

**MEMORANDUM**

**Date:** July 18, 2011  
**To:** The Honorable Sharon Tyler, State Representative  
**Attn:** Amy Drumm  
**From:** Michael Campana, Research Analyst  
**Re:** Mutual Aid Agreements (Request #11-00889)



In response to your request, the Research Services Division is providing background information on mutual aid agreements. In particular, you were interested in any other states that have codified in statute the use of mutual aid agreements for emergency services across state lines. You have introduced a bill that would create this authority in Michigan (HB 4838). In response to your request, I have searched state statutes in four neighboring states as well as conducted a general search for statutes in other states. This memorandum summarizes those findings and also provides a brief background on current Michigan law. In addition to this memorandum, I have attached a paper from the National Governor's Association titled *Beyond EMAC: Legal Issues in Mutual Aid Agreements for Public Health Practice* that may be helpful.

**Michigan**

Michigan local police and fire agencies have long participated in mutual aid agreements through intergovernmental cooperation. Article III, Section 5 of the *Constitution of the State of Michigan of 1963* authorizes the state or any political subdivision to enter into agreements with "other states, the United States, the Dominion of Canada, or any political subdivision thereof" to carry out their respective functions. In 1967, the Legislature passed the Urban Cooperation Act (1967 (Ex. Sess.) PA 7; MCL 124.501-124.502) to implement constitutional provisions authorizing interlocal agreements. Under the Urban Cooperation Act, interlocal agreements involving local units in another state or Canada must be submitted to the governor for review. The governor will make a determination as to whether or not the agreement is in proper form and compatible with the laws of this state.

In 2000, the Michigan Legislature passed Senate Bills 806 and 1184 to specifically authorize state and local law enforcement agencies to enter into mutual aid agreements with law enforcement agencies in physically adjacent states (2000 PAs 310 and 311; MCL 3.731-3.734 and MCL 764.2b). Law enforcement officers from another state operating in Michigan would have the same authority and immunity from criminal and civil liability as a Michigan law

enforcement or police officer. According to the bill analysis, the bills were introduced to clarify the authority for interstate law enforcement compacts.

### **Indiana**

The Indiana General Assembly recently passed legislation on mutual aid agreements for emergency responders similar to HB 4838. Indiana Senate Bill 6 was signed into law as Public Law 94 of 2011 and became effective on May 9<sup>th</sup>. Under the new law, mutual aid agreements between an Indiana local unit of government and a local unit in another state would require approval by the Indiana attorney general.

### **Minnesota**

Minnesota specifically authorizes mutual aid agreements by local units of government with local units in other states "for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted" (Minnesota Statutes §12.27). The mutual aid agreement is subject to approval by the governor.

### **Ohio**

Ohio authorizes contracts for mutual aid between Ohio local units of government and local units in other states for law enforcement, firefighting, and emergency medical services. Specifically, Ohio municipal corporations may enter into mutual aid contracts for police protection with a "contiguous municipal corporation in an adjoining state" (ORC §737.04). Ohio township park districts may enter into similar mutual aid contracts for the use of park district law enforcement officers (ORC §511.235). In addition, Ohio local units may enter into contracts with local units from another state to provide or obtain fire protection or emergency medical services (ORC §9.60). In all these situations, it does not appear that any state-level approval is required to enter into these contracts.

### **Wisconsin**

Wisconsin statutes do not specifically use the term mutual aid agreements but do authorize local units of government to enter into agreements with local units in other states for emergency services. Specifically, local units in Wisconsin may contract for emergency management services with local units in other states (Wisconsin Statutes §323.14). The contract must be approved by the Wisconsin adjutant general of the Department of Military Affairs. In addition, Wisconsin local units may enter into cooperative agreements with local units from other states for "the receipt or furnishing of services or the joint exercise of any power or duty" (Wisconsin Statutes §66.0303). In general, these agreements must be approved by the Wisconsin attorney general. However, agreements related to firefighting or emergency medical services do not need to be "submitted to or approved by the attorney general before the agreement may take effect."

