

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1019 Session of 2018

INTRODUCED BY VULAKOVICH, COSTA, BAKER, BREWSTER, BROOKS, EICHELBERGER, FONTANA, GORDNER, HUGHES, MENSCH, RAFFERTY, SCHWANK, STEFANO, TARTAGLIONE, YAW, YUDICHAK, BROWNE, WARD AND REGAN, JANUARY 17, 2018

SENATOR VULAKOVICH, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AS AMENDED, JUNE 13, 2018

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, ESTABLISHING AND PROVIDING FOR THE <--
3 POWERS AND DUTIES OF THE GOVERNOR'S OFFICE OF HOMELAND
4 SECURITY; IN 911 EMERGENCY COMMUNICATION SERVICES, FURTHER
5 PROVIDING FOR TELECOMMUNICATIONS MANAGEMENT AND FOR FUND,
6 PROVIDING FOR LEGISLATIVE BUDGET AND FINANCE COMMITTEE REVIEW
7 AND FURTHER PROVIDING FOR TERMINATION OF CHAPTER; in general
8 provisions, further providing for definitions and for
9 purposes of part; in Commonwealth services, further providing
10 for general authority of Governor, for temporary housing, for
11 debris and wreckage removal, for community disaster loans,
12 for individual and family assistance and for grants for
13 hazard mitigation, providing for use and appropriation of
14 unused Commonwealth funds, establishing the Disaster
15 Emergency Fund, further providing for laws suspended during
16 emergency assignments, providing for penalty for false
17 application and further providing for organization, for
18 powers and duties of Pennsylvania Emergency Management
19 Agency, for utilization of existing services and facilities
20 and for radiological emergency response preparedness,
21 planning and recovery program AND PROVIDING FOR ONLINE <--
22 TRAINING FOR FIREFIGHTERS; IN VOLUNTEER FIREFIGHTERS, FURTHER
23 PROVIDING FOR FUNDS; in local organizations and services,
24 further providing for general authority of political
25 subdivisions, for local coordinator of emergency management,
26 for powers and duties of political subdivisions, for
27 coordination, assistance and mutual aid, for appropriations
28 by political subdivisions, for law applicable to local
29 organizations, for agreements among political subdivisions,
30 for payments involving one political subdivision and for
31 payments involving two or more political subdivisions and

1 providing for regional all-hazards preparedness and emergency
2 management; in Emergency Management Assistance Compact,
3 further providing for budgetary considerations and providing
4 for protections; in miscellaneous provisions, further
5 providing for duties concerning disaster prevention, for
6 acceptance of services, gifts, grants and loans, for
7 interstate arrangements and for immunity from civil
8 liability, providing for other benefits unaffected, further
9 providing for special powers of local agencies, for
10 compensation for accidental injury and for penalties and
11 providing for authority of Federal law enforcement officers,
12 for confidentiality and for adverse interests; IN GRANTS TO <--
13 FIRE COMPANIES AND EMERGENCY MEDICAL SERVICES COMPANIES,
14 FURTHER PROVIDING FOR AWARD OF GRANTS; IN INCENTIVES FOR
15 MUNICIPAL VOLUNTEERS OF FIRE COMPANIES AND NONPROFIT
16 EMERGENCY MEDICAL SERVICES AGENCIES, FURTHER PROVIDING FOR
17 PROGRAM AUTHORIZATION; and making a related repeal.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 ~~Section 1. Sections 7102, 7103, 7301, 7302, 7303, 7304, 7305 <--~~
21 ~~and 7305.1 of Title 35 of the Pennsylvania Consolidated Statutes~~
22 ~~are amended to read:~~

23 SECTION 1. TITLE 35 OF THE PENNSYLVANIA CONSOLIDATED <--
24 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

25 CHAPTER 49
26 GOVERNOR'S OFFICE OF HOMELAND SECURITY

27 SEC.

28 4901. DEFINITIONS.

29 4902. OFFICE.

30 4903. DESIGNATION OF STATE ADMINISTRATIVE AGENCY.

31 4904. COOPERATION BY STATE AGENCIES.

32 § 4901. DEFINITIONS.

33 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
34 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
35 CONTEXT CLEARLY INDICATES OTHERWISE:

36 "ADVISOR." THE HOMELAND SECURITY ADVISOR UNDER SECTION
37 4902(C) (RELATING TO OFFICE).

38 "DIRECTOR." THE HOMELAND SECURITY DIRECTOR UNDER SECTION

1 4902 (D) .

2 "OFFICE." THE GOVERNOR'S OFFICE OF HOMELAND SECURITY
3 ESTABLISHED UNDER SECTION 4902 (A) .

4 § 4902. OFFICE.

5 (A) ESTABLISHMENT.--THE GOVERNOR'S OFFICE OF HOMELAND
6 SECURITY IS ESTABLISHED WITHIN THE OFFICE OF THE GOVERNOR TO
7 PREPARE FOR, PREVENT, RESPOND TO AND RECOVER FROM ACTS OF
8 TERRORISM.

9 (B) POWERS AND DUTIES.--THE OFFICE HAS THE POWER AND DUTY
10 TO:

11 (1) SECURE THIS COMMONWEALTH FROM ACTS OF TERRORISM.

12 (2) REDUCE THE VULNERABILITY OF CRITICAL INFRASTRUCTURE
13 AND KEY RESOURCES TO TERRORIST ATTACKS.

14 (3) PARTNER WITH THE UNITED STATES DEPARTMENT OF
15 HOMELAND SECURITY AND OTHER FEDERAL, STATE AND LOCAL AGENCIES
16 IN MATTERS RELATED TO HOMELAND SECURITY.

17 (4) WORK WITH THE PRIMARY STATE FUSION CENTER TO DEVELOP
18 THE PROCESS OF INFORMATION FUSION FOR THE GATHERING,
19 PROCESSING, ANALYZING AND DISSEMINATING OF INFORMATION
20 RELATED TO HOMELAND SECURITY.

21 (5) COOPERATE WITH THE PENNSYLVANIA EMERGENCY MANAGEMENT
22 AGENCY IN MATTERS RELATING TO EMERGENCY MANAGEMENT PLANNING,
23 PREPAREDNESS AND RESPONSE.

24 (6) PARTICIPATE, IN CONCERT WITH THE PRIVATE SECTOR AND
25 OTHER FEDERAL, STATE AND LOCAL AGENCIES, IN A COORDINATED
26 EFFORT TO PREPARE FOR, PREVENT, RESPOND TO AND RECOVER FROM
27 ACTS OF TERRORISM.

28 (C) HOMELAND SECURITY ADVISOR.--THE HEAD OF THE OFFICE SHALL
29 BE THE HOMELAND SECURITY ADVISOR, AS APPOINTED BY THE GOVERNOR.
30 THE ADVISOR SHALL SERVE AS THIS COMMONWEALTH'S PRIMARY POINT OF

1 CONTACT WITH THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY
2 AND OTHER FEDERAL, STATE AND LOCAL AGENCIES IN MATTERS RELATED
3 TO HOMELAND SECURITY. THE ADVISOR SHALL ADVISE AND REPORT TO THE
4 GOVERNOR.

5 (D) HOMELAND SECURITY DIRECTOR.--THE OFFICE SHALL BE MANAGED
6 BY A HOMELAND SECURITY DIRECTOR APPOINTED BY THE GOVERNOR. THE
7 DIRECTOR SHALL REPORT TO THE ADVISOR AND TO THE GOVERNOR'S
8 DEPUTY CHIEF OF STAFF FOR PUBLIC SAFETY. THE DIRECTOR SHALL BE
9 ASSISTED BY PERSONNEL DEEMED NECESSARY TO ALLOW THE OFFICE TO
10 CARRY OUT ITS RESPONSIBILITIES.

11 (E) STAFFING AND LOCATION.--THE DIRECTOR IS AUTHORIZED TO
12 SELECT, APPOINT AND EMPLOY SUCH EMPLOYEES AS MAY BE NECESSARY TO
13 CARRY OUT THE FUNCTIONS OF THE OFFICE, IN ACCORDANCE WITH THE
14 PROCEDURES OF THE GOVERNOR'S OFFICE OF ADMINISTRATION. THE
15 OFFICE SHALL BE LOCATED AT PENNSYLVANIA STATE POLICE
16 DEPARTMENTAL HEADQUARTERS. ALL PERSONNEL ASSIGNED TO THE OFFICE
17 SHALL BE CLASSIFIED AS AUTHORIZED EMPLOYEES OF THE PENNSYLVANIA
18 STATE POLICE.

19 § 4903. DESIGNATION OF STATE ADMINISTRATIVE AGENCY.

20 THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY IS DESIGNATED AS
21 THE STATE ADMINISTRATIVE AGENCY FOR THIS COMMONWEALTH AND SHALL
22 BE RESPONSIBLE FOR THE ADMINISTRATION AND AUDIT FUNCTIONS OF ALL
23 FEDERAL GRANTS RELATING TO HOMELAND SECURITY. THE DISTRIBUTION
24 AWARDS OF FEDERAL GRANT MONEY UNDER THE HOMELAND SECURITY GRANT
25 PROGRAM AND THE URBAN AREAS SECURITY INITIATIVE GRANT PROGRAM
26 SHALL BE MADE BY THE GOVERNOR'S OFFICE, IN CONSULTATION WITH THE
27 ADVISOR AND THE DIRECTOR OF THE PENNSYLVANIA EMERGENCY
28 MANAGEMENT AGENCY, IN ACCORDANCE WITH THE FEDERAL GUIDELINES
29 RELATED TO THE NATIONAL HOMELAND SECURITY STRATEGY AND FEDERAL
30 GRANT GUIDANCE AS PROMULGATED BY THE UNITED STATES DEPARTMENT OF

1 HOMELAND SECURITY AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY
2 FOR THE RESPECTIVE GRANT YEARS.
3 § 4904. COOPERATION BY STATE AGENCIES.

4 ALL AGENCIES UNDER THE GOVERNOR'S JURISDICTION SHALL
5 COOPERATE WITH AND PROVIDE ASSISTANCE AND SUPPORT AS NEEDED BY
6 THE OFFICE AND THE GOVERNOR'S DEPUTY CHIEF OF STAFF FOR PUBLIC
7 SAFETY TO CARRY OUT THE FUNCTIONS OF THE OFFICE EFFECTIVELY.

8 SECTION 2. SECTIONS 5303(B)(1), (3) AND (4) AND 5306.1(D)(2)
9 OF TITLE 35 ARE AMENDED TO READ:

10 § 5303. TELECOMMUNICATIONS MANAGEMENT.

11 * * *

12 (B) ESTABLISHMENT OF 911 BOARD.--THERE IS ESTABLISHED A
13 BOARD WITHIN THE AGENCY TO BE KNOWN AS THE 911 BOARD. THE BOARD
14 SHALL BE COMPRISED OF THE FOLLOWING:

15 (1) THE FOLLOWING STATE OFFICIALS, WHO SHALL SERVE AS
16 VOTING MEMBERS:

17 (I) THE DIRECTOR OF THE AGENCY, WHO SHALL ACT AS
18 CHAIRPERSON.

19 (II) THE STATE 911 COORDINATOR.

20 (III) THE COMMISSIONER OF THE PENNSYLVANIA STATE
21 POLICE.

22 (IV) THE CHAIRMAN OF THE VETERANS AFFAIRS AND
23 EMERGENCY PREPAREDNESS COMMITTEE OF THE SENATE.

24 (V) THE MINORITY CHAIRMAN OF THE VETERANS AFFAIRS
25 AND EMERGENCY PREPAREDNESS COMMITTEE OF THE SENATE.

26 (VI) THE CHAIRMAN OF THE VETERANS AFFAIRS AND
27 EMERGENCY PREPAREDNESS COMMITTEE OF THE HOUSE OF
28 REPRESENTATIVES.

29 (VII) THE MINORITY CHAIRMAN OF THE VETERANS AFFAIRS
30 AND EMERGENCY PREPAREDNESS COMMITTEE OF THE HOUSE OF

1 REPRESENTATIVES.

2 (VIII) THE STATE FIRE COMMISSIONER.

3 (IX) THE CHAIRPERSON OF THE STATE GEOSPATIAL
4 COORDINATING BOARD.

5 * * *

6 (3) A REPRESENTATIVE FROM THE FOLLOWING STATE AGENCIES,
7 WHO SHALL SERVE AS NONVOTING MEMBERS, TO BE APPOINTED BY THE
8 CHIEF EXECUTIVE OR ADMINISTRATIVE OFFICER OF EACH AGENCY:

9 (I) THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

10 [(II) THE OFFICE OF THE STATE FIRE COMMISSIONER.]

11 (III) THE GOVERNOR'S OFFICE OF ADMINISTRATION.

12 (4) A REPRESENTATIVE FROM THE FOLLOWING STATEWIDE
13 ASSOCIATIONS, WHO SHALL SERVE AS NONVOTING MEMBERS:

14 (I) THE PENNSYLVANIA CHIEFS OF POLICE ASSOCIATION.

15 (II) THE FRATERNAL ORDER OF POLICE.

16 (III) THE PENNSYLVANIA EMERGENCY HEALTH SERVICES
17 COUNCIL.

18 (IV) THE PENNSYLVANIA FIRE AND EMERGENCY SERVICES
19 INSTITUTE.

20 (V) THE ASSOCIATION OF PUBLIC-SAFETY COMMUNICATIONS
21 OFFICIALS.

22 (VI) THE PENNSYLVANIA CHAPTER OF THE NATIONAL
23 EMERGENCY NUMBER ASSOCIATION.

24 (VII) THE KEYSTONE EMERGENCY MANAGEMENT ASSOCIATION.

25 (VIII) THE PENNSYLVANIA PROFESSIONAL FIRE FIGHTERS
26 ASSOCIATION.

27 (IX) THE FIREMEN'S ASSOCIATION OF THE STATE OF
28 PENNSYLVANIA.

29 (X) THE PENNSYLVANIA WIRELESS ASSOCIATION.

30 (XI) THE PENNSYLVANIA TELEPHONE ASSOCIATION.

1 (XII) THE BROADBAND CABLE ASSOCIATION OF
2 PENNSYLVANIA.

3 (XIII) THE PENNSYLVANIA MUNICIPAL LEAGUE.

4 (XIV) THE PENNSYLVANIA STATE ASSOCIATION OF
5 BOROUGHS.

6 (XV) THE PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP
7 SUPERVISORS.

8 (XVI) THE PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP
9 COMMISSIONERS.

10 (XVII) THE AMBULANCE ASSOCIATION OF PENNSYLVANIA.

11 (XVIII) THE PENNSYLVANIA ASSOCIATION OF COUNCILS OF
12 GOVERNMENTS.

13 * * *

14 § 5306.1. FUND.

15 * * *

16 (D) DISTRIBUTION.--WITHIN 30 DAYS AFTER THE END OF EACH
17 QUARTER, THE AGENCY SHALL DETERMINE THE AMOUNT AVAILABLE FROM
18 THE FUND FOR DISTRIBUTION AND MAKE DISBURSEMENTS IN ACCORDANCE
19 WITH THE STATEWIDE 911 PLAN AND THIS CHAPTER AND IN ACCORDANCE
20 WITH THE FOLLOWING:

21 * * *

22 (2) UP TO 15% OF THE AMOUNT IN THE FUND SHALL BE USED BY
23 THE AGENCY TO ESTABLISH, ENHANCE, OPERATE OR MAINTAIN
24 STATEWIDE INTERCONNECTIVITY OF 911 SYSTEMS, INCLUDING, BUT
25 NOT LIMITED TO, THE USE OR OBLIGATIONS OF MONEY FOR DEBT
26 SERVICE RELATED TO REGIONAL OR STATEWIDE INTERCONNECTIVITY.
27 FUNDS UNDER THIS PARAGRAPH MAY ALSO BE USED TO PURCHASE A
28 STATEWIDE SYSTEM DESIGNED TO ALLOW INDIVIDUALS TO ASSOCIATE
29 THEIR PHONE NUMBERS WITH PERSONAL INFORMATION, SUCH AS A
30 PHYSICAL DISABILITY, SO THAT WHEN AN INDIVIDUAL MAKES A 911

1 CALL, THE PSAP HAS THE INDIVIDUAL'S PERSONAL INFORMATION.

2 * * *

3 SECTION 3. TITLE 35 IS AMENDED BY ADDING A SECTION TO READ:

4 § 5315. LEGISLATIVE BUDGET AND FINANCE COMMITTEE REVIEW.

5 THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL REVIEW THE
6 ANNUAL REPORTS REQUIRED UNDER THIS CHAPTER AS WELL AS THE
7 INVENTORY REPORT UNDER SECTION 5314 (RELATING TO INVENTORY) AND
8 SHALL MAKE RECOMMENDATIONS ON THE REAUTHORIZATION OF THE
9 PROVISIONS OF THIS CHAPTER BY JUNE 30, 2020.

10 SECTION 4. SECTIONS 5398, 7102, 7103, 7301, 7302, 7303,
11 7304, 7305 AND 7305.1 OF TITLE 35 ARE AMENDED TO READ:

12 § 5398. TERMINATION.

13 [THIS] (A) GENERAL RULE.--EXCEPT AS SET FORTH IN SUBSECTION
14 (B), THIS CHAPTER SHALL EXPIRE JUNE 30, [2019] 2021.

15 (B) EXCEPTION.--SECTION 5304(C) (RELATING TO COUNTIES) SHALL
16 EXPIRE JUNE 30, 2019.

17 § 7102. Definitions.

18 The following words and phrases when used in this part shall
19 have, unless the context clearly indicates otherwise, the
20 meanings given to them in this section:

21 "Agency." The Pennsylvania Emergency Management Agency.

22 "All hazards." All dangers that can threaten or harm
23 individuals, the environment, the economy or property.

24 "All-hazards information." Information describing the
25 dangers that can threaten or harm individuals, the environment,
26 the economy or property and which information pertains to the
27 preparedness for or consequences from the dangers. The term does
28 not include information related to criminal prosecutions, law
29 enforcement sources or methods, investigative activities,
30 policies, training or protection tactics, tactical plans,

1 information protected by 18 Pa.C.S. (relating to crimes and
2 offenses) or information that could otherwise be reasonably seen
3 as compromising law enforcement efforts.

4 ~~"Chief elected executive officer." The mayor of a city or~~ <--
5 ~~borough, the chairperson of the commissioners or supervisors or~~
6 ~~the elected executive of a county, township or incorporated~~
7 ~~town.~~

8 "CHIEF ELECTED EXECUTIVE OFFICER." INCLUDES: <--

9 (1) THE MAYOR OF A CITY OR BOROUGH OR THE ELECTED
10 EXECUTIVE IN A MUNICIPALITY WITHOUT A MAYOR.

11 (2) THE PRESIDING ELECTED OFFICER OF THE GOVERNING BODY
12 IN MUNICIPALITIES WITHOUT AN ELECTED EXECUTIVE.

13 "Commonwealth agency." Any of the following:

14 (1) An office, department, authority, board, multistate
15 agency or commission of the executive branch.

16 (2) The Governor's Office.

