

2022 -- H 7218

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

HOUSE 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 did extend 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 the 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 Rhode Island General
4 Law Section 30-15-9(e) was to eliminate the additional powers of the Governor set forth in that
5 section, unless the General Assembly extended such additional powers by concurrent resolutions
6 irrespective of any variant of COVID-19 which might arise by mutation of the COVID-19 virus,
7 thereby terminating those additional powers contained in § 30-15-9(e) effective upon enactment
8 of the State Budget on July 6, 2021, with respect to the COVID-19 state of emergency previously
9 declared by the 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 House of Representatives of the State of Rhode Island hereby
16 finds and declares that Executive Order 21-86 together with any extensions and executive orders
17 relating to the additional powers granted to the Governor under § 30-15-9(e) of the General Laws
18 of the State of Rhode Island are and were rendered null and void through enactment of the State
19 Budget; and be it further

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

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