In addition to these provisions, Wisconsin statute specifically authorizes mutual aid agreements with local units in bordering states for law enforcement purposes (Wisconsin Statutes §175.46). This language more closely resembles HB 4838 and current Public Act 310 of 2000 than the other provisions in Wisconsin statute but is limited to law enforcement purposes. The agreement does not need to be approved at the state level, but must be submitted to the Wisconsin Department of Justice for review and comment.

## **Other States**

I have been able to locate codified language on mutual aid in at least two other states. Last year, the Utah State Legislature passed a bill related to mutual aid agreements (2010 SB 67). The new law addresses the claims, privileges, and immunities for emergency responders entering into Utah to aid in an emergency response (Utah Code 63K-5-101 et seq.). The new law does not go into effect until Idaho passes similar legislation and appears directly related to an interstate agreement between Utah and Idaho. In Wyoming, local units of government are authorized to enter into mutual aid agreements for emergency services (Wyoming Statutes 19-13-201 et seq.). The agreement must be approved by the Wyoming attorney general. In addition to these states, there are indications that Iowa and Illinois may have similar statutory language at least applying to mutual aid agreements for law enforcement.

\* \* \* \* \*

If you have any further questions about mutual aid or other interlocal agreements or would like copies of any statutes cited in this memorandum, please feel free to contact the Research Services Division at 35200.

Attachment



Contact: [Chris Logan](#)  
202-624-5379

## **Beyond EMAC: Legal Issues in Mutual Aid Agreements for Public Health Practice**

### **Background**

Governors do not enjoy absolute authority to declare states of emergency in the wake of natural disasters, terrorist attacks, or disease outbreaks. That authority is granted by state law and is subject to the existence of specific conditions. State laws also vary in granting governors the authority to declare emergencies specific to situations threatening the public's health. As a result, the requirements of state law may prevent a governor from declaring emergencies even in situations that test the limits of a states' public health infrastructure. Examples of these scenarios abound:

- During a four-month period in 1999, 100 cases of rubella were diagnosed in Nebraska (only 167 additional cases were reported in the entire United States that year). The source of the outbreak appeared to be a Spanish-speaking immigrant who worked in a meat-packing plant. Seventy percent of the cases involved Hispanic immigrants with little or no English-language skills. Nebraska had few Spanish-speaking epidemiologists or nurses and, particularly during the early stages of the outbreak, the state had a clear need to obtain epidemiologists and nurses from other states.
- In October and November 2003, an outbreak of hepatitis-A began at a restaurant in Monaca, Pennsylvania. Eventually, 610 people were infected. However, 9,000 people who ate at the restaurant or had exposure to those who ate at the restaurant were administered immune globulin shots. The outbreak was controlled, but the state public health infrastructure would have been overwhelmed had another communicable disease outbreak occurred at the same time. In that case, the ability to fall back on resources in neighboring states would have been essential.
- On January 18, 2002, a freight train derailed near Minot, North Dakota, rupturing eight tanker cars and releasing about 300,000 pounds of anhydrous ammonia into the air. First responders went door-to-door to evacuate people or assess their level of exposure. The time needed to conduct those visits could have been decreased significantly had North Dakota been able to bring in experts from neighboring states."

Political considerations also may inform a governor's decision to declare an emergency, because that step can result not only in significant expenditures but also in public perceptions of official overreaction. Whether for legal or political reasons, none of the incidents noted above resulted in emergency declarations, but in each case state officials report they could have benefited from assistance from outside their borders. As a result of those and similar experiences, several states are exploring interstate agreements to facilitate sharing supplies, services, and personnel during non-emergencies.

In 2004, 10 states (**Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming**) launched the Mid-America Alliance, an effort to develop an interstate public health mutual-assistance agreement that could be used in non-emergencies. States in the Pacific Northwest (**Alaska, Idaho, Oregon and Washington**), the Northeast (**Maine, New Hampshire, New York and Vermont**), the Southwest (**Arizona, California, New Mexico and Texas**) and the Great Lakes (**Michigan, Minnesota, New York, and Wisconsin**) are exploring similar efforts among themselves and with states and provinces in Mexico and Canada. (Those international cross-border initiatives also involve legal questions relating to the constitutional prohibition on states entering into international accords.)