17 (3) The Office of Attorney General, the Department of
18 the Auditor General and the Treasury Department and any other
19 agency, board or commission of the Commonwealth that is not
20 subject to the policy supervision and control of the
21 Governor.

22 (4) An organization established by the Constitution of
23 Pennsylvania, a statute or an executive order that performs
24 or is intended to perform an essential governmental function.

25 (5) A Commonwealth authority or entity.

26 "Commonwealth critical infrastructure protection plan." A
27 plan to provide a coordinated approach to setting Commonwealth
28 priorities, goals and requirements for effective distribution of
29 funding and resources for critical infrastructure and key
30 resources to ensure that the government, economy and public

1 services continue in the event of an emergency.

2 "Commonwealth Disaster Recovery Task Force." The task force
3 described under section 7312 (relating to Pennsylvania Emergency
4 Management Council).

5 "Commonwealth emergency management program." A program of
6 coordinated activities consistent with Federal guidelines,
7 including the National Incident Management System, coordinated
8 by the agency, to address the management of emergencies. The
9 term includes the Commonwealth emergency operations plan, the
10 State hazard mitigation plan and all appropriate State-level
11 strategic and operational plans and programs that address all
12 hazards, disaster-related mitigation, preparedness, protection,
13 prevention, response and recovery.

14 "Commonwealth emergency operations plan." A document
15 prepared by the agency and approved and signed by the Governor
16 that is consistent with Federal requirements and assigns
17 responsibility to appropriate Commonwealth agencies for carrying
18 out specific actions in a disaster emergency and states, among
19 other things, lines of authority, response actions and
20 coordination requirements.

21 "Commonwealth Response Coordination Center" or "CRCC." The
22 Commonwealth's principal facility which provides response and
23 recovery support during disasters and emergencies to local
24 political subdivisions throughout the State. When activated, the
25 CRCC is staffed with personnel from various State agencies who
26 work in a defined organizational structure to coordinate State-
27 level emergency management actions, such as the coordination and
28 integration of resources. The CRCC provides policy guidance,
29 situational awareness, common operating picture and planning
30 support for affected local political subdivisions.

1 "Commonwealth Watch and Warning Center." The Commonwealth's
2 principal 24-hour, seven-day-a-week watch and warning center.

3 "Council." The Pennsylvania Emergency Management Council.

4 ["Custodial child care facility." A child day care center as
5 defined under section 1001 of the act of June 13, 1967 (P.L.31,
6 No.21), known as the Public Welfare Code, or nursery school
7 licensed or regulated by the Commonwealth.]

8 "Council of governments." An association of two or more
9 local government units joined together under a written compact
10 to improve cooperation, coordination and planning and to
11 undertake programs in their mutual interest under the provisions
12 of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
13 cooperation).

14 "County emergency management program." An emergency
15 management and preparedness program established and maintained
16 by a county under section 7501 (relating to general authority of
17 county and local POLITICAL SUBDIVISIONS' emergency management <--
18 programs).

19 "Critical infrastructure." Assets, systems, networks and
20 functions, physical or virtual, which are so vital to the
21 government that their incapacitation or destruction would have a
22 debilitating impact on security, economic security, public
23 health or safety.

24 "Dedicated emergency response organization." An entity
25 organized, chartered or incorporated in this Commonwealth or
26 another jurisdiction of the United States or chartered by the
27 Congress of the United States for the primary purpose of
28 providing emergency services. The term includes a volunteer,
29 paid and combination organization.

30 "Dependent care facility." An organization, institution or

1 facility licensed or certified by the Commonwealth that is
2 responsible for the custodial care or health care of individuals
3 who are dependent on the organization, institution or facility
4 for the activities of daily living, health, safety or welfare.

5 "Director." The Director of the Pennsylvania Emergency
6 Management Agency.

7 "Disaster." [A man-made disaster, natural disaster or war-
8 caused disaster.] An event that has a large-scale adverse effect
9 on individuals, the environment, the economy or property.

10 "Disaster emergency." [Those conditions which may by
11 investigation made, be found, actually or likely, to] A hazard
12 condition or disaster that may:

13 (1) affect seriously the safety, health or welfare of a
14 substantial number of [citizens of this Commonwealth] people
15 or preclude the operation or use of essential public
16 facilities; and

17 (2) be of such magnitude or severity as to render
18 essential State supplementation of regional, county and local
19 efforts or resources exerted or utilized in alleviating the
20 danger, damage, suffering or hardship faced. [; and

21 (3) have been caused by forces beyond the control of
22 man, by reason of civil disorder, riot or disturbance, or by
23 factors not foreseen and not known to exist when
24 appropriation bills were enacted.]

25 "Disaster emergency-related work." The repair, renovation,
26 installation, construction or rendering of services or other
27 business activities that relate to infrastructure that has been
28 damaged, impaired or destroyed by a disaster.

29 "Emergency." An incident that requires responsive,
30 coordinated action to protect individuals, the environment, the

1 economy or property.

2 "Emergency management." [The judicious planning, assignment
3 and coordination of all available resources in an integrated
4 program of prevention, mitigation, preparedness, response and
5 recovery for emergencies of any kind, whether from attack, man-
6 made or natural sources.] The continuous cycle of preparedness,
7 planning, response, recovery and mitigation for emergencies.

8 "Emergency operations plan." A document prepared by a
9 political subdivision that is consistent with Federal and State
10 requirements that assigns responsibility to agencies and
11 departments under the jurisdiction and control of the political
12 subdivision for carrying out specific actions in a disaster
13 emergency and states, among other things, lines of authority,
14 response actions and coordination requirements.

15 "Emergency plan." A document prepared by a dependent care
16 facility or large event planner, as referenced in section
17 7701(h) (relating to duties concerning disaster preparedness and
18 emergency management), or other entity as required by statute or
19 regulation to maintain an emergency preparedness capability or
20 develop an emergency plan.

21 "Emergency services." The preparation for and the carrying
22 out of [functions] capabilities, other than [functions]
23 capabilities for which military forces are primarily
24 responsible, to prepare for, prevent, protect against, respond
25 to and recover from, minimize and provide emergency repair of
26 injury and damage resulting from disasters or emergencies,
27 together with all other activities necessary or incidental to
28 the preparation for and carrying out of those [functions]
29 capabilities. The [functions] capabilities include, without
30 limitation, firefighting services, police services, medical and

1 health services, INCLUDING DELIVERY OF MEDICATIONS AND HEALTH <--
2 CARE SUPPLIES, search, rescue, engineering, disaster warning
3 services, sharing of information, communications, radiological
4 activities, shelter, chemical and other special weapons defense,
5 evacuation of persons from stricken areas, emergency welfare
6 services, mass-care services, emergency transportation,
7 emergency [resources] management, existing or properly assigned
8 functions of plant protection, temporary restoration of public
9 utility services, logistics and resource management and other
10 [functions] capabilities related to civilian protection. The
11 term includes all of the following:

12 (1) Capabilities of municipal governments, county
13 governments, nongovernmental organizations or the
14 Commonwealth.

15 (2) Capabilities of regional task forces and other
16 response organizations as specifically provided for under
17 this part.

18 "Federal emergency." An emergency as defined in section
19 102(1) of the Stafford Act (42 U.S.C. § 5122(1)).

20 "Federal law enforcement officer." A law enforcement officer
21 who:

22 (1) is employed by the United States;

23 (2) is authorized to effect an arrest, with or without a
24 warrant, for a violation of the United States Code; and

25 (3) is authorized to carry a firearm in the performance
26 of the law enforcement officer's duties.

27 "Grantee." The entity PERSON, government or organization to <--
28 which a grant is awarded.

29 "Hazard vulnerability analysis." A process by which a
30 political subdivision identifies the disasters most likely to

1 strike the community and estimates the potential impact of the
2 disaster to loss of life, property, the environment and the
3 economy.

4 "Homeland security." A concerted national effort to prevent
5 and disrupt terrorist attacks, protect against all hazards and
6 respond to and recover from incidents that occur.

7 "Incident command system." A standardized on-scene emergency
8 management construct that is:

9 (1) Specifically designed to provide for the adoption of
10 an integrated organizational structure that reflects the
11 complexity and demands of single or multiple incidents,
12 without being hindered by jurisdictional boundaries.

13 (2) Characterized by the ~~combination~~ COORDINATION of <--
14 facilities, equipment, personnel, procedures and
15 communications operating within a common organizational
16 structure and designed to aid in the management of resources
17 during all kinds of emergencies regardless of size or
18 complexity.

19 "Incident commander." The individual responsible for all
20 incident-related activities as described in the National
21 Incident Management System.

22 "Infrastructure." Real and personal property and equipment
23 that is owned or used by any of the following that service
24 multiple customers or citizens:

25 (1) A communications network.

26 (2) An electric generation, transmission and
27 distribution system.

28 (3) A gas distribution system that provides the
29 facilities and equipment for producing, generating,
30 transmitting, distributing or the furnishing of gas directly

1 to the end customer.

2 (4) A public or private water pipeline.

3 (5) PHARMACEUTICAL AND HEALTH CARE DISTRIBUTION NETWORKS <--
4 THAT PROVIDE CRITICAL MEDICATIONS AND OTHER MEDICAL SUPPLIES
5 TO HOSPITALS, LONG-TERM CARE FACILITIES, PHARMACIES AND OTHER
6 HEALTH CARE SETTINGS.

7 ["Local emergency." The condition declared by the local
8 governing body when in their judgment the threat or actual
9 occurrence of a disaster is or threatens to be of sufficient
10 severity and magnitude to warrant coordinated local government
11 action to prevent or alleviate the damage, loss, hardship or
12 suffering threatened or caused thereby. A local emergency
13 arising wholly or substantially out of a resource shortage may
14 be declared only by the Governor, upon petition of the local
15 governing body, when he deems the threat or actual occurrence of
16 a disaster to be of sufficient severity and magnitude to warrant
17 coordinated local government action to prevent or alleviate the
18 damage, loss, hardship or suffering threatened or caused
19 thereby.

20 "Local organization." A local emergency management
21 organization.

22 "Man-made disaster." Any industrial, nuclear or
23 transportation accident, explosion, conflagration, power
24 failure, natural resource shortage or other condition, except
25 enemy action, resulting from man-made causes, such as oil spills
26 and other injurious environmental contamination, which threatens
27 or causes substantial damage to property, human suffering,
28 hardship or loss of life.

29 "Natural disaster." Any hurricane, tornado, storm, flood,
30 high water, wind-driven water, tidal wave, earthquake,

1 landslide, mudslide, snowstorm, drought, fire, explosion or
2 other catastrophe which results in substantial damage to
3 property, hardship, suffering or possible loss of life.]

4 "Institution of higher education." A university, four-year
5 college or community college.

6 "Joint information center." A facility established to
7 coordinate incident-related public information activities and be
8 the central point of contact for news media.

9 "Key resources." Publicly or privately controlled resources
10 essential to minimal operation of the economy and the
11 government.

12 "Local disaster emergency." The condition declared by a
13 local governing body or chief elected executive officer when, in
14 the governing body's or officer's judgment, the threat or actual
15 occurrence of a disaster may:

16 (1) Affect seriously the safety, health or welfare of a
17 substantial number of people or preclude the operation or use
18 of essential public facilities.

19 (2) Be of a magnitude or severity that warrants
20 coordinated local government action in alleviating the
21 danger, damage, suffering or hardship.

22 "Local emergency management program." An emergency
23 management and preparedness program established and maintained
24 by a ~~municipality~~ POLITICAL SUBDIVISION under section 7501 <--
25 (relating to general authority of ~~county and local~~ POLITICAL <--
26 SUBDIVISIONS' emergency management programs).

27 "Major disaster." The term as it is defined in section
28 102(2) of the Stafford Act (42 U.S.C. § 5122(2)).

29 "Mitigation." Protection activities designed to reduce or
30 eliminate risks to persons or property or to lessen the actual

1 or potential effects or consequences of an incident that may be
2 implemented prior to, during or after an incident.

3 "Municipality." A city, borough, incorporated town or, <--
4 township-, HOME RULE OR OPTIONAL CHARTER MUNICIPALITY OR ANY <--
5 OTHER GENERAL PURPOSE UNIT OF LOCAL GOVERNMENT OTHER THAN A
6 COUNTY.

7 "Mutual aid." Mutual assistance and sharing of resources
8 among participating political subdivisions in the prevention of,
9 response to and recovery from threats to public health and
10 safety that are beyond the capability of the affected community.

11 "National Incident Management System." A system that
12 provides a consistent nationwide approach for Federal, State,
13 local and tribal governments, the private sector and
14 nongovernmental organizations to work effectively and
15 efficiently together to prepare for, prevent, protect against,
16 respond to and recover from domestic incidents, regardless of
17 cause, size or complexity. The term includes a successor system
18 established by the Federal Government.

19 "National Infrastructure Protection Plan." A plan developed
20 by the United States Department of Homeland Security that
21 provides a coordinated approach to critical infrastructure and
22 key resources protection roles and responsibilities for Federal,
23 State, local, tribal and private sector security partners, or a
24 successor program, and that sets national priorities, goals and
25 requirements for effective distribution of funding and resources
26 to ensure that the government, economy and public services
27 continue in the event of a disaster emergency.

28 "Operational plan." A plan that describes the emergency
29 management or homeland security roles, responsibilities and
30 resources of an organization.

1 "Out-of-State business." A business entity whose services
2 are requested by a registered business, the Commonwealth or a
3 political subdivision of the Commonwealth for purposes of
4 performing disaster emergency-related work in this Commonwealth.
5 The term includes a business entity that is affiliated with a
6 registered business in this Commonwealth solely through common
7 ownership. The out-of-State business may not have any of the
8 following:

9 (1) A presence in this Commonwealth, excluding prior
10 disaster emergency-related work performed under section
11 7308(b)(1) (relating to laws suspended during emergency
12 assignments).

13 (2) Any registration, tax filing or nexus in this
14 Commonwealth within the past three calendar years.

15 "Out-of-State employee." An employee who does not work in
16 this Commonwealth, unless the employee is performing disaster
17 emergency-related work during a period under section 7308(b)(1).

18 "Person." An individual, corporation, [firm,] association, ~~+~~ <--
19 partnership, limited liability company, business trust,
20 government entity, including the Commonwealth, foundation,
21 public utility, trust[,], or estate[,], public or private
22 institution, group, the Commonwealth or a local agency or
23 political subdivision and any legal successor, representative or
24 agency of the foregoing].

25 "Political subdivision." [Any] A county[,], city, borough, <--
26 incorporated town or township] OR MUNICIPALITY. <--

27 "Preparedness." A continuous process of identifying and
28 implementing tasks and activities necessary to build, sustain
29 and improve operational capability to prevent, protect against,
30 respond to and recover from domestic incidents involving all

1 levels of government, private sector and nongovernmental
2 organizations to identify threats, determine vulnerabilities and
3 identify required resources.

4 "President." The President of the United States.

5 "Prevention." Actions to avoid an incident or to intervene
6 to stop an incident from occurring.

7 "Protection." Actions to reduce or eliminate adverse effects
8 to life, property, the environment or the economy.

9 "Recovery." The development, coordination and execution of
10 service-restoration and site-restoration plans for impacted
11 communities and the reconstitution of government operations and
12 services through individual, private sector, nongovernmental and
13 public assistance programs that do all of the following:

14 (1) Identify needs and define resources.

15 (2) Provide housing and promote restoration.

16 (3) Address long-term care and treatment of affected
17 persons.

18 (4) Implement additional measures and techniques, as
19 feasible.

20 (5) Evaluate the incident to identify lessons learned.

21 (6) Develop initiatives to mitigate the effects of
22 future incidents.

23 "Regional." Pertaining to regional task forces.

24 "Regional task force." A cooperative effort organized among
25 Federal, State, county, council of government and municipal
26 emergency management, health, law enforcement, public safety and
27 other officials and representatives from volunteer service
28 organizations, emergency services organizations, private
29 business and industry, hospitals and medical care facilities and
30 other entities within a multicounty area as recognized by and

1 determined by the agency that is responsible for conducting all-
2 hazards planning, training preparedness and emergency response
3 activities.

4 "Registered business." Any business entity that is
5 registered to do business in this Commonwealth prior to a
6 declared disaster or emergency.

7 "Resource shortage." The absence, unavailability or reduced
8 supply of any raw or processed natural resource, or any
9 commodities, goods or services of any kind which bear a
10 substantial relationship to the health, safety, welfare and
11 economic well-being of the [citizens] residents of this
12 Commonwealth.

13 ["War-caused disaster." Any condition following an attack
14 upon the United States resulting in substantial damage to
15 property or injury to persons in the United States caused by use
16 of bombs, missiles, shellfire, nuclear, radiological, chemical
17 or biological means, or other weapons or overt paramilitary
18 actions, or other conditions such as sabotage.]

19 "Response." Activities that address the short-term, direct
20 effects of an incident. The term includes the execution of
21 emergency operations plans and incident mitigation activities
22 designed to limit the loss of life, personal injury, property
23 damage and other unfavorable outcomes.

24 "Review and accept." The process by which the agency, county
25 emergency management programs and local emergency management
26 programs validate planning documents in accordance with this
27 part to ensure compliance with established planning criteria,
28 adherence to templates and completeness. The process may not
29 imply approval or verification of ability to execute the plans
30 described in the planning documents.

1 "Specialized regional response team." A complement of
2 individuals established by a regional task force and organized
3 in accordance with standards developed by the agency and
4 applicable Federal agencies to respond to emergencies involving
5 an actual or potential disaster.

6 "Specialized Statewide response team." A complement of
7 individuals ~~organized~~ DESIGNATED OR RECOGNIZED by the <--
8 Commonwealth to provide specialized personnel, equipment and
9 other support capabilities in response to an actual or potential
10 disaster.

11 "Stafford Act." The Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et
13 seq.).

14 "State hazard mitigation plan." A document prepared by the
15 agency to reduce the loss of life and property due to all
16 hazards and to enable mitigation measures to be implemented
17 during the immediate recovery from a disaster.

18 "Strategic plan." A plan describing an organization's
19 emergency management or homeland security goals and objectives.

20 "Tactical plan." A plan describing an organization's
21 execution of tasks and actions to prevent, protect, investigate
22 and respond to an emergency, incident or other situation.

23 "WHOLESALE DISTRIBUTOR OF PRESCRIPTION MEDICATIONS." A <--
24 PERSON WHO OPERATES A FACILITY FROM WHICH A PERSON ENGAGES IN
25 THE WHOLESALE DISTRIBUTION OF PRESCRIPTION DRUGS AS DEFINED
26 UNDER SECTION 3 OF THE ACT OF DECEMBER 14, 1992 (P.L.1116,
27 NO.145), KNOWN AS THE WHOLESALE PRESCRIPTION DRUG DISTRIBUTORS
28 LICENSE ACT.

29 § 7103. [Purposes] Purpose of part.

30 [The purposes of this part are to:

1 (1) Reduce vulnerability of people and communities of
2 this Commonwealth to damage, injury and loss of life and
3 property resulting from disasters.

4 (2) Prepare for prompt and efficient rescue, care and
5 treatment of persons victimized or threatened by disaster.

