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0586 Legislative Emergency Epidemic Response Committee



**Report to the
Colorado General Assembly**

**Legislative Emergency
Epidemic Response
Committee**

Prepared by

*The Colorado Legislative Council
Research Publication No. 586
December 2009*

Legislative Emergency Epidemic Response Committee

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Senator Paula Sandoval, Chair
Representative Kent Lambert, Vice-Chair

Senator Nancy Spence	Representative Claire Levy
Mr. Michael Adams	Ms. Marilyn Eddins
Ms. Karen Goldman	Ms. Debbie Haskins
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December 2009

To Members of the Sixty-seventh General Assembly:

Submitted herewith is the annual report of the Legislative Emergency Epidemic Response Committee. This committee was created pursuant to Senate Bill 07-229 and 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. The committee is also required to meet at least annually to review and amend the plan as necessary and shall 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 Local Affairs, and the Governor's Expert Emergency Epidemic Response Committee.

Respectfully submitted,

/s/ Senator Paula Sandoval
Chair

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This report is also available on line at:

<http://www.colorado.gov/lcs/LEERC>

Executive Summary

Committee Charge

Senate Bill 07-229 established the Legislative Emergency Epidemic Response Committee (LEERC) in Sections 2-3-1501 through 2-3-1503, C.R.S. (Appendix A). These provisions contain the committee's charge, requires the committee 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 epidemic emergency."

The bill created an 11-member legislative committee comprised of 2 members of the Senate, 2 members of the House, and 7 members representing the legislative staff agencies.

The authorizing legislation directs the committee to develop and submit the plan to the Speaker of the House of Representatives (Speaker), the President of the Senate (President), 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 in the Department of Local Affairs, and the Governor's Expert Emergency Epidemic Response Committee no later than July 1, 2008. 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 persons or entities listed above. The committee's charge does not specifically authorize the committee to recommend legislation. However, the committee has chosen to recommend legislation, which would have to be sponsored by individual members.

In the event of an emergency epidemic prompting the Governor to declare a disaster emergency, the LEERC is required to convene 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 the emergency epidemic and to protect public health. The committee must communicate, cooperate, and seek advice from the previously listed entities in responding to the emergency epidemic.

Committee Activities

History

The LEERC met four times during the 2008 legislative session. The focus of the committee's activity fell into four general categories:

- fact finding and collection of information about the state's existing structure of emergency epidemic response planning;
- examination of other states' activities with regard to emergency response planning, specifically in the area of pandemic events;
- a review of Colorado's constitutional, statutory, and requirements by rule governing legislative operations; and
- a proposed legislative continuity of operations plan, including interactions with executive branch departments and agencies.



The committee sought input from a number of individuals and groups and made a total of four legislative recommendations to the General Assembly. Two of those recommendations were introduced as resolutions. *House Resolution 09-1005*, in part, addressed the line of succession for the Chief Clerk of the House of Representatives in the event of the death, resignation, disability, or absence of the clerk from the state. *Senate Joint Resolution 09-004* created a new Joint Rule 44 concerning the rules of procedure during a declared disaster emergency caused by a public health emergency. Two other committee recommendations were not introduced as legislation. The first concerned the authority of the President to address matters not covered by Senate rules. The other, similar to House Resolution 09-1005, concerned the line of succession for the Secretary of the Senate.

2009 Activities

In 2009, the LEERC met five times to discuss pending matters that were not resolved in 2008 and to gather information about the possibility of an imminent influenza pandemic and the state's preparedness for such an event.

Continuity of government. The committee reviewed the 2008 final report of the committee to determine whether additions or revisions were required. The discussions specifically focused on continuity of government, relocation of the seat of government, filling legislative vacancies, and the legislative recommendations made by the committee in 2008. The committee received a thorough status report on state government continuity planning from General Mason Whitney of the Governor's Office of Homeland Security. The committee also discussed the status of individual continuity of operations plans for each legislative agency.

As a result of committee deliberations, the committee recommended Senate Resolution A concerning the replacement of the Secretary of the Senate in the event of an emergency. The resolution also addresses the authority of the Senate President. The committee also recommended House Resolution B, which amends House Rule 43 (n) to eliminate the line of succession for the Chief Clerk of the House. Lastly, the committee recommended House Joint Resolution C, which makes a technical change to Joint Rule 44 that resolves an inconsistency in the language of the existing rule.

