

Emergency Management (Arizona Revised Statutes: Title 26 - Military Affairs and
Emergency Management; Chapter 2)

26-301. Definitions

In this chapter, unless the context otherwise requires:

1. "Commercial nuclear generating station" means an electric power generating facility which is owned by a public service corporation, a municipal corporation or a consortium of public service corporations or municipal corporations and which produces electricity by means of a nuclear reactor.
2. "Council" means the state emergency council.
3. "Director" means the director of the division.
4. "Division" means the division of emergency management within the department of emergency and military affairs.
5. "Emergency functions" includes warning and communications services, relocation of persons from stricken areas, radiological defense, temporary restoration of utilities, plant protection, transportation, welfare, public works and engineering, search or rescue, health and medical services, law enforcement, fire fighting, mass care, resource support, urban search or rescue, hazardous materials, food and energy information and planning and other activities necessary or incidental thereto.
6. "Emergency management" means the preparedness, response, recovery and mitigation activities necessary to respond to and recover from disasters, emergencies or contingencies.
7. "Emergency worker" means any person who is registered, whether temporary or permanent, paid or volunteer, with a local or state emergency management organization and certified by the local or state emergency management organization for the purpose of engaging in authorized emergency management activities or performing emergency functions, or who is an officer, agent or employee of this state or a political subdivision of this state and who is called on to perform or support emergency management activities or perform emergency functions.
8. "Hazardous materials" means:
 - (a) Any hazardous material designated pursuant to the hazardous materials transportation act of 1974 (P.L. 93-633; 88 Stat. 2156; 49 United States Code section 1801).
 - (b) Any element, compound, mixture, solution or substance designated pursuant to the comprehensive environmental response, compensation, and liability act of 1980 (P.L. 96-510; 94 Stat. 2767; 42 United States Code section 9602).
 - (c) Any substance designated in the emergency planning and community right-to-know act of 1986 (P.L. 99-499; 100 Stat. 1613; 42 United States Code section 11002).
 - (d) Any substance designated in the water pollution control act (P.L. 92-500; 86 Stat. 816; 33 United States Code sections 1317(a) and 1321(b)(2)(A)).
 - (e) Any hazardous waste having the characteristics identified under or listed pursuant to section 49-922.
 - (f) Any imminently hazardous chemical substance or mixture with respect to which action has been taken pursuant to the toxic substances control act (P.L. 94-469; 90 Stat. 2003; 15 United States Code section 2606).
 - (g) Any material or substance determined to be radioactive pursuant to the atomic energy act of 1954 (68 Stat. 919; 42 United States Code section 2011).
 - (h) Any substance designated as a hazardous substance pursuant to section 49-201.
 - (i) Any highly hazardous chemical or regulated substance as listed in the clean air act of 1963 (P.L. 88-206; 42 United States Code sections 7401 through 7671).
9. "Hazardous materials incident" means the uncontrolled, unpermitted release or potential release of hazardous materials that may present an imminent and substantial danger to the public health or welfare or to the environment.
10. "Local emergency" means the existence of conditions of disaster or of extreme peril to the safety of persons or property within the territorial limits of a county, city or town, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of such political subdivision as determined by its governing body and which require the combined efforts of other political subdivisions.
11. "Mitigation" means measures taken to reduce the need to respond to a disaster and to reduce the cost of disaster response and recovery.

12. "Preparedness" means actions taken to develop the response capabilities needed for an emergency.

13. "Recovery" means short-term activities necessary to return vital systems and facilities to minimum operating standards and long-term activities required to return life to normal or improved levels.

14. "Response" means activities that are designed to provide emergency assistance, limit the primary effects, reduce the probability of secondary damage and speed recovery operations.

15. "State of emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons or property within the state caused by air pollution, fire, flood or floodwater, storm, epidemic, riot, earthquake or other causes, except those resulting in a state of war emergency, which are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single county, city or town, and which require the combined efforts of the state and the political subdivision.

