

HB4576



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4576

Introduced 2/1/2012, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

New Act

Creates the Interstate Mutual Aid Act. Authorizes the State and units of local government to enter into mutual aid agreements with units of government from another state to provide for the coordination of communications, training, response to, and stand-by for planned events and emergency responses between the units of government. Contains provisions concerning licenses and certifications, liability, and employee benefits.

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FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning interstate mutual emergency aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Interstate Mutual Emergency Aid Act.

6 Section 5. Definitions. As used in this Act:

7 (a) "Emergency responder" means an individual who is
8 required to possess a license, certificate, permit, or other
9 official recognition for his or her expertise in a particular
10 field or area of knowledge, and whose assistance is used or is
11 desirable during an emergency. "Emergency responder" includes,
12 but is not limited to: emergency medical services personnel;
13 law enforcement officers; physicians; nurses; mental health,
14 veterinary, or other public health practitioners; emergency
15 management personnel; public works personnel; and
16 firefighters, including firefighters trained in the areas of
17 hazardous materials, specialized rescue, extrication, water
18 rescue, or any other specialized area.

19 (b) "Mutual aid emergency" or "emergency" means an
20 occurrence or condition resulting in a situation that poses an
21 immediate risk to health, life, property, or the environment,
22 where the governing body having jurisdiction over the situation
23 determines (1) that the situation exceeds its ability to render

1 appropriate aid, and (2) that it is in the public's best
2 interest to request mutual aid from a governmental jurisdiction
3 or private entity in another state with which the governing
4 body has a written mutual aid agreement. "Mutual aid emergency"
5 or "emergency" does not include a situation that initially
6 rises to the level of disaster or emergency requiring a state
7 or local declaration of a state of emergency, unless that
8 declaration occurs after the initial request for mutual aid has
9 been made.

10 Section 10. Mutual aid agreements. In order to more
11 adequately address emergencies that extend or exceed a
12 jurisdiction's emergency response capabilities, either without
13 rising to the level of a state or local declaration of a state
14 of emergency, or in the initial stages of an event which may
15 later become a declared emergency, the State, its departments
16 and agencies, or a political subdivision of the State,
17 including, but not limited to, a county, city, village,
18 township, special district, or other unit of local government,
19 or any combination thereof, may enter into a mutual aid
20 agreement with one or more units of government from another
21 state that provide for coordination of communications,
22 training, and response to and stand-by for planned events and
23 emergency responses between the units of government. When
24 engaged in training, stand-by, and emergency response in
25 accordance with the mutual aid agreements, emergency

1 responders from outside of this State are permitted to provide
2 services within this State in accordance with this Act and
3 within the scope of the terms of the mutual aid agreement. This
4 Act does not prohibit a private company or its employees from
5 participating in the provision of mutual aid, if the
6 participating state agency or political subdivision approves
7 the participation and the contract between the state agency or
8 political subdivision and the participating private company
9 permits the participation.

10 Section 15. Licenses, certifications, and permits. An
11 emergency responder from a unit of government from outside of
12 this State who holds a license, certificate, or other permit
13 recognized or issued by another state shall be considered to be
14 licensed, certified, and permitted to render mutual aid within
15 this State pursuant to a mutual aid agreement authorized by
16 this Act, if the emergency responder is acting within the scope
17 of his or her license, certificate, or permit and within what
18 an equivalent license, certificate, or permit from or
19 recognized by this State would authorize.

20 Section 20. Governmental functions; liability; emergency
21 responders. Any function performed under this Act shall be
22 considered to have been for public and governmental purposes,
23 and all immunities from liability enjoyed by the State or the
24 political subdivisions of this State and their officers,

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

5 Section 25. Employee benefits. Emergency responders from
6 outside this State, while rendering mutual aid within this
7 State pursuant to a mutual aid agreement authorized by this
8 Act, remain employees and agents of their respective employers
9 and jurisdictions. Nothing in this Act, or any mutual aid
10 agreement entered into pursuant to this Act, creates an
11 employment relationship between the jurisdiction requesting
12 aid and the employees and agents of the jurisdiction rendering
13 aid. All pension, relief, disability, death benefits, worker's
14 compensation, and other benefits enjoyed by emergency
15 responders rendering emergency mutual aid shall extend to the
16 services they perform outside their respective jurisdictions
17 as if those services had been rendered in their own
18 jurisdiction.

19 Section 30. Limitations. This Act does not limit, modify,
20 or abridge the emergency management compact entered into under
21 the Emergency Management Assistance Compact Act.