



SENATE RESOLUTION 20-005

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

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

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

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

- (a) (1) PURSUANT TO SECTION 2-2-404 (2), COLORADO REVISED STATUTES, THIS RULE AUTHORIZES THE PRESIDENT TO PROMULGATE REGULATIONS TO ENABLE MEMBERS OF THE SENATE TO PARTICIPATE REMOTELY IN SENATE LEGISLATIVE PROCEEDINGS. REGULATIONS PROMULGATED PURSUANT TO THIS SUBSECTION (a)(1) MUST BE DISTRIBUTED TO EACH MEMBER OF THE SENATE AND TO THE SECRETARY OF THE SENATE AND BE POSTED ON THE WEBSITE OF THE SENATE.
- (2) THE PRESIDENT, AFTER CONSULTATION WITH THE MAJORITY LEADER AND THE MINORITY LEADER, MAY INVOKE THE REGULATIONS FOR REMOTE PARTICIPATION ONLY 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 HOUSE OF REPRESENTATIVES, ARE MET AND THE PRESIDENT FINDS THAT HOLDING IN-PERSON SENATE LEGISLATIVE PROCEEDINGS POSES AN INCREASED HEALTH RISK TO THE MEMBERS OF THE SENATE OR TO THE PUBLIC. WITHIN TWENTY-FOUR HOURS AFTER INVOKING THE REGULATIONS FOR REMOTE PARTICIPATION, THE PRESIDENT SHALL PROVIDE WRITTEN NOTICE TO EACH MEMBER OF THE SENATE AND TO THE SECRETARY OF THE SENATE AND SHALL POST THE NOTICE OF INVOCATION ON THE WEBSITE OF THE SENATE. THE REGULATIONS FOR REMOTE PARTICIPATION MAY REMAIN IN EFFECT ONLY SO LONG AS THE DECLARED STATE OF PUBLIC HEALTH DISASTER EMERGENCY CONTINUES.

- (b) (1) THE REGULATIONS THAT THE PRESIDENT MAY PROMULGATE PURSUANT TO SUBSECTION (a) OF THIS RULE MUST ADDRESS THE FOLLOWING ISSUES AS THEY PERTAIN TO REMOTE PARTICIPATION:
 - (A) THE EXTENT TO WHICH A MEMBER OF THE SENATE MAY PARTICIPATE REMOTELY IN SENATE LEGISLATIVE PROCEEDINGS, INCLUDING ANY LIMITATIONS ON A MEMBER'S REMOTE PARTICIPATION, SUCH AS ALLOWING A MEMBER WHO PARTICIPATES REMOTELY TO ONLY VOTE FOR PURPOSES OF RECORDED VOTES OR ALLOWING A MEMBER WHO PARTICIPATES REMOTELY TO ALSO MAKE MOTIONS, MOVE BILLS AND AMENDMENTS, AND PARTICIPATE IN DEBATE;
 - (B) THE TYPE OF TECHNOLOGY OR SOFTWARE THAT A MEMBER OF THE SENATE MUST USE TO PARTICIPATE REMOTELY IN A SENATE LEGISLATIVE PROCEEDING;
 - (C) THE PROCEDURE FOR ASCERTAINING THE PRESENCE OF A QUORUM FOR A SENATE LEGISLATIVE PROCEEDING WHEN ONE OR MORE MEMBERS OF THE SENATE ARE PARTICIPATING REMOTELY;
 - (D) THE PROCEDURE FOR CONDUCTING A CALL OF THE SENATE WHEN ONE OR MORE MEMBERS OF THE SENATE ARE

PARTICIPATING REMOTELY; AND

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

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

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

- (d) A MEMBER OF THE SENATE WHO IS NOT PHYSICALLY PRESENT BUT WHO IS PARTICIPATING REMOTELY IN A SENATE LEGISLATIVE PROCEEDING PURSUANT TO THE REGULATIONS PROMULGATED BY THE PRESIDENT PURSUANT TO SUBSECTION (a) OF THIS RULE IS DEEMED TO BE:
 - (1) PARTICIPATING IN THE LEGISLATIVE PROCEEDING AT THE SEAT OF GOVERNMENT AND THE LEGISLATIVE PROCEEDING IS DEEMED TO BE TAKING PLACE AT THE SEAT OF GOVERNMENT; AND

 - (2) PRESENT AND IN ATTENDANCE AS IF PHYSICALLY PRESENT, INCLUDING FOR PURPOSES OF ASCERTAINING THE PRESENCE OF A QUORUM. THE SECRETARY OF THE SENATE SHALL INCLUDE IN THE JOURNAL OF THE DAY'S PROCEEDINGS THE NAME OF EACH

MEMBER PARTICIPATING REMOTELY IN THE SENATE
LEGISLATIVE PROCEEDINGS ON THAT DAY.

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

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Cindi L. Markwell
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