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July 2011

Governor John Hickenlooper;
Speaker Frank McNulty;
President Brandon Shaffer;
Mr. Chris Urbina, Executive Director of the Department of Public Health and Environment;
Mr. Dave Hard, Director of the Division of Emergency Management; the Governor's Disaster
Emergency Council; and the Governor's Expert Emergency Epidemic Response Committee

The Legislative Emergency Preparedness, Response, and Recovery Committee was created pursuant to Senate Bill 07-229, and is required, under Section 2-3-1501, *et. seq.*, C.R.S., to develop a plan for the response by, and continuation of operations of, the General Assembly and the legislative service agencies in the event of an emergency epidemic or disaster. The committee is also required to cooperate and coordinate with the Governor's Disaster Emergency Council, the Division of Emergency Management in the Department of Local Affairs, the Department of Public Health and Environment, and the Governor's Expert Emergency Epidemic Response Committee (GEEERC) in developing the plan.

The committee is required to meet at least annually to review and amend the plan as necessary and must provide any updated plan to the Speaker of the House of Representatives, the President of the Senate, the Governor, the Executive Director of the Department of Public Health and Environment, the Governor's Disaster Emergency Council, the Director of the Division of Emergency Management, and the GEEERC no later than July 1, 2011.

The committee met on May 6, 2011, to elect a new committee chair and vice-chair, and to review legislative changes to the committee's charge, response plan, and annual reporting requirements. Attached is the continuity of operations plan (COOP) for the legislative branch that was developed by the legislative staff directors (Attachment A), as well as the committee's decision tree, which maps the legislature's responses to an emergency during and out of session (Attachment B). These documents constitute the emergency response plan that is required to be developed by the committee pursuant to Section 2-3-1501, C.R.S.

Sincerely,

Representative Mark Waller
Chairman of the Legislative Emergency Preparedness,
Response, and Recovery Committee

Legislative Continuity of Operations Plan (COOP)

This is the continuity of operations plan for the General Assembly and the Legislative Department. The response plan differs in some attributes based on whether the legislature is in or out of session at the time that an emergency disaster declaration is issued. Other variables, such as length and severity of the emergency or pandemic, impact the manner in which the plan is executed. The COOP is based on the following assumptions:

1) The General Assembly would continue to meet at the State Capitol and would not relocate to a pre-designated alternative site, unless the Capitol was declared uninhabitable by the CDPHE. The first choice for an alternative site would be in the Denver metro region.

2) A virtual electronic session would be too costly and has too many logistical difficulties for consideration at this time. A "last resort" option might include suspending restrictions on legislators participating in committee meetings via telephone or another electronic connection.

3) The length of the legislative session may need to be adjusted in the event of a pandemic occurrence.

4) Because of the expected absenteeism and the risk of further spreading the disease, one of the first questions to be resolved by the Executive Committee and the Governor is whether there is truly a reason for the General Assembly to meet and when it is safe to assemble in public during a legislative session.

COOP Planning

The Governor and the legislative leadership must decide if the General Assembly needs to meet during a disaster emergency declaration. If the General Assembly does need to meet, the Governor and the legislative leadership will have to determine how the timing of the legislative session can occur with the least risk to members, staff, and the general public. The two scenarios detailed below are contingent upon whether the General Assembly is in or out of session at the time of a disaster emergency declaration.

Scenario I: General Assembly in Session at the Time of a Disaster Emergency Declaration

If the General Assembly is in session at the time of notification of the Governor's declaration of a disaster emergency, the following protocols would ensue.

- 1) The Executive Committee of the Legislative Council shall meet and set forth the following:
 - A. The list of items or topics on which members of the General Assembly may submit requests for bills to address the particular disaster emergency and the prioritization of any pending legislation that the Executive Committee deems necessary to enact prior to adjournment or recess of the regular session.
 - B. The Executive Committee shall determine what budgetary issues still need to be addressed and identify the critical responsibilities of the General Assembly in light of the declared emergency. Among the legislative items to be considered are:

