

2010 -- H 7748

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO MILITARY AFFAIRS AND DEFENSE

Introduced By: Representative Robert A. Watson

Date Introduced: February 25, 2010

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 30 of the General Laws entitled "MILITARY AFFAIRS AND
2 DEFENSE" is hereby amended by adding thereto the following chapter:

3 CHAPTER 15.10

4 RHODE ISLAND EMERGENCY MANAGEMENT INTRASTATE MUTUAL AID

5 **30-15.10-1. Short title.** – This chapter shall be known and may be cited as the "Intrastate
6 Mutual Aid Act."

7 **30-15.10-2. Purpose and scope.** – (a) This act creates a system of intrastate mutual aid
8 between the participating political subdivisions in the state. Each participant in this system
9 recognizes that emergencies transcend political jurisdictional boundaries and intergovernmental
10 coordination is essential to protect lives and property while ensuring the optimum utilization of
11 public and private assets. The system shall provide for mutual assistance among the participating
12 political subdivisions in the prevention of, response to, and recovery from, any disaster that
13 results in a formal state of emergency in a participating political subdivision, subject to that
14 participating political subdivision's criteria for a declaration. The system shall provide for mutual
15 cooperation among the participating subdivisions in conducting disaster related exercises, testing
16 or other training activities outside actual declared emergency periods. This legislation shall not
17 provide immunity, rights or privileges to any individual responding to a state of emergency that is
18 not requested and/or authorized to respond by a participating political subdivision. Participating
19 political subdivisions will ensure, to the fullest extent possible, eligibility for state and federal

1 disaster funding.

2 (b) All political subdivisions within the state are automatically a part of the statewide
3 mutual aid system. A political subdivision within the state may elect not to participate or to later
4 withdraw from the system upon enacting an appropriate resolution by its governing body
5 declaring that it elects not to participate in the statewide mutual aid system, and providing a copy
6 of the resolution to the Rhode Island emergency management agency. This chapter does not
7 preclude participating political subdivisions from entering into supplementary agreements with
8 another political subdivision and does not affect any other agreement to which a political
9 subdivision may currently be a party to, or decide to be a party to.

10 (c) The Rhode Island emergency management agency (RIEMA) shall be the coordinating
11 agency for this agreement. RIEMA will develop needed policies or procedures to operate this
12 system.

13 **30-15.10-3. Definition.** – An "emergency responder" is defined as anyone with special
14 skills, qualifications, training, knowledge and experience in the public sector that would be
15 beneficial to a participating political subdivision in response to a locally declared emergency as
16 defined in any applicable law or ordinance or authorized drill or exercises, and who is requested
17 and/or authorized to respond. Under this definition, an emergency responder may or may not be
18 required to possess a license, certificate, permit or other official recognition for their expertise in
19 a particular field or area of knowledge. An emergency responder could include, but is not limited
20 to, the following: law enforcement officers, firefighters, emergency medical personnel, public
21 health officials, emergency management personnel, public works personnel, building officials,
22 and those persons with specialized equipment, operational skills, training, or other skills to
23 provide aid in a declared emergency.

24 **30-15.10-4. Responsibilities of participating political subdivisions.** – The
25 responsibilities of each participating political subdivision with jurisdiction over and responsibility
26 for emergency management within that certain subdivision are:

27 (1) Conduct joint planning, intelligence sharing, and threat assessment development with
28 participating political subdivisions.

29 (2) Identify and inventory the current services, equipment, supplies, personnel, and other
30 resources related to planning, prevention, mitigation, response, and recovery activities of the
31 participating political subdivision.

32 (3) Adopt, implement, and exercise the standardized incident management system
33 approved by the Rhode Island emergency management agency.

34 **30-15.10-5. Implementation.** – A participating political subdivision may request

1 assistance of the other participating political subdivisions in preventing, mitigating, responding
2 to, and recovering from disasters that result in locally-declared emergencies or in concert with
3 authorized drills or exercises as allowed under this chapter. Requests for assistance shall be made
4 through the chief executive officer of a participating political subdivision or his/her designee.
5 Requests may either be verbal or in writing, and are not required to go directly to the Rhode
6 Island emergency management agency but in all cases will be reported to the RIEMA as soon as
7 is practical. Political subdivisions will submit a written request to support their initial verbal
8 request as soon as is practical. This shall in no way effect the normal day to day mutual aid and
9 communications already in place such as the Southern New England Mutual Aid Plan.

