

1 STATEWIDE MUTUAL AID ACT

2 2007 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Curtis Oda

5 Senate Sponsor: Dan R. Eastman

7 LONG TITLE

8 General Description:

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

11 Highlighted Provisions:

12 This bill:

13 ▶ establishes a statewide mutual aid system among participating political subdivisions
14 that provide public safety service;

15 ▶ defines terms;

16 ▶ establishes a statewide mutual aid committee, provides for its membership, terms,
17 and procedures, and prohibits compensation for its members;

18 ▶ allows a county, municipality, or public safety special district or interlocal entity to
19 withdraw from the statewide mutual aid system;

20 ▶ provides for the duties of participating political subdivisions;

21 ▶ establishes a process for a participating political subdivision to request assistance
22 from another participating political subdivision;

23 ▶ provides for reimbursement to be paid to a responding political subdivision;

24 ▶ establishes rules applicable to personnel who respond to a request for assistance;

25 and

26 ▶ enacts a severability provision.

27 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

43

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;

73 (vii) a building inspector;

74 (viii) an architect, engineer, or other design professional; or

75 (ix) a person with specialized equipment operations skills or training or with any other
76 skills needed to provide aid in a declared emergency.

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

80 (6) "Public safety interlocal entity" means an interlocal entity under Title 11, Chapter
81 13, Interlocal Cooperation Act, that provides public safety service.

82 (7) "Public safety service" means a service provided to the public to protect life and
83 property and includes fire protection, police protection, emergency medical service, and
84 hazardous material response service.

85 (8) "Public safety special district" means an independent special district under Title

86 17A, Chapter 2, Independent Special Districts, or a local district under Title 17B, Chapter 2,
87 Local Districts, that provides public safety service.

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

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

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

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

96 **53-2-403. Statewide mutual aid committee.**

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

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

99 (ii) one or more representatives from state agencies that provide public safety service,
100 appointed by the director;

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

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

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

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

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

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

- 114 (a) review the progress and status of the statewide mutual aid system;
- 115 (b) assist in developing methods to track and evaluate activation of the system; and
- 116 (c) examine issues facing participating political subdivisions regarding implementation
- 117 of this part.

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

- 120 (a) projected or anticipated costs of responding to emergencies;
- 121 (b) checklists for requesting and providing assistance;
- 122 (c) record keeping for participating political subdivisions;
- 123 (d) reimbursement procedures and other necessary implementation elements and
- 124 necessary forms for requests; and
- 125 (e) other records documenting deployment and return of assets.

126 (4) The committee may prepare an annual report on the condition and effectiveness of
127 the statewide mutual aid system, make recommendations for correcting any deficiencies, and
128 submit the report to an appropriate legislative committee.

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

130 **53-2-404. Withdrawal from the statewide mutual aid system.**

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

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

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

136 **53-2-405. Agreements not affected by this part.**

137 Nothing in this part may be construed:

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

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

143 **53-2-406. Duties of participating political subdivisions.**

144 Each participating political subdivision shall:

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

146 (2) conduct joint planning, intelligence sharing, and threat assessment development
147 with contiguous participating political subdivisions and conduct joint training with them at
148 least biennially;

149 (3) identify and inventory the services, equipment, supplies, personnel, and other
150 resources related to participating political subdivision's planning, prevention, mitigation,
151 response, and recovery activities; and

152 (4) adopt and implement the standardized incident management system approved by
153 the division.

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

155 **53-2-407. Requests for disaster assistance or with an authorized drill or exercise.**

156 (1) A participating political subdivision may request another participating political
157 subdivision to assist:

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

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

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

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

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

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

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

168 (i) as soon as practical; or

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

170 (4) In responding to a request under Subsection (1), a responding political subdivision
171 may:
172 (a) donate assets of any kind to a requesting political subdivision; and
173 (b) withhold its resources to the extent necessary to provide reasonable protection and
174 services for its own residents.

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

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

181 **53-2-408. Reimbursement -- Resolving reimbursement disputes.**

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

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

- 188 (i) assume some or all of the loss, damage, expense, or cost; or
- 189 (ii) loan equipment or donate services to the responding political subdivision without
190 charge.

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

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

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

197 (a) the requesting political subdivision and responding political subdivision shall make

198 every effort to resolve the dispute within 30 days after either provides written notice to the
199 other of the other's noncompliance with applicable procedures or criteria; and

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

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

203 **53-2-409. Personnel responding to requests for assistance.**

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

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

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

216 (a) is entitled to:

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

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

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

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

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

226 **53-2-410. Severability.**

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