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BILL



ANALYSIS

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House Bill 4838 (Substitute H-1 as passed by the House)
Sponsor: Representative Sharon Tyler
House Committee: Local, Intergovernmental, and Regional Affairs
Senate Committee: Local Government and Elections

Date Completed: 11-8-12

CONTENT

The bill would create the "Interstate Mutual Emergency Aid Act" to authorize the State and local units of government to enter into mutual aid agreements with out-of-State units of government, providing for communications, training, and response to planned events and emergencies. The proposed Act also would do the following:

- Provide that it would not prohibit a private company under contract with the State or a local unit from participating in mutual aid agreements for the provision of personnel, with approval of the State or local unit.**
- Recognize the license, certificate, or permit of an out-of-State emergency responder who was acting within the scope of his or her credentials under a mutual aid agreement.**
- Extend governmental immunity to out-of-State emergency responders.**
- Provide that out-of-State emergency responders would remain employees of their respective employers while rendering mutual aid within Michigan.**

Mutual Aid Agreement

The State or any of its departments and agencies, or a political subdivision of the State, including a county, city, village, township, special district, or other unit of local government, or any combination of them, could enter into a mutual aid agreement with one or more units of government from another state that would provide for coordination of communications, training, and response to and stand-by for planned events and emergency responses between the units of government. The State, department, agency, or political subdivision could do so in order to adequately address emergencies that extended or exceeded a jurisdiction's emergency response capabilities, either without rising to the level of a State or local declaration of a state of disaster or emergency, or in the initial stages of an event that could later become a declared disaster or emergency.

The proposed Act would not prohibit a private company or its employees under contract with a State agency or political subdivision of the State from participating in mutual aid agreements for the provision of emergency medical services personnel, physicians, nurses, emergency management personnel, public works personnel, or mental health, veterinary, or other public health practitioners, if the State agency or political subdivision approved the participation and the contract with the private company permitted it.

Emergency Responders

When engaged in training, stand-by, and emergency response, in accordance with mutual aid agreements, emergency responders from outside Michigan would be permitted to provide services within this State according to the proposed Act and the terms of the agreements.

An emergency responder from an out-of-State unit of government who held a license, certificate, or other permit recognized or issued by another state would have to be considered licensed, certified, and permitted to render mutual aid within Michigan pursuant to a mutual aid agreement, if the emergency responder were acting within the scope of his or her license, certificate, or permit and within what an equivalent license, certificate, or permit from or recognized by this State would authorize.

Any function performed under the proposed Act would have to be considered to have been for public and governmental purposes, and all immunities from liability enjoyed by the State or the political subdivision and its officers, agents, and employees would extend to the out-of-State emergency responders when providing mutual aid or while engaged in training or exercises under a written mutual aid agreement.

Out-of-State emergency responders, while rendering mutual aid within Michigan pursuant to an agreement authorized by the Act, would remain employees and agents of their respective employers and jurisdictions. Nothing in the Act, or any mutual aid agreement entered into under it, would create an employment relationship between the jurisdiction requesting aid and the employees and agents of the jurisdiction rendering aid. All pension, relief, disability, death benefits, worker's compensation, and other benefits enjoyed by emergency responders providing emergency mutual aid, would extend to the services they performed outside their respective jurisdictions as if the services had been rendered in their own jurisdiction.

Definitions

"Mutual aid emergency" or "emergency" would 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. The term would not include a situation requiring a local or State declaration of emergency or disaster, unless that declaration occurred after the initial request for mutual aid.

"Emergency responder" would mean an individual who is required to possess a license, certificate, permit, or other official recognition for his or her expertise in a particular field or area of knowledge and whose assistance is used or is desirable during an emergency. The term would include emergency medical services personnel; 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 would not include law enforcement officers or other law enforcement personnel.

Other Compacts or Agreements

The proposed Act would not limit, modify, or abridge the emergency management compact entered into under Public Act 247 of 2001 (which entered Michigan into the Interstate Emergency Management Assistance Compact), the Emergency Management Act (which authorizes the Governor to declare a state of disaster or state of emergency), or Public Act

310 of 2000 (which authorizes the State and local law enforcement agencies in Michigan to enter into mutual aid agreements with law enforcement agencies of physically adjacent states).

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have an indeterminate effect on the State and local units. The effect would depend on the terms of any agreements, as well as the circumstances under which the agreements were relevant.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.