



State of Montana

Intrastate Mutual Aid System
(IMAS)

Implementation Guide

State of Montana Intrastate Mutual Aid System Implementation Guide

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INTRODUCTION

It is recognized that emergencies often overwhelm local government capability, transcend jurisdictional boundaries, and that intergovernmental coordination is essential for the protection of lives and property. This cooperation is also essential for the maximum use of available resources. Under the Intrastate Mutual Aid System (IMAS) member jurisdictions may request assistance from other member jurisdictions to prevent, mitigate, respond to or recover from an emergency or disaster; or in concert with drills or exercises. Any resource (personnel, assets and equipment) of a member jurisdiction may be made available to another member jurisdiction.

Pursuant to the Intrastate Mutual Aid Act, IMAS is composed of and may be described as:

- Guidelines and procedures for implementing IMAS;
- Actions taken in requesting aid for an emergency or disaster;
- Actions taken in responding to a request for aid; and,
- The committee and actions taken by the committee.

Note: The Intrastate Mutual Aid System (IMAS) provides no immunity, rights or privileges to individuals that respond to an emergency that are not requested and authorized to respond by member jurisdictions, in accordance with the Act.

SYSTEM MEMBERSHIP, PARTICIPATION AND WITHDRAWAL

Pursuant to the Intrastate Mutual Aid Act, every political subdivision of the state is automatically part of the Intrastate Mutual Aid System (IMAS). Participation in the system does not preclude member jurisdictions from entering into other agreements with other political subdivisions or Indian nations to the extent provided by law. Participation does not supersede nor affect any other agreement to which a political subdivision is a party or may become a party.

An Indian nation located within the boundaries of the state may become a member jurisdiction upon adoption by the tribal government of a resolution declaring the tribe's desire to be a member jurisdiction and intent to comply with the provisions of the Intrastate Mutual Aid Act and the guidelines and procedures adopted by the committee. Participation becomes official upon receipt by the Montana Division of Disaster & Emergency Services of a copy of the resolution.

Member jurisdictions may elect to withdraw from or not participate in the system, but only by adopting a resolution or ordinance declaring these intentions. Withdrawal becomes official upon receipt of a copy of the resolution or ordinance by the Montana Division of Disaster & Emergency Services.

BASIC PROVISIONS

1. LIMITATION ON AID

A member jurisdiction may withhold resources to the extent necessary to provide reasonable protection of and services in its jurisdiction.

2. REQUEST FOR ASSISTANCE [10-3-907 (2) MCA 2005.]

Requests for assistance shall be made by or through:

- The presiding officer of the governing body of the member jurisdiction, or
- The chief executive officer of a member jurisdiction, or
- The officer's designee(s).

Resource requests will contain the following information, at a minimum:

- Incident Name, Tracking Number, and Date and Time of request
- Name, title, and contact information for the person placing the resource request
- Name, title, and contact information for the person authorizing the request
- Resource information, as applicable:
 - S – Size of resource
 - A – Amount/Quantity of resource
 - L – Location for resource to report/be delivered
 - T – Type of resource needed
 - T – Time for resource to report/be delivered and duration of the assignment
- Resource assignment details including:
 - Operating environment and conditions
 - To whom the resource will report
 - How it will be directed
 - Communications protocols
 - Other mission essential information

Resource requests can be made directly to other member jurisdictions, through the Montana Disaster and Emergency Services, or using a combined approach. However, a request does not constitute a resource order. Further coordination and authorization must occur before an IMAS agreement is reached.

Requests and deployment coordination may be done verbally or in writing. If verbal requests lead to deployments under IMAS, the agreement shall be committed to writing within thirty days of the date on which the agreement was made. However, it is recommended that the written agreement be done concurrently with the verbal request and deployment coordination or at the earliest possible time immediately following.

The IMAS Request and Deployment Form (Attachment 1) is to be utilized for this process.

3. NEGOTIATION AND DEPLOYMENT COORDINATION [10-3-907 MCA 2005]

Consideration of requests and deployment coordination shall be done by or through:

- The presiding officer of the governing body of the member jurisdiction, or
- The chief executive officer of a member jurisdiction, or
- The officer's designee(s).

