

# **Regulations of the Speaker of the House of Representatives pursuant to Section 2-2-404, C.R.S., and House Rules 53 - Regulations for Remote Participation in Legislative Proceedings**

## **Section 1 – General Provisions for Remote Legislative Proceedings**

### **1.1 – Limited Remote Participation by Members Permitted**

House Rule 53 permits the Speaker of the House of Representatives, after consulting with the Majority Leader and the Minority Leader, to invoke regulations for remote participation if the conditions concerning a declared public health disaster emergency, as described in Joint Rule 44 (a) of the Joint Rules of the Senate and the House of Representatives, are met and the Speaker finds that holding in-person legislative proceedings poses an increased health risk to the members of the House or to the public.

These regulations permit limited remote participation for House legislative proceedings, including committee meetings and floor sessions, and remain in effect only so long as the declared state of public health disaster emergency continues. While these regulations are in effect, members of the General Assembly may participate remotely in House legislative proceedings via video conferencing software.

**Advanced notice required for floor proceedings.** Unless an unexpected health emergency or similar incident arises, and to the extent possible, a member of the House must provide notice of intent to participate remotely to the House Majority Leader, the House Chief Clerk, and the Legislative Council Information Technology staff at least one day in advance of when the member wishes to begin participating remotely. Once a member is approved for remote participation, the member must notify the House Majority Leader if the member intends to participate in person. If the member is a member of the minority party, the member must also notify the House Minority Leader of their intent to participate remotely.

**Advanced notice required for committee proceedings.** Unless an unexpected health emergency or similar incident arises, and to the extent possible, a member of the House must provide notice of intent to participate remotely in a committee of reference to the committee's chair, the committee's designated staff person, and the Legislative Council Information Technology staff at least one day in advance of when the member wishes to begin participating remotely. Once a member is approved for remote participation, the member must notify the chair if the member intends to participate in person. If the member is a member of the minority party, the member must also notify the House Minority Leader of their intent to participate remotely. A committee chair or vice-chair may not chair the committee meeting remotely unless the chair or vice-chair receives permission from the Speaker and House Minority Leader.

**Remote locations & technology.** A member may participate remotely in legislative proceedings from their home, or may travel to another location if the member does not have appropriate connectivity at their home. Members who cannot participate remotely due to insufficient technological capabilities and who do not wish to participate in person should contact the Speaker to be excused from a floor session. If the member is a member of the minority party, the member must also notify the House Minority Leader. Members should contact the committee chair to be excused from a committee meeting.

**Remote participation cannot be compelled.** It is anticipated that there will be members who participate in person and members who participate remotely for any legislative proceeding. Members cannot be compelled to participate remotely.

## **1.2 - Payment of Compensation for Legislators Who Participate Remotely**

Session per diem may be paid to members participating remotely. Travel reimbursement may be paid to members who have to relocate to an alternate location to participate remotely. Reimbursements for travel to an alternate location must be approved by the Speaker for members of the House.

## **1.3 - Verifying a Remotely Participating Member's Identity and Authenticating the Member's Actions**

The identity of each member participating remotely will be verified through multifactor authentication. This process will be accomplished as follows:

1. The member participating remotely logs into the video conferencing software program selected by Legislative Council Information Technology staff. Each member will have a separate account for the video conferencing program that will require a unique password. This process will serve as the initial verification of the member's identity.
2. The use of the video conferencing software's video capabilities will serve as a second method to verify the member's identity. A member who is participating remotely should turn on the conferencing software's video capabilities at all times while they are participating remotely; however, if technical difficulties or insufficient internet bandwidth make it impossible for the remotely participating member's video to be shown, the prior method of authentication is sufficient to authenticate the members' identity and actions and they may still remotely participate in the legislative proceeding.

## **1.4 - General Technology Procedures**

**Training and technical capabilities.** Members who wish to participate remotely must make themselves available for information technology staff to test equipment and software and the members must have participated in training and/or practice sessions. Members who have concerns about their ability to participate remotely in legislative proceedings due to their internet network or technology issues should contact Legislative Council Information Technology staff to see if their issue can be resolved.

**Technology issues.** Staff will make every effort to connect members participating remotely to legislative proceedings. However, if a technological connection is deemed to not be possible, the legislative proceeding may proceed without that member's participation, and the presiding officer or committee chair may mark the member as "excused" for roll call and voting.

**Best practices.** To the extent possible, members participating remotely should participate from a fixed location that appears professional on camera.

**Chat and Q&A functions of video software.** The Q&A function will be disabled during the use of the video conferencing software for floor sessions. The chat feature may be used to distribute amendments and other materials. Members and staff using the chat feature should be aware that they may be creating a public record under the Colorado Open Records Act by using this feature.

## **Section 2 – Procedures for Remote Floor Sessions**

### **2.1 - Remote participation for floor sessions**

Members participating remotely may:

- be marked as “present” for purposes of attendance and to establish a quorum for the body;
- vote on matters before the House of Representatives;
- move, and speak to, a bill or an amendment to the bill if the member is the bill sponsor and if recognized by the Speaker; and
- observe floor sessions through a connection to video conferencing software.

### **2.2 - Quorum for Floor Sessions**

A member is included when calculating a quorum if the member is:

- participating in a floor session in person; or
- participating remotely in a floor session and is able to communicate electronically using approved video conferencing software. As such, the member is considered present as if physically present in the House chamber. The Chief Clerk of the House shall include in the journal of the day's proceedings the name of each member remotely participating on that day.

