



Review of 2020 Executive Orders Memo as of August 10

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Emergency Declaration

- On March 10, 2020, Governor Polis verbally declared a disaster emergency due to the presence of COVID-19 in the state.
- Executive Order D 2020-003, issued on March 11, 2020, memorialized this declaration and was originally in effect for 30 days.
- The Governor has extended the order seven times, and it is currently in effect until September 3, 2020.

Overview of Executive Orders

- Since March 11, 2020, Governor Polis has issued 155 Executive Orders.
- All but 5 have been related to the COVID-19 public health emergency.
- Currently, 25 Executive Orders in effect.

General Themes

Major Themes	Other Themes
Suspension of Programs & Services Due to Insufficient Revenues	Miscellaneous Statutory Provisions
Allocation of Federal CARES Act Funds	Providing Individual & Small Business Relief
Business Operations & Stay at Home/Safer at Home/Protect Our Neighbors Orders	Extension of Expiration Dates
Taxes	Marriage Licenses
Elections	Notary Services
Education & Child Care	Open Fire Bans
Health Care	Food Trucks at Rest Stops
Criminal Justice	Relief for Public Utility Customers
Disaster Emergency Funds	

Currently In Effect

Criminal & Juvenile Justice	Open Fire Bans
DHS Federal Funds	Safer At Home/Protect Our Neighbors
Elections, including Unaffiliated Candidate Petitions	Public Utilities
Evictions	Taxable Property
Face Coverings/Mask Requirements	Temporary Suspension of Certain Regulatory Statutes
Food Trucks	State Issued Licenses, such as State Park Passes, Liquor Licenses, & Certain Professional & Facility Licenses
Health Care, including Medicaid & CHP+, Healthcare Workforce, Home Healthcare Workforce, Surgeries, & Alternate Care Sites	Unemployment Claims
Marriage Licenses	

Overview of EO D 2020-003

- Authorizes the Colorado National Guard to support and provide planning, logistics, personnel, and facilities to state and local authorities in responding to COVID-19;
- Directs CDPHE to issue all public health orders necessary to protect individuals who reside or are cared for in a Colorado licensed or certified skilled nursing facility, intermediate care facility, assisted living facility, or similar entity;
- Directs the CDLE to issue emergency rules to ensure workers in specific, high-risk industries have access to up to four days of paid sick leave if they exhibit flu-like symptoms and have to miss work while they await testing results for COVID-19;
- Directs the DOR to temporarily allow Coloradans over the age of 65 to renew their driver's licenses online;
- Directs the DPA to issue emergency rules relating to access to paid leave for state workers who are subject to mandatory or voluntary quarantine or isolation who cannot work from home;
- Makes money in the Disaster Emergency Fund available for COVID-19 response activities;
- Discusses the role of the Governor's Expert Emergency Epidemic Response Committee; and
- Activates the disaster response and recovery aspects of applicable state, local, and interjurisdictional disaster emergency plans.

Disaster Emergency Fund

- **\$4 M** designated for COVID-19 response activities from the fund in the first Executive Order declaring a disaster emergency.
- **\$288 M** total designated for COVID-19 response activities from the fund through seven more orders, includes federal and state funds.
- Money from the Disaster Emergency Fund has been directed to various agencies and programs, for example:
 - CDPHE, Public Safety, Department of Agriculture, Corrections, and Governor's Office of Information Technology;
 - rental and mortgage assistance for low-income households; and
 - funding to support unemployment benefit administration.

These funds must remain available from March 1, 2020, to December 30, 2020.

Suspension of Programs & Services Due to Insufficient Revenues

- Section 24-75-201.5, C.R.S., requires the Governor to formulate a plan to reduce General Fund expenditures in the event that current fiscal year revenue estimates indicate that current fiscal year General Fund appropriations will result in the use of one-half or more of the General Fund Reserve.
- In compliance with this requirement, on April 30, 2020, Governor Polis issued [Executive Order D 2020-050](#), which ordered the suspension, discontinuation, or reduction of a variety of programs and services due to insufficient revenues available for state expenditures.
- The spending reductions total \$229 M across 16 different state agencies, with a majority of the cuts (\$183 M) coming from Medicaid services.
- On June 23, 2020, Governor Polis issued [Executive Order D 2020-113](#), which rescinded Executive Order D 2020-050, because [House Bill 20-1360](#), the Long Bill, replicated the order's suspension or discontinuation of funding.

Allocation of Federal CARES Act Funds

- **\$510 M – CDE** for compliance with COVID-19-related public health measures
- **\$37 M – State Education Fund** for expenditures incurred to respond to second-order effects of the COVID-19 emergency and increased number of at-risk pupils due to the COVID-19-related recession (initially this money was directed to CDE)
- **\$450 M – CDHE** for compliance with COVID-19-related public health measures and increasing student retention and completion at state institutions of public higher education
- **\$275 M – local governments** that that did not receive a direct distribution of funds from the Coronavirus Relief Fund for compliance with COVID-19-related public health measures and eligible expenses pursuant to the CARES Act
- **\$205 M – Disaster Emergency Fund** to respond to the COVID-19 emergency
- **\$85 M – payroll and other necessary expenditures** for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 emergency
- **\$70 M – General Fund** for eligible expenditures
- **\$22 M – DHS** for caseload increases due to the COVID-19-related recession
- **\$2 M – DHS** for compliance with public health measures pertaining to maintaining veterans community living centers and other state facilities with congregate care
- **\$10 M – DOLA** for emergency rental and mortgage assistance to low to moderate income individuals, as well as for individuals who have been economically impacted by COVID-19
- **\$8 M – DOC** for compliance with public health measures pertaining to state prisons, including sanitation and effectively implementing social distancing measures