16. "State of war emergency" means the condition which exists immediately whenever this nation is attacked or upon receipt by this state of a warning from the federal government indicating that such an attack is imminent.

26-302. General powers of governor

The governor may delegate any of the powers vested in the office of the governor under this chapter to the adjutant general who may further delegate the powers to the director of emergency management except the powers enumerated in section 26-303, subsections A through G.

26-303. Emergency powers of governor; termination; authorization for adjutant general; limitation

A. During a state of war emergency, the governor may:

1. Suspend the provisions of any statute prescribing the procedure for conduct of state business, or the orders or rules of any state agency, if the governor determines and declares that strict compliance with the provisions of any such statute, order or rule would in any way prevent, hinder or delay mitigation of the effects of the emergency.

2. Commandeer and utilize any property, except for firearms or ammunition or firearms or ammunition components or personnel deemed necessary in carrying out the responsibilities vested in the office of the governor by this chapter as chief executive of the state and thereafter the state shall pay reasonable compensation therefor as follows:

(a) If property is taken for temporary use, the governor, within ten days after the taking, shall determine the amount of compensation to be paid therefor. If the property is returned in a damaged condition, the governor, within ten days after its return, shall determine the amount of compensation to be paid for such damage.

(b) If the governor deems it necessary for the state to take title to property under this section, the governor shall then cause the owner of the property to be notified thereof in writing by registered mail, postage prepaid, and then cause a copy of the notice to be filed with the secretary of state.

(c) If the owner refuses to accept the amount of compensation fixed by the governor for the property referred to in subdivisions (a) and (b), the amount of compensation shall be determined by appropriate proceedings in the superior court in the county where the property was originally taken.

B. During a state of war emergency, the governor shall have complete authority over all agencies of the state government and shall exercise all police power vested in this state by the constitution and laws of this state in order to effectuate the purposes of this chapter.

C. The powers granted the governor by this chapter with respect to a state of war emergency shall terminate if the legislature is not in session and the governor, within twenty-four hours after the beginning of such state of war emergency, has not issued a call for an immediate special session of the legislature for the purpose of legislating on subjects relating to such state of war emergency.

D. The governor may proclaim a state of emergency which shall take effect immediately in an area affected or likely to be affected if the governor finds that circumstances described in section 26-301, paragraph 15 exist.

E. During a state of emergency:

1. The governor shall have complete authority over all agencies of the state government and the right to exercise, within the area designated, all police power vested in the state by the constitution and laws of this state in order to effectuate the purposes of this chapter.

2. The governor may direct all agencies of the state government to utilize and employ state personnel, equipment and facilities for the performance of any and all activities designed to prevent or alleviate actual and threatened damage due to the emergency. The governor may direct such agencies to provide supplemental services and equipment to political subdivisions to restore any services in order to provide for the health and safety of the citizens of the affected area.

F. The powers granted the governor by this chapter with respect to a state of emergency shall terminate when the state of emergency has been terminated by proclamation of the governor or by concurrent resolution of the legislature declaring it at an end.

G. No provision of this chapter may limit, modify or abridge the powers vested in the governor under the constitution or statutes of this state.

H. If authorized by the governor, the adjutant general has the powers prescribed in this subsection. If, in the judgment of the adjutant general, circumstances described in section 26-301, paragraph 15 exist, the adjutant general may:

1. Exercise those powers pursuant to statute and gubernatorial authorization following the proclamation of a state of emergency under subsection D of this section.

2. Incur obligations of one hundred thousand dollars or less for each emergency or contingency payable pursuant to section 35-192 as though a state of emergency had been proclaimed under subsection D of this section.

I. The powers exercised by the adjutant general pursuant to subsection H of this section expire seventy-two hours after the adjutant general makes a determination under subsection H of this section.

J. Pursuant to the second amendment of the United States Constitution and article II, section 26, Constitution of Arizona, and notwithstanding any other law, the emergency powers of the governor, the adjutant general or any other official or person shall not be construed to allow the imposition of additional restrictions on the lawful possession, transfer, sale, transportation, carrying, storage, display or use of firearms or ammunition or firearms or ammunition components.

