

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R20-1298.01 Pierce Lively x2059

SJR20-022

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SENATE JOINT RESOLUTION 20-022

101 **CONCERNING TERMINATING THE DECLARED STATE OF DISASTER**
102 **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, and Executive Order D 2020 058 issued on May 7,
17 2020, which most recent executive order will expire thirty days from May
18 7, 2020, unless amended further by executive order; and

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

29 WHEREAS, Following the declaration of a state of disaster
30 emergency, Governor Polis has also enacted executive orders that have
31 amended certain Colorado statutes including, but not limited to, executive
32 orders that have delayed tax deadlines, suspended certain regulatory
33 statutes concerning criminal justice including the Colorado department of
34 correction's duty to receive and take custody of prisoners based on the
35 statutory criteria for placement, suspended the authority of the juvenile
36 parole board to grant, deny, or defer parole for certain juveniles,
37 suspended the Colorado department of human services' obligation to

1 receive juveniles committed to its custody based on the statutory criteria
2 for placement, suspended requirements that govern the form of,
3 compilation of, and information that must be printed on a ballot issue, and
4 specifically suspended the requirement that a petition circulator must be
5 in the physical presence of an elector signing a petition and a notary; and

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

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

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

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

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

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

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

34 WHEREAS, The state's revenues are expected to fall dramatically

1 and the related and necessary cuts to the state's budget will be deep and
2 wide; and

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

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

11 That, pursuant to section 24-33.5-704 (4), Colorado Revised
12 Statutes, we, the members of the Seventy-second General Assembly, do
13 hereby terminate the state of disaster emergency that was initially
14 declared by executive order of the governor in Executive Order D 2020
15 003, as amended by Executive Order D 2020 018, and extended by
16 Executive Orders D 2020 032 and D 2020 058.

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