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EMERGENCY MANAGEMENT AGENCY

**Statement for the
Senate Veterans Affairs & Emergency Preparedness Committee**

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Pennsylvania Emergency Management Agency

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Chairman Vulakovich, Chairman Costa, and members of the House/Senate Veterans Affairs & Emergency Preparedness Committee, I am Rick Flinn, Director of the Pennsylvania Emergency Management Agency (PEMA). I welcome this opportunity to come before you to continue the conversation on ways to enhance the Commonwealth's emergency preparedness program through revisions to Title 35.

As you know, Title 35 contains the Emergency Management Services code which governs how PEMA functions and provides the framework for how the Commonwealth and our local governments prepare for and respond to disasters. The program has been in existence since 1951, and the current iteration of Title 35 has been in place for a number of years. While sections of the statute have been updated in recent years: Act 227 of 2002, the Counterterrorism Planning, Preparedness, and Response Act; and Act 112 of 2015 which established a new 9-1-1 surcharge, it has been 20 years since a major change has been made to the statute.

In the last 20 years, there have been significant changes to best practices in national and state public safety structure which require Title 35 to be updated. Significant events that have altered the federal and state landscape include: the terrorist's attacks on September 11, 2001, Hurricane Katrina, the creation of the US Department of Homeland Security, increased frequency of cyberattacks, Hurricane Irene, Tropical Storm Lee, Hurricane Sandy, and Winter Storm Jonas. With the various types of threats that exist in our world, federal guidelines and programs focus on an all-hazards approach to emergency management. Some of the Federal initiatives include the

National Preparedness Goal, the National Incident Management System (NIMS), the National Infrastructure Preparedness Program, and the National Response Framework.

Since being asked by Governor Wolf to serve as PEMA Director, my top legislative priority has been to work with our stakeholder community and the General Assembly to update the Commonwealth's Emergency Services Code. Over the past three years we have engaged our emergency services partners and stakeholders to make this legislation better. We all know that changes to Title 35 are long overdue. The attempts to revise this important piece of legislation span over a decade. In that time, there have been several meetings and hearings, and workgroups have formed and developed recommendations which were incorporated into bills that have been introduced in the Legislature in previous sessions.

During our quarterly training sessions throughout the Commonwealth, we have lead discussions with our Emergency Management Community regarding changes they would like to see made to Title 35. At each of these training sessions, using Senate Bill 35 (Baker) from the 2015-16 legislative session as a framework to start from, input was received. Senator Baker's legislation was selected as our starting point since it was a product of several rounds of negotiations with members of the stakeholder community and Commonwealth agencies. Copies of the legislation were provided to county coordinators, task force leaders, Keystone Emergency Management Association (KEMA), County Commissioners Association of Pennsylvania (CCAP), and Pennsylvania State Association of Township Supervisors (PSATS). Rather than focus on specific language changes during these sessions, the conversations were centered on concepts that the

community would like to see incorporated into Title 35. Each of these sessions provided an opportunity for the agency to receive valuable feedback from our stakeholders regarding the rewrite of this important legislation.

After receiving the initial input from our stakeholders, PEMA staff incorporated the feedback we received into a preliminary draft bill which was shared with the County Emergency Management Agencies for their review and comment prior to the start of the 2017-18 legislative session. We received several substantive comments on the updated draft. PEMA staff again reviewed the comments and provided feedback to each of the comments received from EMA's. The comments received were then incorporated into a draft that PEMA worked on and shared with the chairs of the Senate Veterans Affairs and Emergency Preparedness Committee for their consideration.

The bill introduced by Senator Vulakovich and Senator Costa, Senate Bill 1019, is the product of years of gathering stakeholder input, negotiation, and seeks to provide a more efficient and effective way for the Commonwealth and local governments to prepare for and respond to all-hazards. As we noted, the template for this bill was Senate Bill 35 from last session. Many of the changes incorporated in this bill are a result of past negotiations. The significant changes that PEMA is seeking to make to the Emergency Management Code are outlined below:

Creation of a Commonwealth Disaster Emergency Fund

The legislation includes language to create a non-lapsing, restricted revenue account within the state treasury to be used to assist in non-federally declared disasters. This would provide PEMA with the ability to aid counties when damages from disasters do not reach the \$18.2 million threshold for the Commonwealth to apply for federal assistance. The amount in the fund would need to be allocated by the Legislature. Funds would be dispersed to impacted communities in accordance with standards and guidelines set by PEMA.

County and Local Emergency Management Coordinators

For years, PEMA has heard from the counties and local governments that they would like more control over the appointment of their Emergency Management Coordinator. Current law states that county EMC's must be approved by the PEMA Director and appointed by the Governor, while local EMCs are appointed by the Governor after being recommended by the executive officer or governing body of their municipality. Proposed changes in Senate Bill 1019 remove the Governor and PEMA Director from the appointment process. This gives county and local governments more control over who they appoint and remove from the position of EMC.