Upon receiving a request for assistance, member jurisdiction officers and/or their designees shall consider the request, determine availability, and respond to the requesting party concerning whether or not they are able to fulfill the request. If a member jurisdiction is able to fulfill the request it shall provide the following minimum information, in the form of an offer of assistance:

- Variations from the original request, if any
- Estimated cost of fulfilling the request, if any
- Logistical requirements for the resource, if any
- Estimated travel time from home base to designated reporting location.

A request does not constitute a resource order. Only after an authorized offer of assistance has been accepted by an officer or designee of the requesting jurisdiction is there an agreement and deployment can begin.

Requests and deployment coordination may be done verbally or in writing. If verbal requests lead to deployments under IMAS, the agreement shall be committed to writing within thirty days of the date on which the agreement was made. However, it is recommended that the written agreement be done concurrent with the verbal request and deployment coordination or at the earliest possible time immediately following.

The IMAS Request and Deployment Form (Attachment 3) is to be utilized for this process.

4. CONTROL OF RESOURCES [10-3-908 MCA2005]

Member jurisdictions' resources (personnel, assets and equipment) are subject to the following conditions when deployed under IMAS:

- Member jurisdiction resources remain under the command and administrative control of the responding member (home) jurisdiction for purposes that include standard operating procedures, medical and other protocols;
- The responding member (home) jurisdiction is responsible for tracking the resource's progress from the point of departure through arrival at the designated reporting location;

- Upon check-in at the designated reporting location resources deployed under IMAS are under the operational control of the appropriate officials of the member jurisdiction receiving assistance;
- The jurisdiction receiving assistance is responsible for directing, maintaining accountability for, and ensuring the well-being of resources deployed under IMAS throughout the duration of the deployment;
- Excess resources must be released in a timely manner to reduce incident-related costs and to free up resources for other assignments;
- When the resource is no longer needed it will be promptly and safely demobilized;
- The jurisdiction receiving assistance is responsible for providing demobilization instructions even if a written demobilization plan has not been developed; and,
- Upon notification that a resource is to be demobilized, the responding member (home) jurisdiction shall track the resource's progress from the time it is released through arrival at home base.

5. PORTABILITY OF BONA FIDES [10-3-909 MCA 2005]

If a person holds a license, certificate, permit or similar documentation that evidences the person's qualifications in a professional, mechanical or other skill and the person is deployed under IMAS, the person is: Reflect code language

- Considered to be licensed, certified, permitted or otherwise documented in the member jurisdiction receiving aid for the duration of the emergency or disaster or of the drills or exercises; and,
- Subject to legal limitations or conditions prescribed by the governing body or chief executive officer of the member jurisdiction receiving aid.

6. BENEFITS [10-3-911 MCA 2005]

If a person is an employee of a member jurisdiction that responds to a request for assistance under IMAS and the person sustains injury in the course of providing the assistance, the person is entitled to all applicable benefits, including workers' compensation benefits, that are normally available to the person as an employee of the member jurisdiction that employs the person. If a person sustains injury that results in death, the person's estate shall receive additional state and federal benefits that may be available for death in the line of duty.

7. LIABILITY [10-3-912 MCA 2005]

Except as provided in Section 6 (Benefits) of the Intrastate Mutual Aid Act, a person responding to a request for assistance by a member jurisdiction and who is under the operational control of that member jurisdiction is considered for the purposes of liability to be an employee of the requesting member jurisdiction.

8. REIMBURSEMENT [10-3-910 MCA 2005]

Responding member jurisdictions may decide not to request reimbursement, instead deciding to donate all or a portion of the cost of the assistance to the requesting member jurisdiction. For example, a jurisdiction may only seek to recoup extra-budgetary or replacement costs associated with providing assistance.

The Intrastate Mutual Aid Act states that a requesting member jurisdiction shall reimburse, to the extent permitted by law, each member jurisdiction that responds to a request for assistance and renders aid under IMAS. As a general guideline, reimbursable costs are those that would normally be submitted for reimbursement and considered eligible as emergency costs under state and federal disaster assistance programs. Reimbursable costs, when applicable, will be paid in accordance with current FEMA Rates/Guidelines.

