STATE AND PROVINCE EMERGENCY MANAGEMENT ASSISTANCE AGREEMENT

Act 515 of 2012

AN ACT to enter into the state and province emergency management assistance agreement.

History: 2012, Act 515, Imd. Eff. Dec. 28, 2012

The People of the State of Michigan enact:

3.881 Memorandum of agreement.

Sec. 1.

(1) This act expresses the shared interests of the participating jurisdictions to establish a memorandum of agreement to provide for the possibility of mutual assistance among the jurisdictions entering into this agreement in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, man-made disaster, or civil emergency aspects of resource shortages.

(2) The effective utilization of resources of the participating jurisdictions essential to the safety, care, and welfare of the people in the event of any emergency or disaster is the underlying principle on which all articles of this agreement are understood.

(3) The participating jurisdictions recognize the importance of comprehensive and coordinated civil emergency preparedness, response, and recovery measures for natural disaster, technological hazard, human-induced disaster, or civil emergency aspects of resource shortages.

(4) The participating jurisdictions further recognize the benefits of coordinating their separate emergency preparedness, response, and recovery measures with that of participating jurisdictions for those emergencies, disasters, or hostilities affecting or potentially affecting 1 or more of the participating jurisdictions in the United States or in Canada.

(5) The participating jurisdictions further recognize that regionally based emergency preparedness, response, and recovery measures will benefit all jurisdictions in the United States and Canada, and best serve their respective national interests in cooperative and coordinated emergency preparedness.

NOW therefore, it is hereby agreed by and between each and all of the participating jurisdictions hereto as provided in this act.

History: 2012, Act 515, Imd. Eff. Dec. 28, 2012

ARTICLE I

3.882 Jurisdictions.

Sec. 2.

(1) The State and Province Emergency Management Assistance Memorandum of Agreement is made and entered into by and among such of the jurisdictions as shall enact or adopt this agreement. For the purposes of this agreement, the term participating jurisdictions may initially include any or all of the states of Illinois, Indiana, Ohio, Michigan, Minnesota,

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Montana, North Dakota, Pennsylvania, New York, and Wisconsin, and the Canadian Provinces of Alberta, Manitoba, Ontario, and Saskatchewan. Other states and provinces may hereafter become a participating jurisdiction to this agreement and for that purpose, the term "states" is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all United States territorial possessions. The term "province" means the 10 political units of government within Canada.

(2) The purpose of this agreement is to provide for the possibility of mutual assistance among the participating jurisdictions entering into this agreement in managing any emergency or disaster when the affected participating jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, man-made disaster, or civil emergency aspects of resource shortages.

(3) This agreement also provides for the process of planning mechanisms among the agencies responsible for mutual cooperation, including civil emergency preparedness exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by participating jurisdictions or subdivisions of participating jurisdictions during emergencies, with such actions occurring outside emergency periods.

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ARTICLE II

3.883 Designated official; responsibilities.

Sec. 3.

(1) Each participating jurisdiction entering into this agreement recognizes that many emergencies may exceed the capabilities of a participating jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each participating jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

(2) On behalf of the participating jurisdictions in the agreement, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate interjurisdictional mutual aid plans and procedures necessary to implement this agreement, and for recommendations to the participating jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

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ARTICLE III

3.884 Preparedness activities; requests; consultation.

Sec. 4.

(1) Preparedness is 1 of the foundations of emergency management and can be described as activities undertaken to prepare for disasters and emergencies and to facilitate future response and recovery efforts. There is an interest and need for participating jurisdictions to plan

together in advance of disasters and emergencies. The following preparedness activities may be considered by the participating jurisdictions:

(a) Share participating jurisdictions' hazard analyses that are available, and determine those potential disasters and emergencies the participating jurisdictions might jointly suffer.

(b) Share existing emergency operations plans, procedures, and protocols.

(c) Share policies and procedures for resource mobilization, tracking, demobilization, and reimbursement.

(d) Consider joint planning, training, and exercises.

(e) Assist with alert, notification, and warning for communities adjacent to or crossing participating jurisdiction boundaries.

(f) Consider procedures to facilitate the movement of evacuees, refugees, civil emergency personnel, equipment, or other resources into or across boundaries, or to a designated staging area when it is agreed that such movement or staging will facilitate civil emergency operations by the affected or participating jurisdictions.

(g) Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that impede the implementation of responsibilities described in this section.

(2) The authorized representative of a participating jurisdiction may request assistance of another participating jurisdiction by contacting its authorized representative. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. The authorized representative of participating jurisdictions will confirm their verbal request in writing within 15 days. Requests must provide the following information:

(a) A description of the emergency service function for which assistance is needed and of the mission or missions, including, but not limited to, fire services, emergency medical, transportation, communications, public works, and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

(b) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

(c) The specific place and time for staging of the assisting party's response and a point of contact at the location.

