

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0120.01 Kate Meyer x4348

HOUSE BILL 13-1031

HOUSE SPONSORSHIP

Gerou, Levy

SENATE SPONSORSHIP

Nicholson and Roberts,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STATEWIDE ALL-HAZARDS RESOURCE MOBILIZATION,**
102 **AND, IN CONNECTION THEREWITH, CLARIFYING THE POWERS**
103 **AND DUTIES OF THE DEPARTMENT OF PUBLIC SAFETY WITH**
104 **RESPECT TO THE STATEWIDE ALL-HAZARDS RESOURCE**
105 **MOBILIZATION PLAN AND SPECIFYING HOW MOBILIZED ENTITIES**
106 **RECEIVE REIMBURSEMENT FOR EXPENSES INCURRED BY**
107 **RENDERING ASSISTANCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

http://www.leg.state.co.us/bills/summaries.)

Lower North Fork Wildfire Commission. Currently, the office of emergency management (office) in the division of homeland security and emergency management (division) in the department of public safety (department) is charged with developing a statewide all-hazards resource mobilization plan (plan) to facilitate the interjurisdictional provision of disaster emergency assistance during disasters. The bill clarifies the duties of the office, the director of the office, and executive director of the department with respect to such plan and establishes the means by which mobilized governmental entities may seek reimbursement for costs incurred by rendering interjurisdictional disaster assistance.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend**
3 24-33.5-705.4 as follows:

4 **24-33.5-705.4. All-hazards resource mobilization system -**
5 **creation - plan - duties - reimbursement for expenses incurred by**
6 **mobilized entities - eligibility - resource mobilization fund - creation -**
7 **definitions - legislative declaration.** (1) (a) ~~The office of emergency~~
8 ~~management shall prepare a statewide resource mobilization system to~~
9 ~~provide for the allocation and deployment of resources in the event of a~~
10 ~~disaster or local incident that requires more resources than those available~~
11 ~~under any existing interjurisdictional or mutual aid agreement~~ THE
12 GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT
13 THE STATEWIDE ALL-HAZARDS RESOURCE MOBILIZATION SYSTEM, WHICH
14 PROVIDES FOR EFFICIENT MOBILIZING, TRACKING, ALLOCATING, AND
15 DEMOBILIZING EMERGENCY RESOURCES AND ENSURES THAT A REQUESTING
16 UNIT OF GOVERNMENT RECEIVES PROPER EQUIPMENT AND QUALIFIED
17 PERSONNEL, IS NECESSARY TO PROVIDE RESOURCES TO ANY EMERGENCY
18 INCIDENT BEYOND LOCAL CAPABILITIES AND THUS NECESSARY TO PROTECT
19 LIFE, PROPERTY, THE ENVIRONMENT, AND CULTURAL AND ECONOMIC

1 RESOURCES. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
2 THAT THE NEED TO ENSURE THAT THE STATE IS ADEQUATELY PREPARED
3 AND ABLE TO ADDRESS LARGE-SCALE EMERGENCIES AND DISASTERS
4 REQUIRES A MECHANISM TO REIMBURSE STATE AGENCIES, TRIBAL
5 GOVERNMENTS, AND LOCAL JURISDICTIONS THAT RESPOND TO REQUESTS
6 FOR HELP FROM OTHER JURISDICTIONS IN TIMES OF NEED. IT IS THEREFORE
7 NECESSARY TO:

8 (I) FORMULATE THE POLICY AND ORGANIZATIONAL STRUCTURE
9 FOR LARGE-SCALE MOBILIZATION OF EMERGENCY RESOURCES IN THE
10 STATE THROUGH CREATION OF A STATEWIDE ALL-HAZARDS RESOURCE
11 MOBILIZATION SYSTEM;

12 (II) ESTABLISH THE MEANS BY WHICH STATE AGENCIES AND
13 TRIBAL AND LOCAL JURISDICTIONS MAY BE REIMBURSED FOR EXPENSES
14 THEY INCUR WHEN MOBILIZED BY THE EXECUTIVE DIRECTOR PURSUANT TO
15 THE MOBILIZATION PLAN; AND

16 (III) PROVIDE A PROCEDURE TO REIMBURSE A HOST JURISDICTION
17 WHEN IT HAS EXHAUSTED OR WILL EXHAUST ALL OF ITS OWN RESOURCES
18 AND THE RESOURCES OF ITS LOCAL MUTUAL AID NETWORK AVAILABLE
19 UNDER A MUTUAL AID OR INTERJURISDICTIONAL AGREEMENT.