Requests for reimbursement shall be in accordance with procedures developed by the Montana Division of Disaster & Emergency Services and approved by the committee. Reimbursement shall be for actual expenses incurred in rendering assistance pursuant to the actual agreement to provide assistance. Expenses that are typically considered reimbursable include:

- Personnel and contract costs
- Travel and lodging costs
- Costs for meals or per diem
- Equipment rental, maintenance and operating costs
- Costs to repair or replace equipment damaged during the assignment
- Costs to replace consumable materials and supplies used during the assignment

To avoid duplication of payments, a responding member jurisdiction shall not request reimbursement for costs that will be recouped through normal insurance mechanisms or where emergency costs are eligible for reimbursement through direct participation in state or federal assistance programs.

9. DISPUTE RESOLUTION [10-3-910 MCA 2005]

If a dispute regarding reimbursement arises between a member jurisdiction that requested assistance and a member jurisdiction that provided assistance under IMAS, they shall make every effort to resolve the dispute within thirty days of written notice of the dispute given by the member jurisdiction raising the dispute to the other member jurisdiction. If the dispute is not resolved within ninety days from the date of the written notice, either member jurisdiction may request arbitration pursuant to the commercial arbitration rules and mediation procedures of the American Arbitration Association.

INTRASTATE MUTUAL AID COMMITTEE

The Committee must be appointed by and serve at the pleasure of the State Emergency Response Commission (SERC) established in 10-3-1204. The members shall represent emergency management and response disciplines, political subdivisions and participating, Indian nations, Appointments shall be made for terms expiring four years from the date of the appointment. The committee shall elect from among its members a vice-presiding officer and any other officers the committee deems appropriate. The committee shall meet at least annually and may meet at the call of the presiding officer or as otherwise called by seven of its members. The committee shall be attached to the Disaster & Emergency Services Division for administrative purposes only.

The committee shall:

- Review the progress and status of intrastate mutual aid;
- Assist in developing methods to track and evaluate the activation of the system;
- Examine issues facing member jurisdictions in the implementation of intrastate mutual aid;
- Develop, adopt and disseminate comprehensive guidelines and procedures that address the following:
 - 1) Projected or anticipated costs of establishing and maintaining the system;
 - 2) Checklists for requesting and providing assistance;
 - 3) Record-keeping for member jurisdictions;
 - 4) Procedures for reimbursing the actual and legitimate expenses of a member jurisdiction that responds to a request for aid through the system;
 - 5) Other forms and tools required to implement the system; and,
- Adopt other guidelines or procedures considered necessary by the committee to implement an effective and efficient system.

State of Montana Intrastate Mutual Aid Request

Form REQ-A, 2006

Type or print all information except signatures.

Part I TO BE COMPLETED BY THE REQUESTING JURISDICTION

Dated:		Time:	hrs	From the County of:	
Contact Person:				Telephone:	Fax:
To the County of:				Authorized Rep:	
Incident Requiring Assistance:					
Type Assistance/Resources Needed (for more space, attach Part IV):					
Date & Time Resources Needed:				Staging Area:	
Approximate Date/Time Resources To Be Released:					
Authorized Official's Name:			Authorized Official's Signature:		
Title:	Agency:		Mission No:		

Part II TO BE COMPLETED BY THE ASSISTING JURISDICTION

Contact Person:		Telephone:		Fax:	
Type of Assistance Available:					
Date & Time Resources Available From:				To:	
Staging Area Location:					
Approx. Total Cost of this Deployment for Which Reimbursement will be Requested:					\$
Trans. Costs from Home Base to Staging Area:			\$	Trans. Costs to Return to Home Base:	
				\$	
Logistics Required from Requesting Jurisdiction (for more space, attach Part IV):					
Authorized Official's Name:			Title:		
Authorized Official's Signature:			Agency:		
Dated:		Time:	hrs	Mission No:	

Part III REQUESTING JURISDICTION'S APPROVAL

Authorized Official's Name:			Title:		
Signature:			Agency:		
Dated:		Time:	hrs	Mission No:	

Additional Information

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Part IV MISCELLANEOUS ITEMS / OTHER MISSION INFORMATION

