

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 312
SENATE BILL 1330

AN ACT

AMENDING SECTION 26-314, ARIZONA REVISED STATUTES; AMENDING TITLE 26,
CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 26-404;
RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 26-314, Arizona Revised Statutes, is amended to
3 read:

4 26-314. Immunity of state, political subdivisions and
5 officers, agents, employees and emergency workers;
6 limitation; rules; definitions

7 A. This state and its departments, agencies, boards and commissions
8 and all political subdivisions are not liable for any claim based on the
9 exercise or performance, or the failure to exercise or perform, a
10 discretionary function or duty by any emergency worker, except for wilful
11 misconduct, gross negligence or bad faith of the emergency worker, in
12 engaging in emergency management activities or performing emergency
13 functions pursuant to this chapter or title 36, chapter 6, article 9,
14 including operating an unmanned aircraft or a public unmanned aircraft,
15 while engaged in or supporting emergency management activities or
16 performing emergency functions pursuant to this chapter or title 36,
17 chapter 6, article 9.

18 B. The immunities from liability, exemptions from laws, ordinances
19 and rules, all pensions, relief, disability workers' compensation and
20 other benefits that apply to the activity of officers, agents, employees
21 or emergency workers of this state or of any political subdivision when
22 performing their respective functions within this state or the territorial
23 limits of their respective political subdivisions apply to them to the
24 same degree and extent while engaged in the performance of any of their
25 functions and duties extraterritorially under this chapter or title 36,
26 chapter 6, article 9, except for wilful misconduct, gross negligence or
27 bad faith.

28 C. Emergency workers engaging in emergency management activities or
29 performing emergency functions under this chapter or title 36, chapter 6,
30 article 9, in carrying out, complying with or attempting to comply with
31 any order or rule issued under this chapter, title 36, chapter 6, article
32 9 or any local ordinance, or performing any of their authorized functions
33 or duties or training for the performance of their authorized functions or
34 duties have the same degree of responsibility for their actions and enjoy
35 the same immunities and disability workers' compensation benefits as
36 officers, agents and employees of this state and its political
37 subdivisions performing similar work. EXCEPT AS OTHERWISE PROVIDED UNDER
38 CHAPTER 3, ARTICLE 1 OF THIS TITLE, this state and its departments,
39 agencies, boards and commissions and all political subdivisions that
40 supervise or control emergency workers engaging in emergency management
41 activities or performing emergency functions under this chapter or title
42 36, chapter 6, article 9 are responsible for providing for liability
43 coverage, including legal defense, of an emergency worker if necessary.
44 Coverage is provided if the emergency worker is acting within the course

1 and scope of assigned duties and is engaged in an authorized activity,
2 except for actions of wilful misconduct, gross negligence or bad faith.

3 D. Any other state or its officers, agents, emergency workers or
4 employees rendering aid in this state pursuant to any interstate mutual
5 aid arrangement, agreement or compact are not liable on account of any act
6 or omission in good faith on the part of the state or its officers,
7 agents, emergency workers or employees while so engaged or on account of
8 the maintenance or use of any equipment or supplies in connection with an
9 emergency.

10 E. The division shall adopt rules prescribing the procedures for
11 registration of emergency workers.

12 F. For the purposes of this section, "public unmanned aircraft" and
13 "unmanned aircraft" have the same meanings prescribed in section 13-3729.

14 Sec. 2. Title 26, chapter 3, article 1, Arizona Revised Statutes,
15 is amended by adding section 26-404, to read:

16 26-404. Deployment of private sector workers to affected
17 states; liability protection; definition

18 A. PURSUANT TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT
19 AUTHORIZED BY THE LEGISLATURE IN SECTION 26-402, THE GOVERNOR OF THIS
20 STATE MAY DEPLOY THOSE OFFICERS, EMPLOYEES AND MEMBERS OF A PRIVATE ENTITY
21 OR A REGISTERED AND CREDENTIALLED VOLUNTEER ORGANIZATION IN THIS STATE WHO
22 HAVE VOLUNTEERED TO PROVIDE ASSISTANCE TO AN AFFECTED STATE EXPERIENCING
23 ANY EMERGENCY OR DISASTER THAT IS DULY DECLARED BY THE GOVERNOR OF THE
24 AFFECTED STATE.

25 B. THOSE OFFICERS, EMPLOYEES AND MEMBERS OF A PRIVATE ENTITY OR A
26 REGISTERED AND CREDENTIALLED VOLUNTEER ORGANIZATION IN THIS STATE WHO HAVE
27 VOLUNTEERED TO DEPLOY UNDER THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT:

28 1. ARE DEEMED EMERGENCY WORKERS PURSUANT TO SECTION 26-314 WHEN
29 RENDERING AID TO AN AFFECTED STATE.

30 2. ARE CONSIDERED AGENTS OF THE REQUESTING STATE FOR TORT LIABILITY
31 AND IMMUNITY PURPOSES PURSUANT TO ARTICLE VI OF THE EMERGENCY MANAGEMENT
32 ASSISTANCE COMPACT AUTHORIZED BY SECTION 26-402.

33 3. ARE NOT LIABLE FOR ANY ACT OR OMISSION IN GOOD FAITH WHILE SO
34 ENGAGED OR ON ACCOUNT OF MAINTAINING OR USING ANY EQUIPMENT OR SUPPLIES IN
35 CONNECTION WITH AN EMERGENCY PURSUANT TO ARTICLE VI OF THE EMERGENCY
36 MANAGEMENT ASSISTANCE COMPACT AUTHORIZED BY SECTION 26-402.

37 C. FOR THE PURPOSES OF THIS SECTION, "EMERGENCY WORKER" HAS THE
38 SAME MEANING PRESCRIBED IN SECTION 26-301.

APPROVED BY THE GOVERNOR JUNE 7, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 7, 2019.