SENATE BILL No. 329

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-14-6.5; IC 34-30-2-35.8.

Synopsis: Interstate mutual aid agreements. Authorizes the state and local units of government to enter into agreements to provide interstate mutual aid for emergencies that may or may not initially be at a level requiring a state or local declaration of a state of emergency or disaster. Recognizes certain out-of-state professional licenses, certifications, or other permits when the state or a political subdivision requests mutual aid from jurisdictions outside Indiana. Provides immunity from civil liability to certain persons acting under such mutual aid agreements. Specifies that an emergency responder from outside Indiana rendering aid within Indiana under such a mutual aid agreement remains an employee and agent of the responder's employer and jurisdiction. Provides that benefits enjoyed by an emergency responder rendering aid under such a mutual aid agreement extend to the services the emergency responder performs outside the responder's jurisdiction as if those services had been rendered in the responder's own jurisdiction. Requires such mutual aid agreements to be approved in the same manner as interlocal cooperation agreements are approved.

Effective: Upon passage.

Arnold

January 10, 2011, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

C o p y

Introduced

First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

C o p y

SENATE BILL No. 329

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 10-14-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 6.5. Interstate Mutual Aid Agreements

Sec. 1. As used in this chapter, "emergency" means an occurrence or condition in a jurisdiction that results in a situation:

(1) that poses an immediate risk to health, life, property, or the environment;

(2) that may or may not initially be at the level of a disaster or emergency that requires a local or state declaration of disaster or emergency (even if such a local or state declaration of disaster or emergency is made after the initial request is made for mutual aid); and

(3) concerning which the governing jurisdiction determines:

(A) that the situation exceeds its ability to render appropriate aid; and

(B) that it is in the public's best interest to request mutual

aid from a governmental jurisdiction or private entity in another state with which the governing jurisdiction has entered into a mutual aid agreement under this chapter.

Sec. 2. (a) As used in this chapter, "emergency responder" means a person:

(1) who is required to possess a license, certificate, permit, or other official recognition of the person's expertise in a particular field or area of knowledge; and

(2) whose assistance is desirable during an emergency.

(b) The term includes, but is not limited to, the following:

(1) Firefighters, including hazardous materials personnel, specialized rescue personnel, extrication personnel, water rescue personnel, and other specialized personnel.

(2) Emergency medical services personnel.

(3) Law enforcement officers.

(4) Physicians.

(5) Nurses.

(6) Mental health practitioners, veterinary practitioners, and other public health practitioners.

(7) Emergency management personnel.

(8) Public works personnel.

Sec. 3. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 4. (a) In order to more adequately address emergencies that extend or exceed a jurisdiction's emergency response capabilities, either without rising to the level of a state or local declaration of a state of disaster or emergency, or in the initial stages of an event that may later become a declared state of disaster or emergency, the state (and any of its departments or agencies) or any political subdivision may enter into written mutual aid agreements with units of government from another state that provide for:

(1) coordination of communications for;

(2) training for;

(3) response to; and

(4) standby for;

planned events and emergency responses between the units of government.

(b) When an emergency responder from outside Indiana is engaged in training, standby, or emergency response in accordance with a mutual aid agreement entered into under this chapter, the emergency responder from outside Indiana may provide services within Indiana in accordance with this chapter and the terms of the

C o p y

mutual aid agreement entered into under this chapter.

(c) This chapter may not be construed as prohibiting a private entity or its employees from participating in the provision of mutual aid in accordance with a mutual aid agreement entered into under this chapter if:

(1) a political subdivision participating in the mutual aid agreement approves the participation of the private entity; and

(2) a contract between the political subdivision and the participating private entity permits the participation.

Sec. 5. If an emergency responder from a jurisdiction outside Indiana holds a license, certificate, or other permit issued or recognized by another state, that emergency responder is considered licensed, certified, or permitted in Indiana to render aid according to the emergency responder's license, certificate, or other permit for the purposes of a request for assistance under a mutual aid agreement entered into under this chapter, subject to any limitations and conditions that the governmental authority requesting assistance may prescribe in the mutual aid request, so long as the emergency responder acts within the scope of:

(1) the emergency responder's license, certificate, or permit; and

(2) what would be authorized under an equivalent license, certificate, or permit issued or recognized by Indiana.

Sec. 6. (a) Any function performed under this chapter and under a mutual aid agreement entered into under this chapter is considered to have been performed for public and governmental purposes.

(b) All immunities from liability available to the state of Indiana (including its departments and agencies), to political subdivisions, and to officers, agents, and employees of the state or political subdivisions within Indiana are extended to an emergency responder from another state who is:

(1) providing aid; or

(2) engaged in training and exercises;

under a mutual aid agreement authorized by this chapter.

Sec. 7. (a) An emergency responder from outside Indiana rendering mutual aid within Indiana under a mutual aid agreement authorized by this chapter remains an employee and agent of the responder's employer or government unit.

(b) Neither this chapter nor a mutual aid agreement entered into under this chapter creates an employment relationship

C o p y

between the governmental unit requesting aid and the employees and agents of the governmental unit rendering aid.

(c) All pension, relief, disability, death benefits, worker's compensation benefits, and other benefits enjoyed by an emergency responder rendering aid under a mutual aid agreement authorized by this chapter extend to the services the emergency responder performs outside the emergency responder's jurisdiction, as if those services had been rendered in the emergency responder's jurisdiction.

Sec. 8. A mutual aid agreement under this chapter must be approved in the same manner as interlocal cooperation agreements are approved under IC 36-1-7.

Sec. 9. This chapter may not be construed to limit, modify, or abridge:

(1) Indiana's emergency management agency statutes; or

(2) the emergency management assistance compact under IC 10-14-5.

SECTION 2. IC 34-30-2-35.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 35.8. IC 10-14-6.5-6(b) (Concerning an emergency responder from another state who is providing aid or engaged in training and exercises under a mutual aid agreement authorized by IC 10-14-6.5).**

SECTION 3. **An emergency is declared for this act.**

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