*****ADDITIONAL INFORMATION*****

State of Montana
Intrastate Mutual Aid Request
Form REQ-A, 2006

I. Procedures for Executing the Request for Assistance (REQ-A) Process

- a. Montana Intrastate Mutual Aid System allows for Member Jurisdictions to request and provide assistance verbally and in writing, but verbal agreements made when an urgent response is needed must be confirmed in writing within 30-days of the verbal request (10-3-907 MCA.).
- b. To ensure that clear and concise information is communicated among Member Jurisdictions when negotiating assistance, Form REQ-A shall be used to officially request assistance among Member Jurisdictions.
- c. To officially request assistance, the Requesting Jurisdiction completes Part I of the REQ-A form and transmits to a specific jurisdiction.
- d. The jurisdictions that may potentially provide resources, should complete Part II of Form REQ-A and send back to the Requesting jurisdiction within 2 hours for consideration, rejection or acceptance.
- e. The jurisdiction requiring assistance should review Part II's submitted by jurisdictions that may potentially offer assistance, and complete Part III of Form REQ-A within 2 hours by completing and submitting Part III of Form REQ-A.

If the services offered, for any reason, do not meet the needs desired by the Requesting jurisdiction, the Requesting jurisdiction can reject the offer by simply not executing Part III and by notifying the Assisting jurisdiction that the offer is rejected.

- If The services being offered, terms, and conditions reflected in Part II of the REQ-A fulfill the needs of the Requesting jurisdiction, the Authorized Representative for the requesting jurisdiction accepts the assistance and signs Part III of the REQ-A form thus authorizing resource deployment.

By officially executing Part II and Part III of the Form REQ-A, the Authorized Representatives from both the assisting and Requesting jurisdictions have, in effect, constituted a legal contract to provide and to reimburse for services to be rendered under the Form REQ-A.

- f. Direct coordination among requesting and Assisting jurisdiction program managers, operations personnel or those others who are ultimately engaged in using or proving the specific resource is essential. All parties are encouraged to communicate directly during the fulfillment of the REQ-A process to ensure that a clear understanding of what is being requested and provided and the terms of the assistance provided are clearly understood by both parties.
- g. **Part I**, completed by the jurisdiction requesting assistance, should include the following information on REQ-A. Additional information should be included in Part IV (as described below).
 - i. Date and time of request
 - ii. Name of Requesting Jurisdiction
 - iii. Name and contact information for person coordinating the request

- iv. Name of the Authorized Representative
 - v. Type of incident requiring assistance
 - v. Date and time of resources needed
 - vi. Staging area
 - vii. Approximate date/time resources should be released
 - viii. Authorized officials name
 - ix. Authorized officials signature
 - x. Title of officials name
 - xi. Agency name
 - xii. Mission number
- h. **Part II**, completed by potential Assisting Jurisdictions, should be completed and resubmitted to the Requesting State no later than 2 hours following receipt of the request for assistance, and must contain:
- i. Name and contact information of the Assisting State contact person.
 - ii. Specific information about the personnel and resources that could be provided such as
 - a) Type of resource being offered.
 - b) Description of the skill sets possessed by personnel assigned to the mission.
 - c) Description of equipment being requested, if applicable & special provisions required such as maintenance rates, replacement values, etc.
 - d) Other special provisions by the Assisting Jurisdiction may be included in this section.
 - iii. Date, time and time span the requested resources will be available.
 - iv. Name and location of the staging area where the requested resources will be deployed.
 - v. Approximate total cost for the deployment - a working cost estimate of the requested resources. The cost estimate should include total costs for regular & overtime pay for all deployed personnel. There is nothing in this system that would prevent the Assisting Jurisdiction from donating their resources to the Requesting State if they choose to do so.
 - vi. Transportation costs for all deployed personnel:
 - a) Cost of transportation to and from staging area
 - b) Ground transportation expense for rental cars and/or POV mileage needed to perform the mission
 - c) Fuel costs for rental cars
 - d) Meals or per-diem expense for all personnel

- e) Laundry expense if mission longer than one week in duration.