Such interstate regional approaches to planning and response are encouraged through the Department of Homeland Security's National Incident Management System (NIMS) and in the Centers for Disease Control and Prevention's (CDC) guidelines for the new state cooperative agreement on Public Health Emergency Preparedness.<sup>†</sup> EMAC also recognizes that planning for interstate assistance should take place in advance of any incident for which an emergency could be declared. EMAC, in fact, lists several planning activities as *responsibilities* of party states.<sup>iii</sup> The inclusion of those activities in the language of the compact appears to provide the legal authorization for states to engage with one another in pre-event planning activities for any incident, whether or not that incident results in an emergency declaration. Outside EMAC, state laws also may allow the sharing of epidemiologic information, and perhaps epidemiologists—who in most cases are not licensed by the state—to better detect and control infectious disease outbreaks before they reach disastrous proportions.

---

<sup>†</sup> The National Incident Management System states that "Each jurisdiction should be party to a mutual-aid agreement (such as the Emergency Management Assistance Compact) with appropriate jurisdictions from which they expect to receive or to which they expect to provide assistance during an incident. *National Incident Management System*, Chapter 3, Part B, Section 4(e), at [www.nimsonline.com](http://www.nimsonline.com). The CDC's Cooperative Agreement prevention preparedness goal lists six required critical tasks, including: improving regional, jurisdictional, and State all-hazards plans; increasing and improving mutual aid agreements; and providing support for continuity of public health operations at all levels of government. *CDC Cooperative Agreement Guidance for Public Health Emergency Preparedness* at [http://www.bt.cdc.gov/planning\\_guidance05.pdf](http://www.bt.cdc.gov/planning_guidance05.pdf) announcement.pdf.



## **City of Niles • Fire Department**

Honorable Committee Members,

My name is Larry Lamb. I am the Fire Chief of the City of Niles Fire Department. Niles is located on the State line just north of South Bend Indiana. Working in this area most of my career I have always been accustomed to the regularly that our units traveled across the state line to support an operation in Indiana as well as seeing units from several Indiana departments working on our incidents. In 2005 I learned of the Mutual Aid Box Alarm System which had originated in Illinois. The Neighboring Department from Indiana was starting up a MABAS Division in St Joe County, Indiana and wanted to know if we were interested in participating. Without going into all the positive benefits provided to our community and department through our participation in this system we decided to join. The premise is pretty simple departments form into consensus groups called divisions and work under a series of plans called Box Cards developed by each individual department. As the system was developed in Illinois, the agreement that was being used to join was developed from Illinois law. This document was modified for adoption by the Indiana Departments. Without admittedly any legal support or expertise, I attempted to modify the language so that the same document would work for our department in Michigan. As prescribed by the Urban Cooperation Act I solicited approval from the State AG's Office. This approval was denied with a letter that recommended that any support to or from outside Michigan be done under a formal EMAC request.

Knowing that an EMAC declaration takes involvement from the Governor's Office of two states I was left with the perception that whichever aid had responded to my request knew about as much about emergency response as my 5 year old daughter. It was my belief that this process would take slightly longer than the 60 second time it takes for our crews on either side of the border to "Turn out". All we were really looking for was an endorsement on our community's decision to send our locally owned fire truck to a fire 6 miles away. We didn't have time to, nor would the events warrant, an EMAC request.

Well I'm sure it doesn't come as a big surprise to you that in spite of this opinion we pretty much continued to do what we were doing which was providing normal fire service mutual aid across state lines. Not because we wanted to challenge authority, it was because it made sense and was the best step to provide services to our residents.

After Katrina the concept of MABAS had reached other departments in Michigan. A committee from the Michigan Chiefs began to work on the development of MABAS in Michigan. I became involved with this committee, and through my participation and location as a border town, was assigned to the Mid American Mutual Aid Consortium or MAMA-C. This effort brought leaders from several Midwest States together to discuss the issues that have held back normal Mutual Aid between communities across state lines. Many of these issues are pretty simple. Variations in training and certification from state to state and other conflicting legislation from state to state. A final series of meetings were held in 2009 and 2010 which included legal representatives from each state. This group worked on the development of a document that could be introduced simultaneously in each state that would work to bridge many of the major issues that

stand in the way of communities wishing to work together to provide these valuable services.

