



# Hays County, Texas

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## Information for the News Media

April 2, 2020

### Clarification of Governor's Executive Order and its Effect on Hays County Judge's Order #3

**Hays County Courthouse, San Marcos, TX** (April 2, 2020) – Governor Abbott has issued a statewide Executive Order; his press release and link to the order can be found [here](#).

Below is information from the Hays County COVID-19 Work Group on the effect of the Governor's Order on the 3<sup>rd</sup> COVID-19 Order by Hays County Judge Ruben Becerra.

#### **CLARIFICATION REGARDING EXECUTIVE ORDER BY GOVERNOR ABBOTT EFFECTIVE APRIL 2, 2020**

#### **AND ITS EFFECT ON THE 3<sup>rd</sup> COVID-19-RELATED ORDER BY THE HAYS COUNTY JUDGE**

Governor Greg Abbott executed an Executive Order on the afternoon of March 31, 2020. That Order becomes effective on April 2, 2020. For the first time since the emergency response to COVID-19 began, the Governor's Order provides that the Governor's Order will *supersede* local Orders by county judges and/or mayors, at least "to the extent that such a local order restricts essential services allowed by [the Governor's Order] or allows gatherings prohibited by [the Governor's Order]." The Governor's Order runs until the end of April, except that it prohibits in-person classroom schooling until May 4, 2020.

After analyzing the contents of the Governor's Order, the 3<sup>rd</sup> Order of the Hays County Judge is effectively superseded by the Governor's Order, especially since the Governor's Order identifies a more detailed and comprehensive list of Essential Services. The Governor refers to the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0 as the guide for what qualifies as Essential Services, but it also adds religious services to that list. He also provides for the possibility of businesses requesting to be added to the list by emailing the Texas Division of Emergency Management (TDEM) at [EssentialServices@tdem.texas.gov](mailto:EssentialServices@tdem.texas.gov).

Commentary on the Department of Homeland Security guidance (the list of Essential Services) can be found at: <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>.

The Governor's Order still prohibits visitation of nursing homes and assisted living facilities, and it still forbids use of bars, restaurants, gyms, massage establishments, tattoo studios, piercing studios, or cosmetology salons, except that it encourages take-out and/or delivery of food and drinks.

Even though some of the detailed guidance in the Hays County Judge's most recent Order will no longer control, it is important to remember that Governor's Order does indicate that businesses and citizens should follow the Guidelines from the President and the CDC. The homepage for CDC guidance on COVID-19 can be found here:

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>. Additionally, and in support of the CDC Guidelines, Hays County urges those who qualify to operate under Governor Abbott's Order to continue conducting business in such a way that patrons (and employees) are not made to remain within six feet of one another and groups of more than ten people are not made to congregate in one confined space.

Per Governor Abbott, the penalty for violations of his Order is up to \$1,000 fine and/or up to 180 days in jail, which is a greater penalty than that which was set in the Hays County Judge's now inapplicable Orders.

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