

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol Building
Denver, Colorado 80203
Phone (303) 866 - 2471
Fax (303) 866 - 2003



John W. Hickenlooper
Governor

D 2013-028

EXECUTIVE ORDER

Making Available Additional Resources and Extending the Declaration of Disaster Emergency Due to the Flooding in Adams, Arapahoe, Broomfield, Boulder, Clear Creek, Denver, El Paso, Fremont, Jefferson, Larimer, Logan, Morgan, Pueblo, Sedgwick, Washington, and Weld Counties.

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to relevant portions of C.R.S. § 28-3-104 and relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.*, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order making available additional resources and extending the declaration of disaster emergency due to the flooding in Adams, Arapahoe, Broomfield, Boulder, Clear Creek, Denver, El Paso, Fremont, Jefferson, Larimer, Logan, Morgan, Pueblo, Sedgwick, Washington, and Weld Counties.

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. The Colorado Disaster Emergency Act defines a disaster as “the occurrence or imminent threat of widespread or severe damages, injury or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to . . . flood.” C.R.S. § 24-33.5-703(3).

As a result of the historic flooding this September, eight people were killed, 218 people were injured, and nearly 6,000 people were forced to leave their homes. Damage to property has been extensive: 1,882 homes have been destroyed and over 16,101 homes have been damaged.

Colorado’s transportation infrastructure has been significantly compromised, limiting the ability of the citizens of Colorado to access their homes, businesses and farms and negatively impacting our ability to provide necessary goods and services to the hardest hit counties. The severity of the damage to the transportation infrastructure, taken together with the brevity of

time before winter weather conditions set in, requires extraordinary measures to assist in the reconstruction and repair of Colorado's transportation infrastructure.

On September 13, 2013, I issued Executive Order D 2013-26 declaring a Disaster Emergency due to the flooding and ordered that \$6,000,000 be transferred into the Disaster Emergency Fund. On September 19, 2013, in Executive Order D 2013-027, I ordered that an additional \$20,000,000 be transferred into the Disaster Emergency Fund. Based on initial damage estimates, these funds are insufficient for the extensive recovery efforts that must be undertaken. Pursuant to C.R.S. § 24-33.5-706(4)(b), the Governor may transfer and expend monies appropriated for other purposes if the monies in the Disaster Emergency Fund are deemed insufficient.

II. Declaration and Directives

- A. The flooding along the Front Range continues to constitute a disaster emergency under C.R.S. § 24-33.5-701, 705. The declarations and directives found in Executive Order D 2013-026, and Executive Order D 2013-027 are hereby extended an additional 30 days from the date of this Executive Order.

- B. Pursuant to C.R.S. § 24-33.5-706(4), I find the funds in the Disaster Emergency Fund to be insufficient to pay for the flood response and recovery. Therefore, it is ordered that \$15,500,000 be transferred into the Disaster Emergency Fund from the General Fund appropriation in Fiscal Year 2013-14 to the Controlled Maintenance Trust Fund established in C.R.S. § 24-75-302.5; and \$50,000,000 be transferred into the Disaster Emergency Fund from General Fund appropriation in Fiscal Year 2013-14 to the Department of Health Care Policy and Financing Medical Services Premiums line item. It is further ordered that this \$65,500,000 from the Disaster Emergency Fund is encumbered to pay for the flood response and recovery. The Director of the Office of Emergency Management is hereby authorized and directed to allocate the funding to the appropriate government agencies and non-profit organizations and execute awards, purchase orders, or other mechanisms to effect the allocation of the funds. The Director of the Office of Emergency Management is also authorized to allocate up to \$20,000,000 to be used as short-term, no-interest loans in order to provide any political subdivision of the state with short-term capital needed for flood response and recovery. These funds shall remain available for this purpose for eighteen months from the date of this Executive Order, and any unexpended funds shall remain in the Disaster Emergency Fund.

III. Duration

This Executive Order shall expire thirty days from September 26, 2013, unless extended further by Executive Order, except that the funds described in paragraph II(B) above shall remain available for the described purposes for eighteen months from the date of this Executive Order.



GIVEN under my hand and the
Executive Seal of the State of
Colorado this twenty-sixth day of
September, 2013.

A handwritten signature in black ink, appearing to read "John W. Hickenlooper".

John W. Hickenlooper
Governor