

First Extraordinary Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20B-0036.01 Jason Gelender x4330

HOUSE BILL 20B-1011

HOUSE SPONSORSHIP

Geitner and Bockenfeld, Carver, Catlin, Champion, Holtorf, Humphrey, Landgraf, Larson, Liston, McKean, Pelton, Ransom, Saine, Soper, Will

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE MEANS BY WHICH A STATE OF DISASTER EMERGENCY**
102 **DECLARED BY THE GOVERNOR IN RESPONSE TO A**
103 **HEALTH-RELATED SITUATION MAY BE EXTENDED BEYOND**
104 **THIRTY DAYS, AND, IN CONNECTION THEREWITH, PROHIBITING**
105 **THE GOVERNOR FROM RENEWING AND AUTHORIZING THE**
106 **GENERAL ASSEMBLY TO EXTEND THE STATE OF DISASTER**
107 **EMERGENCY.**

Bill Summary

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

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.

The bill prohibits the governor from renewing a state of disaster emergency declared in response to any infectious disease, medical, or other health-related situation beyond 30 days, as current law allows, and instead authorizes the general assembly, by adopting a joint resolution, to extend the state of emergency for up to 60 days. The general assembly may continue, by adopting a joint resolution for each extension, to extend a state of disaster emergency for periods of up to 60 days for as long as it deems it necessary to do so. If the general assembly is not scheduled to convene in a regular session when a state of disaster emergency will end as required by the bill, the governor or a 2/3 majority of the members of each house of the general assembly, in accordance with applicable state constitutional provisions, may call the general assembly into an extraordinary session to consider extending the state of disaster emergency.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-704, **amend**
3 (4); and **add** (4.5) as follows:

4 **24-33.5-704. The governor and disaster emergencies - response**
5 **- duties and limitations.** (4) A disaster emergency shall be declared by
6 executive order or proclamation of the governor if the governor finds a
7 disaster has occurred or that this occurrence or the threat thereof is
8 imminent. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4.5) OF THIS
9 SECTION, the state of disaster emergency shall continue until the governor
10 finds that the threat of danger has passed or that the disaster has been
11 dealt with to the extent that emergency conditions no longer exist and the
12 governor terminates the state of disaster emergency by executive order or
13 proclamation, but no state of disaster emergency may continue for longer
14 than thirty days unless renewed by the governor OR, IF SUCH RENEWAL IS
15 PROHIBITED BY SUBSECTION (4.5) OF THIS SECTION, EXTENDED BY THE
16 GENERAL ASSEMBLY PURSUANT TO SUBSECTION (4.5) OF THIS SECTION.
17 The general assembly, by joint resolution, may terminate a state of

1 disaster emergency at any time. Thereupon, the governor shall issue an
2 executive order or proclamation ending the state of disaster emergency.
3 All executive orders or proclamations issued under this subsection (4)
4 shall indicate the nature of the disaster, the area threatened, and the
5 conditions that brought it about or that make possible termination of the
6 state of disaster emergency. An executive order or proclamation shall be
7 disseminated promptly by means calculated to bring its contents to the
8 attention of the general public and, unless the circumstances attendant
9 upon the disaster prevent or impede, shall be promptly filed with the
10 office of emergency management in the division of homeland security and
11 emergency management, the secretary of state, the county clerk and
12 recorder, and emergency management agencies in the area to which it
13 applies.

14 (4.5) IF THE GOVERNOR DECLARES A DISASTER EMERGENCY IN
15 RESPONSE TO ANY INFECTIOUS DISEASE, MEDICAL, OR OTHER
16 HEALTH-RELATED SITUATION, THE STATE OF DISASTER EMERGENCY
17 DECLARED BY THE GOVERNOR MAY NOT CONTINUE FOR MORE THAN
18 THIRTY DAYS AND MAY NOT BE RENEWED BY THE GOVERNOR, BUT THE
19 GENERAL ASSEMBLY MAY, BY ADOPTING A JOINT RESOLUTION, EXTEND
20 THE STATE OF DISASTER EMERGENCY FOR UP TO SIXTY DAYS. THE
21 GENERAL ASSEMBLY MAY CONTINUE, BY ADOPTING A JOINT RESOLUTION
22 FOR EACH EXTENSION, TO EXTEND THE STATE OF DISASTER EMERGENCY
23 FOR PERIODS OF UP TO SIXTY DAYS FOR AS LONG AS IT DEEMS IT
24 NECESSARY TO DO SO. IF THE GENERAL ASSEMBLY IS NOT SCHEDULED TO
25 CONVENE IN A REGULAR SESSION WHEN A DECLARED STATE OF DISASTER
26 EMERGENCY WILL END DUE TO THE OPERATION OF THIS SUBSECTION (4.5),
27 THE GOVERNOR, PURSUANT TO SECTION 9 OF ARTICLE IV OF THE STATE

1 CONSTITUTION, OR THE GENERAL ASSEMBLY, IN ACCORDANCE WITH
2 SECTION 7 OF ARTICLE V OF THE STATE CONSTITUTION, MAY CALL THE
3 GENERAL ASSEMBLY INTO AN EXTRAORDINARY SESSION TO CONSIDER
4 EXTENDING THE STATE OF DISASTER EMERGENCY AS AUTHORIZED BY THIS
5 SUBSECTION (4.5).

6 **SECTION 2. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly; except
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V
10 of the state constitution against this act or an item, section, or part of this
11 act within such period, then the act, item, section, or part will not take
12 effect unless approved by the people at the general election to be held in
13 November 2022 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.