

1 SYNOPSIS: Under existing law, there is no intrastate  
2 mutual aid system for emergencies.

3 This bill would create a system of  
4 intrastate mutual aid between participating  
5 political subdivision sin the state and provide  
6 for coordination of law enforcement activities  
7 in an emergency.

8

9

A BILL

10

TO BE ENTITLED

11

AN ACT

12

13 Relating to emergency and emergency management  
14 activities; to provide for an intrastate mutual aid system  
15 for participating political subdivisions and to provide for  
16 coordination of law enforcement authorities under mutual  
17 aid response.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19

20 Section 1. (a) (1) The purpose of this section is  
21 to create a system of intrastate mutual aid between  
22 participating political subdivisions in the state. Each  
23 participant of this system recognizes that emergencies  
24 transcend political jurisdictional boundaries and that  
25 intergovernmental coordination is essential for the  
26 protection of lives and property and for best use of  
27 available assets, both public and private. The system  
28 shall provide for mutual assistance among the participating  
29 political subdivisions in the prevention of, response to,  
30 and recovery from, any disaster that results in a formal  
state of emergency in a participating political

1 subdivision, subject to that participating political  
2 subdivision's criteria for declaration. The system shall  
3 provide for mutual cooperation among the participating  
4 subdivisions in conducting disaster related exercises,  
5 testing, or other training activities outside actual  
6 declared emergency periods. This section provides no  
7 immunity, rights, or privileges for any individual  
8 responding to a state of emergency that is not requested or  
9 authorized to respond by a participating political  
10 subdivision. Participating political subdivisions will be  
11 ensured, to the fullest extent possible, eligibility for  
12 state and federal disaster funding.

13           (2) A committee is created known as the State or  
14 Statewide Intrastate Mutual Aid Committee. The committee  
15 shall consist of 20 members from various public safety  
16 entities and other governmental entities who shall be  
17 appointed by the Director of the Emergency Management  
18 Agency. The director, or his or her designee, shall chair  
19 the committee. This committee shall be multidisciplinary  
20 and representative of emergency management and response  
21 disciplines as well as local government. It shall be the  
22 committee's responsibility to hold, at a minimum, annual  
23 meetings to review the progress and status of statewide  
24 mutual aid, assist in developing methods to track and  
25 evaluate activation of the system and to examine issues  
26 facing participating political subdivisions regarding the  
27 implementation of this legislation. The committee may be  
28 chaired by the Director of the Emergency Management Agency.  
29 The committee may prepare an annual report on the condition  
30 and effectiveness of mutual aid in the state, make

1 recommendations for correcting any deficiencies and submit  
2 that report to the appropriate legislative committee or  
3 other governing body. Members of the committee shall serve  
4 a maximum two-year term, with recommendation for  
5 appointment coming from each respective association.

6 (3) All political subdivisions within the state  
7 are, upon enactment of this legislation or the execution of  
8 an agreement, automatically a part of the statewide mutual  
9 aid system. A political subdivision within the state may  
10 elect not to participate or to later withdraw from the  
11 system upon enacting an appropriate resolution by its  
12 governing body declaring that it elects not to participate  
13 in the statewide mutual aid system; and providing a copy of  
14 the resolution to the Emergency Management Agency. This  
15 section does not preclude participating political  
16 subdivisions from entering into supplementary agreements  
17 with another political subdivision and does not affect any  
18 other agreement to which a political subdivision may  
19 currently be a party to, or decide to be a party to.

20 (b) An emergency responder is anyone with special  
21 skills, qualifications, training, knowledge, and experience  
22 in the public or private sectors that would be beneficial  
23 to a participating political subdivision in response to a  
24 locally declared emergency as defined in any applicable law  
25 or ordinance or authorized drill or exercises; and who is  
26 requested or authorized to respond. Under this definition,  
27 an emergency responder may be required to possess a  
28 license, certificate, permit, or other official recognition  
29 for his or her expertise in a particular field or area of  
30 knowledge. An emergency responder could include, but is in

1 no way limited to, the following: Law enforcement officers,  
2 firefighters, emergency medical services personnel,  
3 physicians, nurses, other public health personnel,  
4 emergency management personnel, public works personnel,  
5 local emergency debris removal teams, those persons with  
6 specialized equipment operations, skills or training, or  
7 any other skills needed to provide aid in a declared  
8 emergency.

9 (c) It shall be the responsibility of each  
10 participating political subdivision with jurisdiction over  
11 and responsibility for emergency management within that  
12 certain subdivision to do all of the following:

13 (1) Identify potential hazards that could affect  
14 the participant using an identification system common to  
15 all participating jurisdictions.

16 (2) Conduct joint planning, intelligence sharing,  
17 and threat assessment development with contiguous  
18 participating political subdivisions, and conduct joint  
19 training at least biennially.

20 (3) Identify and inventory the current services,  
21 equipment, supplies, personnel, and other resources related  
22 to planning, prevention, mitigation, response, and recovery  
23 activities of the participating political subdivision.

24 (4) Adopt and put into practice the National  
25 Incident Management System approved by the State Emergency  
26 Management Agency.

27 (d) A participating political subdivision may  
28 request assistance of other participating political  
29 subdivisions in preventing, mitigating, responding to, and  
30 recovering from disasters that result in locally declared

1 emergencies or in concert with authorized drills or  
2 exercises as allowed under this section. Requests for  
3 assistance shall be made through the chief executive  
4 officer of a participating political subdivision, or his or  
5 her designee, directly to the State Emergency Management  
6 Agency for response. Requests may be verbal or in writing  
7 and are not required to go directly to the Emergency  
8 Management Agency but in all cases will be reported to the  
9 agency as soon as is practical. Verbal requests will be  
10 followed up with a written request as soon as is practical  
11 or such number of days as the state, in its discretion, may  
12 dictate.

