

## CHAPTER 126

( SB 55 )

AN ACT relating to emergencies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 39B IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "emergency" means an occurrence or condition in a jurisdiction within or outside of the Commonwealth that results in a situation:*
- (a) *That poses an immediate risk to health, life, property, or the environment;*
  - (b) *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 is made after the initial request for mutual aid; and*
  - (c) *For which the governing jurisdiction determines:*
    1. *The situation exceeds its ability to render appropriate aid; and*
    2. *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 section.*
- (2) (a) *As used in this section, "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, hazardous materials personnel, specialized rescue personnel, extrication personnel, water rescue personnel, and other specialized personnel;*
  2. *Emergency medical services personnel;*
  3. *Physicians;*
  4. *Nurses;*
  5. *Mental health practitioners, veterinary practitioners, and other public health practitioners;*
  6. *Emergency management personnel; and*
  7. *Public works personnel.*
- (3) *As used in this section, "political subdivision" has the same meaning as in KRS 39D.040.*
- (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 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 coordination of communications for, training for, response to, and standby for planned events and emergency responses within the Commonwealth of Kentucky or in another state.*
- (b) *When an emergency responder from outside Kentucky is engaged in training, standby, and emergency response in accordance with a mutual aid agreement under this section, the emergency responder from outside Kentucky is permitted to provide services within Kentucky in accordance with this section and the terms of the mutual aid agreement under this section.*
- (c) *This section shall 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.*
- (5) *If an emergency responder from a jurisdiction outside Kentucky holds a license, certification, or other permit recognized or issued by another state, that emergency responder is considered to be licensed, certified, and permitted in Kentucky to render aid involving such skill to meet the request for assistance under a mutual aid agreement signed pursuant to this section, so long as the emergency responder acts within the scope of:*
  - (a) *The emergency responder's license, certificate, or permit; and*
  - (b) *What would be authorized by an equivalent license, certificate, or permit from or recognized by the Commonwealth of Kentucky.*
- (6) *All immunities from liability available to Kentucky political subdivisions, other units of local government in Kentucky, and their officers, agents, and employees within Kentucky are extended to political subdivisions and other units of local government from another state, and their officers, agents, and employees, who under a mutual aid agreement authorized by this section are:*
  - (a) *Providing mutual aid; or*
  - (b) *Engaged in training and exercises.*
- (7) (a) *Emergency responders rendering mutual aid under a mutual aid agreement authorized by this section remain employees and agents of their respective employers and jurisdictions.*  
(b) *A mutual aid agreement entered into under this section 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, worker's compensation, and all other benefits enjoyed by emergency responders rendering mutual aid under a mutual aid agreement authorized by this section extend to the services the emergency responders perform outside their respective jurisdictions, as if those services had been rendered in their own jurisdiction.*
- (8) *A mutual aid agreement under this section shall be approved by each political subdivision entering into the mutual aid agreement. A copy of the mutual aid agreement, including any amendments, shall be delivered to the fiscal court or legislative body having countywide jurisdiction and the county emergency management agency of that jurisdiction.*
- (9) *This section shall not be construed to limit, modify, or abridge:*
  - (a) *Kentucky's emergency management agency statutes; or*
  - (b) *The emergency management assistance compact under KRS 39A.950.*

Signed by Governor April 11, 2012.