

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0706.01 Megan Waples x4348

HOUSE BILL 21-1003

HOUSE SPONSORSHIP

Benavidez,

SENATE SPONSORSHIP

Fenberg,

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

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.

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.

14 (III) (A) A MEMBER PARTICIPATING ELECTRONICALLY IN A
15 LEGISLATIVE PROCEEDING PURSUANT TO SUBSECTION (2)(h)(I)(B) OF THIS
16 SECTION IS ENTITLED TO RECEIVE THE PAYMENT AUTHORIZED IN SECTION
17 2-2-317 (1) OR 2-2-307 (3)(a) ON THE SAME BASIS AS A MEMBER
18 PARTICIPATING IN PERSON.

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

1 REIMBURSEMENT UNDER THIS SUBSECTION (2)(h)(III)(B) IS SUBJECT TO
2 THE GUIDELINES FOR REIMBURSEMENT AND SUBSTANTIATION
3 REQUIREMENTS ESTABLISHED BY THE EXECUTIVE COMMITTEE OF THE
4 LEGISLATIVE COUNCIL IN ACCORDANCE WITH SECTION 2-2-317 (2)(c), AND
5 THE AMOUNT OF REIMBURSEMENT MUST NOT EXCEED THE AMOUNT THE
6 MEMBER WOULD CUSTOMARILY RECEIVE FOR TRAVEL EXPENSES UNDER
7 SECTION 2-2-317 (2)(a) OR (2)(b).

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

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

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

23 (b) NOTWITHSTANDING ANY REQUIREMENTS OF SUBSECTION (2)(a)
24 OF THIS SECTION TO THE CONTRARY, DUE TO THE ONGOING STATE OF
25 DISASTER EMERGENCY, IN THE FIRST REGULAR SESSION OF THE
26 SEVENTY-THIRD GENERAL ASSEMBLY THE JOINT COMMITTEE OF
27 REFERENCE HEARINGS REQUIRED BY SUBSECTION (2)(a) OF THIS SECTION

1 MAY BE CONDUCTED AT ANY TIME AFTER THE GENERAL ASSEMBLY
2 CONVENES, INCLUDING WHILE THE GENERAL ASSEMBLY IS TEMPORARILY
3 ADJOURNED. MEMBERS OF THE GENERAL ASSEMBLY, REPRESENTATIVES OF
4 DEPARTMENTS, AND THE PUBLIC MAY PARTICIPATE ELECTRONICALLY IN
5 ACCORDANCE WITH POLICIES ESTABLISHED BY THE EXECUTIVE COMMITTEE
6 OF THE LEGISLATIVE COUNCIL PURSUANT TO SECTION 2-3-303 (2)(h) OR
7 THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

8 (c) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE SEPTEMBER 1,
9 2021.

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