

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, including the Office of Legislative Workplace Relations, 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. 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.

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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 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, and is based significantly on Joint Rule 44. 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. Joint Rule 44 was substantially amended by the General Assembly in 2021 in response to the Coronavirus pandemic.

Activation of the legislative COOP and the use of Joint Rule 44 depend 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. If Joint Rule 44 is in effect, the alternative site must be in the City and County of Denver.
- 2) Virtual electronic tools may be used to conduct the legislative session in whole or in part.
- 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 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 is 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 General Assembly follows the protocols outlined in Joint Rule 44, which include the following:

- 1) When it is deemed necessary, the General Assembly may adopt a resolution temporarily adjourning the House of Representatives and Senate until a date certain, or until recalled by the Speaker and the President acting jointly.
- 2) The Executive Committee of the Legislative Council shall meet and may:
 - A. prioritize any pending legislation that the Executive Committee deems necessary to enact prior to adjournment or recess of the regular session (e.g., the general appropriation act, the legislative appropriation act, supplemental appropriation bills, the school finance bill, etc.).
 - B. with the approval of at least two members of the Executive Committee from each house, determine whether to adjust the number of bill requests that the members of the House or Senate may request and introduce to not less than one per member; and
 - C. if the Executive Committee determines that the deadline schedule for the remainder of the regular session requires adjustment, issue a memorandum modifying the deadlines.
- 3) If necessary, the President and the Speaker, or their designees, shall activate the critical information communication system of the General Assembly if the legislature is in recess or adjourned for less than three days.
- 4) 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:
 - A. determine whether the session may be held either partially or entirely using virtual tools; or

- B. make arrangements to have the General Assembly meet on a temporary emergency basis at an alternate location. If Joint Rule 44 is in effect, the alternative location must be in the City and County of Denver.
- 5) The Majority Leader of the Senate and the Speaker of the House may reconfigure one or more committees of reference, maintaining the representation of the committee in proportion, as nearly as practicable, to the relative number of members of the two major political parties in each chamber. The committee meeting schedule may also be changed. After the conclusion of the disaster emergency, the original committee assignments and schedule must be restored.
 - 6) The Speaker and the President may reassign to another committee of reference any bills that were previously assigned to a committee but not reported out when the disaster emergency was declared.
 - 7) Nothing in the COOP changes the constitutional requirements for the number of legislators required to pass a bill by majority vote.
 - 8) If the General Assembly temporarily adjourns pursuant to Joint Rule 44 for more than three consecutive calendar days, the days during the temporary adjournment are not counted toward the maximum of one hundred twenty separate calendar days. When the General Assembly reconvenes in regular session following a temporary adjournment, the counting of calendar days resumes.
 - 9) 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 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 in-person employees needed to conduct critical and essential business. If possible, agencies would implement remote tools and staffing to ensure that critical needs of the General Assembly are met while minimizing the number of on-site employees. 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. Sufficient on-site staff to support in-person activities of the General Assembly will be in place.
- **Legislative Council Staff, Office of Legislative Legal Services, Joint Budget Committee Staff, and the Office of the State Auditor:** These agencies will emphasize the use of remote tools to respond to needs of the General Assembly, if remote tools are available. Sufficient staff will remain on-site 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 ensure that a majority of members are able to participate effectively.

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