

COLORADO GENERAL ASSEMBLY

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**EXECUTIVE COMMITTEE OF THE
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January 20, 2021

**Policy of the Executive Committee Pursuant to
Section 2-3-303 (2)(h)(I)(B), C.R.S.**

**Electronic Participation in Legislative Proceedings during a Declared
Public Health Disaster Emergency**

Section 1 – General Provisions for Electronic Legislative Proceedings

1.1 – Electronic Participation Permitted

Section 2-3-303 (2)(h)(I)(B), C.R.S., allows the Executive Committee of the Legislative Council to establish policies regarding electronic participation in 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 24-33.7-704, C.R.S., that is caused by a public health emergency infecting or exposing a great number of people to disease, agents, toxins, or other such threats.

These regulations 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, the public, and other entities may participate electronically in legislative proceedings via video conferencing software.

1.2 – Software

A legislative proceeding with electronically participating legislative members will be conducted using video conferencing software.

1.3 – Video and Audio of Legislative Proceedings

Except for floor sessions of the House of Representatives and the Senate, 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.

Section 2 – Electronic Participation of Members of the General Assembly in Joint Committees of Reference, Joint Statutory Committees, Joint Select Committees, Joint Ethics Committees, and Conference Committees

2.1 – Electronic Participation by Members Permitted

Members of the General Assembly may participate electronically in any meeting of a joint committee. For purposes of this policy, the term “joint committee” includes joint committees of reference, joint statutory committees, joint select committees, joint ethics committees, and conference committees.

“Joint statutory committees” include the Capital Development Committee; Capitol Building Advisory Committee; Colorado Commission on Uniform State Laws; Committee on Legal Services; Executive Committee of the Legislative Council; Joint Budget Committee; Joint Technology Committee; Legislative Audit Committee; Legislative Council; and the Statutory Revision Committee.

“Joint statutory committees” also include the following committees that primarily meet during the legislative interim: Colorado Health Insurance Exchange Oversight Committee; Colorado Youth Advisory Council Review Committee; Early Childhood and School Readiness Legislative Commission; Legislative Emergency Preparedness, Response, and Recovery Committee; Opioid and Other Substance Use Disorders Study Committee; Pension Review Commission; Pension Review Subcommittee; Sales and Use Tax Simplification Task Force; Statewide Health Care Review Committee; Transportation Legislation Review Committee; Treatment of Persons with Mental Health Disorders in the Criminal Justice System Oversight Committee; Water Resources Review Committee; and Wildfire Matters Review Committee.

This policy does not govern electronic participation in House or Senate committees of reference, the House or Senate Services Committees, the House or Senate Workplace Harassment Committees, House or Senate ethics committees, or House or Senate select committees.

A member of a joint committee participating electronically may:

- be marked as “present” for purposes of attendance and to establish a quorum for the joint committee;
- vote on matters before the joint committee;
- make motions; and
- speak to matters before the joint committee.

2.2 – Member In-person Participation

For Joint Committee of Reference SMART Government Act oversight hearings, members of the joint committees, including the joint committee chair, may choose whether to participate remotely or in-person.

For all other meetings of joint committees, if the joint committee meeting includes in-person public testimony, the committee chair, vice-chair, or other designated member of the committee must also participate in person. For joint committee meetings that do not include in-person public testimony, the meeting may be held entirely electronically, unless a member of the committee wishes to participate in person.

2.3 – Ascertaining the Presence of a Quorum

The quorum for a joint committee will be ascertained by a verbal roll call at the beginning of the meeting, and attendance is recorded by the joint committee staff person. A member of the joint committee who is participating electronically and is able to communicate using the video conferencing software is considered present for purposes of attendance, determining a quorum, and voting.

2.4 – Verifying an Electronically Participating Member’s Identity and Authenticating the Member’s Actions

The identity of each member of a joint committee participating electronically will be verified through multifactor authentication. This process will be accomplished as follows:

1. The member participating electronically 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 electronically should turn on the conferencing software’s video capabilities at all times while they are participating electronically; however, if technical difficulties or insufficient internet bandwidth make it impossible for the electronically participating member’s video to be shown, the prior method of authentication is sufficient to authenticate the member's identity and actions and the member may still electronically participate in the legislative proceeding.

2.5 – Advanced Notice Required

Unless an unexpected health emergency or similar incident arises, and to the extent possible, a member of a joint committee must provide notice of intent to participate electronically in a joint committee meeting to the joint committee’s chair, the joint 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 electronically.

2.6 – Remote Locations & Technology

A member may participate electronically in joint committee meetings from their home, or may travel to another location if the member does not have appropriate connectivity at the member's home. Members who cannot participate electronically due to insufficient technological capabilities may still participate in-person, if time allows, or should contact the joint committee chair to be excused from the joint committee meeting. Alternatively, the appointing authority for the member who cannot participate electronically may designate another member as a replacement for the meeting.

