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D 2021 028

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, D 2020 296, D 2021 009, and D 2021 022 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, D 2020 264, D 2020 268, D 2020 284, D 2020 290, D 2020 296, D 2021 009, and D 2021 022 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, D 2021 009, D 2021 022, 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, D 2020 296, D 2021 009, and D 2021 022, to reallocate a total of $11.8 million originally allocated from the Disaster Emergency Fund (DEF) to CDPHE. $11.2 million will be reallocated from CDPHE to the Department of Corrections and $600,000 will be reallocated from CDPHE to the Department of Human Services, all for COVID-19 response activities. This amendment also internally reallocates $23 million in CDPHE expenditures (funded from the DEF), that are now financed by federal funds, to new purposes at CDPHE. Finally, this amendment satisfies the requirements of C.R.S. § 24-75-302.5(2.7)(b)(II) by the rescission of $100 million from the DEF that was previously allocated to CDPHE, and the notification to the State Treasurer that such funds are available to be transferred to 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, D 2020 264, D 2020 268, D 2020 284, D 2020 290, D 2020 296, D 2021 009, and D 2021 022, 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.

Pursuant to C.R.S. § 24-33.5-706(4), I order that four hundred thirty one million one hundred fifty seven thousand eight hundred sixty eight dollars ($431,157,868) 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 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 Department of Corrections for response activities related to COVID-19; four million eight hundred ninety eight thousand two hundred twenty-seven dollars ($4,898,227) shall be encumbered and made available to the Department of Labor and Employment for response activities related to COVID-19; one million one hundred fifty nine thousand eight hundred ninety dollars ($1,159,890) shall be encumbered and made available to the 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 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 CDPHE 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, D 2021 009, D 2021 022, and this Executive Order, shall expire on February 15, 2021, unless extended 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, D 2020 264, D 2020 268, D 2020 284, D 2020 290, D 2020 296, D 2021 009, and D 2021 022 shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado, this twenty-ninth day of January, 2021.

Jared Polis
Governor