



**Report to the
Colorado General Assembly**

**Legislative
Emergency
Preparedness,
Response, and
Recovery Committee**

Prepared by

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Legislative Emergency Preparedness, Response, and Recovery Committee

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Representative Faith Winter, Vice-chair

Senator Linda Newell
Ms. Effie Ameen
Ms. Marilyn Eddins
Mr. Todd Herreid
Mr. John Ziegler

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June 2017

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March 2017

To Members of the Seventy-first General Assembly:

Submitted herewith is the 2016 Legislative Emergency Preparedness, Response, and Recovery Committee (LEPRRC) final report. The 2016 final report provides a complete summary of all LEPRRC activity in 2016.

The committee is required 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 required to meet at least annually to review and amend the Continuity of Operations (COOP) plan as necessary and provide any updated plan to the Speaker of the House of Representatives, the President of the Senate, 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 in the Department of Public Safety, and the Governor's Expert Emergency Epidemic Response Committee.

The LEPRRC final report serves as a permanent record of the legislative branch's COOP plan. The report also serves as an informational document for any other entity or individual interested in emergency preparedness for the legislative branch of state government.

Sincerely,

/s/ Mike Mauer
Director

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This report is also available online at:

<http://leg.colorado.gov/committees/legislative-emergency-preparedness-response-and-recovery/2017-regular-session>

Committee Charge

The Legislative Emergency Epidemic Response Committee (LEERC) was established by Senate Bill 07-229 in Sections 2-3-1501 through 2-3-1503, C.R.S., in response to concerns about epidemic emergencies. House Bill 10-1080 amended Section 2-3-1503, C.R.S., to expand the scope of the committee to include disaster preparation and to authorize the committee to recommend legislation. In addition, the bill changed the title of the committee from the Legislative Emergency Epidemic Response Committee (LEERC) to the Legislative Emergency Preparedness, Response, and Recovery Committee (LEPRRC). The committee is required to develop a plan for the response by, and the continuation of operations of, the General Assembly and the legislative branch in the event of an emergency epidemic or disaster. That plan is now known as the Legislative Continuity of Operations Plan (COOP), and is described in Appendices A through C of this report.

In addition to its statutory charge, the committee is authorized to convene, in the event of an emergency epidemic or Governor-declared disaster emergency, as rapidly and as often as necessary to advise the Speaker, the President, and the legislative service agencies regarding reasonable and appropriate measures to be taken by the General Assembly and the legislative service agencies to respond to and recover from the emergency epidemic or disaster and to protect public health.

The committee is also required to communicate, cooperate, and seek advice from the Governor's Disaster Emergency Council, the Department of Public Health and Environment, the Governor's Expert Emergency Epidemic Response Committee, and the Division of Homeland Security and Emergency Management within the Department of Public Safety (DPS).

The 11-member committee is comprised of 2 members of the Senate, 2 members of the House, the Secretary of the Senate, the Chief Clerk of the House, and 5 members representing legislative staff agencies. The committee is currently comprised of the following individuals:

- Senator Kent Lambert, Chair
- Representative Faith Winter, Vice-chair
- Senator Linda Newell
- Representative Lori Saine
- Ms. Effie Ameen, Secretary of the Senate
- Mr. Matt Devlin, Deputy State Auditor, Office of the State Auditor
- Ms. Marilyn Eddins, Chief Clerk of the House
- Ms. Debbie Haskins, Assistant Director, Office of Legislative Legal Services
- Mr. Todd Herreid, Deputy Director, Legislative Council Staff
- Mr. Manish Jani, Senior IT Manager, Legislative Council Staff
- Mr. John Ziegler, Director, Joint Budget Committee

The committee is required to meet once annually, and is limited to six meetings total for each year.

Committee Activities

The committee met once during 2016. At the meeting on November 18, 2016, the committee heard presentations from, and engaged in discussion on, topics regarding security for the legislative branch and its agencies. A representative from the Division of Homeland Security and Emergency Management in DPS spoke on security measures.

No legislation was discussed, drafted, or adopted by the committee to be recommended to the General Assembly.

Continuity of Operations Planning

The committee discussed its statutory obligation to approve its Continuity of Operations (COOP) and Continuity of Government (COG) plans. The committee discussed the variations between each agency COOP and requested that Legislative Council Staff work with the Division of Homeland Security and Emergency Management in the DPS to find any potential issues in implementation. The chair tasked members of the committee and DPS with providing information related to COOP-COG planning and Capitol security matters prior to the next meeting.

Swift911 Program

A representative from DPS provided information to the committee on the implementation and status of the Swift911 program. The Swift911 program is a secure web-based communication and information sharing platform for emergency management used by the executive and legislative branches to support planning, response, command, and communication efforts. Swift911 replaced the ReadyOp program that was previously used by DPS.

