
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1225 Session of
2007

INTRODUCED BY PIPPY, BAKER, MELLOW, ORIE, McILHINNEY, COSTA,
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DECEMBER 27, 2007

SENATOR ARMSTRONG, APPROPRIATIONS, RE-REPORTED AS AMENDED,
APRIL 1, 2008

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 "Committee." The Intrastate Mutual Aid Committee.

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

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

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

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

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

29 "National Incident Management System." The National Incident
30 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) The State Fire Commissioner and the Director of the
23 Bureau of Emergency Medical Services of the Department of
24 Health.

25 (3) Three representatives each from the career fire
26 services, the volunteer fire services and the emergency
27 medical services.

28 (4) Three county emergency management agency directors,
29 one from each agency area, who shall be recommended by the
30 respective agency area directors.

1 (5) One representative each from the State Chiefs of
2 Police Association, the State Fraternal Order of Police and
3 the Pennsylvania State Police.

4 (6) One representative each from the Statewide county
5 and municipal government associations' representative elected
6 officials.

7 (7) Three representatives from county-based 911
8 programs.

9 (8) ONE REPRESENTATIVE FROM THE PENNSYLVANIA STATE
10 CORONERS ASSOCIATION.

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

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

19 (e) Duties of committee.--The committee shall do all of the
20 following:

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

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

25 (3) Examine issues facing participating political
26 subdivisions and emergency responders regarding the
27 implementation of this subchapter.

28 (4) Prepare an annual report on the condition and
29 effectiveness of mutual aid in this Commonwealth, which shall
30 be submitted to the chairperson and minority chairperson of

1 the Veterans Affairs and Emergency Preparedness Committee of
2 the Senate and the chairperson and minority chairperson of
3 the Veterans Affairs and Emergency Preparedness Committee of
4 the House of Representatives. This report may contain
5 recommendations for correcting any deficiencies within the
6 system.

7 (5) Develop all of the following:

8 (i) Comprehensive guidelines and procedures that
9 address all of the following:

10 (A) Projected or anticipated costs potentially
11 incurred by a participating political subdivision.

12 (B) Recordkeeping for participating political
13 subdivisions.

14 (C) Reimbursement procedures and other necessary
15 implementation elements.

16 (D) Any other procedures that the committee
17 deems necessary.

18 (ii) Checklists for requesting and providing
19 assistance.

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

22 § 7334. System.

23 (a) Establishment.--An intrastate mutual aid system is
24 established for the purpose of providing mutual aid within this
25 Commonwealth.

26 (b) Participation.--

27 (1) All political subdivisions within this Commonwealth
28 shall be a part of the system unless the political
29 subdivision elects not to participate by enacting a
30 resolution declaring their desire not to participate and by

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

3 (2) All political subdivisions within this Commonwealth
4 shall consult with fire and emergency medical services
5 providers to discuss the emergency services needs of the
6 political subdivision.

7 (3) Any political subdivision that elects not to
8 participate in the system, as provided under subsection (a),
9 may at a later date elect to participate in the system by
10 enacting a resolution declaring its desire to participate and
11 by submitting a copy of the resolution to the agency and to
12 its county emergency management agency.

13 (4) Participation by a political subdivision in the
14 system of intrastate mutual aid established by this
15 subchapter shall not be subject to the requirements of 53
16 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
17 cooperation).

18 (c) Responsibilities.--It shall be the responsibility of
19 each participating political subdivision with jurisdiction over
20 and responsibility for emergency management within that
21 political subdivision to do all of the following:

22 (1) Identify potential hazards that could affect the
23 participating political subdivision using an identification
24 system as developed by the committee common to all
25 participating political subdivisions.

26 (2) Conduct joint planning, intelligence sharing and
27 threat assessment development with contiguous participating
28 political subdivisions.

29 (3) Conduct joint training with contiguous participating
30 political subdivisions at least biennially.

1 (4) Identify and inventory the current services,
2 equipment, supplies, personnel and other resources related to
3 planning, prevention, mitigation, response and recovery
4 activities of the participating political subdivisions in
5 accordance with the National Incident Management System
6 Integration Center resource management guidance.

7 (5) Adopt and implement the standardized incident
8 management system approved by the agency.

9 (6) Adopt and implement the National Incident Management
10 System requirements established by the United States
11 Department of Homeland Security.

12 § 7335. Assistance.

13 (a) Requests.--A participating political subdivision may
14 request assistance of other participating political subdivisions
15 or their designated emergency response organizations. All
16 requests for assistance shall be initiated from the incident
17 commander or authorized designee at an incident location, the
18 county 911 center or the county emergency manager where the
19 incident occurs. All intrastate mutual aid requests for
20 assistance shall be made to the county 911 center or county
21 emergency management coordinator or authorized designee in the
22 responding county. Intrastate mutual aid requests for assistance
23 may also be made through the agency. A written request shall be
24 submitted after a verbal request is made as soon as practicable
25 or within the number of days that the agency, in its discretion,
26 may determine.