20 (b) IN ACCORDANCE WITH SECTION 24-33.5-713, IT IS THE INTENT
21 OF THE LEGISLATURE TO ENCOURAGE POLITICAL SUBDIVISIONS TO ENTER
22 INTO MUTUAL AID AND OTHER INTERJURISDICTIONAL AGREEMENTS. SUCH
23 AGREEMENTS PRODUCE ENHANCED EMERGENCY RESPONSE AND ARE THUS
24 ESSENTIAL TO PROTECTING THE PUBLIC PEACE, SAFETY, HEALTH, AND
25 WELFARE, INCLUDING THE LIVES AND PROPERTY, OF THE PEOPLE OF THE
26 STATE OF COLORADO.

27 (2) ~~The resource mobilization system created pursuant to~~

1 subsection (1) of this section shall be developed in coordination with
2 appropriate federal, tribal, state, local government, and private sector
3 agencies and organizations. The system shall include mobilization
4 procedures and may include provisions for reimbursement of costs. AS
5 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (a) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF
7 EMERGENCY MANAGEMENT CREATED IN SECTION 24-33.5-705.

8 (b) "EMERGENCY MANAGER" MEANS THE DIRECTOR OR
9 COORDINATOR OF THE LOCAL OR INTERJURISDICTIONAL DISASTER AGENCY,
10 AS DESCRIBED IN SECTION 24-33.5-707 (4), OR OTHER PERSON, IDENTIFIED
11 PURSUANT TO SECTION 24-33.5-707 (6), RESPONSIBLE FOR LOCAL OR
12 INTERJURISDICTIONAL DISASTER PREPAREDNESS AND RESPONSE.

13 (c) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
14 THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

15 (d) "HOST JURISDICTION" MEANS THE JURISDICTION HAVING
16 AUTHORITY OVER THE DISASTER OR EMERGENCY.

17 (e) "INCIDENT COMMAND SYSTEM" HAS THE MEANING SET FORTH
18 IN SECTION 29-22.5-102 (3), C.R.S.

19 (f) "JURISDICTION" MEANS STATE AND TRIBAL AUTHORITIES AND
20 COUNTY, CITY, CITY AND COUNTY, TOWN, SPECIAL DISTRICT, OR OTHER
21 POLITICAL SUBDIVISIONS OF THE STATE.

22 (g) "MOBILIZATION" MEANS THE PROCESS OF PROVIDING, UPON
23 REQUEST AND SUBJECT TO AVAILABILITY, EMERGENCY RESOURCES
24 BEYOND THOSE AVAILABLE THROUGH EXISTING INTERJURISDICTIONAL OR
25 MUTUAL AID AGREEMENTS IN RESPONSE TO A REQUEST FROM A
26 JURISDICTION IN WHICH AN EMERGENCY OR DISASTER SITUATION OR LOCAL
27 EMERGENCY INCIDENT THAT HAS EXCEEDED OR WILL EXCEED THE

1 CAPABILITIES OF AVAILABLE LOCAL RESOURCES. THE TERM INCLUDES THE
2 NONHOST JURISDICTION'S AUTHORIZATION AND APPROVAL FOR
3 REDISTRIBUTION OF RESOURCES EITHER TO DIRECT EMERGENCY INCIDENT
4 ASSIGNMENTS OR TO ASSIGNMENT IN COMMUNITIES WHERE RESOURCES
5 ARE NEEDED TO PROVIDE COVERAGE WHEN THOSE COMMUNITIES'
6 RESOURCES HAVE BEEN MOBILIZED TO ASSIST OTHER JURISDICTIONS.

7 (h) "MOBILIZATION PLAN" MEANS THE STATEWIDE ALL-HAZARDS
8 RESOURCE MOBILIZATION PLAN DEVELOPED AND UTILIZED PURSUANT TO
9 THIS SECTION.

10 (i) "MOBILIZATION SYSTEM" MEANS THE STATEWIDE ALL-HAZARDS
11 RESOURCE MOBILIZATION SYSTEM CREATED UNDER THIS SECTION, WHICH
12 SYSTEM INCLUDES THE MOBILIZATION PLAN AND THE TECHNOLOGY AND
13 PERSONNEL NECESSARY TO MOBILIZE RESOURCES ACCORDING TO THE
14 PLAN.

