

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R21-0307.01 Pierce Lively x2059

SJR21-024

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SENATE JOINT RESOLUTION 21-024

101 **CONCERNING TERMINATING THE GOVERNOR'S AUTHORITY UNDER THE**
102 **DECLARED STATE OF DISASTER EMERGENCY.**

1 WHEREAS, Section 1 of article V of the state constitution vests
2 in the General Assembly plenary legislative power, which includes the
3 authority to enact statutes to promote the public health; and

4 WHEREAS, The General Assembly enacted part 7 of article 33.5
5 of title 24, Colorado Revised Statutes, the "Colorado Disaster Emergency
6 Act", which Act sets forth the circumstances under which the governor
7 may declare a disaster emergency and the powers the governor may
8 exercise following that declaration; and

9 WHEREAS, Following declaration of an epidemic disaster
10 emergency, pursuant to section 24-33.5-704.5 (1)(e), Colorado Revised

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 Statutes, the governor may enact executive orders that have the force and
2 effect of law to implement "reasonable and appropriate measures to
3 reduce or prevent spread of the disease...and to protect the public health";
4 and

5 WHEREAS, A new outbreak of coronavirus disease, now
6 identified specifically as COVID-19, was detected in Wuhan, China in
7 December 2019, which virus spread to the United States and ultimately
8 to Colorado; and

9 WHEREAS, On March 11, 2020, Governor Polis declared a state
10 of disaster emergency in Colorado through the issuance of Executive
11 Order D 2020 003, and the World Health Organization declared a global
12 pandemic due to the spread of COVID-19; and

13 WHEREAS, Governor Polis thereafter amended and extended this
14 state of declared disaster emergency in Colorado by Executive Order D
15 2020 018 issued on March 26, 2020, Executive Order D 2020 032 issued
16 on April 8, 2020, Executive Order D 2020 058 issued on May 7, 2020,
17 Executive Order D 2020 076 issued on May 22, 2020, Executive Order
18 D 2020 109 issued on June 20, 2020, Executive Order D 2020 125 issued
19 on July 6, 2020, Executive Order D 2020 152 issued on August 4, 2020,
20 Executive Order D 2020 176 issued on September 2, 2020, Executive
21 Order D 2020 205 issued on October 1, 2020, Executive Order D 2020
22 234 issued on October 30, 2020, Executive Order D 2020 258 issued on
23 November 19, 2020, Executive Order D 2020 264 issued on November
24 28, 2020, Executive Order D 2020 268 issued on December 3, 2020,
25 Executive Order D 2020 284 issued on December 18, 2020, Executive
26 Order D 2020 290 issued on December 27, 2020, Executive Order D 2020
27 296 issued on December 30, 2020, Executive Order D 2021 009 issued
28 on January 8, 2021, Executive Order D 2021 022 issued on January 25,
29 2021, Executive Order D 2021 028 issued on January 29, 2021, Executive
30 Order D 2021 045 issued on February 15, 2021, Executive Order D 2021
31 061 issued on March 8, 2021, Executive Order D 2021 068 issued on
32 March 16, 2021, and Executive Order D 2021 087 issued on April 14,
33 2021, which most recent executive order will expire thirty days from April
34 14, 2021, unless amended further by executive order; and

35 WHEREAS, Following the declaration of a state of disaster
36 emergency, Governor Polis has issued at least three hundred forty-eight
37 additional executive orders related to COVID-19 and has directed the
38 issuance of a number of public health orders that have had far-reaching

1 effects on the people of Colorado including, but not limited to, directing
2 stay-at-home orders, directing noncritical businesses to close, directing
3 employers to reduce in-person work, suspending normal in-person
4 instruction of students, ordering the temporary suspension of all voluntary
5 or elective surgeries or procedures, and ordering the issuance of a public
6 health order mandating the wearing of nonmedical face coverings; and

