A BILL FOR AN ACT

CONCERNING THE CONDUCT OF LEGISLATIVE PROCEEDINGS DURING A DECLARED DISASTER EMERGENCY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill authorizes the executive committee of the legislative council (executive committee) to allow electronic participation in legislative proceedings during a declared disaster emergency caused by a public health emergency infecting or exposing a great number of people to disease, agents, toxins, or other such threats, and, if it is allowed, to establish policies governing such electronic participation.
A member participating electronically is entitled to receive a per diem on the same basis as a member participating in person. If a member cannot participate electronically from the member’s home due to a technological limitation, the member may receive reimbursement for travel expenses to an alternate location to allow the member to participate electronically. The amount of the reimbursement cannot exceed the amount the member would customarily receive for travel expenses to Denver to participate in person. A member is not entitled to reimbursement for any other expenses incurred in connection with electronic participation.

Due to the COVID-19 pandemic, for the first regular session of the seventy-third general assembly, the bill allows joint committees of reference that are required to hold hearings commonly referred to as SMART Act hearings to conduct the hearings at any time after the general assembly convenes, including while the general assembly is temporarily adjourned. Legislators, departments, and the public may participate remotely in accordance with policies established by the executive committee or the joint rules of the senate and house of representatives.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 2-3-303, amend (2)(h) as follows:

2-3-303. Functions - report - definitions. (2) In addition to any other powers and duties set forth in law, the executive committee of the legislative council has the following powers and duties:

(h) (I) The power to allow members of the general assembly to participate electronically in committee meetings and to recommend, develop, and establish policies regarding electronic participation if so allowed; except that, if allowed, electronic participation must only be allowed for:

(A) Committee meetings occurring during the legislative interim;

OR

(B) LEGISLATIVE PROCEEDINGS, INCLUDING FLOOR PROCEEDINGS,
COMMITTEE MEETINGS OR HEARINGS, AND OTHER LEGISLATIVE BUSINESS OCCURRING DURING A DISASTER EMERGENCY DECLARED BY THE GOVERNOR IN ACCORDANCE WITH SECTION 24-33.5-704 THAT IS CAUSED BY A PUBLIC HEALTH EMERGENCY INFECTING OR EXPOSING A GREAT NUMBER OF PEOPLE TO DISEASE, AGENTS, TOXINS, OR OTHER SUCH THREATS.

(II) A member participating electronically in a committee meeting pursuant to this subsection (2)(h) SUBSECTION (2)(h)(I)(A) OF THIS SECTION is deemed to be in attendance of that committee for the purpose of receiving compensation to which the member is entitled under section 2-2-307 (3). Notwithstanding section 2-2-307 (3)(b), members participating electronically are not entitled to reimbursement for any expenses incurred in connection with such electronic participation.

(III) (A) A MEMBER PARTICIPATING ELECTRONICALLY IN A LEGISLATIVE PROCEEDING PURSUANT TO SUBSECTION (2)(h)(I)(B) OF THIS SECTION IS ENTITLED TO RECEIVE THE PAYMENT AUTHORIZED IN SECTION 2-2-317 (1) OR 2-2-307 (3)(a) ON THE SAME BASIS AS A MEMBER PARTICIPATING IN PERSON.

(B) A MEMBER PARTICIPATING ELECTRONICALLY IN A LEGISLATIVE PROCEEDING PURSUANT TO SUBSECTION (2)(h)(I)(B) OF THIS SECTION IS NOT ENTITLED TO REIMBURSEMENT FOR ANY EXPENSES INCURRED IN CONNECTION WITH SUCH ELECTRONIC PARTICIPATION; EXCEPT THAT, IF THE MEMBER CANNOT PARTICIPATE ELECTRONICALLY FROM THE MEMBER'S HOME DUE TO A TECHNOLOGICAL LIMITATION OR INCAPACITY AT THAT LOCATION, THE MEMBER MAY RECEIVE REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED TO TRAVEL TO AN ALTERNATE LOCATION IN ORDER TO PARTICIPATE ELECTRONICALLY. A REQUEST FOR
REIMBURSEMENT UNDER THIS SUBSECTION (2)(h)(III)(B) IS SUBJECT TO
THE GUIDELINES FOR REIMBURSEMENT AND SUBSTANTIATION
REQUIREMENTS ESTABLISHED BY THE EXECUTIVE COMMITTEE OF THE
LEGISLATIVE COUNCIL IN ACCORDANCE WITH SECTION 2-2-317 (2)(c), AND
THE AMOUNT OF REIMBURSEMENT MUST NOT EXCEED THE AMOUNT THE
MEMBER WOULD CUSTOMARILY RECEIVE FOR TRAVEL EXPENSES UNDER
SECTION 2-2-317 (2)(a) OR (2)(b).

(IV) NOTHING IN THIS SUBSECTION (2)(h) SUPERSEDES THE POWER
OF THE SENATE OR THE HOUSE OF REPRESENTATIVES TO ADOPT RULES OR
JOINT RULES, OR BOTH, FOR THE ORDERLY CONDUCT OF ITS AFFAIRS.

SECTION 2. In Colorado Revised Statutes, 2-7-203, add (6) as
follows:

2-7-203. Departmental presentations to legislative committees
of reference - departmental regulatory agendas - legislative
declaration - repeal. (6) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND
DECLARES THAT ON MARCH 10, 2020, THE GOVERNOR DECLARED A STATE
OF DISASTER EMERGENCY DUE TO THE COVID-19 PANDEMIC. THE STATE
OF DISASTER EMERGENCY HAS BEEN EXTENDED AND WILL REMAIN IN
EFFECT WHEN THE FIRST REGULAR SESSION OF THE SEVENTY-THIRD
GENERAL ASSEMBLY CONVENES. THE COVID-19 PANDEMIC CONTINUES
TO POSE RISKS TO THE HEALTH AND SAFETY OF THE MEMBERS OF THE
GENERAL ASSEMBLY AND THE PUBLIC.

(b) NOTWITHSTANDING ANY REQUIREMENTS OF SUBSECTION (2)(a)
OF THIS SECTION TO THE CONTRARY, DUE TO THE ONGOING STATE OF
DISASTER EMERGENCY, IN THE FIRST REGULAR SESSION OF THE
SEVENTY-THIRD GENERAL ASSEMBLY THE JOINT COMMITTEE OF
REFERENCE HEARINGS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION
MAY BE CONDUCTED AT ANY TIME AFTER THE GENERAL ASSEMBLY CONVENES, INCLUDING WHILE THE GENERAL ASSEMBLY IS TEMPORARILY ADJOURNED. MEMBERS OF THE GENERAL ASSEMBLY, REPRESENTATIVES OF DEPARTMENTS, AND THE PUBLIC MAY PARTICIPATE ELECTRONICALLY IN ACCORDANCE WITH POLICIES ESTABLISHED BY THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL PURSUANT TO SECTION 2-3-303 (2)(h) OR THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(c) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.