15 (j) "MUTUAL AID" MEANS EMERGENCY INTERAGENCY ASSISTANCE
16 RENDERED PURSUANT TO AN AGREEMENT BETWEEN THE JURISDICTIONS
17 RENDERING AND RECEIVING ASSISTANCE.

18 (k) "NONHOST JURISDICTION" MEANS A JURISDICTION PROVIDING
19 DISASTER OR EMERGENCY RESPONSE RESOURCES TO A HOST JURISDICTION.

20 (l) "UNIFIED COMMAND" HAS THE MEANING SET FORTH IN SECTION
21 29-22.5-102 (8), C.R.S.

22 (3) **Powers and duties.** (a) THE DIRECTOR SHALL DEVELOP AND
23 MAINTAIN A STATEWIDE ALL-HAZARDS RESOURCE MOBILIZATION PLAN
24 THAT SETS FORTH PROCEDURES FOR MOBILIZATION, ALLOCATION,
25 DEPLOYMENT, COORDINATION, TRACKING, COST ACCOUNTING, AND
26 DEMOBILIZATION OF RESOURCES DURING DISASTERS AND OTHER
27 LARGE-SCALE EMERGENCIES AND LOCAL INCIDENTS THAT REQUIRE MORE

1 RESOURCES THAN THOSE AVAILABLE UNDER ANY EXISTING
2 INTERJURISDICTIONAL OR MUTUAL AID AGREEMENT. IN DEVELOPING THE
3 MOBILIZATION PLAN, THE DIRECTOR SHALL CONSULT WITH AND SOLICIT
4 RECOMMENDATIONS FROM THE HOMELAND SECURITY AND ALL-HAZARDS
5 SENIOR ADVISORY COMMITTEE CREATED IN SECTION 24-33.5-1614 AND
6 OTHER APPROPRIATE REPRESENTATIVES OF STATE, TRIBAL, AND LOCAL
7 GOVERNMENTAL AND PRIVATE SECTOR EMERGENCY MANAGEMENT
8 ORGANIZATIONS. THE DIRECTOR SHALL ENSURE THAT THE MOBILIZATION
9 PLAN IS CONSISTENT WITH, AND INCORPORATED INTO, THE COLORADO
10 STATE EMERGENCY OPERATIONS PLAN.

11 (b) (I) THE EXECUTIVE DIRECTOR IS RESPONSIBLE FOR
12 IMPLEMENTING THE MOBILIZATION PLAN, COORDINATING THE
13 MOBILIZATION OF RESOURCES, AND MAKING A DETERMINATION AS TO
14 POST-MOBILIZATION REIMBURSEMENT TO STATE AND NONHOST
15 JURISDICTIONS, IN ACCORDANCE WITH THIS SECTION, OTHER APPLICABLE
16 LAWS, AND THE MOBILIZATION PLAN, WHEN THE EXECUTIVE DIRECTOR
17 DETERMINES IT IS NECESSARY TO DO SO TO PROTECT LIFE, PROPERTY,
18 THE ENVIRONMENT, AND CULTURAL AND ECONOMIC RESOURCES.

19 (II) THE EXECUTIVE DIRECTOR SHALL SERVE AS STATE RESOURCE
20 MOBILIZATION LIAISON WHEN THE MOBILIZATION PLAN IS IMPLEMENTED.

21 (4) **Mobilization.** (a) (I) THE EXECUTIVE DIRECTOR MAY
22 ORDER THE IMPLEMENTATION OF THE STATE RESOURCE MOBILIZATION
23 PLAN PURSUANT TO THIS SECTION ONLY IF HE OR SHE RECEIVES A REQUEST
24 TO DO SO FROM THE GOVERNOR, SHERIFF, EMERGENCY MANAGER, OR
25 OTHER AUTHORIZED PERSON IDENTIFIED IN THE STATE RESOURCE
26 MOBILIZATION PLAN.

27 (II) THE EXECUTIVE DIRECTOR SHALL GRANT A MOBILIZATION

1 REQUEST MADE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a)
2 IF THE EXECUTIVE DIRECTOR DETERMINES THAT THE REQUEST IS IN
3 RESPONSE TO A LARGE-SCALE EMERGENCY, DISASTER, OR OTHER LOCAL
4 INCIDENT THAT EXCEEDS OR WILL EXCEED THE CAPABILITIES OF
5 AVAILABLE LOCAL RESOURCES AND THOSE RESOURCES AVAILABLE
6 THROUGH EXISTING MUTUAL AID AGREEMENTS.

