



## D 2021 139

### EXECUTIVE ORDER

#### **Colorado COVID-19 Disaster Recovery Order Amending and Extending Executive Orders D 2021 122, D 2021 124, D 2021 125, D 2021 129, D 2021 132, and D 2021 136**

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, issue this coronavirus disease 2019 (COVID-19) Executive Order to amend and extend Executive Order D 2021 122, as amended and extended by D 2021 124, D 2021 125, D 2021 129, D 2021 132, and D 2021 136, which refocuses the State's efforts on recovery.

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 for the recovery.

#### **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 Colorado Disaster Emergency Act (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 posed by COVID-19, a respiratory illness that can spread from person to person, constitutes a disaster for purposes of the Act. The Governor has authority to take any action "in prevention of, preparation for, response to, and recovery from disasters." C.R.S. § 24-33.5-702(1)(d). For purposes of the Act, recovery is "the short, intermediate, and long-term actions taken to restore community functions, services, vital resources, facilities, programs, continuity of local government services and functions, and infrastructure to the affected area." C.R.S. § 24-33.5-703(7.3).

We have lost over 9,000 Coloradans to COVID-19. Hundreds of thousands of Coloradans have become ill, and our healthcare professionals continue to work tirelessly to ensure that COVID-19 patients are treated with the best medical care we can offer. This pandemic has required extraordinary sacrifices from each and every resident of our State. I thank all Coloradans for rising to meet this moment in world history. Every aspect of our lives has changed, but despite the enormous challenges, we undertook these actions to protect ourselves, our friends, our families, and our community.

The State has made tremendous progress in terms of containing and treating infection and distributing the COVID-19 vaccine. Over eighty-two percent of Colorado's eligible population has now received at least one dose of the lifesaving COVID-19 vaccine. On July 8, 2021, I rescinded all previous Executive Orders issued due to COVID-19 and amended Executive Order D 2021 122 to focus only on those measures related to the State's recovery from the COVID-19 pandemic emergency. Despite significant progress, there has been an increase in COVID-19 cases, largely due to the highly contagious Delta variant and the twenty percent of Coloradans who have yet to get the highly effective, safe vaccine. The State now faces a severe staffing shortage in hospitals and other health facilities due to COVID-19. Because of the rise of COVID-19 cases and this shortage, we must undertake targeted efforts to respond and mitigate the effects of the pandemic, prevent further spread, preserve our health care resources, and provide needed flexibility to address the collateral consequences of the pandemic.

This Executive Order amends and extends Executive Orders D 2021 122, D 2021 124, D 2021 125, D 2021 129, D 2021 132, and D 2021 136, to reduce paperwork and to further refocus our efforts on recovery, facilitate administration of the lifesaving COVID-19 vaccine, ensure that our healthcare facilities have sufficient resources to treat COVID-19 patients, improve our economic recovery, maintain access to additional federal funding, and continue the State's disaster declaration and essential directives for response and continuity of State government. Together, these directives ensure agency access to State and federal funding, enable the State to continue COVID-19 response and recovery activities, and ensure the State can execute rapid procurement processes when needed to respond to the changing COVID-19 environment due to variants and stressors on our health care system.

The first amendment in this Executive Order reallocates \$16,500,000 that was originally allocated to the Colorado Department of Labor and Employment (CDLE) to the Colorado Department of Public Health and Environment (CDPHE) for COVID-19 related purposes. The source of funding is the Coronavirus Relief Fund (CRF) sub-account of the Disaster Emergency Fund (DEF). The second amendment temporarily suspends the \$7 million threshold for those persons renewing a direct payment permit number expiring on December 31, 2021. This allows those individuals to apply to renew their existing permit number without regard for potentially decreased purchasing activity so they can avoid spending time and resources modifying their tax accounting systems. Many businesses and individuals have had to reduce their purchasing activity in response to the pandemic and this amendment will ensure that those businesses and individuals that were required to cut costs do not face unnecessary tax-compliance burdens as a result.

## **II. Amendments**

Executive Order D 2021 122, as amended and extended by Executive Orders D 2021 124, D 2021 125, D 2021 129, D 2021 132 and D 2021 136, is amended as follows:

1. Section II.iv.C is amended to include the following:

I order that sixteen million five hundred thousand dollars (\$16,500,000) in funds originally allocated to CDLE in the CRF sub-account of the DEF be reallocated to CDPHE for COVID-19 related purposes, resulting in a total allocation to CDLE of twenty one million two hundred forty eight thousand two hundred and twenty seven dollars (\$21,248,227) and a total allocation to CDPHE of one hundred thirty two million seven hundred twenty nine thousand eight hundred and twenty six dollars (\$132,729,826).

2. Include the following as Section II.iv.R:

I temporarily suspend C.R.S. § 39-26-103.5(1)(a) and 1 CCR 201-4, Rule 39-26-103.5(2)(a), which requires that in the preceding twelve-month period, a person renewing a direct payment permit number must have purchased in Colorado in the aggregate at least seven million dollars of commodities, services, or tangible personal property, for persons that seek to renew an active direct payment permit number expiring on December 31, 2021.

### **III. Duration**

Executive Order D 2021 122, as amended and extended by Executive Orders D 2021 124, D 2021 125, D 2021 129, D 2021 132, D 2021 136, and this Executive Order, shall expire thirty (30) days from November 29, 2021, unless extended further by Executive Order, except that the funds described in subsection II.iv.C of Executive Order D 2021 122, as amended and extended, shall remain available for the described purposes and the described time period stated in subsection II.iv.C. In all other respects, Executive Order D 2021 122, as amended and extended, 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  
November 2021.

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis  
Governor