- vii. If equipment hardware comprises the request, include these items:
 - a) Cost estimate based on hourly operating rate. Specify if hourly rate includes or does not include gas, oil and maintenance
 - b) Specify provisions for replacement costs if equipment be damaged or destroyed while performing EMAC mission.
- viii. Authorized officials name, title, signature, and agency
- ix. Date, time, mission number
- i. **Part IV:** Miscellaneous items/other mission information. Full description of assistance needed should be filled out by the jurisdiction requesting assistance. It may include items such as:
 - a) Specialized equipment needed to support the mission.
 - b) Personnel clothing needed due to hazardous environment.
 - c) Personal health protection needed, such as immunization or inoculation for certain diseases.
 - d) Lodging & transportation provisions (come self-contained or will be provided by Requesting Jurisdiction).
 - e) Other information specifically related to the mission.
 - f) Date and time assistance needed to begin mission.
 - g) Name and location of staging area where assistance needed.
 - h) Time span of jurisdiction's mission number.
 - i) Requesting jurisdiction's mission number.
 - j) Signature of the Requesting Jurisdiction's Authorized Representative.
 - k) Transmit the REQ-A to Assisting Jurisdictions for action.

Part 9

Intrastate Mutual Aid System

Part Compiler's Comments:

Effective Date: Section 19, Ch. 354, L. 2005, provided: "[This act] is effective on passage and approval." Approved April 21, 2005.

10-3-901. Short title. This part may be cited as the "Statewide Mutual Aid System Act".

History: En. Sec. 1, Ch. 354, L. 2005.

Compiler's Comments:

Applicability: Section 20(1), Ch. 354, L. 2005, provided that this section applies on [the effective date of this act]. Effective April 21, 2005.

10-3-902. Policy -- purpose. (1) It is the policy of the state that:

(a) available resources should be made available whenever possible and practical to minimize the negative impacts of disasters and emergencies, regardless of the political jurisdiction in this state within which the disaster or emergency occurs and regardless of the political jurisdictions from which a request for assistance arises or from which or to which the resources are made available;

(b) agreements, either formal or informal, written or oral, between or among political subdivisions of this state, that exist or are entered into for the purpose of providing mutual aid in the event of a disaster or emergency should remain options for political subdivisions and should not be infringed upon or in any way affected by the provisions of this part; and

(c) in particular, the provisions of this part do not affect any mutual aid agreement, either formal or informal, written or oral, that is made or that may be made pursuant to Title 7, chapter 33, 10-3-209, or 10-3-703 or a request for assistance or aid or assistance or aid provided or received pursuant to Title 7, chapter 33, 10-3-209, or 10-3-703.

(2) It is the purpose of this part to:

(a) establish an effective and efficient mutual aid system in which a political jurisdiction can choose to participate that can operate separate from yet integrated with other freestanding mutual aid systems or agreements;

(b) provide to political jurisdictions in the state another option for establishing mutual aid agreements and for requesting, providing, and receiving mutual aid; and

(c) allow political jurisdictions maximum flexibility to protect life and property through mutual aid agreements.

History: En. Sec. 2, Ch. 354, L. 2005.

Compiler's Comments:

Applicability: Section 20(1), Ch. 354, L. 2005, provided that this section applies on [the effective date of this act]. Effective April 21, 2005.

10-3-903. Statewide mutual aid system -- definitions. As used in this part, the following definitions apply:

(1) "Committee" means the Montana intrastate mutual aid committee created in 10-3-904.

- (2) "Disaster" has the meaning provided in 10-3-103.
- (3) "Emergency" has the meaning provided in 10-3-103.
- (4) "Member jurisdiction" means *the state of Montana or* a political subdivision or a federally recognized Indian tribe that participates in the system.
- (5) "System" means the Montana intrastate mutual aid system provided for in 10-3-906.

History: En. Sec. 3, Ch. 354, L. 2005. *Effective March 22, 2007*

Compiler's Comments:

Applicability: Section 20(1), Ch. 354, L. 2005, provided that this section applies on [the effective date of this act]. Effective April 21, 2005.

10-3-904. Montana intrastate mutual aid committee -- members -- officers -- meetings -- compensation. (1) There is a Montana intrastate mutual aid committee.

(2) All members of the committee must be appointed by and serve at the pleasure of the state emergency response commission established in 10-3-1204.

(3) The committee shall elect from among its members a presiding officer, a vice presiding officer, and any other officers considered necessary or advisable by the committee.

(4) The committee shall meet at least annually and may meet at the call of the presiding officer or as otherwise considered necessary or advisable by two-thirds of the members.

(5) Members of the committee are not entitled to compensation or to reimbursement for expenses incurred for serving on or participating in the activities of the committee. This subsection does not preclude a member jurisdiction from compensating or reimbursing the expenses of a committee member.

