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STATE OF COLORADO

EXECUTIVE CHAMBERS

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Denver, Colorado 80203-1792
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Roy Romer
Governor

EXECUTIVE ORDER

REGARDING REORGANIZATION OF DISASTER EMERGENCY SERVICES

WHEREAS, Section 24-2-102(4), 10A C.R.S. (1991 Supp.), provides that if during any fiscal year there are not sufficient revenues available for expenditure during such period to carry on the functions of the state government and to support its agencies and institutions and such fact is made to appear to the Governor, in the exercise of his discretion, by executive order, he may suspend or discontinue, in whole or in part, the functions or services of any department, board, bureau or agency of the state government;

WHEREAS, the revenue estimate for the current fiscal year, prepared in accordance with Section 24-75-201.3(2), 10B C.R.S. (1991 Supp.), indicates that general fund expenditures for fiscal year 1991-92 based on appropriations now in effect will result in the use of one-third or more of the reserve required by Section 24-75-201.1(1)(d), 10B C.R.S. (1991 Supp.);

WHEREAS, under Executive Order D0015 91, pursuant to Section 24-75-201.5, 10B C.R.S. (1991 Supp.), a plan was formulated for reducing such general fund expenditures so that said reserve, as of the close of the fiscal year, would be at least two thirds of the amount required by Section 24-75-201.1(1)(d), 10B C.R.S. (1991 Supp.);

WHEREAS, by Executive Order D0015 91, pursuant to Section 24-75-201.5, 10B C.R.S. (1991 Supp.), the General Assembly was promptly notified of such a plan and the plan was implemented;

- WHEREAS, Article X, Section 16 of the Colorado Constitution requires that the State of Colorado shall have a balanced budget;
- WHEREAS, Article IV, Section 2 of the Colorado Constitution vests the supreme executive authority of the state in the governor, who shall take care that the laws be faithfully executed;
- WHEREAS, the plan set out in Executive Order D0015 19, ordered that the functions and services of the Division of Disaster Emergency Services under the Department of Public Safety be discontinued or suspended;
- WHEREAS, Executive Order D0015 91 took effect at 12:01 a.m. on November 1, 1991;
- WHEREAS, protection of the public safety in the event of a disaster emergency is and should be a priority of state government;
- WHEREAS, a need exists to integrate and reorganize the administration of the state's disaster emergency functions into existing state agencies;
- WHEREAS, the disaster emergency prevention, preparedness, response, and recovery functions performed by the Division of Disaster Emergency Services can be performed, without additional general fund appropriations, by other agencies of state government;
- WHEREAS, pursuant to Section 24-33.5-704(1), 10A C.R.S. (1991), the governor is responsible for meeting the dangers to the state and people presented by disasters;
- WHEREAS, pursuant to Section 24-33.5-704(2), 10A C.R.S. (1991), the governor may issue executive orders which have the force and effect of law;
- WHEREAS, pursuant to Section 24-33.5-704(7), 10A C.R.S. (1991), in addition to any other powers conferred upon the governor by law, he may (a) suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency; (b) utilize all

available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the disaster emergency; and (c) transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

WHEREAS, the disaster emergency services of the state, including those performed by the Division of Disaster Emergency Services, are set forth in Sections 24-33.5-701 to 715, 10A C.R.S. (1991 Supp.);

WHEREAS, the Department of Local Affairs has an historic and continuing close working relationship with local governments throughout the state;

WHEREAS, local governments are, and should continue to be, an essential element to successful and efficient disaster emergency prevention, preparedness, response and recovery, and

WHEREAS, the Colorado General Assembly adjourned on November 8, 1991, and will not reconvene until January 8, 1992.

NOW, THEREFORE, I, Roy Romer, Governor of the State of Colorado, under the authority vested in me by the Constitution and the laws of the State of Colorado, do hereby order that:


1. There is hereby created an Office of Emergency Management within the Division of Local Government in the Colorado Department of Local Affairs.
2. The Office of Emergency Management shall have the authority to assume all the powers and responsibilities of the Division of Disaster Emergency Services pursuant to Section 24-33.5-705, 10A C.R.S. (1991).
3. The executive director of the Department of Local Affairs shall have the authority to assume all responsibilities of the director of the Division of Disaster Emergency Services, pursuant to Sections 24-33.5-705 to 715, 10A C.R.S. (1991 Supp.).
4. The executive director of the Department of Local Affairs shall have the authority to designate or hire personnel, including a director of disaster emergency management, to

contract and negotiate with federal, state, local, and private entities, to use monies appropriated to the Department of Local Affairs, and to accept and expend federal funds for the purpose of carrying out this executive order.

5. The Office of Emergency Management shall consist of those employees within the Department of Local Affairs which the Department of Local Affairs deems are necessary and appropriate to perform the functions and services of the Office.
6. The mission of the Office of Emergency Management shall be to administer Colorado's disaster emergency prevention, preparedness, response and recovery responsibilities, including the administration of functions and services performed by the Division of Disaster Emergency Services pursuant to Sections 24-33.5-705 to 715, 10A C.R.S. (1991), the Colorado Disaster Emergency Act of 1973, and rules and regulations promulgated thereunder.
7. The mission of the Office of Emergency Management shall also be to coordinate an analysis by those state agencies it deems appropriate to determine the necessity and proper administration of each function and service performed by the Division of Disaster Emergency Services.
8. This Executive Order will remain in full force and effect until 11:59 p.m. on March 30, 1992, unless it is extended pursuant to Section 24-2-102(4), 10A C.R.S. (1991 Supp.), or is rescinded by Executive Order.



GIVEN under my hand and the Executive Seal of the State of Colorado this 31st of December, 1991.


Roy Romer
Governor

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