K. Nothing in this section shall be construed to prohibit the governor, the adjutant general or other officials responding to an emergency from ordering the reasonable movement of stores of ammunition out of the way of dangerous conditions.

26-304. State emergency council; membership; powers and duties; definition

A. The state emergency council is established consisting of the following persons or their designee:

1. Governor.
2. Secretary of state.
3. Attorney general.
4. Adjutant general.
5. Director of the division of emergency management.
6. Director of the department of transportation.
7. Director of the department of health services.
8. Director of environmental quality.
9. Director of the department of public safety.
10. Director of the Arizona department of agriculture.
11. Director of the department of administration.
12. Director of water resources.
13. President of the senate as an advisory member.
14. Speaker of the house of representatives as an advisory member.

B. The powers and duties of the council include:

1. Making recommendations for orders, rules, policies and procedures to the governor.

2. Recommending to the governor the assignment of any responsibility, service or activity to a state agency relative to emergencies or planning for emergencies.

3. Issuing, in the event of inaccessibility of the governor, a state of emergency proclamation under the same conditions by which the governor could issue such a proclamation, if the action is taken at a meeting of the council called by the director and if not less than three council members, one of whom is an elected official, approve the action.

C. The council shall monitor each emergency declared by the governor and the activities and response of the division to the emergency. The council shall recommend to the governor or the legislature

based on the reports submitted to it by the auditor that the emergency conditions have stabilized and that the emergency is substantially contained.

D. For the purposes of this section, "advisory member" means a member who gives advice to the other members of the state emergency council at meetings of the council but who is not eligible to vote, is not a member for purposes of determining whether a quorum is present and is not eligible to receive any compensation or reimbursement of expenses by the council.

26-305. Division of emergency management; duties; director; term; qualifications; compensation; emergency management training fund

A. There is established in the department of emergency and military affairs the division of emergency management, which is administered by the department under the authority of the adjutant general, subject to powers vested in the governor as provided by law.

B. The division shall prepare for and coordinate those emergency management activities that may be required to reduce the impact of disaster on persons or property.

C. Through the powers vested in the governor, the division shall coordinate the cooperative effort of all governmental agencies including the federal government, this state and its political subdivisions to alleviate suffering and loss resulting from disaster.

D. The adjutant general shall appoint the director who serves at the pleasure of the adjutant general. The adjutant general shall select the director on the basis of demonstrated ability in governmental functions or business administration and general knowledge of contingency planning and disaster preparedness.

E. The director is eligible to receive compensation pursuant to section 38-611.

F. The emergency management training fund is established consisting of monies received from fees collected by the division for coordinating symposiums, training conferences and seminars relating to its powers and duties. The director of the division shall deposit all fees collected for these activities in the fund, which shall be used only for expenses of the activities. All monies collected from each event that are in excess of the expenses of the event shall revert to the state general fund by the end of the fiscal year.

26-305.01. Nuclear emergency plan; duties of division and director

A. The division is designated the lead agency and has the overall and primary responsibility for development of a state plan for off-site response to an emergency caused by an accident at a commercial nuclear generating station.

B. The director shall develop the plan by appointing a coordinator and response group and working in consultation with designated representatives from the following:

1. Arizona department of agriculture.
2. Department of health services.
3. Department of public safety.
4. Department of transportation.
5. Arizona commerce authority.
6. Arizona corporation commission.
7. Department of environmental quality.
8. Any other agencies or offices deemed necessary by the division of emergency management.

26-305.03. Electromagnetic pulse preparedness recommendations; posting; definition

A. The division shall develop preparedness recommendations for the public regarding the type and quantity of supplies, including food, water and medical supplies, that each person in this state should possess in preparation for an electromagnetic pulse that might occur over the United States. The division shall post the preparedness recommendations on its website and shall update the preparedness recommendations at least every five years.

