

2022 -- H 7217

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

JOINT RESOLUTION

TERMINATING THE GOVERNOR'S STATE OF EMERGENCY DECLARATION

Introduced By: Representatives Place, Filippi, Chippendale, Newberry, Roberts,
Nardone, and Price

Date Introduced: January 26, 2022

Referred To: House State Government & Elections

1 WHEREAS, On March 9, 2020, the Governor issued an executive order declaring a state
2 of emergency due to the dangers to health and life posed by COVID-19, which order is numbered
3 20-02; and

4 WHEREAS, By executive order, the Governor extended the executive order and
5 promulgated other executive orders based on the state of emergency, as extended, and which state
6 of emergency was in effect on July 6, 2021; and

7 WHEREAS, On July 6, 2021, House bill H-6122 Sub A, as amended (hereafter the "State
8 Budget") became law; and

9 WHEREAS, Rhode Island General Laws § 30-15-9(e) grants to the governor certain
10 additional powers, which powers are limited in scope and duration to a period "reasonably
11 necessary for emergency response"; and

12 WHEREAS, The State Budget did limit the duration of those additional powers set forth
13 above to a specific time period of one hundred eighty (180) days from the date of the emergency
14 order or proclamation of a state of disaster emergency, unless extended by the General Assembly
15 through the adoption of a concurrent resolution; and

16 WHEREAS, Upon enactment of the State Budget on July 6, 2021, the foregoing time
17 limitations on the Governor's additional powers became effective; and

18 WHEREAS, On August 19, 2021, the Governor issued a new executive order numbered
19 21-86 declaring a new state of emergency with respect to the Delta variant of COVID-19 without
20 the authority contained in a concurrent resolution adopted by the General Assembly and which

1 new executive order has been extended by the Governor through orders or actions promulgated
2 by him after August 19, 2021; and

3 WHEREAS, The clear intent of the State Budget amendment to General Law § 30-15-
4 9(e) was to eliminate the additional powers of the Governor set forth in that section, unless the
5 General Assembly extended such additional powers by concurrent resolutions irrespective of any
6 variant of COVID-19 which might arise by mutation of the COVID-19 virus, thereby terminating
7 the additional powers contained in § 30-15-9(e) effective upon enactment of the State Budget on
8 July 6, 2021, with respect to the COVID-19 state of emergency previously declared by the
9 Governor except as otherwise provided in Article 3 of the State Budget; and

10 WHEREAS, The issuance of Executive Order 21-86, and all other Executive Orders or
11 extensions relating to COVID-19 or its variants or mutations together with all recommendations,
12 directions and orders, whether written or oral, pertaining to the additional powers granted to the
13 Governor under § 30-15-9(e) of the General Laws of the State of Rhode Island are null and void
14 as a result of the enactment of the State Budget; now, therefore be it

15 RESOLVED, That this General Assembly of the State of Rhode Island hereby finds that
16 notwithstanding the fact that the Governor did not have the authority to extend to himself the
17 additional powers contained in § 30-15-9(e) of the General Laws in the promulgation of
18 Executive Order 21-86 together with extensions and other Executive Orders related thereto, the
19 House concurs with the Governor that such Executive Order was necessary; and be it further

20 RESOLVED, That this General Assembly hereby adopts this concurrent resolution
21 extending the Governor's additional powers contained in § 30-15-9(e) of the General Laws with
22 respect to Executive Order 21-86, together with extensions and other executive orders related
23 thereto and further declares that all orders with respect to COVID-19, its variants and mutations,
24 pertaining to the additional powers contained in § 30-15-9(e) of the General Laws shall terminate
25 on February 18, 2022, unless extended by concurrent resolution of the General Assembly as
26 provided by the terms of Article 3 of the State Budget; and be it further

27 RESOLVED, That the Secretary of State be and hereby is authorized and directed to
28 transmit a duly certified copy of this resolution to the Honorable Daniel McKee, Governor of the
29 State of Rhode Island.

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