

HOUSE BILL No. 5801

August 15, 2012, Introduced by Rep. Franz and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

A bill to enter into the state and province emergency management assistance agreement.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act expresses the shared interests of the
2 participating jurisdictions to establish a memorandum of agreement
3 to provide for the possibility of mutual assistance among the
4 jurisdictions entering into this agreement in managing any
5 emergency or disaster when the affected jurisdiction or
6 jurisdictions ask for assistance, whether arising from natural
7 disaster, technological hazard, man-made disaster, or civil
8 emergency aspects of resource shortages.

9 (2) The effective utilization of resources of the
10 participating jurisdictions essential to the safety, care, and

1 welfare of the people in the event of any emergency or disaster is
2 the underlying principle on which all articles of this agreement
3 are understood.

4 (3) The participating jurisdictions recognize the importance
5 of comprehensive and coordinated civil emergency preparedness,
6 response, and recovery measures for natural disaster, technological
7 hazard, human-induced disaster, or civil emergency aspects of
8 resource shortages.

9 (4) The participating jurisdictions further recognize the
10 benefits of coordinating their separate emergency preparedness,
11 response, and recovery measures with that of participating
12 jurisdictions for those emergencies, disasters, or hostilities
13 affecting or potentially affecting 1 or more of the participating
14 jurisdictions in the United States or in Canada.

15 (5) The participating jurisdictions further recognize that
16 regionally based emergency preparedness, response, and recovery
17 measures will benefit all jurisdictions in the United States and
18 Canada, and best serve their respective national interests in
19 cooperative and coordinated emergency preparedness.

20 NOW therefore, it is hereby agreed by and between each and all
21 of the participating jurisdictions hereto as provided in this act.

22 ARTICLE I

23 Sec. 2. (1) The State and Province Emergency Management
24 Assistance Memorandum of Agreement is made and entered into by and
25 among such of the jurisdictions as shall enact or adopt this
26 agreement. For the purposes of this agreement, the term
27 participating jurisdictions may initially include any or all of the

1 states of Illinois, Indiana, Ohio, Michigan, Minnesota, Montana,
2 North Dakota, Pennsylvania, New York, and Wisconsin, and the
3 Canadian Provinces of Alberta, Manitoba, Ontario, and Saskatchewan.
4 Other states and provinces may hereafter become a participating
5 jurisdiction to this agreement and for that purpose, the term
6 "states" is taken to mean the several states, the Commonwealth of
7 Puerto Rico, the District of Columbia, and all United States
8 territorial possessions. The term "province" means the 10 political
9 units of government within Canada.

10 (2) The purpose of this agreement is to provide for the
11 possibility of mutual assistance among the participating
12 jurisdictions entering into this agreement in managing any
13 emergency or disaster when the affected participating jurisdiction
14 or jurisdictions ask for assistance, whether arising from natural
15 disaster, technological hazard, man-made disaster, or civil
16 emergency aspects of resource shortages.

17 (3) This agreement also provides for the process of planning
18 mechanisms among the agencies responsible for mutual cooperation,
19 including civil emergency preparedness exercises, testing, or other
20 training activities using equipment and personnel simulating
21 performance of any aspect of the giving and receiving of aid by
22 participating jurisdictions or subdivisions of participating
23 jurisdictions during emergencies, with such actions occurring
24 outside emergency periods.

25 ARTICLE II

26 Sec. 3. (1) Each participating jurisdiction entering into this
27 agreement recognizes that many emergencies may exceed the

1 capabilities of a participating jurisdiction and that
2 intergovernmental cooperation is essential in such circumstances.
3 Each participating jurisdiction further recognizes that there will
4 be emergencies that may require immediate access and present
5 procedures to apply outside resources to make a prompt and
6 effective response to such an emergency because few, if any,
7 individual jurisdictions have all the resources they need in all
8 types of emergencies or the capability of delivering resources to
9 areas where emergencies exist.

10 (2) On behalf of the participating jurisdictions in the
11 agreement, the legally designated official who is assigned
12 responsibility for emergency management is responsible for
13 formulation of the appropriate interjurisdictional mutual aid plans
14 and procedures necessary to implement this agreement, and for
15 recommendations to the participating jurisdiction concerned with
16 respect to the amendment of any statutes, regulations, or
17 ordinances required for that purpose.