### **2.3 - Ascertaining the Presence of a Quorum**

The quorum for convening of the House of Representatives will be ascertained by a verbal roll call, and attendance will be recorded by the House Reading Clerk.

### **2.4 - Participants**

**Connecting to video conferencing software.** A floor session with remotely participating members will be conducted using video conferencing software. All remotely participating members will join the video conference.

In addition, the following individuals and entities will connect to the video conference:

- the chamber, for the purpose of providing the chamber audio to the video conference;
- nonpartisan House staff, to assist members in participating in the conference (e.g. monitoring member requests to speak and making amendments available);
- Legislative Council Information Technology staff, who will serve as the meeting host; and
- the Colorado Channel, for the purpose providing the chamber video to the video conference.

**Video and audio.** The Colorado Channel will provide its video feed through the video conference. Members participating remotely may watch floor sessions via this feed. Members participating remotely should enable their video at all times and should mute the microphones on their electronic devices connected to the video conference, except when voting and during roll call.

## **2.5 - Floor Voting Procedures**

**Voice votes.** Remotely participating members will vote via voice by speaking into the microphone while using the web conferencing software. Members participating in person will speak their votes aloud in the chamber. The presiding officer makes a ruling on the motion on which voice votes are taken.

**Recorded votes – in-person members on the House floor.** Members participating in person from the House floor will cast their votes via the House voting machine, and the votes will be displayed on the House voting board.

**Recorded votes – remotely participating members and members participating from areas of the House chamber other than the House floor.** The Speaker will call the names of all members who have not voted via the House voting machine, including the members who are participating remotely and the members who are participating from areas of the chamber other than the floor, and such members will vote on the motion by voice.

After each member's vote, the Speaker will confirm the member's vote, and the House Reading Clerk will enter the vote into the House voting system. After all members have voted, the Speaker will call for the House voting machine to be closed and announce the outcome of the vote. The outcome of the vote will be shown on the House voting board and be published in the House Journal.

## **2.6 - Standing Division Votes in the House**

Members participating in person, including those members participating from a location in the chamber other than the House floor, will indicate their position on the division vote by standing.

A remotely participating member may raise their hand in front of their face into the camera to indicate their position on the division vote. Staff will total the in-person and remote participation tallies and provide the presiding officer the total. During the division vote, the Colorado Channel's views will temporarily be blocked.

## **2.7 - Calls of the House**

Any member participating in person who is recognized by the presiding officer may move a call of the House of Representatives. A call must be sustained by ten members of the House of Representatives. Calls in the House of Representatives are sustained by members voting via the House voting machine or, in the case of a member participating from a location other than the House floor, by the member raising their hand. A remotely participating member may sustain the call by waiving their hand in front of their face into the camera.

For remotely participating members, if a call is sustained, a caucus leader will send a text notification to the members' cell phones that there has been a call of the chamber and members must return to the video conference. If a member does not return to the video conference, the member will be marked absent or excused on the roll call.

The call may be raised by a majority vote of House members, including those participating remotely.

## **2.8 - Display of Floor Amendments**

Floor amendments will be displayed upon request on the screen in the House chamber. After they are moved, floor amendments will be distributed electronically to in-person and remotely participating members through the Box cloud content storage system.

## **2.9 - Broadcasting Floor Sessions**

Video of House floor sessions conducted with remotely participating members will be broadcast live via the Colorado Channel. Archived video of floor sessions will be available via the Colorado Channel.

Audio of House floor session with remotely participating members will be available live via the Colorado General Assembly's website and archived on the website.

## **Section 3 – Committee Hearings**

### **3.1 – Remote participation in committee hearings**

A member of a committee participating remotely may:

- be marked as “present” for purposes of attendance and to establish a quorum for the committee;
- vote on matters before the committee;
- make motions;
- speak to matters before the committee, including but not limited to bills and amendments, if recognized by the committee chair;
- observe committee meetings through a connection to video conferencing software.

Members of the legislature who are not members of the committee may remotely present bills to the committee, if they are a prime sponsor of the bill.

Members who are participating remotely are counted towards the quorum of the committee.

**Connecting to video conferencing software.** A committee hearing with remotely participating members will be conducted using video conferencing software. All members participating remotely and information technology staff will connect to the video conference.

**Nonpartisan staff participation.** Nonpartisan staff may join the video conference to provide testimony and respond to questions from the committee at the request of the chair or other committee members.

### **3.2 – Ascertaining the Presence of a Quorum - Committee**

The quorum for a committee will be ascertained by a verbal roll call at the beginning of the meeting, and attendance is recorded by the committee staff person.

### **3.3 – Requests to Speak - Members Participating Remotely**

Members participating remotely may request to speak by raising their hands in the video screen and being recognized by the committee chair.

### **3.4 - Distribution of Amendments**

Amendments will be distributed electronically to in-person and remotely participating members through the Box cloud content storage system.

### **3.5 – Broadcasting Committee Meetings**

Except for floor sessions of the House of Representatives, video of legislative proceedings conducted with electronically participating legislative members will not be broadcast and will only be available to members, staff, members of the public, and other entities participating in the video conference. Live and archived audio of such legislative proceedings will be available on the General Assembly's website.