6 (3) Provide a setting conducive to the rapid and orderly
7 start of restoration and rehabilitation of persons and
8 property affected by disasters.

9 (4) Clarify and strengthen the roles of the Governor,
10 Commonwealth agencies and local government in prevention of,
11 preparation for, response to and recovery from disasters.

12 (5) Authorize and provide for cooperation in disaster
13 prevention, preparedness, response and recovery.

14 (6) Authorize and provide for coordination of activities
15 relating to disaster prevention, preparedness, response and
16 recovery by agencies and officers of this Commonwealth, and
17 similar State-local and Federal-State activities in which the
18 Commonwealth and its political subdivisions participate.

19 (7) Provide a disaster management system embodying all
20 aspects of pre-disaster preparedness and post-disaster
21 response.

22 (8) Assist in prevention of disaster caused or
23 aggravated by inadequate planning for and regulation of
24 public and private facilities and land use.

25 (9) Supplement, without in any way limiting, authority
26 conferred by previous statutes of this Commonwealth and
27 increase the capability of the Commonwealth and local
28 agencies having responsibilities for civil defense to perform
29 both civil defense and disaster services.

30 (10) Further the operational capacities of Commonwealth

1 agencies to deal with disaster situations.

2 (11) Further programs of education and training.

3 (12) Establish integrated communications capabilities
4 and warning systems.]

5 The purpose of this part is to authorize and provide for <--
6 coordination of activities relating to disaster preparedness and
7 emergency management activities by agencies and officers of this
8 Commonwealth and similar Federal State and State local <--
9 activities in which the Commonwealth and its AMONG political <--
10 subdivisions, intergovernmental cooperative entities, regional
11 task forces, councils of governments, elementary and secondary
12 schools and other appropriate public and private entities
13 participate.

14 § 7301. General authority of Governor.

15 (a) Responsibility to [meet] ADDRESS disasters.--The <--
16 Governor is responsible for [meeting] ADDRESSING the dangers to <--
17 this Commonwealth [and people] AS presented by disasters. <--

18 (b) Executive orders, proclamations and regulations.--Under
19 this part, in addition to other rights granted to the Governor
20 under this part, the Governor may issue, amend and rescind
21 executive orders, proclamations and regulations, which shall
22 have the force and effect of law.

23 (c) Declaration of disaster emergency.--

24 (1) A disaster emergency shall be declared by executive
25 order or proclamation of the Governor upon finding that a
26 disaster has occurred or that the occurrence or the threat of
27 a disaster is imminent.

28 (2) The [state of] declared disaster emergency shall
29 continue until the Governor finds that the threat or danger
30 has passed or the disaster has been dealt with to the extent

1 that emergency conditions no longer exist and terminates the
2 [state of] declared disaster emergency by executive order or
3 proclamation, but no [state of] declared disaster emergency
4 may continue for longer than 90 days unless renewed by the
5 Governor.

6 (3) The General Assembly by concurrent resolution may
7 terminate a [state of] disaster emergency declaration at any
8 time. Thereupon, the Governor shall issue an executive order
9 or proclamation ending the [state of] declared disaster
10 emergency.

11 (4) All executive orders or proclamations issued under
12 this subsection shall indicate the nature of the disaster,
13 the area or areas threatened and the conditions which have
14 brought the disaster about or which make possible termination
15 of the [state of] declared disaster emergency.

16 (5) An executive order or proclamation shall be
17 disseminated promptly by means calculated to bring its
18 contents to the attention of the general public and, unless
19 the circumstances attendant upon the disaster prevent or
20 impede, shall be promptly filed with the [Pennsylvania
21 Emergency Management Agency] agency and the Legislative
22 Reference Bureau for publication under [Part II of Title 45]
23 45 Pa.C.S. Pt. II (relating to publication and effectiveness
24 of Commonwealth documents).

25 (d) Activation of disaster response.--An executive order or
26 proclamation of a [state of] declared disaster emergency shall
27 activate the disaster response and recovery aspects of the
28 Commonwealth emergency operations plan and [local disaster]
29 other emergency plans applicable to the political subdivision or
30 area in question and shall be authority for the deployment and

1 use of any forces to which the plan or plans apply and for use
2 or distribution of any supplies, equipment and materials and
3 facilities assembled, stockpiled or arranged to be made
4 available pursuant to this part or any other provision of law
5 relating to disaster emergencies.

6 (e) Commander in chief of military forces.--[During the
7 continuance of any state of disaster emergency, the] The
8 Governor is commander in chief of the Pennsylvania military
9 forces. To the greatest extent practicable, the Governor shall
10 delegate or assign command authority by prior arrangement
11 embodied in appropriate executive orders or regulations, but
12 this does not restrict the authority of the Governor to do so by
13 orders issued at the time of the disaster emergency.

14 (f) Additional powers.--In addition to any other powers
15 conferred upon the Governor by law, the Governor may:

16 (1) Suspend the provisions of any [regulatory] statute
17 [prescribing the procedures for conduct of Commonwealth
18 business,] or the orders, rules or regulations of any
19 Commonwealth agency, if strict compliance with the provisions
20 of any statute, order, rule or regulation would in any way
21 prevent, hinder or delay necessary action in coping with the
22 emergency.

23 (1.1) Transfer any unused funds which may have been
24 appropriated for the ordinary expenses of the Commonwealth in
25 the General Fund to Commonwealth agencies as the Governor may
26 direct to be expended for relief of disaster in a manner as
27 the Governor shall approve, and the funds are hereby
28 appropriated to the Governor for those purposes. The total of
29 the transfers under this subsection shall not exceed
30 \$30,000,000 in any one fiscal year except by action of the

1 General Assembly.

2 (1.2) Transfer any funds which may have been
3 appropriated for the ordinary expenses of government in the
4 General Fund to Commonwealth agencies as the Governor may
5 direct to be expended for reimbursements as provided in
6 section 7705(a) and (b) (relating to special powers of
7 political subdivisions). Reimbursements shall be made in
8 accordance with and to the extent permitted by regulations
9 issued by the agency or agencies as the Governor may
10 designate to administer the reimbursement programs
11 established by section 7705(a) and (b). The total of such
12 transfers shall not exceed \$5,000,000 in any one fiscal year
13 except by action of the General Assembly.

14 (2) [Utilize] Before, during and following the
15 expiration of a declaration of a disaster emergency, utilize
16 all available resources of the Commonwealth [Government] and
17 each political subdivision [of this Commonwealth] as
18 reasonably necessary to cope with [the] or mitigate the
19 effects of a disaster emergency or potential disaster
20 emergency.

21 (3) Transfer the direction, personnel or functions of
22 Commonwealth agencies or units thereof for the purpose of
23 performing or facilitating emergency services.

24 (4) Subject to any applicable requirements for
25 compensation under section 7313(10) (relating to powers and
26 duties), commandeer or utilize any private, public or quasi-
27 public property if necessary to cope with the disaster
28 emergency.

29 (5) Direct and compel the evacuation of all or part of
30 the population from any stricken or threatened area within

1 this Commonwealth if this action is necessary for the
2 preservation of life or other disaster mitigation, response
3 or recovery.

4 (6) Prescribe routes, modes of transportation and
5 destinations in connection with evacuation.

6 (7) Control ingress and egress to and from a disaster
7 area, the movement of persons within the area and the
8 occupancy of premises therein.

9 (8) Suspend or limit the sale, dispensing or
10 transportation of alcoholic beverages, [firearms,] explosives <--
11 and combustibles.

12 (9) Confer the power of arrest on the law enforcement
13 personnel serving as part of the emergency forces of a party
14 state during operations in this Commonwealth pursuant to a
15 declaration of a disaster emergency under subsection (c). Law
16 enforcement personnel shall be under the operational control
17 of the Commissioner of Pennsylvania State Police and shall
18 comply with the terms and conditions of the Emergency
19 Management Assistance Compact under Chapter 76 (relating to
20 Emergency Management Assistance Compact). Arrest powers
21 granted under this paragraph shall expire when the
22 declaration of a disaster emergency is terminated by
23 executive order, proclamation or operation of law, if the
24 arrest powers have not previously been terminated.

25 (10) If the Governor determines that the Commonwealth
26 needs the assistance of Federal law enforcement while a
27 declaration of a disaster emergency is in effect, make a
28 request to the Federal Government for the assistance of
29 Federal law enforcement officers in enforcing the laws of
30 this Commonwealth. Only the Governor shall have the power to

1 make the request.

2 (11) APPOINT THE DIRECTOR, SUBJECT TO THE CONSENT OF A <--
3 MAJORITY OF THE MEMBERS ELECTED TO THE SENATE.

4 § 7302. Temporary housing.

5 (a) Authority of Governor.--Whenever the Governor has
6 [proclaimed] declared a disaster emergency under this part, or
7 the President, at the request of the Governor, has declared [an]
8 a Federal emergency or a major disaster to exist in this
9 Commonwealth, the Governor is authorized:

10 (1) To enter into purchase, lease or other arrangements
11 with any Federal agency for temporary housing units to be
12 occupied by disaster victims and to make the units available
13 to any political subdivision [of this Commonwealth named as a
14 party to the emergency or disaster declaration.], authority
15 or authorized ~~nonprofit~~ NONGOVERNMENTAL organization included <--
16 in the declared disaster emergency, declared Federal
17 emergency or declared major disaster.

18 (2) To assist any political subdivision [of this
19 Commonwealth], authority or authorized ~~nonprofit~~ <--
20 NONGOVERNMENTAL organization which is the locus of temporary <--
21 housing for disaster victims to acquire sites necessary for
22 such temporary housing and to do all things required to
23 prepare such sites to receive and utilize temporary housing
24 units by:

25 (i) advancing or lending funds available to the
26 Governor from any appropriation made by the General
27 Assembly or from any other source;

28 (ii) "passing through" funds made available by any
29 agency, public or private; or

30 (iii) becoming a copartner with the political

1 subdivision for the execution and performance of any
2 temporary housing for disaster victims [project];
3 and for such purposes to pledge the credit of the
4 Commonwealth on such terms as the Governor deems appropriate
5 having due regard for current debt transactions of the
6 Commonwealth.

7 (3) Under such [regulations] conditions as the Governor
8 shall prescribe, to temporarily suspend or modify for not to
9 exceed 60 days any public health, safety, zoning,
10 transportation [(within] within or across this
11 [Commonwealth)] Commonwealth or other requirement of statute
12 or regulation within this Commonwealth when by proclamation
13 the Governor deems the suspension or modification essential
14 to provide temporary housing for disaster victims.

15 (b) Acquisition of sites by political subdivisions.--Any
16 political subdivision [of this Commonwealth], authority or
17 authorized nonprofit organization is expressly authorized to
18 acquire, temporarily or permanently, by purchase, lease or
19 otherwise, sites required for installation of temporary housing
20 units for disaster victims[,] and to enter into whatever
21 arrangements [which are] necessary to prepare or equip the sites
22 to utilize the housing units.

23 (c) Construction of section.--This section does not limit
24 the authority of the Governor to apply for, administer and
25 expend any grants, gifts or payments in aid of disaster
26 [prevention,] preparedness[, response or recovery] and emergency
27 management activities.

28 [(d) Definitions.--As used in this section, "major disaster"
29 and "emergency" shall have the same meanings as defined or used
30 in The Robert T. Stafford Disaster Relief and Emergency

1 Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.).]

2 § 7303. Debris and wreckage removal.

3 (a) Authority of Governor.--Whenever the Governor has
4 declared a disaster emergency to exist under this part, or the
5 President, at the request of the Governor, has declared a major
6 disaster or emergency to exist in this Commonwealth, the
7 Governor is authorized:

8 (1) Notwithstanding any other provision of law, through
9 the use of Commonwealth agencies [or instrumentalities], to
10 clear or remove from publicly or privately owned land or
11 water[,] debris and wreckage which may threaten public health
12 or safety, or public or private property.

13 (2) To accept funds from the Federal Government and
14 utilize the funds to make grants or to reimburse any
15 political subdivision for the purpose of removing debris or
16 wreckage from publicly or privately owned land or water.

17 (b) Authority of Commonwealth personnel.--Whenever the
18 Governor provides for clearance of debris or wreckage pursuant
19 to subsection (a), employees of the designated Commonwealth
20 agencies or individuals appointed by the Commonwealth are
21 authorized to enter upon private land or waters and perform any
22 tasks necessary to the removal or clearance operation.

23 [(c) Nonliability of Commonwealth personnel.--Except in
24 cases of willful misconduct, gross negligence or bad faith, any
25 Commonwealth employee or agent complying with and performing
26 duties pursuant to orders of the Governor under this section
27 shall not be liable for death of or injury to persons or damage
28 to property.]

29 § 7304. Community disaster loans.

30 Whenever, at the request of the Governor, the President has

1 declared a major disaster or emergency to exist in this
2 Commonwealth, the Governor is authorized:

3 (1) Upon determining that a political subdivision [of
4 this Commonwealth] will suffer a substantial loss of tax and
5 other revenues from a major disaster or emergency and has
6 demonstrated a need for financial assistance to perform its
7 governmental functions, to apply to the Federal Government,
8 on behalf of the political subdivision, for a loan and to
9 receive and disburse the proceeds of any approved loan to
10 [any] the applicant [political subdivision].

11 (2) To determine the amount needed by [any applicant] a
12 political subdivision to restore or resume its governmental
13 functions and to certify the amount to the Federal
14 Government. No application amount shall exceed 25% of the
15 annual operating budget of the applicant for the fiscal year
16 in which the major disaster or emergency occurs.

17 (3) After review, recommend to the Federal Government
18 the cancellation of all or any part of repayment when, in the
19 first three full fiscal-year periods following the major
20 disaster, the revenues of the political subdivision are
21 insufficient to meet its operating expenses, including
22 additional disaster-related expenses [of a municipal
23 operation character].

24 § 7305. Individual and family assistance.

25 (a) Grants by Federal Government.--Whenever the President,
26 at the request of the Governor, has declared a major disaster or
27 emergency to exist in this Commonwealth, the Governor is
28 authorized:

29 (1) Upon determining that assistance under [The Robert
30 T. Stafford Disaster Relief and Emergency Assistance Act

1 (Public Law 93-288, 42 U.S.C. § 5121 et seq.),] the Stafford
2 Act and from other means is insufficient to meet the
3 disaster-related necessary expenses or serious needs of
4 individuals or families adversely affected by a major
5 disaster or emergency, to accept a grant from the Federal
6 Government for the purpose of meeting the expenses or needs
7 of disaster victims, subject to any terms and conditions
8 imposed upon the grant.

9 (2) To enter into an agreement with the Federal
10 Government or any Federal agency or officer pledging the
11 Commonwealth to participate in the funding of the assistance
12 authorized in paragraph (1) and, if Commonwealth funds are
13 not otherwise available to the Governor, to accept an advance
14 of the Commonwealth share from the Federal Government to be
15 repaid when the Commonwealth is able to do so.

16 (b) Grants by Governor.--To implement subsection (a), the
17 Governor is authorized to make grants to meet disaster-related
18 necessary expenses or serious needs of individuals or families
19 adversely affected by a major disaster or emergency declared by
20 the President. Any grant shall not exceed the amount authorized
21 by [The Robert T. Stafford Disaster Relief and Emergency
22 Assistance Act] the Stafford Act or by applicable State law to
23 an individual or family in any single major disaster or
24 emergency.

25 [(c) Penalty for false application.--Any person who
26 fraudulently or willfully makes a misstatement of fact in
27 connection with an application for assistance under this section
28 shall be guilty of a misdemeanor of the third degree.]

29 § 7305.1. Grants for public assistance and hazard mitigation.

30 (a) Commonwealth participation in public assistance and

1 hazard mitigation funding; agreements.--Whenever the President
2 authorizes [the] a contribution [of up to 75% of] to the cost of
3 [hazard mitigation measures to] public assistance grants to
4 repair or replace eligible public property damage or hazard
5 mitigation to reduce the risk of future damage, hardship[,] or
6 loss [or suffering] to eligible property in any area affected by
7 a major disaster pursuant to [The Robert T. Stafford Disaster
8 Relief and Emergency Assistance Act (Public Law 93-288, 88 Stat.
9 143)] the Stafford Act, the Governor is authorized, subject to
10 the availability of appropriated funds, to enter into an
11 agreement with the Federal Government or any Federal agency or
12 officer pledging the Commonwealth to participate in the funding
13 of the public assistance and mitigation project or plan.

14 (b) Special Session disaster relief acts.--Projects which
15 are itemized under Chapter 3 of the act of July 11, 1996 (2nd
16 Sp.Sess., P.L.1791, No.8), known as the Special Session Flood
17 Control and Hazard Mitigation Itemization Act of 1996, and the
18 act of July 11, 1996 (2nd Sp.Sess., P.L.1826, No.9), known as
19 the Special Session Flood Relief Act, are deemed to be hazard
20 mitigation projects for the purposes of hazard mitigation
21 funding to the extent that such projects qualify under [The
22 Robert T. Stafford Disaster Relief and Emergency Assistance Act
23 (Public Law 93-288, 88 Stat. 143).] the Stafford Act.

24 (c) Need for plan.--The agency may withhold Federal or State
25 funds available under subsection (a) from a political
26 subdivision that does not have in effect a current emergency
27 operations plan and a current hazard mitigation plan as required
28 under this part.

29 Section ~~2~~ 5. Title 35 is amended by adding sections to read: <--
30 § 7307.1. Use and appropriation of unused Commonwealth funds.

1 (a) Transfer of funds authorized.--In addition to the
2 transfers permitted under section 7301 (relating to general
3 authority of Governor), if the Governor has not declared a
4 disaster emergency or if a declaration of disaster emergency has
5 expired, the Governor may nevertheless transfer unused funds
6 that may have been appropriated for the ordinary expenses of the
7 Commonwealth in the General Fund to Commonwealth agencies as the
8 Governor may direct to be expended for preparedness planning and
9 other activities related to a potential or actual disaster in a
10 manner as the Governor shall approve.

11 (b) Limitation on amount transferred.--The total of the
12 transfers authorized under this section may not exceed
13 \$30,000,000 in a year except by action of the General Assembly.
14 § 7307.2. Disaster Emergency Fund.

15 (a) Establishment.--A nonlapsing, restricted account is
16 established within the State Treasury to be known as the
17 Disaster Emergency Fund. Any funds appropriated, deposited or
18 transferred to the fund, including interest earned on money in
19 the fund, shall be restricted and nonlapsing.

20 (b) Use of fund money.--Money in the fund shall be used to
21 assist with emergencies or nonfederally declared disasters in
22 accordance with standards and guidelines set by the agency and
23 published in the Pennsylvania Bulletin.

24 Section ~~3~~ 6. Section 7308(a) of Title 35 is amended to read: <--
25 § 7308. Laws suspended during emergency assignments.

26 (a) Commonwealth agencies.--In the case of a declaration of
27 a [state of] disaster emergency by the Governor, Commonwealth
28 agencies may implement their emergency assignments without
29 regard to procedures required by other laws [(except mandatory
30 constitutional requirements)], except constitutional

1 requirements pertaining to the performance of public work,
2 entering into contracts, incurring of obligations, employment of
3 temporary workers, rental of equipment, purchase of supplies and
4 materials and expenditures of public funds.