7 (III) UPON RECEIVING A REQUEST FOR MOBILIZATION AND FINDING
8 THAT THE REQUEST COMPLIES WITH THE APPROVAL REQUIREMENTS
9 ESTABLISHED IN THE MOBILIZATION PLAN AND THAT EITHER THE LOCAL
10 JURISDICTION HAS EXHAUSTED OR WILL EXHAUST ALL AVAILABLE
11 RESOURCES, OR THAT THE COMPLEXITY OR SEVERITY OF THE INCIDENT
12 REQUIRES RESOURCES NOT OTHERWISE AVAILABLE TO THE LOCAL
13 JURISDICTION, THE EXECUTIVE DIRECTOR SHALL DETERMINE WHETHER TO
14 IMPLEMENT MOBILIZATION IN ACCORDANCE WITH THE MOBILIZATION
15 PLAN. IF SO, THE EXECUTIVE DIRECTOR SHALL MOBILIZE STATE AND
16 NONHOST JURISDICTIONS IN ACCORDANCE WITH THE MOBILIZATION PLAN.

17 (IV) THE EXECUTIVE DIRECTOR MAY CONSIDER RESOURCES THAT
18 HAVE ALREADY BEEN DEPLOYED TO ADDRESS AN INCIDENT TO BE
19 MOBILIZED FOR THE PURPOSE OF REIMBURSEMENT OR COST-SHARING
20 UNDER THE MOBILIZATION PLAN.

21 (b) UPON AND FOR THE DURATION OF MOBILIZATION:

22 (I) THE EXECUTIVE DIRECTOR SHALL SERVE AS A RESOURCE
23 MOBILIZATION LIAISON TO THE LOCAL UNIFIED COORDINATION GROUP,
24 INCIDENT COMMANDER, OR THE HOST JURISDICTION'S DISASTER AGENCY
25 UNDER UNIFIED COMMAND TO SUPPORT THE MOBILIZATION EFFORT
26 CONSISTENT WITH THE INCIDENT COMMAND SYSTEM AND MOBILIZATION
27 PLAN AND PROCEDURES;

1 (II) THE RESOURCES, INCLUDING THOSE OF THE HOST JURISDICTION
2 AND THOSE OF NONHOST JURISDICTIONS THAT RESPONDED EARLIER UNDER
3 AN EXISTING INTERJURISDICTIONAL OR MUTUAL AID OR OTHER
4 AGREEMENT, MAY REMAIN MOBILIZED, BASED ON CAPABILITY TO DO SO
5 AND PURSUANT TO AGREEMENT BETWEEN THE EXECUTIVE DIRECTOR, THE
6 INCIDENT COMMANDER, AND THE HOST JURISDICTION OR NONHOST
7 JURISDICTION THAT PROVIDED THE RESOURCES;

8 (III) THE REASSIGNMENT OR REALLOCATION OF RESOURCES DUE
9 TO MULTIPLE CONCURRENT INCIDENTS OR OTHER SITUATIONS OF
10 RESOURCE SCARCITY SHALL BE PRIORITIZED PURSUANT TO THE POLICIES
11 AND PROCEDURES SPECIFIED IN THE MOBILIZATION PLAN.

12 (IV) ANY LIMITS ON OR EXEMPTION FROM LIABILITY TO WHICH THE
13 JURISDICTIONS PROVIDING RESOURCES IN RESPONSE TO A MOBILIZATION
14 EFFECTED UNDER THIS SECTION ARE ENTITLED UNDER LAW APPLY AS
15 THOUGH THE JURISDICTIONS WERE OPERATING UNDER THEIR NORMAL
16 STATUTORY AUTHORITIES WITHIN THEIR JURISDICTIONAL BOUNDARIES.

17 (c) THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE
18 LOCAL INCIDENT COMMANDER, SHALL DETERMINE WHEN MOBILIZATION IS
19 NO LONGER REQUIRED AND, AT THAT TIME, SHALL DECLARE THE END TO
20 THE MOBILIZATION.

