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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2112 Session of  
2007

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INTRODUCED BY COSTA, GOODMAN, FRANKEL, KOTIK, PRESTON, READSHAW,  
K. SMITH, BRENNAN, CALTAGIRONE, CAPPELLI, CARROLL, CREIGHTON,  
GEIST, GEORGE, GRUCELA, HALUSKA, HARKINS, HENNESSEY,  
HUTCHINSON, W. KELLER, KULA, MAHONEY, MARSHALL, McILHATTAN,  
MOYER, MURT, PAYNE, SANTONI, SAYLOR, SIPTROTH, SOLOBAY,  
THOMAS, J. WHITE, YOUNGBLOOD AND YUDICHAK, DECEMBER 13, 2007

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REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, DECEMBER 13, 2007

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, providing for mutual aid.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Chapter 73 of Title 35 of the Pennsylvania  
6 Consolidated Statutes is amended by adding a subchapter to read:

7 SUBCHAPTER C

8 INTRASTATE MUTUAL AID

9 Sec.

10 7331. Purpose of subchapter.

11 7332. Definitions.

12 7333. Intrastate Mutual Aid Committee.

13 7334. System.

14 7335. Assistance.

15 7336. License, certificate and permit portability.

1   7337. Insurance.

2   7338. Workers' compensation.

3   7339. Immunity.

4   7340. Effect on other agreements.

5   § 7331. Purpose of subchapter.

6       The purpose of this subchapter is to create a system of  
7   intrastate mutual aid between participating political  
8   subdivisions within this Commonwealth, whereby each  
9   participating political subdivision recognizes that emergencies  
10   transcend the boundaries of a political subdivision and that  
11   intergovernmental coordination is essential for the protection  
12   of lives and property and for the best use of available public  
13   and private assets. The system shall provide for mutual  
14   assistance among the participating political subdivisions in the  
15   prevention of, response to and recovery from threats to public  
16   health and safety that are beyond the capability of an affected  
17   community to respond. The system shall provide for mutual  
18   cooperation among the participating subdivisions in conducting  
19   exercises, testing or other training activities.

20   § 7332. Definitions.

21       The following words and phrases when used in this subchapter  
22   shall have the meanings given to them in this section unless the  
23   context clearly indicates otherwise:

24       "Agency." The Pennsylvania Emergency Management Agency.

25       "Dedicated emergency response organization." Any entity  
26   organized, chartered or incorporated in this Commonwealth or  
27   chartered by the Congress of the United States for the primary  
28   purpose of providing emergency services. The term shall include  
29   volunteer, career and combination organizations.

30       "Emergency responder." An individual in the public or

private sector who has special skills, qualification, training, knowledge or experience, whether or not the person possesses a license, certificate, permit or other official recognition for the skills, qualification, training, knowledge or experience, that would benefit a participating political subdivision in responding to an authorized mutual aid request or participating in an authorized drill or exercise. The term shall include a law enforcement officer, a firefighter, an emergency medical services worker, a physician, nurse or other public health worker, an emergency management official, a public works worker, a building inspector, an architect, an engineer or other design professional or a person with specialized equipment operations skills or training or with any other skills needed to provide aid in a declared emergency.

"Committee." The Intrastate Mutual Aid Committee.

"Incident." Any event or condition which constitutes an actual or imminent threat to public health and safety, public or private property or the economic well-being of the community.

"Incident commander." The individual responsible for all incident-related activities, including the development of strategies and tactics and the ordering and releasing of resources as provided under the National Incident Management System.

"Mutual aid." Mutual assistance and sharing of resources among participating political subdivisions in the prevention of, response to and recovery from threats to public health and safety that are beyond the capability of an affected community to respond.

"National Incident Management System." The National Incident Management System established by the United States Department of

1 Homeland Security.

2 "Participating political subdivision." A political  
3 subdivision that has not opted out of the intrastate mutual aid  
4 system.

5 "Political subdivision." Any county, city, borough,  
6 incorporated town or township. The term shall include any  
7 council of governments established among any of the above.

8 "Requesting political subdivision." A participating  
9 political subdivision that requests assistance under this  
10 subchapter.

11 "Responding political subdivision." A participating  
12 political subdivision that responds to a request for assistance  
13 under this subchapter.

14 "System." The intrastate mutual aid system.

15 § 7333. Intrastate Mutual Aid Committee.

16 (a) Establishment.--There is established the Intrastate  
17 Mutual Aid Committee.

18 (b) Membership.--The committee shall be comprised of the  
19 following members:

20 (1) The director of the agency or a designee, who shall  
21 serve as the chairman of the committee.

22 (2) Two representatives each from the career fire  
23 services, the volunteer fire services and the emergency  
24 medical services.

