

Part 3 Statewide Mutual Aid Act

53-2a-301 Title.

This part is known as the "Statewide Mutual Aid Act."

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-302 Definitions.

As used in this part:

- (1) "Emergency responder":
 - (a) means a person in the public or private sector:
 - (i) who has special skills, qualification, training, knowledge, or experience, whether or not possessing a license, certificate, permit, or other official recognition for the skills, qualification, training, knowledge, or experience, that would benefit a participating political subdivision in responding to a locally declared emergency or in an authorized drill or exercise; and
 - (ii) whom a participating political subdivision requests or authorizes to assist in responding to a locally declared emergency or in an authorized drill or exercise; and
 - (b) includes:
 - (i) a law enforcement officer;
 - (ii) a firefighter;
 - (iii) an emergency medical services worker;
 - (iv) a physician, nurse, or other public health worker;
 - (v) an emergency management official;
 - (vi) a public works worker;
 - (vii) a building inspector;
 - (viii) an architect, engineer, or other design professional; or
 - (ix) a person with specialized equipment operations skills or training or with any other skills needed to provide aid in a declared emergency.
- (2) "Participating political subdivision" means each county, municipality, public safety district, and public safety interlocal entity that has not adopted a resolution under Section 53-2a-306 withdrawing itself from the statewide mutual aid system.
- (3) "Public safety district" means a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, that provides public safety service.
- (4) "Public safety interlocal entity" means an interlocal entity under Title 11, Chapter 13, Interlocal Cooperation Act, that provides public safety service.
- (5) "Public safety service" means a service provided to the public to protect life and property and includes fire protection, police protection, emergency medical service, and hazardous material response service.
- (6) "Requesting political subdivision" means a participating political subdivision that requests emergency assistance under Section 53-2a-207 from one or more other participating political subdivisions.
- (7) "Responding political subdivision" means a participating political subdivision that responds to a request under Section 53-2a-307 from a requesting political subdivision.
- (8) "State" means the state of Utah.

- (9) "Statewide mutual aid system" or "system" means the aggregate of all participating political subdivisions and the state.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-303 Statewide mutual aid committee.

- (1)
- (a) There is established a statewide mutual aid committee consisting of:
 - (i) the director, who shall chair the committee;
 - (ii) one or more representatives from state agencies that provide public safety service, appointed by the director;
 - (iii) one or more representatives of counties, appointed by the director after considering recommendations from the Utah Association of Counties;
 - (iv) one or more representatives of municipalities, appointed by the director after considering recommendations from the Utah League of Cities and Towns; and
 - (v) one or more representatives of public safety districts and public safety interlocal entities, appointed by the director after considering recommendations from the Utah Association of Special Districts.
 - (b) The term of each member appointed under Subsections (1)(a)(ii) through (v) shall be two years.
 - (c) A committee member may not receive compensation for service on the committee in addition to any compensation received as an employee or official of a state agency or participating political subdivision.
- (2) The committee shall meet at least annually to:
- (a) review the progress and status of the statewide mutual aid system;
 - (b) assist in developing methods to track and evaluate activation of the system; and
 - (c) examine issues facing participating political subdivisions regarding implementation of this part.
- (3) The committee shall develop comprehensive guidelines and procedures that address the operation of the system, including:
- (a) projected or anticipated costs of responding to emergencies;
 - (b) checklists for requesting and providing assistance;
 - (c) record keeping for participating political subdivisions;
 - (d) reimbursement procedures and other necessary implementation elements and necessary forms for requests; and
 - (e) other records documenting deployment and return of assets.
- (4) The committee may prepare an annual report on the condition and effectiveness of the statewide mutual aid system, make recommendations for correcting any deficiencies, and submit the report to an appropriate legislative committee.

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53-2a-304 Withdrawal from the statewide mutual aid system.

A county, municipality, public safety district, or public safety interlocal entity may withdraw from the statewide mutual aid system by:

- (1) enacting a resolution declaring that it elects not to participate in the system; and
- (2) delivering a copy of the resolution to the director.

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53-2a-305 Agreements not affected by this part.

Nothing in this part may be construed:

- (1) to limit the state, a county, municipality, local district, special service district, or interlocal entity from entering into an agreement allowed by law for public safety and related purposes; or
- (2) to affect an agreement to which the state, a county, municipality, local district, special service district, or interlocal entity is a party.

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53-2a-306 Duties of the Division of Emergency Management and participating political subdivisions.

