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# President of the Senate

## Senate Regulations During a Public Health Disaster Emergency

### Section 1 -- Remote Participation - General Provisions

#### **1.1 Remote participation by Senators permitted**

These regulations are authorized by the provisions of Senate Rule 44, which permits the President to promulgate regulations allowing remote participation in legislative proceedings by Senators and other regulations related to creating a safe and healthy work environment during a declared public health disaster emergency.

#### **1.2 Approval criteria for remote participation**

The President may permit a Senator to participate remotely during a declared public health disaster emergency if any of the following conditions are met:

- a. The Senator, according to official Colorado Department of Public Health, Center for Disease Control, or local public health department guidance, is in an increased risk group for COVID-19, which may include individuals who have preexisting health conditions or who are 65 years of age or older.
- b. The Senator has a member in the Senator's household who is in an increased risk group for COVID-19, which may include individuals who have preexisting health conditions or who are 65 years of age or older, and the Senator cannot reasonably avoid coming in contact with that individual during the time period the Senator would be coming to the Capitol.
- c. The Senator is exhibiting symptoms of COVID-19 or is in quarantine for possible exposure to an individual who has tested positive for COVID-19.

The President may also permit Senators to participate remotely if limiting the number of people congregating in person in the Senate Chambers would assist in protecting the health of Senators, staff, and the general public.

### **1.3 Notice of intent to participate remotely**

Unless an unexpected health emergency or similar incident arises, and to the extent possible, a Senator seeking to participate remotely must provide notice of intent to participate remotely the President, the Majority Leader, and the Minority Leader at least one day in advance of when the member wishes to begin participating remotely. When providing notice, the Senator should specify the anticipated duration of their desire to participate remotely. The President will approve or deny the requesting Senator within 24 hours and provide notice to the requesting Senator, the Majority Leader, the Minority Leader, and the Senate Secretary. If approving a Senator's request, the President may specify the duration that the requesting Senator is permitted to participate remotely.

### **1.4 Rights, privileges, and responsibilities**

Senators who are participating remotely generally may participate with the same rights, privileges, and responsibilities as a Senator who is participating in-person, after recognition by the Presiding Officer or Committee Chair.

As much as possible, Senators who are participating remotely are expected to be in communication with the Senator's caucus floor leader, committee chair, or other designated member, to stay informed about the legislative proceedings.

Senators who are participating remotely may speak through the audio feed that is being broadcast into the chamber or committee room only after being recognized by the Presiding Officer or Committee Chair, respectively. A Senator who is participating remotely who wishes to be recognized for speaking through the audio feed, should make that request through the Senator's caucus leadership, the Committee Chair, or by other means such as raising one's hand. Senators participating remotely are expected to be visually present through the remote participation software while participating in legislative proceedings, unless the President or Committee Chair has approved an alternative method. Senators participating remotely are permitted to leave the view of their camera from time to time just like a Senator can leave the floor of the Senate, or committee room, from time to time to use the restroom, etc.

Front desk staff and non-partisan committee staff will provide Senators who are participating remotely with access to amendments as they become available on iLegislate. It will be the responsibility of the Senator to obtain COW amendments from their caucus leadership.

### **1.5 Authentication**

Legislative Council Information Technology Staff will establish a method for authenticating the identity of Senators who are participating remotely.

## Section 2 – Technology

### **2.1 Remote Participation Software**

Unless otherwise determined by the Senate President, all remote participation shall be conducted via Zoom. The Senate President may identify alternative methods of participation, if necessary.

### **2.2 Recording of Proceedings**

All streams of the proceedings conducted remotely shall be recorded and available as part of the public record.

## Section 3 -- Floor Procedures

### **3.1 Ascertaining quorum**

A Senator is included when calculating a quorum if the President has approved that the Senator may participate remotely and if the Senator is participating using approved remote participation technology. During a roll call to ascertain a Senate quorum, the remotely participating Senator must raise his or her hand into the camera to signal the Senator's presence when the Senator's name is called or the Senator may simply respond verbally.

### **3.2 Recorded Votes**

For recorded votes, a Senator participating remotely must raise his or her hand into the camera to signal the Senator's vote at the appropriate time. If video is unavailable, or if a roll call vote is requested, the President will conduct a roll call for those Senators participating remotely and the Senators will speak into the audio through the remote participation technology. In unforeseen circumstances, such as when the remote participation technology is no longer available, a remotely participating Senator may submit the Senator's vote in writing to the Senator's caucus floor leader, or another caucus member designated by the caucus floor leader, to be provided to the President and entered into the record.

### **3.3 Committee of the Whole**

For standing division votes or votes on motions during the Committee of the Whole, a Senator participating remotely will signal the Senator's position through the remote participation technology. An affirmative vote shall be cast by raising their hand or standing up in the camera view. If video is unavailable, the Senator participating remotely may submit the Senator's vote in writing to the Senator's caucus leader, or another caucus member designated by the caucus leader, to be provided to the presiding officer.

### **3.4 Call of the Senate**

A call of the Senate cannot be made by Senators who are participating remotely. However, a Senator who is participating remotely can be included in sustaining the call by raising his or her hand into the video screen and being recognized by the President. If video is unavailable, the Senator may submit his or her action of sustaining a call of the Senate by speaking verbally into the audio feed after being called on by the Senate President.

## Section 4 -- Committee Procedures

### **4.1 Ascertaining quorum**

A Senator is included when calculating a quorum if the President has approved that the Senator may participate remotely and if the Senator is participating using approved remote participation technology. During a roll call to ascertain a Senate quorum, the remotely participating Senator must raise his or her hand into the camera to signal the Senator's presence when the Senator's name is called or the Senator may simply respond verbally and his or her presence shall be recorded in the committee report.

### **4.2 Recorded Votes**

When the Committee Chair conducts a roll call, Senators participating remotely shall speak into the audio through the remote participation technology. Senators must be visually present through the remote participation software while casting their vote. In unforeseen circumstances, such as when the remote participation technology is no longer available, a remotely participating Senator may submit the Senator's vote in writing to the Committee Chair and the vote shall be entered into the committee report

## Section 5 -- Measures to Facilitate a Safe and Healthy Work Environment

### **5.1 Spaces Controlled by the Senate**

For purposes of these regulations, "spaces controlled by the Senate" include:

- the following areas in the State Capitol Building:
  - the chamber and galleries of the Senate;
  - the Senate Chamber lobby;
  - Senate Committee Rooms 351, 352, 354, and 356 and the hallway outside of these rooms; and
  - the Old Supreme Court Chambers;
- Hearing Room B in the Legislative Services Building.

### **5.2 Face Masks**

Staff, members of the public, and other visitors are required to wear face masks while present in spaces controlled by the Senate. Face masks are not required for staff, members of the public, or other visitors for the time they are seated at the witness table in a committee room and are actively providing testimony to a committee.

Members of the General Assembly are encouraged to wear face masks while present in spaces controlled by the Senate, except when actively speaking to a bill in the Senate Chamber well or when actively speaking during a committee hearing, either to present a bill or ask question on the microphone.

### **5.3 Occupancy Capacity Limits**

The Secretary of the Senate and the staff employed by the Secretary are authorized to set and enforce the occupancy capacity limits for spaces controlled by the Senate. The occupancy capacity limits must allow for appropriate social distancing.