§ 29-h. Intrastate mutual aid program. 1. Creation. There is hereby created the intrastate mutual aid program to complement existing mutual aid agreements in the event of a disaster that results in a formal declaration of an emergency by a participating local government. All local governments within the state, excepting those which affirmatively choose not to participate in accordance with subdivision four of this section, are deemed to be participants in the program; provided, however, with respect to school districts and boards of cooperative educational services, such participation shall be limited to the sharing of facilities management and administrative personnel and equipment.

2. Definitions. As used in this section, the following terms shall have the following meanings:

a. "Employee" means any person holding a position by election, appointment, or employment by a local government;

b. "Local government" means any county, city, town, village, school district or board of cooperative educational services of the state;

c. "Local emergency management director" means the local government official responsible for emergency preparedness, response and recovery;

d. "Requesting local government" means the local government that asks another local government for assistance during a declared emergency, or for the purposes of conducting training, or undertaking a drill or exercise;

e. "Assisting local government" means one or more local governments that provide assistance pursuant to a request for assistance from a requesting local government during a declared emergency, or for the purposes of conducting training, or undertaking a drill or exercise;

f. "Disaster" shall have the same meaning as in section twenty of this article;

g. "School district" shall have the same meaning as in title two of

the education law, including any public school district and any special act school district as defined in section four thousand one of the education law; and

h. "Board of cooperative educational services" shall have the same meaning as in section nineteen hundred fifty of the education law.

3. Intrastate mutual aid program committee established; meetings; powers and duties. a. There is hereby created within the disaster preparedness commission an intrastate mutual aid program committee, for purposes of this section to be referred to as the committee, which shall be chaired by the commissioner of the division of homeland security and emergency services, and shall include the state fire administrator, the commissioner of health, the commissioner of education and the commissioner of agriculture and markets, provided that each such official may appoint a designee to serve in his or her place on the committee. The committee shall also include five representatives from local public safety or emergency response agencies and one representative from a school district or board of cooperative educational services. Such representatives, who shall serve a maximum two-year term, shall be appointed by the commissioner of the division of homeland security and emergency services, with regard to a balance of geographic representation and discipline expertise.

b. The committee, on the call of the chairperson, shall meet at least twice each year and at such other times as may be necessary. The agenda and meeting place of all regular meetings shall be made available to the public in advance of such meetings and all such meetings shall be open to the public.

c. The committee shall have the following powers and responsibilities:

(1) to promulgate rules and regulations, acting through the division of homeland security and emergency services, to implement the intrastate mutual aid program as described in this section;

(2) to develop policies, procedures and guidelines associated with the program, including a process for the reimbursement of assisting local governments by requesting local governments;

(3) to evaluate the use of the intrastate mutual aid program;

(4) to examine issues facing participating local governments regarding the implementation of the intrastate mutual aid program; and

(5) to prepare reports to the disaster preparedness commission discussing the effectiveness of mutual aid in the state and making recommendations for improving the efficacy of the system, if appropriate.

4. Local government participation in the intrastate mutual aid program. a. A local government may elect not to participate in the intrastate mutual aid program, or to withdraw from the program, by its governing body enacting a resolution declaring that it elects not to participate in the program and providing such resolution to the division of homeland security and emergency services. Participation in the program will continue until a copy of such resolution is received and confirmed by the division of homeland security and emergency services.

b. A local government that has declined to participate in the program may, acting by resolution through its governing body and providing a copy of the resolution to the division of homeland security and emergency services, elect to participate in the program.

c. Nothing in this section shall preclude a local government from entering into mutual aid agreements with other local governments or other entities with terms that supplement or differ from the provisions of this section.

d. Nothing in this section shall affect any other agreement to which a local government may currently be a party, or later enter into, including, but not limited to, the state fire mobilization and mutual aid plan.

5. Fire related resources. Notwithstanding the authority vested pursuant to this section, all fire related resources shall be administered pursuant to section two hundred nine-e of the general municipal law.

6. Requesting assistance under the intrastate mutual aid program. a. Subject to the restrictions on school districts and boards of cooperative educational services set forth in subdivision one of this section, the state or a participating local government may request assistance of other participating local governments in preventing, mitigating, responding to and recovering from disasters that result in the declaration of a state disaster emergency or locally-declared emergencies, or for the purpose of conducting multi-jurisdictional or regional training, drills or exercises. Requests for assistance may be made verbally or in writing; verbal requests shall be memorialized in writing as soon thereafter as is practicable. Notwithstanding the provisions of section twenty-five of this article, the local emergency management director shall have the authority to request and accept assistance and deploy the local resources of his or her jurisdiction under the intrastate mutual aid program. The director of the state office of emergency management is authorized to request and accept assistance pursuant to this section.

b. Once an emergency is declared at the county level, all requests and offers for assistance, to the extent practical, shall be made through the county emergency management office, or in the case of the city of New York, through the city emergency management office. All requests for assistance should include:

(1) a description of the disaster;

(2) a description of the assistance needed;

(3) a description of the mission for which assistance is requested;

(4) an estimate of the length of time the assistance will be needed;

(5) the specific place and time for staging of the assistance and a point of contact at that location; and

(6) any other information that will enable an assisting local government to respond appropriately to the request.

c. Assisting local governments shall submit to the state or requesting local government an inventory of the resources being deployed.

d. The written request for assistance and all inventories of resources being deployed shall be submitted to the division of homeland security

and emergency services within three calendar days of the request for or deployment of such resources.