B. For the purposes of this section, "electromagnetic pulse" means a burst of electromagnetic energy occurring in the form of a radiated electric magnetic field or conducted electrical current caused by a coronal mass ejection from the sun, detonation of a nuclear bomb high in earth's upper atmosphere or a man-made electromechanical device.

26-306. Powers and duties of the director of emergency management

- A. The director, subject to the approval of the adjutant general, shall:
1. Be the administrative head of the division.
 2. Be the state director for emergency management.
 3. Make rules necessary for the operation of the division.
 4. Develop and test plans for meeting any condition constituting a state of emergency or state of war emergency, except those emergency plans specifically assigned by the governor to other state agencies. Such plans shall provide for the effective mobilization and management of personnel and equipment of the state.
 5. During a state of war emergency, coordinate the emergency activities of all state agencies except the national guard.
 6. During a state of emergency or a local emergency, coordinate the emergency activities of all state agencies and the national guard.
 7. Coordinate the use of state personnel, equipment, services and facilities, including communication services, if requested by political subdivisions in support of emergency management activities.
 8. Coordinate the use of personnel, equipment, services and facilities, including communication services, of one or more political subdivisions in support of any other political subdivision in meeting emergency needs, including search or rescue operations, on the request of the using political subdivision.
 9. Develop, test and maintain a plan pursuant to section 26-305.01 for response by agencies of this state and its political subdivisions to an accident at a commercial nuclear generating station.
 10. Every two years, submit a recommendation to the legislature in connection with the assessment prescribed by section 26-306.01 with supporting documentation and information.
 11. Collaborate with the state forester in presentations to legislative committees on issues associated with forest management, wildfire prevention and suppression and wildfire emergency response and management as provided by section 37-1302, subsection B.
 12. Develop, implement and maintain a state hazardous materials emergency response and recovery plan as part of the hazardous materials emergency management program pursuant to section 49-123.
 13. Coordinate the development, implementation and maintenance of standardized curricula for hazardous materials training and education.
- B. The director, subject to the approval of the adjutant general, may:
1. Propose, develop, negotiate and consummate contractual arrangements with the federal government, state agencies and political subdivisions for technical, administrative and financial support from the federal, state and local government in connection with the emergency management activities of the state.
 2. Represent the state at conferences in the development and promotion of the emergency management capability of the state.
 3. Establish a disaster prevention council to plan for disaster prevention. The council shall consist of the members of the state emergency council and other members as determined by the director. The disaster prevention council shall coordinate the disaster prevention expertise of representatives of federal, state and local business and industry and promote partnerships to substantially reduce property loss from natural and technological disasters.

26-306.01. Assessment on commercial nuclear generating stations

A. The legislature shall levy an assessment pursuant to subsection D of this section to provide for the development and maintenance of a state plan for off-site response to an emergency caused by an accident at a commercial nuclear generating station and to provide for the equipment, personnel, facilities, training and testing necessary to comply with criteria for preparation and evaluation of radiological emergency response plans and preparedness in support of commercial nuclear generating stations prescribed by the United States nuclear regulatory commission and the federal emergency management agency.

B. Before October 31 in each even-numbered year, the director shall recommend to the legislature an amount necessary to develop, maintain and support the state plan.

C. The legislature shall appropriate for each of the following two fiscal years the amount necessary to develop, maintain and support the state plan, after hearing the recommendation under subsection B of

this section. The monies shall be appropriated from the nuclear emergency management fund established by section 26-306.02.

D. Every two years an assessment for each of the two years of the biennium is levied against each consortium of public service corporations and municipal corporations engaged in constructing or operating a commercial nuclear generating station for the purpose of developing, maintaining and supporting the state plan. The assessment shall be in an amount equal to the appropriations provided pursuant to subsection C of this section, plus interest at a rate of ten percent per year, and shall be contained in the same appropriations bill provided by subsection C of this section. Interest shall be charged on any amounts that are appropriated pursuant to subsection C of this section, and that have not been repaid, from the date the appropriation becomes available for expenditure until payment is received. The assessment for each year of the biennium shall be collected by the department of revenue. Monies collected from the levy shall be deposited in the nuclear emergency management fund established by section 26-306.02.

