

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

January 31, 2013
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB13-1031 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, line 6, after "**eligibility -**" insert "**resource**
2 **mobilization fund - creation -**".

3 Page 4, after line 12 insert:

4 "(c) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
5 THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE."

6 Reletter succeeding paragraphs accordingly.

7 Page 4, line 27, before "REDISTRIBUTION" insert "NONHOST
8 JURISDICTION'S AUTHORIZATION AND APPROVAL FOR".

9 Page 6, strike line 8 and substitute:

10 "(b) (I) THE EXECUTIVE DIRECTOR IS".

11 Page 6, line 9, strike "MOBILIZING RESOURCES FROM" and substitute
12 "IMPLEMENTING THE MOBILIZATION PLAN, COORDINATING THE
13 MOBILIZATION OF RESOURCES, AND MAKING A DETERMINATION AS TO
14 POST-MOBILIZATION REIMBURSEMENT TO".

15 Page 6, line 10, strike "SECTION" and substitute "SECTION, OTHER
16 APPLICABLE LAWS,".

- 1 Page 6, line 11, strike "OR HIS OR HER".
- 2 Page 6, line 12, strike "DESIGNEE".
- 3 Page 6, strike line 15 and substitute:
- 4 "(II) THE EXECUTIVE DIRECTOR SHALL SERVE AS".
- 5 Page 6, line 16, strike "COORDINATOR" and substitute "MOBILIZATION
6 LIAISON".
- 7 Page 6, line 18, strike "DIRECTOR, OR HIS OR" and substitute "DIRECTOR".
- 8 Page 6, line 19, strike "HIS OR HER DESIGNEE," and strike "MOBILIZATION"
9 and substitute "THE IMPLEMENTATION OF THE STATE RESOURCE
10 MOBILIZATION PLAN".
- 11 Page 6, line 20, strike "GOVERNOR" and substitute "GOVERNOR, SHERIFF,".
- 12 Page 6, strike lines 21 through 23 and substitute "EMERGENCY MANAGER,
13 OR OTHER AUTHORIZED PERSON IDENTIFIED IN THE STATE RESOURCE
14 MOBILIZATION PLAN.
- 15 (II) THE EXECUTIVE DIRECTOR SHALL GRANT A MOBILIZATION
16 REQUEST MADE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a)
17 IF THE EXECUTIVE DIRECTOR DETERMINES THAT THE REQUEST IS IN
18 RESPONSE TO A LARGE-SCALE EMERGENCY,".
- 19 Page 7, line 1, after "THAT" insert "THE REQUEST COMPLIES WITH THE
20 APPROVAL REQUIREMENTS ESTABLISHED IN THE MOBILIZATION PLAN AND
21 THAT EITHER".
- 22 Page 7, strike lines 2 through 5 and substitute "AVAILABLE RESOURCES,
23 OR THAT THE COMPLEXITY OR SEVERITY OF THE INCIDENT REQUIRES
24 RESOURCES NOT OTHERWISE AVAILABLE TO THE LOCAL JURISDICTION, THE
25 EXECUTIVE DIRECTOR SHALL DETERMINE WHETHER TO IMPLEMENT
26 MOBILIZATION IN ACCORDANCE WITH THE MOBILIZATION PLAN. IF SO, THE
27 EXECUTIVE DIRECTOR SHALL MOBILIZE STATE AND NONHOST
28 JURISDICTIONS IN ACCORDANCE WITH THE".
- 29 Page 7, after line 6 insert:

1 "(IV) THE EXECUTIVE DIRECTOR MAY CONSIDER RESOURCES THAT
2 HAVE ALREADY BEEN DEPLOYED TO ADDRESS AN INCIDENT TO BE
3 MOBILIZED FOR THE PURPOSE OF REIMBURSEMENT OR COST-SHARING
4 UNDER THE MOBILIZATION PLAN."