On August 26, 2010 we participated on a drill that brought firefighters together from Indiana, Michigan, Ohio and Illinois for a large scale deployment. The scenario was based around a storm front that passed through the Chicago Land area with a tornado touchdown that caused wide spread damage. With the locals on the ground all calling for large amounts of resources MABAS Illinois enacted its state plan. With that our Division located in Southwestern Michigan was tasked to send a task force with 4 engines, a ladder, 3 ambulances and a Chief to Chicago. This wasn't a table top we actually responded all of the units requested under their plan. Right now we technically can't legally operate our Fire Trucks in Illinois by state law without a Commercial Drivers License. Neither can we perform lifesaving medical care even if performed under the direction of the local Medical Control Doc under our current licensure. Finally none of our people are certified in any other state to participate in active firefighting even though they are certified in some slight difference in their home state. Keep in mind that fires seem to go out in Michigan, Indiana, Illinois and Wisconsin in pretty much the same way once fire departments arrive even with these differences in certification. On the way back from this exercise our task force came across two separate motor vehicle accidents. As you would expect our people stopped and rendered aid. In the task force we had several paramedics that if it were needed would have technically been limited on what they could do for these patients. I do understand the reasons that drive some of these separations but our Paramedics, Police Officers, and Firefighters didn't lose their knowledge at the state line. During emergency operations we need to utilize the concept of closest most appropriate resources to best help our citizens. The State line means little to someone who is in need.

In the end House Bill No. 6532 is the product that was developed from the series of meetings. Indiana has already passed their form of the bill titled (IC 10-14-6.5) earlier this year. It cleared their Senate Unanimously. As I have stated this day to day, pre-disaster aid is happening on all borders of our state. This will be a great assistance to legitimizing communities on both sides of the boarder. I hope the committee will see clear to move this bill out of committee as soon as possible.

Respectively,

Chief Larry D. Lamb, EFO  
City of Niles Fire Department

*Serving the Niles Area since 1859.*  
1345 East Main St. Niles, Michigan 49120  
Phone (269) 683-0160 Fax (269) 683-5895  
e-mail: llamb@nilesmi.org  
City Website: [www.ci.niles.mi.us](http://www.ci.niles.mi.us)

