

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 Swift911. 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 November 8, 2017

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 Swift911) 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 Swift911) 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: November 8, 2017

LEPRRC DECISION TREE

Revised 10/31/2013

