

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 AND YAW, JANUARY 17, 2018

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
JANUARY 17, 2018

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in general provisions, further  
3 providing for definitions and for purposes of part; in  
4 Commonwealth services, further providing for general  
5 authority of Governor, for temporary housing, for debris and  
6 wreckage removal, for community disaster loans, for  
7 individual and family assistance and for grants for hazard  
8 mitigation, providing for use and appropriation of unused  
9 Commonwealth funds, establishing the Disaster Emergency Fund,  
10 further providing for laws suspended during emergency  
11 assignments, providing for penalty for false application and  
12 further providing for organization, for powers and duties of  
13 Pennsylvania Emergency Management Agency, for utilization of  
14 existing services and facilities and for radiological  
15 emergency response preparedness, planning and recovery  
16 program; in local organizations and services, further  
17 providing for general authority of political subdivisions,  
18 for local coordinator of emergency management, for powers and  
19 duties of political subdivisions, for coordination,  
20 assistance and mutual aid, for appropriations by political  
21 subdivisions, for law applicable to local organizations, for  
22 agreements among political subdivisions, for payments  
23 involving one political subdivision and for payments  
24 involving two or more political subdivisions and providing  
25 for regional all-hazards preparedness and emergency  
26 management; in Emergency Management Assistance Compact,  
27 further providing for budgetary considerations and providing  
28 for protections; in miscellaneous provisions, further  
29 providing for duties concerning disaster prevention, for  
30 acceptance of services, gifts, grants and loans, for  
31 interstate arrangements and for immunity from civil  
32 liability, providing for other benefits unaffected, further

1 providing for special powers of local agencies, for  
2 compensation for accidental injury and for penalties and  
3 providing for authority of Federal law enforcement officers,  
4 for confidentiality and for adverse interests; and making a  
5 related repeal.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Sections 7102, 7103, 7301, 7302, 7303, 7304, 7305  
9 and 7305.1 of Title 35 of the Pennsylvania Consolidated Statutes  
10 are amended to read:

11 § 7102. Definitions.

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

15 "Agency." The Pennsylvania Emergency Management Agency.

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

18 "All-hazards information." Information describing the  
19 dangers that can threaten or harm individuals, the environment,  
20 the economy or property and which information pertains to the  
21 preparedness for or consequences from the dangers. The term does  
22 not include information related to criminal prosecutions, law  
23 enforcement sources or methods, investigative activities,  
24 policies, training or protection tactics, tactical plans,  
25 information protected by 18 Pa.C.S. (relating to crimes and  
26 offenses) or information that could otherwise be reasonably seen  
27 as compromising law enforcement efforts.

28 "Chief elected executive officer." The mayor of a city or  
29 borough, the chairperson of the commissioners or supervisors or  
30 the elected executive of a county, township or incorporated  
31 town.

32 "Commonwealth agency." Any of the following:

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

3           (2) The Governor's Office.

4           (3) The Office of Attorney General, the Department of  
5           the Auditor General and the Treasury Department and any other  
6           agency, board or commission of the Commonwealth that is not  
7           subject to the policy supervision and control of the  
8           Governor.

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

12           (5) A Commonwealth authority or entity.

13           "Commonwealth critical infrastructure protection plan." A  
14           plan to provide a coordinated approach to setting Commonwealth  
15           priorities, goals and requirements for effective distribution of  
16           funding and resources for critical infrastructure and key  
17           resources to ensure that the government, economy and public  
18           services continue in the event of an emergency.

19           "Commonwealth Disaster Recovery Task Force." The task force  
20           described under section 7312 (relating to Pennsylvania Emergency  
21           Management Council).

22           "Commonwealth emergency management program." A program of  
23           coordinated activities consistent with Federal guidelines,  
24           including the National Incident Management System, coordinated  
25           by the agency, to address the management of emergencies. The  
26           term includes the Commonwealth emergency operations plan, the  
27           State hazard mitigation plan and all appropriate State-level  
28           strategic and operational plans and programs that address all  
29           hazards, disaster-related mitigation, preparedness, protection,  
30           prevention, response and recovery.

1 "Commonwealth emergency operations plan." A document  
2 prepared by the agency and approved and signed by the Governor  
3 that is consistent with Federal requirements and assigns  
4 responsibility to appropriate Commonwealth agencies for carrying  
5 out specific actions in a disaster emergency and states, among  
6 other things, lines of authority, response actions and  
7 coordination requirements.

8 "Commonwealth Response Coordination Center" or "CRCC." The  
9 Commonwealth's principal facility which provides response and  
10 recovery support during disasters and emergencies to local  
11 political subdivisions throughout the State. When activated, the  
12 CRCC is staffed with personnel from various State agencies who  
13 work in a defined organizational structure to coordinate State-  
14 level emergency management actions, such as the coordination and  
15 integration of resources. The CRCC provides policy guidance,  
16 situational awareness, common operating picture and planning  
17 support for affected local political subdivisions.

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

20 "Council." The Pennsylvania Emergency Management Council.

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

25 "Council of governments." An association of two or more  
26 local government units joined together under a written compact  
27 to improve cooperation, coordination and planning and to  
28 undertake programs in their mutual interest under the provisions  
29 of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental  
30 cooperation).

1 "County emergency management program." An emergency  
2 management and preparedness program established and maintained  
3 by a county under section 7501 (relating to general authority of  
4 county and local emergency management programs).

5 "Critical infrastructure." Assets, systems, networks and  
6 functions, physical or virtual, which are so vital to the  
7 government that their incapacitation or destruction would have a  
8 debilitating impact on security, economic security, public  
9 health or safety.

10 "Dedicated emergency response organization." An entity  
11 organized, chartered or incorporated in this Commonwealth or  
12 another jurisdiction of the United States or chartered by the  
13 Congress of the United States for the primary purpose of  
14 providing emergency services. The term includes a volunteer,  
15 paid and combination organization.

16 "Dependent care facility." An organization, institution or  
17 facility licensed or certified by the Commonwealth that is  
18 responsible for the custodial care or health care of individuals  
19 who are dependent on the organization, institution or facility  
20 for the activities of daily living, health, safety or welfare.

21 "Director." The Director of the Pennsylvania Emergency  
22 Management Agency.

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

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

29 (1) affect seriously the safety, health or welfare of a  
30 substantial number of [citizens of this Commonwealth] people

1 or preclude the operation or use of essential public  
2 facilities; and

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

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

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

15 "Emergency." An incident that requires responsive,  
16 coordinated action to protect individuals, the environment, the  
17 economy or property.

18 "Emergency management." [The judicious planning, assignment  
19 and coordination of all available resources in an integrated  
20 program of prevention, mitigation, preparedness, response and  
21 recovery for emergencies of any kind, whether from attack, man-  
22 made or natural sources.] The continuous cycle of preparedness,  
23 planning, response, recovery and mitigation for emergencies.

24 "Emergency operations plan." A document prepared by a  
25 political subdivision that is consistent with Federal and State  
26 requirements that assigns responsibility to agencies and  
27 departments under the jurisdiction and control of the political  
28 subdivision for carrying out specific actions in a disaster  
29 emergency and states, among other things, lines of authority,  
30 response actions and coordination requirements.

1 "Emergency plan." A document prepared by a dependent care  
2 facility or large event planner, as referenced in section  
3 7701(h) (relating to duties concerning disaster preparedness and  
4 emergency management), or other entity as required by statute or  
5 regulation to maintain an emergency preparedness capability or  
6 develop an emergency plan.

7 "Emergency services." The preparation for and the carrying  
8 out of [functions] capabilities, other than [functions]  
9 capabilities for which military forces are primarily  
10 responsible, to prepare for, prevent, protect against, respond  
11 to and recover from, minimize and provide emergency repair of  
12 injury and damage resulting from disasters or emergencies,  
13 together with all other activities necessary or incidental to  
14 the preparation for and carrying out of those [functions]  
15 capabilities. The [functions] capabilities include, without  
16 limitation, firefighting services, police services, medical and  
17 health services, search, rescue, engineering, disaster warning  
18 services, sharing of information, communications, radiological  
19 activities, shelter, chemical and other special weapons defense,  
20 evacuation of persons from stricken areas, emergency welfare  
21 services, mass-care services, emergency transportation,  
22 emergency [resources] management, existing or properly assigned  
23 functions of plant protection, temporary restoration of public  
24 utility services, logistics and resource management and other  
25 [functions] capabilities related to civilian protection. The  
26 term includes all of the following:

27 (1) Capabilities of municipal governments, county  
28 governments, nongovernmental organizations or the  
29 Commonwealth.

30 (2) Capabilities of regional task forces and other

1 response organizations as specifically provided for under  
2 this part.

3 "Federal emergency." An emergency as defined in section  
4 102(1) of the Stafford Act (42 U.S.C. § 5122(1)).

5 "Federal law enforcement officer." A law enforcement officer  
6 who:

7 (1) is employed by the United States;

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

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

12 "Grantee." The entity, government or organization to which a  
13 grant is awarded.

14 "Hazard vulnerability analysis." A process by which a  
15 political subdivision identifies the disasters most likely to  
16 strike the community and estimates the potential impact of the  
17 disaster to loss of life, property, the environment and the  
18 economy.

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

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

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

28 (2) Characterized by the combination of facilities,  
29 equipment, personnel, procedures and communications operating  
30 within a common organizational structure and designed to aid

1 in the management of resources during all kinds of  
2 emergencies regardless of size or complexity.

3 "Incident commander." The individual responsible for all  
4 incident-related activities as described in the National  
5 Incident Management System.

6 "Infrastructure." Real and personal property and equipment  
7 that is owned or used by any of the following that service  
8 multiple customers or citizens:

9 (1) A communications network.

10 (2) An electric generation, transmission and  
11 distribution system.

12 (3) A gas distribution system that provides the  
13 facilities and equipment for producing, generating,  
14 transmitting, distributing or the furnishing of gas directly  
15 to the end customer.

16 (4) A public or private water pipeline.

17 ["Local emergency." The condition declared by the local  
18 governing body when in their judgment the threat or actual  
19 occurrence of a disaster is or threatens to be of sufficient  
20 severity and magnitude to warrant coordinated local government  
21 action to prevent or alleviate the damage, loss, hardship or  
22 suffering threatened or caused thereby. A local emergency  
23 arising wholly or substantially out of a resource shortage may  
24 be declared only by the Governor, upon petition of the local  
25 governing body, when he deems the threat or actual occurrence of  
26 a disaster to be of sufficient severity and magnitude to warrant  
27 coordinated local government action to prevent or alleviate the  
28 damage, loss, hardship or suffering threatened or caused  
29 thereby.