**MAMA-C Attendee List  
December 15-16, 2009**

<u>Name</u>	<u>Agency</u>	<u>E-Mail</u>
Chief Brian Satula	Wisconsin MABAS President	<a href="mailto:bsatula@oakcreekwi.org">bsatula@oakcreekwi.org</a>
Chief Bradley Liggett	Wisconsin State Fire Chief's	<a href="mailto:liggett@cl.beloit.wi.us">liggett@cl.beloit.wi.us</a>
Chief Paul Guilbert Jr.	Wisconsin MABAS Past Pres.	<a href="mailto:cppfr@piprairiewi.com">cppfr@piprairiewi.com</a>
Keith Tveit	WI EM Fire Service Coordinator	<a href="mailto:keith.tveit@wisconsin.gov">keith.tveit@wisconsin.gov</a>
Randi Millsap	WI EM Legal Counsel	<a href="mailto:randi.milsap@wisconsin.gov">randi.milsap@wisconsin.gov</a>
Chief Timm Schabbel	Indiana MABAS President	<a href="mailto:tts@clayfd.com">tts@clayfd.com</a>
Chief Brian Lott	Indiana Mutual Aid Plan Dir.	<a href="mailto:lottb@fishers.in.us">lottb@fishers.in.us</a>
Mike Garvey	Indiana DHS Chief of Staff	<a href="mailto:mgarvey@dhs.in.gov">mgarvey@dhs.in.gov</a>
George Thompson	Indiana DHS Legal Counsel	<a href="mailto:gthompson@dhs.in.gov">gthompson@dhs.in.gov</a>
Chief Bill Nelson	Michigan MABAS President	<a href="mailto:nelsonws@troyml.gov">nelsonws@troyml.gov</a>
Chief Larry Lamb	Michigan MABAS Ex Board	<a href="mailto:Llamb@nilesmi.org">Llamb@nilesmi.org</a>
Julie Secontine	Oakland County Risk Manager	<a href="mailto:secontinej@oakgov.com">secontinej@oakgov.com</a>
Terry Fobbs	Assist-State Fire Marshal	<a href="mailto:fobbst@michigan.gov">fobbst@michigan.gov</a>
Chief Russell Rife	Ohio Fire Chief's Response Coord.	<a href="mailto:fossafe@bright.net">fossafe@bright.net</a>
Chief Mitch Ross	Ohio Fire Chief's Assoc.	
Tammy Little	Ohio Attorney General's Office	<a href="mailto:tlittle@dps.state.oh.us">tlittle@dps.state.oh.us</a>
Melvin House	Ohio EMA/DHS Dir. Of Ops	<a href="mailto:mrhouse@dps.state.oh.us">mrhouse@dps.state.oh.us</a>
Kim Ketterhagen	Minnesota HS Mutual Aid Coord	<a href="mailto:Kim.Ketterhagen@state.mn.us">Kim.Ketterhagen@state.mn.us</a>
Chief Scott Gerber	Excelsior Fire District, MN	<a href="mailto:sgerber@excelsiorfire.org">sgerber@excelsiorfire.org</a>
Chief Ernie Rhodes	St. Charles, Missouri	<a href="mailto:Ernie.Rhodes@stcharlescitymo.gov">Ernie.Rhodes@stcharlescitymo.gov</a>
Chief Greg Brown	Eureka FD, Missouri	
Chief Gerry Voelliger	Bettendorf, Iowa FD	<a href="mailto:gvoelliger@bettendorf.org">gvoelliger@bettendorf.org</a>
Bill Bullock	IAFC	<a href="mailto:bbullock@iafc.org">bbullock@iafc.org</a>
Chief Rob DeFrance	East Moline FD, IL	<a href="mailto:rd1577@eastmoline.com">rd1577@eastmoline.com</a>
Chief Jeff Macko	Cary FD, IL/Great Lakes Div. IAFC	<a href="mailto:chief@caryfire.com">chief@caryfire.com</a>
Chief Keith Frank	Quincy FD/ IL Fire Chief's Assoc	<a href="mailto:kfrank@quincylvil.gov">kfrank@quincylvil.gov</a>
Chief Patrick Gallagher	Waukegan, IL FD	<a href="mailto:wfdcapt@comcast.net">wfdcapt@comcast.net</a>
Don Kauerauf	Illinois EMA	<a href="mailto:Don.Kauerauf@illinois.gov">Don.Kauerauf@illinois.gov</a>
Maureen Cunningham	Illinois EMA General Counsel	<a href="mailto:Maureen.Cunningham@illinois.gov">Maureen.Cunningham@illinois.gov</a>
John Fennell	IL OSFM General Counsel	<a href="mailto:John.Fennell@illinois.gov">John.Fennell@illinois.gov</a>
Karl Ottosen	MABAS-IL Legal Counsel	<a href="mailto:kottosen@obkcg.com">kottosen@obkcg.com</a>
Chief Jay Reardon, President & CEO	MABAS-IL	<a href="mailto:reardon@mabas-il.org">reardon@mabas-il.org</a>
Chief John Cratty, MAMA-C	MABAS-IL	<a href="mailto:cratty@mabas-il.org">cratty@mabas-il.org</a>
Chief Terry Lipinski, Oak Forest FD	MABAS-IL	<a href="mailto:bvfdchief@hotmail.com">bvfdchief@hotmail.com</a>
Chief Randy Justus	MABAS-IL	<a href="mailto:justus@mabas-il.org">justus@mabas-il.org</a>
Chief Paul Maplethorpe	MABAS-IL	<a href="mailto:Pmaplethorpe@roundlakefire.org">Pmaplethorpe@roundlakefire.org</a>
Garry Briese, Facilitator	Briese and Associates	<a href="mailto:gbriese@brieseandassociates.com">gbriese@brieseandassociates.com</a>
Edward Bulkema		
Jim Page	ILEAS	<a href="mailto:jrpage@ileas.org">jrpage@ileas.org</a>
Kitty Weiner	District Rep. - Congressman Peter J. R	<a href="mailto:Kitty.Weiner@house.gov">Kitty.Weiner@house.gov</a>