PEMA's role in the process will be continuing to certify that emergency managers across the commonwealth successfully complete basic and advance certification requirements within one year and three years of their respective appointments. Language was added in this bill to provide

PEMA with the right to refuse certification of an emergency management coordinator for incompetence, dishonesty or commitment of a felony or an offense involving moral turpitude.

Options for Regional Task Force Organization

One significant change that previous versions attempted to address and continues in the current bill is moving Act 227 of 2002, the Counter Terrorism Planning, Preparedness & Response Act, from a standalone act to formal acknowledgement within the statute that outlines the role, operation, organization, and activation of regional task forces. There are nine regional task forces throughout the commonwealth. Following September 11th, the federal homeland security grant program initially focused on counter measures to terrorism. Since then, the grant program has evolved into support for all-hazards. While all regional task forces are required to do planning, they must follow federal grant guidance to receive funding. Current federal grant guidance requires:

- Regional planning and coordination based on regional, state, and national priorities
- Plan and coordinate regionally to meet regional, state, and national preparedness goals
- Maintain a Multi-Year Training and Exercise Plan
- Achieve capability targets under the National Preparedness System
- Maintain interoperable and compatible emergency communication systems in support of statewide communication systems

Currently there are task forces that have concept of operations plans to deploy resources and teams for any event in or outside of the region. In contrast, there are other task forces that function solely as an administrative entity for grants designated for the region. The task force designates one of its member counties as a fiduciary agent which then distributes the funding to the rest of the task force members. Additionally, there are task forces in which each county individually purchases training and equipment for their respective county only and organize themselves as a council of governments (COG) to share resources utilizing mutual aid agreements to fill resource gaps. Recognizing the diversity that exists in the commonwealth when it comes to the structure of task forces, there is no one size fits all approach that can be taken for our regional task forces.

We seek to address this issue by expanding the makeup of the regional task force executive boards to include additional members of the emergency management community by adding one member of the health, law enforcement, fire, and emergency medical services (EMS) in a manner determined by the regional task force. Additionally, we seek to provide task forces with options on how they organize themselves for purposes of contract and grant administration by majority vote of the executive board as one of the following: Designated County Model, Distributed Funds Model, or Regional County Model.

- Designated County Model
 - Member counties of a task force may organize their regional task force as a COG. In lieu of a COG, member counties must enter into an intergovernmental cooperation agreement. The task force would then designate one-member county as its agent responsible for entering contracts and grant agreements.

- Distributed County Model
 - PEMA shall enter into contracts and grant agreements with each of the member counties individually. Each task force member county will be responsible for administering any funds, grants it receive, or expenses it incurs. Member counties may organize their regional task force as a COG.
- Regional County Model
 - PEMA shall enter into cooperative contracts and grant agreements with the regional task force. Each regional task force member county will be represented in a cooperative contract or grant agreement, and be responsible for executing the contract or grant agreement on behalf of the member county it represents in the region. PEMA will distribute funds to one regional task force member county, or to each regional task force county as outlined in a cooperative contract or grant agreement, as required. Each county will be responsible for regional task force expenditure of grant funds and purchases that are maintained, delivered, or reside in the respective regional task force county.

Another issue we are looking to address in this bill as it pertains to members of our regional task forces is to ensure that they receive compensation during an activation by the entity that activated and deployment them. Language has been added to the activation and deployment section of Regional task forces (§ 7521. Regional task forces) that states that administrative and operational costs of the regional task force will be negotiated with the entity that activated and deployed the task force. The commonwealth has specialized teams organized at the regional and state level. Senate Bill 1019 includes language to provide for the establishment of specialized regional task

force teams and specialized statewide response teams. Language in the bill also allow for these teams to negotiate payments for individual members and their employers during an activation and deployment. Many of our members of response teams are volunteers and when deployed for extended periods of time are concerned about being able to continue to support their families and pay their bills. This change seeks to provide a way they can continue to be compensated.

Protections/Immunity from Civil Liability/ Workers' Compensation

We have heard from task forces that the current language that exists in Title 35 does not provide adequate protections for our volunteers when they are deployed on missions. The emergency management community relies heavily on volunteers called upon to serve the needs of the public. Senate Bill 1019 recognizes the danger our volunteers put themselves in, and extends workers compensation benefits to all state designated specialized response teams, regional task forces, and specialized regional task forces that are deployed or participating in a scheduled training, exercise, or official capacity as an emergency management official. SB 1019 also extends protections provided to commonwealth employees to individuals that are not employees of the Commonwealth but are deployed by the Governor for EMAC missions. Further, the bill extends civil immunity protections extended to volunteers engaged in emergency services activities.

Mr. Chairman and other members of the committee, I thank you for the opportunity to discuss PEMA's suggested changes to Title 35. We look forward to working with you, and our stakeholder

community to move this bill forward. On behalf of our county and community emergency managers, and first responders across the state, thank you for your dedication to and continued support of Pennsylvania's public safety program and your leadership on this important matter.

I would be happy to address any questions you or the members may have.