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HOUSE FISCAL AGENCY

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HB5189 AS INTRODUCED

Sponsor: Rep. Andrew Raczkowski

Committee: COMMERCE

Analyst(s): Jen, Kyle

Completed: 10/15/01

State Fiscal Impact

Cost: Indeterminate
Revenues: None

Local Fiscal Impact

Cost: None
Revenues: None

House Bill 5189 would enter Michigan into the interstate Emergency Management Assistance Compact (EMAC). The stated purpose of the compact is "to provide for mutual assistance between the [participating] states in managing any emergency or disaster that is duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack." The compact also provides for mutual cooperation in emergency-related exercises, testing, or other training activities outside of actual declared emergency periods. Mutual assistance includes the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

According to the EMAC website (www.nemaweb.org/emac/index.cfm), 41 states and 2 territories are currently members of EMAC.

There are no fixed costs (membership fees, etc.) involved in joining the compact. Costs associated with specific emergency situations would depend on the nature and frequency of those emergencies. There are several types of costs specifically referenced in the compact (the provisions of which are contained in House Bill 5189):

- 1) Officers or employees from a state providing aid to another state are considered agents of the requesting state for tort liability and immunity purposes. This provision could increase state costs to the extent that employees of another state were found liable for their actions while providing aid to Michigan under the compact.
- 2) Each participating state is to provide for the payment of compensation and death benefits to injured members of its own emergency forces and to representatives of deceased members of such forces when those members are injured or killed rendering aid under the compact in the same manner and on the same terms as if the injury or death were sustained within their own state. This provision could increase state costs to the extent that members of Michigan's emergency forces were injured or killed while rendering aid in another state under the compact.
- 3) A state rendering aid in another state under the compact is to be reimbursed from the state receiving assistance for any loss or damage to equipment or expense incurred in operating equipment and providing services in answering a request for aid. However, any aiding state could assume in whole or in part such loss, damage, expense, or other cost, or could loan such equipment or donate such services to the receiving state without charge or cost. Further, states could enter into supplementary agreements regarding the allocation of costs. Assuming that at some point in the future Michigan requested aid from another state or states, entering into the compact would increase state costs. Presumably, these costs would be associated with services of an essential and emergency nature.

4) The compact provides for the possibility of evacuating citizens of one state to another state. The states involved would have to reach agreements as to the reimbursement of out-of-pocket expenses involved, and expenses would be reimbursed as agreed by the state from which the evacuees came. This provision could increase state costs in such situations, depending on the specific agreement between the states.

In sum, entering into EMAC would create the possibility of increased costs to the State of Michigan by involving personnel from other states in Michigan emergencies; all costs in such situations--other than death/injury benefits and costs associated with evacuees--would be borne by Michigan, unless the state providing the aid chose to assume some portion of the costs. On the other hand, entering the compact could, in some sense, reduce costs to the State of Michigan by providing for a more efficient arrangement for dealing with state-level emergencies. That is, the availability of emergency personnel and services from other states could reduce costs associated with Michigan emergency management resources in the long run.