

# HB2761



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2761

Introduced 2/21/2013, by Rep. Elaine Nekritz

#### 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.

LRB098 09335 OMW 39476 b

A BILL FOR

1 AN ACT concerning local government.

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 Aid Act.

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

7 (a) "Emergency Responder" includes, but is not limited to,  
8 emergency medical services personnel and firefighters,  
9 including firefighters trained in the areas of hazardous  
10 materials, specialized rescue, extrication, water rescue, and  
11 other specialized areas.

12 (b) "Mutual Aid Emergency" or "Emergency" means an  
13 occurrence or condition resulting in a situation that poses an  
14 immediate risk to health, life, property, or the environment  
15 where the governmental entity having jurisdiction over the  
16 situation determines that the situation exceeds its ability to  
17 render appropriate aid and that it is in the public's best  
18 interest to request mutual aid from an out-of-state entity with  
19 whom the governmental entity has a written mutual aid  
20 agreement. "Mutual aid emergency" or "emergency" does not  
21 include a situation that initially rises to the level of  
22 disaster or emergency that requires a state or local  
23 declaration of a state of emergency, unless that declaration

1 occurs after the initial request for mutual aid has been made.

2 Section 10. Mutual aid agreements. In order to more  
3 adequately address emergencies that extend or exceed a  
4 jurisdiction's emergency response capabilities, either without  
5 rising to the level of a state or local declaration of a state  
6 of an emergency, or in the initial stages of an event that may  
7 later become a declared emergency, a political subdivision of  
8 this State may enter into mutual aid agreement with one or more  
9 units of government from another state. A political subdivision  
10 of this State includes, but is not limited to, a county, city,  
11 village, township, special district, and any other unit of  
12 local government, or any combination thereof. The mutual aid  
13 agreement may provide for coordination of communications,  
14 staging, training, and response to planned and unplanned events  
15 that a local jurisdiction has determined exceeds, or is likely  
16 to exceed, its emergency response capabilities. When engaged in  
17 training, staging, and emergency response in accordance with  
18 mutual aid agreements, emergency responders from outside this  
19 State are permitted to provide services within this State in  
20 accordance with this Act and the terms of the mutual aid  
21 agreement. This Act does not prohibit a private entity that  
22 employs emergency responders, or its employees, from  
23 participating in the provision of mutual aid, provided that the  
24 private entity is a party to a mutual aid agreement with the  
25 requesting political subdivision and the agreement permits the

1 participation.

2 Section 15. Licenses, certifications, and permits. An  
3 emergency responder from outside this State who holds a  
4 license, certificate, or other permit recognized or issued by  
5 another state shall be deemed licensed, certified, and  
6 permitted to render mutual aid during a mutual aid emergency  
7 within this State pursuant to a mutual aid agreement under this  
8 Act if the emergency responder is:

9 (1) acting within the scope of his or her license,  
10 certificate, or permit and within the scope of what an  
11 equivalent license, certificate, or permit from or  
12 recognized by this State would authorize; and

13 (2) acting under a request for mutual aid made pursuant  
14 to a mutual aid agreement under this Act.

15 Section 20. Governmental functions; liability; emergency  
16 responders. Any function performed by an emergency responder  
17 pursuant to a mutual aid agreement under this Act shall be  
18 deemed to have been for public and governmental purposes, and  
19 all immunities from liability enjoyed by this State's political  
20 subdivisions and their officers, agents, and employees shall  
21 extend to the emergency responders from another state while  
22 providing mutual aid during a mutual aid emergency or while  
23 engaged in training and exercises pursuant to a written mutual  
24 aid agreement under this Act.

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

15           Section 30. Limitations. This Act does not limit, modify,  
16 or abridge an emergency management compact entered into under  
17 the Emergency Management Assistance Compact Act.