

HOUSE BILL No. 6532

September 29, 2010, Introduced by Rep. Haase and referred to the Committee on Military and Veterans Affairs and Homeland Security.

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 jurisdiction has a written mutual aid
16 agreement. Mutual aid emergency or emergency does not include a
17 situation that initially raises to the level of disaster or
18 emergency requiring a local or state of declaration of emergency or
19 disaster, unless that declaration occurs after the initial request
20 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, counties,

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

15 Sec. 4. An emergency responder from a political jurisdiction
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 in this state to render aid
19 to meet the request for assistance, if the emergency responder is
20 acting within the scope of his or her license, certificate, or
21 permit and within what an equivalent license, certificate, or
22 permit from or recognized by this state would authorize.

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

1 another state when providing mutual aid or while engaged in
2 training and exercises pursuant to a written mutual aid agreement
3 authorized by this act.

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

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