History: En. Sec. 4, Ch. 354, L. 2005.

Compiler's Comments:

Applicability: Section 20(1), Ch. 354, L. 2005, provided that this section applies on [the effective date of this act]. Effective April 21, 2005.

Transition: Section 21, Ch. 354, L. 2005, provided: "Because [section 4] [10-3-904], creating the Montana intrastate mutual aid committee, is effective and applicable on passage and approval [approved April 21, 2005], the state emergency response commission established in 10-3-1204 will not have had the opportunity to appoint the members of the committee. Therefore, the state emergency response commission shall appoint the members of the Montana intrastate mutual aid committee before August 1, 2005."

10-3-905. Montana intrastate mutual aid committee -- duties. The committee shall:

- (1) review the progress and status of intrastate mutual aid;
- (2) assist in developing methods to track and evaluate activation of the system;
- (3) examine issues facing member jurisdictions in the implementation of intrastate mutual aid;
- (4) develop, adopt, and disseminate comprehensive guidelines and procedures that address the following:
 - (a) projected or anticipated costs of establishing and maintaining the system;

- (b) checklists for requesting and providing intrastate mutual aid assistance;
- (c) recordkeeping for all member jurisdictions; and
- (d) procedures for reimbursing the actual and legitimate expenses of a member jurisdiction that responds to a request for aid or assistance through the system; and
- (5) adopt any other guidelines or procedures considered necessary by the committee to implement an effective and efficient system.

History: En. Sec. 5, Ch. 354, L. 2005.

Compiler's Comments:

Applicability: Section 20(1), Ch. 354, L. 2005, provided that this section applies on [the effective date of this act]. Effective April 21, 2005.

10-3-906. Intrastate mutual aid system -- initial participation -- withdrawing. (1) There is a Montana intrastate mutual aid system. The system is composed of and may be described as:

- (a) the member jurisdictions and any action taken by a member jurisdiction pursuant to this part;
 - (b) the committee and any action taken by the committee pursuant to this part;
 - (c) the guidelines and procedures described in 10-3-905(4);
 - (d) any action taken with respect to requesting assistance for an emergency or disaster under this part; and
 - (e) any action taken with respect to responding to a request for assistance for an emergency or disaster under this part.
- (2) Except as provided in subsection (4), every political subdivision of the state is part of the system.
- (3) A federally recognized Indian tribe that is located within the boundaries of the state may be a member jurisdiction upon:
- (a) adoption by the tribal government of a resolution declaring the tribe's desire to be a member jurisdiction; and
 - (b) receipt by the division, as defined in 10-3-103, of a copy of the resolution.
- (4) A member jurisdiction may elect not to participate or to withdraw from the system upon:
- (a) adopting a resolution or ordinance declaring that the member jurisdiction elects not to participate in the system; and
 - (b) receipt by the division, as defined in 10-3-103, of a copy of the resolution.
- (5) This section does not preclude a member jurisdiction from entering into any other agreement with another political subdivision and does not affect any other agreement to which a political subdivision is a party or may become a party.

History: En. Sec. 6, Ch. 354, L. 2005.

Compiler's Comments:

Applicability: Section 20(1), Ch. 354, L. 2005, provided that this section applies on [the effective date of this act]. Effective April 21, 2005.

10-3-907. Intrastate mutual aid system -- request for assistance. (1) A member jurisdiction may request assistance from another member jurisdiction:

- (a) to prevent, mitigate, respond to, or recover from an emergency or disaster; or
- (b) in concert with drills or exercises between member jurisdictions.

(2) A request for assistance must be made by or through the presiding officer of the governing body of the member jurisdiction or the chief executive officer or the chief executive officer's designee of a member jurisdiction. A request may be verbal or in writing and is not required to go directly to the division, as defined in 10-3-103. If a request is verbal, the request must be confirmed in writing within 30 days of the date on which the request was made.

History: En. Sec. 7, Ch. 354, L. 2005.

Compiler's Comments:

Applicability: Section 20(2), Ch. 354, L. 2005, provided that this section applies on October 1, 2005.

10-3-908. Intrastate mutual aid system -- limitation on assistance -- command and control. A member jurisdiction's obligation to provide assistance to prevent, respond to, or recover from an emergency or disaster or in drills or exercises is subject to the following conditions:

(1) A member jurisdiction that responds to a request for assistance from a requesting member jurisdiction may withhold resources to the extent necessary to provide reasonable protection and services for the responding jurisdiction.