(3) There will be periodic consultation among the authorized representatives who have assigned emergency management responsibilities.

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ARTICLE IV

3.885 Mutual aid.

Sec. 5.

It is recognized that any participating jurisdiction that agrees to render mutual aid or conduct exercises and training for mutual aid will respond as soon as possible. It is also understood that the participating jurisdiction rendering aid may withhold or recall resources to provide reasonable protection for itself, at its discretion. To the extent authorized by law, each participating jurisdiction will afford to the personnel of the emergency contingent of any other participating jurisdiction while operating within its jurisdiction limits under the terms and conditions of this agreement and under the operational control of an officer of the requesting participating jurisdiction the same treatment as is afforded similar or like human resources of

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the participating jurisdiction in which they are performing emergency services. Staff comprising the emergency contingent continue under the command and control of their regular leaders but the organizational units come under the operational control of the emergency services authorities of the participating jurisdiction receiving assistance. These conditions may be activated, as needed, by the participating jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect, or loaned resources remain in the receiving participating jurisdictions, whichever is longer. The receiving participating jurisdiction is responsible for informing the assisting participating jurisdiction when services will no longer be required.

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ARTICLE V

3.886 Person rendering aid.

Sec. 6.

If a person holds a license, certificate, or other permit issued by any participating jurisdiction in the agreement evidencing the meeting or qualifications for professional, mechanical, or other skills, and when licensed assistance is requested under this act by the receiving participating jurisdiction, that person is considered to be licensed, certified, or permitted by the participating jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, to the extent allowed by law and subject to such limitations and conditions as the requesting participating jurisdiction receiving prescribes by executive order or otherwise.

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ARTICLE VI

3.887 Person or entity as agent.

Sec. 7.

Any person or entity of a participating jurisdiction rendering aid in another participating jurisdiction pursuant to this agreement is considered an agent of the requesting participating jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another participating jurisdiction pursuant to this agreement is not liable on account of any act or omission of good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

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ARTICLE VII

3.888 Supplementary jurisdictions.

Sec. 8.

(1) Because it is probable that the pattern and detail of the agreement for mutual aid among 2 or more participating jurisdictions may differ from that among the participating jurisdictions that are party to this memorandum of agreement, this agreement contains elements of a broad base common to all participating jurisdictions, and nothing in this agreement precludes any participating jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among participating jurisdictions.

(2) Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment, and supplies.

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ARTICLE VIII

3.889 Workers' compensation and death benefits.

Sec. 9.

Each participating jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency contingent of that participating jurisdiction and to representatives of deceased members of the deployed contingent if the members sustain injuries or are killed while rendering aid to another participating jurisdiction pursuant to this agreement in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

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ARTICLE IX

3.890 Costs.

Sec. 10.

Any participating jurisdiction rendering aid to another participating jurisdiction pursuant to this agreement shall, if requested, be reimbursed by the participating jurisdiction receiving that aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding participating jurisdiction may assume in whole or in part any loss, damage, expense, or other cost or may loan equipment or donate services to the receiving participating jurisdiction without charge or cost. Any 2 or more participating jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those participating jurisdictions. Benefits under Article VIII are not reimbursable under this section.

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ARTICLE X

3.891 Execution of agreement.

Sec. 11.

(1) This agreement is effective upon its execution or adoption by any 1 state and 1 province subject to approval or authorization by the United States congress and the enactment of any state or provincial legislation that may be required for the effectiveness of the arrangement.

(2) Additional jurisdictions may participate in this agreement upon execution or adoption of the agreement.

(3) Any participating jurisdiction may withdraw from this arrangement but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing participating jurisdiction has given notice in writing of that withdrawal to the governors or premiers of all other participating jurisdictions. The action does not relieve the withdrawing participating jurisdiction from obligations assumed under this agreement before the effective date of withdrawal.

(4) Duly authenticated copies of this agreement in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the participating jurisdictions.

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ARTICLE XI

3.892 Severability.

Sec. 12.

This agreement is construed so as to effectuate the purposes stated in Article I. If any provision of this agreement is declared unconstitutional or invalid or inapplicable to any person or circumstances, or the applicability of the agreement to any person or circumstances is held invalid, the validity of the remainder of this agreement to that person or circumstances and the applicability of the agreement to other persons and circumstances is not affected.

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ARTICLE XII

3.893 Difference in form or language.

Sec. 13.

The validity of the provisions consented to in this agreement are not affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

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