

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

INTRODUCED

LLS NO. R21-0805.01 Julie Pelegrin x2700

SCR21-001

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SENATE CONCURRENT RESOLUTION 21-001

101 **SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF**
102 **COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION**
103 **CONCERNING LEGISLATIVE OVERSIGHT OF A STATE OF DISASTER**
104 **EMERGENCY DECLARED BY THE GOVERNOR.**

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be available at <http://leg.colorado.gov/>.)

The concurrent resolution authorizes the governor to declare a state of disaster emergency that continues for up to 30 days. At the end of 30 days, if the governor has not previously terminated the state of disaster

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.*

emergency, it automatically terminates unless extended by the general assembly. To extend a state of disaster emergency, the general assembly, prior to the date of automatic termination, must adopt a joint resolution passed by a two-thirds majority of each house. The joint resolution must specify the length of time for which the state of disaster emergency is extended and does not require approval by the governor. If the general assembly has not extended the state of disaster emergency before the date of termination and is not in session as of the date of termination, the governor may call the general assembly into special session to extend the state of disaster emergency. The governor may terminate the state of disaster emergency before the date to which it is extended, and the general assembly may adopt subsequent joint resolutions to further extend the state of disaster emergency if not previously terminated by the governor.

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

4 **SECTION 1.** At the election held on November 8, 2022, the
5 secretary of state shall submit to the registered electors of the state the
6 ballot title set forth in section 2 for the following amendment to the state
7 constitution:

8 In the constitution of the state of Colorado, **add** section 24 to
9 article IV as follows:

10 **Section 24. Governor's emergency powers.** (1) IF THE
11 GOVERNOR DETERMINES THAT A DISASTER, AS DEFINED BY LAW, OR AN
12 EMERGENCY EPIDEMIC, AS DEFINED BY LAW, HAS OCCURRED OR IS
13 IMMINENT, THE GOVERNOR MAY ISSUE A WRITTEN EXECUTIVE ORDER, AS
14 PROVIDED BY LAW, DECLARING A DISASTER EMERGENCY, WHICH MAY
15 EXTEND TO ALL OR A PORTION OF THE STATE. THE STATE OF DISASTER
16 EMERGENCY MAY CONTINUE UNTIL TERMINATED BY THE GOVERNOR AS
17 PROVIDED BY LAW, BUT NOT LONGER THAN THIRTY CONSECUTIVE

1 CALENDAR DAYS. AT THE END OF THIRTY CONSECUTIVE CALENDAR DAYS,
2 IF NOT PREVIOUSLY TERMINATED BY THE GOVERNOR, THE STATE OF
3 DISASTER EMERGENCY AUTOMATICALLY TERMINATES UNLESS EXTENDED
4 BY THE GENERAL ASSEMBLY ACTING BY JOINT RESOLUTION AS PROVIDED
5 IN SUBSECTION (2) OF THIS SECTION. IF THE STATE OF DISASTER
6 EMERGENCY AUTOMATICALLY TERMINATES, THE GOVERNOR SHALL ISSUE
7 AN EXECUTIVE ORDER AS PROVIDED BY LAW ENDING THE STATE OF
8 DISASTER EMERGENCY AND SHALL NOT DECLARE A SUBSEQUENT DISASTER
9 EMERGENCY BASED ON THE FACTUAL CIRCUMSTANCES UNDERLYING THE
10 ORIGINAL DECLARATION.