30 "Local organization." A local emergency management

1 organization.

2 "Man-made disaster." Any industrial, nuclear or  
3 transportation accident, explosion, conflagration, power  
4 failure, natural resource shortage or other condition, except  
5 enemy action, resulting from man-made causes, such as oil spills  
6 and other injurious environmental contamination, which threatens  
7 or causes substantial damage to property, human suffering,  
8 hardship or loss of life.

9 "Natural disaster." Any hurricane, tornado, storm, flood,  
10 high water, wind-driven water, tidal wave, earthquake,  
11 landslide, mudslide, snowstorm, drought, fire, explosion or  
12 other catastrophe which results in substantial damage to  
13 property, hardship, suffering or possible loss of life.]

14 "Institution of higher education." A university, four-year  
15 college or community college.

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

19 "Key resources." Publicly or privately controlled resources  
20 essential to minimal operation of the economy and the  
21 government.

22 "Local disaster emergency." The condition declared by a  
23 local governing body or chief elected executive officer when, in  
24 the governing body's or officer's judgment, the threat or actual  
25 occurrence of a disaster may:

26 (1) Affect seriously the safety, health or welfare of a  
27 substantial number of people or preclude the operation or use  
28 of essential public facilities.

29 (2) Be of a magnitude or severity that warrants  
30 coordinated local government action in alleviating the

1 danger, damage, suffering or hardship.

2 "Local emergency management program." An emergency  
3 management and preparedness program established and maintained  
4 by a municipality under section 7501 (relating to general  
5 authority of county and local emergency management programs).

6 "Major disaster." The term as it is defined in section  
7 102(2) of the Stafford Act (42 U.S.C. § 5122(2)).

8 "Mitigation." Protection activities designed to reduce or  
9 eliminate risks to persons or property or to lessen the actual  
10 or potential effects or consequences of an incident that may be  
11 implemented prior to, during or after an incident.

12 "Municipality." A city, borough, incorporated town or  
13 township.

14 "Mutual aid." Mutual assistance and sharing of resources  
15 among participating political subdivisions in the prevention of,  
16 response to and recovery from threats to public health and  
17 safety that are beyond the capability of the affected community.

18 "National Incident Management System." A system that  
19 provides a consistent nationwide approach for Federal, State,  
20 local and tribal governments, the private sector and  
21 nongovernmental organizations to work effectively and  
22 efficiently together to prepare for, prevent, protect against,  
23 respond to and recover from domestic incidents, regardless of  
24 cause, size or complexity. The term includes a successor system  
25 established by the Federal Government.

26 "National Infrastructure Protection Plan." A plan developed  
27 by the United States Department of Homeland Security that  
28 provides a coordinated approach to critical infrastructure and  
29 key resources protection roles and responsibilities for Federal,  
30 State, local, tribal and private sector security partners, or a

1 successor program, and that sets national priorities, goals and  
2 requirements for effective distribution of funding and resources  
3 to ensure that the government, economy and public services  
4 continue in the event of a disaster emergency.

5 "Operational plan." A plan that describes the emergency  
6 management or homeland security roles, responsibilities and  
7 resources of an organization.

8 "Out-of-State business." A business entity whose services  
9 are requested by a registered business, the Commonwealth or a  
10 political subdivision of the Commonwealth for purposes of  
11 performing disaster emergency-related work in this Commonwealth.  
12 The term includes a business entity that is affiliated with a  
13 registered business in this Commonwealth solely through common  
14 ownership. The out-of-State business may not have any of the  
15 following:

16 (1) A presence in this Commonwealth, excluding prior  
17 disaster emergency-related work performed under section  
18 7308(b)(1) (relating to laws suspended during emergency  
19 assignments).

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

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

25 "Person." An individual, corporation, [firm, association,]  
26 partnership, limited liability company, business trust,  
27 government entity, including the Commonwealth, foundation,  
28 public utility, trust[,] or estate[, public or private  
29 institution, group, the Commonwealth or a local agency or  
30 political subdivision and any legal successor, representative or

1 agency of the foregoing].

2 "Political subdivision." [Any] A county, city, borough,  
3 incorporated town or township.

4 "Preparedness." A continuous process of identifying and  
5 implementing tasks and activities necessary to build, sustain  
6 and improve operational capability to prevent, protect against,  
7 respond to and recover from domestic incidents involving all  
8 levels of government, private sector and nongovernmental  
9 organizations to identify threats, determine vulnerabilities and  
10 identify required resources.

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

12 "Prevention." Actions to avoid an incident or to intervene  
13 to stop an incident from occurring.

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

16 "Recovery." The development, coordination and execution of  
17 service-restoration and site-restoration plans for impacted  
18 communities and the reconstitution of government operations and  
19 services through individual, private sector, nongovernmental and  
20 public assistance programs that do all of the following:

21 (1) Identify needs and define resources.

22 (2) Provide housing and promote restoration.

23 (3) Address long-term care and treatment of affected  
24 persons.

25 (4) Implement additional measures and techniques, as  
26 feasible.

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

28 (6) Develop initiatives to mitigate the effects of  
29 future incidents.

30 "Regional." Pertaining to regional task forces.

1 "Regional task force." A cooperative effort organized among  
2 Federal, State, county, council of government and municipal  
3 emergency management, health, law enforcement, public safety and  
4 other officials and representatives from volunteer service  
5 organizations, emergency services organizations, private  
6 business and industry, hospitals and medical care facilities and  
7 other entities within a multicounty area as recognized by and  
8 determined by the agency that is responsible for conducting all-  
9 hazards planning, training preparedness and emergency response  
10 activities.

11 "Registered business." Any business entity that is  
12 registered to do business in this Commonwealth prior to a  
13 declared disaster or emergency.

14 "Resource shortage." The absence, unavailability or reduced  
15 supply of any raw or processed natural resource, or any  
16 commodities, goods or services of any kind which bear a  
17 substantial relationship to the health, safety, welfare and  
18 economic well-being of the [citizens] residents of this  
19 Commonwealth.

20 ["War-caused disaster." Any condition following an attack  
21 upon the United States resulting in substantial damage to  
22 property or injury to persons in the United States caused by use  
23 of bombs, missiles, shellfire, nuclear, radiological, chemical  
24 or biological means, or other weapons or overt paramilitary  
25 actions, or other conditions such as sabotage.]

26 "Response." Activities that address the short-term, direct  
27 effects of an incident. The term includes the execution of  
28 emergency operations plans and incident mitigation activities  
29 designed to limit the loss of life, personal injury, property  
30 damage and other unfavorable outcomes.

1 "Review and accept." The process by which the agency, county  
2 emergency management programs and local emergency management  
3 programs validate planning documents in accordance with this  
4 part to ensure compliance with established planning criteria,  
5 adherence to templates and completeness. The process may not  
6 imply approval or verification of ability to execute the plans  
7 described in the planning documents.

8 "Specialized regional response team." A complement of  
9 individuals established by a regional task force and organized  
10 in accordance with standards developed by the agency and  
11 applicable Federal agencies to respond to emergencies involving  
12 an actual or potential disaster.

13 "Specialized Statewide response team." A complement of  
14 individuals organized by the Commonwealth to provide specialized  
15 personnel, equipment and other support capabilities in response  
16 to an actual or potential disaster.

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

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

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

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

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 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 disasters.--The Governor is  
16 responsible for meeting the dangers to this Commonwealth and  
17 people 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 § 7302. Temporary housing.

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

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

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

22 (i) advancing or lending funds available to the  
23 Governor from any appropriation made by the General  
24 Assembly or from any other source;

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

27 (iii) becoming a copartner with the political  
28 subdivision for the execution and performance of any  
29 temporary housing for disaster victims [project];  
30 and for such purposes to pledge the credit of the

1 Commonwealth on such terms as the Governor deems appropriate  
2 having due regard for current debt transactions of the  
3 Commonwealth.

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

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

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

25 [(d) Definitions.--As used in this section, "major disaster"  
26 and "emergency" shall have the same meanings as defined or used  
27 in The Robert T. Stafford Disaster Relief and Emergency  
28 Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.).]  
29 § 7303. Debris and wreckage removal.

30 (a) Authority of Governor.--Whenever the Governor has

1 declared a disaster emergency to exist under this part, or the  
2 President, at the request of the Governor, has declared a major  
3 disaster or emergency to exist in this Commonwealth, the  
4 Governor is authorized:

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

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

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

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

26 § 7304. Community disaster loans.

27 Whenever, at the request of the Governor, the President has  
28 declared a major disaster or emergency to exist in this  
29 Commonwealth, the Governor is authorized:

30 (1) Upon determining that a political subdivision [of

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

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

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

21 § 7305. Individual and family assistance.

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

26 (1) Upon determining that assistance under [The Robert  
27 T. Stafford Disaster Relief and Emergency Assistance Act  
28 (Public Law 93-288, 42 U.S.C. § 5121 et seq.),] the Stafford  
29 Act and from other means is insufficient to meet the  
30 disaster-related necessary expenses or serious needs of

1 individuals or families adversely affected by a major  
2 disaster or emergency, to accept a grant from the Federal  
3 Government for the purpose of meeting the expenses or needs  
4 of disaster victims, subject to any terms and conditions  
5 imposed upon the grant.

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

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

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

26 § 7305.1. Grants for public assistance and hazard mitigation.

27 (a) Commonwealth participation in public assistance and  
28 hazard mitigation funding; agreements.--Whenever the President  
29 authorizes [the] a contribution [of up to 75% of] to the cost of  
30 [hazard mitigation measures to] public assistance grants to

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

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

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

26 Section 2. Title 35 is amended by adding sections to read:  
27 § 7307.1. Use and appropriation of unused Commonwealth funds.

28 (a) Transfer of funds authorized.--In addition to the  
29 transfers permitted under section 7301 (relating to general  
30 authority of Governor), if the Governor has not declared a

1 disaster emergency or if a declaration of disaster emergency has  
2 expired, the Governor may nevertheless transfer unused funds  
3 that may have been appropriated for the ordinary expenses of the  
4 Commonwealth in the General Fund to Commonwealth agencies as the  
5 Governor may direct to be expended for preparedness planning and  
6 other activities related to a potential or actual disaster in a  
7 manner as the Governor shall approve.