5 * * *

6 Section ~~4~~ 7. Title 35 is amended by adding a section to <--
7 read:

8 § 7309. Penalty for false application.

9 A person who fraudulently or willfully makes a material
10 misstatement of fact in connection with an application for
11 assistance under this subchapter commits a misdemeanor of the
12 third degree. In addition to any other sentence imposed, the
13 defendant shall be ordered to repay to the Commonwealth the
14 amount of funds received under the application.

15 Section ~~5~~ 8. Sections 7312, 7313, 7314, ~~7320, 7501, 7502,~~ <--
16 ~~7503, 7504, 7511, 7512, 7513, 7514~~ and ~~7515~~ AND 7320 of Title 35 <--
17 are amended to read:

18 § 7312. [Organization.] Pennsylvania Emergency Management
19 Council.

20 [This agency shall consist of and be organized substantially
21 as follows:

22 (a) Council.--Primary responsibility for overall policy and
23 direction of a Statewide civil defense and disaster program and
24 response capability of the type hereinafter prescribed shall be
25 vested in a body legally known as the Pennsylvania Emergency
26 Management Council, which]

27 (a) Establishment.--

28 (1) The Pennsylvania Emergency Management Council is
29 established within the agency.

30 (2) (i) The council shall be composed of: the Governor,

1 the Lieutenant Governor, the Adjutant General, the
2 Secretary of the Budget, the director, the Secretary of
3 Administration, the Secretary of State, the Secretary of
4 Education, the Secretary of General Services, the
5 Secretary of Labor and Industry, the Secretary of Health,
6 the Attorney General, the Governor's General Counsel, the
7 Secretary of Community [Affairs,] and Economic
8 Development, the Secretary of Conservation and Natural
9 Resources, the Secretary of Environmental Protection, the
10 Secretary of Transportation, the Secretary of
11 Agriculture, the Secretary of [Public Welfare,] Human
12 Services, the Commissioner of the Pennsylvania State
13 Police, [Chairman] the Chairperson of the Pennsylvania
14 Public Utility Commission, the State Fire Commissioner,
15 THE DIRECTOR OF HOMELAND SECURITY or their designees, and <--
16 the Speaker of the House of Representatives, the
17 President pro tempore of the Senate, the Minority Leader
18 of the Senate and the Minority Leader of the House of
19 Representatives, or their designees. [The Speaker of the
20 House of Representatives, President pro tempore of the
21 Senate, Minority Leader of the Senate and Minority Leader
22 of the House of Representatives may authorize a member of
23 their respective Houses of the General Assembly to serve
24 in their stead.]

25 (ii) The Governor may authorize up to two
26 representatives of business and industry, up to two
27 representatives of labor, up to two public members at
28 large and one representative respectively of the
29 [Pennsylvania State Association of] County Commissioners
30 Association of Pennsylvania, the Pennsylvania State

1 Association of Township Commissioners, the Pennsylvania
2 State Association of Township Supervisors, the
3 Pennsylvania Municipal League [of Cities and], the
4 Pennsylvania State Association of Boroughs and the
5 Keystone Emergency Management Association to be nonvoting
6 members of the council.

7 (iii) The Governor [may designate a member to] shall
8 serve as [chairman.] chair.

9 (iv) The Governor may also appoint representatives
10 of key private sectors, including the energy utility, <--
11 medical, police, fire, emergency medical services,
12 communications, transportation, education, agriculture
13 and labor AGRICULTURE, COMMUNICATIONS, EDUCATION, <--
14 EMERGENCY MEDICAL SERVICES AND SUPPLY DELIVERY, ENERGY
15 UTILITY, FIRE, MEDICAL, POLICE AND TRANSPORTATION
16 sectors, and two members at large to serve as nonvoting
17 council members.

18 (3) Five voting members shall constitute a quorum.

19 (b) Compensation and expenses.--The members shall serve
20 without compensation, but may be reimbursed for their actual and
21 necessary traveling and other expenses incurred in connection
22 with attendance at meetings.

23 (c) Regular meetings.--For the conduct of routine business,
24 including particularly the consideration of matters of basic
25 policy, the council shall meet at the call of the [chairman and
26 at least three times during each calendar year.] chair.

27 (d) Emergency meetings.--In the event of [attack or disaster
28 situations determined actually or likely to be of such nature,
29 magnitude, severity or duration as to necessitate extensive or
30 extraordinary deployment and use of Commonwealth resources for

1 emergency purposes] the occurrence of an emergency, the
2 [chairman shall, within not more than 72 hours immediately
3 following such determination,] chair may call the council into
4 emergency session[,] for consideration of actions taken or to be
5 taken. [In] The director may call such meetings in the absence
6 of the [chairman, notice of such meetings shall be disseminated
7 to the membership by the State director.] chair.

8 [(e) State director.--To supervise the work and activities
9 comprising the State Civil Defense and Disaster Program, the
10 Governor shall appoint an individual to act, on a full-time
11 basis, as director of the agency. The director shall perform all
12 such fiscal, planning, administrative, operational and other
13 duties as may be assigned to him by the council and shall act as
14 the chairman's principal assistant in civil defense and disaster
15 matters. The director or the director's designee is also the
16 State coordinating officer responsible to coordinate and
17 supervise the Commonwealth and local disaster response effort
18 following a presidential declaration of an emergency or a major
19 disaster.]

20 (f) Staff.--[The council shall, within the limitations of
21 appropriations made to the agency, arrange for the employment of
22 such professional, technical, administrative and other staff
23 personnel as may be deemed essential to the development and
24 maintenance of a Statewide civil defense and disaster plan and
25 program of the type hereinafter prescribed. All such personnel
26 shall be employed and subject to pertinent provisions of the act
27 of August 5, 1941 (P.L.752, No.286), known as the "Civil Service
28 Act," and the Commonwealth Compensation Plan.] The agency shall
29 provide the council with staff and other services as may be
30 required for the council to carry out its responsibilities under

1 this part.

2 [(g) Office space, equipment and services.--The agency shall
3 be furnished necessary and appropriate office space, furniture,
4 equipment, supplies and services in the same general manner as
5 are other Commonwealth departments and agencies.

6 (h) Emergency communications.--The agency shall maintain an
7 integrated communications capability designed to provide to all
8 areas and counties weather advisories, river forecasts,
9 warnings, and direction and control of all emergency
10 preparedness functions within the Commonwealth. The agency shall
11 coordinate the Commonwealth's emergency communication systems,
12 sharing of information and weather emergency notification among
13 the National Weather Service, contiguous State emergency
14 management offices, local coordinators of emergency management,
15 the Pennsylvania State Police, local police departments, private
16 relief associations and other appropriate organizations.
17 Additionally, the agency shall establish the sole Statewide
18 telephone number that persons, including county and municipal
19 emergency management personnel, may use to report incidences of
20 radioactive and hazardous materials and other disaster
21 emergencies.

22 (i) Administrative provisions.--Except as otherwise provided
23 in this part, the agency shall be subject to the provisions of
24 the act of April 9, 1929 (P.L.177, No.175), known as "The
25 Administrative Code of 1929."]

26 (j) Commonwealth Disaster Recovery Task Force.--The director
27 shall organize the Commonwealth Disaster Recovery Task Force to
28 review and conduct, when directed by the Governor, studies of
29 disasters that occur in this Commonwealth, their causes and
30 impacts, make recommendations to prevent future disasters,

1 lessen their impact and help expedite recovery at the State and
2 local level. The members of the council shall serve on the task
3 force and may invite other organizations and Commonwealth
4 agencies to participate as needed.

5 § 7313. Powers and duties.

6 The agency shall [have the following powers and duties:]
7 develop a comprehensive emergency management and preparedness
8 system for this Commonwealth, in coordination with other
9 Commonwealth agencies as designated by the Governor. In order to
10 develop the system, the agency shall:

11 (1) [To prepare] Prepare, maintain and keep current [a
12 Pennsylvania Emergency Management Plan for the prevention and
13 minimization of injury and damage caused by disaster, prompt
14 and effective response to disaster and disaster emergency
15 relief and recovery.] the Commonwealth emergency management
16 program. The [plan] program may include provisions for:

17 (i) Preparedness standards established by the United
18 States Department of Homeland Security and the Federal
19 Emergency Management Agency.

20 (ii) [Commonwealth] State, regional and local
21 [disaster] emergency management responsibilities.

22 (iii) Assistance to Commonwealth agencies, ~~regional~~ <--
23 ~~task forces,~~ [local government officials,] REGIONAL TASK <--
24 FORCES, POLITICAL SUBDIVISIONS, elementary and secondary
25 schools [and custodial child], dependent care facilities
26 [in designing emergency management plans and training
27 programs] and the private sector in developing their
28 systems of emergency management and preparedness.

29 (iv) Organization of manpower[,] and chains of
30 command[, continuity of government] in emergency

1 situations and emergency operational principles.

2 (v) Coordination of Federal, [Commonwealth] State,
3 regional and local [disaster] preparedness and emergency
4 management activities.

5 (vi) Coordination of the Commonwealth [Emergency
6 Management Plan with the disaster plans of the Federal
7 Government and those of other states] emergency
8 operations plan.

9 (vii) Assistance to the Commonwealth, regional task
10 forces, elementary and secondary schools and county and
11 local governments and private or nonprofit entities in
12 obtaining, utilizing and managing Federal and
13 [Commonwealth] State disaster assistance.

14 (viii) Supply to appropriate [Commonwealth] State
15 and local officials and regional task forces State
16 catalogs of Federal, [Commonwealth] State and private
17 assistance programs.

18 (ix) [Identification of areas particularly
19 vulnerable to disasters.] Accreditation programs for
20 county and local emergency management programs,
21 Commonwealth emergency management certification programs
22 and qualification standards for appointed emergency
23 management coordinators.

24 (x) Recommendations for zoning, building and other
25 land-use controls; safety measures pertaining to
26 nonpermanent or semipermanent structures; resource
27 conservation and allocation; and other preventive and
28 preparedness measures designed to eliminate or reduce
29 disasters or their impact.

30 (xi) Authorization and procedures for the erection

1 or other construction of temporary works designed to
2 protect against or mitigate danger, damage or loss from
3 flood, conflagration or other disaster[.] in coordination
4 with the Department of Environmental Protection.

5 (1.1) Maintain and keep current the Commonwealth
6 emergency operations plan, the State hazard mitigation plan
7 and other related and supporting plans as necessary or
8 required by Federal or State law or regulation.

9 (2) [To establish] Establish, equip and staff a
10 Commonwealth [and area emergency operations center] Response
11 Coordination Center and a Commonwealth Watch and Warning
12 Center with a consolidated Statewide system of warning and
13 provide a system of disaster communications integrated with
14 those of Federal[, Commonwealth and local] agencies,
15 Commonwealth agencies, regional task forces and political
16 subdivisions involved in disaster emergency operations.

17 (3) [To promulgate] Promulgate, adopt and enforce such
18 rules, regulations, standards, directives and orders as may
19 be deemed necessary to carry out the provisions of this part.

20 (4) [To provide] Provide standards, technical guidance,
21 advice and assistance to Commonwealth agencies, [political
22 subdivisions, schools and custodial child care facilities]
23 regional task forces, county emergency management programs,
24 local emergency management programs, elementary and secondary
25 schools and dependent care facilities in the preparation of
26 [disaster] emergency [management] plans or components thereof
27 [and to periodically review such plans and suggest or require
28 revisions].

29 (5) [To establish and operate or assist political
30 subdivisions in establishing and operating training programs]

1 Establish standards for and assist county emergency
2 management programs, local emergency management programs and
3 regional task forces with operations, training and programs
4 of public information.

5 (6) [To supply] Supply appropriate Commonwealth [and
6 local agencies and officials] agencies, county emergency
7 management programs, local emergency management programs and
8 the general public with precautionary notices, watches and
9 warnings relating to actual and potential disasters and [to]
10 provide a flow of official information and instructions to
11 the general public through all means available before, during
12 and after an emergency. The agency shall [implement] support
13 a program of integrated flood warning systems among political
14 subdivisions[. The agency shall] and establish coordinated
15 flood notification and early warning systems along prescribed
16 major river basins and selected tributaries thereof in this
17 Commonwealth.

18 (7) [To provide] Provide emergency direction and
19 [control] coordination of Commonwealth [and local] emergency
20 operations[.] by overseeing the identification and commitment
21 of all Commonwealth personnel, which includes all members of
22 agency-designated specialized Statewide response teams,
23 equipment and resources through the use of an incident
24 command system. The tactical and operational control of the
25 resources of a Commonwealth agency shall remain with that
26 respective agency.

27 (8) [To determine] Determine the need for, maintain
28 information regarding and procure materials, supplies,
29 equipment, facilities and services necessary for [disaster
30 emergency readiness, response and recovery] preparedness and

1 emergency management.

2 (9) [To make] Make or request of Commonwealth [or local
3 agencies and officials] agencies, county emergency management
4 programs, local emergency management programs or regional
5 task forces, studies, surveys and reports as are necessary to
6 carry out the purposes of this part.

7 (10) [To plan] Plan and make arrangements for the
8 availability and use of any private facilities, services and
9 property and, if necessary and if in fact used, provide for
10 payment for use under terms and conditions agreed upon.

11 (11) [To prepare] Prepare, for issuance by the Governor,
12 executive orders, proclamations and regulations as necessary
13 or appropriate in coping with disasters.

14 (12) [To cooperate] Cooperate with the Federal
15 Government and any public or private agency or entity in
16 achieving any purpose of this part and in implementing
17 programs for [disaster prevention, preparation, response and
18 recovery] preparedness and emergency management.

19 (13) [To administer] Administer grant programs [to
20 political subdivisions for disaster management] and provide
21 grants and other funding assistance subject to availability
22 of appropriated funds.

23 (14) [To accept] Accept and coordinate assistance
24 provided by Federal agencies in major disasters or
25 emergencies in accordance with the provisions of [The Robert
26 T. Stafford Disaster Relief and Emergency Assistance Act
27 (Public Law 93-288, 42 U.S.C. § 5121 et seq.), or any
28 amendment or reenactment thereof.] the Stafford Act.

29 (15) [To] In conjunction with the Department of
30 Environmental Protection, respond to [disaster] disasters

1 relating to [atomic] nuclear or radiological energy
2 operations or radioactive objects or materials. Any such
3 action taken and any regulations adopted by the [office]
4 agency shall be inapplicable to any objects or materials
5 possessing a radiation-producing capacity less than that set
6 forth as the maximum safety limit by the standards endorsed
7 and as may be subsequently endorsed by the United States
8 Nuclear Regulatory Commission or the Environmental Protection
9 Agency for the protection of life and property and the
10 maintenance of health and safety. Action taken and
11 regulations adopted by the agency shall be inapplicable to
12 objects or materials possessing a radiation-producing
13 capacity less than that set forth as the maximum safety limit
14 by the standards endorsed by the United States Nuclear
15 Regulatory Commission or the Environmental Protection Agency
16 for the protection of life and property and the maintenance
17 of health and safety.

18 (16) [To take] Take other action necessary, incidental
19 or appropriate for the implementation of this part.

20 (17) [To report] Report annually to the Governor and the
21 General Assembly the state of preparedness of the
22 Commonwealth to deal with [attack or] disaster and those
23 significant events occurring within the past year.

24 (17.1) Report semiannually to the Governor and the
25 chairperson and minority chairperson of the Appropriations
26 Committee of the Senate and the chairperson and minority
27 chairperson of the Appropriations Committee of the House of
28 Representatives regarding all grants awarded by the agency
29 from Federal disaster assistance or relief funds, homeland
30 security and defense funds, pandemic preparedness or other

1 public health emergency funds. The reports shall include
2 information relating to the entity receiving grant money from
3 the agency, including the name and address of the entity, the
4 amount of the grant, the date of issuance and the purpose of
5 the grant. Reports shall be submitted on or before August 15
6 of each year for grants awarded during the period from
7 January 1 through June 30 and on or before February 15 of
8 each year for grants awarded during the period from July 1
9 through December 31.

10 (18) [To recommend] Recommend to the Governor
11 legislation or other actions as deemed necessary in
12 connection with the purposes of this part.

13 (19) [To provide, from its own stockpiles or other
14 sources, emergency operational equipment, materials and
15 supplies required and available for essential supplementation
16 of those owned, acquired and used by Commonwealth, county and
17 local departments and agencies for attack and disaster
18 operations. The agency shall establish two regional emergency
19 supply warehouses. One shall be located in the western part
20 of this Commonwealth, and one shall be located in the eastern
21 part of this Commonwealth.] Purchase equipment, materials and
22 supplies on behalf of regional task forces, specialized
23 regional response teams, county emergency management programs
24 or local emergency programs in support of preparation,
25 response, mitigation or recovery activities to the extent
26 that funds are available or appropriated for such purpose.

27 (20) For the period during which an emergency is
28 declared by the Governor, [to] incur obligations for or
29 purchase such materials and supplies as may be necessary to
30 combat a disaster, protect the health and safety of persons

1 and property and provide emergency assistance to victims of a
2 disaster without complying with formal bidding or other time-
3 consuming contract procedures.

4 (21) [To require] Require hydroelectric generating
5 facilities and dam operators to [do all of the following:

6 (i) Provide minimum competency testing for their
7 operators.

8 (ii) Submit plans for flood notification and
9 warning.] submit plans for flood notification and warning
10 and provide inundation maps in accordance with direction
11 from the Department of Environmental Protection.

12 (22) Establish policies and procedures to coordinate and
13 implement all search and rescue activities with the Federal
14 Government, other states, other Commonwealth agencies and
15 political subdivisions. The agency may activate and deploy an
16 agency-designated specialized Statewide response team and
17 specialized equipment to disaster emergency or training sites
18 within or outside this Commonwealth for search and rescue,
19 training and other emergency response purposes.

20 (23) Establish and maintain a Statewide incident
21 reporting program and methodology for all-hazards
22 information. All Commonwealth agencies, county emergency
23 management programs, county 911 centers and other entities
24 required to provide all-hazards information to the agency
25 under this part and other State law shall contribute all-
26 hazards information to the system.

27 (24) Assist with the implementation of the National
28 Infrastructure Protection Plan and the Commonwealth critical
29 infrastructure protection plan in coordination with other
30 Commonwealth agencies as designated by the Governor.

1 (25) Conduct all-hazards exercises, as appropriate.

2 § 7314. Utilization of existing services and facilities.

3 In order to avoid duplication of services and facilities, the
4 agency shall utilize the services and facilities of existing
5 officers, offices, departments, commissions, boards, bureaus,
6 institutions and other agencies of the Commonwealth and of the
7 political subdivisions thereof. These officers and agencies
8 shall cooperate with and extend their services and facilities to
9 the agency as requested and consistent with other operational
10 requirements of that agency.

11 § 7320. Radiological emergency [response preparedness, planning
12 and recovery] preparedness and management program.

