

**First Extraordinary Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R20B-0014.01 Pierce Lively x2059

SJR20B-001

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SENATE JOINT RESOLUTION 20B-001

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 the 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, and Executive Order D
22 2020 234 issued on October 30, 2020, which most recent executive order
23 will expire thirty days from October 30, 2020, unless amended further by
24 executive order; and

25 WHEREAS, Following the declaration of a state of disaster
26 emergency, Governor Polis has issued at least two hundred twenty-four
27 additional executive orders related to COVID-19 and has directed the
28 issuance of a number of public health orders that have had far-reaching
29 effects on the people of Colorado including, but not limited to, directing
30 stay-at-home orders, directing noncritical businesses to close, directing
31 employers to reduce in-person work, suspending normal in-person
32 instruction of students, ordering the temporary suspension of all voluntary
33 or elective surgeries or procedures, and ordering the issuance of a public
34 health order mandating the wearing of nonmedical face coverings; and

35 WHEREAS, Following the declaration of a state of disaster
36 emergency, Governor Polis has also enacted executive orders that have
37 amended certain Colorado statutes including, but not limited to, executive

1 orders that have delayed tax deadlines, suspended certain regulatory
2 statutes concerning criminal justice including the Colorado department of
3 correction's duty to receive and take custody of prisoners based on the
4 statutory criteria for placement, suspended the authority of the juvenile
5 parole board to grant, deny, or defer parole for certain juveniles,
6 suspended the Colorado department of human services' obligation to
7 receive juveniles committed to its custody based on the statutory criteria
8 for placement, and suspended requirements that govern the form of,
9 compilation of, and information that must be printed on a ballot issue; and

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

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

20 WHEREAS, Over 200,000 Coloradans are unemployed as of
21 October 2020, the Colorado unemployment rate surged as high as 12.2%
22 in April, and roughly \$2.62 billion are expected to be paid out in
23 unemployment claims in the current fiscal year; and

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

28 WHEREAS, The governor's executive orders and the related
29 public health orders have been devastating for Colorado small businesses
30 and workers and many are facing financial hardship and bankruptcy; and

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

34 WHEREAS, Colorado families are struggling with the financial
35 impacts, confusing orders, supervision of students, and the overall stress

1 of the governor's executive orders and the related public health orders;
2 and

3 WHEREAS, The state's revenues haven fallen dramatically and the
4 related and necessary cuts to the state's budget have been deep and wide
5 with the General Assembly needing to close nearly a three billion dollar
6 deficit in the latest budget; and

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

12 *Be It Resolved by the Senate of the Seventy-second General*
13 *Assembly of the State of Colorado, the House of Representatives*
14 *concurring herein:*

15 That, pursuant to section 24-33.5-704 (4), Colorado Revised
16 Statutes, we, the members of the Seventy-second General Assembly, do
17 hereby terminate the governor's authority under the state of disaster
18 emergency that was initially declared by executive order of the governor
19 in Executive Order D 2020 003, as amended by Executive Order D 2020
20 018, and extended by Executive Orders D 2020 032, D 2020 058, D 2020
21 076, D 2020 109, D 2020 125, D 2020 152, D 2020 176, D 2020 205, and
22 D 2020 234.

23 *Be It Further Resolved,* That nothing herein shall be interpreted to
24 minimize the health and economic crises facing Colorado, but it is time
25 for the legislature to reassume its role.

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