For immediate release: Feb 08, 2011  
Posted by: [s11]  
Contact: Courtney Heiden  
Phone: 800-382-9467 or 317-232-9539  
Email: [cheiden@iga.in.gov](mailto:cheiden@iga.in.gov)

## **Bill Promotes Cooperation among Emergency Responders**

---

### *Authorizes Interstate Mutual Aid Agreements*

**STATEHOUSE (Feb. 8, 2011)** - Indiana Senate lawmakers voted 48-0 today in favor of a bill authored by State Sen. Joe Zakas (R-Granger) to authorize first responders to enter into mutual aid agreements to assist each other across state lines when emergency situations arise.

"When an emergency arises, say a major fire or accident, state lines don't matter," Zakas said. "Our laws should reflect and accommodate this fact. So, for example, this law would recognize the certification of emergency response crews from Michigan and allow them to serve in an emergency here in Indiana, and vice versa for an emergency in Michigan. My hope is that this bill will promote cooperation among emergency responders across state borderlines and encourage interstate mutual aid agreements. This would improve public safety and benefit taxpayers, as well."

Senate Bill 6 enables state and local units of government in Indiana to enter into agreements with their counterparts in neighboring states that have passed similar legislation. If SB 6 is passed into law, Indiana will be the first Midwestern state to follow the interstate agreement model. Zakas said similar legislative initiatives are being pursued in Illinois, Michigan and Ohio, and efforts to involve Kentucky are ongoing. He said he believes states bordering Indiana will pass similar laws.

Zakas said the Indiana Fire Chiefs Association, Indiana Department of Homeland Security (IDHS) and Professional Firefighters Association support this proposal.

"Fire chiefs from Indiana and surrounding states developed this concept for rendering mutual aid and are promoting this effort," Zakas said.

George Thompson, general counsel for IDHS, said with this legislation, Indiana can set a great example for neighboring states to follow.

"Mutual aid is a great way for one jurisdiction to help another during emergencies," Thompson said. "This bill authorizes emergency responders from outside Indiana to render effective mutual aid in Indiana by removing existing legal barriers, to the benefit of both states. A state border should not act as a barrier to effective mutual aid when lives and property are in jeopardy."

"This is very important legislation for emergency response crews, especially those working near state lines," said Timm Schabbel, chief of the Clay Fire Territory. "Indiana is on the cusp of passing a law that I expect other states throughout the country to follow."

SB 6 can now move to the House of Representatives for further consideration.

**IC 10-14-6.5**

**Chapter 6.5. Interstate Mutual Aid Agreements**

**IC 10-14-6.5-1**

**"Emergency"**

Sec. 1. As used in this chapter, "emergency" means an occurrence or condition in a jurisdiction that results in a situation:

- (1) that poses an immediate risk to health, life, property, or the environment;
- (2) that is not initially at the level of a disaster or emergency that requires a local or state declaration of disaster or emergency (even if such a local or state declaration of disaster or emergency is made after the initial request is made for mutual aid); and
- (3) for which the governing jurisdiction determines:
  - (A) that the situation exceeds its ability to render appropriate aid; and
  - (B) 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 jurisdiction has entered into a mutual aid agreement under this chapter.

*As added by P.L.94-2011, SEC.1.*

**IC 10-14-6.5-2**

**"Emergency responder"**

Sec. 2. (a) As used in this chapter "emergency responder" means a person:

- (1) who is required to possess a license, certificate, permit, or other official recognition for the person's expertise in a particular field or area of knowledge; and
  - (2) whose assistance is desirable during an emergency.
- (b) The term includes, but is not limited to, the following:
- (1) Firefighters, including hazardous materials personnel, specialized rescue personnel, extrication personnel, water rescue personnel, and other specialized personnel.
  - (2) Emergency medical services personnel.
  - (3) Law enforcement officers.
  - (4) Physicians.
  - (5) Nurses.
  - (6) Mental health practitioners, veterinary practitioners, and other public health practitioners.
  - (7) Emergency management personnel.
  - (8) Public works personnel.