13 (a) Establishment of program.--In addition to the powers and
14 duties of the agency set forth in section 7313 (relating to
15 powers and duties), the agency shall develop, establish and
16 maintain, in consultation with the Department of Environmental
17 Protection, a standardized, Statewide radiological emergency
18 [response preparedness, planning and recovery] preparedness and
19 management program consistent with the Commonwealth's [Emergency
20 Management Plan] emergency management program and [in
21 accordance] consistent with other applicable Federal regulations
22 and State laws for each nuclear generating facility that has
23 received an operating license from the Nuclear Regulatory
24 Commission.

25 (b) Agency functions.--The specific functions of the agency
26 under the radiological emergency [response preparedness,
27 planning and recovery] preparedness and management program shall
28 include, but not be limited to:

29 (1) Serving as the point of contact for the coordination
30 and management of the Statewide response and provide for

1 interface between the affected [facilities] counties and
2 other Commonwealth agencies [and departments, counties,
3 municipalities], Federal agencies, regional task forces,
4 political subdivisions and school districts.

5 (2) [Annual] Overseeing the annual review and revision,
6 as necessary, of the risk county and support county
7 radiological emergency response plans to ensure that they are
8 consistent with the [Commonwealth's Emergency Management
9 Plan] Commonwealth emergency operations plan.

10 (3) Participation in required exercises, including
11 emergency communication drills and tests[, as based upon
12 mutually agreed schedules and parameters].

13 (4) Participation in the Federal full participation
14 exercises scheduled for commercial nuclear [generation] power
15 stations.

16 (5) Review and revision, as necessary, of [Annex E,
17 "Radiological Emergency Response to Nuclear Power Plant
18 Incidents," of the Commonwealth's Emergency Management Plan]
19 the Commonwealth's nuclear/radiological incident response
20 plan, and support of the annual review by the Department of
21 Environmental Protection of the onsite emergency response
22 plan of each [utility] nuclear power plant licensee to ensure
23 that it is consistent with the [annex] plan.

24 [(6) Seeking formal Federal review and approval of the
25 Commonwealth's Annex E to its Emergency Management Plan and
26 the county, municipal and other plans in accordance with 44
27 CFR Part 350 (relating to review and approval of state and
28 local radiological emergency plans and preparedness). Once
29 Federal approval is obtained for the plans, the agency shall
30 seek to maintain that approval status.]

1 (7) Annual review of municipal and school district
2 radiological emergency response plans in conjunction with the
3 respective county emergency management [agencies to ensure
4 that they are consistent with the applicable county
5 radiological emergency response plans] program.

6 (8) [Assisting in] Overseeing the update of lesson plans
7 used by each [utility] nuclear power plant licensee for
8 county, municipal, school and volunteer agency offsite
9 training purposes [and, to the extent necessary to obtain
10 Federal approval, participation in this training effort] with
11 the objective to standardize training material to the extent
12 possible to support sharing of resources between offsite
13 response organizations.

14 (9) [Annual review of] Review of design changes to the
15 [Alert Notification System Report] alert and notification
16 system for each commercial nuclear [generating] power station
17 [to ensure that current information from the State and county
18 plans are included in the report] and assist in the
19 coordination of siren or other emergency communication tests
20 with each [utility] nuclear power plant licensee, the
21 appropriate counties and adjacent states.

22 (10) Coordinating the review and update of emergency
23 information brochures with the respective counties and
24 [utilities] nuclear power plant licensees.

25 (11) Participation with each [utility] nuclear power
26 plant licensee in planning and program meetings scheduled
27 with [counties, municipalities] political subdivisions,
28 dependent care facilities and school districts.

29 (12) Developing planning and preparedness procedures for
30 emergency response within the ingestion exposure pathway

1 emergency planning zone.

2 (13) Providing a qualified [press secretary] public
3 information officer or designee to participate in the
4 operation of a joint information center upon its activation
5 by a [utility] nuclear power plant licensee.

6 (14) Performing actions necessary to satisfy the
7 Commonwealth's responsibilities relative to Federal guidance
8 memoranda.

9 (15) Providing reasonable assistance and support
10 requested by a [utility] nuclear power plant licensee from
11 time to time in connection with the [utility] nuclear power
12 plant licensee obtaining or maintaining, or both, an
13 emergency plan acceptable to Federal regulatory entities
14 having jurisdiction over the [utility] nuclear power plant
15 licensee.

16 (16) Providing other reasonable assistance and support
17 requested by [utilities] nuclear power plant licensees from
18 time to time.

19 (17) Providing guidance to [State, county and municipal
20 elected officials, departments and agencies and school
21 districts in order] Commonwealth agencies, political
22 subdivisions, CORRECTIONAL FACILITIES, school districts and <--
23 dependent care facilities to ensure compliance with this
24 section and all other applicable Federal and State radiation
25 protection safety laws.

26 (18) [Providing] Coordinating redundant communications'
27 capability between the agency's headquarters and each
28 [nuclear generating] commercial nuclear power station in this
29 Commonwealth sufficient to meet Federal and State regulatory
30 requirements.

1 (c) Establishment of fund.--[There is hereby created in the
2 General Fund a] A nonlapsing restricted receipt account to be
3 known as the Radiological Emergency Response Planning and
4 Preparedness Program Fund is established in the General Fund.
5 [Fees received under subsection (d) shall be deposited in this
6 fund.] Moneys in the fund are hereby appropriated to the agency
7 to carry out its responsibilities under subsections (a) and (b).

8 SECTION 9. TITLE 35 IS AMENDED BY ADDING A SECTION TO READ: <--
9 § 7388. ONLINE TRAINING FOR FIREFIGHTERS.

10 (A) GENERAL RULE.--UNDER SECTION 2413 OF THE ACT OF MARCH 4,
11 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, THE
12 OFFICE OF THE STATE FIRE COMMISSIONER SHALL ESTABLISH GUIDELINES
13 FOR THE USE OF MONEY DEPOSITED INTO THE ONLINE TRAINING EDUCATOR
14 AND TRAINING REIMBURSEMENT ACCOUNT AND DEDICATED FOR THE
15 PURPOSES OF DEVELOPING, DELIVERING AND SUSTAINING TRAINING
16 PROGRAMS FOR FIREFIGHTERS. THE GUIDELINES SHALL PROVIDE THAT THE
17 MONEY BE USED FOR ONLINE TRAINING FOR VOLUNTEER AND CAREER
18 FIREFIGHTERS AND SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING:

19 (1) PARTICIPATION IN THE TRAINING SHALL BE ON A
20 VOLUNTARY BASIS.

21 (2) THE TRAINING SHALL BE OFFERED FREE OF CHARGE.

22 (3) THE TRAINING SHALL BE INCORPORATED INTO THE TRAIN PA
23 SYSTEM.

24 (B) PRIORITIZATION.--IN ESTABLISHING ONLINE TRAINING
25 COURSES, THE COMMISSIONER SHALL PRIORITIZE SPECIFIC TOPICS.

26 (C) CERTIFICATE OF COMPLETION.--THE COMMISSIONER SHALL
27 PROVIDE A CERTIFICATE OF COMPLETION TO AN INDIVIDUAL WHO
28 SUCCESSFULLY COMPLETES AN ONLINE TRAINING PROGRAM.

29 (D) PUBLICATION.--THE OFFICE OF THE STATE FIRE COMMISSIONER
30 SHALL POST A COMPLETE LISTING OF THE AVAILABLE ONLINE TRAINING

1 COURSES ON THE OFFICE'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

2 SECTION 10. SECTION 7416(F) OF TITLE 35 IS AMENDED BY ADDING
3 A PARAGRAPH TO READ:

4 § 7416. FUNDS.

5 * * *

6 (F) USE.--FUNDS OF ANY VOLUNTEER FIREFIGHTERS' RELIEF
7 ASSOCIATION MAY BE SPENT:

8 * * *

9 (18) TO DEFRAY THE COST OF OBTAINING OR RENEWING A
10 COMMERCIAL DRIVER'S LICENSE UNDER 75 PA.C.S. CH. 16 (RELATING
11 TO COMMERCIAL DRIVERS) FOR A VOLUNTEER FIREFIGHTER WHO IS A
12 RESIDENT OF THIS COMMONWEALTH TO OPERATE A FIRE OR EMERGENCY
13 VEHICLE REGISTERED TO THE FIRE DEPARTMENT OR MUNICIPALITY.

14 SECTION 11. SECTIONS 7501, 7502, 7503, 7504, 7511, 7512,
15 7513, 7514 AND 7515 OF TITLE 35 ARE AMENDED TO READ:

16 § 7501. General authority of ~~political~~ [subdivisions] ~~county~~ <--
17 and local SUBDIVISIONS' emergency management <--
18 programs.

19 [(a) Establishing emergency management organization.--Each
20 political subdivision of this Commonwealth is directed and
21 authorized to establish a local emergency management
22 organization in accordance with the plan and program of the
23 Pennsylvania Emergency Management Agency. Each local
24 organization shall have responsibility for emergency management,
25 response and recovery within the territorial limits of the
26 political subdivision within which it is organized and, in
27 addition, shall conduct such services outside of its
28 jurisdictional limits as may be required under this part.]

29 (a.1) Establishing emergency management programs.--No later
30 than two years from the effective date of this subsection, a

1 political subdivision shall establish an emergency management
2 program consistent with the Commonwealth emergency management
3 program within its jurisdictional limits as required by the
4 agency.

5 (b) Declaration of local disaster emergency.--

6 (1) A local disaster emergency may be declared by
7 official action of the governing body OR CHIEF ELECTED <--
8 EXECUTIVE OFFICER of a political subdivision upon finding a
9 disaster emergency has occurred or is imminent. [The <--
10 governing body of a political subdivision may authorize the
11 {mayor or other} chief elected executive officer to declare a <--
12 local disaster emergency subject to ratification by official <--
13 action of the governing body.] <--

14 (2) The [declaration] declared disaster emergency shall
15 be issued by executive order or proclamation and shall
16 continue until the governing body or the chief elected
17 executive officer, as the case may be, finds that the threat
18 or danger has passed or the disaster has been dealt with to
19 the extent that emergency conditions no longer exist.

20 (3) A declared disaster emergency shall not be
21 [continued or] renewed for a period in excess of [seven] 30
22 days except by [or with the consent] official action of the
23 governing body of the political subdivision. [ANY ORDER OR <--
24 PROCLAMATION DECLARING, CONTINUING OR TERMINATING A LOCAL
25 DISASTER EMERGENCY SHALL BE GIVEN PROMPT AND GENERAL
26 PUBLICITY AND SHALL BE FILED PROMPTLY WITH THE AGENCY.]

27 (4) All executive orders or proclamations issued under
28 this subsection shall indicate the nature of the disaster
29 emergency, the area or areas threatened and the conditions
30 which have brought the disaster emergency about or which make

1 possible termination of the declared disaster emergency.

2 ~~(5) Any order or proclamation declaring, continuing or~~ <--
3 ~~terminating a [local] county disaster emergency shall be~~
4 ~~given prompt and general publicity and shall be filed~~
5 ~~promptly with the agency.~~

6 ~~(6) (5) An order or proclamation declaring, continuing~~ <--
7 ~~or terminating a municipal LOCAL disaster emergency BY A~~ <--
8 ~~POLITICAL SUBDIVISION shall be given prompt and general~~
9 ~~publicity and shall be filed promptly with the agency through~~
10 ~~the appropriate county emergency management program.~~

11 ~~(7) (6) The effect of a declaration of a local disaster~~ <--
12 ~~emergency is to activate the response and recovery aspects of~~
13 ~~any and all applicable local emergency [management] plans and~~
14 ~~to authorize the furnishing of aid and assistance thereunder.~~

15 (c) Contracts and obligations.--In carrying out the
16 provisions of this part, each political subdivision shall have
17 the power to enter into contracts and incur obligations
18 necessary to manage the disaster emergency [management, response
19 and recovery].

20 (d) Temporary suspension of formal requirements.--Each
21 political subdivision included in a declaration of disaster
22 emergency declared by either the Governor or the governing body
23 or chief elected executive officer of the political subdivision
24 affected by the disaster emergency is authorized to exercise the
25 powers vested under this section in the light of the exigencies
26 of the emergency situation without regard to time-consuming
27 procedures and formalities prescribed by law [(excepting
28 mandatory constitutional requirements)], excepting
29 constitutional requirements, pertaining to the performance of
30 public work, entering into contracts, the incurring of

1 obligations, the employment of temporary workers, the rental of
2 equipment, the purchase of supplies and materials, the levying
3 of taxes and the appropriation and expenditure of public funds.

4 (e) Employment of personnel.--In order to meet prescribed
5 requirements for eligibility to receive Federal contributions
6 authorized under the provisions of the Federal Civil Defense Act
7 of 1950 (64 Stat. 1245, 50 U.S.C. App. § 2251 et seq.) or any
8 amendment or reenactment thereof, political subdivisions are
9 authorized to avail themselves of services offered by the State
10 Civil Service Commission under the provisions of the act of
11 August 5, 1941 (P.L.752, No.286), known as the ["Civil Service
12 Act,"] Civil Service Act, in connection with the employment of
13 personnel in [local organizations] ~~a county emergency management~~ <--
14 ~~program or a local~~ POLITICAL SUBDIVISION'S emergency management <--
15 program established pursuant to the provisions of this part.

16 (f) Intergovernmental cooperation.--Notwithstanding the
17 provisions of 53 Pa.C.S. § 2302 (relating to definitions), two
18 or more municipalities POLITICAL SUBDIVISIONS may jointly <--
19 cooperate in the establishment of an emergency management
20 program in conformance with the provisions of 53 Pa.C.S. Ch. 23
21 Subch. A (relating to intergovernmental cooperation) and in
22 conformance with standards established by the agency.

23 § 7502. [Local coordinator of emergency management] County and
24 local emergency management coordinators.

25 (a) General rule.--[Each local organization of emergency
26 management shall have] Each county emergency management program
27 and each local emergency management program shall appoint a
28 coordinator who shall be responsible for the planning,
29 administration and operation of the [local organization]
30 respective emergency management program subject to the direction

1 and control of the chief elected executive officer [or] and
2 governing body. The duties of and continuing education and
3 certification standards for a coordinator or any individual that
4 seeks to be certified by the Commonwealth at any level of
5 emergency management shall be prescribed by the agency. In
6 addition to the qualifications under this section, the agency
7 shall prescribe other qualifications for the appointment of
8 coordinators as it deems necessary.

9 (a.1) Certification refusal.--The agency shall refuse to
10 certify an individual as an emergency manager for incompetence,
11 dishonesty or commitment of a felony or an offense involving
12 moral turpitude under Federal, State or local laws or
13 ordinances.

14 (A.2) BACKUP COORDINATOR.--TO THE GREATEST EXTENT POSSIBLE, <--
15 EACH COUNTY EMERGENCY MANAGEMENT PROGRAM AND LOCAL EMERGENCY
16 MANAGEMENT PROGRAM SHALL HAVE A BACKUP COORDINATOR.

17 (b) County coordinator.--[A coordinator shall be appointed
18 in all counties with approval of the director of the agency. The
19 executive officer or governing body of the county shall
20 recommend a coordinator whose recommendation must be endorsed by
21 the director of the agency prior to appointment by the Governor.
22 Upon failure of the executive officer or governing body of the
23 county to make a recommendation of a person for coordinator
24 within the time fixed by the agency, the Governor is authorized
25 to appoint a coordinator based upon the recommendation of the
26 director of the agency.]

27 (1) The chief elected executive officer of each county
28 shall appoint a coordinator of the county emergency
29 management program within 90 days of a vacancy.

30 (2) A temporary or acting coordinator shall be appointed

1 by the chief elected executive officer, and the agency shall
2 be notified of the appointment within 24 hours of a vacancy.
3 At no time shall the coordinator position remain vacant for
4 more than 24 hours.

5 (3) The coordinator [of the county organization] shall
6 not be assigned any duties that will [conflict] interfere
7 with [his duty] the duties as coordinator.

8 (c) [Local level.--At the local level, the coordinator shall
9 be appointed by the Governor upon the recommendation of the
10 executive officer or governing body of the political
11 subdivision. Upon the failure of the executive officer or
12 governing body of a political subdivision to make a
13 recommendation to the Governor of a candidate for coordinator
14 within the time fixed by the agency, the Governor is authorized
15 to appoint a coordinator without any recommendation. A candidate
16 for coordinator for two or more political subdivisions may be
17 recommended to the Governor for appointment upon agreement by
18 resolution of the governing bodies of such political
19 subdivisions. Any other law notwithstanding, a local government
20 official may be recommended for appointment.] Local
21 coordinators.--

22 (1) The chief elected executive officer of a
23 municipality with a local emergency management program shall
24 appoint a coordinator and provide written notice to the
25 county where the local emergency management program is
26 located within 30 days following his appointment.

27 (2) A temporary or acting coordinator shall be appointed
28 by the chief elected executive officer and the county shall
29 be notified of the appointment within 24 hours of a vacancy.
30 At no time shall the coordinator position remain vacant for

1 more than 24 hours, and a temporary or acting coordinator may
2 only serve for a period of 90 days unless otherwise appointed
3 as a coordinator under paragraph (1).

4 (3) Notwithstanding any other provision of law, a local
5 government official may be appointed as a coordinator under
6 this subsection, provided that the official complies with the
7 qualifications for appointment prescribed by the agency as
8 contained in this section.

9 (d) Qualifications and removal.--[The]

10 (1) A coordinator shall be professionally competent and
11 capable of planning, effecting coordination among operating
12 agencies of government and controlling coordinated operations
13 by local emergency preparedness forces.

14 (2) (i) ~~An appointing authority~~ THE CHIEF ELECTED <--
15 EXECUTIVE OFFICER OR THE GOVERNING BODY OF THE POLITICAL
16 SUBDIVISION shall remove a coordinator for incompetence,
17 dishonesty or commitment of a felony or an offense
18 involving moral turpitude under Federal, State or local
19 laws or ordinances.

20 (ii) A county or local coordinator serves at the
21 pleasure of the ~~appointing authority~~ CHIEF ELECTED <--
22 EXECUTIVE OFFICER and may be removed for any reason.

23 (iii) A county or local coordinator or an individual
24 that has been certified by the Commonwealth as an
25 emergency manager may be removed or decertified by the
26 agency for failure to meet agency-prescribed training and
27 certification standards.

28 (e) In-service training.--Each coordinator appointed
29 [coordinator] under this section shall:

30 (1) [Attend and successfully complete the first phase of

1 the career development program as prescribed by the agency
2 within one year after appointment.] Successfully complete the
3 basic certification program of the agency no later than one
4 year after appointment.

5 (2) [Attend and successfully complete the second phase
6 of the career development program as prescribed by the agency
7 within three years after appointment.] Successfully complete
8 the advanced certification program of the agency no later
9 than three years after appointment.

10 (3) Attend basic and advanced seminars, workshops and
11 training conferences [called] required by the [State director
12 and/or official having responsibility for providing the
13 coordinator with in-service training.] agency.

14 (4) Meet the training, continuing education,
15 certification and qualification requirements prescribed by
16 and within the time frames established by the agency.

17 [Failure to attend the instruction described in this subsection
18 or failure to attend a prescribed training conference for a
19 period of two consecutive years shall be cause for replacement.
20 The State Director of Emergency Management may grant credit
21 toward meeting the requirements of this subsection to appointed
22 local coordinators on the basis of prior experience and
23 training.]