8 (b) Limitation on amount transferred.--The total of the  
9 transfers authorized under this section may not exceed  
10 \$30,000,000 in a year except by action of the General Assembly.  
11 § 7307.2. Disaster Emergency Fund.

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

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

21 Section 3. Section 7308(a) of Title 35 is amended to read:  
22 § 7308. Laws suspended during emergency assignments.

23 (a) Commonwealth agencies.--In the case of a declaration of  
24 a [state of] disaster emergency by the Governor, Commonwealth  
25 agencies may implement their emergency assignments without  
26 regard to procedures required by other laws [(except mandatory  
27 constitutional requirements)], except constitutional  
28 requirements pertaining to the performance of public work,  
29 entering into contracts, incurring of obligations, employment of  
30 temporary workers, rental of equipment, purchase of supplies and

1 materials and expenditures of public funds.

2 \* \* \*

3 Section 4. Title 35 is amended by adding a section to read:

4 § 7309. Penalty for false application.

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

11 Section 5. Sections 7312, 7313, 7314, 7320, 7501, 7502,  
12 7503, 7504, 7511, 7512, 7513, 7514 and 7515 of Title 35 are  
13 amended to read:

14 § 7312. [Organization.] Pennsylvania Emergency Management  
15 Council.

16 [This agency shall consist of and be organized substantially  
17 as follows:

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

23 (a) Establishment.--

24 (1) The Pennsylvania Emergency Management Council is  
25 established within the agency.

26 (2) (i) The council shall be composed of: the Governor,  
27 the Lieutenant Governor, the Adjutant General, the  
28 Secretary of the Budget, the director, the Secretary of  
29 Administration, the Secretary of State, the Secretary of  
30 Education, the Secretary of General Services, the

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

20 (ii) The Governor may authorize up to two  
21 representatives of business and industry, up to two  
22 representatives of labor, up to two public members at  
23 large and one representative respectively of the  
24 [Pennsylvania State Association of] County Commissioners  
25 Association of Pennsylvania, the Pennsylvania State  
26 Association of Township Commissioners, the Pennsylvania  
27 State Association of Township Supervisors, the  
28 Pennsylvania Municipal League [of Cities and], the  
29 Pennsylvania State Association of Boroughs and the  
30 Keystone Emergency Management Association to be nonvoting

1 members of the council.

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

4 (iv) The Governor may also appoint representatives  
5 of key private sectors, including the energy utility,  
6 medical, police, fire, emergency medical services,  
7 communications, transportation, education, agriculture  
8 and labor sectors, and two members at large to serve as  
9 nonvoting council members.

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

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

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

19 (d) Emergency meetings.--In the event of [attack or disaster  
20 situations determined actually or likely to be of such nature,  
21 magnitude, severity or duration as to necessitate extensive or  
22 extraordinary deployment and use of Commonwealth resources for  
23 emergency purposes] the occurrence of an emergency, the  
24 [chairman shall, within not more than 72 hours immediately  
25 following such determination,] chair may call the council into  
26 emergency session[, ] for consideration of actions taken or to be  
27 taken. [In] The director may call such meetings in the absence  
28 of the [chairman, notice of such meetings shall be disseminated  
29 to the membership by the State director.] chair.

30 [(e) State director.--To supervise the work and activities

1 comprising the State Civil Defense and Disaster Program, the  
2 Governor shall appoint an individual to act, on a full-time  
3 basis, as director of the agency. The director shall perform all  
4 such fiscal, planning, administrative, operational and other  
5 duties as may be assigned to him by the council and shall act as  
6 the chairman's principal assistant in civil defense and disaster  
7 matters. The director or the director's designee is also the  
8 State coordinating officer responsible to coordinate and  
9 supervise the Commonwealth and local disaster response effort  
10 following a presidential declaration of an emergency or a major  
11 disaster.]

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

24 [(g) Office space, equipment and services.--The agency shall  
25 be furnished necessary and appropriate office space, furniture,  
26 equipment, supplies and services in the same general manner as  
27 are other Commonwealth departments and agencies.]

28 (h) Emergency communications.--The agency shall maintain an  
29 integrated communications capability designed to provide to all  
30 areas and counties weather advisories, river forecasts,

1 warnings, and direction and control of all emergency  
2 preparedness functions within the Commonwealth. The agency shall  
3 coordinate the Commonwealth's emergency communication systems,  
4 sharing of information and weather emergency notification among  
5 the National Weather Service, contiguous State emergency  
6 management offices, local coordinators of emergency management,  
7 the Pennsylvania State Police, local police departments, private  
8 relief associations and other appropriate organizations.  
9 Additionally, the agency shall establish the sole Statewide  
10 telephone number that persons, including county and municipal  
11 emergency management personnel, may use to report incidences of  
12 radioactive and hazardous materials and other disaster  
13 emergencies.

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

18 (j) Commonwealth Disaster Recovery Task Force.--The director  
19 shall organize the Commonwealth Disaster Recovery Task Force to  
20 review and conduct, when directed by the Governor, studies of  
21 disasters that occur in this Commonwealth, their causes and  
22 impacts, make recommendations to prevent future disasters,  
23 lessen their impact and help expedite recovery at the State and  
24 local level. The members of the council shall serve on the task  
25 force and may invite other organizations and Commonwealth  
26 agencies to participate as needed.

27 § 7313. Powers and duties.

28 The agency shall [have the following powers and duties:]  
29 develop a comprehensive emergency management and preparedness  
30 system for this Commonwealth, in coordination with other

1 Commonwealth agencies as designated by the Governor. In order to  
2 develop the system, the agency shall:

3 (1) [To prepare] Prepare, maintain and keep current [a  
4 Pennsylvania Emergency Management Plan for the prevention and  
5 minimization of injury and damage caused by disaster, prompt  
6 and effective response to disaster and disaster emergency  
7 relief and recovery.] the Commonwealth emergency management  
8 program. The [plan] program may include provisions for:

9 (i) Preparedness standards established by the United  
10 States Department of Homeland Security and the Federal  
11 Emergency Management Agency.

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

14 (iii) Assistance to Commonwealth agencies, regional  
15 task forces, local government officials, elementary and  
16 secondary schools [and custodial child], dependent care  
17 facilities [in designing emergency management plans and  
18 training programs] and the private sector in developing  
19 their systems of emergency management and preparedness.

20 (iv) Organization of manpower[, ] and chains of  
21 command[, continuity of government] in emergency  
22 situations and emergency operational principles.

23 (v) Coordination of Federal, [Commonwealth] State,  
24 regional and local [disaster] preparedness and emergency  
25 management activities.

26 (vi) Coordination of the Commonwealth [Emergency  
27 Management Plan with the disaster plans of the Federal  
28 Government and those of other states] emergency  
29 operations plan.

30 (vii) Assistance to the Commonwealth, regional task

1 forces, elementary and secondary schools and county and  
2 local governments and private or nonprofit entities in  
3 obtaining, utilizing and managing Federal and  
4 [Commonwealth] State disaster assistance.

5 (viii) Supply to appropriate [Commonwealth] State  
6 and local officials and regional task forces State  
7 catalogs of Federal, [Commonwealth] State and private  
8 assistance programs.

9 (ix) [Identification of areas particularly  
10 vulnerable to disasters.] Accreditation programs for  
11 county and local emergency management programs,  
12 Commonwealth emergency management certification programs  
13 and qualification standards for appointed emergency  
14 management coordinators.

15 (x) Recommendations for zoning, building and other  
16 land-use controls; safety measures pertaining to  
17 nonpermanent or semipermanent structures; resource  
18 conservation and allocation; and other preventive and  
19 preparedness measures designed to eliminate or reduce  
20 disasters or their impact.

21 (xi) Authorization and procedures for the erection  
22 or other construction of temporary works designed to  
23 protect against or mitigate danger, damage or loss from  
24 flood, conflagration or other disaster[.] in coordination  
25 with the Department of Environmental Protection.

26 (1.1) Maintain and keep current the Commonwealth  
27 emergency operations plan, the State hazard mitigation plan  
28 and other related and supporting plans as necessary or  
29 required by Federal or State law or regulation.

30 (2) [To establish] Establish, equip and staff a

1 Commonwealth [and area emergency operations center] Response  
2 Coordination Center and a Commonwealth Watch and Warning  
3 Center with a consolidated Statewide system of warning and  
4 provide a system of disaster communications integrated with  
5 those of Federal[, Commonwealth and local] agencies,  
6 Commonwealth agencies, regional task forces and political  
7 subdivisions involved in disaster emergency operations.

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

11 (4) [To provide] Provide standards, technical guidance,  
12 advice and assistance to Commonwealth agencies, [political  
13 subdivisions, schools and custodial child care facilities]  
14 regional task forces, county emergency management programs,  
15 local emergency management programs, elementary and secondary  
16 schools and dependent care facilities in the preparation of  
17 [disaster] emergency [management] plans or components thereof  
18 [and to periodically review such plans and suggest or require  
19 revisions].

20 (5) [To establish and operate or assist political  
21 subdivisions in establishing and operating training programs]  
22 Establish standards for and assist county emergency  
23 management programs, local emergency management programs and  
24 regional task forces with operations, training and programs  
25 of public information.

26 (6) [To supply] Supply appropriate Commonwealth [and  
27 local agencies and officials] agencies, county emergency  
28 management programs, local emergency management programs and  
29 the general public with precautionary notices, watches and  
30 warnings relating to actual and potential disasters and [to]

1 provide a flow of official information and instructions to  
2 the general public through all means available before, during  
3 and after an emergency. The agency shall [implement] support  
4 a program of integrated flood warning systems among political  
5 subdivisions[. The agency shall] and establish coordinated  
6 flood notification and early warning systems along prescribed  
7 major river basins and selected tributaries thereof in this  
8 Commonwealth.

9 (7) [To provide] Provide emergency direction and  
10 [control] coordination of Commonwealth [and local] emergency  
11 operations[.] by overseeing the identification and commitment  
12 of all Commonwealth personnel, which includes all members of  
13 agency-designated specialized Statewide response teams,  
14 equipment and resources through the use of an incident  
15 command system. The tactical and operational control of the  
16 resources of a Commonwealth agency shall remain with that  
17 respective agency.

18 (8) [To determine] Determine the need for, maintain  
19 information regarding and procure materials, supplies,  
20 equipment, facilities and services necessary for [disaster  
21 emergency readiness, response and recovery] preparedness and  
22 emergency management.