*As added by P.L.94-2011, SEC.1.*

**IC 10-14-6.5-3**

**"Political subdivision"**

Sec. 3. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

*As added by P.L.94-2011, SEC.1.*

#### **IC 10-14-6.5-4**

##### **Written mutual aid agreements; participation of private entity not prohibited**

Sec. 4. (a) In order to more adequately address emergencies that extend or exceed 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 may later become a declared state of disaster or emergency, the state (and any of its departments or agencies) or any political subdivision may enter into written mutual aid agreements with units of government from another state that provide for:

- (1) coordination of communications for;
- (2) training for;
- (3) response to; and
- (4) standby for;

planned events and emergency responses between the units of government.

(b) When an emergency responder from outside Indiana is engaged in training, standby, and emergency response in accordance with a mutual aid agreement under this chapter, the emergency responder from outside Indiana is permitted to provide services within Indiana in accordance with this chapter and the terms of the mutual aid agreement under this chapter.

(c) This chapter may not be construed to prohibit a private entity or its employees from participating in the provision of mutual aid if:

- (1) the participating political subdivision approves the participation of the private entity; and
- (2) a contract between the political subdivision and the participating private entity permits the participation.

*As added by P.L.94-2011, SEC.1.*

#### **IC 10-14-6.5-5**

##### **Emergency responder licensed or certified outside Indiana; scope of authorized activities performed in Indiana**

Sec. 5. If an emergency responder from a jurisdiction outside Indiana holds a license, certificate, or other permit recognized or issued by another state, that emergency responder is considered to be licensed, certified, and permitted in Indiana to render aid involving such skill to meet the request for assistance under a mutual aid agreement under this chapter, so long as the emergency responder acts within the scope of:

- (1) the emergency responder's license, certificate, or permit; and
- (2) what would be authorized by an equivalent license, certificate, or permit from or recognized by the state in which the requesting jurisdiction is located.

*As added by P.L.94-2011, SEC.1.*

#### **IC 10-14-6.5-6**

##### **Emergency responder from outside Indiana; immunity from liability**

Sec. 6. (a) Any function performed under this chapter, and a mutual aid agreement under this chapter, is considered to have been performed for public and governmental purposes.

(b) All immunities from liability available to Indiana political subdivisions, other units of local government in Indiana, and their officers, agents, and employees within Indiana are extended to an emergency responder from another state who is:

- (1) providing mutual aid; or
- (2) engaged in training and exercises;

under a mutual aid agreement authorized by this chapter.

*As added by P.L.94-2011, SEC.1.*

#### **IC 10-14-6.5-7**

##### **Emergency responders remain employees of jurisdiction rendering aid**

Sec. 7. (a) Emergency responders from outside Indiana rendering mutual aid within Indiana under a mutual aid agreement authorized by this chapter remain employees and agents of their respective employers and jurisdictions.

(b) This chapter or a mutual aid agreement entered into under this chapter does not create an employment relationship between the jurisdiction requesting aid and the employees and agents of the jurisdiction rendering aid.

(c) All pension, relief, disability, death benefits, worker's compensation benefits, and other benefits enjoyed by emergency responders rendering mutual aid under a mutual aid agreement authorized by this chapter extend to the services the emergency responders perform outside their respective jurisdictions, as if those services had been rendered in their own jurisdiction.

*As added by P.L.94-2011, SEC.1.*

#### **IC 10-14-6.5-8**

##### **Mutual aid agreements; approval process**

Sec. 8. A mutual aid agreement under this chapter must be approved in the same manner as interlocal cooperation agreements are approved under IC 36-1-7.

*As added by P.L.94-2011, SEC.1.*

#### **IC 10-14-6.5-9**

##### **No effect on other statutes**

Sec. 9. This chapter may not be construed to limit, modify, or abridge:

- (1) Indiana's emergency management agency statutes; or
- (2) the emergency management assistance compact under IC 10-14-5.

*As added by P.L.94-2011, SEC.1.*