

STATEWIDE MUTUAL AID ACT

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: Dan R. Eastman

LONG TITLE

General Description:

This bill enacts provisions related to a statewide mutual aid system among political subdivisions of the state.

Highlighted Provisions:

This bill:

- ▶ establishes a statewide mutual aid system among participating political subdivisions that provide public safety service;
 - ▶ defines terms;
 - ▶ establishes a statewide mutual aid committee, provides for its membership, terms, and procedures, and prohibits compensation for its members;
 - ▶ allows a county, municipality, or public safety special district or interlocal entity to withdraw from the statewide mutual aid system;
 - ▶ provides for the duties of participating political subdivisions;
 - ▶ establishes a process for a participating political subdivision to request assistance from another participating political subdivision;
 - ▶ provides for reimbursement to be paid to a responding political subdivision;
 - ▶ establishes rules applicable to personnel who respond to a request for assistance;
- and
- ▶ enacts a severability provision.

Monies Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **53-2-401**, Utah Code Annotated 1953

34 **53-2-402**, Utah Code Annotated 1953

35 **53-2-403**, Utah Code Annotated 1953

36 **53-2-404**, Utah Code Annotated 1953

37 **53-2-405**, Utah Code Annotated 1953

38 **53-2-406**, Utah Code Annotated 1953

39 **53-2-407**, Utah Code Annotated 1953

40 **53-2-408**, Utah Code Annotated 1953

41 **53-2-409**, Utah Code Annotated 1953

42 **53-2-410**, Utah Code Annotated 1953



44 *Be it enacted by the Legislature of the state of Utah:*

45 Section 1. Section **53-2-401** is enacted to read:

46 **Part 4. Statewide Mutual Aid Act**

47 **53-2-401. Title.**

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

49 Section 2. Section **53-2-402** is enacted to read:

50 **53-2-402. Definitions.**

51 As used in this part:

52 (1) "Committee" means the statewide mutual aid committee established in Section

53 53-2-403.

54 (2) "Director" means the director of the division, appointed under Section 53-2-103.

55 (3) "Division" means the Division of Emergency Services and Homeland Security,

56 created under Section 53-2-103.

57 (4) "Emergency responder":

58 (a) means a person in the public or private sector:

59 (i) who has special skills, qualification, training, knowledge, or experience, whether or
 60 not possessing a license, certificate, permit, or other official recognition for the skills,
 61 qualification, training, knowledge, or experience, that would benefit a participating political
 62 subdivision in responding to a locally declared emergency or in an authorized drill or exercise;
 63 and

64 (ii) that a participating political subdivision requests or authorizes to assist in
 65 responding to a locally declared emergency or in an authorized drill or exercise; and

66 (b) includes:

67 (i) a law enforcement officer;

68 (ii) a firefighter;

69 (iii) an emergency medical services worker;

70 (iv) a physician, nurse, or other public health worker;

71 (v) an emergency management official;

72 (vi) a public works worker; ~~H~~→ [or]

72a **(vii) a building inspector;**

72b **(viii) an architect, engineer, or other design professional; or**

73 ~~(vii)~~ **(ix)** ~~←H~~ a person with specialized equipment operations skills or training
 73a or with any other

74 skills needed to provide aid in a declared emergency.

75 (5) "Participating political subdivision" means each county, municipality, public safety
 76 special district, and public safety interlocal entity that has not adopted a resolution under
 77 Section 53-2-406 withdrawing itself from the statewide mutual aid system.

78 (6) "Public safety interlocal entity" means an interlocal entity under Title 11, Chapter
 79 13, Interlocal Cooperation Act, that provides public safety service.

80 (7) "Public safety service" means a service provided to the public to protect life and
 81 property and includes fire protection, police protection, ~~H~~→ [and] ~~←H~~ emergency medical service
 81a ~~H~~→ , and hazardous material response service ~~←H~~ .

82 (8) "Public safety special district" means an independent special district under Title
 83 17A, Chapter 2, Independent Special Districts, or a local district under Title 17B, Chapter 2,
 84 Local Districts, that provides public safety service.

