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D 2020 268

EXECUTIVE ORDER

Amending Executive Orders D 2020 003, D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, and D 2020 264 Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending Executive Orders D 2020 003, D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D 2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, and D 2020 264 declaring a state of disaster emergency and providing additional funds for response activities due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

The Governor is responsible for meeting the dangers to the State and people presented by disasters. C.R.S. § 24-33.5-704(1). The Act defines a disaster as "the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to . . . epidemic." C.R.S. § 24-33.5-703(3). The threat currently posed by COVID-19, a respiratory illness that can spread from person to person, constitutes a disaster for purposes of the Act.

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and there is community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended and extended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D 2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, D 2020 264, and this Executive Order. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, tribal, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources. The actions we have undertaken to date

have made progress in these areas, but we must continue taking aggressive action to minimize the duration of this epidemic and of the disruption to our daily lives.

This Executive Order amends Executive Orders D 2020 003, D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, and D 2020 264 to increase the amount of funds previously made available to CDPHE by eighty-four million three hundred thousand dollars ($84,300,000); and to transfer eighty-four million three hundred thousand dollars ($84,300,000) to the Disaster Emergency Fund from the Controlled Maintenance Trust Fund.

II. Amendment

Section II.C. of Executive Order D 2020 003, as amended and extended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, and D 2020 264 is amended to read as follows:

> On April 8, 2020, the funds in the Disaster Emergency Fund were deemed insufficient pursuant to C.R.S. § 24-33.5-706(4)(b), and one hundred sixty seven million eight hundred thousand dollars ($167,800,000) was transferred from the Controlled Maintenance Trust Fund to the Disaster Emergency Fund for COVID-19 related purposes. Pursuant to C.R.S. § 24-33.5-706(4), I order that four hundred thirty seven million eight hundred thousand dollars ($437,800,000) from the Disaster Emergency Fund be encumbered for response activities related to COVID-19. Of these funds, two hundred five million dollars ($205,000,000) shall come from the Coronavirus Relief Fund sub-account of the Disaster Emergency Fund. Of the funds coming from the Coronavirus Relief Fund sub-account, one hundred sixty one million two hundred seventy five thousand and three hundred sixty four dollars ($161,275,364) shall be encumbered and made available to CDPHE for response activities related to COVID-19; twenty three million one hundred sixty nine thousand and four hundred twenty six dollars ($23,169,426) shall be encumbered and made available to the Department of Public Safety for response activities related to COVID-19; twelve million eight hundred eight thousand and six hundred eighty five dollars ($12,808,685) shall be encumbered and made available to the Colorado Department of Corrections for response activities related to COVID-19; four million eight hundred ninety eight thousand and two hundred twenty seven dollars ($4,898,227) shall be encumbered and made available to the Colorado Department of Labor and Employment for response activities related to COVID; one million one hundred fifty nine thousand and eight hundred ninety dollars ($1,159,890) shall be encumbered and made available to the Colorado Governor's Office of Information and Technology for response activities related to COVID-19; and one million six hundred eighty eight thousand and four hundred eight dollars ($1,688,408) shall be encumbered and made available to the Colorado Department of Agriculture for response activities related to COVID-19. Funds from the Coronavirus Relief Fund sub-account of the Disaster Emergency Fund shall remain available for expenses incurred from March 1, 2020 to December 30, 2020, and any unexpended funds shall remain in

the Disaster Emergency Fund. All other funds from the Disaster Emergency Fund shall be available until expended.

III. Duration

Executive Order D 2020 003, as amended and extended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, D 2020 264, and this Executive Order, shall expire on December 27, 2020, unless amended further by Executive Order, except that the funds described in Section II.C of Executive Order D 2020 003, as amended and extended, shall remain available for the described purposes and the described time period stated in Section II.C. In all other respects, Executive Order D 2020 003, as amended and extended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, and D 2020 264 shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado, this third day of December, 2020.

Jared Polis
Governor