25 (3) Three county emergency management agency directors,  
26 one from each agency area, who shall be recommended by the  
27 respective agency area directors.

28 (4) One representative each from the State Chiefs of  
29 Police Association, the State Fraternal Order of Police and  
30 the Pennsylvania State Police.

1       (5) One representative each from the Statewide county  
2       and municipal government associations' representative elected  
3       officials.

4       (6) Three representatives from county-based 911  
5       programs.

6       (c) Appointments.--Each member under subsection (b) shall be  
7       appointed by the director of the agency, and the appointment may  
8       be based on recommendations from the organizations and  
9       associations represented. The county-based 911 members shall be  
10       selected from recommendations made by the three agency area  
11       directors.

12       (d) Terms of office.--Members shall serve a term of two  
13       years, and may be appointed for subsequent terms.

14       (e) Duties of committee.--The committee shall do all of the  
15       following:

16               (1) Hold at least one meeting each year to review the  
17               progress and status of the intrastate mutual aid system.

18               (2) Provide participating political subdivisions with a  
19               method to track and evaluate the system.

20               (3) Examine issues facing participating political  
21               subdivisions regarding the implementation of this subchapter.

22               (4) Prepare an annual report on the condition and  
23               effectiveness of mutual aid in this Commonwealth, which shall  
24               be submitted to the chairperson and minority chairperson of  
25               the Veterans Affairs and Emergency Preparedness Committee of  
26               the Senate and the chairperson and minority chairperson of  
27               the Veterans Affairs and Emergency Preparedness Committee of  
28               the House of Representatives. This report may contain  
29               recommendations for correcting any deficiencies within the  
30               system.

1       (5) Develop all of the following:

2           (i) Comprehensive guidelines and procedures that  
3       address all of the following:

4           (A) Projected or anticipated costs potentially  
5       incurred by a participating political subdivision.

6           (B) Recordkeeping for participating political  
7       subdivisions.

8           (C) Reimbursement procedures and other necessary  
9       implementation elements.

10          (D) Any other procedures that the committee  
11       deems necessary.

12          (ii) Checklists for requesting and providing  
13       assistance.

14          (iii) Forms for requests and other records to  
15       document the deployment and return of assets.

16   § 7334. System.

17       (a) Establishment.--An intrastate mutual aid system is  
18       established for the purpose of providing mutual aid within this  
19       Commonwealth.

20       (b) Participation.--

21           (1) All political subdivisions within this Commonwealth  
22       shall be a part of the system unless the political  
23       subdivision elects not to participate by enacting a  
24       resolution declaring their desire not to participate and by  
25       submitting a copy of the resolution to the agency and to its  
26       county emergency management agency.

27           (2) Any political subdivision that elects not to  
28       participate in the system, as provided under subsection (a),  
29       may at a later date elect to participate in the system by  
30       enacting a resolution declaring its desire to participate and

1 by submitting a copy of the resolution to the agency and to  
2 its county emergency management agency.

3 (c) Responsibilities.--It shall be the responsibility of  
4 each participating political subdivision with jurisdiction over  
5 and responsibility for emergency management within that  
6 political subdivision to do all of the following:

7 (1) Identify potential hazards that could affect the  
8 participating political subdivision using an identification  
9 system as developed by the committee common to all  
10 participating political subdivisions.

11 (2) Conduct joint planning, intelligence sharing and  
12 threat assessment development with contiguous participating  
13 political subdivisions.

14 (3) Conduct joint training with contiguous participating  
15 political subdivisions at least biennially.

16 (4) Identify and inventory the current services,  
17 equipment, supplies, personnel and other resources related to  
18 planning, prevention, mitigation, response and recovery  
19 activities of the participating political subdivisions in  
20 accordance with the National Incident Management System  
21 Integration Center resource management guidance.

22 (5) Adopt and implement the standardized incident  
23 management system approved by the agency.

24 (6) Adopt and implement the National Incident Management  
25 System requirements established by the United States  
26 Department of Homeland Security.

27 § 7335. Assistance.

28 (a) Requests.--A participating political subdivision may  
29 request assistance of other participating political subdivisions  
30 or their designated emergency response organizations. All

1 requests for assistance shall be initiated from the incident  
2 commander or authorized designee at an incident location, the  
3 county 911 center or the county emergency manager where the  
4 incident occurs. All intrastate mutual aid requests for  
5 assistance shall be made to the county 911 center or county  
6 emergency management coordinator or authorized designee in the  
7 responding county. Intrastate mutual aid requests for assistance  
8 may also be made through the agency. A written request shall be  
9 submitted after a verbal request is made as soon as practicable  
10 or within the number of days that the agency, in its discretion,  
11 may determine.