13 (e) The obligation of a participating political  
14 subdivision to provide assistance in the prevention of,  
15 response to, and recovery from a locally declared emergency  
16 or in authorized drills or exercises is subject to the  
17 following conditions:

18 (1) A participating political subdivision  
19 requesting assistance must have either declared a state of  
20 emergency in the manner outlined in this section or  
21 authorized drills and exercises.

22 (2) A responding participating political  
23 subdivision may withhold resources to the extent necessary  
24 to provide reasonable protection and services for its own  
25 jurisdiction.

26 (3) Emergency response personnel of a responding  
27 participating political subdivision shall continue under  
28 the command and control of their responding jurisdiction to  
29 include medical protocols, standard operating procedures,  
30 and other protocols, but shall be under the operational

1 control of the appropriate officials within the National  
2 Incident Management System of the participating political  
3 subdivision receiving the assistance.

4 (4) Assets and equipment of a responding  
5 participating political subdivision shall continue under  
6 the control of its responding jurisdiction, but shall be  
7 under the operational control of the appropriate officials  
8 within the National Incident Management System of the  
9 participating political subdivision receiving the  
10 assistance.

11 (f) If a person or entity holds a license,  
12 certificate, or other permit issued by a participating  
13 political subdivision or the state evidencing qualification  
14 in a professional, mechanical, or other skill and the  
15 assistance of that person or entity is requested by a  
16 participating political subdivision, the person or entity  
17 shall be deemed to be licensed, certified, or permitted in  
18 the political subdivision requesting assistance for the  
19 duration of the declared emergency 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  
23 or otherwise.

24 (g) (1) Any requesting political subdivision  
25 shall reimburse the participating political subdivision  
26 rendering aid under this system and in accordance with  
27 procedures developed by the Intrastate Mutual Aid  
28 Committee, provided the request for aid is authorized by  
29 the State Emergency Management Agency. A participating  
30 political subdivision providing assistance may determine to

1 donate assets of any kind to a receiving participating  
2 political subdivision. Requests for reimbursement shall be  
3 in accordance with procedures developed by the State  
4 Intrastate Mutual Aid Committee.

5 (2) Should a dispute arise between parties to the  
6 system regarding reimbursement, involved parties will make  
7 every effort to resolve the dispute within 30 days of  
8 written notice of the dispute by the party asserting  
9 noncompliance. In the event that the dispute is not  
10 resolved within 90 days of the notice of the claim, either  
11 party may request the dispute be solved through  
12 arbitration. Any arbitration under this provision shall be  
13 conducted under the commercial arbitration rules of the  
14 American Arbitration Association.

15 (h) The State Intrastate Mutual Aid Committee  
16 shall develop comprehensive guidelines and procedures that  
17 address, including, but are not limited to, the following:  
18 Projected or anticipated costs, checklists for requesting  
19 and providing assistance, record keeping for all  
20 participating political subdivisions, reimbursement  
21 procedures, and other necessary implementation elements  
22 along with the necessary forms for requests and other  
23 records documenting deployment and return of assets.

24 (i) Personnel of a participating political  
25 subdivision responding to or rendering assistance for a  
26 request who sustain injury or death in the course of, and  
27 arising out of, their employment are entitled to all  
28 applicable benefits normally available to personnel while  
29 performing their duties for their employer. Responders

1 shall receive any additional state and federal benefits  
2 that may be available to them for line-of-duty deaths.

3 (j) All activities performed under this section  
4 are deemed hereby to be governmental functions. For the  
5 purposes of liability, all persons responding under the  
6 operational control of the requesting political subdivision  
7 are deemed to be employees of the requesting participating  
8 political subdivision. Neither the participating political  
9 subdivisions nor their employees, except in cases of  
10 willful misconduct, gross negligence, or bad faith shall be  
11 liable for the death of or injury to persons, or for damage  
12 to property when complying or attempting to comply with the  
13 statewide mutual aid system.

14 Section 2. Whenever the law enforcement officials  
15 of any political subdivision are rendering outside aid  
16 pursuant to the authority contained in Chapter 9  
17 (commencing with Section 31-9-1, of Title 11 of the Code of  
18 Alabama 1975 or any provisions of this act), and with the  
19 approval of the Director of the Emergency Management  
20 Agency, and under the authority of a state of emergency as  
21 officially proclaimed by the Governor, such law enforcement  
22 officials shall have the same authority, powers, duties,  
23 rights, privileges, and immunities as if they were  
24 performing their law enforcement duties in the political  
25 subdivisions in which they are normally employed. The  
26 authority vested in the law enforcement official, in  
27 accordance with this section, shall vest upon reporting in  
28 person to the Emergency Management Agency official in  
29 charge and on duty at the county or city of destination  
30 assignment. The law enforcement official shall act under

1 the authority, supervision, and control of the highest  
2 ranking law enforcement official within the assigned  
3 outside jurisdiction. Law enforcement and powers of arrest  
4 authority will not attach to the law enforcement official  
5 while in transit from his or her jurisdiction of origin en  
6 route to his or her assigned jurisdiction under intrastate  
7 mutual aid assistance.

8           Section 3. This act shall become effective on the  
9 first day of the third month following its passage and  
10 approval by the Governor, or its otherwise becoming law.

11