Legislative vacancies. The committee heard a presentation about the process of filling legislative vacancies in other states. Colorado law covers legislative vacancies that occur due to death or resignation, but it does not address extended absences that can occur because of illness or statewide disaster. Several other states require legislators to designate a list of successors. Others allow a majority of the legislative body to vote to fill a vacancy. The committee discussed various scenarios when legislators may need to be replaced, the current law in Colorado, and the need for a more comprehensive statute to address legislative vacancies in the case of emergencies. Although the committee discussed potential statutory or rule changes, no action was taken by the committee on this topic.

State emergency management. To help educate members of the committee on emergency management in Colorado, the LEERC toured the Department of Public Health and Environment's (CDPHE) Emergency Operations Center and the Multi-agency Coordination Center run by the Division of Emergency Management in the Department of Local Affairs. At each stop, the committee heard presentations about emergency management operations and procedures across the state.

H1N1 influenza virus. A panel of state medical experts briefed the committee regarding the H1N1 influenza virus, also known as swine flu. The briefing covered outbreaks of H1N1 in Colorado and state and local response to such outbreaks. The briefing also discussed strategies for stopping the spread of the virus and the statewide planning process for the upcoming flu season. Finally, the briefing addressed testing for the virus, vaccination efforts, and reporting of flu cases to the CDPHE.

Additional committee discussion. The committee discussed the subject of temporarily relocating the seat of government and the authority to relocate the General Assembly during a declared emergency. The committee considered, but declined to make recommendations, which may be sponsored by individual members of the committee during the 2010 session.

Committee Recommendations

The committee discussed several measures to address changes to both legislative rules and state law. As a result of discussion and deliberation, the committee recommends three resolutions for consideration in the 2010 legislative session.

Senate Resolution A — Concerning the Line of Succession for the Secretary of the Senate and the Authority of the President of the Senate to Address Matters Not Covered by the Senate Rules. The committee combined two resolutions (Senate Resolution A and Senate Resolution B) that were previously recommended by the 2008 LEERC, but not adopted during the 2009 legislative session.

This Senate resolution amends Senate Rule 40 to provide the President the authority over any matter not covered specifically by the Senate rules, subject to the right of appeal by any member of the Senate. Additionally, this resolution amends Senate Rule 13 to provide a line of succession for the Secretary of the Senate in the event of the death, resignation, disability, or absence from the state. The resolution provides for the assistant to the secretary to serve as acting secretary until a new secretary can be appointed or until the current secretary is able to return. If the assistant to the secretary is unable to serve, the President has the authority to appoint a new acting secretary.

House Resolution B — Concerning the Line of Succession for the Chief Clerk of the House of Representative. This House resolution amends House Rule 43 (n) that was previously suggested by the 2008 LEERC and adopted through House Resolution 09-1005. House Resolution 09-1005 designated the line of succession for the Chief Clerk of the House of Representatives in the event of the chief clerk's death, resignation, disability, or absence from the state. This rule currently provides that the following persons must succeed the chief clerk in the following order: the assistant chief clerk, the journal clerk, the reading clerk, and the bill status clerk.

The new resolution amends House Rule 43 (n) to eliminate the line of succession for the chief clerk. Instead, the Speaker has the authority to appoint a new acting chief clerk in the event that the assistant clerk is unable to serve as an acting chief clerk.

Joint Resolution C — Concerning Technical Changes to Joint Rule 44 (c) (2). This joint resolution amends Joint Rule 44 (c) (2), concerning rules of procedure during a declared disaster emergency. This is a technical amendment to clarify that there would be a limit on the number of bills House or Senate members could request or introduce during a declared disaster emergency.



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. (Appendix A). These provisions contain the committee's charge, which requires the committee 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 epidemic emergency." The legislative declaration expressed the urgency of this situation by stating that "in the event of an emergency epidemic in the state, the General Assembly must be prepared to respond to the emergency and have a plan for ensuring the continuation of its operations in order to assist in the protection of the health, safety, and welfare of the public."