12 (b) Response to requests.--A participating political  
13 subdivision's obligation to provide assistance in the prevention  
14 of, response to and recovery from an incident or in authorized  
15 drills or exercises shall be subject to all of the following  
16 conditions:

17 (1) A responding political subdivision may withhold  
18 resources to the extent necessary to provide reasonable  
19 protection and services for its own jurisdiction.

20 (2) Emergency response personnel of a responding  
21 political subdivision shall remain under the administrative  
22 and policy procedures and control of their respective  
23 jurisdiction, including medical protocols, standard operating  
24 procedures and other protocols, but shall be under the  
25 operational control of the appropriate officials within the  
26 incident management system of the requesting political  
27 subdivision.

28 (3) Assets and equipment of a responding political  
29 subdivision shall remain under the administrative and policy  
30 procedures and control of their respective jurisdiction but



1 shall be under the control of the appropriate officials  
2 within the incident management system of the requesting  
3 political subdivision.

4 (4) The incident commander shall have overall authority  
5 and responsibility for conducting incident operations and  
6 shall be responsible for the management of all incident  
7 operations at the incident site.

8 (c) Reimbursement.--A requesting political subdivision shall  
9 reimburse the responding political subdivision in accordance  
10 with procedures established by the committee. A responding  
11 political subdivision may donate assets of any kind to a  
12 participating political subdivision. If a dispute arises  
13 regarding reimbursement, involved parties shall make every  
14 effort to resolve the dispute within 30 days of written notice  
15 of the dispute by the party asserting noncompliance. In the  
16 event that the dispute is not resolved within 90 days of the  
17 notice of the claim, either party may request the dispute be  
18 resolved through arbitration. Any arbitration requested under  
19 this subsection shall be conducted under the commercial  
20 arbitration rules of the American Arbitration Association.

21 (d) Exceptions.--The provisions of this section shall not  
22 apply to specific mutual aid agreements which exist on the  
23 effective date of this section and which were made between  
24 political subdivisions and emergency response organizations to  
25 cover response to routine incidents.

26 § 7336. License, certificate and permit portability.

27 If a person holds a license, certificate or other permit  
28 issued by a participating political subdivision or the  
29 Commonwealth evidencing qualification in a professional,  
30 mechanical or other skill and the assistance of that person or

1 entity is requested by a participating political subdivision,  
2 the person shall be deemed to be licensed, certified or  
3 permitted in the political subdivision requesting assistance for  
4 the duration of the incident response or authorized drills or  
5 exercises and subject to any limitations and conditions the  
6 chief executive of the participating political subdivision  
7 receiving the assistance may prescribe by executive order or  
8 otherwise.

9 § 7337. Insurance.

10 A responding political subdivision shall ensure that adequate  
11 insurance protection is in effect covering all vehicles and  
12 equipment used in response to an intrastate mutual aid request.  
13 Personnel of the responding political subdivision shall maintain  
14 direct and overall control of all vehicles and equipment  
15 utilized in an intrastate mutual aid response and shall ensure  
16 that vehicles and equipment are used within intended design  
17 specifications.

18 § 7338. Workers' compensation.

19 Notwithstanding any other provision of law, a responding  
20 political subdivision shall provide appropriate workers'  
21 compensation insurance protection for municipal employees and  
22 volunteers representing the responding political subdivision  
23 when responding to a request under this system. Personnel of a  
24 responding political subdivision who sustain injury or death in  
25 the course of and arising out of their employment shall be  
26 entitled to all applicable benefits normally available to  
27 personnel while performing their duties for their employer.  
28 Responders shall receive any additional Federal and State  
29 benefits that may be available to them for line-of-duty deaths.

30 § 7339. Immunity.

1     All activities performed under the intrastate mutual aid  
2     system are deemed to be governmental functions. For the purposes  
3     of liability, all persons responding under the operational  
4     control of the requesting political subdivision shall be deemed  
5     to be employees of the requesting participating political  
6     subdivision. Except in cases of willful misconduct, gross  
7     negligence or bad faith, neither the participating political  
8     subdivisions nor their employees shall be liable for the death  
9     of or injury to persons or for damage to property when complying  
10    or attempting to comply with the system. This subchapter shall  
11    provide no immunity, rights or privileges for any individual  
12    responding to an incident where the response has not been  
13    requested by a participating political subdivision.

14    § 7340. Effect on other agreements.

15    Nothing in this subchapter shall preclude participating  
16    political subdivisions from entering into supplementary  
17    agreements with another political subdivision. Nothing in this  
18    subchapter shall affect any other agreement to which a political  
19    subdivision may, on the effective date of this section, be a  
20    party.

21    Section 2. This act shall take effect immediately.