E. If a consortium fails or refuses to pay its assessment within the year for which the assessment is made, the legislature may direct the director to notify the United States nuclear regulatory commission, or its successor in licensing commercial nuclear generating stations, of this state's incapacity to support an off-site emergency response plan for the commercial nuclear generating station.

26-306.02. Nuclear emergency management fund; exemption; appropriation reduction

A. The nuclear emergency management fund is established consisting of monies appropriated under section 26-306.01. The division shall use the fund for administering and enforcing the state plan for off-site response to an emergency caused by an accident at a commercial nuclear generating station.

B. Monies in the fund are appropriated for use by the division as provided in this section. Monies deposited in the fund are exempt from section 35-190 relating to lapsing of appropriations, except that any monies remaining unexpended and unencumbered at the end of each fiscal year from the distributions made from the fund to the division of emergency management of the department of emergency and military affairs, the Arizona department of agriculture and the department of health services and for disbursements to departments and agencies of Maricopa county revert to the nuclear emergency management fund and shall be used to reduce the assessment and appropriation to the fund for the following fiscal years. The reduction in the appropriation for each applicable agency shall be equal to the amount of monies reverted to the fund by each agency.

26-307. Power of counties, cities, towns and state agencies designated by the governor to make orders, rules and regulations; procedure

A. State agencies when designated by the governor, and counties, cities and towns may make, amend and rescind orders, rules and regulations necessary for emergency functions but such shall not be inconsistent with orders, rules and regulations promulgated by the governor.

B. Any order, rule or regulation issued by the governing body of a county or other political subdivision of the state is effective when a copy is filed in the office of the clerk of the political subdivision. Existing laws, ordinances, orders, rules and regulations in conflict with this chapter or orders, rules or regulations issued under authority of this chapter are suspended during the time and to the extent that they conflict.

C. In a state of war emergency, counties, cities and towns may waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, purchasing and distributing supplies, materials and facilities and appropriating and expending public funds when such governmental entity determines and declares that strict compliance with such procedures and formalities may prevent, hinder or delay mitigation of the effects of the state of war emergency.

D. In the absence of specific authority in state emergency plans and programs, the governing body of each county, city and town of the state shall take emergency measures as deemed necessary to carry out the provisions of this chapter.

26-308. Powers of local government; local emergency management establishment; organization

A. Each county and incorporated city and town of the state may appropriate and expend funds, make contracts and obtain and distribute equipment, materials and supplies for emergency management purposes.

B. Each county and incorporated city and town of the state shall establish and provide for emergency management within its jurisdiction in accordance with state emergency plans and programs. Each unincorporated community may establish such emergency management programs.

C. The chief executive officer or governing body of each county, incorporated city or incorporated town may appoint a director who shall be responsible for the organization, administration and operation of local emergency management programs, subject to the direction and control of such executive officer or governing body.

D. State emergency plans shall be in effect in each such political subdivision of the state. The governing body of each such political subdivision shall take such action as is necessary to carry out the provisions thereof, including the development of additional emergency plans for the political subdivision in support of the state emergency plans.

E. Each county's emergency management organization shall:

1. Maintain a list of public and private organizations within the county which have personnel trained and available for assisting in meeting emergency needs.

2. Maintain an inventory of facilities, equipment, supplies and other resources within the county available for use in meeting emergency needs.

3. Provide a summary of the information required in paragraphs 1 and 2 to the state director of emergency management.

26-309. Mutual aid; responsibilities of agencies and officials; agreements; definition

A. The purposes of the provisions of this section are to facilitate the rendering of aid to persons or property in areas within the state stricken by an emergency and to make unnecessary the execution of written agreements in times of emergency. Any emergency plans duly adopted and approved satisfy the requirement for mutual aid agreements.

B. During an emergency, if any county, city, town, private water or wastewater utility or special taxing district requires outside aid, such aid may be rendered in accordance with approved emergency plans and mutual aid agreements.