24 (e.1) Credit.--At the discretion of the director, a
25 coordinator may receive credit toward meeting the requirements
26 of subsection (e) on the basis of prior experience and training
27 of the coordinator.

28 (f) Responsibility for training.--Responsibility for the
29 professional in-service training of each coordinator rests with
30 each successive higher [political subdivision] emergency

1 management program than the one in which the coordinator is
2 functioning.

3 (g) Expenses.--[Each appointed] The county, municipality <--
4 POLITICAL SUBDIVISION or council of governments served by the <--
5 coordinator shall reimburse the coordinator [shall be
6 reimbursed] for actual expenses incurred in the performance of
7 his duties and attendance at scheduled meetings[.], exercises
8 and required training as prescribed by the agency, county, <--
9 municipality POLITICAL SUBDIVISION or council of governments. <--

10 § 7503. Powers and duties of [political subdivisions] county
11 and local emergency management programs.

12 (a) General rule.--Each [political subdivision shall, either
13 individually or pursuant to the provisions of the act of July
14 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental
15 Cooperation Law, adopt an Intergovernmental Cooperation
16 agreement with other political subdivisions to:] county
17 emergency management program and each local emergency management
18 program shall:

19 (1) Prepare, maintain and keep current [a disaster], as
20 specified by the agency, emergency management [plan for the
21 prevention and minimization of injury and damage caused by
22 disaster, prompt and effective response to disaster and
23 disaster emergency relief and recovery in consonance with the
24 Pennsylvania Emergency Management Plan] plans.

25 (2) Establish, equip and staff an emergency operations
26 center, consolidated with warning and communication systems
27 to support government operations in emergencies and provide
28 other essential facilities and equipment for agencies and
29 activities assigned emergency functions in accordance with
30 agency directives.

1 (3) Provide individual and organizational training
2 programs to [insure] ensure prompt, efficient and effective
3 disaster emergency services.

4 (4) Organize, prepare and coordinate all locally
5 available manpower, materials, supplies, equipment,
6 facilities and services necessary for response to disaster
7 [emergency readiness, response and recovery] emergencies.

8 (5) Adopt and implement precautionary measures to
9 mitigate the anticipated effects of disaster.

10 (6) Execute and enforce such rules and orders as the
11 agency shall adopt and promulgate under the authority of this
12 part.

13 (7) Cooperate and coordinate with any public [and] or
14 private agency or entity in achieving any purpose of this
15 part.

16 (8) Have available for inspection at its emergency
17 operations center all emergency management plans, rules and
18 orders of the Governor and the agency.

19 (9) Provide prompt and accurate information regarding
20 local disaster emergencies to appropriate Commonwealth and
21 local officials and agencies and the general public.

22 (10) Participate in [all] tests, drills and exercises,
23 including remedial drills and exercises, scheduled by the
24 agency or by the Federal Government.

25 (11) Participate in the program of integrated flood
26 warning systems under section 7313(6) (relating to powers and
27 duties).

28 (b) County emergency management program.--A county shall
29 develop, maintain and manage its emergency management program
30 and capabilities as prescribed by the agency. The program shall

1 include the following:

2 (1) Coordinating resource management to ensure that
3 county and appropriate municipal resources are properly
4 organized, trained and equipped and have adequate plans to
5 safely and effectively accomplish assigned missions.

6 (2) Maintaining a countywide listing of county and
7 municipal resources.

8 (3) Providing updated resource management information to
9 the agency upon request.

10 (4) Implementing and coordinating the county's National
11 Incident Management System compliance activities.

12 (5) Monitoring progress by municipalities within the
13 county in National Incident Management System implementation
14 and providing assistance where feasible.

15 (6) Following reporting protocols established by the
16 agency.

17 (7) Developing and implementing county plans, policies
18 and procedures that are current with Commonwealth directives,
19 requirements, plans and templates.

20 (8) Preparing and maintaining a county hazard
21 vulnerability analysis that incorporates all municipal
22 hazards.

23 (9) Coordinating and monitoring planning activities by
24 municipalities within the county and providing assistance
25 where feasible.

26 (10) Providing training to staff of local emergency
27 management programs and municipalities within the county.

28 (11) ~~Maintaining~~ ACQUIRING training records for
29 coordinators of local emergency management programs within
30 the county.

<--

1 (12) Submitting certification documentation to the
2 agency for county staff and staff of municipalities within
3 the county.

4 (13) Coordinating emergency communications by doing the
5 following:

6 (i) Encouraging optimal communication and
7 coordination between the local emergency management
8 programs within the county and public safety answering
9 points in accordance with applicable State law.

10 (ii) Establishing and managing a county emergency
11 operations center using the National Incident Management
12 System.

13 (iii) Coordinating and cooperating with local
14 emergency management programs within the county and other
15 relevant organizations and entities for interoperable
16 emergency communications.

17 (14) Participating in continuity of county government
18 and continuity of county operations planning and ensuring
19 that county planning is consistent with Statewide and
20 regional plans.

21 (15) Developing, maintaining and executing an exercise
22 and evaluation program in accordance with agency directives
23 and the Federal Homeland Security Exercise and Evaluation
24 Program or its successor program.

25 (16) Participating in planning for continuity of
26 municipal government and continuity of municipal operations
27 and providing assistance UPON REQUEST where feasible.

<--

28 (17) Coordinating the delivery of citizen education
29 programs and supplementing materials as necessary.

30 (18) Coordinating the delivery of awareness and

1 education programs for county and municipal elected officials
2 on preparedness and emergency management topics.

3 (19) Participating in regional task force activities as
4 appropriate.

5 (20) Supporting the implementation of the National
6 Infrastructure Protection Plan and the Commonwealth critical
7 infrastructure protection plan.

8 (21) Seeking and promoting opportunities to improve the
9 efficiency of emergency preparedness and response through
10 regionalization of services as appropriate.

11 (22) Advising county officials in matters related to
12 disaster preparedness and response.

13 (23) Reviewing emergency plans and emergency operations
14 plans developed by municipalities, ~~dependent care facilities~~ <--
15 and other entities located within the county that are
16 required by law or regulation to develop and maintain an
17 emergency plan. The coordinator shall provide an annual
18 report to the agency on or before March 1 of each year
19 describing the status of the plans reviewed under this
20 paragraph. This paragraph includes review of emergency plans
21 for nuclear reactors that are subject to regulation by the
22 Nuclear Regulatory Commission.

23 (24) Coordinating the development and ~~maintenance~~ <--
24 ENGAGEMENT of a countywide animal rescue capability <--
25 consistent with standards and guidelines established by the
26 agency in conjunction with the Department of Agriculture and
27 the Pennsylvania State Animal Response Team. The coordinator
28 shall engage a county animal response team, if one exists, in
29 planning activities OR UTILIZE MUTUAL AID TO ENGAGE A COUNTY <--
30 ANIMAL RESPONSE TEAM WHERE APPROPRIATE.

1 (c) Local emergency management program.--A ~~municipality~~ <--
2 POLITICAL SUBDIVISION required to establish a local emergency <--
3 management program under section 7501 (relating to general
4 authority of ~~county and local~~ POLITICAL SUBDIVISIONS' emergency <--
5 management programs) shall develop, maintain and manage programs
6 and capabilities as prescribed by the agency that shall include,
7 but not be limited to, the following:

8 (1) Coordinating resource management to ensure that
9 appropriate ~~municipal~~ LOCAL resources are properly organized, <--
10 trained and equipped and have adequate plans to safely and
11 effectively accomplish the assigned missions.

12 (2) Maintaining a current list of municipal resources.

13 (3) Providing updated resource management information to
14 the county emergency management program where the
15 ~~municipality~~ POLITICAL SUBDIVISION is located and to the <--
16 county 911 center upon request.

17 (4) Coordinating the ~~municipality's~~ POLITICAL <--
18 SUBDIVISION'S National Incident Management System compliance
19 activities.

20 (5) Following reporting protocols established by the
21 county emergency management program where the county 911
22 centers and the ~~municipality~~ POLITICAL SUBDIVISION are <--
23 located.

24 (6) Developing and implementing municipal plans,
25 policies and procedures in consultation with law enforcement,
26 fire and emergency personnel and medical service providers
27 that are consistent with Commonwealth and county strategies,
28 requirements, plans and templates.

29 (7) Preparing and maintaining a municipal hazard
30 vulnerability analysis.

1 (8) Providing training for staff of the local emergency
2 management program and maintaining training records and
3 certification documentation. TRAINING RECORDS SHALL BE <--
4 PROVIDED TO THE COUNTY UPON REQUEST.

5 (9) Coordinating emergency communications by doing the
6 following:

7 (i) Establishing and managing a municipal emergency
8 operations center in compliance with the National
9 Incident Management System.

10 (ii) Coordinating and cooperating with the county
11 emergency management program where the ~~municipality~~ <--
12 POLITICAL SUBDIVISION is located and other relevant <--
13 organizations and entities for interoperable emergency
14 communications.

15 (10) Participating in continuity of ~~municipal~~ LOCAL <--
16 government and continuity of ~~municipal~~ LOCAL operations <--
17 planning.

18 (11) Coordinating the delivery of citizen education
19 programs by the ~~municipality~~ POLITICAL SUBDIVISION and <--
20 supplementing materials as necessary.

21 (12) Coordinating the delivery of awareness and
22 education programs by the ~~municipality~~ POLITICAL SUBDIVISION <--
23 for ~~municipal~~ LOCAL elected officials for preparedness and <--
24 emergency management topics.

25 (13) Participating in county and, as appropriate,
26 regional emergency preparedness task force activities.

27 (14) Supporting the implementation of the National
28 Infrastructure Protection Plan and the Commonwealth critical
29 infrastructure protection plan.

30 (15) Seeking and promoting opportunities to improve the

1 efficiency of preparedness and emergency management through
2 regionalization of services as appropriate.

3 (16) Advising municipal officials in matters related to
4 disaster preparedness and emergency management.

5 (17) Reviewing emergency management plans and programs
6 developed by elementary and secondary schools, dependent care
7 facilities and other entities located within the municipality <--
8 POLITICAL SUBDIVISION that are required by law or the <--
9 Commonwealth to develop and maintain preparedness and
10 emergency management capabilities. The coordinator shall
11 provide an annual report to the coordinator of the county
12 emergency management program where the municipality POLITICAL <--
13 SUBDIVISION is located on or before September 1 of each year
14 describing the status of the plans reviewed under this
15 paragraph. This paragraph includes review of emergency plans
16 for nuclear reactors that are subject to regulation by the
17 Nuclear Regulatory Commission.

18 § 7504. Coordination[,] and assistance [and mutual aid].

19 (a) Responsibility for direction and coordination.--
20 Direction of disaster emergency management services is the
21 responsibility of the lowest level of government affected. When
22 two or more [political subdivisions] MUNICIPALITIES within a <--
23 county are affected, the county organization shall exercise
24 responsibility for coordination and support to the area of
25 operations. When two or more counties are involved, coordination
26 shall be provided by the agency or by area organizations
27 established by the agency.

28 (b) Assistance from higher government unit.--When all
29 appropriate locally available forces and resources are fully
30 committed by the affected political subdivision, assistance from

1 a higher level of government shall be provided. Regional task
2 forces may assist in the coordination efforts and provision of
3 resources.

4 [(c) Municipal mutual aid agreements.--County and local
5 coordinators of emergency management shall develop mutual aid
6 agreements with adjacent political subdivisions for reciprocal
7 emergency assistance. The agreements shall be consistent with
8 the plans and programs of the agency. In disaster emergencies,
9 requests for mutual aid assistance shall be referred to the
10 organization having responsibility for coordination as specified
11 in subsection (a) and in time of emergency it shall be the duty
12 of each local organization to render assistance in accordance
13 with the provisions of the mutual aid agreements.

14 (d) Interstate mutual aid arrangements.--The coordinator of
15 each local organization may, subject to approval of the
16 Governor, enter into mutual aid arrangements with similar
17 agencies or organizations in other states for reciprocal
18 disaster emergency services.

19 (e) Ratification of agreements.--Mutual aid agreements shall
20 be ratified by the governing bodies of the political
21 subdivisions involved.

22 (f) Control of outside support forces.--Support forces
23 furnished political subdivisions from outside its jurisdiction
24 shall be under the operational control of the department, agency
25 or office furnishing the force.]

26 § 7511. Appropriations by political subdivisions.

27 (a) [General rule.--Every political subdivision shall have
28 the power to] Power.--

29 (1) A political subdivision may make appropriations for
30 the payment of expenses [of the local organization] for

1 preparedness and emergency management activities PLANS in the <--
2 manner provided by law for making appropriations for the
3 ordinary expenses of the political subdivision.

4 (2) In making appropriations, the political subdivision
5 shall specify the amounts and purposes for which the moneys
6 appropriated may be used [by the organization to or for which
7 such appropriation may be made].

8 (b) Two or more local [organizations] emergency management
9 programs or county emergency management programs.--

10 (1) Nothing in this subchapter or any other provision of
11 this part shall be deemed to limit the power of any political
12 subdivision to appropriate money for the purpose of paying
13 the expenses of a local [organization] emergency management
14 program or a county emergency management program having
15 jurisdiction both within and without the political
16 subdivision even though an appropriation has been or is to be
17 made to another local [organization] emergency management
18 program or another county emergency management program
19 coterminous with or having jurisdiction within the political
20 subdivision.

21 (2) Payments on account of an appropriation under this
22 subsection shall be made pursuant to an agreement under
23 section 7513 (relating to agreements among political
24 subdivisions) or in the form of a gift or grant to the
25 political subdivision responsible in the first instance for
26 the payment of bills and claims against the local
27 [organization] emergency management program or the county
28 emergency management program, as the case may be, for the
29 payment of the expenses for which the appropriation was made.

30 § 7512. Law applicable to local [organizations] emergency

1 management programs and county emergency management
2 programs.

3 [(a) General rule.--]Where the jurisdiction of the local
4 [organization] emergency management program or the county
5 emergency management program is coterminous with the political
6 subdivision making an appropriation for the payment of the
7 expenses, the local [organization] emergency management program
8 or the county emergency management program, as the case may be,
9 shall be deemed an agency, board or commission of the political
10 subdivision, subject to all of the laws governing the making of
11 contracts or purchases, the employment of persons or otherwise
12 incurring financial obligations which apply to the political
13 subdivision.

14 [(b) Second class townships.--No purchase or purchases shall
15 be made, no contract entered into and no expenses incurred by
16 any local organization which involves the payment of more than
17 \$25 out of the treasury of any second class township unless the
18 proposed expenditure has been approved in writing by the
19 township supervisors. If any purchase or contract is made or
20 other expenses incurred contrary to the provisions of this
21 subsection, the township shall not be responsible for the
22 payment thereof but the person acting for the local organization
23 in the transaction shall be personally liable for the payment.]

24 § 7513. Agreements among political subdivisions.

25 (a) [General rule.--] Duty to enter into agreements.--

26 (1) Where a local [organization] emergency management
27 program or a county emergency management program has
28 jurisdiction in an area including all or parts of more than
29 one political subdivision which does not include the whole
30 area of any county, the political subdivisions, all or part

1 of which lie within the jurisdiction of the [organization]
2 local emergency management program or the county emergency
3 management program, as the case may be, shall, before paying
4 any expenses of the [organization] local emergency management
5 program or the county emergency management program, enter
6 into an agreement designating one of the political
7 subdivisions as the agent of each of them for the purpose of
8 paying the expenses of the local [organization.] emergency
9 management program or the county emergency management
10 program.

11 (2) The agreement shall [also set forth]:

12 (i) Specify the proportionate share of the expenses
13 of the [organization] local emergency management program
14 or the county emergency management program, as the case
15 may be, to be paid by each political subdivision party to
16 the agreement and an estimate of the amount required to
17 be appropriated by each of them for the purpose of paying
18 the expenses. [The agreement shall be effective]

19 (ii) Take effect when approved by [the corporate
20 authorities of each of the political subdivisions by a
21 majority vote and each of the subdivisions shall
22 thereupon] official action of the governing body of each
23 of the political subdivisions and each of the political
24 subdivisions shall then make an appropriation pursuant to
25 section 7511 (relating to appropriations by political
26 subdivisions) sufficient to pay its share of the expenses
27 of the [organization] local emergency management program
28 or the county emergency management program, as the case
29 may be.

30 (b) Counties.--Where the local [organization] emergency

1 management program or the county emergency management program
2 has jurisdiction in an area including the whole area of one or
3 more counties which is not coterminous with any one county,
4 before paying any expenses of the [organization] local emergency
5 management program or the county emergency management program,
6 as the case may be, the counties, all or part of which lie
7 within the jurisdiction of the [organization] local emergency
8 management program or the county emergency management program,
9 shall enter into an agreement in the manner and form provided in
10 subsection (a) and with like effect, and no other political
11 subdivision lying within the jurisdiction of the [organization]
12 local emergency management program or the county emergency
13 management program, as the case may be, shall be a party to the
14 agreement.

15 § 7514. Payments involving one political subdivision.

16 (a) [General rule.--] Warrant or order required.--

17 (1) All bills or claims to be paid from any
18 appropriation made by a political subdivision coterminous
19 with the local [organization] emergency management program or
20 the county emergency management program, after first being
21 approved by the local [organization] emergency management
22 program or the county emergency management program or an
23 appropriate officer thereof designated for that purpose,
24 shall be paid from the treasury of the political subdivision
25 only upon the warrant or order of the officer or officers of
26 the political subdivision designated by law to approve or
27 countersign warrants or orders for the payment of the
28 ordinary expenses of the political subdivision, and shall be
29 subject to audit in the same manner as other financial
30 transactions of the political subdivision.

1 (2) In each case, the officer or officers shall have the
2 same power to approve or disapprove as they have in case of
3 warrants for ordinary expenses of the political subdivision,
4 and no warrant or order for the payment thereof shall be
5 issued without the approval.

6 (b) Gift or grant of money.--Any gift or grant of money made
7 to the local [organization] emergency management program or the
8 county emergency management program or to the political
9 subdivision for the payment of expenses incurred or to be
10 incurred by or for the [organization] local emergency management
11 program or the county emergency management program, as the case
12 may be, shall be deposited in the treasury of the political
13 subdivision and shall be appropriated by the political
14 subdivision for the purpose for which the gift or grant was
15 made, and any bills or claims to be paid from the gift or grant
16 shall be paid in the manner provided in this subchapter for the
17 payment of other bills and claims against the political
18 subdivision.

19 § 7515. Payments involving two or more political subdivisions.

20 (a) General rule.--Where two or more political subdivisions
21 have entered into an agreement as provided by section 7513
22 (relating to agreements among political subdivisions), all bills
23 and claims for expenses incurred by or for the local
24 [organization] emergency management program or the county
25 emergency management program shall thereafter be paid in the
26 first instance by the political subdivision named as agent in
27 the agreement in the manner provided in section 7514 (relating
28 to payments involving one political subdivision) as though the
29 [organization] local emergency management program or the county
30 emergency management program, as the case may be, were

1 coterminous with the political subdivision[, and the
2 organization]. The local emergency management program or the
3 county emergency management program, as the case may be, shall
4 be subject to all of the laws governing the making of contracts
5 or purchases, the employment of persons or otherwise incurring
6 financial obligations which apply to the political subdivision.