85 (9) "Requesting political subdivision" means a participating political subdivision that
 86 requests emergency assistance under Section 53-2-407 from one or more other participating
 87 political subdivisions.

88 (10) "Responding political subdivision" means a participating political subdivision that
 89 responds to a request under Section 53-2-407 from a requesting political subdivision.

90 (11) "Statewide mutual aid system" or "system" means the aggregate of all
 91 participating political subdivisions.

92 Section 3. Section **53-2-403** is enacted to read:

93 **53-2-403. Statewide mutual aid committee.**

94 (1) (a) There is established a statewide mutual aid committee consisting of:

95 (i) the director, who shall chair the committee;

96 (ii) one or more representatives from state ~~H~~→ [public safety] ←~~H~~ agencies ~~H~~→ that
 96a provide public safety service ←~~H~~ , appointed by the
 97 director;

98 (iii) one or more representatives of counties, appointed by the director after considering
 99 recommendations from the Utah Association of Counties;

100 (iv) one or more representatives of municipalities, appointed by the director after
 101 considering recommendations from the Utah League of Cities and Towns; and

102 (v) one or more representatives of public safety special districts and public safety
 103 interlocal entities, appointed by the director after considering recommendations from the Utah
 104 Association of Special Districts.

105 (b) The term of each member appointed under Subsections (1)(a)(ii) through (v) shall
 106 be two years.

107 (c) A committee member may not receive compensation for service on the committee
 108 in addition to any compensation received as an employee or official of a state agency or
 109 participating political subdivision.

110 (2) The committee shall meet at least annually to:

111 (a) review the progress and status of the statewide mutual aid system;

112 (b) assist in developing methods to track and evaluate activation of the system; and

113 (c) examine issues facing participating political subdivisions regarding implementation
 114 of this part.

115 (3) The committee shall develop comprehensive guidelines and procedures that address
 116 the operation of the system, including:

117 (a) projected or anticipated costs of responding to emergencies;

118 (b) checklists for requesting and providing assistance;

119 (c) record keeping for participating political subdivisions;

120 (d) reimbursement procedures and other necessary implementation elements and

121 necessary forms for requests; and

122 (e) other records documenting deployment and return of assets.

123 (4) The committee may prepare an annual report on the condition and effectiveness of

124 the statewide mutual aid system, make recommendations for correcting any deficiencies, and

125 submit the report to an appropriate legislative committee.

126 Section 4. Section **53-2-404** is enacted to read:

127 **53-2-404. Withdrawal from the statewide mutual aid system.**

128 A county, municipality, public safety special district, or public safety interlocal entity

129 may withdraw from the statewide mutual aid system by:

130 (1) enacting a resolution declaring that it elects not to participate in the system; and

131 (2) delivering a copy of the resolution to the director.

132 Section 5. Section **53-2-405** is enacted to read:

133 **53-2-405. Agreements not affected by this part.**

134 Nothing in this part may be construed:

135 (1) to limit a county, municipality, special district, or interlocal entity from entering
136 into an agreement allowed by law for public safety and related purposes; or

137 (2) to affect an agreement to which a county, municipality, special district, or interlocal
138 entity is a party.

139 Section 6. Section **53-2-406** is enacted to read:

140 **53-2-406. Duties of participating political subdivisions.**

141 Each participating political subdivision shall:

142 (1) identify potential hazards that could affect the participating political subdivision;

143 (2) conduct joint planning, intelligence sharing, and threat assessment development

144 with contiguous participating political subdivisions and conduct joint training with them at

145 least biennially;

146 (3) identify and inventory the services, equipment, supplies, personnel, and other

147 resources related to participating political subdivision's planning, prevention, mitigation,

148 response, and recovery activities; and

149 (4) adopt and implement the standardized incident management system approved by
150 the division.