7 WHEREAS, Following the declaration of a state of disaster
8 emergency, Governor Polis has also enacted executive orders that have
9 amended certain Colorado statutes including, but not limited to, executive
10 orders that have delayed tax deadlines, suspended certain regulatory
11 statutes concerning criminal justice including the Colorado department of
12 correction's duty to receive and take custody of prisoners based on the
13 statutory criteria for placement, suspended the authority of the juvenile
14 parole board to grant, deny, or defer parole for certain juveniles,
15 suspended the Colorado department of human services' obligation to
16 receive juveniles committed to its custody based on the statutory criteria
17 for placement, suspended requirements that govern the form of,
18 compilation of, and information that must be printed on a ballot issue; and

19 WHEREAS, During the state of declared disaster emergency,
20 Governor Polis disbursed approximately \$1.674 billion that the Colorado
21 state government received as a result of the federal Coronavirus Relief
22 Fund pursuant to the federal "Coronavirus Aid, Relief, and Economic
23 Security Act" (CARES Act), Public Law 116-136; and

24 WHEREAS, By issuing executive orders that have the force of
25 law, by suspending state statutes, and by disbursing CARES Act funds
26 during the state of declared disaster emergency, Governor Polis has
27 exercised legislative power and the authority to appropriate money that
28 is historically reserved to the General Assembly; and

29 WHEREAS, Over 200,000 Coloradans are unemployed as of
30 March 2021, the Colorado unemployment rate surged as high as 12.2%
31 in April 2020, and roughly \$2.62 billion dollars are expected to be paid
32 out in unemployment claims in the current fiscal year; and

33 WHEREAS, Colorado students have missed out on a quality
34 education due to the suspension of in-person instruction by a school
35 system that was not prepared to provide remote education and parents and
36 teachers have suffered from the increased workload; and

1 WHEREAS, The governor's executive orders and the related
2 public health orders have been devastating for Colorado small businesses
3 and workers and many are facing bankruptcy; and

4 WHEREAS, Rural Colorado has unnecessarily been negatively
5 impacted by being subjected to executive orders and related public health
6 orders directed at urban communities; and

7 WHEREAS, Colorado families are struggling with the financial
8 impacts, confusing orders, supervision of students, and the overall stress
9 of the governor's executive orders and the related public health orders;
10 and

11 WHEREAS, The state's revenues have fallen dramatically and the
12 related and necessary cuts to the state's budget have been deep and wide
13 with the General Assembly needing to close a nearly \$3 billion revenue
14 deficit for the 2020-2021 fiscal year; and

15 WHEREAS, Pursuant to section 24-33.5-704 (4), Colorado
16 Revised Statutes, the General Assembly may terminate a state of disaster
17 emergency at any time by the adoption of a Joint Resolution and thereby
18 terminate the powers granted to the governor during a declared state of
19 disaster emergency; now, therefore,

20 *Be It Resolved by the Senate of the Seventy-third General*
21 *Assembly of the State of Colorado, the House of Representatives*
22 *concurring herein:*

23 That, pursuant to section 24-33.5-704 (4), Colorado Revised
24 Statutes, we, the members of the Seventy-third General Assembly, do
25 hereby terminate the governor's authority under the state of disaster
26 emergency that was initially declared by executive order of the governor
27 in Executive Order D 2020 003, as amended by Executive Order D 2020
28 018, and extended by Executive Orders D 2020 032, D 2020 058, D 2020
29 076, D 2020 109, D 2020 125, D 2020 152, D 2020 176, D 2020 205, D
30 2020 234, D 2020 258, D 2020 264, D 2020 268, D 2020 284, D 2020
31 290, D 2020 296, D 2021 009, D 2021 022, D 2021 028, D 2021 045, D
32 2021 061, D 2021 068, and D 2021 087.

33 *Be It Further Resolved,* That nothing herein shall be interpreted to
34 minimize the health and economic crises facing Colorado, but it is time
35 for the legislature to reassume its role appropriating funds, hearing from

1 the public, and developing and establishing policies and laws to provide
2 for and promote the general welfare and health of the people of Colorado.

3 *Be It Further Resolved*, That copies of this Joint Resolution be sent
4 to Governor Jared Polis, Secretary of State Jena Griswald, and Executive
5 Director of the Colorado Department of Public Health and Environment
6 Jill Hunsaker Ryan.