

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0706.01 Megan Waples x4348

HOUSE BILL 21-1003

HOUSE SPONSORSHIP

Benavidez, Amabile, Bennett, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Jackson, Kipp, McLachlan, Michaelson Jenet, Mullica, Sirota, Snyder, Titone, Woodrow

SENATE SPONSORSHIP

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House Committees

State, Civic, Military and Veterans Affairs
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

101

CONCERNING THE CONDUCT OF LEGISLATIVE PROCEEDINGS DURING A

102

DECLARED DISASTER EMERGENCY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill authorizes the executive committee of the legislative council (executive committee) to allow electronic participation in legislative proceedings during a declared disaster emergency caused by a public health emergency infecting or exposing a great number of people to disease, agents, toxins, or other such threats, and, if it is allowed, to establish policies governing such electronic participation.

SENATE
Amended 2nd Reading
January 14, 2021

HOUSE
3rd Reading Unamended
January 14, 2021

HOUSE
2nd Reading Unamended
January 13, 2021

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.

A member participating electronically is entitled to receive a per diem on the same basis as a member participating in person. If a member cannot participate electronically from the member's home due to a technological limitation, the member may receive reimbursement for travel expenses to an alternate location to allow the member to participate electronically. The amount of the reimbursement cannot exceed the amount the member would customarily receive for travel expenses to Denver to participate in person. A member is not entitled to reimbursement for any other expenses incurred in connection with electronic participation.

Due to the COVID-19 pandemic, for the first regular session of the seventy-third general assembly, the bill allows joint committees of reference that are required to hold hearings commonly referred to as SMART Act hearings to conduct the hearings at any time after the general assembly convenes, including while the general assembly is temporarily adjourned. Legislators, departments, and the public may participate remotely in accordance with policies established by the executive committee or the joint rules of the senate and house of representatives.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-303, **amend**
3 (2)(h) as follows:

4 **2-3-303. Functions - report - definitions.** (2) In addition to any
5 other powers and duties set forth in law, the executive committee of the
6 legislative council has the following powers and duties:

7 (h) (I) The power to allow members of the general assembly to
8 participate electronically in ~~committee—meetings~~ LEGISLATIVE
9 PROCEEDINGS and to recommend, ~~and~~ develop, AND ESTABLISH policies
10 regarding electronic participation if so allowed; except that, if allowed,
11 electronic participation must only be allowed for:

12 (A) Committee meetings occurring during the legislative interim;

13 OR

14 (B) LEGISLATIVE PROCEEDINGS, INCLUDING FLOOR PROCEEDINGS,

1 COMMITTEE MEETINGS OR HEARINGS, AND OTHER LEGISLATIVE BUSINESS
2 OCCURRING DURING A DISASTER EMERGENCY DECLARED BY THE
3 GOVERNOR IN ACCORDANCE WITH SECTION 24-33.5-704 THAT IS CAUSED
4 BY A PUBLIC HEALTH EMERGENCY INFECTING OR EXPOSING A GREAT
5 NUMBER OF PEOPLE TO DISEASE, AGENTS, TOXINS, OR OTHER SUCH
6 THREATS.

7 (II) A member participating electronically in a committee meeting
8 pursuant to ~~this subsection (2)(h)~~ SUBSECTION (2)(h)(I)(A) OF THIS
9 SECTION is deemed to be in attendance of that committee for the purpose
10 of receiving compensation to which the member is entitled under section
11 2-2-307 (3). Notwithstanding section 2-2-307 (3)(b), members
12 participating electronically are not entitled to reimbursement for any
13 expenses incurred in connection with such electronic participation.

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15 (III) A MEMBER PARTICIPATING ELECTRONICALLY IN A
16 LEGISLATIVE PROCEEDING PURSUANT TO SUBSECTION (2)(h)(I)(B) OF THIS
17 SECTION IS NOT ENTITLED TO REIMBURSEMENT FOR ANY EXPENSES
18 INCURRED IN CONNECTION WITH SUCH ELECTRONIC PARTICIPATION;
19 EXCEPT THAT, IF THE MEMBER CANNOT PARTICIPATE ELECTRONICALLY
20 FROM THE MEMBER'S HOME DUE TO A TECHNOLOGICAL LIMITATION OR
21 INCAPACITY AT THAT LOCATION, THE MEMBER MAY RECEIVE
22 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED TO
23 TRAVEL TO AN ALTERNATE LOCATION IN ORDER TO PARTICIPATE
24 ELECTRONICALLY. A REQUEST FOR REIMBURSEMENT UNDER THIS
25 SUBSECTION (2)(h)(III)(B) IS SUBJECT TO THE GUIDELINES FOR
26 REIMBURSEMENT AND SUBSTANTIATION REQUIREMENTS ESTABLISHED BY
27 THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL IN

1 ACCORDANCE WITH SECTION 2-2-317 (2)(c), AND THE AMOUNT OF
2 REIMBURSEMENT MUST NOT EXCEED THE AMOUNT THE MEMBER WOULD
3 CUSTOMARILY RECEIVE FOR TRAVEL EXPENSES UNDER SECTION 2-2-317
4 (2)(a) OR (2)(b).

5 (IV) NOTHING IN THIS SUBSECTION (2)(h) SUPERSEDES THE POWER
6 OF THE SENATE OR THE HOUSE OF REPRESENTATIVES TO ADOPT RULES OR
7 JOINT RULES, OR BOTH, FOR THE ORDERLY CONDUCT OF ITS AFFAIRS.

8 **SECTION 2.** In Colorado Revised Statutes, 2-7-203, **add** (6) as
9 follows:

10 **2-7-203. Departmental presentations to legislative committees
11 of reference - departmental regulatory agendas - legislative
12 declaration - repeal.** (6) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND
13 DECLARES THAT ON MARCH 10, 2020, THE GOVERNOR DECLARED A STATE
14 OF DISASTER EMERGENCY DUE TO THE COVID-19 PANDEMIC. THE STATE
15 OF DISASTER EMERGENCY HAS BEEN EXTENDED AND WILL REMAIN IN
16 EFFECT WHEN THE FIRST REGULAR SESSION OF THE SEVENTY-THIRD
17 GENERAL ASSEMBLY CONVENES. THE COVID-19 PANDEMIC CONTINUES
18 TO POSE RISKS TO THE HEALTH AND SAFETY OF THE MEMBERS OF THE
19 GENERAL ASSEMBLY AND THE PUBLIC.

20 (b) NOTWITHSTANDING ANY REQUIREMENTS OF SUBSECTION (2)(a)
21 OF THIS SECTION TO THE CONTRARY, DUE TO THE ONGOING STATE OF
22 DISASTER EMERGENCY, IN THE FIRST REGULAR SESSION OF THE
23 SEVENTY-THIRD GENERAL ASSEMBLY THE JOINT COMMITTEE OF
24 REFERENCE HEARINGS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION
25 MAY BE CONDUCTED AT ANY TIME AFTER THE GENERAL ASSEMBLY
26 CONVENES, INCLUDING WHILE THE GENERAL ASSEMBLY IS TEMPORARILY
27 ADJOURNED. MEMBERS OF THE GENERAL ASSEMBLY, REPRESENTATIVES OF

1 DEPARTMENTS, AND THE PUBLIC MAY PARTICIPATE ELECTRONICALLY IN
2 ACCORDANCE WITH POLICIES ESTABLISHED BY THE EXECUTIVE COMMITTEE
3 OF THE LEGISLATIVE COUNCIL PURSUANT TO SECTION 2-3-303 (2)(h) OR
4 THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

5 (c) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE SEPTEMBER 1,
6 2021.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, or safety.