18 ARTICLE III

19 Sec. 4. (1) Preparedness is 1 of the foundations of emergency
20 management and can be described as activities undertaken to prepare
21 for disasters and emergencies and to facilitate future response and
22 recovery efforts. There is an interest and need for participating
23 jurisdictions to plan together in advance of disasters and
24 emergencies. The following preparedness activities may be
25 considered by the participating jurisdictions:

26 (a) Share participating jurisdictions' hazard analyses that
27 are available, and determine those potential disasters and

1 emergencies the participating jurisdictions might jointly suffer.

2 (b) Share existing emergency operations plans, procedures, and
3 protocols.

4 (c) Share policies and procedures for resource mobilization,
5 tracking, demobilization, and reimbursement.

6 (d) Consider joint planning, training, and exercises.

7 (e) Assist with alert, notification, and warning for
8 communities adjacent to or crossing participating jurisdiction
9 boundaries.

10 (f) Consider procedures to facilitate the movement of
11 evacuees, refugees, civil emergency personnel, equipment, or other
12 resources into or across boundaries, or to a designated staging
13 area when it is agreed that such movement or staging will
14 facilitate civil emergency operations by the affected or
15 participating jurisdictions.

16 (g) Provide, to the extent authorized by law, for temporary
17 suspension of any statutes or ordinances that impede the
18 implementation of responsibilities described in this section.

19 (2) The authorized representative of a participating
20 jurisdiction may request assistance of another participating
21 jurisdiction by contacting its authorized representative. These
22 provisions only apply to requests for assistance made by and to
23 authorized representatives. Requests may be verbal or in writing.
24 The authorized representative of participating jurisdictions will
25 confirm their verbal request in writing within 15 days. Requests
26 must provide the following information:

27 (a) A description of the emergency service function for which

1 assistance is needed and of the mission or missions, including, but
2 not limited to, fire services, emergency medical, transportation,
3 communications, public works, and engineering, building inspection,
4 planning and information assistance, mass care, resource support,
5 health and medical services, and search and rescue.

6 (b) The amount and type of personnel, equipment, materials,
7 and supplies needed and a reasonable estimate of the length of time
8 they will be needed.

9 (c) The specific place and time for staging of the assisting
10 party's response and a point of contact at the location.

11 (3) There will be periodic consultation among the authorized
12 representatives who have assigned emergency management
13 responsibilities.

14 ARTICLE IV

15 Sec. 5. It is recognized that any participating jurisdiction
16 that agrees to render mutual aid or conduct exercises and training
17 for mutual aid will respond as soon as possible. It is also
18 understood that the participating jurisdiction rendering aid may
19 withhold or recall resources to provide reasonable protection for
20 itself, at its discretion. To the extent authorized by law, each
21 participating jurisdiction will afford to the personnel of the
22 emergency contingent of any other participating jurisdiction while
23 operating within its jurisdiction limits under the terms and
24 conditions of this agreement and under the operational control of
25 an officer of the requesting participating jurisdiction the same
26 treatment as is afforded similar or like human resources of the
27 participating jurisdiction in which they are performing emergency

1 services. Staff comprising the emergency contingent continue under
2 the command and control of their regular leaders but the
3 organizational units come under the operational control of the
4 emergency services authorities of the participating jurisdiction
5 receiving assistance. These conditions may be activated, as needed,
6 by the participating jurisdiction that is to receive assistance or
7 upon commencement of exercises or training for mutual aid and
8 continue as long as the exercises or training for mutual aid are in
9 progress, the emergency or disaster remains in effect, or loaned
10 resources remain in the receiving participating jurisdictions,
11 whichever is longer. The receiving participating jurisdiction is
12 responsible for informing the assisting participating jurisdiction
13 when services will no longer be required.

14 ARTICLE V

15 Sec. 6. If a person holds a license, certificate, or other
16 permit issued by any participating jurisdiction in the agreement
17 evidencing the meeting or qualifications for professional,
18 mechanical, or other skills, and when licensed assistance is
19 requested under this act by the receiving participating
20 jurisdiction, that person is considered to be licensed, certified,
21 or permitted by the participating jurisdiction requesting
22 assistance to render aid involving such skill to meet an emergency
23 or disaster, to the extent allowed by law and subject to such
24 limitations and conditions as the requesting participating
25 jurisdiction receiving prescribes by executive order or otherwise.