Business Operations & Stay at Home/Safer at Home Orders

- Closure of ski resorts;
- Workforce reduction, including reducing in-person workforces by at least 50% for a certain time;
- Prohibiting in-person dining & closing other businesses, including racetracks, off-track pari-mutuel wagering facilities, hair and nail salons, spas, tattoo parlors, and massage parlors;
- Stay at Home, Safer at Home, Safer at Home and in the Vast, Great Outdoors, and Protect Our Neighbors, all of which address how Coloradans should limit their activities to reduce exposure;
- Mass gathering limitations for community, civic, public, leisure, faith-based events, sporting events, concerts, conventions, fundraisers, parades, fairs, festivals, and any other similar events;
- Face coverings/mask requirements – the most recent Executive Order concerning face covering required them in public indoor spaces statewide;
- Alcohol and marijuana sales, including allowing alcoholic beverages to be sold for delivery or takeout, allowing the public consumption of alcoholic beverages on public right of ways, and permitting online recreational marijuana sales for pick-up. SB 20-213 allows for take out and delivery of alcoholic beverages until July 1, 2021.

Taxes

- Extensions of income tax payment deadlines;
- Suspension of certain taxable property deadlines;
- Extensions for filing and remitting sales tax; and
- Extensions for filing and remitting severance tax.

Elections

- Address issues related to the 2020 primary election.
- Limit in-person contact concerning elections and the Secretary of State's operations.
- Signature collection for unaffiliated and independent candidates.
- Signature collection for ballot issues; however, portions of this order were ruled invalid by the Colorado Supreme Court. After the ruling, the Governor issued another order concerning the filing of ballot petitions with the Secretary of State's office

Education and Child Care

- Suspend in person instruction and all school co-curricular and extracurricular activities until the end of the school year, and suspend state assessment requirements.
- Allow schools and school districts to use school buildings to provide services, including food service; access to internet, devices, or instructional materials; special education services; or mental health supports; and allow schools and school districts to carry over up to 15 percent of unspent per pupil intervention funding from one budget year to the next.
- Direct CDHS to use federal funds to:
 - promote the provision of emergency child care for essential workers;
 - provide grants to providers to remain open or reopen to enable workers to return to work;
 - provide access to mental health services that support providers and families as children transition back into care; and
 - support providers and families participating in the Colorado Child Care Assistance Program.

Health Care

- Restrict elective and non-essential surgeries mid-March through April, but permit voluntary or elective surgeries under certain conditions.
- Expand telehealth services and direct DORA to promulgate temporary rules requiring health insurance carriers to permit providers to deliver services via telehealth (SB 20-212 expands the availability of telehealth services under Medicaid and state regulated insurance plans).
- Expand the health care workforce by allowing licensed healthcare professionals to train, supervise, and delegate responsibilities to other medical professionals and allow recent graduates of health care training and education programs to delay certain licensure requirements to be available to the healthcare workforce.

Health Care (cont.)

- Direct HCPF to increase supplemental payments for Medicaid-certified nursing facilities and intermediate care facilities to provide services for residents during the COVID-19 emergency.
- Suspend Medicaid and CHP+ statutes to ensure compliance with federal law and receive a 6.2 percent increase in the federal government's share of Medicaid expenditures.
- Allow operation of alternative care sites at the Colorado Convention Center, the Larimer County Fairgrounds, St Anthony's, St. Mary-Corwin Medical Center, and the Western Slope Memory Center to increase hospital capacity.
- Increase Medicaid home health workforce and eliminate cost sharing for COVID-19 testing and treatment for Medicaid enrollees.

Criminal Justice and Mental Health Institutes

- Authorize DHS to assess whether a juvenile may be released to parole and instruct DHS to develop new admission criteria for detention facilities.
- Suspend seclusion policies in cases where medical isolation and quarantine is necessary to prevent the spread of COVID-19.
- Suspend criminal justice statutes to reduce and more easily manage the inmate population.
- Allow for the refusal of county jail transfers and the DOC to use CSP-II for housing inmates of mixed classification.
- Authorize mental health facilities to temporarily suspend certain patient rights, including those relating to in-person visitors and clothing.

Other Executive Orders

- Miscellaneous statutory provisions:
 - suspend the requirement to get a physical to be issued a medical marijuana card;
 - allow overweight vehicles to travel on highways and bridges to make it easier for delivery of emergency goods;
 - permit electronic renewal of driver's license and ID cards; extend time to claim lottery prizes; allow receipt of concealed handgun permit without appearing in person; suspend provisions related to the duties of CBI, including timelines for background checks; allow reduced numbers of vehicles for taxicab fleet; allow veterinarians to donate or sell prescription drugs on hand.
- Individual and small business relief:
 - evictions and foreclosures;
 - public utility disconnections; and
 - expedited unemployment insurance claim processing.

Other Executive Orders (cont.)

- Extension of expiration dates of over 100 different licenses, permits, registrations, designations, certifications, passes, authorizations, and endorsements, unless the renewal process may be completed online.
- Marriage licenses – allow documents to be submitted by mail, fax, or online.
- Notary services – suspend personal appearance requirement and allow remote appearance (SB20-096 amended statute to allow notaries to provide services remotely).
- Open fire bans to decrease risk of wildfires.
- Allow food trucks at rest stops.
- Relief for public utility customers – waive reconnection fees and suspend any accrued late payment fees.

Questions?

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