

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 739 Session of
1999

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MARCH 8, 1999

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MARCH 8, 1999

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for the Emergency Management
3 Assistance Compact.

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

6 Section 1. Title 35 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 76

9 EMERGENCY MANAGEMENT ASSISTANCE COMPACT

10 Sec.

11 7601. Compact enacted.

12 7602. Exercise of powers and duties.

13 7603. Mutual agreements.

14 7604. Budgetary considerations.

15 § 7601. Compact enacted.

16 The Emergency Management Assistance Compact is hereby enacted

1 into law and entered into with all jurisdictions legally joining
2 therein in the form substantially as follows:

3 Article I.

4 PURPOSE AND AUTHORITIES.

5 This compact is made and entered into by and between the
6 participating member states which enact this compact,
7 hereinafter called party states. For the purposes of this
8 compact, the term "states" is taken to mean the several states,
9 the Commonwealth of Puerto Rico, the District of Columbia, and
10 all U.S. territorial possessions.

11 The purpose of this compact is to provide for mutual
12 assistance between the states entering into this compact in
13 managing any emergency disaster that is duly declared by the
14 Governor of the affected state, whether arising from natural
15 disaster, technological hazard, man-made disaster, civil
16 emergency aspects of resources shortages, community disorders,
17 insurgency, or enemy attack.

18 This compact shall also provide for mutual cooperation in
19 emergency-related exercises, testing, or other training
20 activities using equipment and personnel simulating performance
21 of any aspect of the giving and receiving of aid by party states
22 or subdivisions of party states during emergencies, such actions
23 occurring outside actual declared emergency periods. Mutual
24 assistance in this compact may include the use of the states'
25 National Guard forces, either in accordance with the National
26 Guard Mutual Assistance Compact or by mutual agreement between
27 states.

28 Article II.

29 GENERAL IMPLEMENTATION.

30 Each party state entering into this compact recognizes that

1 many emergencies transcend political jurisdictional boundaries
2 and that intergovernmental coordination is essential in managing
3 these and other emergencies under this compact. Each state
4 further recognizes that there will be emergencies which require
5 immediate access and present procedures to apply outside
6 resources to make a prompt and effective response to such an
7 emergency. This is because few, if any, individual states have
8 all the resources they may need in all types of emergencies or
9 the capability of delivering resources to areas where
10 emergencies exist.

11 The prompt, full, and effective utilization of resources of
12 the participating states, including any resources on hand or
13 available from the Federal Government or any other source, that
14 are essential to the safety, care, and welfare of the people in
15 the event of any emergency or disaster declared by a party
16 state, shall be the underlying principle on which all articles
17 of this compact shall be understood.

18 On behalf of the Governor of each state participating in the
19 compact, the legally designated state official who is assigned
20 responsibility for emergency management will be responsible for
21 formulation of the appropriate interstate mutual aid plans and
22 procedures necessary to implement this compact.

23 Article III.

24 PARTY STATE RESPONSIBILITIES.

25 A. It shall be the responsibility of each party state to
26 formulate procedural plans and programs for interstate
27 cooperation in the performance of the responsibilities listed in
28 this article. In formulating such plans, and in carrying them
29 out, the party states, insofar as practical, shall:

30 1. Review individual state hazards analyses and, to the

1 extent reasonably possible, determine all those potential
2 emergencies the party states might jointly suffer, whether
3 due to natural disaster, technological hazard, man-made
4 disaster, emergency aspects of resources shortages, civil
5 disorders, insurgency, or enemy attacks;

6 2. Review party states' individual emergency plans and
7 develop a plan which will determine the mechanism for the
8 interstate management and provision of assistance concerning
9 any potential emergency;

10 3. Develop interstate procedures to fill any identified
11 gaps and to resolve any identified inconsistencies or
12 overlaps in existing or developed plans;

13 4. Assist in warning communities adjacent to or crossing
14 the state boundaries;

15 5. Protect and assure uninterrupted delivery of
16 services, medicines, water, food, energy and fuel, search and
17 rescue, and critical lifeline equipment, services, and
18 resources, both human and material;

19 6. Inventory and set procedures for the interstate loan
20 and delivery of human and material resources, together with
21 procedures for reimbursement or forgiveness; and

22 7. Provide, to the extent authorized by law, for
23 temporary suspension of any statutes or ordinances that
24 restrict the implementation of the above responsibilities.

