

MAY 11 2020

SENATE RESOLUTION

AMENDING THE RULES OF THE SENATE OF THE THIRTIETH LEGISLATURE OF THE STATE OF HAWAII, REGULAR SESSION OF 2020, BY ADOPTING A NEW RULE 38.5 VIRTUAL ATTENDANCE DURING CATASTROPHIC DISASTERS.

1 WHEREAS, in January of 2020, the Centers for Disease
2 Control and Prevention ("CDC") issued an alert and warned of a
3 new respiratory virus, subsequently named "COVID-19"; and
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5 WHEREAS, the COVID-19 virus spread globally with a high
6 rate of transmission, infecting millions worldwide; and
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8 WHEREAS, COVID-19 is transmitted through close contact with
9 an infected person and possibly by contact with surfaces where
10 the virus may survive, leading to wide community spread of the
11 disease; and
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13 WHEREAS, beginning on March 4, 2020, the Governor of the
14 State of Hawaii issued the first in a series of proclamations
15 addressing the spread of COVID-19; and
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17 WHEREAS, on March 11, 2020, the World Health Organization
18 ("WHO") declared COVID-19 as a worldwide pandemic; and
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20 WHEREAS, on March 13, 2020, the President of the United
21 States issued a proclamation declaring a national emergency
22 concerning the COVID-19 virus; and
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24 WHEREAS, to date, there are over 3.7 million confirmed
25 cases of COVID-19 worldwide, with a global death toll of over
26 two hundred fifty thousand. In the United States there are over
27 1.2 million confirmed cases of COVID-19 with over seventy-five
28 thousand deaths; and
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30 WHEREAS, to combat community spread of COVID-19, the State
31 of Hawaii has instituted statewide protections including, but
32 not limited to, stay-at-home orders, social distancing



1 requirements, mandatory 14-day quarantine after air travel, and
2 restrictions relating to gatherings; and

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4 WHEREAS, there is a real threat of exposure to, severe
5 illness or death from, and community spread of COVID-19, despite
6 implementation of these protective actions; and

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8 WHEREAS, there is currently no vaccination or medical
9 prescription to cure the highly contagious COVID-19; and

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11 WHEREAS, the presence of COVID-19 negatively impacts
12 Senators' ability to meet in traditional manners; now,
13 therefore,

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15 BE IT RESOLVED by the Senate of the Thirtieth Legislature
16 of the State of Hawaii, Regular Session of 2020, that the Rules
17 of the Senate be amended by adding Senate Rule 38.5 Virtual
18 Attendance During Catastrophic Disasters to read as follows:

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20 **Rule 38.5 Virtual Attendance During Catastrophic**
21 **Disasters.**

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23 (1) During a period of catastrophic disaster, the
24 President may authorize, for good cause, any meeting of members
25 of the Senate to be conducted at which one or more members
26 participate through virtual attendance.

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28 (2) A member participating through virtual attendance
29 shall be considered present and in attendance as if the member
30 were physically present, including but not limited to, for
31 determining a quorum pursuant to Senate Rule 22 and Senate Rule
32 34.

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34 (3) In ascertaining whether a quorum is present, the
35 presiding officer or chair shall count the number of members in
36 physical attendance and those members, including the presiding
37 officer or chair, participating by means of virtual attendance.

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39 (4) "Catastrophic disaster" means a severe or prolonged
40 natural or human caused occurrence including, but not limited
41 to, world conflicts, terrorist threat, national or global
42 economic crisis, natural disaster, outbreak of disease, or any



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1 other event or occurrence that severely threatens or negatively
2 impacts life, health, welfare, property, infrastructure, the
3 environment, and financial security of the State.

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5 (5) "Virtual attendance" means participation in a meeting
6 of members of the Senate using telecommunications technology,
7 video-conferencing technology, or other electronic or digital
8 means of communication that allows any member who is authorized
9 or required to be at the meeting to:

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11 (A) Authenticate and verify each participating member and
12 the vote made by each member;

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14 (B) Simultaneously hear or read the comments of every
15 member who is duly recognized by the presiding officer
16 or chair;

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18 (C) Vigorously participate in debate with other members as
19 if they were physically present; and

20
21 (D) Send and receive documents and other material that are
22 used or referred to in the meeting;

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24 provided that if equal access of a member via virtual attendance
25 is interrupted, the meeting shall be recessed until such time as
26 equal access by all members is restored."; and

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28 BE IT FURTHER RESOLVED that the new Senate Rule material is
29 underscored; and

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31 BE IT FURTHER RESOLVED that the amendments made to the
32 Senate Rules by this Resolution take effect upon the adoption of
33 this Resolution.

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36 OFFERED BY:

