January 7, 2011

SENATE BILL No. 6

DIGEST OF SB 6 (Updated January 3, 2011 3:16 pm - DI yl)

Citations Affected: IC 10-14; IC 34-30.

Synopsis: Interstate mutual aid agreements. Authorizes the state and local units of government to enter into agreements to provide interstate mutual aid for emergency responses that do not rise to the 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 of Indiana. Provides immunity from civil liability to certain persons acting under such mutual aid agreements. Specifies that emergency responders from outside Indiana rendering mutual aid within Indiana under such mutual aid agreements remain employees and agents of their respective employers and jurisdictions. Provides that benefits enjoyed by emergency responders rendering mutual aid under such mutual aid agreements shall extend to the services the emergency responders perform outside their respective jurisdictions as if those services had been rendered in their own jurisdiction. Requires such mutual aid agreements to be approved in the same manner as interlocal cooperation agreements are approved.

Effective: Upon passage.

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January 5, 2011, read first time and referred to Committee on Rules and Legislative Procedure.
January 6, 2011, amended; reassigned to Committee on Local Government.

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January 7, 2011

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.

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SENATE BILL No. 6

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 is not initially 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) for 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 for 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, and emergency response in accordance with a mutual aid agreement under this chapter, the emergency responder from outside Indiana is permitted to provide services within Indiana in accordance with this chapter and the

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terms of the mutual aid agreement under this chapter.

(c) This chapter may not be construed to prohibit a private entity or its employees from participating in the provision of mutual aid if:

(1) the participating political subdivision 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 recognized or issued by another state, that emergency responder is considered to be licensed, certified, and permitted in Indiana to render aid involving such skill to meet the request for assistance under a mutual aid agreement under this chapter, 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 by an equivalent license, certificate, or permit from or recognized by the state in which the requesting jurisdiction is located.

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

(b) All immunities from liability available to Indiana political subdivisions, other units of local government in Indiana, and their officers, agents, and employees within Indiana are extended to an emergency responder from another state who is:

(1) providing mutual aid; or

(2) engaged in training and exercises;

under a mutual aid agreement authorized by this chapter.

Sec. 7. (a) Emergency responders from outside Indiana rendering mutual aid within Indiana under a mutual aid agreement authorized by this chapter remain employees and agents of their respective employers and jurisdictions.

(b) This chapter or a mutual aid agreement entered into under this chapter does not create an employment relationship between the jurisdiction requesting aid and the employees and agents of the jurisdiction rendering aid.

(c) All pension, relief, disability, death benefits, worker's compensation benefits, and other benefits enjoyed by emergency responders rendering mutual aid under a mutual aid agreement authorized by this chapter extend to the services the emergency

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responders perform outside their respective jurisdictions, as if those services had been rendered in their own 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 mutual 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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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 6, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Local Government.

(Reference is to SB 6 as introduced.)

LONG, Chairperson

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