

Legislative Analysis



LOCAL GOVERNMENT EMERGENCY SERVICES: CHARGE GROSSLY NEGLIGENT INDIVIDUAL

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4856

Sponsor: Rep. Brandon Dillon

House Bill 4857

Sponsor: Rep. Rob VerHeulen

Committee: Local Government

Complete to 9-18-13

A SUMMARY OF HOUSE BILLS 4856 AND 4857 AS INTRODUCED 6-20-13

The bills would, taken together, allow a municipality to charge certain specified costs of emergency and rescue services to an individual who was rescued during a state of emergency when the rescue was required due to grossly negligent conduct by the individual.

The bills would add two new sections to Public Act 33 of 1951 (MCL 41.801 to 41.813), a law that provides for police and fire protection in cities, villages, and townships. The bills are tie-barred to each other, so that neither could take effect unless both were enacted into law. A description of each bill follows.

House Bill 4856 would add Section 6b to specify that if a municipality or the governor declares that a state of emergency exists in a municipality, and emergency and rescue services are provided to rescue an individual during that state of emergency for conduct by that individual that is grossly negligent, then the municipality may charge that individual for the cost of providing those emergency and rescue services. The term "grossly negligent" would be defined to mean conduct so reckless as to demonstrate a substantial lack of concern for whether injury results.

House Bill 4857 would add Section 6c to specify that a municipality may only charge an individual under Section 6b, described above, for the cost of providing the following emergency and rescue services in relation to the rescue event:

- the *salaries, wages, or other compensation, including overtime pay*, of fire department and emergency medical service personnel (including volunteer firefighters or volunteer emergency medical service personnel) for time spent in responding to and providing firefighting, rescue, and emergency medical services; and,
- the *medical supplies* lost or expended by fire department and emergency medical service personnel (including volunteer firefighters or volunteer emergency medical service personnel).

FISCAL IMPACT:

The bills, as written, would allow local units to recoup expenditures on essential services (police, fire, EMS) in some cases. It is not possible to estimate the amount, but it is likely to be very small. There would be no impact on state revenues or expenditures.

Legislative Analyst: J. Hunault
Fiscal Analyst: Adam Desrosiers
Jim Stansell

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.