23 (9) [To make] Make or request of Commonwealth [or local  
24 agencies and officials] agencies, county emergency management  
25 programs, local emergency management programs or regional  
26 task forces, studies, surveys and reports as are necessary to  
27 carry out the purposes of this part.

28 (10) [To plan] Plan and make arrangements for the  
29 availability and use of any private facilities, services and  
30 property and, if necessary and if in fact used, provide for

1 payment for use under terms and conditions agreed upon.

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

5 (12) [To cooperate] Cooperate with the Federal  
6 Government and any public or private agency or entity in  
7 achieving any purpose of this part and in implementing  
8 programs for [disaster prevention, preparation, response and  
9 recovery] preparedness and emergency management.

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

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

20 (15) [To] In conjunction with the Department of  
21 Environmental Protection, respond to [disaster] disasters  
22 relating to [atomic] nuclear or radiological energy  
23 operations or radioactive objects or materials. Any such  
24 action taken and any regulations adopted by the [office]  
25 agency shall be inapplicable to any objects or materials  
26 possessing a radiation-producing capacity less than that set  
27 forth as the maximum safety limit by the standards endorsed  
28 and as may be subsequently endorsed by the United States  
29 Nuclear Regulatory Commission or the Environmental Protection  
30 Agency for the protection of life and property and the

1 maintenance of health and safety. Action taken and  
2 regulations adopted by the agency shall be inapplicable to  
3 objects or materials possessing a radiation-producing  
4 capacity less than that set forth as the maximum safety limit  
5 by the standards endorsed by the United States Nuclear  
6 Regulatory Commission or the Environmental Protection Agency  
7 for the protection of life and property and the maintenance  
8 of health and safety.

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

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

15 (17.1) Report semiannually to the Governor and the  
16 chairperson and minority chairperson of the Appropriations  
17 Committee of the Senate and the chairperson and minority  
18 chairperson of the Appropriations Committee of the House of  
19 Representatives regarding all grants awarded by the agency  
20 from Federal disaster assistance or relief funds, homeland  
21 security and defense funds, pandemic preparedness or other  
22 public health emergency funds. The reports shall include  
23 information relating to the entity receiving grant money from  
24 the agency, including the name and address of the entity, the  
25 amount of the grant, the date of issuance and the purpose of  
26 the grant. Reports shall be submitted on or before August 15  
27 of each year for grants awarded during the period from  
28 January 1 through June 30 and on or before February 15 of  
29 each year for grants awarded during the period from July 1  
30 through December 31.

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

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

18           (20) For the period during which an emergency is  
19 declared by the Governor, [to] incur obligations for or  
20 purchase such materials and supplies as may be necessary to  
21 combat a disaster, protect the health and safety of persons  
22 and property and provide emergency assistance to victims of a  
23 disaster without complying with formal bidding or other time-  
24 consuming contract procedures.

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

27                   (i) Provide minimum competency testing for their  
28 operators.

29                   (ii) Submit plans for flood notification and  
30 warning.] submit plans for flood notification and warning

1 and provide inundation maps in accordance with direction  
2 from the Department of Environmental Protection.

3 (22) Establish policies and procedures to coordinate and  
4 implement all search and rescue activities with the Federal  
5 Government, other states, other Commonwealth agencies and  
6 political subdivisions. The agency may activate and deploy an  
7 agency-designated specialized Statewide response team and  
8 specialized equipment to disaster emergency or training sites  
9 within or outside this Commonwealth for search and rescue,  
10 training and other emergency response purposes.

11 (23) Establish and maintain a Statewide incident  
12 reporting program and methodology for all-hazards  
13 information. All Commonwealth agencies, county emergency  
14 management programs, county 911 centers and other entities  
15 required to provide all-hazards information to the agency  
16 under this part and other State law shall contribute all-  
17 hazards information to the system.

18 (24) Assist with the implementation of the National  
19 Infrastructure Protection Plan and the Commonwealth critical  
20 infrastructure protection plan in coordination with other  
21 Commonwealth agencies as designated by the Governor.

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

23 § 7314. Utilization of existing services and facilities.

24 In order to avoid duplication of services and facilities, the  
25 agency shall utilize the services and facilities of existing  
26 officers, offices, departments, commissions, boards, bureaus,  
27 institutions and other agencies of the Commonwealth and of the  
28 political subdivisions thereof. These officers and agencies  
29 shall cooperate with and extend their services and facilities to  
30 the agency as requested and consistent with other operational

1 requirements of that agency.

2 § 7320. Radiological emergency [response preparedness, planning  
3 and recovery] preparedness and management program.

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

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

20 (1) Serving as the point of contact for the coordination  
21 and management of the Statewide response and provide for  
22 interface between the affected [facilities] counties and  
23 other Commonwealth agencies [and departments, counties,  
24 municipalities], Federal agencies, regional task forces,  
25 political subdivisions and school districts.

26 (2) [Annual] Overseeing the annual review and revision,  
27 as necessary, of the risk county and support county  
28 radiological emergency response plans to ensure that they are  
29 consistent with the [Commonwealth's Emergency Management  
30 Plan] Commonwealth emergency operations plan.

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

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

7 (5) Review and revision, as necessary, of [Annex E,  
8 "Radiological Emergency Response to Nuclear Power Plant  
9 Incidents," of the Commonwealth's Emergency Management Plan]  
10 the Commonwealth's nuclear/radiological incident response  
11 plan, and support of the annual review by the Department of  
12 Environmental Protection of the onsite emergency response  
13 plan of each [utility] nuclear power plant licensee to ensure  
14 that it is consistent with the [annex] plan.

15 [(6) Seeking formal Federal review and approval of the  
16 Commonwealth's Annex E to its Emergency Management Plan and  
17 the county, municipal and other plans in accordance with 44  
18 CFR Part 350 (relating to review and approval of state and  
19 local radiological emergency plans and preparedness). Once  
20 Federal approval is obtained for the plans, the agency shall  
21 seek to maintain that approval status.]

22 (7) Annual review of municipal and school district  
23 radiological emergency response plans in conjunction with the  
24 respective county emergency management [agencies to ensure  
25 that they are consistent with the applicable county  
26 radiological emergency response plans] program.

27 (8) [Assisting in] Overseeing the update of lesson plans  
28 used by each [utility] nuclear power plant licensee for  
29 county, municipal, school and volunteer agency offsite  
30 training purposes [and, to the extent necessary to obtain

1 Federal approval, participation in this training effort] with  
2 the objective to standardize training material to the extent  
3 possible to support sharing of resources between offsite  
4 response organizations.

5 (9) [Annual review of] Review of design changes to the  
6 [Alert Notification System Report] alert and notification  
7 system for each commercial nuclear [generating] power station  
8 [to ensure that current information from the State and county  
9 plans are included in the report] and assist in the  
10 coordination of siren or other emergency communication tests  
11 with each [utility] nuclear power plant licensee, the  
12 appropriate counties and adjacent states.

13 (10) Coordinating the review and update of emergency  
14 information brochures with the respective counties and  
15 [utilities] nuclear power plant licensees.

16 (11) Participation with each [utility] nuclear power  
17 plant licensee in planning and program meetings scheduled  
18 with [counties, municipalities] political subdivisions,  
19 dependent care facilities and school districts.

20 (12) Developing planning and preparedness procedures for  
21 emergency response within the ingestion exposure pathway  
22 emergency planning zone.

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

27 (14) Performing actions necessary to satisfy the  
28 Commonwealth's responsibilities relative to Federal guidance  
29 memoranda.

30 (15) Providing reasonable assistance and support

1 requested by a [utility] nuclear power plant licensee from  
2 time to time in connection with the [utility] nuclear power  
3 plant licensee obtaining or maintaining, or both, an  
4 emergency plan acceptable to Federal regulatory entities  
5 having jurisdiction over the [utility] nuclear power plant  
6 licensee.

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

10 (17) Providing guidance to [State, county and municipal  
11 elected officials, departments and agencies and school  
12 districts in order] Commonwealth agencies, political  
13 subdivisions, school districts and dependent care facilities  
14 to ensure compliance with this section and all other  
15 applicable Federal and State radiation protection safety  
16 laws.

17 (18) [Providing] Coordinating redundant communications'  
18 capability between the agency's headquarters and each  
19 [nuclear generating] commercial nuclear power station in this  
20 Commonwealth sufficient to meet Federal and State regulatory  
21 requirements.

22 (c) Establishment of fund.--[There is hereby created in the  
23 General Fund a] A nonlapsing restricted receipt account to be  
24 known as the Radiological Emergency Response Planning and  
25 Preparedness Program Fund is established in the General Fund.  
26 [Fees received under subsection (d) shall be deposited in this  
27 fund.] Moneys in the fund are hereby appropriated to the agency  
28 to carry out its responsibilities under subsections (a) and (b).  
29 § 7501. General authority of [political subdivisions] county  
30 and local emergency management programs.

1        [(a) Establishing emergency management organization.--Each  
2 political subdivision of this Commonwealth is directed and  
3 authorized to establish a local emergency management  
4 organization in accordance with the plan and program of the  
5 Pennsylvania Emergency Management Agency. Each local  
6 organization shall have responsibility for emergency management,  
7 response and recovery within the territorial limits of the  
8 political subdivision within which it is organized and, in  
9 addition, shall conduct such services outside of its  
10 jurisdictional limits as may be required under this part.]

11        (a.1) Establishing emergency management programs.--No later  
12 than two years from the effective date of this subsection, a  
13 political subdivision shall establish an emergency management  
14 program consistent with the Commonwealth emergency management  
15 program within its jurisdictional limits as required by the  
16 agency.

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

18        (1) A local disaster emergency may be declared by  
19 official action of the governing body of a political  
20 subdivision upon finding a disaster emergency has occurred or  
21 is imminent. The governing body of a political subdivision  
22 may authorize the [mayor or other] chief elected executive  
23 officer to declare a local disaster emergency subject to  
24 ratification by official action of the governing body.

25        (2) The [declaration] declared disaster emergency shall  
26 be issued by executive order or proclamation and shall  
27 continue until the governing body or the chief elected  
28 executive officer, as the case may be, finds that the threat  
29 or danger has passed or the disaster has been dealt with to  
30 the extent that emergency conditions no longer exist.

1           (3) A declared disaster emergency shall not be  
2 [continued or] renewed for a period in excess of [seven] 30  
3 days except by [or with the consent] official action of the  
4 governing body of the political subdivision.