C. The governor, on behalf of this state, may enter into reciprocal aid agreements or compacts, mutual aid plans or other interstate arrangements for the protection of life and property with other states and the federal government. Such mutual aid arrangements may include the furnishing or exchange on terms and conditions deemed necessary of supplies, equipment, facilities, personnel and services.

D. A county, city, town, private water or wastewater utility or special taxing district may enter into mutual aid agreements with other entities if the other entities provide water or wastewater services. The mutual aid agreements shall address responding to emergencies that affect water and wastewater services and specify how the costs of the responding service provider will be reimbursed by the service provider that requests aid.

E. For the purposes of this section, "special taxing district" means any district formed pursuant to title 48, chapter 6, article 4 or chapter 14, article 1.

26-310. Use of professional skills

During a state of war emergency or a state of emergency, any person holding any license, certificate or other permit issued by any state evidencing the meeting of the qualifications of such state for professional, mechanical or other skills may render aid involving such skill to meet the emergency as fully as if such license, certificate or other permit had been issued in this state, if any substantially similar license, certificate or other permit is issued in this state to applicants possessing the same professional, mechanical or other skills.

26-311. Local emergency; power of political subdivisions; state agency assistance

A. In addition to the powers granted by other provisions of the law or charter, whenever the mayor of an incorporated city or town or the chairman of the board of supervisors for the unincorporated portion of the county, shall deem that an emergency exists due to fire, conflagration, flood, earthquake, explosion, war, bombing, acts of the enemy or any other natural or man-made calamity or disaster or by reason of threats or occurrences of riots, routs, affrays or other acts of civil disobedience which endanger life or property within the city, or the unincorporated areas of the county, or portion thereof, the mayor or chairman of the board of supervisors, if authorized by ordinance or resolution, may by proclamation declare an emergency or a local emergency to exist.

B. If an emergency is declared pursuant to subsection A, the mayor or the chairman of the board of supervisors shall, during such emergency, govern by proclamation and shall have the authority to impose all necessary regulations to preserve the peace and order of the city, town, or unincorporated areas of the county, including but not limited to:

1. Imposition of curfews in all or portions of the political subdivision.
2. Ordering the closing of any business.
3. Closing to public access any public building, street, or other public place.
4. Calling upon regular or auxiliary law enforcement agencies and organizations within or without the political subdivision for assistance.
5. Notifying the constitutional officers that the county office for which they are responsible may remain open or may close for the emergency.

C. In periods of local emergency, including an emergency declared pursuant to subsection A of this section, political subdivisions have full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans or agreements therefor.

D. State agencies may provide mutual aid, including personnel, equipment and other available resources to assist political subdivisions during a local emergency in accordance with emergency plans or at the direction of the governor.

26-312. Authority of executive officers and governing bodies to accept materials or funds

The governor on behalf of the state or the governing body of a political subdivision of this state may accept for purposes of emergency services an offer of the federal government or an agency or officer thereof, or an offer of any person, firm or corporation of services, equipment, supplies, material or funds, whether by gift, grant or loan and may designate an officer of the state or subdivision thereof to receive them on behalf of the state or subdivisions subject to terms, if any, of the offeror.

26-313. Reimbursement to state agencies; use of state agency resources

A. Reimbursement to any state agency for state funds expended in the performance of any and all activities as set forth in this chapter shall be made in accordance with section 35-192.

B. Any funds received by state agencies as reimbursement for services or supplies furnished under the authority of this chapter shall be deposited to the credit of the account of the agency which rendered such services or furnished such supplies.

