

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2014-001

EXECUTIVE ORDER

Extending and Amending the Declaration of Disaster Emergency Due to Historic Flooding of September 2013

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 extending the Declaration of Disaster Emergency and incorporating by reference all sections therein unless specifically altered below due to the historic flooding of September 2013.

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, nine people were killed, 218 people were injured and over 18,000 people were forced to leave their homes. Additionally, one individual was killed assisting in the recovery effort. The flooding was widespread and impacted twenty-four counties. Damage to property has been extensive: 1852 homes have been destroyed and as of January 29, 2014, 28,364 households have registered with the Federal Emergency Management Agency ("FEMA"). Over 200 households remain displaced, and FEMA continues to deploy its direct housing mission to those most severely impacted. Forty-four households remain in FEMA's manufactured housing. The system to waive state regulatory statutes, or the orders, rules and regulations of any state agency provided in Executive Order D 2013-027(II)(I) is still required. I verbally authorized this Executive Order, which is memorialized herein, prior to the expiration of Executive Order D 2013-033.

The State of Colorado, in strong collaboration with local municipalities, the National Guard, the federal government, and non-governmental organizations, continue to make considerable progress in rebuilding Colorado's infrastructure. Although all state highways are now open, flooding of this magnitude caused damage to infrastructure on multiple levels. Over 200 households remain displaced due to damage to private roads and bridges. Federal and state authorities continue to develop plans to address this critical issue. Work remains to be done in repairing water treatment facilities, wastewater treatment facilities, and miles of water lines. It is critical the recovery efforts continue at full speed, even with the arrival of winter. This Executive Order extends the declaration of Disaster Emergency and supports the critical and ongoing flood recovery efforts.

II. Declaration and Directives

- A. The Front Range flooding and recovery continues to constitute a Disaster Emergency under C.R.S. §§ 24-33.5-701, 705. The declarations and directives found in Executive Orders D 2013-026, D 2013-027, D 2013-028, D 2013-030, D 2013-031, and D 2013-033 are hereby extended an additional 30 days from January 6, 2014.
- B. Paragraph II (B) of Executive Orders D 2013-028, D 2013-031, and D 2013-033 is hereby replaced to read as follows.

Pursuant to C.R.S. § 24-33.5-706(4) the funds in the Disaster Emergency Fund are found to be insufficient to pay for the flood response and recovery. Therefore, it is ordered that \$12,950,000 be transferred into the Disaster Emergency Fund from 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 the 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 \$91,500,000 from the Disaster Emergency Fund is encumbered to pay for the flood response and recovery. This amount shall include \$26,000,000 encumbered pursuant to Executive Order D 2013-027(II)(C) and \$65,500,000 encumbered pursuant to Executive Order D 2013-028(II)(B) and D 2013-031(II)(B), as amended herein. 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 advances 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 thirty-six months from December 9, 2013 as provided in Executive Order D-2013-033, and any unexpended funds shall remain in the Disaster Emergency Fund.

III. Duration

This Executive Order shall expire thirty days from January 6, 2014, unless extended further by Executive Order, except that the funds described in paragraph II(B) above shall remain available for the described purposes for thirty-six months from December 9, 2013.



GIVEN under my hand and the
Executive Seal of the State of
Colorado this thirtieth day of
January, 2014.

A handwritten signature in black ink, which appears to read "John W. Hickenlooper". The signature is fluid and cursive, written over a light gray horizontal line.

John W. Hickenlooper
Governor