The bill created an 11-member legislative committee comprised of 4 members of the General Assembly and 7 members of the legislative staff. The committee consists of the following members:

Senator Paula Sandoval

Senator Nancy Spence

Representative Kent Lambert

Representative Claire Levy

Mr. Michael Adams, Director, Legislative Information Services

Ms. Marilyn Eddins, Chief Clerk of the House

Ms. Karen Goldman, Secretary of the Senate

Mr. Todd Herreid, Chief Fiscal Officer, Legislative Council Staff

Ms. Debbie Haskins, Senior Attorney, Office of Legislative Legal Services

Ms. Dianne Ray, Deputy Auditor, Office of the State Auditor

Mr. John Ziegler, Director, Joint Budget Committee

In addition to its statutory charge, the committee is authorized to convene, in the event of an emergency epidemic that the Governor declares to be a 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 the emergency epidemic and protect public health. The legislative committee shall communicate, cooperate, and seek advice from 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.



Committee Activities

The LEERC met five times in 2009, meeting both during the legislative session and the interim. The focus of the committee's activity fell into four general categories: fact finding and collection of information about the state's existing structure of emergency epidemic response planning; examination of other states' activities in emergency response planning, specifically in the area of pandemic events; a review of Colorado's legislative environment in terms of constitutional, statutory, and requirements by rule that govern legislative operations; and considering a proposed legislative continuity of operations plan, including interactions with executive branch departments and agencies. Resource materials which contributed to this final report may in found in the resource materials section and the appendices at the back of the document.

State Emergency Management

Effectively responding to a disaster emergency is crucial to the resumption of normal state, public, and private business. Disaster emergencies may occur as a result of any number of events, including disease outbreaks, weather and climate conditions, terrorist activity, and spills of hazardous chemicals or waste. Each of these types of disasters or hazards requires a tailored approach for emergency management. The LEERC was briefed on many facets of emergency management across the state, including a number of coordinated efforts between state agencies.

Public health emergency management. Members of the LEERC toured the CDPHE Emergency Operations Center in Denver. The CDPHE is the lead state agency responsible for coordinating public health and medical response activities and supporting mass fatality response for all-hazard disaster emergencies. The department's operations center contains state-of-the-art technology and provides a base for incident management that is compliant with national standards. In addition to its function as an incident command center, the facility is used to conduct training and planning exercises to ensure the preparedness of public health and medical response entities across the state.

The technology installed in the operations center enables incident managers to effectively communicate with public health officials across the country and the state. Such communication is key to stopping or slowing the spread of communicable diseases, responding to medical needs, sharing resources efficiently, and handling disasters with high casualties. The operations center uses multiple computer and telephone systems to meet state needs. No one system was capable of meeting all of the needs that arise during a disaster emergency.

Division of Emergency Management. The Division of Emergency Management (DEM) in the Department of Local Affairs is responsible for the state's comprehensive emergency management program, which supports local and state agencies. Activities and services cover the four phases of emergency management:

- preparedness;
- prevention;
- response; and
- recovery for disasters like flooding, tornadoes, wildfire, hazardous materials incidents, and acts of terrorism.



Planning and training services to local governments include financial and technical assistance as well as training and exercise support. The DEM provides technical assistance under a variety of federally funded programs for the planning, development, execution, and evaluation of training exercises involving state, regional, county, and local jurisdictions, agencies, and assets. Services are made available through local emergency managers supported by DEM staff assigned to specific areas of the state. During an actual emergency or disaster, the DEM coordinates the state response and recovery program in support of local governments.

State Emergency Operations Center (SEOC). The DEM maintains the State Emergency Operations Center (SEOC) in Centennial, where representatives from a variety of state departments and agencies come together to coordinate state response to an emergency situation. Members of the LEERC were briefed at the SEOC site, also known as the Multi-agency Coordination Center, about state emergency management efforts.

The SEOC is a state-of-the-art center developed specifically to help Colorado respond to any type of disaster or emergency it may face. The Colorado Information Analysis Center is also a part of the SEOC and has a disaster prevention focus with strong links to federal and local agencies. The facility was designed to meet the new National Incident Management System requirements and includes a policy room; a secure video teleconference room; designated space for administration, logistics, planning, and assessment; an operations and coordination room; a communications center; and a room for the media. The SEOC has a virtual connection to the CDPHE operations center, the Health Alert Network, and various emergency management systems.