25 B. The authorized representative of a party state may
26 request assistance to another party state by contacting the
27 authorized representative of that state. The provisions of this
28 compact shall only apply to requests for assistance made by and
29 to authorized representatives. Requests may be verbal or in
30 writing. If verbal, the request shall be confirmed in writing

1 within thirty days of the verbal request. Requests shall provide
2 the following information:

3 1. A description of the emergency service function for
4 which assistance is needed, including, but not limited to,
5 fire services, law enforcement, emergency medical,
6 transportation, communications, public works and engineering,
7 building, inspection, planning and information assistance,
8 mass care, resource support, health and medical services, and
9 search and rescue;

10 2. The amount and type of personnel, equipment,
11 materials and supplies needed, and a reasonable estimate of
12 the length of time they will be needed; and

13 3. The specific place and time for staging of the
14 assisting party's response and a point of contact at that
15 location.

16 C. There shall be frequent consultation between state
17 officials who have assigned emergency management
18 responsibilities and other appropriate representatives of the
19 party states with affected jurisdictions and the United States
20 Government, with free exchange of information, plans, and
21 resource records relating to emergency capabilities.

22 Article IV.

23 LIMITATIONS.

24 Any party state requested to render mutual aid or conduct
25 exercises and training for mutual aid shall take such action as
26 is necessary to provide and make available the resources covered
27 by this compact in accordance with the terms hereof; provided
28 that it is understood that the state rendering aid may withhold
29 resources to the extent necessary to provide reasonable
30 protection for such state.

1 Each party state shall afford to the emergency forces of any
2 party state, while operating within its state limits under the
3 terms and conditions of this compact, the same powers, except
4 that of arrest unless specifically authorized by the receiving
5 state, duties, rights, and privileges as are afforded forces of
6 the state in which they are performing emergency services.
7 Emergency forces will continue under the command and control of
8 their regular leaders, but the organizational units will come
9 under the operational control of the emergency services
10 authorities of the state receiving assistance. These conditions
11 may be activated, as needed, only subsequent to a declaration of
12 a state emergency or disaster by the governor of the party state
13 that is to receive assistance or upon commencement of exercises
14 or training for mutual aid and shall continue so long as the
15 exercises or training for mutual aid are in progress, the state
16 of emergency or disaster remains in effect, or loaned resources
17 remain in the receiving state, whichever is longer.

18 Article V.

19 LICENSES AND PERMITS.

20 Whenever any person holds a license, certificate, or other
21 permit issued by any state party to the compact evidencing the
22 meeting of qualifications for professional, mechanical, or other
23 skills, and when such assistance is requested by the receiving
24 party state, such person shall be deemed licensed, certified, or
25 permitted by the state requesting assistance to render aid
26 involving such skill to meet a declared emergency or disaster,
27 subject to such limitations and conditions as the Governor of
28 the requesting state may prescribe by executive order or
29 otherwise.

30 Article VI.

1 members of such forces in case such members sustain injuries or
2 are killed while rendering aid pursuant to this compact, in the
3 same manner and on the same terms as if the injury or death were
4 sustained within their own state.

5 Article IX.

6 REIMBURSEMENT.

7 Any party state rendering aid in another state pursuant to
8 this compact shall be reimbursed by the party state receiving
9 such aid for any loss or damage to or expense incurred in the
10 operation of any equipment and the provision of any service in
11 answering a request for aid and for the costs incurred in
12 connection with such requests; provided, that any aiding party
13 state may assume in whole or in part such loss, damage, expense,
14 or other cost, or may loan such equipment or donate such
15 services to the receiving party state without charge or cost;
16 and provided further, that any two or more party states may
17 enter into supplementary agreements establishing a different
18 allocation of costs among those states. Article VIII expenses
19 shall not be reimbursable under this article.