Mosquito-Borne Viruses

Representatives from the Department of Public Health and Environment (CDPHE) provided information on mosquito-borne viruses, specifically the Zika virus and West Nile virus. CDPHE discussed the presence of mosquito-borne viruses in Colorado, testing practices, surveillance of mosquito populations, and tracking of infected persons.

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<http://leg.colorado.gov/committees/legislative-emergency-preparedness-response-and-recovery/2017-regular-session>

Meeting Date and Topics Discussed

November 18, 2016

- ◆ Overview of recent legislation and COOPs for the legislative branch
- ◆ Review of Swift911 program
- ◆ Discussion of mosquito-borne viruses in Colorado

**Executive Summary:
Continuity of Operations Plan (COOP)
For Legislative Agencies**

The Continuity of Operations Plan addresses the logical flow of events to respond to major disruptions in essential functions, mission critical services, and technology infrastructure. Specifically, each legislative agency (Legislative Council Staff, Office of Legislative Legal Services, Joint Budget Committee Staff, Office of the State Auditor, the House, and the Senate) has a plan to address the events to:

- Continue or resume time-sensitive operations of the essential functions identified by the agency, including the identification of minimum staffing requirements needed to perform those essential functions.
- Activate the resumption and support of the essential functions, including the documentation of the agency's chain of command structure and the identification of the decision makers and the positions that will perform the work needed to resume the necessary work operations.
- Identify the responsibilities of the key staff members assigned to perform the essential functions and the steps necessary to progress towards resumption of the normal business operations of the agency.
- Describe how the agency will communicate and coordinate with its staff members through the use of agency-specific emergency contact lists, telephone call trees, and ReadyOp. In addition, the members of the Legislative Management Team will utilize their established procedure for communicating with each other in order to share information between the legislative service agencies and the House and the Senate.
- Achieve each of the above objectives in a timely, efficient, and cost-effective manner.
- Return to a permanent operating environment.

Adopted by the Legislative Management Team on June 4, 2009
Updated by the LEPRRC on October 23, 2014

Continuity of Operations Plans for Colorado Government

Continuity of Operations Plans, or COOPs, are created to identify an organization's response to a wide range of potential emergencies. COOPs address issues of communication, staffing, facilities, and decision-making in order for the organization to meet critical responsibilities. COOPs also provide steps for an immediate reaction to an emergency and for a long-term response when circumstances prohibit resuming normal business functions.

In Colorado, the Division of Homeland Security and Emergency Management in the Colorado Department of Public Safety coordinates the development and execution of COOPs for state departments. The division is also available to assist and coordinate COOP activities with the legislative and judicial branches. After developing the COOP, departments are encouraged to exercise the plan and identify personnel within groups that are responsible for maintaining the COOP on a regular basis. All 19 state departments have developed and maintained a COOP, and a majority of these have exercised the plan in training. The COOP for the legislative branch was developed by the legislative staff directors. Additionally, each legislative service agency maintains its own COOP, which can be obtained from each individual agency.

In 2008, the Legislative Emergency Epidemic Response Committee, since renamed the Legislative Emergency Preparedness, Response, and Recovery Committee (LEPRRC), developed an emergency plan that involves activation of the legislative COOP and the process outlined in Joint Rule 44, which was adopted by the General Assembly during the 2009 legislative session. Activation of the legislative COOP and the use of Joint Rule 44 depends on the timing of the emergency — whether during session or not — and the nature of the emergency. The LEPRRC Decision Tree, found in Appendix C, maps the legislature's responses to an emergency during and out of session.

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 based on whether the legislature is in or out of session when the Governor issues an executive order or proclamation declaring a disaster emergency. Other variables — such as length and severity of the disaster or emergency epidemic — 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 Colorado Department of Public Health and Environment. 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 declared disaster emergency.

4) Because of general safety concerns in the event of a disaster and the expected absenteeism and the risk of further spreading the disease in the event of an emergency epidemic, 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 declared disaster emergency. 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 declared disaster emergency.

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

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 declared 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 disaster emergency. Among the legislative items to be considered are:
 - 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 communication system of the General Assembly (currently ReadyOp) if the legislature is in recess or adjourned for less than three days.
- 2) If it is determined that meeting in the State Capitol poses an increased health risk to the members of the General Assembly or to the public, 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 declared disaster emergency in both the House and the Senate. The committees shall be in existence only during 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 Declared Disaster Emergency

The primary difference between Scenario I and Scenario II is the use of the critical information communication system of the General Assembly (currently ReadyOp) 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 disaster or emergency epidemic to provide a planned response in conjunction with the Governor's Office and the Department of Public Health and Environment.