5           (4) All executive orders or proclamations issued under  
6 this subsection shall indicate the nature of the disaster  
7 emergency, the area or areas threatened and the conditions  
8 which have brought the disaster emergency about or which make  
9 possible termination of the declared disaster emergency.

10          (5) Any order or proclamation declaring, continuing or  
11 terminating a [local] county disaster emergency shall be  
12 given prompt and general publicity and shall be filed  
13 promptly with the agency.

14          (6) An order or proclamation declaring, continuing or  
15 terminating a municipal disaster emergency shall be given  
16 prompt and general publicity and shall be filed promptly with  
17 the agency through the appropriate county emergency  
18 management program.

19          (7) The effect of a declaration of a local disaster  
20 emergency is to activate the response and recovery aspects of  
21 any and all applicable local emergency [management] plans and  
22 to authorize the furnishing of aid and assistance thereunder.

23          (c) Contracts and obligations.--In carrying out the  
24 provisions of this part, each political subdivision shall have  
25 the power to enter into contracts and incur obligations  
26 necessary to manage the disaster emergency [management, response  
27 and recovery].

28          (d) Temporary suspension of formal requirements.--Each  
29 political subdivision included in a declaration of disaster  
30 emergency declared by either the Governor or the governing body

1 or chief elected executive officer of the political subdivision  
2 affected by the disaster emergency is authorized to exercise the  
3 powers vested under this section in the light of the exigencies  
4 of the emergency situation without regard to time-consuming  
5 procedures and formalities prescribed by law [(excepting  
6 mandatory constitutional requirements)], excepting  
7 constitutional requirements, pertaining to the performance of  
8 public work, entering into contracts, the incurring of  
9 obligations, the employment of temporary workers, the rental of  
10 equipment, the purchase of supplies and materials, the levying  
11 of taxes and the appropriation and expenditure of public funds.

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

24 (f) Intergovernmental cooperation.--Notwithstanding the  
25 provisions of 53 Pa.C.S. § 2302 (relating to definitions), two  
26 or more municipalities may jointly cooperate in the  
27 establishment of an emergency management program in conformance  
28 with the provisions of 53 Pa.C.S. Ch. 23 Subch. A (relating to  
29 intergovernmental cooperation) and in conformance with standards  
30 established by the agency.

1 § 7502. [Local coordinator of emergency management] County and  
2 local emergency management coordinators.

3 (a) General rule.--[Each local organization of emergency  
4 management shall have] Each county emergency management program  
5 and each local emergency management program shall appoint a  
6 coordinator who shall be responsible for the planning,  
7 administration and operation of the [local organization]  
8 respective emergency management program subject to the direction  
9 and control of the chief elected executive officer [or] and  
10 governing body. The duties of and continuing education and  
11 certification standards for a coordinator or any individual that  
12 seeks to be certified by the Commonwealth at any level of  
13 emergency management shall be prescribed by the agency. In  
14 addition to the qualifications under this section, the agency  
15 shall prescribe other qualifications for the appointment of  
16 coordinators as it deems necessary.

17 (a.1) Certification refusal.--The agency shall refuse to  
18 certify an individual as an emergency manager for incompetence,  
19 dishonesty or commitment of a felony or an offense involving  
20 moral turpitude under Federal, State or local laws or  
21 ordinances.

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

1 director of the agency.]

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

5 (2) A temporary or acting coordinator shall be appointed  
6 by the chief elected executive officer, and the agency shall  
7 be notified of the appointment within 24 hours of a vacancy.  
8 At no time shall the coordinator position remain vacant for  
9 more than 24 hours.

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

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

27 (1) The chief elected executive officer of a  
28 municipality with a local emergency management program shall  
29 appoint a coordinator and provide written notice to the  
30 county where the local emergency management program is

1 located within 30 days following his appointment.

2 (2) A temporary or acting coordinator shall be appointed  
3 by the chief elected executive officer and the county shall  
4 be notified of the appointment within 24 hours of a vacancy.  
5 At no time shall the coordinator position remain vacant for  
6 more than 24 hours, and a temporary or acting coordinator may  
7 only serve for a period of 90 days unless otherwise appointed  
8 as a coordinator under paragraph (1).

9 (3) Notwithstanding any other provision of law, a local  
10 government official may be appointed as a coordinator under  
11 this subsection, provided that the official complies with the  
12 qualifications for appointment prescribed by the agency as  
13 contained in this section.

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

15 (1) A coordinator shall be professionally competent and  
16 capable of planning, effecting coordination among operating  
17 agencies of government and controlling coordinated operations  
18 by local emergency preparedness forces.

19 (2) (i) An appointing authority shall remove a  
20 coordinator for incompetence, dishonesty or commitment of  
21 a felony or an offense involving moral turpitude under  
22 Federal, State or local laws or ordinances.

23 (ii) A county or local coordinator serves at the  
24 pleasure of the appointing authority and may be removed  
25 for any reason.

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

1 (e) In-service training.--Each coordinator appointed

2 [coordinator] under this section shall:

3 (1) [Attend and successfully complete the first phase of  
4 the career development program as prescribed by the agency  
5 within one year after appointment.] Successfully complete the  
6 basic certification program of the agency no later than one  
7 year after appointment.

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

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

17 (4) Meet the training, continuing education,  
18 certification and qualification requirements prescribed by  
19 and within the time frames established by the agency.

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

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

1 (f) Responsibility for training.--Responsibility for the  
2 professional in-service training of each coordinator rests with  
3 each successive higher [political subdivision] emergency  
4 management program than the one in which the coordinator is  
5 functioning.

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

13 § 7503. Powers and duties of [political subdivisions] county  
14 and local emergency management programs.

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

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

28 (2) Establish, equip and staff an emergency operations  
29 center, consolidated with warning and communication systems  
30 to support government operations in emergencies and provide

1 other essential facilities and equipment for agencies and  
2 activities assigned emergency functions in accordance with  
3 agency directives.

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

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

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

13 (6) Execute and enforce such rules and orders as the  
14 agency shall adopt and promulgate under the authority of this  
15 part.

16 (7) Cooperate and coordinate with any public [and] or  
17 private agency or entity in achieving any purpose of this  
18 part.

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

22 (9) Provide prompt and accurate information regarding  
23 local disaster emergencies to appropriate Commonwealth and  
24 local officials and agencies and the general public.

25 (10) Participate in [all] tests, drills and exercises,  
26 including remedial drills and exercises, scheduled by the  
27 agency or by the Federal Government.

28 (11) Participate in the program of integrated flood  
29 warning systems under section 7313(6) (relating to powers and  
30 duties).

1 (b) County emergency management program.--A county shall  
2 develop, maintain and manage its emergency management program  
3 and capabilities as prescribed by the agency. The program shall  
4 include the following:

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

9 (2) Maintaining a countywide listing of county and  
10 municipal resources.

11 (3) Providing updated resource management information to  
12 the agency upon request.

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

15 (5) Monitoring progress by municipalities within the  
16 county in National Incident Management System implementation  
17 and providing assistance where feasible.

18 (6) Following reporting protocols established by the  
19 agency.

20 (7) Developing and implementing county plans, policies  
21 and procedures that are current with Commonwealth directives,  
22 requirements, plans and templates.

23 (8) Preparing and maintaining a county hazard  
24 vulnerability analysis that incorporates all municipal  
25 hazards.

26 (9) Coordinating and monitoring planning activities by  
27 municipalities within the county and providing assistance  
28 where feasible.

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

1           (11) Maintaining training records for coordinators of  
2 local emergency management programs within the county.

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

6           (13) Coordinating emergency communications by doing the  
7 following:

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

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

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

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

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

27           (16) Participating in planning for continuity of  
28 municipal government and continuity of municipal operations  
29 and providing assistance where feasible.

30           (17) Coordinating the delivery of citizen education

1 programs and supplementing materials as necessary.

2 (18) Coordinating the delivery of awareness and  
3 education programs for county and municipal elected officials  
4 on preparedness and emergency management topics.

5 (19) Participating in regional task force activities as  
6 appropriate.

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

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

13 (22) Advising county officials in matters related to  
14 disaster preparedness and response.

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

25 (24) Coordinating the development and maintenance of a  
26 countywide animal rescue capability consistent with standards  
27 and guidelines established by the agency in conjunction with  
28 the Department of Agriculture and the Pennsylvania State  
29 Animal Response Team. The coordinator shall engage a county  
30 animal response team, if one exists, in planning activities.

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

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

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

12 (3) Providing updated resource management information to  
13 the county emergency management program where the  
14 municipality is located and to the county 911 center upon  
15 request.

16 (4) Coordinating the municipality's National Incident  
17 Management System compliance activities.

18 (5) Following reporting protocols established by the  
19 county emergency management program where the county 911  
20 centers and the municipality are located.

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

26 (7) Preparing and maintaining a municipal hazard  
27 vulnerability analysis.

28 (8) Providing training for staff of the local emergency  
29 management program and maintaining training records and  
30 certification documentation.

1           (9) Coordinating emergency communications by doing the  
2 following:

3           (i) Establishing and managing a municipal emergency  
4 operations center in compliance with the National  
5 Incident Management System.

6           (ii) Coordinating and cooperating with the county  
7 emergency management program where the municipality is  
8 located and other relevant organizations and entities for  
9 interoperable emergency communications.

10          (10) Participating in continuity of municipal government  
11 and continuity of municipal operations planning.

12          (11) Coordinating the delivery of citizen education  
13 programs by the municipality and supplementing materials as  
14 necessary.

15          (12) Coordinating the delivery of awareness and  
16 education programs by the municipality for municipal elected  
17 officials for preparedness and emergency management topics.

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

20          (14) Supporting the implementation of the National  
21 Infrastructure Protection Plan and the Commonwealth critical  
22 infrastructure protection plan.

23          (15) Seeking and promoting opportunities to improve the  
24 efficiency of preparedness and emergency management through  
25 regionalization of services as appropriate.

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

28          (17) Reviewing emergency management plans and programs  
29 developed by elementary and secondary schools, dependent care  
30 facilities and other entities located within the municipality

1 that are required by law or the Commonwealth to develop and  
2 maintain preparedness and emergency management capabilities.  
3 The coordinator shall provide an annual report to the  
4 coordinator of the county emergency management program where  
5 the municipality is located on or before September 1 of each  
6 year describing the status of the plans reviewed under this  
7 paragraph. This paragraph includes review of emergency plans  
8 for nuclear reactors that are subject to regulation by the  
9 Nuclear Regulatory Commission.

