

1 **INTERSTATE LOCAL EMERGENCY RESPONSE ACT**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis Oda**

5 Senate Sponsor: Deidre M. Henderson

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts the Interstate Local Emergency Response Act.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ permits the governor to enter into an interstate emergency response agreement with
13 another state that enacts similar legislation to permit and establish procedures and
14 requirements relating to the sharing of emergency services between political
15 subdivisions of the states under circumstances where the provisions of Title 53,
16 Chapter 2, Part 2, Emergency Management Assistance Compact, do not apply;

17 ▶ describes requirements for an interstate emergency response agreement and a local
18 emergency response agreement; and

19 ▶ addresses authority, liability, immunity, and other considerations relating to a
20 person who responds to an emergency in accordance with the provisions of this bill.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill coordinates with H.B. 302, Emergency Response Amendments, by changing
25 the title, chapter, and section numbers included in this bill.

26 **Utah Code Sections Affected:**

27 ENACTS:

28 **63K-6-101**, Utah Code Annotated 1953

29 **63K-6-102**, Utah Code Annotated 1953

- 30 **63K-6-201**, Utah Code Annotated 1953
- 31 **63K-6-202**, Utah Code Annotated 1953
- 32 **63K-6-301**, Utah Code Annotated 1953
- 33 **63K-6-302**, Utah Code Annotated 1953
- 34 **63K-6-303**, Utah Code Annotated 1953
- 35 **63K-6-401**, Utah Code Annotated 1953
- 36 **63K-6-402**, Utah Code Annotated 1953
- 37 **63K-6-403**, Utah Code Annotated 1953

38

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

40 Section 1. Section **63K-6-101** is enacted to read:

41 **CHAPTER 6. INTERSTATE LOCAL EMERGENCY RESPONSE ACT**

42 **Part 1. General Provisions**

43 **63K-6-101. Title.**

44 (1) This chapter is known as the "Interstate Local Emergency Response Act."

45 (2) This part is known as "General Provisions."

46 Section 2. Section **63K-6-102** is enacted to read:

47 **63K-6-102. Definitions.**

48 As used in this chapter:

49 (1) "Assisting political subdivision" means a political subdivision that provides
50 emergency services to a political subdivision in another state in accordance with a local
51 emergency response agreement between the political subdivisions.

52 (2) "Certification" includes any license, certificate, permit, document, or other evidence
53 issued by a government entity that authorizes a person to engage in an activity, within the
54 person's scope of practice, that requires a specific skill set, education, expertise, or other
55 qualifications.

56 (3) "Emergency" means:

57 (a) a natural or man-made disaster, a riot, a civil disturbance, violence, criminal

58 activity, a fire, a flood, or extreme weather;

59 (b) an injury, illness, or other medical condition that requires an expedited response; or

60 (c) a circumstance that presents an imminent threat to life, property, or the public

61 health, safety, or welfare.

62 (4) "Emergency responder" means a person employed by, under contract with, or acting

63 as an official volunteer for a political subdivision of a state that provides emergency services,

64 including any of the following:

65 (a) a law enforcement officer;

66 (b) a firefighter;

67 (c) a provider of medical services or first aid;

68 (d) an explosives expert;

69 (e) a person who provides hazardous materials containment or cleanup; or

70 (f) another provider of emergency services.

71 (5) "Emergency services" means services provided by a public entity in response to an

72 emergency.

73 (6) "Interstate emergency response agreement" means an agreement described in

74 Subsection 63K-6-202(1) between Utah and another state authorizing a political subdivision in

75 Utah to enter into an agreement to provide emergency services to, and receive emergency

76 services from, a political subdivision in the other state.

77 (7) "Local emergency response agreement" means an agreement described in

78 Subsection 63K-6-202(2)(a) that is:

79 (a) between a political subdivision in Utah and a political subdivision in another state,

80 providing for the provision of emergency services to, or the receipt of emergency services

81 from, each other; and

82 (b) entered into under the provisions of this chapter.

83 (8) "Requesting political subdivision" means a political subdivision that requests

84 emergency services from a political subdivision in another state in accordance with a local

85 emergency response agreement between the political subdivisions.

86 Section 3. Section **63K-6-201** is enacted to read:

87 **Part 2. Emergency Response Agreements**

88 **63K-6-201. Title.**

89 This part is known as "Emergency Response Agreements."

90 Section 4. Section **63K-6-202** is enacted to read:

91 **63K-6-202. Interstate emergency response agreement -- Local emergency response**
92 **agreement.**

93 (1) The governor may enter into an interstate emergency response agreement with
94 another state, if the other state enacts a law substantially similar to this chapter, to permit and
95 establish procedures and requirements relating to the sharing of emergency services between
96 political subdivisions of the states under circumstances where the provisions of Title 53,
97 Chapter 2, Part 2, Emergency Management Assistance Compact, do not apply, including:

98 (a) when emergency responders in an assisting political subdivision may respond to an
99 emergency more easily, quickly, or at less cost than responders in a requesting political
100 subdivision;

101 (b) when a requesting political subdivision desires emergency responders in an
102 assisting political subdivision to provide additional resources or other assistance in response to
103 an emergency in the requesting political subdivision; or

104 (c) when emergency responders in a requesting political subdivision are unable to
105 respond, or unable to adequately respond, to an emergency in the requesting political
106 subdivision.

