



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2866

by Rep. Donald L. Moffitt

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Interstate Mutual Aid Act. Authorizes political subdivisions of the State to enter into mutual aid agreements with units of government from another state to provide for the coordination of communications, staging, training, and response to planned and unplanned events which a local jurisdiction has determined exceed, or are likely to exceed, its emergency response capabilities. Grants immunity from civil actions to persons acting pursuant to a mutual aid agreement. Also contains provisions concerning licenses, certifications, and employee benefits. Effective immediately.

LRB098 07931 JDS 38019 b

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" 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 (i) that the situation exceeds its ability  
17 to render appropriate aid and (ii) that it is in the public's  
18 best interest to request mutual aid from an out-of-state entity  
19 with 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 requiring a state or local declaration of  
23 a state of emergency, unless that declaration occurs after the

1 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 emergency, or in the initial stages of an event which may  
7 later become a declared emergency, a political subdivision of  
8 this State, including, but not limited to, a county, city,  
9 village, township, or other unit of local government, or any  
10 combination thereof, may enter into a mutual aid agreement with  
11 one or more units of government from another state. The mutual  
12 aid agreement may provide for coordination of communications,  
13 staging, training, and response to planned and unplanned events  
14 which a local jurisdiction has determined exceed, or are likely  
15 to exceed, its emergency response capabilities. When engaged in  
16 training, staging, and emergency response in accordance with  
17 the mutual aid agreements, emergency responders from outside of  
18 this State are permitted to provide services within this State  
19 in accordance with this Act and the terms of the mutual aid  
20 agreement. This Act does not prohibit a private entity that  
21 employs emergency responders, or its employees, from  
22 participating in the provision of mutual aid, provided that the  
23 private entity is a party to a mutual aid agreement with the  
24 requesting political subdivision and the agreement permits the  
25 participation.

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

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

23           Section 25. Employee benefits. Emergency responders from

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

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

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.