
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1225 Session of
2007

INTRODUCED BY PIPPY, BAKER, MELLOW, ORIE, McILHINNEY, COSTA,
WOZNIAK, RAFFERTY, O'PAKE, ERICKSON, PILEGGI, FONTANA, WAUGH,
STACK, FUMO, D. WHITE, RHOADES, BOSCOLA, KITCHEN, FERLO AND
A. WILLIAMS, DECEMBER 27, 2007

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
DECEMBER 27, 2007

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.

16 7337. Insurance.

1 7338. Workers' compensation.

2 7339. Immunity.

3 7340. Effect on other agreements.

4 § 7331. Purpose of subchapter.

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

19 § 7332. Definitions.

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

23 "Agency." The Pennsylvania Emergency Management Agency.

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

29 "Emergency responder." An individual in the public or
30 private sector who has special skills, qualification, training,

1 knowledge or experience, whether or not the person possesses a
2 license, certificate, permit or other official recognition for
3 the skills, qualification, training, knowledge or experience,
4 that would benefit a participating political subdivision in
5 responding to an authorized mutual aid request or participating
6 in an authorized drill or exercise. The term shall include a law
7 enforcement officer, a firefighter, an emergency medical
8 services worker, a physician, nurse or other public health
9 worker, an emergency management official, a public works worker,
10 a building inspector, an architect, an engineer or other design
11 professional or a person with specialized equipment operations
12 skills or training or with any other skills needed to provide
13 aid in a declared emergency.

14 "Committee." The Intrastate Mutual Aid Committee.

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

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

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

28 "National Incident Management System." The National Incident
29 Management System established by the United States Department of
30 Homeland Security.

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

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

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

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

13 "System." The intrastate mutual aid system.

14 § 7333. Intrastate Mutual Aid Committee.

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

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

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

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

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

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

30 (5) One representative each from the Statewide county

1 and municipal government associations' representative elected
2 officials.

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

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

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

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

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

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

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

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

30 (5) Develop all of the following:

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

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

5 (B) Recordkeeping for participating political
6 subdivisions.

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

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

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

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

15 § 7334. System.

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

19 (b) Participation.--

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

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

1 its county emergency management agency.

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

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

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

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

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

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

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

26 § 7335. Assistance.

27 (a) Requests.--A participating political subdivision may
28 request assistance of other participating political subdivisions
29 or their designated emergency response organizations. All
30 requests for assistance shall be initiated from the incident

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

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

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

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

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

1 within the incident management system of the requesting
2 political subdivision.

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

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

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

25 § 7336. License, certificate and permit portability.

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

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

8 § 7337. Insurance.

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

17 § 7338. Workers' compensation.

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

29 § 7339. Immunity.

30 All activities performed under the intrastate mutual aid

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

13 § 7340. Effect on other agreements.

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

20 Section 2. This act shall take effect immediately.