In addition to supporting actual emergencies throughout the state, the SEOC is activated in support of local and regional planning and training exercises. It is designed for multiple agency communication and coordination of support for local, regional, state, and federal disaster emergencies.

Governor's Office of Homeland Security planning efforts. The committee heard two briefings from General Mason Whitney of the Governor's Office of Homeland Security regarding executive branch planning efforts for disaster recovery. The goal of the Office of Homeland Security is to prevent and disrupt terrorist attacks, protect against man-made and natural hazards, and respond to and recover from incidents that do occur. To that end, General Whitney and his team have developed a comprehensive state homeland security strategy that requires coordination, cooperation, and focused effort from the state and its local, regional, tribal, nonprofit, private sector, and federal partners, as well as the citizens of Colorado.

The State Homeland Security Strategy contains five major goals that overlap each other. They are to:

- prevent and disrupt terrorist attacks by denying terrorists, weapons, and other terror-related materials entry into Colorado;
- protect Colorado's communities, critical infrastructure, and key resources against all hazards;
- respond to all incidents using current chemical, biological, radiological, nuclear material detection, seamless interoperable communications capabilities, and appropriate equipment, training, and exercises;
- recover from all incidents and enable resurgence from any disaster emergency for both public and private entities; and
- strengthen homeland security systems and structures.

The Governor's Office of Homeland Security is funded completely through federal money and works closely with the U.S. Department of Homeland Security to address the needs of the state with regard to disaster prevention and recovery. The office is charged with administering federal grant money that is passed onto state and local entities. It is also involved with most state planning and training exercises.

The committee did not make any recommendations related to state emergency management.

The Legislative Environment: Constitutional, Statutory, and Requirements by Rule

The committee reviewed the findings from the 2008 LEERC report regarding current requirements for legislative sessions that would need to be altered in the event of a pandemic incident. First, the committee was apprised of the types of measures that the General Assembly needs to act upon on an annual basis. These measures were broken into first priority and second priority categories.

Among the first priority measures were the following:

- the annual revenue resolution which the General Assembly must adopt pursuant to Section 24-75-201.3, C.R.S.;
- the Long Appropriation Bill;
- the legislative appropriation bill;
- supplemental appropriation bills; and
- the annual school finance bill.

Examples of second priority measures include the following:

- the water pollution/drinking water projects resolution, pursuant to Section 37-95-107.8, C.R.S., the passage of which could be a requirement for receipt of federal funds;
- the annual rule review bill under which state rules adopted or revised between November 1 and October 1 automatically expire on May 15 unless extended by the General Assembly through this bill;
- various bills each year that extend automatic repeals of programs, sunset agencies, or boards, or extend tax check-offs; and
- the annual bill to enact the Colorado Revised Statutes as the Positive and Statutory Law (publication of statutes).

After review of the 2008 final report, the committee decided to recommend the two Senate Resolutions that were not introduced during the 2009 session. Senate Resolution A addresses the same issues of the two Senate Resolutions previously recommended by the 2008 LEERC. Senate Resolution A addresses the President's authority over any matter not covered specifically by the Senate rules, and also provides a line of succession for the Secretary of the Senate. The committee also recommended House Resolution B, which amends House Rule 43 (n) to eliminate the line of succession for the Chief Clerk of the House, and House Joint Resolution C, which makes a technical change to Joint Rule 44 to resolve an inconsistency in the language of the existing rule.



Continuity of State Government and Legislative Branch

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

The Governor's Office of Homeland Security coordinates the development and execution of COOPs for state departments. The office 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 a COOP and a majority of these have exercised the plan in training.

The legislative branch has a COOP that was developed by the legislative staff directors. This plan can be found in Appendix B of this report. The LEERC developed an emergency plan in 2008 that involves activation of a 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 LEERC Decision Tree, found in Appendix C, maps the legislature's responses to an emergency during and out of session.

The legislative service agencies each maintain their own COOP, which can be obtained from each individual agency. Appendix D outlines the contents of each agency's plan.