7 (b) Accounting by agent.--The political subdivision
8 designated as agent shall, not later than the fifteenth day of
9 each month, submit an itemized account of the expenses of the
10 [organization] local emergency management program or the county
11 emergency management program paid by it during the preceding
12 calendar month to each of the other political subdivisions party
13 to the agreement, together with a request for reimbursement of
14 the proportionate share of expenses agreed to be paid by each of
15 the other political subdivisions.

16 (c) Reimbursement of agent.--

17 (1) Each political subdivision requested to make
18 reimbursement shall do so within 30 days after the request
19 from the appropriation made for the payment of the expenses
20 of the [organization and, in] local emergency management
21 program or the county emergency management program. In the
22 event [of failure] the political subdivision fails to do so,
23 mandamus shall lie to compel the officers of the political
24 subdivision to pay the agreed-upon proportionate share of the
25 proper expenses of the [organization] local emergency
26 management program or the county emergency management program
27 out of the first moneys thereafter in the treasury of the
28 political subdivision and not previously pledged to any other
29 purpose.

30 (2) No political subdivision may be compelled to pay for

1 any one year an amount greater than the amount estimated in
2 the agreement as its proportionate share.

3 (3) Any payment made by any political subdivision to the
4 political subdivision named as agent in the agreement for
5 reimbursement for the payment of the expenses of the
6 [organization] local emergency management program or the
7 county emergency management program shall be credited by the
8 agent political subdivision to the appropriation made by it
9 for the payment of the expenses of the [organization] local
10 emergency management program or the county emergency
11 management program and shall be available for the payment of
12 future expenses of the [organization] local emergency
13 management program or the county emergency management
14 program, as the case may be, without further appropriation or
15 action by the agent political subdivision.

16 (d) Gift or grant of money.--

17 (1) Any gift or grant of money made to or for the local
18 [organization] emergency management program or the county
19 emergency management program, if made to a political
20 subdivision, shall be deposited in its treasury and be
21 appropriated by it for the purpose for which the gift or
22 grant was made and the political subdivision shall notify the
23 political subdivision named as agent in the agreement of the
24 appropriation and the purpose for which it is available.

25 (2) If the gift or grant of money is made to the
26 [organization] local emergency management program or the
27 county emergency management program, it shall be deposited in
28 the treasury of the political subdivision named as agent in
29 the agreement and shall be appropriated by the political
30 subdivision for the purpose for which the gift or grant was

1 made.

2 (3) Any expenditure made by the agent political
3 subdivision from any gift or grant deposited in its treasury
4 or reimbursed from any gift or grant deposited in the
5 treasury of any other political subdivision shall not be
6 included in computing the reimbursement requested from any
7 other political subdivision under the agreement.

8 Section ~~6~~ 12. Chapter 75 of Title 35 is amended by adding a <--
9 subchapter to read:

10 SUBCHAPTER C

11 REGIONAL ALL-HAZARDS PREPAREDNESS

12 AND EMERGENCY MANAGEMENT

13 Sec.

14 7521. Regional task forces.

15 7522. Specialized regional response teams.

16 7523. (Reserved).

17 7524. Specialized Statewide response teams.

18 7525. Grant program.

19 7526. Workers' compensation premiums.

20 § 7521. Regional task forces.

21 (a) Establishment.--The agency, in coordination with
22 Commonwealth agencies as designated by the Governor, county and
23 local emergency management programs, health, law enforcement,
24 public safety and volunteer organizations and other officials
25 and representatives from dedicated emergency response
26 organizations, private business and industry, institutions of
27 higher education, hospitals and medical care facilities, <--

28 WHOLESALE DISTRIBUTORS OF PRESCRIPTION MEDICATIONS AND MEDICAL
29 SUPPLIES and other entities responsible for the health, safety
30 and welfare of the ~~residents of~~ PEOPLE WITHIN this Commonwealth <--

1 shall establish regional task forces throughout this
2 Commonwealth.

3 (b) Organization.--

4 (1) Each regional task force shall be a cooperative
5 effort among the counties within the designated region. Each
6 regional task force shall be governed by an executive board
7 comprised of the county coordinator from each county or other
8 county official appointed by the county within the task force
9 region, and one member from each of the following emergency
10 management communities: health, law enforcement, fire and
11 emergency medical services (EMS), to be chosen in a manner
12 determined by the regional task force.

13 (2) Each regional task force shall designate for
14 purposes of contract and grant administration, by majority
15 vote of the executive board as a:

- 16 (i) designated county model;
17 (ii) distributed funds model; or
18 (iii) regional county model.

19 (3) The following apply for a designated county model:

20 (i) Notwithstanding any provision in 53 Pa.C.S. Ch.
21 23 (relating to general provisions), the member counties
22 may organize their regional task force as a council of
23 governments under 53 Pa.C.S. Ch. 23 Subch. A (relating to
24 intergovernmental cooperation). In lieu of establishing a
25 council of governments, the governing bodies of member
26 counties must enter into an intergovernmental cooperation
27 agreement to carry out this subsection.

28 (ii) The regional task force executive board shall
29 designate one of its member counties as its agent
30 responsible for entering into contracts and grant

1 agreements, and administering any funds, grants or
2 expenses of the regional task force. The regional task
3 force shall be subject to all of the laws governing the
4 making of contracts or purchases, the employment of
5 persons or otherwise incurring financial obligations,
6 which apply to the designated member county.

7 (iii) Either a joint resolution establishing a
8 council of governments or an intergovernmental
9 cooperation agreement fully executed by the governing
10 bodies of member counties must be received by the agency
11 prior to the release of contract or grant funds to the
12 designated agent member county.

13 (4) The following apply for a distributed funds model:

14 (i) The agency shall enter into contracts and grant
15 agreements with each of the member counties
16 individually. Each task force member county is
17 responsible for administering funds, grants or expenses
18 incurred. Each individual member county shall be
19 responsible for the laws governing the making of
20 contracts or purchases, the employment of persons or
21 otherwise incurring financial obligation individual to
22 the county.

23 (ii) Notwithstanding any provision in 53 Pa.C.S. Ch.
24 23, the member counties may organize their regional task
25 force as a council of governments under 53 Pa.C.S. Ch. 23
26 Subch. A.

27 (5) The following apply for a regional county model:

28 (i) The agency shall enter into cooperative
29 contracts and grant agreements with the regional task
30 force. Each regional task force member county will be

1 represented in a cooperative contract or grant agreement
2 and responsible for executing the contract or grant
3 agreement on behalf of the member county it represents in
4 the region.

5 (ii) The agency will distribute funds to one
6 regional task force member county or to each regional
7 task force county as outlined in a cooperative contract
8 or grant agreement, as required.

9 (iii) Each county will be responsible for regional
10 task force expenditure of grant funds and purchases that
11 are maintained, delivered or reside in the respective
12 regional task force county.

13 (iv) An intergovernmental cooperation agreement
14 fully executed by the governing bodies of the regional
15 task force member counties must be received by the agency
16 prior to the release of contract or grant funds to one
17 regional task force member county rather than to each
18 regional task force member county individually.

19 (c) Agency authority.--The agency has the authority to enter
20 into contract and grant agreements with qualified entities other
21 than single or multiple entity contract and grant administrators
22 to the extent permitted by Federal law, regulations and
23 guidance.

24 (d) Plans.--All regional task forces, regardless of
25 designation, shall coordinate and develop a regional plan that
26 addresses regional, State and national priorities and national
27 preparedness goals and that encompasses the comprising counties
28 in accordance with subsection (e) and guidelines developed by
29 the agency. The agency shall review and accept each plan in a
30 timely manner, but no later than 90 days after receipt of the

1 plan by the agency. The task force shall review and update the
2 plan triennially and submit it to the agency for review.

3 (e) Duties of regional task forces.--The duties of all
4 regional task forces, regardless of designation, shall include
5 the following:

6 (1) To develop and maintain a regional plan based on
7 regional, State and national priorities and national
8 preparedness goals.

9 (2) To comply with Federal and State requirements
10 regarding National Incident Management System training and
11 certification, emergency response equipment typing and
12 emergency responder credentialing.

13 (3) To achieve capability targets under the National
14 Preparedness System.

15 (4) To organize, at a minimum, working groups from the
16 following emergency management communities:

17 (i) Health services.

18 (ii) Law enforcement.

19 (iii) Fire protection.

20 (iv) Emergency medical services.

21 (5) To develop, maintain and manage an inventory of
22 regional emergency response resources, including emergency
23 response vehicles, specialized equipment and certified or
24 credentialed personnel, that can be deployed within the
25 region served by the task force or elsewhere in response to
26 events that threaten life, property, the environment or the
27 economy and provide an inventory of the resources on a
28 schedule and in a manner prescribed by the agency.

29 (6) To maintain a multiyear training and exercise plan
30 and attend training and related sessions as directed or

1 conducted by the agency.

2 (7) To participate in and conduct exercises as required
3 by the agency and the Federal Government.

4 (8) To participate in and conduct capabilities-based
5 planning activities and assessments.

6 (9) To maintain interoperable and compatible emergency
7 communication systems in support of Statewide communications
8 systems.

9 (10) To comply with agency guidelines, standards and
10 directives and homeland security Federal grant guidelines.

11 (f) Activation and deployment.--A regional task force or a
12 subset of the regional task force may be activated and deployed
13 by the Governor or the designee of the Governor, or an official
14 designated by the executive board of the regional task force
15 that established it. During an activation and deployment, the
16 administrative and operational costs of the regional task force
17 or a subset of the regional task force, its individual members
18 and their employers, Commonwealth agencies and other parties
19 shall be negotiated and paid by the entity that activated and
20 deployed the regional task force or the subset of the regional
21 task force.

22 § 7522. Specialized regional response teams.

23 (a) Establishment.--A regional task force may establish one
24 or more specialized regional response teams.

25 (b) Organization.--

26 (1) Specialized regional response teams shall be
27 organized in accordance with guidelines approved by the
28 regional task force executive board and the agency.

29 (2) The regional task force must enter into a written
30 agreement with each specialized regional response team that

1 it establishes.

2 (3) In addition to other terms, the written agreement
3 shall stipulate the scope of authority, employed or volunteer
4 status of team members and which member county of the
5 regional task force is the responsible agent for
6 administering funds, grants or expenses of the specialized
7 regional response team to the extent eligible.

8 (4) In order to receive funds or grants directly, a
9 specialized regional response team must meet the requirements
10 of section 7521(b) (2) (relating to regional task forces).

11 (5) A specialized regional response team shall be
12 subject to the laws governing the making of contracts or
13 purchases, the employment of persons or otherwise incurring
14 financial obligations.

15 (c) Activation and deployment.--A specialized regional
16 response team may be activated and deployed by the Governor or
17 the designee of the Governor or an official designated by the
18 executive board of the regional task force that established the
19 specialized regional response team. During an activation and
20 deployment, the administrative and operational costs of the
21 specialized regional response team, its individual members and
22 their employers, Commonwealth agencies and other parties shall
23 be negotiated and paid by the entity that activated and deployed
24 the specialized regional response team.

25 § 7523. (Reserved).

26 § 7524. Specialized Statewide response teams.

27 (a) Establishment.--The agency may establish and designate
28 specialized Statewide response teams throughout this
29 Commonwealth.

30 (b) Organization and responsibilities.--Specialized

1 Statewide response teams shall be organized in accordance with
2 guidelines developed by the agency in consultation with
3 applicable Federal or Commonwealth agencies. The response teams
4 shall provide professional, operational, logistical, material
5 and other forms of emergency or technical services and support.

6 (c) Activation.--Specialized Statewide response teams may
7 only be activated and deployed by the Governor, the designee of
8 the Governor or an official designated by the Federal Emergency
9 Management Agency. During an activation and deployment, the
10 administrative and operational costs of the specialized
11 Statewide response team, its individual members and their
12 employers, Commonwealth agencies and other parties shall be
13 negotiated and paid by the entity that activated and deployed
14 the specialized Statewide response team.

15 (d) Funding, grants and donation.--In addition to funds that
16 are provided under section 7525 (relating to grant program),
17 specialized Statewide response teams, as designated by the
18 agency, may be eligible to receive grants, donations of
19 equipment and supplies and other funds from any source. As an
20 agent of the Commonwealth, a specialized Statewide response team
21 is entitled to tax-exempt status from the Federal Government.
22 § 7525. Grant program.

23 (a) Authorization.--The agency may award grants to regional
24 task forces, specialized regional response teams, specialized
25 Statewide response teams and urban search and rescue task forces
26 to the extent they are organized pursuant to section 7521(c)
27 (relating to regional task forces). In the alternative, the
28 agency may award individual grants to the member political
29 subdivisions that comprise these entities.

30 (b) Grants and funding.--Regional task forces, specialized

1 regional response teams and specialized Statewide response teams
2 may receive grants and funding from the Federal Government and
3 the Commonwealth through application to the agency or any other
4 entity providing grants or funding for the purposes of this part
5 to the extent they are organized pursuant to section 7521(c). In
6 the alternative, the agency may award individual grants to the
7 member political subdivisions that comprise these entities.

8 (c) Limitation.--Grants shall only be made by the agency to
9 the extent that funding is available.

10 § 7526. Workers' compensation premiums.

11 Nothing in this part shall be construed to permit an insurer
12 to raise workers' compensation premiums due to the participation
13 or membership of a ~~county, municipality~~ POLITICAL SUBDIVISION, <--
14 emergency services organization, individual or employer on a
15 task force or response team described in this part.

16 Section 7 13. Section 7604(a) of Title 35 is amended to <--
17 read:

18 § 7604. Budgetary considerations.

19 (a) Expenditures.--In addition to the funds which the
20 Governor is authorized to transfer for disasters in accordance
21 with 35 Pa.C.S. § 7307 (relating to use and appropriation of
22 unused Commonwealth funds), the Governor may transfer any other
23 appropriated but unused funds in an amount of not more than
24 [\$15,000,000] \$25,000,000 in any fiscal year which may have been
25 appropriated for the ordinary expenses of the Commonwealth
26 government from the General Fund to be utilized for the purposes
27 set forth in 35 Pa.C.S. § 7601 (relating to compact enacted).
28 The Secretary of the Budget shall, within five days of a
29 transfer of funds authorized under this section, notify the
30 chairman and minority chairman of the Appropriations Committee

1 of the Senate and the chairman and minority chairman of the
2 Appropriations Committee of the House of Representatives of such
3 transfer. Such notification shall identify the amount
4 transferred, the appropriation from which funds were
5 transferred, the appropriation to which the funds were
6 transferred and the justification for such transfer. The
7 Secretary of the Budget shall provide a full accounting to the
8 chairman and minority chairman of the Appropriations Committee
9 of the Senate and the chairman and minority chairman of 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 * * *

14 Section § 14. Title 35 is amended by adding a section to <--
15 read:

16 § 7605. Protections.

17 An individual who is not an employee of the Commonwealth and
18 is deployed by the Governor or a designee under section 7601
19 (relating to compact enacted) shall be considered an employee of
20 the Commonwealth for the purposes of Articles VI and VIII of
21 section 7601 for the period of deployment. Administrative and
22 operational costs related to the deployment shall be negotiated
23 and paid by the entity that activated and deployed the
24 individual.

25 Section § 15. Sections 7701, 7702, 7703 and 7704 of Title 35 <--
26 are amended to read:

27 § 7701. Duties concerning disaster [prevention] preparedness
28 and emergency management.

29 (a) Governor.--In addition to disaster prevention measures
30 included in the Commonwealth and local plans, the Governor shall

1 consider on a continuing basis steps that could be taken to
2 prevent or reduce the harmful consequences of disasters. The
3 Governor, from time to time, shall make recommendations to the
4 General Assembly, political subdivisions and other appropriate
5 public and private entities as may facilitate measures for
6 prevention or reduction of the harmful consequences of
7 disasters.

8 (b) Department of Environmental [Resources] Protection.--The
9 Department of Environmental [Resources] Protection, in
10 conjunction with the [Pennsylvania Emergency Management Agency,]
11 Department of Community and Economic Development, the Department
12 of Transportation and the agency, shall keep land uses, flood
13 plain designations and construction of structures and other
14 facilities under continuing study and identify areas which are
15 particularly susceptible to severe land shifting, subsidence,
16 flood or other catastrophic occurrence. The studies under this
17 subsection shall concentrate on means of reducing or avoiding
18 the dangers caused by this occurrence or the consequences
19 thereof.

20 (c) Other Commonwealth agencies.--At the direction of the
21 Governor, and pursuant to any other authority and competence
22 they have, Commonwealth agencies, including, but not limited to,
23 those charged with economic recovery responsibilities in
24 connection with floodplain management, stream encroachment and
25 flow regulation, weather modification, fire prevention and
26 control, air quality, public works, land use and land-use
27 planning, construction standards, public utilities and energy,
28 shall make studies of disaster prevention-related matters.

29 (d) Schools.--[Public-funded universities, colleges,]
30 Institutions of higher education and elementary and secondary

1 schools that receive public funds shall be made available to
2 [local] municipal, county, regional and [State] Commonwealth
3 officials for emergency planning and exercise purposes and
4 actual [service as mass-care facilities in the event of an
5 emergency evacuation] emergency services.

6 (e) Vehicles.--School bus and transportation vehicles owned,
7 contracted for or leased by [universities, colleges]
8 institutions of higher education and school districts that
9 receive public funds shall be made available to local, county,
10 regional and [State] Commonwealth officials for emergency
11 planning and exercise purposes and actual [service in the event
12 of an emergency evacuation] emergency services.

13 (f) Disaster response and emergency preparedness [drills]
14 exercises.--[Annually, schools and custodial child care
15 facilities shall conduct at least one disaster response or
16 emergency preparedness plan drill.] Every emergency action plan
17 developed under subsection (g) shall provide for the conduct of
18 at least one disaster exercise annually as specified by the
19 agency. The disaster exercise shall be coordinated with the
20 appropriate emergency management program.

21 (g) Plans.--[Every school district and custodial child care
22 facility, in cooperation with the local Emergency Management
23 Agency and the Pennsylvania Emergency Management Agency, shall
24 develop and implement a comprehensive disaster response and
25 emergency preparedness plan consistent with the guidelines
26 developed by the Pennsylvania Emergency Management Agency and
27 other pertinent State requirements. The plan shall be reviewed
28 annually and modified as necessary. A copy of the plan shall be
29 provided to the county emergency management agency.] Every
30 dependent care facility, including, but not limited to,

1 elementary and secondary schools, shall develop and be prepared
2 to implement an all-hazards emergency action plan in accordance
3 with standards established by the agency. The plan shall be
4 coordinated with the appropriate county emergency management
5 program, local emergency management program and dedicated
6 emergency response organizations.

7 (h) Large event plans.--

8 (1) When an event involves the congregation of a large
9 number of people so that a disaster emergency could
10 potentially overwhelm the resources of the dedicated
11 emergency response organizations responsible for the event or
12 would be likely to respond in the geographic area where the
13 event is to be held, the sponsoring organization of the event
14 shall develop an emergency action plan as specified by the
15 agency.