20 Article X.

21 EVACUATION.

22 Plans for the orderly evacuation and interstate reception of
23 portions of the civilian population as the result of any
24 emergency or disaster of sufficient proportions to so warrant,
25 shall be worked out and maintained between the party states and
26 the emergency management/services directors of the various
27 jurisdictions where any type of incident requiring evacuations
28 might occur. Such plans shall be put into effect by request of
29 the state from which evacuees come and shall include the manner
30 of transporting such evacuees, the number of evacuees to be

1 received in different areas, the manner in which food, clothing,
2 housing, and medical care will be provided, the registration of
3 the evacuees, the providing of facilities for the notification
4 of relatives or friends, and the forwarding of such evacuees to
5 other areas or the bringing in of additional materials,
6 supplies, and all other relevant factors. Such plans shall
7 provide that the party state receiving evacuees and the party
8 state from which the evacuees come shall mutually agree as to
9 reimbursement of out-of-pocket expenses incurred in receiving
10 and caring for such evacuees, for expenditures for
11 transportation, food, clothing, medicines, and medical care, and
12 like items. Such expenditures shall be reimbursed as agreed by
13 the party state from which the evacuees come. After the
14 termination of the emergency or disaster, the party state from
15 which the evacuees come shall assume the responsibility for the
16 ultimate support of repatriation of such evacuees.

17 Article XI.

18 IMPLEMENTATION.

19 A. This compact shall become effective immediately upon its
20 enactment into law by any two states. Thereafter, this compact
21 shall become effective as to any other state upon enactment by
22 such state.

23 B. Any party state may withdraw from this compact by
24 enacting a statute repealing the same, but no such withdrawal
25 shall take effect until thirty days after the Governor of the
26 withdrawing state has given notice in writing of such withdrawal
27 to the Governors of all other party states. Such action shall
28 not relieve the withdrawing state from obligations assumed
29 hereunder prior to the effective date of withdrawal.

30 C. Duly authenticated copies of this compact and of such

1 supplementary agreements as may be entered into shall, at the
2 time of their approval, be deposited with each of the party
3 states and with the Federal Emergency Management Agency and
4 other appropriate agencies of the United States Government.

5 Article XII.

6 VALIDITY.

7 This compact shall be construed to effectuate the purposes
8 stated in Article I. If any provision of this compact is
9 declared unconstitutional, or the applicability thereof to any
10 person or circumstances is held invalid, the constitutionality
11 of the remainder of this compact and the applicability thereof
12 to other persons and circumstances shall not be affected.

13 Article XIII.

14 ADDITIONAL PROVISIONS.

15 Nothing in this compact shall authorize or permit the use of
16 military force by the National Guard of a state at any place
17 outside that state in any emergency for which the President is
18 authorized by law to call into federal service the militia, or
19 for any purpose for which the use of the Army or the Air Force
20 would in the absence of express statutory authorization be
21 prohibited under § 1385 of Title 18 of the United States Code.
22 § 7602. Exercise of powers and duties.

23 The Governor or a designee shall exercise the powers, duties
24 and responsibilities set forth in section 7601 (relating to
25 compact enacted).

26 § 7603. Mutual agreements.

27 The Governor shall examine threats to the security and safety
28 of the Commonwealth and execute appropriate interstate mutual
29 aid plans and procedures as may be necessary to implement this
30 compact.

1 § 7604. Budgetary considerations.

2 (a) Expenditures.--In addition to the funds which the
3 Governor is authorized to transfer for disasters in accordance
4 with 35 Pa.C.S. § 7307 (relating to use and appropriation of
5 unused Commonwealth funds), the Governor may transfer any other
6 appropriated but unused funds to be utilized for the purposes
7 set forth in 35 Pa.C.S. § 7601 (relating to compact enacted).
8 The Secretary of the Budget shall provide a full accounting to
9 the Appropriations Committee of the Senate and the
10 Appropriations Committee of the House of Representatives after
11 the close of each fiscal year concerning funds transferred
12 pursuant to the provisions of this section.

13 (b) Reimbursements.--

14 (1) Reimbursement of all support provided to member
15 states in accordance with the provisions of 35 Pa.C.S. §7601
16 shall be negotiated by the Governor or designee in
17 consultation with the Secretary of the Budget.

18 (2) The Governor may accept on behalf of the
19 Commonwealth all reimbursements for funds and services
20 provided in accordance with the provisions of 35 Pa.C.S. §
21 7601. Reimbursements shall be deposited in the State Treasury
22 and shall be allocated by the Secretary of the Budget to the
23 agencies from which funds were transferred pursuant to
24 subsection (a) of this section.

25 Section 2. This act shall take effect immediately.