Legislative vacancies. The committee heard a presentation from the Office of Legislative Legal Services about filling legislative vacancies resulting from a declared disaster emergency. This discussion covered current state law, policies in other states, and potential changes to address emergency succession of legislators in Colorado. Appendix E is a memorandum concerning the emergency succession of legislators from the Office of Legislative Legal Services that was distributed to the committee members during this presentation.

Colorado law covers legislative vacancies that occur due to death or resignation, but does not address how legislative vacancies would be filled in the event of a declared disaster emergency. Because state law is silent on legislative vacancies during a disaster emergency, such vacancies would be filled according to current law contained in Section 1-12-203, C.R.S. This section provides that legislative vacancies can only be filled by a vacancy committee of the legislator's respective political party. However, the law is clear that the vacancy committee process is only for filling vacancies caused by the death or resignation of a member, and may not apply to a situation where a member is temporarily unavailable due to a disaster emergency.

Legislative vacancies in other states. Fifteen states have enacted some type of temporary emergency succession act either in the form of constitutional provisions or statutes. Most states have codified succession plans that require legislators to designate a list of temporary emergency successors. Other states allow vacancies to be filled by a majority of the legislature or from committees at the county level.

The committee discussed the statutory deadlines required to fill a legislative vacancy, and whether more time or less time would be necessary during a declared disaster or epidemic

emergency. With statutory deadlines, the vacancy process would generally take between two and ten weeks. Even if the law applied to an absent legislator due to a declared disaster emergency, the statutory process for filling a vacancy could be more time-consuming to be effective in an emergency situation. Additionally, the committee debated whether more time would be needed for the vacancy committee process during a pandemic. The committee determined that vacancy committees and designated replacements should not be required to meet during a pandemic where social distancing is recommended.

The committee discussed various scenarios when legislators may need to be replaced; the current law in Colorado; the process of legislative vacancy committees; the terms of successors; quorum and vote requirements; and a change of location for a legislative session. Ultimately, they debated the idea of a comprehensive statutory plan to determine how legislative vacancies would be designated during a declared disaster emergency. Although the committee discussed potential statutory or rule changes, no action was taken by the committee on this topic.

Temporary relocation of government. The committee also considered constitutional and statutory provisions that address temporarily relocating the General Assembly during an epidemic emergency. Specifically, the committee debated existing laws that impose restrictions that might limit the ability of the General Assembly to temporarily relocate outside of the State Capitol.

Article VII, Section 2, of the Colorado Constitution states that the General Assembly has no power to change or locate the seat of government of the state and that it shall remain at the City and County of Denver. Article VII, Section 3, of the Constitution provides that the location of the seat of government cannot be changed except by a two-thirds vote of the qualified electors voting on a question submitted to the voters by the General Assembly. The strictest interpretation of this provision is that the constitution requires an amendment to allow for the General Assembly to meet in a location other than Denver or to meet electronically during an emergency epidemic.

However, the committee revisited an opinion issued in an Office of Legislative Legal Services memorandum to the LEERC. This opinion, found in Appendix F, states that the constitution prohibits moving the *seat of government* from Denver, not moving the *General Assembly*. A law that allows meeting in an alternate and temporary location would not violate the constitution. Such language would allow a temporary situation during an emergency to address immediate needs, and not permanently change the seat of government within the meaning of the constitutional provisions. The committee debated this opinion and talked about potential constitutional or statutory changes to convene the General Assembly during an emergency situation in order to address immediate needs.

The committee did not make final recommendations, concerning relocating the seat of government during a declared emergency.

State Pandemic Response

A pandemic is defined as a global disease outbreak. Pandemic flu occurs when a new influenza virus emerges for which people have little or no immunity and for which there is no vaccine. The United States experienced three pandemic flu events in the twentieth century (1918, 1957, and 1968).

H1N1 influenza virus. Beginning in mid-April 2009, scientists became increasingly concerned about a new and potentially severe form of influenza known as H1N1, also known as



swine flu. The symptoms of the H1N1 flu are similar to the symptoms of regular flu; however, this influenza appears to be more contagious and able to spread from human to human more easily than the typical seasonal flu. Also, like seasonal flu, H1N1 may make underlying chronic medical conditions worse and infected populations can experience severe illness, including pneumonia, respiratory failure, and even death.