7. Division of homeland security and emergency services responsibilities under the intrastate mutual aid program. The division of homeland security and emergency services shall provide notification by mail to each local government with a comprehensive description of the intrastate mutual aid program, including a statement that all local governments are participants of the program unless they expressly opt out pursuant to subdivision four of this section; maintain a current list of participating local governments with their authorized representatives and contact information, and provide a copy of the list to each of the participating local governments on an annual basis during the second quarter of each calendar year; monitor and report to the intrastate mutual aid program committee on the use of the intrastate mutual aid program; coordinate the provision of mutual aid resources in accordance with the comprehensive emergency management plan and supporting protocols; identify mutual aid best practices; when practical, provide the committee with statistical information related to the use of mutual aid during recent regional disaster responses; and assist with the development, implementation and management of a state-wide resource typing system.

8. Reimbursement of assisting local government by the state or requesting local government; resolving disputes regarding reimbursement. a. Any assisting local government requesting reimbursement under this program for loss, damage or expenses incurred in connection with the provision of assistance that seeks reimbursement by the state or requesting local government shall make such request in accordance with procedures developed by the intrastate mutual aid committee.

b. Notwithstanding the provisions of section twenty-five of this article or any inconsistent provision of law to the contrary, the state or any requesting local government requesting assistance under this program shall be liable and responsible to the assisting local government for any loss or damage to equipment or supplies and shall bear and pay the expense incurred in the operation and maintenance of

any equipment and the cost of materials and supplies used in rendering assistance under this section.

c. The assisting local government shall be liable for salaries or other compensation for its employees deployed to the state or a requesting local government during the time they are not rendering assistance pursuant to such request, and shall defray the actual traveling and maintenance expense of its employees and equipment while they are rendering assistance under this section. The state or requesting local government shall reimburse the assisting local government for any moneys paid for such salaries or other compensation and traveling and maintenance expenses incurred from activities performed while rendering assistance under this program.

d. Notwithstanding paragraph c of this subdivision, any voluntary ambulance service rendered pursuant to a request for assistance under this program that affects a volunteer ambulance workers service award or supplemental service award from a service award program or a supplemental service award program established pursuant to article eleven-aa, article eleven-aaa, or article eleven-aaaa of the general municipal law shall be the responsibility of the political subdivision which adopted the service award program or supplemental service award program and not the responsibility of the state or requesting local government.

e. Where a dispute arises between an assisting local government and the state or a requesting local government regarding reimbursement for loss, damages or expenses incurred in connection with the provision of aid, the parties will make every effort to resolve the dispute within thirty business days of written notice of the dispute by the party asserting noncompliance.

9. Performance of services. a. (1) Employees of an assisting local government shall continue under the administrative control of their home jurisdiction. However, in all other cases where not prohibited by general, special or local law, rule or regulation, employees of an assisting local government shall be under the direction and control of

the director of the state office of emergency management, local emergency management director or other official charged with performing emergency management functions for the state or requesting local government;

(2) Performance by employees of an assisting local government of services for the state or a requesting local government pursuant to this section shall have no impact upon whether negotiating unit employees represented by an employee organization, recognized or certified pursuant to section two hundred six or two hundred seven of the civil service law, exclusively perform such services, as that phrase is used by the public employment relations board, on behalf of the state or requesting local government;

b. Assets and equipment of an assisting local government shall continue under the ownership of the assisting local government, but shall be under the direction and control of the director of the state office of emergency management, local emergency management director or other official charged with performing emergency management functions for the state or requesting local government.

10. Liability. a. Each local government is responsible for procuring and maintaining insurance or other coverage as it deems appropriate.

b. While rendering assistance under the intrastate mutual aid program, employees of the assisting local government shall have the same immunities and privileges as if such duties were performed within their home jurisdiction. An assisting local government providing assistance pursuant to the intrastate mutual aid program shall be liable for the negligence of its employees, which occurs in the performance of their duties in the same manner and to the same extent as if such negligence occurred in the performance of their duties in their home jurisdiction.

c. Employees of an assisting local government responding to or rendering assistance pursuant to a request for assistance who sustain injury or death in the course of, and arising out of, their response are entitled to all applicable benefits as if they were responding in their home jurisdiction. The assisting local government shall be liable for

all costs or payments for such benefits as required by law.

d. Nothing in this section shall be construed to prevent the assisting and requesting local governments from agreeing to other terms related to liability and compensation. Local governments may choose to enter into an agreement, at any time, to alter these terms as they deem necessary.

e. Nothing in this section shall be construed to provide any protection against liability, or to create any liability, for an individual who responds to a state of emergency where aid has not been requested, or where aid has not been authorized by the individual's home jurisdiction.

11. Obligation of insurers. Nothing in this section shall impair, alter, limit or modify the rights or obligations of any insurer under any policy of insurance.

12. License, certificate and permit portability. a. State certified emergency medical services providers who respond outside of their normal jurisdiction pursuant to a request for assistance under this program shall follow their normal operating protocols as if they were responding and rendering services in their home jurisdiction.

b. Any other individual authorized and deployed by a participating local government when responding pursuant to a request for assistance under this program shall have the same powers and duties as if they were responding in their home jurisdiction.