SENATE JOINT RESOLUTION 20-022

CONCERNING TERMINATING THE DECLARED STATE OF DISASTER EMERGENCY.

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

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

WHEREAS, Following declaration of an epidemic disaster emergency, pursuant to section 24-33.5-704.5 (1)(e), Colorado Revised...
WHEREAS, A new outbreak of coronavirus disease, now identified specifically as COVID-19, was detected in Wuhan, China in December 2019, which virus spread to the United States and ultimately to Colorado; and

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

WHEREAS, Governor Polis thereafter amended and extended this state of declared disaster emergency in Colorado by Executive Order D 2020 018 issued on March 26, 2020, Executive Order D 2020 032 issued on April 8, 2020, and Executive Order D 2020 058 issued on May 7, 2020, which most recent executive order will expire thirty days from May 7, 2020, unless amended further by executive order; and

WHEREAS, Following the declaration of a state of disaster emergency, Governor Polis has issued at least eighty-five additional executive orders and has directed the issuance of a number of public health orders that have had far-reaching effects on the people of Colorado including, but not limited to, directing stay-at-home orders, directing noncritical businesses to close, directing employers to reduce in-person work, suspending normal in-person instruction of students, ordering the temporary suspension of all voluntary or elective surgeries or procedures, and ordering the issuance of a public health order requiring certain Coloradans to wear nonmedical mask coverings; and

WHEREAS, Following the declaration of a state of disaster emergency, Governor Polis has also enacted executive orders that have amended certain Colorado statutes including, but not limited to, executive orders that have delayed tax deadlines, suspended certain regulatory statutes concerning criminal justice including the Colorado department of correction's duty to receive and take custody of prisoners based on the statutory criteria for placement, suspended the authority of the juvenile parole board to grant, deny, or defer parole for certain juveniles, suspended the Colorado department of human services' obligation to
receive juveniles committed to its custody based on the statutory criteria for placement, suspended requirements that govern the form of, compilation of, and information that must be printed on a ballot issue, and specifically suspended the requirement that a petition circulator must be in the physical presence of an elector signing a petition and a notary; and

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

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

WHEREAS, Nearly 500,000 Coloradans have sought unemployment, the Colorado unemployment rate surged to 11.3% in April, and roughly $1.65 billion has been paid out in unemployment claims; and

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

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

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

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

WHEREAS, The state's revenues are expected to fall dramatically
and the related and necessary cuts to the state's budget will be deep and wide; and

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

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

That, pursuant to section 24-33.5-704 (4), Colorado Revised Statutes, we, the members of the Seventy-second General Assembly, do hereby terminate the state of disaster emergency that was initially declared by executive order of the governor in Executive Order D 2020 003, as amended by Executive Order D 2020 018, and extended by Executive Orders D 2020 032 and D 2020 058.

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