Due to this outbreak, the committee met on April 30, 2009, and used its initial meeting to discuss the impact of H1N1 in the state. It also reviewed the committee's charge, the 2008 report, and the emergency plan for Colorado state government. Within one month, H1N1 had spread widely through the United States and the world, prompting some school closures and cancellation of school-related events throughout the country. On June 11, 2009, the World Health Organization (WHO) declared that a global pandemic of H1N1 flu was underway.

A panel of state medical experts briefed the committee regarding the H1N1 influenza virus during the 2009 interim. Testimony was presented by the CDPHE, including: Dr. Ned Calonge, Chief Medical Officer; Dr. Lisa Miller, Director of the Disease Control and Environmental Epidemiology Division; and Dr. Bernadette Albanese, Medical Director of the El Paso County Health Department. The briefing covered outbreaks of swine flu in Colorado and state and local response to such outbreaks. Dr. Albanese reported on a H1N1 outbreak at the Air Force Academy in El Paso County, and the panel discussed other outbreaks at schools and summer camps during the summer.

The briefing also discussed strategies for stopping the spread of the virus and the statewide planning process for the upcoming flu season. Department officials indicated that H1N1 cases would most likely increase as students returned to school. They explained that CDPHE was working with the Department of Education and Department of Higher Education on strategies to address the upcoming flu season and the spread of H1N1. Department officials indicated that the best response to a pandemic is social distancing, where persons are at least six feet apart, frequent hand washing is encouraged, masks may be used, and meetings are banned or curtailed.

Finally, the briefing addressed testing for the virus, vaccination efforts, and reporting of flu cases to the CDPHE. Dr. Miller discussed flu surveillance systems that can be used to track the impact of H1N1. These systems work to determine when and where flu activity is occurring, track flu-related illness, determine what flu viruses are circulating, detect changes in flu viruses, and measure the impact of flu on hospitalizations and deaths.

The department discussed the counting and reporting methods for influenza and influenza-like illnesses and explained how every case of influenza cannot be documented. Instead, only cases where individuals have been hospitalized or have died are counted by CDPHE. Dr. Calonge indicated that the department was working on distribution strategies for vaccines scheduled to arrive in mid-October.

The committee did not make any recommendations related to the H1N1 virus.

Summary of Recommendations

As a result of committee deliberations, the 2009 Legislative Emergency Epidemic Response Committee recommends three resolutions for consideration during the 2010 legislative session.

Resolution A — Concerning the Line of Succession for the Secretary of the Senate and the Authority of the President of the Senate to Address Matters Not Covered by the Senate Rules.

The committee combined two resolutions (Senate Resolution A and Senate Resolution B) that were previously recommended by the 2008 LEERC, but not adopted during the 2009 legislative session.

This resolution amends Senate Rule 40 to provide the President the authority over any matter not covered specifically by the Senate rules, subject to the right of appeal by any member of the Senate. Additionally, this resolution amends Senate Rule 13 to provide a line of succession for the Secretary of the Senate in the event of the death, resignation, disability, or absence from the state. The resolution provides for the assistant to the secretary to serve as acting secretary until a new secretary can be appointed or until the current secretary is able to return. If the assistant to the secretary is unable to serve, the President has the authority to appoint a new acting secretary.

Resolution B — Concerning the Line of Succession for the Chief Clerk of the House of Representative.

This resolution amends House Rule 43 (n) that was previously recommended by the 2008 LEERC and adopted through House Resolution 09-1005. House Resolution 09-1005 designated the line of succession for the Chief Clerk of the House of Representatives in the event of the chief clerk's death, resignation, disability, or absence from the state. This rule currently provides that the following persons must succeed the chief clerk in the following order: the assistant chief clerk, the journal clerk, the reading clerk, and the bill status clerk.

The new resolution amends House Rule 43 (n) to eliminate the line of succession for the chief clerk. Instead, the Speaker has the authority to appoint a new acting chief clerk in the event that the assistant clerk is unable to serve as an acting chief clerk.

Resolution C — Concerning Technical Changes to Joint Rule 44 (c) (2).

This resolution amends Joint Rule 44 (c) (2), concerning rules of procedure during a declared disaster emergency. This is a technical amendment to clarify that there would be a limit on the number of bills House or Senate members may request or introduce during a declared disaster emergency.



