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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 739 Session of  
1999

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INTRODUCED BY SEMMEL, LUCYK, BAKER, MICHLOVIC, BARRAR, DALEY,  
EGOLF, FREEMAN, HARHAI, HENNESSEY, HERMAN, HERSHEY, HESS,  
JAMES, LAUGHLIN, MARKOSEK, MARSICO, S. MILLER, ORIE, PIPPY,  
ROBINSON, ROSS, SAYLOR, SEYFERT, B. SMITH, SOLOBAY, STAIRS,  
STERN, E. Z. TAYLOR, TIGUE, WOJNAROSKI, ZUG, FAIRCHILD,  
RAMOS, WILLIAMS, STEELMAN, YOUNGBLOOD, SAMUELSON AND FLICK,  
MARCH 8, 1999

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SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, NOVEMBER 30, 1999

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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.

1 The Emergency Management Assistance Compact is hereby enacted  
2 into law and entered into with all jurisdictions legally joining  
3 therein in the form substantially as follows:

4 Article I.

5 PURPOSE AND AUTHORITIES.

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

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

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

29 Article II.

30 GENERAL IMPLEMENTATION.

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

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

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

24 Article III.

25 PARTY STATE RESPONSIBILITIES.

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

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

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

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

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

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

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

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

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

1 writing. If verbal, the request shall be confirmed in writing  
2 within thirty days of the verbal request. Requests shall provide  
3 the following information:

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

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

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

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

#### 23 Article IV.

#### 24 LIMITATIONS.

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

1 protection for such state.

2 Each party state shall afford to the emergency forces of any  
3 party state, while operating within its state limits under the  
4 terms and conditions of this compact, the same powers, except  
5 that of arrest unless specifically authorized by the receiving  
6 state, duties, rights, and privileges as are afforded forces of  
7 the state in which they are performing emergency services.

8 Emergency forces will continue under the command and control of  
9 their regular leaders, but the organizational units will come  
10 under the operational control of the emergency services  
11 authorities of the state receiving assistance. These conditions  
12 may be activated, as needed, only subsequent to a declaration of  
13 a state emergency or disaster by the governor of the party state  
14 that is to receive assistance or upon commencement of exercises  
15 or training for mutual aid and shall continue so long as the  
16 exercises or training for mutual aid are in progress, the state  
17 of emergency or disaster remains in effect, or loaned resources  
18 remain in the receiving state, whichever is longer.

19 Article V.

20 LICENSES AND PERMITS.

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

1 Article VI.

2 LIABILITY.

3 Officers or employees of a party state rendering aid in  
4 another state pursuant to this compact shall be considered  
5 agents of the requesting state for tort liability and immunity  
6 purposes. No party state or its officers or employees rendering  
7 aid in another state pursuant to this compact shall be liable on  
8 account of any act or omission in good faith on the part of such  
9 forces while so engaged or on account of the maintenance or use  
10 of any equipment or supplies in connection therewith. Good faith  
11 in this article shall not include willful misconduct, gross  
12 negligence, or recklessness.

13 Article VII.

14 SUPPLEMENTARY AGREEMENTS.

15 Inasmuch as it is probable that the pattern and detail of the  
16 machinery for mutual aid among two or more states may differ  
17 from that among the states that are party hereto, this compact  
18 contains elements of a broad base common to all states, and  
19 nothing herein shall preclude any state entering into  
20 supplementary agreements with another state or affect any other  
21 agreements already in force between states. Supplementary  
22 agreements may comprehend, but shall not be limited to,  
23 provisions for evacuation and reception of injured and other  
24 persons and the exchange of medical, fire, police, public  
25 utility, reconnaissance, welfare, transportation and  
26 communications personnel, and equipment and supplies.

27 Article VIII.

28 COMPENSATION.

29 Each party state shall provide for the payment of  
30 compensation and death benefits to injured members of the

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

6 Article IX.

7 REIMBURSEMENT.

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

21 Article X.

22 EVACUATION.

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



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

18 Article XI.

19 IMPLEMENTATION.

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

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

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

6 Article XII.

7 VALIDITY.

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

14 Article XIII.

15 ADDITIONAL PROVISIONS.

16 Nothing in this compact shall authorize or permit the use of  
17 military force by the National Guard of a state at any place  
18 outside that state in any emergency for which the President is  
19 authorized by law to call into federal service the militia, or  
20 for any purpose for which the use of the Army or the Air Force  
21 would in the absence of express statutory authorization be  
22 prohibited under § 1385 of Title 18 of the United States Code.  
23 § 7602. Exercise of powers and duties.

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

27 § 7603. Mutual agreements.

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

1 compact.

2 § 7604. Budgetary considerations.

3 (a) Expenditures.--In addition to the funds which the  
4 Governor is authorized to transfer for disasters in accordance  
5 with 35 Pa.C.S. § 7307 (relating to use and appropriation of  
6 unused Commonwealth funds), the Governor may transfer any other  
7 appropriated but unused funds IN AN AMOUNT OF NOT MORE THAN <—  
8 \$15,000,000 IN ANY FISCAL YEAR WHICH MAY HAVE BEEN APPROPRIATED  
9 FOR THE ORDINARY EXPENSES OF THE COMMONWEALTH GOVERNMENT FROM  
10 THE GENERAL FUND to be utilized for the purposes set forth in 35  
11 Pa.C.S. § 7601 (relating to compact enacted). THE SECRETARY OF <—  
12 THE BUDGET SHALL, WITHIN FIVE DAYS OF A TRANSFER OF FUNDS  
13 AUTHORIZED UNDER THIS SECTION, NOTIFY THE CHAIRMAN AND MINORITY  
14 CHAIRMAN OF THE APPROPRIATIONS COMMITTEE OF THE SENATE AND THE  
15 CHAIRMAN AND MINORITY CHAIRMAN OF THE APPROPRIATIONS COMMITTEE  
16 OF THE HOUSE OF REPRESENTATIVES OF SUCH TRANSFER. SUCH  
17 NOTIFICATION SHALL IDENTIFY THE AMOUNT TRANSFERRED, THE  
18 APPROPRIATION FROM WHICH FUNDS WERE TRANSFERRED, THE  
19 APPROPRIATION TO WHICH THE FUNDS WERE TRANSFERRED AND THE  
20 JUSTIFICATION FOR SUCH TRANSFER. The Secretary of the Budget  
21 shall provide a full accounting to the CHAIRMAN AND MINORITY <—  
22 CHAIRMAN OF THE Appropriations Committee of the Senate and the  
23 CHAIRMAN AND MINORITY CHAIRMAN OF THE Appropriations Committee <—  
24 of the House of Representatives after the close of each fiscal  
25 year concerning funds transferred pursuant to the provisions of  
26 this section.

27 (b) Reimbursements.--

28 (1) Reimbursement of all support provided to member  
29 states in accordance with the provisions of 35 Pa.C.S. §7601  
30 shall be ~~negotiated by the Governor or~~ SECURED BY THE <—

1 GOVERNOR OR THE GOVERNOR'S designee in consultation with the  
2 Secretary of the Budget.

3 (2) The Governor may accept on behalf of the  
4 Commonwealth all reimbursements for funds and services  
5 provided in accordance with the provisions of 35 Pa.C.S. §  
6 7601. Reimbursements shall be deposited in the State Treasury  
7 and shall be allocated by the Secretary of the Budget to the  
8 agencies from which funds were transferred pursuant to  
9 subsection (a) of this section.

10 Section 2. This act shall take effect immediately.