151 Section 7. Section **53-2-407** is enacted to read:

152 **53-2-407. Requests for disaster assistance or with an authorized drill or exercise.**

153 (1) A participating political subdivision may request another participating political
154 subdivision to assist:

155 (a) in preventing, mitigating, responding to, or recovering from a disaster, if the
156 requesting political subdivision has declared a state of emergency; or

157 (b) with a drill or exercise that the requesting political subdivision has authorized.

158 (2) Each request under Subsection (1) shall be:

159 (a) made by the chief executive officer of the participating political subdivision, or the
160 officer's designee; and

161 (b) reported as soon as practical to the director.

162 (3) (a) A request under Subsection (1) may be communicated orally or in writing.

163 (b) Each request communicated orally shall be reduced to writing and delivered to the
164 other participating political subdivision:

165 (i) as soon as practical; or

166 (ii) in the number of days specified by the director.

167 (4) In responding to a request under Subsection (1), a responding political subdivision
168 may:

169 (a) donate assets of any kind to a requesting political subdivision; and

170 (b) withhold its resources to the extent necessary to provide reasonable protection and
171 services for its own residents.

172 (5) The emergency response personnel, equipment, and other assets of a responding
173 political subdivision shall be under the operational control of the incident management system
174 of the requesting political subdivision, except to the extent that the exercise of operational
175 control would result in a violation of a policy, standard, procedure, or protocol of the
176 responding political subdivision.

177 Section 8. Section **53-2-408** is enacted to read:

178 **53-2-408. Reimbursement -- Resolving reimbursement disputes.**

179 (1) (a) Each requesting political subdivision shall reimburse each responding political
180 subdivision providing assistance to the requesting political subdivision for any loss or damage
181 suffered or expense or cost incurred by a responding political subdivision in the operation of
182 equipment or in providing a service in response to a request under Section 53-2-407.

183 (b) Notwithstanding Subsection (1)(a), a responding political subdivision may, in its
184 discretion:

185 (i) assume some or all of the loss, damage, expense, or cost; or

186 (ii) loan equipment or donate services to the responding political subdivision without
187 charge.

188 (2) (a) A responding political subdivision may request reimbursement from a
189 requesting political subdivision for the costs of providing disaster relief assistance.

190 (b) Each request for reimbursement shall comply with the procedures and criteria
191 developed by the committee.

192 (3) If a dispute concerning reimbursement arises between a requesting political
193 subdivision and a responding political subdivision:

194 (a) the requesting political subdivision and responding political subdivision shall make
195 every effort to resolve the dispute within 30 days after either provides written notice to the
196 other of the other's noncompliance with applicable procedures or criteria; and

197 (b) if the dispute is not resolved within 90 days after the notice under Subsection (3)(a),
198 either party may submit the dispute to the committee, whose decision shall be final.

199 Section 9. Section **53-2-409** is enacted to read:

200 **53-2-409. Personnel responding to requests for assistance.**

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

207 (2) Each law enforcement officer rendering aid as provided in this part under the
208 authority of a state of emergency declared by the governor, whether inside or outside the
209 officer's jurisdiction, shall have all law enforcement powers and the same privileges and
210 immunities that the officer has in the officer's own jurisdiction.

211 (3) Each employee of a responding political subdivision responding to a request by or
212 giving assistance to a requesting political subdivision as provided in this part:

213 (a) is entitled to:

214 (i) all applicable workers compensation benefits for injury or death occurring as a
215 result of the employee's participation in the response or assistance; and

216 (ii) any additional state or federal benefits available for line of duty injury or death; and

217 (b) is, for purposes of liability, considered to be an employee of the requesting political
218 subdivision.

219 (4) Each responding political subdivision and its employees are immune from liability
220 arising out of their actions in responding to a request from a requesting political subdivision to
221 the extent provided in Section 63-30d-201.

222 Section 10. Section **53-2-410** is enacted to read:

223 **53-2-410. Severability.**

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

Legislative Review Note
as of 1-9-07 12:57 PM

Office of Legislative Research and General Counsel

H.B. 103 - Statewide Mutual Aid Act

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/16/2007, 2:33:25 PM, Lead Analyst: Ricks, G.

Office of the Legislative Fiscal Analyst