16 (2) A copy of the plan shall be provided to the county
17 and local emergency management program where the event is to
18 be held at least 30 days before the event.

19 (i) Sharing of information.--

20 (1) This subsection applies to any of the following
21 public entities that possesses or acquires all-hazards
22 information:

23 (i) A Commonwealth agency.

24 (ii) A court or an entity or office of the Unified
25 Judicial System.

26 (iii) The General Assembly.

27 (iv) A political subdivision.

28 (v) A dedicated emergency response organization.

29 (2) A public entity enumerated in paragraph (1) shall do
30 all of the following:

1 (i) Promptly share all-hazards information with the
2 agency and other Commonwealth agencies in accordance with
3 standards and all-hazards information guidance issued and
4 the all-hazards information plan developed by the agency
5 and consistent with the statutory responsibilities of the
6 agencies providing and receiving the information.

7 (ii) Cooperate in and facilitate the collection and
8 validation of the information and the production of
9 reports based on the information with contents and
10 formats that permit dissemination that maximizes the
11 utility of the information in protecting the territory,
12 ~~residents~~ PEOPLE WITHIN and interests of this <--
13 Commonwealth.

14 (iii) Facilitate implementation of the all-hazards
15 information plan developed by the agency.

16 (3) A private entity that becomes aware of all-hazards
17 information or threats that may impact the health, safety and
18 welfare of the ~~residents of~~ PEOPLE WITHIN this Commonwealth <--
19 shall do all of the following:

20 (i) Promptly share the information with the agency
21 and appropriate law enforcement organizations in
22 accordance with all-hazards information standards and
23 guidance issued.

24 (ii) Cooperate in and facilitate the collection and
25 validation of the information and the production of
26 reports based on the information.

27 (4) Documents, information or other materials received
28 by the agency or law enforcement organizations under
29 paragraph (3)(i) shall be subject to section 7716 (relating
30 to confidentiality) and other Federal or State law protecting

1 proprietary information or trade secrets and the release or
2 use of the information.

3 § 7702. Acceptance of services, gifts, grants and loans.

4 (a) General rule.--Whenever any person or the Federal
5 Government or any Federal agency or officer offers to the
6 Commonwealth or, through the Commonwealth, to any political
7 subdivision or school district, services, equipment, supplies,
8 materials or funds by way of gift, grant or loan for purposes of
9 [disaster] emergency services, the Commonwealth, acting through
10 the Governor, or the political subdivision or school district,
11 acting with the consent of the Governor and through its chief
12 elected executive officer or governing body, may accept the
13 offer and upon acceptance the Governor or chief elected
14 executive officer or governing body of the political subdivision
15 or school district may authorize any officer of the Commonwealth
16 or of the political subdivision or school district, as the case
17 may be, to receive the services, equipment, supplies, materials
18 or funds on behalf of the Commonwealth or political subdivision
19 or school district subject to the terms of the offer and the
20 rules and regulations, if any, of the agency or person making
21 the offer.

22 [(b) Property of Commonwealth.--All equipment, supplies and
23 materials referred to in subsection (a) shall, when accepted by
24 the Commonwealth, be treated as the property of the Commonwealth
25 and shall be subject to the relevant provisions of the act of
26 April 9, 1929 (P.L.177, No.175), known as "The Administrative
27 Code of 1929," unless the General Assembly directs otherwise by
28 statute.]

29 (c) Indemnification.--

30 (1) Except as set forth under paragraph (2), the

1 Commonwealth may indemnify or hold harmless and save the
2 United States free from damages arising from a response to
3 the Commonwealth's request for direct Federal assistance
4 pursuant to the Stafford Act.

5 (2) Paragraph (1) does not apply to claims that are the
6 result of gross negligence, wanton or reckless acts or
7 intentional misconduct.

8 (3) The General Assembly, under 1 Pa.C.S. § 2310
9 (relating to sovereign immunity reaffirmed; specific waiver),
10 waives sovereign immunity as a bar to a claim against a
11 Commonwealth agency brought by the United States under
12 paragraph (1) only to the extent provided under this
13 subsection.

14 § 7703. Interstate arrangements.

15 (a) General rule.--Upon finding that a vulnerable area lies
16 only partly within this Commonwealth and includes territory in
17 another state or states or territory in a foreign jurisdiction
18 and that it would be desirable to establish an interstate
19 relationship, mutual aid or an area organization for disaster
20 emergency services, the Governor shall take steps to that end as
21 desirable.

22 (b) Negotiation and status of agreements.--If this action is
23 taken with jurisdictions that have enacted the Interstate Civil
24 Defense and Disaster Compact or the Emergency Management
25 Assistance Compact, any resulting agreement or agreements may be
26 considered supplemental agreements pursuant to [Article 6 of
27 that compact] those compacts. If the other jurisdiction or
28 jurisdictions with which the Governor proposes to cooperate
29 pursuant to subsection (a) have not enacted [that] the relevant
30 compact, the Governor may negotiate special agreements with the

1 jurisdiction or jurisdictions.

2 (c) Legislative approval of agreements.--Any agreement, if
3 sufficient authority for the making thereof does not otherwise
4 exist, becomes effective only after its text has been
5 communicated to the General Assembly and provided that neither
6 House of the General Assembly has disapproved it by adjournment
7 of the next ensuing session competent to consider it or within
8 30 days of its submission, whichever is longer.

9 § 7704. Immunity from civil liability.

10 (a) General rule.--Neither the Commonwealth, nor any
11 Commonwealth agency, nor any political subdivision [thereof nor
12 other agencies] nor, except in cases of willful misconduct,
13 gross negligence, recklessness or bad faith, the agents,
14 employees, volunteers or representatives of any of them engaged
15 in any emergency services activities, nor, except in cases of
16 willful misconduct [or], gross negligence, recklessness or bad
17 faith, any individual or other person under contract with them
18 to provide equipment or work on a cost basis to be used in
19 disaster relief, nor, except in cases of willful misconduct
20 [or], gross negligence, recklessness or bad faith, any person,
21 firm, corporation or an agent or employee of any of them engaged
22 in [disaster] emergency services activities, while complying
23 with or attempting to comply with this part or any rule or
24 regulation promulgated pursuant to the provisions of this part,
25 shall be liable for the death of or any injury to persons or
26 loss or damage to property as a result of that activity.

27 (b) Real estate owners.--Any person[, organization] or
28 authority owning or controlling real estate or other premises,
29 who voluntarily and without compensation[,] grants a license or
30 privilege or otherwise permits the designation or use of the

1 whole or any part or parts of the real estate or premises for
2 any emergency services purpose, shall, together with his
3 successors in interest, if any, not be civilly liable for
4 [negligently] causing the death of or injury to or loss or
5 damage to the property of any person who is upon the real estate
6 or other premises for that purpose.

7 [(c) Other benefits unaffected.--This section does not
8 affect the right of any person to receive benefits to which he
9 would otherwise be entitled under this part or under the
10 workmen's compensation laws or under any pension law, nor the
11 right of any person to receive any benefits or compensation
12 under any Federal law.]

13 (d) Effect on other immunities.--The immunity provided in
14 this section does not supersede and is in addition to other
15 immunities provided by law.

16 Section ~~10~~ 16. Title 35 is amended by adding a section to <--
17 read:

18 § 7704.1. Other benefits unaffected.

19 Participation in this part by an individual does not affect
20 the right of that individual to receive benefits to which the
21 individual would otherwise be entitled under this part or under
22 the act of June 2, 1915 (P.L.736, No.338), known as the Workers'
23 Compensation Act, or under any pension law, nor the right of any
24 person to receive any benefits or compensation under any Federal
25 law.

26 Section ~~11~~ 17. Sections 7705, 7706 and 7707 of Title 35 are <--
27 amended to read:

28 § 7705. Special powers of [local agencies] political
29 subdivisions.

30 (a) Roadway clearance.--Whenever the Governor shall have

1 proclaimed a disaster emergency under section 7301(c) (relating
2 to [declaration of disaster emergency]) general authority of
3 Governor), officials of any political subdivision included in
4 the disaster emergency shall have the authority to clear such
5 roadways as are necessary for the health, safety and welfare of
6 residents, even though such roadways are not officially the
7 responsibility of such political subdivision. The political
8 subdivision may be reimbursed for the cost of such clearing as
9 provided in subsection (c).

10 (b) Water systems.--Whenever the Governor shall have
11 proclaimed a disaster emergency under section 7301(c) and in the
12 event that a water system owned or operated by a political
13 subdivision or municipal authority is damaged, destroyed or made
14 inoperable as a direct result of such disaster emergency, the
15 political subdivision or municipal authority shall have the
16 authority to lease or hire such personnel and equipment as may
17 be needed to effect restoration of such water system. The
18 political subdivision or municipal authority may be reimbursed
19 for the cost of such restoration as provided in [subsection
20 (c).] section 7301.

21 (d) Limitations.--Reimbursements pursuant to [subsection
22 (c)] section 7301 shall not be made to the extent that the
23 Commonwealth, a political subdivision or a municipal authority
24 may be eligible for assistance from the Federal Government.

25 § 7706. [Compensation for accidental injury] Workers'
26 compensation.

27 (a) Benefits.--[All duly enrolled emergency management
28 volunteers, and such other volunteers as the agency shall by
29 regulation qualify, who are not eligible to receive benefits
30 under the Workmen's Compensation Laws shall be entitled, except

1 during a state of war or period of armed conflict within the
2 continental limits of the United States, to the following
3 benefits relating to injuries sustained while actually engaged
4 in emergency management activities and services or in or en
5 route to and from emergency management tests, drills, exercises
6 or operations authorized by the Pennsylvania Emergency
7 Management Agency and carried out in accordance with rules and
8 orders promulgated and adopted by the agency:

9 (1) A sum of \$20,000 for accidental injury directly
10 causing or leading to death.

11 (2) A sum not exceeding \$15,000 for reimbursement for
12 medical and hospital expenses associated with accidental
13 injury.

14 (3) Weekly payments of \$200, not to exceed six months in
15 duration, beginning on the eighth day of disability directly
16 arising from accidental injury rendering the individual
17 totally incapable of following his normal gainful pursuits.]

18 Volunteers of the agency, a regional task force, specialized
19 Statewide response teams, specialized regional response teams,
20 the Commonwealth emergency management program, a county
21 emergency management program WHEN DEPLOYED BY THE AGENCY or a <--
22 local emergency management program are deemed to be employees of
23 the Commonwealth or of the county or municipality by whose <--
24 program they are deployed for purposes of the act of June 2,
25 1915 (P.L.736, No.338), known as the Workers' Compensation Act,
26 when engaging in or performing the following activities:

27 (1) Deployment by the applicable emergency management <--
28 official AGENCY and participation in emergency services <--
29 activities AS AUTHORIZED OR APPROVED BY THE AGENCY. <--

30 (2) Going to or returning from an emergency or disaster

1 emergency to which the program members have been deployed BY <--
2 THE AGENCY.

3 (3) Required training, exercise or related official
4 functions designated and, authorized AND APPROVED by the <--
5 applicable emergency management official AGENCY. <--

6 (b) [Source of funds.--All benefits hereby authorized shall
7 be paid out of funds appropriated to the agency. Payments shall
8 be made on the basis of claims submitted to the agency through
9 the Department of Labor and Industry in accordance with rules
10 and orders promulgated and adopted by the agency.]

11 Computation.--For purposes of computing a volunteer's wage
12 compensation under the Workers' Compensation Act, there shall be
13 an irrebuttable presumption that the wages shall be at least
14 equal to the Statewide average weekly wage. TWO-THIRDS OF THE <--
15 WEEKLY WAGES THE VOLUNTEER WOULD HAVE RECEIVED FROM EMPLOYMENT
16 IN THE VOLUNTEER'S USUAL OCCUPATION, PROVIDED THAT WAGE RECOVERY
17 MAY NOT EXCEED THE STATEWIDE MAXIMUM WEEKLY COMPENSATION RATE
18 ESTABLISHED PURSUANT TO THE WORKERS' COMPENSATION ACT. IF A
19 VOLUNTEER IS UNABLE TO ESTABLISH A USUAL OCCUPATION AND
20 ASSOCIATED WAGE, WAGE RECOVERY SHALL BE AT LEAST THE STATEWIDE
21 MINIMUM WEEKLY COMPENSATION RATE ESTABLISHED PURSUANT TO THE
22 WORKERS' COMPENSATION ACT.

23 (c) Applicability.--The provisions of this section shall not
24 apply to the extent that the volunteer is otherwise covered for
25 workers' compensation purposes under an existing policy,
26 agreement, contract or law, nor shall this section apply to an
27 individual who self-deploys or has not been authorized to
28 respond in accordance with subsection (a).

29 (d) Construction.--The provisions of this section shall not
30 supersede Chapter 76 (relating to emergency management

1 assistance compact).

2 § 7707. Penalties.

3 (a) General rule.--The chief elected executive officer of a
4 political subdivision may order or direct only the resources
5 within the officer's given authority. Any person [violating any
6 of the plans and programs adopted and promulgated by the
7 Pennsylvania Emergency Management Council shall, upon conviction
8 thereof in a summary proceeding, be sentenced] subject to the
9 authority of:

10 (1) the Governor or his designee who fails to comply
11 with an order or direction from the Governor or a designee of
12 the Governor;

13 (2) a chief elected executive officer who fails to
14 comply with an order or direction from the chief elected
15 executive officer;

16 (3) the agency who fails to comply with an order or
17 direction from the agency; or

18 (4) a county or local emergency management program in
19 compliance with this part who fails to comply with an order
20 or direction from that county or local emergency program
21 commits a violation of this part.

22 (a.1) Penalty.--A violation of this section shall constitute
23 a summary offense and the person convicted of the violation
24 shall be sentenced:

25 (1) to pay a fine not exceeding [\$200] \$500 or to
26 imprisonment not exceeding 30 days, or both, for the first
27 offense[,] and

28 (2) to pay a fine not exceeding [\$500] \$1,000 or
29 imprisonment not exceeding 90 days, or both, for each
30 subsequent offense.

1 (b) Loss of funds.--[Those political subdivisions in
2 violation of section 7501 (relating to general authority of
3 political subdivisions), section 7502 (relating to local
4 coordinator of emergency management), section 7503 (relating to
5 powers and duties of political subdivisions) or section 7504
6 (relating to coordination, assistance and mutual aid) shall, at
7 the direction of the council, be subject to loss of Federal
8 personnel and administrative funding for the remainder of the
9 fiscal year in which conviction is established. Reinstatement of
10 Federal personnel and administrative funding shall take place
11 the year following approval of remedial action to the
12 violation.] A grantee who fails to comply with a provision of
13 this part may, at the agency's discretion, be subject to the
14 loss of grant funding administered by the agency.

15 Section 18. Title 35 is amended by adding sections to <--
16 read:

17 § 7715. Authority of Federal law enforcement officers.

18 (a) Authorization.--A Federal law enforcement officer whose
19 assistance has been requested under section 7301(f)(9) (relating
20 to general authority of Governor) and is working in cooperation
21 with State and local law enforcement officers during a disaster
22 emergency declared by the Governor under section 7301(c) shall
23 be empowered to act as a peace officer for the arrest, with or
24 without a warrant, of offenders against the laws of this
25 Commonwealth if the officer believes that a felony or
26 misdemeanor has been or is about to be committed or attempted in
27 the officer's presence.

28 (b) Operational control.--Federal law enforcement officers
29 working in cooperation with State and local law enforcement
30 officers during a disaster emergency declared by the Governor

1 shall come under the operational control of the Pennsylvania
2 State Police or as otherwise directed by the Governor.

3 (c) Liability.--A Federal law enforcement officer operating
4 under this section shall have the same immunities from liability
5 as any agent or employee of the Commonwealth under 42 Pa.C.S.
6 Ch. 85 (relating to matters affecting government units).
7 § 7716. Confidentiality.

8 (a) Right-to-Know Law exemption.--The following shall be
9 exempt from access under the act of February 14, 2008 (P.L.6,
10 No.3), known as the Right-to-Know Law:

11 (1) Information in a form relating to preparedness and
12 emergency management activities of the Commonwealth or a
13 political subdivision, school district or council of
14 governments that if disclosed would be reasonably likely to
15 jeopardize or threaten public safety or preparedness or
16 public protection activity.

17 (2) Information in a form received by the agency or a
18 law enforcement organization under section 7701(i) (relating
19 to duties concerning disaster preparedness and emergency
20 management).

21 (3) Other information in a form produced, compiled or
22 maintained under this part and not otherwise exempt from
23 access under this section or the Right-to-Know Law, the
24 disclosure of which could, in the determination of the
25 director, or designee, endanger the life or physical safety
26 of an individual or the physical safety of property in this
27 Commonwealth.

28 (b) Open meetings exception.--Meetings of the council, a
29 county emergency management program, a local emergency
30 management program or a task force or response team organized in

1 accordance with this part, relating to preparedness and
2 emergency management, shall not be subject to the provisions of
3 65 Pa.C.S. Ch. 7 (relating to open meetings).

4 § 7717. Adverse interests.

5 A Commonwealth or local emergency management official or
6 employee may serve in a leadership role in a nonprofit entity,
7 notwithstanding the act of July 19, 1957 (P.L.1017, No.451),
8 known as the State Adverse Interest Act, as long as the official
9 or employee when acting in a Commonwealth or local government
10 capacity recuses himself from official duties or decisions that
11 pertain to the nonprofit entity.

12 SECTION 19. SECTIONS 7813(A) AND (C) AND 7823(A) OF TITLE 35 <--
13 ARE AMENDED BY ADDING PARAGRAPHS TO READ:

14 § 7813. AWARD OF GRANTS.

15 (A) AUTHORIZATION.--THE AGENCY IS AUTHORIZED TO MAKE A GRANT
16 AWARD TO EACH ELIGIBLE FIRE COMPANY FOR THE FOLLOWING:

17 * * *

18 (6) BODY ARMOR OR OTHER PROTECTIVE GEAR WORN ON THE BODY
19 AND MEANT TO PROVIDE PROTECTION FROM WEAPONS.

20 * * *

21 (C) TIME FOR FILING APPLICATION AND DEPARTMENT ACTION.--

22 * * *

23 (3) NOTWITHSTANDING PARAGRAPH (2), FOR THE FISCAL YEAR
24 BEGINNING JULY 1, 2017, THE AGENCY MAY APPROVE A GRANT
25 APPLICATION AND MAKE A GRANT AWARD TO A FIRE COMPANY THAT HAS
26 SUBMITTED AN APPLICATION AFTER THE APPLICATION SUBMISSION
27 DEADLINE IF:

28 (I) AFTER THE AGENCY HAS MADE ALL GRANT AWARDS
29 PURSUANT TO APPROVED, TIMELY FILED APPLICATIONS, FUNDS
30 APPROPRIATED BY THE GENERAL ASSEMBLY FOR GRANT AWARDS

1 (1) THE ADDITION OF 35 PA.C.S. § 7301(F)(11) SHALL TAKE
2 EFFECT JANUARY 1, 2020.

3 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
4 IMMEDIATELY.