5 Page 7, strike lines 8 and 9 and substitute:

6 "(I) THE EXECUTIVE DIRECTOR SHALL SERVE AS A RESOURCE
7 MOBILIZATION LIAISON TO THE LOCAL UNIFIED COORDINATION GROUP,
8 INCIDENT COMMANDER, OR THE HOST JURISDICTION'S".

9 Page 7, line 10, strike the second "COMMAND" and substitute "SUPPORT".

10 Page 7, line 13, strike "ALL" and substitute "THE".

11 Page 7, line 16, strike "MUST BE MOBILIZED;" and substitute "MAY REMAIN
12 MOBILIZED, BASED ON CAPABILITY TO DO SO AND PURSUANT TO
13 AGREEMENT BETWEEN THE EXECUTIVE DIRECTOR, THE INCIDENT
14 COMMANDER, AND THE HOST JURISDICTION OR NONHOST JURISDICTION
15 THAT PROVIDED THE RESOURCES;"

16 Page 7, strike lines 17 through 22 and substitute:

17 "(III) THE REASSIGNMENT OR REALLOCATION OF RESOURCES DUE
18 TO MULTIPLE CONCURRENT INCIDENTS OR OTHER SITUATIONS OF
19 RESOURCE SCARCITY SHALL BE PRIORITIZED PURSUANT TO THE POLICIES
20 AND PROCEDURES SPECIFIED IN THE MOBILIZATION PLAN."

21 Page 8, line 1, strike "STATE".

22 Page 8, line 2, strike "RESOURCE COORDINATOR AND LOCAL" and
23 substitute "LOCAL INCIDENT".

24 Page 8, line 14, after "BE" insert "MOBILIZED PURSUANT TO
25 SUBPARAGRAPH (III) OF PARAGRAPH (a) OF SUBSECTION (4) OF THIS
26 SECTION AND MUST BE".

27 Page 8, after line 19 insert:

28 "**(6) Resource mobilization fund.** (a) THERE IS HEREBY CREATED
29 IN THE STATE TREASURY THE RESOURCE MOBILIZATION FUND, WHICH FUND

1 SHALL BE ADMINISTERED BY THE EXECUTIVE DIRECTOR, IN ACCORDANCE
2 WITH PARAGRAPH (b) OF THIS SUBSECTION (6), TO PROVIDE
3 REIMBURSEMENT TO STATE AGENCIES AND JURISDICTIONS MOBILIZED BY
4 THE EXECUTIVE DIRECTOR PURSUANT TO THIS SECTION. THE EXECUTIVE
5 DIRECTOR IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS,
6 REIMBURSEMENTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR
7 THE PURPOSES OF THIS SECTION. THE FUND CONSISTS OF ALL MONEYS
8 THAT MAY BE APPROPRIATED THERETO BY THE GENERAL ASSEMBLY AND
9 ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS,
10 REIMBURSEMENTS, OR DONATIONS THAT ARE TRANSMITTED TO THE STATE
11 TREASURER AND CREDITED TO THE FUND. ALL INTEREST EARNED FROM
12 THE INVESTMENT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE
13 FUND. THE MONEYS IN THE FUND ARE HEREBY CONTINUOUSLY
14 APPROPRIATED FOR THE PURPOSES INDICATED IN THIS SECTION. ANY
15 MONEYS NOT EXPENDED AT THE END OF THE FISCAL YEAR SHALL REMAIN
16 IN THE FUND AND SHALL NOT BE TRANSFERRED TO OR REVERT TO THE
17 GENERAL FUND.

18 (b) THE EXECUTIVE DIRECTOR SHALL USE THE MONEYS IN THE
19 RESOURCE MOBILIZATION FUND TO PROVIDE REIMBURSEMENT TO STATE
20 AGENCIES AND JURISDICTIONS FOR WILDFIRES IN ACCORDANCE WITH THE
21 TERMS OF THE MOBILIZATION PLAN."

22 Page 8, line 20, strike "(6)" and substitute "(7)".

23 Page 9, strike lines 4 through 14.

24 Renumber succeeding section accordingly.

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