

STATE OF COLORADO

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John W. Hickenlooper
Governor

D 2014-012

EXECUTIVE ORDER

Rescinding and Replacing Funding Provisions of Prior Executive Orders Concerning the 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 rescinding and replacing funding provisions of prior executive orders concerning 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 damage, injury, or loss of life or property resulting from any natural cause . . . including but not limited to . . . flood.” C.R.S. § 24-33.5-703(3).

Due to the historic flooding in September 2013, I issued nine executive orders to address the enormous challenges faced by the people of Colorado. As background, I issued Executive Order D 2013-026 on September 13, 2013, in the immediate aftermath of the flooding. This executive order declared a disaster emergency and ordered an initial transfer of \$6,000,000 from the Controlled Maintenance Trust Fund into the Disaster Emergency Fund. In assessing the magnitude of the flooding, our office quickly realized that this initial transfer was not sufficient to address the critical need. Therefore, on September 19, 2013, I issued Executive Order D 2013-027, which transferred an additional \$20,000,000 (for a total of \$26,000,000) into the Disaster Emergency Fund from the Controlled Maintenance Trust Fund.

As flood recovery efforts continued throughout September, I again found that the funds in the Disaster Emergency Fund were insufficient to pay for the flood response and recovery. On September 26, 2013, I issued Executive Order D 2013-028, which supplemented the previous transfers into the Disaster Emergency Fund with an extra \$65,500,000. As explained therein, I ordered the transfer of the following amounts into the Disaster Emergency Fund: 1) \$15,500,000 from the Controlled Maintenance Trust Fund; and 2) \$50,000,000 from the General Fund appropriation in Fiscal Year 2013-14 to the Department of Health Care Policy and Financing Medical Services Premiums line item. Subsequently, I reduced the amount transferred from the Controlled Maintenance Trust Fund from \$15,500,000 to \$12,950,000 (see Executive Order D 2013-031). The reason for this change was that sufficient funds remained in the Disaster Emergency Fund to encumber \$65,500,000 for flood-related expenses without such a large transfer from the Controlled Maintenance Trust Fund.

In sum, I have ordered the transfer of \$91,500,000 into the Disaster Emergency Fund for response and recovery efforts. The General Assembly reconvened in January 2014. Recognizing the extraordinary need for additional funding beyond what had already been ordered, it passed House Bill 14-1245 (titled "Supplemental Appropriation to the Department of Public Safety"). This bill appropriated \$70,000,000 from the General Fund into the Disaster Emergency Fund. The intent of the bill was to place enough funds in the Disaster Emergency Fund so that the Department of Health Care Policy and Financing could recover the \$50,000,000 that was used in the immediate aftermath of the floods. Further, the bill appropriated \$20,000,000 beyond what had been transferred to the Disaster Emergency Fund through prior executive orders, bringing the total amount for flood response and recovery to \$111,500,000. I signed HB 14-1245 into law on February 27, 2014.

This Executive Order clarifies the financing of the Disaster Emergency Fund and sets aside additional funds for response and recovery efforts in the wake of the September 2013 floods.

II. Declaration and Directive

Paragraph II(C) of Executive Orders D 2013-026 and D 2013-027 and Paragraph II(B) of Executive Orders D 2013-028, D 2013-031, D 2013-033, and D 2014-001 are hereby rescinded and 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 \$38,950,000 be transferred into the Disaster Emergency Fund from the Controlled Maintenance Trust Fund established in C.R.S. § 24-75-302.5. It is further ordered that \$111,500,000 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 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, and any unexpended funds shall remain in the Disaster Emergency Fund.



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

A handwritten signature in blue ink, which appears to read "John W. Hickenlooper". The signature is fluid and cursive, extending across the width of the text area.

John W. Hickenlooper
Governor