21 (5) **Reimbursement.** (a) THE DIRECTOR, IN CONSULTATION WITH
22 THE OFFICE OF STATE PLANNING AND BUDGETING CREATED IN SECTION
23 24-37-102, SHALL DEVELOP PROCEDURES TO FACILITATE REIMBURSEMENT
24 TO STATE AGENCIES AND JURISDICTIONS FROM APPROPRIATE FEDERAL AND
25 STATE FUNDS WHEN STATE AGENCIES AND JURISDICTIONS ARE MOBILIZED
26 BY THE EXECUTIVE DIRECTOR PURSUANT TO THE MOBILIZATION PLAN. THE
27 DIRECTOR SHALL ENSURE THAT THESE PROCEDURES PROVIDE

1 REIMBURSEMENT IN AS TIMELY A MANNER AS POSSIBLE.

2 (b) (I) IN ORDER TO BE ELIGIBLE FOR SUPPORT UNDER THE
3 MOBILIZATION PLAN, A JURISDICTION MUST BE MOBILIZED PURSUANT TO
4 SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (4) OF THIS
5 SECTION AND MUST BE PARTICIPATING IN AN INTERJURISDICTIONAL OR
6 MUTUAL AID AGREEMENT ENTERED INTO PURSUANT TO THIS PART 7.

7 (II) ALL MOBILIZED NONHOST JURISDICTIONS ARE ELIGIBLE FOR
8 EXPENSE REIMBURSEMENT FROM THE TIME OF THE MOBILIZATION
9 DECLARATION THROUGH DEMOBILIZATION.

10 (6) **Resource mobilization fund.** (a) THERE IS HEREBY CREATED
11 IN THE STATE TREASURY THE RESOURCE MOBILIZATION FUND, WHICH FUND
12 SHALL BE ADMINISTERED BY THE EXECUTIVE DIRECTOR, IN ACCORDANCE
13 WITH PARAGRAPH (b) OF THIS SUBSECTION (6), TO PROVIDE
14 REIMBURSEMENT TO STATE AGENCIES AND JURISDICTIONS MOBILIZED BY
15 THE EXECUTIVE DIRECTOR PURSUANT TO THIS SECTION. THE EXECUTIVE
16 DIRECTOR IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS,
17 REIMBURSEMENTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR
18 THE PURPOSES OF THIS SECTION. THE FUND CONSISTS OF ALL MONEYS
19 THAT MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY AND
20 ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS,
21 REIMBURSEMENTS, OR DONATIONS THAT ARE TRANSMITTED TO THE STATE
22 TREASURER AND CREDITED TO THE FUND. ALL INTEREST EARNED FROM
23 THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE
24 FUND. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY
25 APPROPRIATED FOR THE PURPOSES INDICATED IN THIS SECTION. ANY
26 MONEYS NOT EXPENDED AT THE END OF THE FISCAL YEAR SHALL REMAIN
27 IN THE FUND AND SHALL NOT BE TRANSFERRED TO OR REVERT TO THE

1 GENERAL FUND.

2 (b) THE EXECUTIVE DIRECTOR SHALL USE THE MONEYS IN THE
3 RESOURCE MOBILIZATION FUND TO PROVIDE REIMBURSEMENT TO STATE
4 AGENCIES AND JURISDICTIONS FOR WILDFIRES IN ACCORDANCE WITH THE
5 TERMS OF THE MOBILIZATION PLAN.

6 (7) (a) NOTHING IN THIS SECTION LIMITS THE POWERS OF THE
7 GOVERNOR DURING A DISASTER UNDER 24-33.5-704.

8 (b) EXCEPT AS EXPRESSLY PROVIDED IN THIS SECTION, NOTHING IN
9 THIS SECTION LIMITS THE ELIGIBILITY OF ANY NONHOST JURISDICTION FOR
10 REIMBURSEMENT OF EXPENSES INCURRED IN PROVIDING RESOURCES FOR
11 MOBILIZATION.

12 (c) NOTHING IN THIS SECTION PRECLUDES A STATE OR LOCAL
13 GOVERNMENTAL ENTITY FROM SEEKING PUBLIC ASSISTANCE FUNDING
14 PURSUANT TO THE FEDERAL "ROBERT T. STAFFORD DISASTER RELIEF AND
15 EMERGENCY ASSISTANCE ACT", AS AMENDED, 42 U.S.C. SEC. 5121 ET
16 SEQ.

17
18 **SECTION 2. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.