107 (2) An emergency response agreement shall:

108 (a) permit a political subdivision in one state to enter into a local emergency response
109 agreement with a political subdivision in another state to permit, and establish procedures and
110 requirements relating to, the sharing of emergency services described in Subsection (1) if the
111 agreement is consistent with the interstate emergency response agreement and the provisions of
112 this chapter;

113 (b) describe the circumstances under which an assisting political subdivision may

114 reject a request to provide resources to a requesting political subdivision;

115 (c) establish requirements relating to reimbursement of the assisting political
116 subdivision by the requesting political subdivision for any loss, damage, costs, compensation of
117 personnel, or other expenses incurred by the assisting political subdivision; and

118 (d) incorporate the provisions described in Part 3, Reciprocity, and Part 4,
119 Miscellaneous Provisions.

120 Section 5. Section **63K-6-301** is enacted to read:

121 **Part 3. Reciprocity**

122 **63K-6-301. Title.**

123 This part is known as "Reciprocity."

124 Section 6. Section **63K-6-302** is enacted to read:

125 **63K-6-302. Reciprocal immunity -- Limitation on liability.**

126 (1) An officer, employee, or agent of an assisting political subdivision who provides
127 assistance in responding to an emergency in Utah under an emergency response agreement:

128 (a) is protected from liability under the laws of Utah as if the officer, employee, or
129 agent of the assisting political subdivision is an officer, employee, or agent of Utah; and

130 (b) is considered an agent of the requesting political subdivision for the purposes of
131 tort liability and immunity.

132 (2) In addition to the protections described in Subsection (1), and except as provided in
133 Subsection (3), an assisting political subdivision, and each officer, employee, or agent of the
134 assisting political subdivision, who provides assistance in responding to an emergency in Utah
135 under an emergency response agreement is not liable for an act or omission performed in good
136 faith in providing the assistance, including the maintenance or use of equipment or supplies.

137 (3) The additional liability protection described in Subsection (2) does not apply to
138 misconduct that is willful, wanton, or reckless.

139 Section 7. Section **63K-6-303** is enacted to read:

140 **63K-6-303. Reciprocal authority.**

141 (1) An emergency responder from an assisting political subdivision outside of Utah

142 who responds to an emergency in a requesting political subdivision inside of Utah has the same
143 authority to act as an emergency responder of the same type in the requesting political
144 subdivision.

145 (2) An emergency responder from an assisting political subdivision outside of Utah
146 who responds to an emergency in a requesting political subdivision inside of Utah and who
147 holds a certification that is valid in the assisting political subdivision or in the assisting
148 political subdivision's state shall, during the emergency response, have the authority to act as if
149 the emergency responder holds the same certification in the requesting political subdivision or
150 in Utah, if the emergency responder's actions authorized by the certification are taken for the
151 purpose of responding to an emergency in the requesting political subdivision.

152 Section 8. Section **63K-6-401** is enacted to read:

153 **Part 4. Miscellaneous Provisions**

154 **63K-6-401. Title.**

155 This part is known as "Miscellaneous Provisions."

156 Section 9. Section **63K-6-402** is enacted to read:

157 **63K-6-402. Benefits in case of injury or death.**

158 An assisting political subdivision shall provide its officers who respond, under this
159 chapter, to an emergency in a requesting political subdivision and who, during the response, are
160 injured or die in the state of the requesting political subdivision with the same death benefits
161 and compensation, including workers' compensation, that the officers would be entitled to if
162 the emergency and response had occurred in the assisting political subdivision.

163 Section 10. Section **63K-6-403** is enacted to read:

164 **63K-6-403. Emergency Management Assistance Compact takes precedence.**

165 The provisions of Title 53, Chapter 2, Part 2, Emergency Management Assistance
166 Compact, supercede the provisions of this chapter for any period of time when a declared state
167 of emergency is in effect, under the Emergency Management Assistance Compact, with respect
168 to a requesting political subdivision.

169 Section 11. **Coordinating H.B. 125 with H.B. 302 -- Technical amendments.**

170 If this H.B. 125 and H.B. 302, Emergency Response Amendments, both pass and
171 become law, the Legislature intends that:

172 (1) Title 63K, Chapter 6, Interstate Local Emergency Response Act, in this H.B. 125 be
173 renumbered to Title 53, Chapter 2b, and that all section numbers and the corresponding
174 cross-references to those section numbers be changed from Title 63K, Chapter 6, Interstate
175 Local Emergency Response Act, to Title 53, Chapter 2b;

176 (2) in Sections 63K-6-202 and 63K-6-403 the references to "Title 53, Chapter 2" be
177 changed to "Title 53, Chapter 2a"; and

178 (3) the Office of Legislative Research and General Counsel make these changes in
179 preparing the Utah Code database for publication.