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 (303-866-4900). 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://www.colorado.gov/lcs/LEERC>

Meeting Date and Topics Discussed

April 30, 2009

- ◆ Selection of new committee chair
- ◆ Discussion of H1N1 outbreak
- ◆ Review of committee charge and response plan
- ◆ Discussion of interim schedule

May 19, 2009

- ◆ Review of 2008 committee report
- ◆ Discussion about continuity of government and the temporary relocation of the seat of state government
- ◆ Explanation of Joint Rule 44 from the Office of Legislative Legal Services
- ◆ Discussion about legislative vacancies in the event of emergencies
- ◆ Status report on state government continuity planning from the Governor's Office of Homeland Security
- ◆ Discussion of proposed legislation

June 16, 2009

- ◆ Tour of Colorado Department of Health and Environment (CDPHE) Emergency Operations Center
- ◆ Briefing regarding CDPHE emergency operations procedures and processes
- ◆ Tour of Colorado Department of Local Affairs, Division of Emergency Management Multi-agency Coordination Center
- ◆ Briefing regarding multi-agency coordinated emergency response process



July 30, 2009

- ◆ Discussion of legislative continuity planning efforts
- ◆ Presentation on legislative vacancy laws, regulations, and policies across the United States
- ◆ Explanation of Joint Rule 44 from the Office of Legislative Legal Services
- ◆ Discussion proposed legislation
- ◆ Briefing by CDPHE representatives regarding Colorado cases of H1N1 virus

October 30, 2009

- ◆ Review of 2009 annual report draft
- ◆ Discussion of draft legislation requested at previous meeting

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

RESOLUTION A

LLS NO. R10-0019.01 Debbie Haskins

SENATE Resolution

SENATE SPONSORSHIP

(None),

SENATE RESOLUTION

101 **CONCERNING AMENDMENTS TO THE RULES OF THE SENATE.**

1 *Be It Resolved by the Senate of the Sixty-seventh General Assembly*
2 *of the State of Colorado:*

3 That Rule No. 13 (b) of the Rules of the Senate is amended, and
4 the said Rule No. 13 is further amended BY THE ADDITION OF A
5 NEW SUBSECTION, to read:

6 **13. Secretary and Assistant Secretary**

7 (b) An assistant ~~to the~~ secretary of the Senate shall be appointed.
8 Appointments to such position shall be made without reference to
9 party affiliation and solely on the basis of ability to perform the
10 duties of the position.

11 (c) IN THE EVENT OF THE DEATH, RESIGNATION, DISABILITY, OR
12 ABSENCE FROM THE STATE OF THE SECRETARY OF THE SENATE, THE
13 ASSISTANT SECRETARY, AS ACTING SECRETARY OF THE SENATE,
14 SHALL EXERCISE ALL THE POWERS AND DUTIES OF THE SECRETARY
15 OF THE SENATE UNTIL A NEW SECRETARY OF THE SENATE IS
16 SELECTED OR UNTIL THE DISABILITY OR ABSENCE FROM THE STATE
17 OF THE SECRETARY OF THE SENATE IS REMOVED, WHICHEVER
18 SHALL OCCUR FIRST. IF THE ASSISTANT SECRETARY IS UNABLE TO
19 SERVE AS AN ACTING SECRETARY OF THE SENATE, THE PRESIDENT
20 OF THE SENATE SHALL APPOINT A NEW ACTING SECRETARY OF THE

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

1 SENATE, WHO SHALL EXERCISE ALL THE POWERS AND DUTIES OF
2 THE SECRETARY OF THE SENATE UNTIL A NEW SECRETARY OF THE
3 SENATE IS SELECTED OR UNTIL THE DISABILITY OR ABSENCE FROM
4 THE STATE OF THE SECRETARY OF THE SENATE IS REMOVED,
5 WHICHEVER SHALL OCCUR FIRST. APPOINTMENTS TO SUCH
6 POSITION SHALL BE MADE WITHOUT REFERENCE TO PARTY
7 AFFILIATION AND SOLELY ON THE BASIS OF ABILITY TO PERFORM
8 THE DUTIES OF THE POSITION.