- the revenue resolution specified in Section 24-75-201.3, C.R.S.;
 - the annual general appropriation act;
 - the annual legislative appropriation bill;
 - any supplemental appropriation bills;
 - the school finance bill; and
 - any other issues that, in the estimation of the Executive Committee are critical to address prior to recess or adjournment.
- C. The Executive Committee shall determine a limit on the number of bill requests that the members of the House or Senate may request and introduce.
- D. In addition, the Executive Committee shall adopt a deadline schedule including the dates when the General Assembly shall convene or resume meeting.
- E. If necessary, the President and the Speaker or their designees shall activate the critical information call tree of the General Assembly (if the legislature is in recess or adjourned for less than three days).
- 2) If it is determined that there is an increased health risk to the members of the General Assembly or to the public of meeting in the Capitol Building, the Executive Committee will make other arrangements to have the General Assembly meet on a temporary emergency basis at an alternate location within or outside the city and county of Denver.
- 3) Upon convening of the General Assembly, the House and Senate shall adopt by a simple majority vote the rules of the House and Senate and the joint rules as temporary rules.
- 4) New, smaller committees of reference shall be appointed by resolution to serve during the period of the disaster emergency in both the House and the Senate. The committees shall be in existence only during the period to the declared disaster emergency.
- 5) During the declared disaster emergency, rules prohibiting electronic participation in committees of reference may be suspended. Any member who participates in a committee of reference by telephone or other electronic connection shall be required to provide a password verification prior to being allowed to participate in the deliberations of the committee.
- 6) Nothing in the emergency rule shall change the constitutional requirements for the number of legislators required to pass a bill by majority vote.
- 7) The number of working days shall be counted as one hundred twenty separate calendar days as opposed to one hundred twenty consecutive days during a declared disaster emergency.

- 8) The Secretary of the Senate and the Chief Clerk of the House shall have additional powers and authority in a declared disaster emergency to implement new or streamlined methods of operation and may suspend requirements set forth in the rules of the Senate or House and the joint rules.

Scenario II: The General Assembly is not in Session at the Time of a Disaster Emergency Declaration

The primary difference between Scenario I and Scenario II is the use of the critical information call tree of the legislature to notify members of changes to the legislative schedule and the plan for modification of the legislative rules. Scenario II contemplates enough advance notice of a pandemic event to provide a planned response in conjunction with the Governor's Office and Department of Public Health and Environment.