26 ARTICLE VI

27 Sec. 7. Any person or entity of a participating jurisdiction

1 rendering aid in another participating jurisdiction pursuant to
2 this agreement is considered an agent of the requesting
3 participating jurisdiction for tort liability and immunity
4 purposes. Any person or entity rendering aid in another
5 participating jurisdiction pursuant to this agreement is not liable
6 on account of any act or omission of good faith on the part of such
7 forces while so engaged or on account of the maintenance or use of
8 any equipment or supplies in connection therewith. Good faith in
9 this article does not include willful misconduct, gross negligence,
10 or recklessness.

11 ARTICLE VII

12 Sec. 8. (1) Because it is probable that the pattern and detail
13 of the agreement for mutual aid among 2 or more participating
14 jurisdictions may differ from that among the participating
15 jurisdictions that are party to this memorandum of agreement, this
16 agreement contains elements of a broad base common to all
17 participating jurisdictions, and nothing in this agreement
18 precludes any participating jurisdiction from entering into
19 supplementary agreements with another jurisdiction or affects any
20 other agreements already in force among participating
21 jurisdictions.

22 (2) Supplementary agreements may include, but are not limited
23 to, provisions for evacuation and reception of injured and other
24 persons and the exchange of medical, fire, public utility,
25 reconnaissance, welfare, transportation, and communications
26 personnel, equipment, and supplies.

27 ARTICLE VIII

28 Sec. 9. Each participating jurisdiction shall provide, in

1 accordance with its own laws, for the payment of workers'
2 compensation and death benefits to injured members of the emergency
3 contingent of that participating jurisdiction and to
4 representatives of deceased members of the deployed contingent if
5 the members sustain injuries or are killed while rendering aid to
6 another participating jurisdiction pursuant to this agreement in
7 the same manner and on the same terms as if the injury or death
8 were sustained within their own jurisdiction.

9 ARTICLE IX

10 Sec. 10. Any participating jurisdiction rendering aid to
11 another participating jurisdiction pursuant to this agreement
12 shall, if requested, be reimbursed by the participating
13 jurisdiction receiving that aid for any loss or damage to or
14 expense incurred in the operation of any equipment and the
15 provision of any service in answering a request for aid and for the
16 costs incurred in connection with those requests. An aiding
17 participating jurisdiction may assume in whole or in part any loss,
18 damage, expense, or other cost or may loan equipment or donate
19 services to the receiving participating jurisdiction without charge
20 or cost. Any 2 or more participating jurisdictions may enter into
21 supplementary agreements establishing a different allocation of
22 costs among those participating jurisdictions. Benefits under
23 Article VIII are not reimbursable under this section.

24 ARTICLE X

25 Sec. 11. (1) This agreement is effective upon its execution or
26 adoption by any 1 state and 1 province subject to approval or

1 authorization by the United States congress and the enactment of
2 any state or provincial legislation that may be required for the
3 effectiveness of the arrangement.

4 (2) Additional jurisdictions may participate in this agreement
5 upon execution or adoption of the agreement.

6 (3) Any participating jurisdiction may withdraw from this
7 arrangement but the withdrawal does not take effect until 30 days
8 after the governor or premier of the withdrawing participating
9 jurisdiction has given notice in writing of that withdrawal to the
10 governors or premiers of all other participating jurisdictions. The
11 action does not relieve the withdrawing participating jurisdiction
12 from obligations assumed under this agreement before the effective
13 date of withdrawal.

14 (4) Duly authenticated copies of this agreement in the French
15 and English languages and of such supplementary agreements as may
16 be entered into shall, at the time of their approval, be deposited
17 with each of the participating jurisdictions.

18 ARTICLE XI

19 Sec. 12. This agreement is construed so as to effectuate the
20 purposes stated in Article I. If any provision of this agreement is
21 declared unconstitutional or invalid or inapplicable to any person
22 or circumstances, or the applicability of the agreement to any
23 person or circumstances is held invalid, the validity of the
24 remainder of this agreement to that person or circumstances and the
25 applicability of the agreement to other persons and circumstances
26 is not affected.

27 ARTICLE XII

28 Sec. 13. The validity of the provisions consented to in this

- 1 agreement are not affected by any insubstantial difference in form
- 2 or language as may be adopted by the various states and provinces.