

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

ENGROSSED

LLS NO. R20-1276.02 Jennifer Gilroy x4327

SR20-005

SENATE SPONSORSHIP

**Fenberg,** Danielson, Fields, Garcia, Ginal, Gonzales, Hansen, Lee, Moreno, Pettersen, Rodriguez, Story, Todd, Williams A., Winter

Senate Committees

SENATE RESOLUTION 20-005

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

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

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

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

6 (a) (1) PURSUANT TO SECTION 2-2-404 (2), COLORADO REVISED  
7 STATUTES, THIS RULE AUTHORIZES THE PRESIDENT TO  
8 PROMULGATE REGULATIONS TO ENABLE MEMBERS OF THE  
9 SENATE TO PARTICIPATE REMOTELY IN SENATE  
10 LEGISLATIVE PROCEEDINGS. REGULATIONS PROMULGATED  
11 PURSUANT TO THIS SUBSECTION (a)(1) MUST BE

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

SENATE  
Final Reading  
May 27, 2020

1 DISTRIBUTED TO EACH MEMBER OF THE SENATE AND TO THE  
2 SECRETARY OF THE SENATE AND BE POSTED ON THE  
3 WEBSITE OF THE SENATE.

4 (2) THE PRESIDENT, AFTER CONSULTATION WITH THE  
5 MAJORITY LEADER AND THE MINORITY LEADER, MAY  
6 INVOKE THE REGULATIONS FOR REMOTE PARTICIPATION  
7 ONLY IF THE CONDITIONS CONCERNING A DECLARED PUBLIC  
8 HEALTH DISASTER EMERGENCY, AS DESCRIBED IN JOINT  
9 RULE 44 (a) OF THE JOINT RULES OF THE SENATE AND  
10 HOUSE OF REPRESENTATIVES, ARE MET AND THE PRESIDENT  
11 FINDS THAT HOLDING IN-PERSON SENATE LEGISLATIVE  
12 PROCEEDINGS POSES AN INCREASED HEALTH RISK TO THE  
13 MEMBERS OF THE SENATE OR TO THE PUBLIC. WITHIN  
14 TWENTY-FOUR HOURS AFTER INVOKING THE REGULATIONS  
15 FOR REMOTE PARTICIPATION, THE PRESIDENT SHALL  
16 PROVIDE WRITTEN NOTICE TO EACH MEMBER OF THE  
17 SENATE AND TO THE SECRETARY OF THE SENATE AND  
18 SHALL POST THE NOTICE OF INVOCATION ON THE WEBSITE OF  
19 THE SENATE. THE REGULATIONS FOR REMOTE  
20 PARTICIPATION MAY REMAIN IN EFFECT ONLY SO LONG AS  
21 THE DECLARED STATE OF PUBLIC HEALTH DISASTER  
22 EMERGENCY CONTINUES.

23 (b) (1) THE REGULATIONS THAT THE PRESIDENT MAY PROMULGATE  
24 PURSUANT TO SUBSECTION (a) OF THIS RULE MUST ADDRESS  
25 THE FOLLOWING ISSUES AS THEY PERTAIN TO REMOTE  
26 PARTICIPATION:

27 (A) THE EXTENT TO WHICH A MEMBER OF THE SENATE  
28 MAY PARTICIPATE REMOTELY IN SENATE  
29 LEGISLATIVE PROCEEDINGS, INCLUDING ANY  
30 LIMITATIONS ON A MEMBER'S REMOTE  
31 PARTICIPATION, SUCH AS ALLOWING A MEMBER WHO  
32 PARTICIPATES REMOTELY TO ONLY VOTE FOR  
33 PURPOSES OF RECORDED VOTES OR ALLOWING A  
34 MEMBER WHO PARTICIPATES REMOTELY TO ALSO  
35 MAKE MOTIONS, MOVE BILLS AND AMENDMENTS,  
36 AND PARTICIPATE IN DEBATE;

37 (B) THE TYPE OF TECHNOLOGY OR SOFTWARE THAT A  
38 MEMBER OF THE SENATE MUST USE TO PARTICIPATE

1 REMOTELY IN A SENATE LEGISLATIVE PROCEEDING;

2 (C) THE PROCEDURE FOR ASCERTAINING THE PRESENCE  
3 OF A QUORUM FOR A SENATE LEGISLATIVE  
4 PROCEEDING WHEN ONE OR MORE MEMBERS OF THE  
5 SENATE ARE PARTICIPATING REMOTELY;

6 (D) THE PROCEDURE FOR CONDUCTING A CALL OF THE  
7 SENATE WHEN ONE OR MORE MEMBERS OF THE  
8 SENATE ARE PARTICIPATING REMOTELY; AND

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

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

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

32 (d) A MEMBER OF THE SENATE WHO IS NOT PHYSICALLY PRESENT BUT  
33 WHO IS PARTICIPATING REMOTELY IN A SENATE LEGISLATIVE  
34 PROCEEDING PURSUANT TO THE REGULATIONS PROMULGATED BY  
35 THE PRESIDENT PURSUANT TO SUBSECTION (a) OF THIS RULE IS  
36 DEEMED TO BE:

1 (1) PARTICIPATING IN THE LEGISLATIVE PROCEEDING AT THE  
2 SEAT OF GOVERNMENT AND THE LEGISLATIVE PROCEEDING  
3 IS DEEMED TO BE TAKING PLACE AT THE SEAT OF  
4 GOVERNMENT; AND

5 (2) PRESENT AND IN ATTENDANCE AS IF PHYSICALLY PRESENT,  
6 INCLUDING FOR PURPOSES OF ASCERTAINING THE PRESENCE  
7 OF A QUORUM. THE SECRETARY OF THE SENATE SHALL  
8 INCLUDE IN THE JOURNAL OF THE DAY'S PROCEEDINGS THE  
9 NAME OF EACH MEMBER PARTICIPATING REMOTELY IN THE  
10 SENATE LEGISLATIVE PROCEEDINGS ON THAT DAY.

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