

SUBSTITUTE FOR
HOUSE BILL NO. 4838

A bill to authorize interstate mutual aid for certain emergency responses; to provide for the recognition of certain credentials of emergency responders from other states; and to provide for certain civil immunity.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "interstate mutual emergency aid act".

3 Sec. 2. As used in this act:

4 (a) "Emergency responder" means an individual who is required
5 to possess a license, certificate, permit, or other official
6 recognition for his or her expertise in a particular field or area
7 of knowledge and whose assistance is utilized or is desirable
8 during an emergency. Emergency responder includes, but is not

1 limited to, emergency medical services personnel; physicians;
2 nurses; mental health, veterinary, or other public health
3 practitioners; emergency management personnel; public works
4 personnel; and firefighters, including firefighters trained in the
5 areas of hazardous materials, specialized rescue, extrication,
6 water rescue, or other specialized area. Emergency responder does
7 not include law enforcement officers or other law enforcement
8 personnel.

9 (b) "Mutual aid emergency" or "emergency" means an occurrence
10 or condition resulting in a situation that poses an immediate risk
11 to health, life, property, or the environment, where the governing
12 body having jurisdiction over the situation decides that the
13 situation exceeds its ability to render appropriate aid and that it
14 is in the public's best interest to request mutual aid from a
15 governmental jurisdiction or private entity in another state with
16 which the governing body has a written mutual aid agreement. Mutual
17 aid emergency or emergency does not include a situation that
18 initially raises to the level of disaster or emergency requiring a
19 local or state of declaration of emergency or disaster, unless that
20 declaration occurs after the initial request for mutual aid.

21 Sec. 3. In order to more adequately address emergencies that
22 extend or exceed a jurisdiction's emergency response capabilities,
23 either without rising to the level of a state or local declaration
24 of state of a disaster or emergency or in the initial stages of an
25 event which may later become a declared disaster or emergency, the
26 state or any of its departments and agencies, or a political
27 subdivision of the state, including, but not limited to, a county,

1 city, village, township, special district, or other unit of local
2 government, or any combination thereof, may enter into a mutual aid
3 agreement with 1 or more units of government from another state
4 that provide for coordination of communications, training, and
5 response to and stand-by for planned events and emergency responses
6 between the units of government. When engaged in training, stand-
7 by, and emergency response in accordance with the mutual aid
8 agreements, emergency responders from outside this state are
9 permitted to provide services within this state in accordance with
10 this act and the terms of the mutual aid agreement. This act does
11 not prohibit a private company or its employees under contract with
12 a state agency or political subdivision in this state from
13 participating in mutual aid agreements for the provision of
14 emergency medical services personnel; physicians; nurses; mental
15 health, veterinary, or other public health practitioners; emergency
16 management personnel; or public works personnel, if the state
17 agency or political subdivision approves the participation and the
18 contract between the state agency or political subdivision and the
19 participating private company permits the participation.

20 Sec. 4. An emergency responder from a unit of government from
21 outside of this state who holds a license, certificate, or other
22 permit recognized or issued by another state shall be considered to
23 be licensed, certified, and permitted to render mutual aid within
24 this state pursuant to a mutual aid agreement authorized by this
25 act, if the emergency responder is acting within the scope of his
26 or her license, certificate, or permit and within what an
27 equivalent license, certificate, or permit from or recognized by

1 this state would authorize.

2 Sec. 5. Any function performed under this act shall be
3 considered to have been for public and governmental purposes, and
4 all immunities from liability enjoyed by the state or the political
5 subdivisions of this state and their officers, agents, and
6 employees shall extend to the emergency responders from another
7 state when providing mutual aid or while engaged in training and
8 exercises pursuant to a written mutual aid agreement authorized by
9 this act.

10 Sec. 6. Emergency responders from outside this state, while
11 rendering mutual aid within this state pursuant to a mutual aid
12 agreement authorized by this act, remain employees and agents of
13 their respective employers and jurisdictions. Nothing in this act,
14 or any mutual aid agreement entered into pursuant to this act,
15 creates an employment relationship between the jurisdiction
16 requesting aid and the employees and agents of the jurisdiction
17 rendering aid. All pension, relief, disability, death benefits,
18 worker's compensation, and other benefits enjoyed by emergency
19 responders rendering emergency mutual aid shall extend to the
20 services they perform outside their respective jurisdictions as if
21 those services had been rendered in their own jurisdiction.

22 Sec. 7. This act does not limit, modify, or abridge the
23 emergency management compact entered into under 2001 PA 247, MCL
24 3.991 to 3.994, the emergency management act, 1976 PA 390, MCL
25 30.401 to 30.421, or 2000 PA 310, MCL 3.731 to 3.734.