2.7 – General Technology Procedures

Training and technical capabilities. Members who wish to participate electronically 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 electronically due to their internet network or

technology issues should contact Legislative Council Information Technology staff to see if their issues can be resolved.

Technology issues. Staff will make every effort to connect members participating electronically. However, if a technological connection is deemed to not be possible, the joint committee meeting may proceed without that member's participation, and the joint committee chair may mark the member as "excused" for roll call and voting.

Best practices. To the extent possible, members participating electronically 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. The chat feature may be used to distribute materials or for technical questions. 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 3 – Electronic Participation of Members of the Public, Staff, and other Entities in Joint Committee Meetings

3.1 – Public Testimony

Not all joint committees take public testimony. This policy does not require joint committees to take public testimony.

For joint committees that take public testimony, members of the public may testify in the following ways:

- by submitting written testimony through the General Assembly's website; and
- by providing electronic video testimony through the video conferencing software, or by providing electronic telephone testimony by calling the video conferencing software's call-in option, from anywhere in the state.

When authorized by the joint committee's chair and according to the chair's authority under Section 3.4, members of the public may also testify in person at a joint committee meeting. In-person public testimony is permitted at Joint Committee of Reference SMART Government Act hearings.

3.2 – Submitting Written Testimony

Members of the public may submit written testimony only on items on which:

- the joint committee is taking public testimony; or
- the joint committee chair authorizes members of the public to submit written public testimony.

Members of the public may submit written testimony through the following website:
<https://leg.colorado.gov/testimony>

The option to submit written testimony becomes available when notice of the item on which the joint committee will take public testimony is posted on the General Assembly's electronic testimony registration website (<https://leg.colorado.gov/testimony>). The option to submit written testimony closes when public testimony on the item closes.

3.3 – Registration Process for Electronic Testimony

Advanced registration required for electronic testimony. Witnesses who wish to electronically testify at a joint committee meeting must register in advance. Registration becomes available when notice of the item on which the joint committee will take public testimony is posted on the General Assembly’s electronic testimony registration website (<https://leg.colorado.gov/testimony>). Registration closes when public testimony on the item begins.

Registration website and required information. Witnesses may register through the following website: <https://leg.colorado.gov/testimony>

To register, witnesses must provide their name, preferred pronouns, email address, phone number, zip code, and the name of the organization they represent, if any. Witnesses who wish to testify via phone must provide the same phone number that they will use to call in to the joint committee meeting. This is to ensure that staff can match the witnesses’ registration records with the correct callers during the meeting.

Confirmation of registration. After submitting the required information, witnesses will receive an email confirming registration and providing the video conference meeting link and call-in phone number they can use to connect to the joint committee meeting. Witnesses who do not receive a confirmation email may contact committees.lcs.ga@state.co.us or call 303-866-3521 for assistance.

Registered witnesses only. Only registered witnesses will be allowed to join the video conference. Witnesses who connect through a link or phone number shared by another witness will not be permitted to testify. Registered witnesses are encouraged to set up the video conference and test audio video settings on their computer before the joint committee meeting.

3.4 – Chair’s Authority Regarding Public Testimony

The joint committee chair may limit the total time allotted for testimony, and may limit the amount of time each witness may testify, regardless of whether the witness is testifying in-person or electronically. Registering to testify electronically or in-person does not guarantee that all registrants will be permitted to testify if the joint committee chair determines that public testimony must be limited.

3.5 – Committee Decorum

At all times, witnesses will be required to maintain proper committee protocol, which includes being acknowledged by the joint committee chair before speaking and following the rules for testimony established by the joint committee chair. Witnesses who fail to follow the rules for testimony established by the joint committee chair forfeit their opportunity to testify and will be disconnected from the video conference.

Electronic testimony witnesses will automatically be muted when they enter the video conference. Legislative staff will unmute witnesses as they are recognized by the joint committee chair to speak. Witnesses who are connecting via video should ensure that they are testifying from a location that appears to be professional on camera. A joint committee

chair may end the testimony of witnesses engaged in inappropriate or distracting behavior and disconnect the witnesses from the video conference.

3.6 – Technical Issues

Witnesses may not be able to testify if there are technical issues with the electronic testimony software or issues with the witnesses' computer or internet or telephone connection.

3.7 – Nonpartisan Staff Electronic Participation

Subject to the joint committee chair's discretion, nonpartisan staff may join the video conference to present information, provide testimony, and respond to questions from the joint committee at the request of the chair or other joint committee members.

3.8 – Electronic Participation by Other Entities

Subject to the joint committee chair's discretion, other entities providing information to joint committees may participate electronically in a joint committee meeting.

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President Leroy Garcia
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President Leroy Garcia, Chair

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Majority Leader Stephen Fenberg
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