10 **30-15.10-6. Limiting factors.** – A participating political subdivision's obligation to
11 provide assistance in the prevention of, response to, and recovery from a locally-declared
12 emergency or in authorized drills or exercises is subject to the following conditions:

13 (1) A participating political subdivision requesting assistance must have either declared a
14 state of emergency or authorized drills and exercises.

15 (2) A responding participating political subdivision may withhold resources to the extent
16 necessary to provide reasonable protection and services in its own jurisdiction.

17 (3) Emergency response personnel of a responding participating political subdivision
18 shall remain under the command and control of their responding jurisdiction to include medical
19 protocols, standard operating procedures and other protocols, but shall be under the operational
20 control of the appropriate officials with the incident command system of the participating
21 political subdivision receiving the assistance.

22 (4) Assets and equipment of a responding participating political subdivision shall remain
23 under the control of their responding jurisdiction, but shall be under the operational control of the
24 appropriate officials within the incident management system of the participating political
25 subdivision receiving the assistance.

26 **30-15.10-7. Licenses, certificates and portability.** – A person or entity shall be deemed
27 to be licensed, certified or permitted in the political subdivision requesting assistance for the
28 duration of the declared emergency, authorized drills, or exercises and subject to any limitations
29 and conditions the chief executive of the participating political subdivision receiving the
30 assistance may prescribe by executive order or otherwise if that person or entity holds a license,
31 certificate or other permit issued by a participating political subdivision or the state evidencing
32 qualification in a professional, mechanical or other skill and the assistance of that person or entity
33 is requested by a participating political subdivision.

34 **30-15.10-8. Mobile support units.** – (a) The director or executive director of the

1 emergency management agency shall be permitted to call to duty the mobile support teams for
2 training, local emergencies and public events. If activated for a local event, the governor shall be
3 notified if the incident is going to exceed eight (8) hours duration. Mobile units shall not be
4 reimbursed for training, local emergencies or public events.

5 (b) If they are not employees of the state or a political subdivision thereof, responders
6 shall be entitled to compensation by the state at a rate of compensation paid by the federal
7 government for that profession in this state and to the same rights and immunities as are provided
8 by law for the employees of this state.

9 **30-15.10-9. Reimbursement.** – Each political subdivision shall respond and work under
10 their own insurances for damaged equipment. In the event of long-term incidents, the requesting
11 political subdivision shall assume responsibility for expendables such as fuel. Salaries shall
12 remain the responsibility of the responding political subdivision. These procedures shall not limit
13 a political subdivision from applying for and receiving federal or state reimbursement.

14 **30-15.10-10. Guidelines and procedures.** – The RIEMA may maintain any records
15 related to this mutual aid system. The RIEMA shall periodically review the system and develop
16 any procedures necessary to improve the system.

17 **30-15.10-11. Workers' compensation.** – Personnel of a participating political
18 subdivision responding to or rendering assistance for a request who sustain injury or death in the
19 course of, and arising out of, their employment are entitled to all applicable benefits normally
20 available to personnel while performing their duties for their employer. Responders shall receive
21 any additional state and federal benefits that may be available to them for their line of duty
22 deaths.

23 **30-15.10-12. Immunity.** – All activities performed under this act are deemed hereby to
24 be governmental functions. For the purposes of liability, all persons responding will have the
25 normal immunity protections of their normal work position. Neither the participating political
26 subdivision nor their employees, except in the cases of willful misconduct, gross negligence, or
27 bad faith shall be liable for the death of or injury to persons, or for damage to property when
28 complying or attempting to comply with the statewide mutual aid system.

29 **30-15.10-13. Severability.** – Should a court of competent jurisdiction rule a portion,
30 section or subsection of this chapter invalid or nullified, that fact shall not affect or invalidate any
31 other portion, section or subsection, and all remaining portions, sections and subsections shall
32 remain in full force and effect.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MILITARY AFFAIRS AND DEFENSE

1 This act would create a system of intrastate mutual aid between all political subdivisions
2 within the state.

3 This act would take effect upon passage.

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