

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0120.01 Kate Meyer x4348

HOUSE BILL 13-1031

HOUSE SPONSORSHIP

Gerou, Levy

SENATE SPONSORSHIP

Nicholson and Roberts,

House Committees
Judiciary

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 - definitions - legislative declaration.**

7 ~~(1) (a) The office of emergency management shall prepare a statewide~~
8 ~~resource mobilization system to provide for the allocation and~~
9 ~~deployment of resources in the event of a disaster or local incident that~~
10 ~~requires more resources than those available under any existing~~
11 ~~interjurisdictional or mutual aid agreement~~ THE GENERAL ASSEMBLY
12 HEREBY FINDS, DETERMINES, AND DECLARES THAT THE STATEWIDE
13 ALL-HAZARDS RESOURCE MOBILIZATION SYSTEM, WHICH PROVIDES FOR
14 EFFICIENT MOBILIZING, TRACKING, ALLOCATING, AND DEMOBILIZING
15 EMERGENCY RESOURCES AND ENSURES THAT A REQUESTING UNIT OF
16 GOVERNMENT RECEIVES PROPER EQUIPMENT AND QUALIFIED PERSONNEL,
17 IS NECESSARY TO PROVIDE RESOURCES TO ANY EMERGENCY INCIDENT
18 BEYOND LOCAL CAPABILITIES AND THUS NECESSARY TO PROTECT LIFE,
19 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) "HOST JURISDICTION" MEANS THE JURISDICTION HAVING
14 AUTHORITY OVER THE DISASTER OR EMERGENCY.

15 (d) "INCIDENT COMMAND SYSTEM" HAS THE MEANING SET FORTH
16 IN SECTION 29-22.5-102 (3), C.R.S.

17 (e) "JURISDICTION" MEANS STATE AND TRIBAL AUTHORITIES AND
18 COUNTY, CITY, CITY AND COUNTY, TOWN, SPECIAL DISTRICT, OR OTHER
19 POLITICAL SUBDIVISIONS OF THE STATE.

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

1 ASSIGNMENTS OR TO ASSIGNMENT IN COMMUNITIES WHERE RESOURCES
2 ARE NEEDED TO PROVIDE COVERAGE WHEN THOSE COMMUNITIES'
3 RESOURCES HAVE BEEN MOBILIZED TO ASSIST OTHER JURISDICTIONS.

4 (g) "MOBILIZATION PLAN" MEANS THE STATEWIDE ALL-HAZARDS
5 RESOURCE MOBILIZATION PLAN DEVELOPED AND UTILIZED PURSUANT TO
6 THIS SECTION.

7 (h) "MOBILIZATION SYSTEM" MEANS THE STATEWIDE
8 ALL-HAZARDS RESOURCE MOBILIZATION SYSTEM CREATED UNDER THIS
9 SECTION, WHICH SYSTEM INCLUDES THE MOBILIZATION PLAN AND THE
10 TECHNOLOGY AND PERSONNEL NECESSARY TO MOBILIZE RESOURCES
11 ACCORDING TO THE PLAN.

12 (i) "MUTUAL AID" MEANS EMERGENCY INTERAGENCY ASSISTANCE
13 RENDERED PURSUANT TO AN AGREEMENT BETWEEN THE JURISDICTIONS
14 RENDERING AND RECEIVING ASSISTANCE.

15 (j) "NONHOST JURISDICTION" MEANS A JURISDICTION PROVIDING
16 DISASTER OR EMERGENCY RESPONSE RESOURCES TO A HOST JURISDICTION.

17 (k) "UNIFIED COMMAND" HAS THE MEANING SET FORTH IN SECTION
18 29-22.5-102 (8), C.R.S.