(2) The personnel of a responding member jurisdiction are under:

(a) the command control of the responding jurisdiction for purposes that include medical protocols, standard operating procedures, and other protocols; and

(b) the operational control of the appropriate officials of the member jurisdiction receiving the assistance.

(3) The assets and equipment of a responding member jurisdiction are under:

(a) the command control of the responding jurisdiction; and

(b) the operational control of the appropriate officials of the member jurisdiction receiving the assistance.

History: En. Sec. 8, Ch. 354, L. 2005.

Compiler's Comments:

Applicability: Section 20(2), Ch. 354, L. 2005, provided that this section applies on October 1, 2005.

10-3-909. Intrastate mutual aid system -- portability of bona fides. If a person or entity holds a license, certificate, permit, or similar documentation that evidences the person's or entity's qualifications in a professional, mechanical, or other skill and the assistance of the person or entity is requested by a member jurisdiction, the person or entity is:

(1) considered to be licensed, certified, permitted, or otherwise documented in the member jurisdiction that requests assistance for the duration of the emergency or disaster or of the drills or exercises; and

(2) subject to any legal limitations or conditions prescribed by the governing body or chief executive of the member jurisdiction that receives the assistance.

History: En. Sec. 9, Ch. 354, L. 2005.

Compiler's Comments:

Applicability: Section 20(2), Ch. 354, L. 2005, provided that this section applies on October 1, 2005.

10-3-910. Intrastate mutual aid system -- reimbursement -- dispute resolution. (1) A requesting member jurisdiction shall reimburse each member jurisdiction that responds to a request for aid or assistance and renders aid under the system unless the member jurisdiction rendering aid donates all or a portion of the cost of the assistance to the requesting member jurisdiction.

(2) A request for reimbursement must be in accordance with procedures developed by the committee.

(3) If a dispute regarding reimbursement arises between a party that requested assistance under the system and a party that provided assistance under the system, the involved parties shall make every effort to resolve the dispute within 30 days of written notice of the dispute given by the party asserting noncompliance to the other party.

(4) (a) If the dispute is not resolved within 90 days from the date of the notice, either party may request that the dispute be resolved through arbitration.

(b) All arbitration occurring under this section must be conducted pursuant to the commercial arbitration rules and mediation procedures of the American arbitration association as the rules and procedures exist on the date of notification described in subsection (3).

History: En. Sec. 10, Ch. 354, L. 2005.

Compiler's Comments:

Applicability: Section 20(2), Ch. 354, L. 2005, provided that this section applies on October 1, 2005.

10-3-911. Intrastate mutual aid system -- workers' compensation coverage. (1) If a person is an employee of a member jurisdiction that responds to a request for assistance from a member jurisdiction and the person sustains injury in the course of providing the requested assistance, the person is entitled to all applicable benefits, including workers' compensation benefits, normally available to the person as an employee of the member jurisdiction that employs the person.

(2) If the person's injury results in the person's death, the person's estate must receive any additional state and federal benefits that may be available for death in the line of duty.

History: En. Sec. 11, Ch. 354, L. 2005.

Compiler's Comments:

Applicability: Section 20(2), Ch. 354, L. 2005, provided that this section applies on October 1, 2005.

10-3-912. Liability -- immunity. (1) All activities performed pursuant to a request for assistance as provided for in this part are considered to be governmental functions.

(2) Except as provided in 10-3-911, a person responding to a request for assistance who is under the operational control of the requesting member jurisdiction, as provided for in 10-3-908, is considered for the purposes of liability to be an employee of the requesting member jurisdiction.

(3) Except in the case of willful misconduct, gross negligence, or bad faith, the member jurisdiction or an employee of the member jurisdiction is immune from liability for the death of or injury to any person or for damage to property if the member

jurisdiction or the employee of the member jurisdiction is complying with or attempting to comply with the system.

History: En. Sec. 12, Ch. 354, L. 2005.

Compiler's Comments:

Applicability: Section 20(2), Ch. 354, L. 2005, provided that this section applies on October 1, 2005.

Part 10. Emergency Management Assistance Compact