



D 2021 102

EXECUTIVE ORDER

Amending and Extending 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, D2020 264, D 2020 268, D 2020 284, D 2020 290, D 2020 296, D 2021 009, D 2021 022, D 2021 028, D 2021 045, D 2021 061, D 2021 068, and D 2021 087 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 and extending 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, D 2021 022, D 2021 028, D 2021 045, D 2021 061, D 2021 068, and D 2021 087 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.

Further, pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 5 of the Colorado Constitution and C.R.S. § 28-3-104, I hereby authorize the continued employment of the Colorado National Guard to support and provide planning resources to State and local authorities as they respond to the presence of COVID-19 in the State.

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, D 2021 028, D 2021 045, D 2021 061, D 2021 068, D 2021 087, 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 and extends 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, D 2021 022, D 2021 028, D 2021 045, D 2021 061, D 2021 068, and D 2021 087 for an additional thirty (30) days to extend the state of disaster emergency and the deployment of the Colorado National Guard to support and provide planning resources to State and local authorities as they respond to the presence of COVID-19 in the State.

The amendment rescinds an allocation of \$77,636,972 from CDPHE and transfers \$77,636,972 from the Disaster Emergency Fund to the CWCB Construction Fund (\$33,000,000), the Unclaimed Property Tourism Promotion Trust Fund (\$5,000,000), and the Major Medical Insurance Fund (\$39,636,972), which are three cash funds included in the FY 2020-21 State Emergency Reserve. The amendment also reallocates \$16,902,133 from CDPHE to the Department of Corrections (DOC) (\$11,702,133), Colorado Department of Human Services (CDHS) (\$5,000,000), and Colorado Department of Transportation (CDOT) (\$200,000). The source of these reallocations is the Coronavirus Relief Fund sub-account of the Disaster Emergency Fund. The amendment also allocates \$269,772 to the Colorado Department of Personnel and Administration (DPA) from interest accrued to the Coronavirus Relief Fund.

II. Amendments

The text of 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, 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, D 2021 028, D 2021 045, D 2021 061, D 2021 068, and D 2021 087 is replaced with the following:

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 two million fourteen thousand nine hundred sixty two dollars (\$162,014,962) was transferred from the Controlled Maintenance Trust Fund to the Disaster Emergency Fund for COVID-19 related purposes; zero dollars (\$0) was transferred from the

Unclaimed Property Tourism Promotion Trust Fund to the Disaster Emergency Fund for COVID-19 related purposes; zero dollars (\$0) was transferred from the Colorado Water Conservation Board Construction Fund to the Disaster Emergency Fund for COVID-19 related purposes; and zero dollars (\$0) 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 two million fourteen thousand nine hundred sixty two dollars (432,014,962) 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 forty five million forty two thousand six hundred fifty seven (\$145,042,657) 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; thirty four million one hundred ten thousand eight hundred eighteen dollars (\$34,110,818) shall be encumbered and made available to the DOC 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; five million (\$5,000,000) shall be encumbered and made available to the CDHS for response activities related to COVID-19; two hundred thousand (\$200,000) shall be encumbered and made available to the CDOT 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 four million six hundred eighty seven thousand three hundred eighty six dollars (\$4,687,386) from interest that accrued to the Coronavirus Relief Fund be encumbered and made available for response activities related to COVID-19, of which four million four hundred seventeen thousand six hundred fourteen dollars (\$4,417,614) shall be encumbered and made available to CDPHE and two hundred sixty nine thousand seven hundred seventy two dollars (\$269,772) shall be encumbered and made available to DPA.

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, D 2021 028, D 2021 045, D 2021 061, D 2021 068, D 2021 087, and this Executive Order, shall expire thirty (30) days from May 13, 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, D 2021 022, D 2021 028, D 2021 045, D 2021 061, D 2021 068, and D 2021 087 shall remain in full force and effect as originally promulgated.



GIVEN under my hand and
the Executive Seal of the
State of Colorado, this
thirteenth day of May, 2021.

A handwritten signature in blue ink that reads "Jared Polis". The signature is written in a cursive, flowing style.

Jared Polis
Governor