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KEYSTONE EMERGENCY MANAGEMENT ASSOCIATION

"Steeped In Tradition With a Vision For The Future"

TESTIMONY

Keystone Emergency Management Association

Before the
Senate Veterans Affairs and
Emergency Preparedness Committee

SENATE BILL 1019

Presented by:

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January 29, 2018
Harrisburg, PA

Introduction

Good morning Chairman Vulakovich and Members of the Committee. I am Todd Lake, Director of Public Safety for Warren County. I also have the honor to serve as the President for the Keystone Emergency Management Association (KEMA). I have been involved in emergency management since 2004 as a Local Emergency Management Coordinator and have the pleasure of being the first Director of Public Safety for Warren County since 2008. I thank you for the opportunity to provide testimony on Senate Bill 1019 which will amend the Emergency Management Services Code, commonly referred to as Title 35.

KEMA Mission & Purpose

The Keystone Emergency Management Association, also known as KEMA, is the state-wide professional association dedicated to the enhancement of the Emergency Management profession. KEMA's mission is to promote, support and advocate Comprehensive Emergency Management at all levels of Pennsylvania's public and private sectors. Since its inception in 1977, KEMA has provided a state-wide forum for emergency management professionals across all disciplines to exchange ideas, techniques, and best practices. Our membership consists of emergency managers at the state, county and local government levels, members of the military, students in the field of emergency management, and representatives from private industry and the non-profit sector.

KEMA has a long standing tradition of working closely with other local, state, and national organizations, as well as the Pennsylvania Emergency Management Agency (PEMA). This includes our parent organization; the U.S. Council of the International Association of Emergency Managers (USA-IAEM). It is these many collaborations and relationships that provide our organization with crucial insights into the current state of Emergency Management in Pennsylvania and how the proposed changes to Title 35 will strengthen the public safety of our residents and visitors.

There are numerous items in Senate Bill 1019 that, if enacted, would strengthen our Emergency Management program. In consideration of your time, I would like to highlight areas of concern of the proposed changes that are addressed in this legislation.

A. Worker's Compensation Coverage

One of the components of this legislation that KEMA would like to highlight is the language that would provide for more comprehensive Worker's Comp coverage to Emergency Management volunteers. Volunteers routinely put their own personal safety on the line to meet the public safety needs of their community. To quote one former US President, "Volunteerism is an act of heroism on a grand scale. And it matters profoundly. It does more than help people beat the odds; it changes the odds." Ensuring that these individuals and their families are protected in case of an injury is something that is long overdue.

At the request of the PA South West Task Force (better known as Region 13) Greg Leathers, Chairman. *"Region 13 has Regional Emergency Response teams that this bill doesn't specifically identify as covered. They would like wording added to the bill to include those and any other Regional team in worker's compensation coverage."*

B. Emergency Management Evolution

Title 35 serves as the compass that directs Emergency Management in this Commonwealth. It is the umbrella that many of us work within to address the ever changing hazards that impact our communities.

The following three paragraphs are copied (with permission) comments from Brian Gottschall, Berks County Director (with input from his neighboring counties).

"The present form of the rewrite creates a number of new perceived obligations for county and local government. Whereas presently, the law requires that we have an emergency management program, but in theory, could elect to have a poorly resourced and shoddy program, this rewrite gives more authority to PEEMA to dictate the parameters of the program. It also assigns some new responsibilities that do not exist today to the lower levels of government.

This is a double-edged sword. One would argue that "tightening the reins" is good, and will result in a better system of delivery throughout the Commonwealth. However, it also exposes us to new obligations being directed from above at the executive agency level (and therefore without appeal to our legislative delegation). Simply, PEEMA is given a bigger stick with which to direct us and now has the force of law to make us comply. This inevitably results in cost in personnel and materials at our level (and the local level). Also, there are vast new obligations for the local level. It is unclear to me, in its present form, whether these obligations would fall to the county when the locals fail to achieve them (which will be the case with many of the administrative/planning obligations). As you are aware, our local partners are

almost exclusively volunteers. It is my observation that this rewrite places clear new obligations on the local level.

Again, a double edged sword. Ensuring these duties are completed is certainly better for our collective community. However, I have a great deal of difficulty imagining our locals transitioning their programs to inclusion of part-time, or even full-time, positions in order to properly accomplish these responsibilities. To reiterate, I am not operating in the world of whether they SHOULD, but rather whether they WILL properly execute those duties and then if the duties will fall to the county level when they don't."

I also received a comment from Director Leathers of Greene County as to an example, when he requested his municipalities to update plans they complained to their municipal officials who in turn complained to the County Commissioners, who in turn ordered that he (Director Leathers) update their plans for them.

The question of funding impact was a concern of Allen Clark, Deputy for EMA, Crawford County. Mr. Clark also serves as the Chairman of the NW Task Force.

C. Regional Task Forces:

Once again I feel inclined to use the wording and thoughts from one of my esteemed colleagues, Director Robert Kagel, Chester County Department of Emergency Services.

"The South East PA Regional Task Force (SEPA RTF) is opposed to the proposed Executive Board composition in the draft Title 35. It says Task Force Boards should consist of representatives from health, law enforcement, emergency medical services, and fire, in addition to emergency management. We believe adding these entities to the board will be problematic. Our Task Force, along with many other Task Forces, has workgroups or committees that advise the board related to the regional needs of those disciplines. Considering the three options in which a Task Force can organize under the proposed legislation, the legal responsibility still resides with the counties and no other agency. The Task Force grants and inter-governmental agreements are signed by the County Commissioners that have the legal liability of the program collectively. By adding representatives to the Board of which the Commissioners have no oversight or control of their actions is problematic from a risk and liability perspective. For example, if there is an unauthorized expense made by the Task Force, the representatives from a volunteer organization or a municipality has no legal requirement to repay the grant funds out of their budgets, only the Counties do."

This comment was also an expressed concern of Director John Matz of Schuylkill County.

D. PEMA Director

We understand there maybe requests to add wording to this bill to make the position of the PEMA Director be a Governor’s Cabinet position that has to have Senate confirmation. We stand that the PEMA Director should be able to be what you say “hit the ground running”. We oppose the position being mandatorily having to have Senate confirmation but wholly heartedly agree to written qualifications to be appointed to the position. This structure seems to work well in the County and Federal counterparts.

Conclusion

Mr. Chairman and Members of the Committee, I want to again thank you for allowing me to express KEMA’s support for Senate Bill 1019. The update to Title 35 is much needed and long overdue. There are positives and negatives throughout the bill, but the positive effects of these changes far outweigh any potential clarity or technical issues that may be present in its current form.

To abridge our issues and/or concerns:

1. Ensure all responders are covered under Worker’s Compensation whether it is Local, County or Regional personnel or teams.
2. Be vigilant of broader control given to PEMA to create obligations for the counties with no oversight or guarantee of funding to the obligations.
3. Mandated reorganization of the decision-making authority of the regional task forces to include parties who are unable to share in the legal and financial risk.
4. Not adding Senate Confirmation to the PEMA Director appointment.

The Emergency Management community needs this update. And more importantly, the safety and security of the residents and visitors of Pennsylvania need it.