27 (b) Response to requests.--A participating political
28 subdivision's obligation to provide assistance in the prevention
29 of, response to and recovery from an incident or in authorized
30 drills or exercises shall be subject to all of the following

1 conditions:

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

5 (2) Emergency response personnel of a responding
6 political subdivision shall remain under the administrative
7 and policy procedures and control of their respective
8 jurisdiction, including medical protocols, standard operating
9 procedures and other protocols, but shall be under the
10 operational control of the appropriate officials within the
11 incident management system of the requesting political
12 subdivision.

13 (3) Assets and equipment of a responding political
14 subdivision shall remain under the administrative and policy
15 procedures and control of their respective jurisdiction but
16 shall be under the control of the appropriate officials
17 within the incident management system of the requesting
18 political subdivision.

19 (4) The incident commander shall have overall authority
20 and responsibility for conducting incident operations and
21 shall be responsible for the management of all incident
22 operations at the incident site.

23 (c) Reimbursement.--A requesting political subdivision shall
24 reimburse the responding political subdivision in accordance
25 with procedures established by the committee. A responding
26 political subdivision may donate assets of any kind to a
27 participating political subdivision. If a dispute arises
28 regarding reimbursement, involved parties shall make every
29 effort to resolve the dispute within 30 days of written notice
30 of the dispute by the party asserting noncompliance. In the

1 event that the dispute is not resolved within 90 days of the
2 notice of the claim, either party may request the dispute be
3 resolved through arbitration. Any arbitration requested under
4 this subsection shall be conducted under the commercial
5 arbitration rules of the American Arbitration Association.

6 (d) Exceptions.--The provisions of this section shall not
7 apply to specific mutual aid agreements which exist on the
8 effective date of this section and which were made between
9 political subdivisions and emergency response organizations to
10 cover response to routine incidents.

11 § 7336. License, certificate and permit portability.

12 If a person holds a license, certificate or other permit
13 issued by a participating political subdivision or the
14 Commonwealth evidencing qualification in a professional,
15 mechanical or other skill and the assistance of that person or
16 entity is requested by a participating political subdivision,
17 the person shall be deemed to be licensed, certified or
18 permitted in the political subdivision requesting assistance for
19 the duration of the incident response or authorized drills or
20 exercises and subject to any limitations and conditions the
21 chief executive of the participating political subdivision
22 receiving the assistance may prescribe by executive order or
23 otherwise.

24 § 7337. Insurance.

25 A responding political subdivision shall ensure that adequate
26 insurance protection is in effect covering all vehicles and
27 equipment used in response to an intrastate mutual aid request.
28 Personnel of the responding political subdivision shall maintain
29 direct and overall control of all vehicles and equipment
30 utilized in an intrastate mutual aid response and shall ensure

1 that vehicles and equipment are used within intended design
2 specifications.

3 § 7338. Workers' compensation.

4 Notwithstanding any other provision of law, a responding
5 political subdivision shall provide appropriate workers'
6 compensation insurance protection for municipal employees and
7 volunteers representing the responding political subdivision
8 when responding to a request under this system. Personnel of a
9 responding political subdivision who sustain injury or death in
10 the course of and arising out of their employment shall be
11 entitled to all applicable benefits normally available to
12 personnel while performing their duties for their employer.
13 Responders shall receive any additional Federal and State
14 benefits that may be available to them for line-of-duty deaths.

15 § 7339. Immunity.

16 All activities performed under the intrastate mutual aid
17 system are deemed to be governmental functions. For the purposes
18 of liability, all persons responding under the operational
19 control of the requesting political subdivision shall be deemed
20 to be employees of the requesting participating political
21 subdivision. Except in cases of willful misconduct, gross
22 negligence or bad faith, neither the participating political
23 subdivisions nor their employees shall be liable for the death
24 of or injury to persons or for damage to property when complying
25 or attempting to comply with the system. This subchapter shall
26 provide no immunity, rights or privileges for any individual
27 responding to an incident where the response has not been
28 requested by a participating political subdivision.

29 § 7340. Effect on other agreements.

30 Nothing in this subchapter shall preclude participating

1 political subdivisions from entering into supplementary
2 agreements with another political subdivision. Nothing in this
3 subchapter shall affect any other agreement to which a political
4 subdivision may, on the effective date of this section, be a
5 party.

6 Section 2. This act shall take effect immediately.