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

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

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

C. Emergency workers engaging in emergency management activities or performing emergency functions under this chapter or title 36, chapter 6, article 9, in carrying out, complying with or attempting to comply with any order or rule issued under this chapter, title 36, chapter 6, article 9 or any local ordinance, or performing any of their authorized functions or duties or training for the performance of their authorized functions or duties have the same degree of responsibility for their actions and enjoy the same immunities and disability workers' compensation benefits as officers, agents and employees of this state and its political subdivisions performing similar work. Except as otherwise provided under chapter 3, article 1 of this title, this state and its departments, agencies, boards and commissions and all political subdivisions that supervise or control emergency workers engaging in emergency management activities or performing emergency functions under this chapter or title 36, chapter 6, article 9 are responsible for providing for

liability coverage, including legal defense, of an emergency worker if necessary. Coverage is provided if the emergency worker is acting within the course and scope of assigned duties and is engaged in an authorized activity, except for actions of wilful misconduct, gross negligence or bad faith.

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

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

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

26-315. Political activities prohibited

No public organization established under the authority of this chapter shall participate in any form of political activity nor shall it be employed directly or indirectly for political purposes.

26-316. Enforcement of orders, rules and regulations

The law enforcing authorities of the state and political subdivisions shall enforce orders, rules and regulations issued pursuant to this chapter.

26-317. Violation; classification

Any person who violates any provision of this chapter or who knowingly fails or refuses to obey any lawful order or regulation issued as provided in this chapter shall be guilty of a class 1 misdemeanor. This provision does not apply to the refusal of any private organization or member thereof to participate in a local emergency or state of emergency as defined by this chapter.

26-318. Exemption from payment of registration and weight fees for vehicles owned by a disaster assistance organization; procedure; form

A. Any nonprofit organization organized in this state and recognized as nonprofit and tax exempt by the United States internal revenue service and owning vehicles operated exclusively for disaster or search and rescue assistance may apply to the division of emergency management, on a form prescribed by the director, for exemption from the registration and weight fees for any motor vehicle, trailer or semitrailer owned by the organization.

B. The form shall include the following:

1. The vehicle make and model.

2. The vehicle identification number.

3. The name of the presiding officer of the disaster assistance organization.

4. A statement that the nonprofit organization is recognized as nonprofit and tax exempt by the United States internal revenue service.

5. A statement that the vehicle is used exclusively for disaster or search and rescue assistance.

6. The signature of the presiding officer.

C. The director shall approve the forms of those vehicles meeting the requirements of subsection B and shall return the approved forms to the nonprofit organization.

26-319. Commercial nuclear generating station; emergency planning zone; recording

The owners of a commercial nuclear generating station shall prepare, execute and record in the office of the county recorder a legal description of the land that is within an emergency planning zone consisting of all land within a ten mile radius of the commercial nuclear generating station. The legal description shall include the property on which the facility is located.

26-320. First informer broadcasters; training and certification; access; definitions

A. The division may coordinate with a broadcasting association in this state or a cable television telecommunication association in this state, or both, to develop comprehensive, coordinated plans for preparing for and responding appropriately to an emergency or disaster.

B. The division may designate and authorize a statewide organization that represents broadcasters, cable television communications or any other provider that uses emerging technologies or a federally licensed radio or television station to establish and conduct a program approved by the division to train and certify broadcast engineers and technical personnel that are critical to station operations as first informer broadcasters. Training and certification pursuant to this subsection shall:

1. Be consistent with federal law and guidelines.

2. Include education in restoring, repairing and resupplying any facilities or equipment of a broadcaster in an area affected by an emergency or disaster.

3. Include education concerning the personal safety of a first informer broadcaster in an area affected by an emergency or disaster.

C. To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, state and local government agencies shall allow a first informer broadcaster to access an area affected by an emergency or disaster to restore, repair or resupply any facility or equipment critical to the ability of a broadcaster to acquire, produce and transmit essential emergency or disaster related public information programming, including repairing and maintaining transmitters and generators and transporting fuel for generators.

D. For the purposes of this section:

1. "Broadcaster" means a radio broadcasting station, cable television operator, video service provider or television broadcasting station primarily engaged in, and deriving income from, the business of facilitating speech via over-the-air communications, both as to pure speech and commercial speech.

2. "First informer broadcaster" means a person who is trained and certified as a first informer broadcaster pursuant to this section.