

INTERSTATE MUTUAL EMERGENCY AID ACT

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House Bill 4838

Sponsor: Rep. Sharon Tyler

Committee: Local, Intergovernmental, and Regional Affairs

Complete to 9-13-11

A SUMMARY OF HOUSE BILL 4838 AS INTRODUCED 6-30-11

House Bill 4838 would create a new act to be known as the Interstate Mutual Emergency Aid Act. The new act would specifically allow interstate compacts and agreements for the purpose of providing mutual aid during certain kinds of emergencies (generally, those events posing risk to life, health, property, or the environment, but *not* requiring a state or local declaration of emergency or disaster). A more detailed description of the bill follows.

Mutual aid agreements with other states' governmental units. The bill specifies that in order to more adequately address emergencies that extend or exceed a jurisdiction's emergency response capabilities, (either without the event rising to the level of a state or local declaration of disaster or emergency, or in the initial stages of an event which may later become a declared disaster or emergency), the state or any of its departments, or political subdivisions (including but not limited to a county, city, village, township, special district, or other unit of local government, or any combination of these jurisdictions) may enter into a mutual aid agreement with one or more units of government from another state.

Under the bill, the mutual aid agreement that is entered into with another state may provide for the coordination of communications, and training, as well as for response to and standby for, planned events and also for emergency responses.

Private companies. A private company and its employees would not be prohibited from participating in the provision of mutual aid, if the participating state agency or political subdivision approved the participation, and their contract permitted it.

Out-of-state emergency responders. When engaged in training, stand-by, and emergency response, in accord with their respective mutual aid agreements, all emergency responders from outside Michigan would be permitted to provide services within the state.

Reciprocity. Under the bill, an emergency responder from a unit of government outside Michigan who held a license, certificate, or other permit, would be considered to be licensed, certified, and permitted to render mutual aid in Michigan (assuming the emergency responder was acting within the scope of his or her license and its Michigan equivalent license).

Liability. The bill specifies that any function performed under this act would be considered to be for public and governmental purposes, and that all immunities from liability that are enjoyed by the state or the political subdivisions of Michigan and their officers, agents, and employees, would also extend to the emergency responders from another state.

Emergency responders from outside Michigan would remain employees of their respective jurisdictions, and the mutual aid agreement entered into would create an employment relationship between the jurisdiction requesting aid, and the employees and agents of the jurisdiction rendering aid. Further, all pension, relief, disability, death benefits, worker's compensation, and other benefits enjoyed by emergency responders who rendered emergency mutual aid would extend to the service they performed outside their respective jurisdictions.

Finally, House Bill 4838 specifies that this act would not limit, modify, or abridge the emergency management compact entered into under Public Act 247 of 2001 (MCL 3.991 to 3.994), or the Emergency Management Act, Public Act 390 of 1976 (MCL 30.401 to 30.421).

Definitions. The bill defines two terms: "emergency responder," and "mutual aid emergency."

The term "*emergency responder*" is defined to mean an individual who is required to possess a license, certificate, or permit, or other official recognition for his or her expertise in a particular field or area of knowledge and whose assistance is utilized or is desirable during an emergency. Emergency responder includes, but is not limited to, emergency medical services personnel; law enforcement officers; physicians; nurses; mental health, veterinary, or other public health practitioners; emergency management personnel; public works personnel; and firefighters, including firefighters trained in the areas of hazardous materials, specialized rescue, extrication, water rescue, or other specialized area.

The term "*mutual aid emergency*" or "*emergency*" is defined to mean an occurrence or condition resulting in a situation that poses an immediate risk to health, life, property, or the environment, where the governing body having jurisdiction over the situation decides that the situation exceeds its ability to render appropriate aid and 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 body has a written mutual aid agreement. "*Mutual aid emergency*" or "*emergency*" does not include a situation that initially raises to the level of disaster or emergency requiring a local or state of declaration of emergency or disaster, unless that declaration occurs after the initial request for mutual aid.

FISCAL IMPACT:

The bill has an indeterminate fiscal impact.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.