19 (3) **Powers and duties.** (a) THE DIRECTOR SHALL DEVELOP AND
20 MAINTAIN A STATEWIDE ALL-HAZARDS RESOURCE MOBILIZATION PLAN
21 THAT SETS FORTH PROCEDURES FOR MOBILIZATION, ALLOCATION,
22 DEPLOYMENT, COORDINATION, TRACKING, COST ACCOUNTING, AND
23 DEMOBILIZATION OF RESOURCES DURING DISASTERS AND OTHER
24 LARGE-SCALE EMERGENCIES AND LOCAL INCIDENTS THAT REQUIRE MORE
25 RESOURCES THAN THOSE AVAILABLE UNDER ANY EXISTING
26 INTERJURISDICTIONAL OR MUTUAL AID AGREEMENT. IN DEVELOPING THE
27 MOBILIZATION PLAN, THE DIRECTOR SHALL CONSULT WITH AND SOLICIT

1 RECOMMENDATIONS FROM THE HOMELAND SECURITY AND ALL-HAZARDS
2 SENIOR ADVISORY COMMITTEE CREATED IN SECTION 24-33.5-1614 AND
3 OTHER APPROPRIATE REPRESENTATIVES OF STATE, TRIBAL, AND LOCAL
4 GOVERNMENTAL AND PRIVATE SECTOR EMERGENCY MANAGEMENT
5 ORGANIZATIONS. THE DIRECTOR SHALL ENSURE THAT THE MOBILIZATION
6 PLAN IS CONSISTENT WITH, AND INCORPORATED INTO, THE COLORADO
7 STATE EMERGENCY OPERATIONS PLAN.

8 (b) THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, IS
9 RESPONSIBLE FOR MOBILIZING RESOURCES FROM STATE AND NONHOST
10 JURISDICTIONS, IN ACCORDANCE WITH THIS SECTION AND THE
11 MOBILIZATION PLAN, WHEN THE EXECUTIVE DIRECTOR OR HIS OR HER
12 DESIGNEE DETERMINES IT IS NECESSARY TO DO SO TO PROTECT LIFE,
13 PROPERTY, THE ENVIRONMENT, AND CULTURAL AND ECONOMIC
14 RESOURCES.

15 (c) THE DIRECTOR, OR HIS OR HER DESIGNEE, SHALL SERVE AS
16 STATE RESOURCE COORDINATOR WHEN THE MOBILIZATION PLAN IS
17 IMPLEMENTED.

18 (4) **Mobilization.** (a) (I) THE EXECUTIVE DIRECTOR, OR HIS OR
19 HER DESIGNEE, MAY ORDER MOBILIZATION PURSUANT TO THIS SECTION
20 ONLY IF HE OR SHE RECEIVES A REQUEST TO DO SO FROM THE GOVERNOR
21 OR FROM AN EMERGENCY MANAGER.

22 (II) AN EMERGENCY MANAGER MAY REQUEST MOBILIZATION ONLY
23 IF THE REQUEST IS IN RESPONSE TO A LARGE-SCALE EMERGENCY,
24 DISASTER, OR OTHER LOCAL INCIDENT THAT EXCEEDS OR WILL EXCEED THE
25 CAPABILITIES OF AVAILABLE LOCAL RESOURCES AND THOSE RESOURCES
26 AVAILABLE THROUGH EXISTING MUTUAL AID AGREEMENTS.

27 (III) UPON RECEIVING A REQUEST FOR MOBILIZATION AND FINDING

1 THAT THE LOCAL JURISDICTION HAS EXHAUSTED OR WILL EXHAUST ALL
2 AVAILABLE RESOURCES, THE EXECUTIVE DIRECTOR OR HIS OR HER
3 DESIGNEE SHALL DETERMINE WHETHER MOBILIZATION IS THE APPROPRIATE
4 RESPONSE TO THE EMERGENCY OR DISASTER. IF SO, THE EXECUTIVE
5 DIRECTOR SHALL MOBILIZE NONHOST JURISDICTIONS UNDER THE
6 MOBILIZATION PLAN.

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

8 (I) THE STATE RESOURCE COORDINATOR AND ASSIGNED STAFF
9 SHALL SERVE JOINTLY WITH THE COMMANDER OF THE HOST JURISDICTION'S
10 DISASTER AGENCY UNDER UNIFIED COMMAND TO COMMAND THE
11 MOBILIZATION EFFORT CONSISTENT WITH THE INCIDENT COMMAND
12 SYSTEM AND MOBILIZATION PLAN AND PROCEDURES;