COOP Implementation

The implementation of the legislative COOP 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:

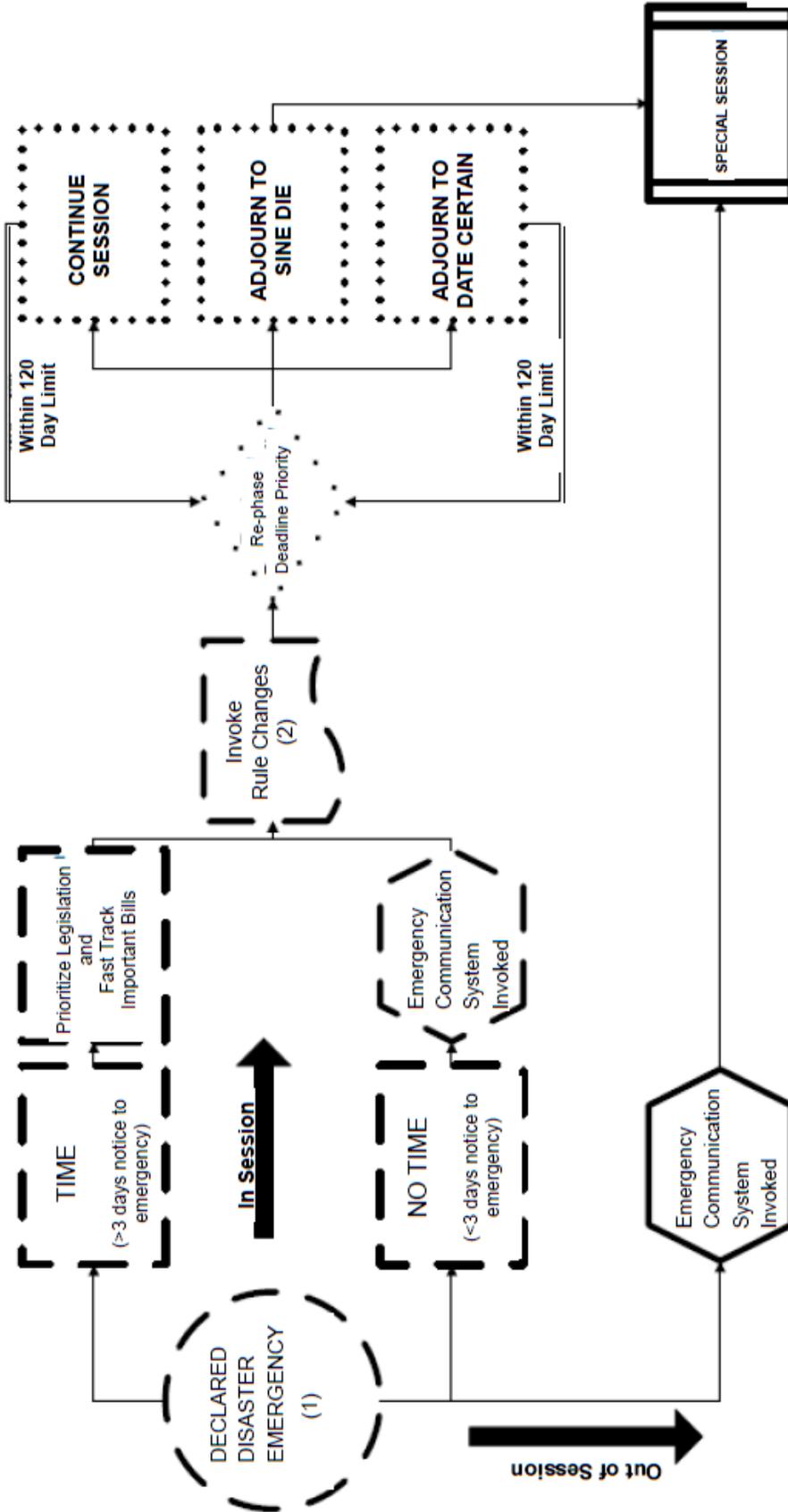
- **Chief Clerk of the House and Secretary of the Senate:** House and Senate staffing would be reduced to a minimum number of employees needed to complete the responsibilities of the Chief Clerk of the House and the Secretary of the Senate. Front desk staff would be reduced to the Chief Clerk and Assistant 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 and the Office of the State Auditor.** 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 COOP 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 and the Department of Public Safety would be employed. The key determinant in implementing the legislative COOP 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.

Created: October 30, 2009

Revised: October 23, 2014

LEPRRC DECISION TREE
Revised 10/31/2013



(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