9 That Rule No. 40 of the Rules of the Senate is amended to read:

10 **40. Parliamentary Authority**

11 (a) The latest edition of Mason's Manual of Legislative Procedure
12 shall govern the Senate in all cases in which it is not inconsistent
13 with these rules and the Joint Rules of the Senate and THE House
14 OF REPRESENTATIVES.

15 (b) The secretary shall act as parliamentarian of the Senate and shall
16 advise the officers of the Senate on parliamentary procedure and
17 these rules when requested to do so.

18 (c) ANY MATTER NOT COVERED BY THE SENATE RULES OR BY MASON'S
19 MANUAL OF LEGISLATIVE PROCEDURE SHALL BE GOVERNED BY
20 THE DECISION OF THE PRESIDENT, SUBJECT TO THE RIGHT OF
21 APPEAL BY ANY MEMBER AS PROVIDED FOR IN THESE RULES.

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

RESOLUTION B

LLS NO. R10-0095.01 Debbie Haskins

HOUSE Resolution

HOUSE SPONSORSHIP

(None),

HOUSE RESOLUTION

101 **CONCERNING THE LINE OF SUCCESSION FOR THE CHIEF CLERK OF THE**
102 **HOUSE OF REPRESENTATIVES.**

1 *Be It Resolved by the House of Representatives of the Sixty-seventh*
2 *General Assembly of the State of Colorado:*

3 That Rule No. 43 (n) of the Rules of the House of Representatives
4 is amended to read:

5 **43. Chief Clerk**

6 (n) In the event of the death, resignation, disability, or absence from
7 the state of the chief clerk, the assistant chief clerk, as acting chief
8 clerk, shall exercise all the powers and duties of the chief clerk
9 until a new chief clerk is selected or until the disability or absence
10 from the state of the chief clerk is removed, whichever shall occur
11 first. ~~In the event of the death, resignation, disability, or absence~~
12 ~~from the state of the assistant chief clerk, then the following~~
13 ~~persons shall succeed in the following order to the office of acting~~
14 ~~chief clerk. The journal clerk, the reading clerk, and the bill status~~
15 ~~clerk.~~ IF THE ASSISTANT CHIEF CLERK IS UNABLE TO SERVE AS AN
16 ACTING CHIEF CLERK, THE SPEAKER OF THE HOUSE SHALL APPOINT
17 A NEW ACTING CHIEF CLERK, WHO SHALL EXERCISE ALL THE
18 POWERS AND DUTIES OF THE CHIEF CLERK UNTIL A NEW CHIEF
19 CLERK IS SELECTED OR UNTIL THE DISABILITY OR ABSENCE FROM

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

1 THE STATE OF THE CHIEF CLERK IS REMOVED, WHICHEVER SHALL
2 OCCUR FIRST. APPOINTMENTS TO SUCH POSITION SHALL BE MADE
3 WITHOUT REFERENCE TO PARTY AFFILIATION AND SOLELY ON THE
4 BASIS OF ABILITY TO PERFORM THE DUTIES OF THE POSITION.

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

RESOLUTION C

LLS NO. R10-0096.01 Troy Bratton

Joint Resolution

NO NAME JOINT RESOLUTION

101 **CONCERNING AN AMENDMENT TO THE JOINT RULES OF THE SENATE**
102 **AND THE HOUSE OF REPRESENTATIVES REGARDING CERTAIN**
103 **RULES OF PROCEDURES DURING A DECLARED DISASTER**
104 **EMERGENCY.**

1 *Be It Resolved by the House of Representatives/Senate of the*
2 *Sixty-seventh General Assembly of the State of Colorado, the House of*
3 *Representatives/Senate concurring herein:*

4 That Joint Rule No. 44 (c) (2) of the Joint Rules of the Senate and
5 the House of Representatives is amended to read:

6 **44. Rules of Procedure During a Declared Disaster Emergency**

7 (c) After receiving notification from the Governor that the state of
8 Colorado is in a declared disaster emergency, the Executive
9 Committee of the Legislative Council, referred to in this rule as
10 the "executive committee", shall meet and set forth the following

1 in writing:

2 (2) A limit on the number of bill requests that a member of the
3 House of Representatives ~~and~~ OR of the Senate may request
4 and a limit on the number of bills that a member of the
5 House of Representatives ~~and~~ OR of the Senate may
6 introduce;