10 § 7504. Coordination[, ] and assistance [and mutual aid].

11 (a) Responsibility for direction and coordination.--

12 Direction of disaster emergency management services is the  
13 responsibility of the lowest level of government affected. When  
14 two or more political subdivisions within a county are affected,  
15 the county organization shall exercise responsibility for  
16 coordination and support to the area of operations. When two or  
17 more counties are involved, coordination shall be provided by  
18 the agency or by area organizations established by the agency.

19 (b) Assistance from higher government unit.--When all

20 appropriate locally available forces and resources are fully  
21 committed by the affected political subdivision, assistance from  
22 a higher level of government shall be provided. Regional task  
23 forces may assist in the coordination efforts and provision of  
24 resources.

25 [(c) Municipal mutual aid agreements.--County and local  
26 coordinators of emergency management shall develop mutual aid  
27 agreements with adjacent political subdivisions for reciprocal  
28 emergency assistance. The agreements shall be consistent with  
29 the plans and programs of the agency. In disaster emergencies,  
30 requests for mutual aid assistance shall be referred to the

1 organization having responsibility for coordination as specified  
2 in subsection (a) and in time of emergency it shall be the duty  
3 of each local organization to render assistance in accordance  
4 with the provisions of the mutual aid agreements.

5 (d) Interstate mutual aid arrangements.--The coordinator of  
6 each local organization may, subject to approval of the  
7 Governor, enter into mutual aid arrangements with similar  
8 agencies or organizations in other states for reciprocal  
9 disaster emergency services.

10 (e) Ratification of agreements.--Mutual aid agreements shall  
11 be ratified by the governing bodies of the political  
12 subdivisions involved.

13 (f) Control of outside support forces.--Support forces  
14 furnished political subdivisions from outside its jurisdiction  
15 shall be under the operational control of the department, agency  
16 or office furnishing the force.]

17 § 7511. Appropriations by political subdivisions.

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

20 (1) A political subdivision may make appropriations for  
21 the payment of expenses [of the local organization] for  
22 preparedness and emergency management activities in the  
23 manner provided by law for making appropriations for the  
24 ordinary expenses of the political subdivision.

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

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

1           (1) Nothing in this subchapter or any other provision of  
2 this part shall be deemed to limit the power of any political  
3 subdivision to appropriate money for the purpose of paying  
4 the expenses of a local [organization] emergency management  
5 program or a county emergency management program having  
6 jurisdiction both within and without the political  
7 subdivision even though an appropriation has been or is to be  
8 made to another local [organization] emergency management  
9 program or another county emergency management program  
10 coterminous with or having jurisdiction within the political  
11 subdivision.

12           (2) Payments on account of an appropriation under this  
13 subsection shall be made pursuant to an agreement under  
14 section 7513 (relating to agreements among political  
15 subdivisions) or in the form of a gift or grant to the  
16 political subdivision responsible in the first instance for  
17 the payment of bills and claims against the local  
18 [organization] emergency management program or the county  
19 emergency management program, as the case may be, for the  
20 payment of the expenses for which the appropriation was made.

21 § 7512. Law applicable to local [organizations] emergency  
22 management programs and county emergency management  
23 programs.

24 [(a) General rule.--]Where the jurisdiction of the local  
25 [organization] emergency management program or the county  
26 emergency management program is coterminous with the political  
27 subdivision making an appropriation for the payment of the  
28 expenses, the local [organization] emergency management program  
29 or the county emergency management program, as the case may be,  
30 shall be deemed an agency, board or commission of the political

1 subdivision, subject to all of the laws governing the making of  
2 contracts or purchases, the employment of persons or otherwise  
3 incurring financial obligations which apply to the political  
4 subdivision.

5 [(b) Second class townships.--No purchase or purchases shall  
6 be made, no contract entered into and no expenses incurred by  
7 any local organization which involves the payment of more than  
8 \$25 out of the treasury of any second class township unless the  
9 proposed expenditure has been approved in writing by the  
10 township supervisors. If any purchase or contract is made or  
11 other expenses incurred contrary to the provisions of this  
12 subsection, the township shall not be responsible for the  
13 payment thereof but the person acting for the local organization  
14 in the transaction shall be personally liable for the payment.]  
15 § 7513. Agreements among political subdivisions.

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

17 (1) Where a local [organization] emergency management  
18 program or a county emergency management program has  
19 jurisdiction in an area including all or parts of more than  
20 one political subdivision which does not include the whole  
21 area of any county, the political subdivisions, all or part  
22 of which lie within the jurisdiction of the [organization]  
23 local emergency management program or the county emergency  
24 management program, as the case may be, shall, before paying  
25 any expenses of the [organization] local emergency management  
26 program or the county emergency management program, enter  
27 into an agreement designating one of the political  
28 subdivisions as the agent of each of them for the purpose of  
29 paying the expenses of the local [organization.] emergency  
30 management program or the county emergency management

1 program.

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

3 (i) Specify the proportionate share of the expenses  
4 of the [organization] local emergency management program  
5 or the county emergency management program, as the case  
6 may be, to be paid by each political subdivision party to  
7 the agreement and an estimate of the amount required to  
8 be appropriated by each of them for the purpose of paying  
9 the expenses. [The agreement shall be effective]

10 (ii) Take effect when approved by [the corporate  
11 authorities of each of the political subdivisions by a  
12 majority vote and each of the subdivisions shall  
13 thereupon] official action of the governing body of each  
14 of the political subdivisions and each of the political  
15 subdivisions shall then make an appropriation pursuant to  
16 section 7511 (relating to appropriations by political  
17 subdivisions) sufficient to pay its share of the expenses  
18 of the [organization] local emergency management program  
19 or the county emergency management program, as the case  
20 may be.

21 (b) Counties.--Where the local [organization] emergency  
22 management program or the county emergency management program  
23 has jurisdiction in an area including the whole area of one or  
24 more counties which is not coterminous with any one county,  
25 before paying any expenses of the [organization] local emergency  
26 management program or the county emergency management program,  
27 as the case may be, the counties, all or part of which lie  
28 within the jurisdiction of the [organization] local emergency  
29 management program or the county emergency management program,  
30 shall enter into an agreement in the manner and form provided in

1 subsection (a) and with like effect, and no other political  
2 subdivision lying within the jurisdiction of the [organization]  
3 local emergency management program or the county emergency  
4 management program, as the case may be, shall be a party to the  
5 agreement.

6 § 7514. Payments involving one political subdivision.

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

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

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

27 (b) Gift or grant of money.--Any gift or grant of money made  
28 to the local [organization] emergency management program or the  
29 county emergency management program or to the political  
30 subdivision for the payment of expenses incurred or to be

1 incurred by or for the [organization] local emergency management  
2 program or the county emergency management program, as the case  
3 may be, shall be deposited in the treasury of the political  
4 subdivision and shall be appropriated by the political  
5 subdivision for the purpose for which the gift or grant was  
6 made, and any bills or claims to be paid from the gift or grant  
7 shall be paid in the manner provided in this subchapter for the  
8 payment of other bills and claims against the political  
9 subdivision.

10 § 7515. Payments involving two or more political subdivisions.

11 (a) General rule.--Where two or more political subdivisions  
12 have entered into an agreement as provided by section 7513  
13 (relating to agreements among political subdivisions), all bills  
14 and claims for expenses incurred by or for the local  
15 [organization] emergency management program or the county  
16 emergency management program shall thereafter be paid in the  
17 first instance by the political subdivision named as agent in  
18 the agreement in the manner provided in section 7514 (relating  
19 to payments involving one political subdivision) as though the  
20 [organization] local emergency management program or the county  
21 emergency management program, as the case may be, were  
22 coterminous with the political subdivision[, and the  
23 organization]. The local emergency management program or the  
24 county emergency management program, as the case may be, shall  
25 be subject to all of the laws governing the making of contracts  
26 or purchases, the employment of persons or otherwise incurring  
27 financial obligations which apply to the political subdivision.

28 (b) Accounting by agent.--The political subdivision  
29 designated as agent shall, not later than the fifteenth day of  
30 each month, submit an itemized account of the expenses of the

1 [organization] local emergency management program or the county  
2 emergency management program paid by it during the preceding  
3 calendar month to each of the other political subdivisions party  
4 to the agreement, together with a request for reimbursement of  
5 the proportionate share of expenses agreed to be paid by each of  
6 the other political subdivisions.

7 (c) Reimbursement of agent.--

8 (1) Each political subdivision requested to make  
9 reimbursement shall do so within 30 days after the request  
10 from the appropriation made for the payment of the expenses  
11 of the [organization and, in] local emergency management  
12 program or the county emergency management program. In the  
13 event [of failure] the political subdivision fails to do so,  
14 mandamus shall lie to compel the officers of the political  
15 subdivision to pay the agreed-upon proportionate share of the  
16 proper expenses of the [organization] local emergency  
17 management program or the county emergency management program  
18 out of the first moneys thereafter in the treasury of the  
19 political subdivision and not previously pledged to any other  
20 purpose.

21 (2) No political subdivision may be compelled to pay for  
22 any one year an amount greater than the amount estimated in  
23 the agreement as its proportionate share.

24 (3) Any payment made by any political subdivision to the  
25 political subdivision named as agent in the agreement for  
26 reimbursement for the payment of the expenses of the  
27 [organization] local emergency management program or the  
28 county emergency management program shall be credited by the  
29 agent political subdivision to the appropriation made by it  
30 for the payment of the expenses of the [organization] local

1 emergency management program or the county emergency  
2 management program and shall be available for the payment of  
3 future expenses of the [organization] local emergency  
4 management program or the county emergency management  
5 program, as the case may be, without further appropriation or  
6 action by the agent political subdivision.

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

8 (1) Any gift or grant of money made to or for the local  
9 [organization] emergency management program or the county  
10 emergency management program, if made to a political  
11 subdivision, shall be deposited in its treasury and be  
12 appropriated by it for the purpose for which the gift or  
13 grant was made and the political subdivision shall notify the  
14 political subdivision named as agent in the agreement of the  
15 appropriation and the purpose for which it is available.

16 (2) If the gift or grant of money is made to the  
17 [organization] local emergency management program or the  
18 county emergency management program, it shall be deposited in  
19 the treasury of the political subdivision named as agent in  
20 the agreement and shall be appropriated by the political  
21 subdivision for the purpose for which the gift or grant was  
22 made.

