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D 2021 009

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, D 2020 264, D 2020 268, D 2020 284, D 2020 290, and D 2020 296 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*., 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, D 2020 264, D 2020 268, D 2020 284, D 2020 290, and D 2020 296 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, D 2020 268, D 2020 284, D 2020 290, D 2020 296, 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, D 2020 264, D 2020 268, D 2020 284, D 2020 290, and D 2020 296 to allocate an additional $48,084,723 from the Disaster Emergency Fund to CDPHE for the following purposes: (1) purchasing and distributing COVID-19 antigen testing kits to educators across Colorado ($38,000,000); (2) covering COVID-19 vaccine distribution costs for CDPHE ($2,061,120) and Local Public Health Agencies ($5,200,000) for the month of January; (3) administering a paid vaccine media campaign ($2,000,000); and (4) supporting the Residential Strike Task Force that supports the needs of residential care facilities for coordination, staffing, and other COVID challenges ($823,603). Given that there are insufficient funds currently available in the Disaster Emergency Fund, this Executive Order also transfers $8,447,751 from the Colorado Water Conservation Board Construction Fund to the Disaster Emergency Fund and $39,636,972 from the Major Medical Insurance Fund to the Disaster Emergency Fund.

II. Amendments

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, D 2020 264, D 2020 268, D 2020 284, D 2020 290, and D 2020 296, 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 eighty three million five hundred twenty thousand eight hundred ninety six dollars ($183,520,896) was transferred from the Controlled Maintenance Trust Fund to the Disaster Emergency Fund for COVID-19 related purposes; five million dollars ($5,000,000) was transferred from the Unclaimed Property Tourism Promotion Trust Fund to the Disaster Emergency Fund for COVID-19 related purposes; thirty three million dollars ($33,000,000) was transferred from the Colorado Water Conservation Board Construction Fund to the Disaster Emergency Fund for COVID-19 related purposes; and thirty nine million six hundred thirty six thousand nine hundred seventy two dollars ($39,636,972) was transferred from the Major Medical Insurance Fund to the Disaster Emergency Fund for COVID-19 related purposes.
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> Pursuant to C.R.S. § 24-33.5-706(4), I order that five hundred thirty one million one hundred fifty seven thousand eight hundred sixty eight dollars ($531,157,868) from the Disaster Emergency Fund be encumbered for response activities related to COVID-19. Of these funds, two hundred and 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 eighty four million four hundred forty four thousand seven hundred ninety dollars ($184,444,790) shall be encumbered and made available to CDPHE for response activities related to COVID-19; zero dollars ($0) 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 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 and ninety eight thousand two hundred and 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 and fifty nine thousand eight hundred and 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 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.

In addition, I order that four million four hundred seventeen thousand six hundred fourteen dollars ($4,417,614) from interest accrued to the Coronavirus Relief Fund be encumbered and made available to the Colorado Department of Public Health and Environment 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 31, 2021, and any unexpended funds shall remain in the Disaster Emergency Fund. Funds from interest earned on the Coronavirus Relief Fund shall remain available for expenses incurred from March 1, 2020 through December 31, 2021. 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, D 2020 268, D 2020 284, D 2020 290, D 2020 296, and this Executive Order, shall expire on January 25, 2021, 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 purposes and the 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, D 2020 264, D 2020 268, D 2020 284, D 2020 290, and D 2020 296 shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of

Colorado, this eighth day of January, 2021

Jared Polis
Governor