



Rep. Donald L. Moffitt

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LRB098 09335 JDS 43197 a

1 AMENDMENT TO HOUSE BILL 2761

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2761 by replacing  
3 everything after the enacting clause with the following:

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" includes emergency medical  
8 services personnel and firefighters, including firefighters  
9 trained in the areas of hazardous materials, specialized  
10 rescue, extrication, water rescue, and other specialized  
11 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 (i) that the situation exceeds its ability

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

9 (c) "Training exercises" means necessary advance actions  
10 taken by emergency responders pursuant to a mutual aid  
11 agreement in order to prepare to more adequately address a  
12 potential mutual aid emergency.

13 Section 10. Mutual aid agreements. In order to more  
14 adequately address emergencies that extend or exceed a  
15 jurisdiction's emergency response capabilities, either without  
16 rising to the level of a state or local declaration of a state  
17 of emergency, or in the initial stages of an event which may  
18 later become a declared emergency, a political subdivision of  
19 this State, including a county, city, village, township, or  
20 other unit of local government, or any combination thereof, may  
21 enter into a mutual aid agreement with one or more units of  
22 government from another state. The mutual aid agreement may  
23 provide for coordination of communications, staging, training,  
24 and response to planned and unplanned events which a local  
25 jurisdiction has determined exceed, or are likely to exceed,

1 its emergency response capabilities. When engaged in training,  
2 staging, and emergency response in accordance with the mutual  
3 aid agreements, emergency responders from outside of this State  
4 are permitted to provide services within this State in  
5 accordance with this Act and the terms of the mutual aid  
6 agreement.

7 Section 15. Licenses, certifications, and permits. An  
8 emergency responder from outside this State who holds a  
9 license, certificate, or other permit recognized or issued by  
10 another state shall be deemed licensed, certified, and  
11 permitted to render mutual aid during a mutual aid emergency  
12 within this State pursuant to a mutual aid agreement authorized  
13 by this Act, if the emergency responder is (i) acting within  
14 the scope of his or her license, certificate, or permit and  
15 within the scope of what an equivalent license, certificate, or  
16 permit from or recognized by this State would authorize and  
17 (ii) acting pursuant to a request for mutual aid made pursuant  
18 to a mutual aid agreement authorized by this Act.

19 Section 20. Governmental functions; liability; emergency  
20 responders. Any function performed by an emergency responder  
21 that is (i) acting within the scope of his or her license,  
22 certificate, or permit and within the scope of what an  
23 equivalent license, certificate, or permit recognized by this  
24 State would authorize and (ii) pursuant to a mutual aid

1 agreement authorized by this Act shall be deemed to have been  
2 for public and governmental purposes, and all liabilities and  
3 immunities from liability applicable to this State's political  
4 subdivisions and their officers and employees shall extend to  
5 the emergency responders from another state while providing  
6 mutual aid during a mutual aid emergency or while engaged in  
7 training exercises pursuant to a written mutual aid agreement  
8 authorized by this Act. This Section shall not provide greater  
9 immunities to emergency responders from outside of this State  
10 than those immunities provided to emergency responders with the  
11 equivalent license, certificate, or permit in this State. This  
12 Section shall only apply to causes of action accruing on or  
13 after the effective date of this Act.

14 Section 25. Employee benefits. Emergency responders from  
15 outside this State, while rendering mutual aid within this  
16 State pursuant to a mutual aid agreement authorized by this  
17 Act, remain employees and agents of their respective employers  
18 and jurisdictions. Nothing in this Act, or any mutual aid  
19 agreement entered into pursuant to this Act, creates an  
20 employment relationship between the jurisdiction requesting  
21 aid and the employees and agents of the jurisdiction rendering  
22 aid. All pension, relief, disability, death benefits, workers'  
23 compensation, and other benefits enjoyed by emergency  
24 responders rendering emergency mutual aid shall extend to the  
25 services they perform outside their respective jurisdictions

1 as if those services had been rendered in their own  
2 jurisdiction.

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

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.".