11 (2) WITHIN THIRTY CONSECUTIVE CALENDAR DAYS AFTER THE
12 GOVERNOR DECLARES A STATE OF DISASTER EMERGENCY PURSUANT TO
13 SUBSECTION (1) OF THIS SECTION, THE GENERAL ASSEMBLY MAY EXTEND
14 THE STATE OF DISASTER EMERGENCY BY ADOPTING A JOINT RESOLUTION,
15 APPROVED BY AT LEAST TWO-THIRDS OF THE MEMBERS ELECTED TO EACH
16 HOUSE, TO EXTEND THE STATE OF DISASTER EMERGENCY FOR A PERIOD OF
17 TIME SPECIFIED IN THE JOINT RESOLUTION. A JOINT RESOLUTION TO
18 EXTEND A STATE OF DISASTER EMERGENCY ADOPTED PURSUANT TO THIS
19 SUBSECTION (2) IS NOT SUBJECT TO THE PRESENTMENT REQUIREMENTS
20 SPECIFIED IN SECTION 39 OF ARTICLE V OF THIS CONSTITUTION. IF THE
21 GENERAL ASSEMBLY HAS NOT ACTED TO EXTEND THE STATE OF DISASTER
22 EMERGENCY DURING THE THIRTY CONSECUTIVE CALENDAR DAYS
23 FOLLOWING THE GOVERNOR'S DECLARATION AND IS NOT MEETING IN
24 REGULAR SESSION AT THE CONCLUSION OF SAID THIRTY CONSECUTIVE
25 CALENDAR DAYS, THE GOVERNOR MAY CONVENE THE GENERAL ASSEMBLY
26 AS PROVIDED IN SECTION 9 OF THIS ARTICLE IV TO DETERMINE WHETHER
27 TO EXTEND OR TERMINATE THE STATE OF DISASTER EMERGENCY. THE

1 GOVERNOR MAY SPECIFY OTHER BUSINESS IN THE PROCLAMATION THAT
2 CONVENES THE SPECIAL LEGISLATIVE SESSION THAT THE GENERAL
3 ASSEMBLY MAY ADDRESS DURING THE SPECIAL LEGISLATIVE SESSION.

4 (3) A STATE OF DISASTER EMERGENCY THAT IS EXTENDED BY JOINT
5 RESOLUTION AS PROVIDED IN SUBSECTION (2) OF THIS SECTION
6 TERMINATES AS PROVIDED BY LAW ON THE DATE SPECIFIED IN THE JOINT
7 RESOLUTION UNLESS:

8 (a) THE GOVERNOR ISSUES A WRITTEN EXECUTIVE ORDER, AS
9 PROVIDED BY LAW, TO TERMINATE THE STATE OF DISASTER EMERGENCY
10 DURING THE PERIOD FOR WHICH THE DECLARATION WAS EXTENDED
11 PURSUANT TO SUBSECTION (2) OF THIS SECTION; OR

12 (b) THE GENERAL ASSEMBLY, ACTING IN A REGULAR OR SPECIAL
13 LEGISLATIVE SESSION ON OR BEFORE THE DATE OF TERMINATION, FURTHER
14 EXTENDS THE STATE OF DISASTER EMERGENCY BY ADOPTING A JOINT
15 RESOLUTION, APPROVED BY AT LEAST TWO-THIRDS OF THE MEMBERS
16 ELECTED TO EACH HOUSE, TO EXTEND THE STATE OF DISASTER
17 EMERGENCY FOR A PERIOD OF TIME SPECIFIED IN THE JOINT RESOLUTION.
18 THE GENERAL ASSEMBLY MAY ADOPT SUBSEQUENT JOINT RESOLUTIONS AS
19 PROVIDED IN THIS SUBSECTION (3)(b) TO EXTEND THE STATE OF DISASTER
20 EMERGENCY SO LONG AS THE GENERAL ASSEMBLY DEEMS THE EXTENSION
21 TO BE NECESSARY.

22 **SECTION 2.** Each elector voting at the election may cast a vote
23 either "Yes/For" or "No/Against" on the following ballot title: "Shall
24 there be an amendment to the Colorado constitution concerning
25 legislative oversight of a state of disaster emergency declared by the
26 governor?"

27 **SECTION 3.** Except as otherwise provided in section 1-40-123,

1 Colorado Revised Statutes, if at least fifty-five percent of the electors
2 voting on the ballot title vote "Yes/For", then the amendment will become
3 part of the state constitution.