

HOUSE BILL No. 4838

June 30, 2011, Introduced by Reps. Tyler, Lori, Olson, Jenkins, Pscholka, Genetski, Kurtz, Opsommer, Zorn, O'Brien, Franz, Huuki, MacMaster and Goike and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

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

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

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

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

1 government, or any combination thereof, may enter into a mutual aid
2 agreement with 1 or more units of government from another state
3 that provide for coordination of communications, training, and
4 response to and stand-by for planned events and emergency responses
5 between the units of government. When engaged in training, stand-
6 by, and emergency response in accordance with the mutual aid
7 agreements, emergency responders from outside this state are
8 permitted to provide services within this state in accordance with
9 this act and the terms of the mutual aid agreement. This act does
10 not prohibit a private company or its employees from participating
11 in the provision of mutual aid, if the participating state agency
12 or political subdivision approves the participation and the
13 contract between the state agency or political subdivision and the
14 participating private company permits the participation.

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

24 Sec. 5. Any function performed under this act shall be
25 considered to have been for public and governmental purposes, and
26 all immunities from liability enjoyed by the state or the political
27 subdivisions of this state and their officers, agents, and

1 employees shall extend to the emergency responders from another
2 state when providing mutual aid or while engaged in training and
3 exercises pursuant to a written mutual aid agreement authorized by
4 this act.

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

17 Sec. 7. This act does not limit, modify, or abridge the
18 emergency management compact entered into under 2001 PA 247, MCL
19 3.991 to 3.994, or the emergency management act, 1976 PA 390, MCL
20 30.401 to 30.421.