13 (II) ALL RESOURCES, INCLUDING THOSE OF THE HOST JURISDICTION
14 AND THOSE OF NONHOST JURISDICTIONS THAT RESPONDED EARLIER UNDER
15 AN EXISTING INTERJURISDICTIONAL OR MUTUAL AID OR OTHER
16 AGREEMENT, MUST BE MOBILIZED;

17 (III) PURSUANT TO THE MOBILIZATION PLAN, THE HOST
18 JURISDICTION'S DISASTER AGENCY RESOURCES ARE THE STATE
19 MOBILIZATION RESOURCES UNDER THE UNIFIED COMMAND OF THE STATE
20 RESOURCE COORDINATOR AND THE COMMANDER OF THE HOST
21 JURISDICTION AND SHALL BE ADMINISTERED CONSISTENT WITH THE
22 MOBILIZATION PLAN AND INCIDENT COMMAND SYSTEM PROCEDURES; AND

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

1 (c) THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE STATE
2 RESOURCE COORDINATOR AND LOCAL COMMANDER, SHALL DETERMINE
3 WHEN MOBILIZATION IS NO LONGER REQUIRED AND, AT THAT TIME, SHALL
4 DECLARE THE END TO THE MOBILIZATION.

5 (5) **Reimbursement.** (a) THE DIRECTOR, IN CONSULTATION WITH
6 THE OFFICE OF STATE PLANNING AND BUDGETING CREATED IN SECTION
7 24-37-102, SHALL DEVELOP PROCEDURES TO FACILITATE REIMBURSEMENT
8 TO STATE AGENCIES AND JURISDICTIONS FROM APPROPRIATE FEDERAL AND
9 STATE FUNDS WHEN STATE AGENCIES AND JURISDICTIONS ARE MOBILIZED
10 BY THE EXECUTIVE DIRECTOR PURSUANT TO THE MOBILIZATION PLAN. THE
11 DIRECTOR SHALL ENSURE THAT THESE PROCEDURES PROVIDE
12 REIMBURSEMENT IN AS TIMELY A MANNER AS POSSIBLE.

13 (b) (I) IN ORDER TO BE ELIGIBLE FOR SUPPORT UNDER THE
14 MOBILIZATION PLAN, A JURISDICTION MUST BE PARTICIPATING IN AN
15 INTERJURISDICTIONAL OR MUTUAL AID AGREEMENT ENTERED INTO
16 PURSUANT TO THIS PART 7.

17 (II) ALL MOBILIZED NONHOST JURISDICTIONS ARE ELIGIBLE FOR
18 EXPENSE REIMBURSEMENT FROM THE TIME OF THE MOBILIZATION
19 DECLARATION THROUGH DEMOBILIZATION.

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

22 (b) EXCEPT AS EXPRESSLY PROVIDED IN THIS SECTION, NOTHING IN
23 THIS SECTION LIMITS THE ELIGIBILITY OF ANY NONHOST JURISDICTION FOR
24 REIMBURSEMENT OF EXPENSES INCURRED IN PROVIDING RESOURCES FOR
25 MOBILIZATION.

26 (c) NOTHING IN THIS SECTION PRECLUDES A STATE OR LOCAL
27 GOVERNMENTAL ENTITY FROM SEEKING PUBLIC ASSISTANCE FUNDING

1 PURSUANT TO THE FEDERAL "ROBERT T. STAFFORD DISASTER RELIEF AND
2 EMERGENCY ASSISTANCE ACT", AS AMENDED, 42 U.S.C. SEC. 5121 ET
3 SEQ.

4 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-713, **amend**
5 (1) as follows:

6 **24-33.5-713. Mutual aid.** (1) THE OFFICE OF EMERGENCY
7 MANAGEMENT SHALL ENCOURAGE AND ASSIST political subdivisions not
8 participating in interjurisdictional arrangements pursuant to this part 7
9 ~~nevertheless shall be encouraged and assisted by the office of emergency~~
10 ~~management to conclude~~ ENTER INTO suitable arrangements for furnishing
11 mutual aid in coping with disasters. The arrangements ~~shall~~ MUST include
12 provision of aid by persons and units in public employ AND, WHENEVER
13 POSSIBLE, SHOULD BE WRITTEN WITHOUT STATED LIMITATIONS AS TO
14 RESOURCES AVAILABLE, TIME, OR AREA.

15 **SECTION 3. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.