANCE AS IF PHYSICALLY PRESENT,
6 INCLUDING FOR PURPOSES OF ASCERTAINING THE PRESENCE
7 OF A QUORUM. THE SECRETARY OF THE SENATE SHALL
8 INCLUDE IN THE JOURNAL OF THE DAY'S PROCEEDINGS THE
9 NAME OF EACH MEMBER PARTICIPATING REMOTELY IN THE
10 SENATE LEGISLATIVE PROCEEDINGS ON THAT DAY.

11 (e) ACTION TAKEN BY A MEMBER OF THE SENATE WHO IS
12 PARTICIPATING REMOTELY IN SENATE LEGISLATIVE PROCEEDINGS
13 PURSUANT TO THE REGULATIONS PROMULGATED BY THE
14 PRESIDENT PURSUANT TO SUBSECTION (a) OF THIS RULE HAS THE
15 SAME LEGAL EFFECT AS IF THE MEMBER WERE PHYSICALLY
16 PRESENT IN THE SENATE LEGISLATIVE PROCEEDINGS WHEN THE
17 ACTION WAS TAKEN. THE SECRETARY OF THE SENATE SHALL
18 INCLUDE IN THE JOURNAL OF THE DAY'S PROCEEDINGS ANY
19 RECORDED VOTE CAST BY A MEMBER WHO WAS PARTICIPATING
20 REMOTELY IN THE SENATE LEGISLATIVE PROCEEDINGS.