23 (3) Any expenditure made by the agent political  
24 subdivision from any gift or grant deposited in its treasury  
25 or reimbursed from any gift or grant deposited in the  
26 treasury of any other political subdivision shall not be  
27 included in computing the reimbursement requested from any  
28 other political subdivision under the agreement.

29 Section 6. Chapter 75 of Title 35 is amended by adding a  
30 subchapter to read:



1 determined by the regional task force.

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

5 (i) designated county model;

6 (ii) distributed funds model; or

7 (iii) regional county model.

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

9 (i) Notwithstanding any provision in 53 Pa.C.S. Ch.  
10 23 (relating to general provisions), the member counties  
11 may organize their regional task force as a council of  
12 governments under 53 Pa.C.S. Ch. 23 Subch. A (relating to  
13 intergovernmental cooperation). In lieu of establishing a  
14 council of governments, the governing bodies of member  
15 counties must enter into an intergovernmental cooperation  
16 agreement to carry out this subsection.

17 (ii) The regional task force executive board shall  
18 designate one of its member counties as its agent  
19 responsible for entering into contracts and grant  
20 agreements, and administering any funds, grants or  
21 expenses of the regional task force. The regional task  
22 force shall be subject to all of the laws governing the  
23 making of contracts or purchases, the employment of  
24 persons or otherwise incurring financial obligations,  
25 which apply to the designated member county.

26 (iii) Either a joint resolution establishing a  
27 council of governments or an intergovernmental  
28 cooperation agreement fully executed by the governing  
29 bodies of member counties must be received by the agency  
30 prior to the release of contract or grant funds to the

1 designated agent member county.

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

3 (i) The agency shall enter into contracts and grant  
4 agreements with each of the member counties  
5 individually. Each task force member county is  
6 responsible for administering funds, grants or expenses  
7 incurred. Each individual member county shall be  
8 responsible for the laws governing the making of  
9 contracts or purchases, the employment of persons or  
10 otherwise incurring financial obligation individual to  
11 the county.

12 (ii) Notwithstanding any provision in 53 Pa.C.S. Ch.  
13 23, the member counties may organize their regional task  
14 force as a council of governments under 53 Pa.C.S. Ch. 23  
15 Subch. A.

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

17 (i) The agency shall enter into cooperative  
18 contracts and grant agreements with the regional task  
19 force. Each regional task force member county will be  
20 represented in a cooperative contract or grant agreement  
21 and responsible for executing the contract or grant  
22 agreement on behalf of the member county it represents in  
23 the region.

24 (ii) The agency will distribute funds to one  
25 regional task force member county or to each regional  
26 task force county as outlined in a cooperative contract  
27 or grant agreement, as required.

28 (iii) Each county will be responsible for regional  
29 task force expenditure of grant funds and purchases that  
30 are maintained, delivered or reside in the respective

1           regional task force county.

2           (iv) An intergovernmental cooperation agreement  
3           fully executed by the governing bodies of the regional  
4           task force member counties must be received by the agency  
5           prior to the release of contract or grant funds to one  
6           regional task force member county rather than to each  
7           regional task force member county individually.

8           (c) Agency authority.--The agency has the authority to enter  
9           into contract and grant agreements with qualified entities other  
10          than single or multiple entity contract and grant administrators  
11          to the extent permitted by Federal law, regulations and  
12          guidance.

13          (d) Plans.--All regional task forces, regardless of  
14          designation, shall coordinate and develop a regional plan that  
15          addresses regional, State and national priorities and national  
16          preparedness goals and that encompasses the comprising counties  
17          in accordance with subsection (e) and guidelines developed by  
18          the agency. The agency shall review and accept each plan in a  
19          timely manner, but no later than 90 days after receipt of the  
20          plan by the agency. The task force shall review and update the  
21          plan triennially and submit it to the agency for review.

22          (e) Duties of regional task forces.--The duties of all  
23          regional task forces, regardless of designation, shall include  
24          the following:

25                (1) To develop and maintain a regional plan based on  
26                regional, State and national priorities and national  
27                preparedness goals.

28                (2) To comply with Federal and State requirements  
29                regarding National Incident Management System training and  
30                certification, emergency response equipment typing and

1 emergency responder credentialing.

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

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

6 (i) Health services.

7 (ii) Law enforcement.

8 (iii) Fire protection.

9 (iv) Emergency medical services.

10 (5) To develop, maintain and manage an inventory of  
11 regional emergency response resources, including emergency  
12 response vehicles, specialized equipment and certified or  
13 credentialed personnel, that can be deployed within the  
14 region served by the task force or elsewhere in response to  
15 events that threaten life, property, the environment or the  
16 economy and provide an inventory of the resources on a  
17 schedule and in a manner prescribed by the agency.

18 (6) To maintain a multiyear training and exercise plan  
19 and attend training and related sessions as directed or  
20 conducted by the agency.

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

23 (8) To participate in and conduct capabilities-based  
24 planning activities and assessments.

25 (9) To maintain interoperable and compatible emergency  
26 communication systems in support of Statewide communications  
27 systems.

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

30 (f) Activation and deployment.--A regional task force or a

1 subset of the regional task force may be activated and deployed  
2 by the Governor or the designee of the Governor, or an official  
3 designated by the executive board of the regional task force  
4 that established it. During an activation and deployment, the  
5 administrative and operational costs of the regional task force  
6 or a subset of the regional task force, its individual members  
7 and their employers, Commonwealth agencies and other parties  
8 shall be negotiated and paid by the entity that activated and  
9 deployed the regional task force or the subset of the regional  
10 task force.

11 § 7522. Specialized regional response teams.

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

14 (b) Organization.--

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

18 (2) The regional task force must enter into a written  
19 agreement with each specialized regional response team that  
20 it establishes.

21 (3) In addition to other terms, the written agreement  
22 shall stipulate the scope of authority, employed or volunteer  
23 status of team members and which member county of the  
24 regional task force is the responsible agent for  
25 administering funds, grants or expenses of the specialized  
26 regional response team to the extent eligible.

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

30 (5) A specialized regional response team shall be

1 subject to the laws governing the making of contracts or  
2 purchases, the employment of persons or otherwise incurring  
3 financial obligations.

4 (c) Activation and deployment.--A specialized regional  
5 response team may be activated and deployed by the Governor or  
6 the designee of the Governor or an official designated by the  
7 executive board of the regional task force that established the  
8 specialized regional response team. During an activation and  
9 deployment, the administrative and operational costs of the  
10 specialized regional response team, its individual members and  
11 their employers, Commonwealth agencies and other parties shall  
12 be negotiated and paid by the entity that activated and deployed  
13 the specialized regional response team.

14 § 7523. (Reserved).

15 § 7524. Specialized Statewide response teams.

16 (a) Establishment.--The agency may establish and designate  
17 specialized Statewide response teams throughout this  
18 Commonwealth.

19 (b) Organization and responsibilities.--Specialized  
20 Statewide response teams shall be organized in accordance with  
21 guidelines developed by the agency in consultation with  
22 applicable Federal or Commonwealth agencies. The response teams  
23 shall provide professional, operational, logistical, material  
24 and other forms of emergency or technical services and support.

25 (c) Activation.--Specialized Statewide response teams may  
26 only be activated and deployed by the Governor, the designee of  
27 the Governor or an official designated by the Federal Emergency  
28 Management Agency. During an activation and deployment, the  
29 administrative and operational costs of the specialized  
30 Statewide response team, its individual members and their

1 employers, Commonwealth agencies and other parties shall be  
2 negotiated and paid by the entity that activated and deployed  
3 the specialized Statewide response team.

4 (d) Funding, grants and donation.--In addition to funds that  
5 are provided under section 7525 (relating to grant program),  
6 specialized Statewide response teams, as designated by the  
7 agency, may be eligible to receive grants, donations of  
8 equipment and supplies and other funds from any source. As an  
9 agent of the Commonwealth, a specialized Statewide response team  
10 is entitled to tax-exempt status from the Federal Government.  
11 § 7525. Grant program.

12 (a) Authorization.--The agency may award grants to regional  
13 task forces, specialized regional response teams, specialized  
14 Statewide response teams and urban search and rescue task forces  
15 to the extent they are organized pursuant to section 7521(c)  
16 (relating to regional task forces). In the alternative, the  
17 agency may award individual grants to the member political  
18 subdivisions that comprise these entities.

19 (b) Grants and funding.--Regional task forces, specialized  
20 regional response teams and specialized Statewide response teams  
21 may receive grants and funding from the Federal Government and  
22 the Commonwealth through application to the agency or any other  
23 entity providing grants or funding for the purposes of this part  
24 to the extent they are organized pursuant to section 7521(c). In  
25 the alternative, the agency may award individual grants to the  
26 member political subdivisions that comprise these entities.

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

29 § 7526. Workers' compensation premiums.

30 Nothing in this part shall be construed to permit an insurer

1 to raise workers' compensation premiums due to the participation  
2 or membership of a county, municipality, emergency services  
3 organization, individual or employer on a task force or response  
4 team described in this part.

5 Section 7. Section 7604(a) of Title 35 is amended to read:  
6 § 7604. Budgetary considerations.

7 (a) Expenditures.--In addition to the funds which the  
8 Governor is authorized to transfer for disasters in accordance  
9 with 35 Pa.C.S. § 7307 (relating to use and appropriation of  
10 unused Commonwealth funds), the Governor may transfer any other  
11 appropriated but unused funds in an amount of not more than  
12 [\$15,000,000] \$25,000,000 in any fiscal year which may have been  
13 appropriated for the ordinary expenses of the Commonwealth  
14 government from the General Fund to be utilized for the purposes  
15 set forth in 35 Pa.C.S. § 7601 (relating to compact enacted).  
16 The Secretary of the Budget shall, within five days of a  
17 transfer of funds authorized under this section, notify the  
18 chairman and minority chairman of the Appropriations Committee  
19 of the Senate and the chairman and minority chairman of the  
20 Appropriations Committee of the House of Representatives of such  
21 transfer. Such notification shall identify the amount  
22 transferred, the appropriation from which funds were  
23 transferred, the appropriation to which the funds were  
24 transferred and the justification for such transfer. The  
25 Secretary of the Budget shall provide a full accounting to the  
26 chairman and minority chairman of the Appropriations Committee  
27 of the Senate and the chairman and minority chairman of the  
28 Appropriations Committee of the House of Representatives after  
29 the close of each fiscal year concerning funds transferred  
30 pursuant to the provisions of this section.