- (1) The division shall:
 - (a) receive and maintain an inventory of the state and local services, equipment, supplies, personnel, and other resources related to participation in Title 53, Chapter 2a, Part 4, Emergency Management Assistance Compact, and this part; and
 - (b) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to prepare and coordinate a process and plans so that the division may assist political subdivisions that are acting as agents of the state in mobilizing or demobilizing available assets in response to an intrastate or interstate disaster as provided in Title 53, Chapter 2a, Part 4, Emergency Management Assistance Compact.
- (2) Each participating political subdivision in the Statewide Mutual Aid Act shall:
 - (a) identify potential hazards that could affect the participating political subdivision;
 - (b) conduct joint planning, intelligence sharing, and threat assessment development with contiguous participating political subdivisions and conduct joint training with them at least biennially;
 - (c) identify and inventory the services, equipment, supplies, personnel, and other resources related to participating political subdivision's planning, prevention, mitigation, response, and recovery activities; and
 - (d) adopt and implement the standardized incident management system approved by the division.

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53-2a-307 Requests for disaster assistance or assistance with an authorized drill or exercise.

- (1) The state or a participating political subdivision may request another participating political subdivision to assist:
 - (a) in preventing, mitigating, responding to, or recovering from a disaster, if the requesting political subdivision declares a local emergency or the state has declared a state of emergency; or
 - (b) with a drill or exercise that the state or requesting political subdivision has authorized.
- (2) Each request under Subsection (1) shall be:
 - (a) made by the chief executive officer of the state or participating political subdivision or the officer's designee; and
 - (b) reported as soon as practical to the director.
- (3)

- (a) A request under Subsection (1) may be communicated orally or in writing.
- (b) Each request communicated orally shall be reduced to writing and delivered to the other participating political subdivision:
 - (i) as soon as practical; or
 - (ii) within the number of days specified by the director.
- (4) In responding to a request under Subsection (1), a responding political subdivision may:
 - (a) donate assets of any kind to a requesting political subdivision; and
 - (b) withhold its resources to the extent necessary to provide reasonable protection and services for its own residents.
- (5) The emergency response personnel, equipment, and other assets of a responding political subdivision or the state shall be under the operational control of the incident management system of the state or requesting political subdivision, except to the extent that the exercise of operational control would result in a violation of a policy, standard, procedure, or protocol of the responding political subdivision or of the state.

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53-2a-308 Reimbursement -- Resolving reimbursement disputes.

- (1)
 - (a) Each requesting political subdivision shall reimburse each responding political subdivision providing assistance to the requesting political subdivision for any loss or damage suffered or expense or cost incurred by a responding political subdivision in the operation of equipment or in providing a service in response to a request under Section 53-2a-307.
 - (b) Notwithstanding Subsection (1)(a), a responding political subdivision may, in its discretion:
 - (i) assume some or all of the loss, damage, expense, or cost; or
 - (ii) loan equipment or donate services to the requesting political subdivision without charge.
- (2)
 - (a) A responding political subdivision may request reimbursement from a requesting political subdivision for the costs of providing disaster relief assistance.
 - (b) Each request for reimbursement shall comply with the procedures and criteria developed by the committee.
- (3) If a dispute concerning reimbursement arises between a requesting political subdivision and a responding political subdivision:
 - (a) the requesting political subdivision and responding political subdivision shall make every effort to resolve the dispute within 30 days after either provides written notice to the other of the other's noncompliance with applicable procedures or criteria; and
 - (b) if the dispute is not resolved within 90 days after the notice under Subsection (3)(a), either party may submit the dispute to the committee, whose decision shall be final.

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53-2a-309 Personnel responding to requests for assistance.

- (1) Each person or entity holding a license, certificate, or other permit evidencing qualification in a professional, mechanical, or other skill and responding to a request from a requesting political subdivision shall, while providing assistance during a declared emergency or during an authorized drill or exercise, be considered to be licensed, certified, or permitted in the requesting political subdivision, except as limited by the chief executive officer of the requesting political subdivision.

- (2) Each law enforcement officer rendering aid as provided in this part under the authority of a state of emergency declared by the governor, whether inside or outside the officer's jurisdiction, has all law enforcement powers and the same privileges and immunities that the officer has in the officer's own jurisdiction.
- (3) Each employee of a responding political subdivision responding to a request by or giving assistance to a requesting political subdivision or the state as provided in this part:
 - (a) is entitled to:
 - (i) all applicable workers compensation benefits for injury or death occurring as a result of the employee's participation in the response or assistance; and
 - (ii) any additional state or federal benefits available for line of duty injury or death; and
 - (b) is, for purposes of liability, considered to be an employee of the requesting political subdivision.
- (4) Each responding political subdivision and its employees are immune from liability arising out of their actions in responding to a request from a requesting political subdivision to the extent provided in Section 63G-7-201.

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53-2a-310 Severability.

A court order declaring any provision of this part unconstitutional or invalid may not be construed to affect the validity of any other provision of this part.

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