COOP Implementation

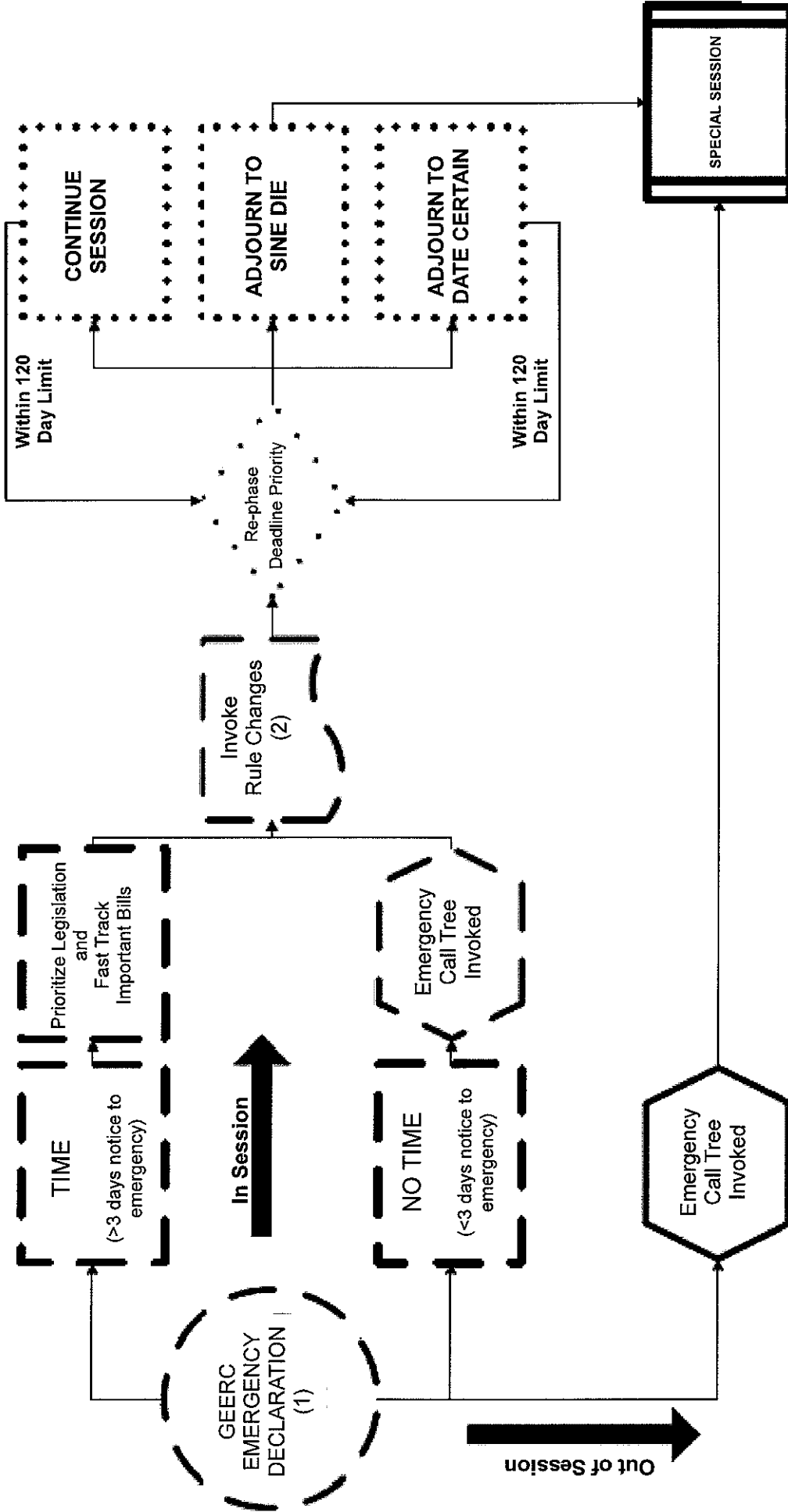
The implementation of the legislative Continuity of Operation Plan is dependent upon a high degree of cooperation between the executive and legislative branches of government and interagency cooperation among the staff agencies serving the General Assembly. In order to implement the COOP, each legislative agency would streamline methods of operation to reduce staffing in each agency to the minimum number of employees needed to conduct critical and essential business. Generally, staff agencies would enact their COOP as follows:

- ***Chief Clerk of the House and Secretary of the Senate:*** House and Senate staffing would be reduced to a minimum number of employees needed to complete the responsibilities of the Chief Clerk of the House and the Secretary of the Senate. Front desk staff would be reduced to the Chief Clerk and Assistant Clerk in the House and the Secretary of the Senate and Assistant Secretary in the Senate, as well as one sergeant-at-arms and one amendment clerk in each house. Most document production would be in electronic format, including the calendars and journals. The enrolling rooms in each House would be reduced to a minimum number, and the bill information center and the legislative print shop would be closed.
- ***Legislative Council and the Office of Legislative Legal Services:*** These agencies would reduce the number of committee staff, fiscal analysts, attorneys, and support personnel to staff the reduced number of committees and to draft the reduced number of bills. Legislative financial transactions would be processed by a reduced staff complement in the Legislative Council accounting section.
- ***The Joint Budget Committee staff, the Office of the State Auditor, and Legislative Information Services.*** These agencies would make similar assessments to determine the minimum number of staff needed to conduct essential business.

It should be noted that each individual agency has a continuity of operations plan that will provide staffing guidance in the event of a declared disaster emergency. In addition, practical guidance by the Department of Public Health and Environment would be employed in areas such as use of face masks and hand washing stations and methods of isolating members and staff to the degree possible. The key determinant in implementing the legislative continuity of operations plan would remain the Executive Committee's decision as to whether to call a legislative session, when to call a legislative session, what business to conduct, and how to assure that a majority of members are able to participate effectively.

LEPRRC DECISION TREE

Revised 06/30/2011



(1)a. Joint Rule 44 outlines the process

(1)b. Review of Governor's emergency executive order powers has already occurred.

(2)a. Rule Changes drafted and vetted in advance