1 \* \* \*

2 Section 8. Title 35 is amended by adding a section to read:

3 § 7605. Protections.

4 An individual who is not an employee of the Commonwealth and  
5 is deployed by the Governor or a designee under section 7601  
6 (relating to compact enacted) shall be considered an employee of  
7 the Commonwealth for the purposes of Articles VI and VIII of  
8 section 7601 for the period of deployment. Administrative and  
9 operational costs related to the deployment shall be negotiated  
10 and paid by the entity that activated and deployed the  
11 individual.

12 Section 9. Sections 7701, 7702, 7703 and 7704 of Title 35  
13 are amended to read:

14 § 7701. Duties concerning disaster [prevention] preparedness  
15 and emergency management.

16 (a) Governor.--In addition to disaster prevention measures  
17 included in the Commonwealth and local plans, the Governor shall  
18 consider on a continuing basis steps that could be taken to  
19 prevent or reduce the harmful consequences of disasters. The  
20 Governor, from time to time, shall make recommendations to the  
21 General Assembly, political subdivisions and other appropriate  
22 public and private entities as may facilitate measures for  
23 prevention or reduction of the harmful consequences of  
24 disasters.

25 (b) Department of Environmental [Resources] Protection.--The  
26 Department of Environmental [Resources] Protection, in  
27 conjunction with the [Pennsylvania Emergency Management Agency,]  
28 Department of Community and Economic Development, the Department  
29 of Transportation and the agency, shall keep land uses, flood  
30 plain designations and construction of structures and other

1 facilities under continuing study and identify areas which are  
2 particularly susceptible to severe land shifting, subsidence,  
3 flood or other catastrophic occurrence. The studies under this  
4 subsection shall concentrate on means of reducing or avoiding  
5 the dangers caused by this occurrence or the consequences  
6 thereof.

7 (c) Other Commonwealth agencies.--At the direction of the  
8 Governor, and pursuant to any other authority and competence  
9 they have, Commonwealth agencies, including, but not limited to,  
10 those charged with economic recovery responsibilities in  
11 connection with floodplain management, stream encroachment and  
12 flow regulation, weather modification, fire prevention and  
13 control, air quality, public works, land use and land-use  
14 planning, construction standards, public utilities and energy,  
15 shall make studies of disaster prevention-related matters.

16 (d) Schools.--[Public-funded universities, colleges,]  
17 Institutions of higher education and elementary and secondary  
18 schools that receive public funds shall be made available to  
19 [local] municipal, county, regional and [State] Commonwealth  
20 officials for emergency planning and exercise purposes and  
21 actual [service as mass-care facilities in the event of an  
22 emergency evacuation] emergency services.

23 (e) Vehicles.--School bus and transportation vehicles owned,   
24 contracted for or leased by [universities, colleges]  
25 institutions of higher education and school districts that  
26 receive public funds shall be made available to local, county,   
27 regional and [State] Commonwealth officials for emergency  
28 planning and exercise purposes and actual [service in the event  
29 of an emergency evacuation] emergency services.

30 (f) Disaster response and emergency preparedness [drills]

1 exercises.--[Annually, schools and custodial child care  
2 facilities shall conduct at least one disaster response or  
3 emergency preparedness plan drill.] Every emergency action plan  
4 developed under subsection (g) shall provide for the conduct of  
5 at least one disaster exercise annually as specified by the  
6 agency. The disaster exercise shall be coordinated with the  
7 appropriate emergency management program.

8 (g) Plans.--[Every school district and custodial child care  
9 facility, in cooperation with the local Emergency Management  
10 Agency and the Pennsylvania Emergency Management Agency, shall  
11 develop and implement a comprehensive disaster response and  
12 emergency preparedness plan consistent with the guidelines  
13 developed by the Pennsylvania Emergency Management Agency and  
14 other pertinent State requirements. The plan shall be reviewed  
15 annually and modified as necessary. A copy of the plan shall be  
16 provided to the county emergency management agency.] Every  
17 dependent care facility, including, but not limited to,  
18 elementary and secondary schools, shall develop and be prepared  
19 to implement an all-hazards emergency action plan in accordance  
20 with standards established by the agency. The plan shall be  
21 coordinated with the appropriate county emergency management  
22 program, local emergency management program and dedicated  
23 emergency response organizations.

24 (h) Large event plans.--

25 (1) When an event involves the congregation of a large  
26 number of people so that a disaster emergency could  
27 potentially overwhelm the resources of the dedicated  
28 emergency response organizations responsible for the event or  
29 would be likely to respond in the geographic area where the  
30 event is to be held, the sponsoring organization of the event

1 shall develop an emergency action plan as specified by the  
2 agency.

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

6 (i) Sharing of information.--

7 (1) This subsection applies to any of the following  
8 public entities that possesses or acquires all-hazards  
9 information:

10 (i) A Commonwealth agency.

11 (ii) A court or an entity or office of the Unified  
12 Judicial System.

13 (iii) The General Assembly.

14 (iv) A political subdivision.

15 (v) A dedicated emergency response organization.

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

18 (i) Promptly share all-hazards information with the  
19 agency and other Commonwealth agencies in accordance with  
20 standards and all-hazards information guidance issued and  
21 the all-hazards information plan developed by the agency  
22 and consistent with the statutory responsibilities of the  
23 agencies providing and receiving the information.

24 (ii) Cooperate in and facilitate the collection and  
25 validation of the information and the production of  
26 reports based on the information with contents and  
27 formats that permit dissemination that maximizes the  
28 utility of the information in protecting the territory,  
29 residents and interests of this Commonwealth.

30 (iii) Facilitate implementation of the all-hazards

1 information plan developed by the agency.

2 (3) A private entity that becomes aware of all-hazards  
3 information or threats that may impact the health, safety and  
4 welfare of the residents of this Commonwealth shall do all of  
5 the following:

6 (i) Promptly share the information with the agency  
7 and appropriate law enforcement organizations in  
8 accordance with all-hazards information standards and  
9 guidance issued.

10 (ii) Cooperate in and facilitate the collection and  
11 validation of the information and the production of  
12 reports based on the information.

13 (4) Documents, information or other materials received  
14 by the agency or law enforcement organizations under  
15 paragraph (3)(i) shall be subject to section 7716 (relating  
16 to confidentiality) and other Federal or State law protecting  
17 proprietary information or trade secrets and the release or  
18 use of the information.

19 § 7702. Acceptance of services, gifts, grants and loans.

20 (a) General rule.--Whenever any person or the Federal  
21 Government or any Federal agency or officer offers to the  
22 Commonwealth or, through the Commonwealth, to any political  
23 subdivision or school district, services, equipment, supplies,  
24 materials or funds by way of gift, grant or loan for purposes of  
25 [disaster] emergency services, the Commonwealth, acting through  
26 the Governor, or the political subdivision or school district,  
27 acting with the consent of the Governor and through its chief  
28 elected executive officer or governing body, may accept the  
29 offer and upon acceptance the Governor or chief elected  
30 executive officer or governing body of the political subdivision

1 or school district may authorize any officer of the Commonwealth  
2 or of the political subdivision or school district, as the case  
3 may be, to receive the services, equipment, supplies, materials  
4 or funds on behalf of the Commonwealth or political subdivision  
5 or school district subject to the terms of the offer and the  
6 rules and regulations, if any, of the agency or person making  
7 the offer.

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

15 (c) Indemnification.--

16 (1) Except as set forth under paragraph (2), the  
17 Commonwealth may indemnify or hold harmless and save the  
18 United States free from damages arising from a response to  
19 the Commonwealth's request for direct Federal assistance  
20 pursuant to the Stafford Act.

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

24 (3) The General Assembly, under 1 Pa.C.S. § 2310  
25 (relating to sovereign immunity reaffirmed; specific waiver),  
26 waives sovereign immunity as a bar to a claim against a  
27 Commonwealth agency brought by the United States under  
28 paragraph (1) only to the extent provided under this  
29 subsection.

30 § 7703. Interstate arrangements.

1 (a) General rule.--Upon finding that a vulnerable area lies  
2 only partly within this Commonwealth and includes territory in  
3 another state or states or territory in a foreign jurisdiction  
4 and that it would be desirable to establish an interstate  
5 relationship, mutual aid or an area organization for disaster  
6 emergency services, the Governor shall take steps to that end as  
7 desirable.

8 (b) Negotiation and status of agreements.--If this action is  
9 taken with jurisdictions that have enacted the Interstate Civil  
10 Defense and Disaster Compact or the Emergency Management  
11 Assistance Compact, any resulting agreement or agreements may be  
12 considered supplemental agreements pursuant to [Article 6 of  
13 that compact] those compacts. If the other jurisdiction or  
14 jurisdictions with which the Governor proposes to cooperate  
15 pursuant to subsection (a) have not enacted [that] the relevant  
16 compact, the Governor may negotiate special agreements with the  
17 jurisdiction or jurisdictions.

18 (c) Legislative approval of agreements.--Any agreement, if  
19 sufficient authority for the making thereof does not otherwise  
20 exist, becomes effective only after its text has been  
21 communicated to the General Assembly and provided that neither  
22 House of the General Assembly has disapproved it by adjournment  
23 of the next ensuing session competent to consider it or within  
24 30 days of its submission, whichever is longer.

25 § 7704. Immunity from civil liability.

26 (a) General rule.--Neither the Commonwealth, nor any  
27 Commonwealth agency, nor any political subdivision [thereof nor  
28 other agencies] nor, except in cases of willful misconduct,  
29 gross negligence, recklessness or bad faith, the agents,  
30 employees, volunteers or representatives of any of them engaged

1 in any emergency services activities, nor, except in cases of  
2 willful misconduct [or], gross negligence, recklessness or bad  
3 faith, any individual or other person under contract with them  
4 to provide equipment or work on a cost basis to be used in  
5 disaster relief, nor, except in cases of willful misconduct  
6 [or], gross negligence, recklessness or bad faith, any person,  
7 firm, corporation or an agent or employee of any of them engaged  
8 in [disaster] emergency services activities, while complying  
9 with or attempting to comply with this part or any rule or  
10 regulation promulgated pursuant to the provisions of this part,  
11 shall be liable for the death of or any injury to persons or  
12 loss or damage to property as a result of that activity.

13 (b) Real estate owners.--Any person[, organization] or  
14 authority owning or controlling real estate or other premises,  
15 who voluntarily and without compensation[, ] grants a license or  
16 privilege or otherwise permits the designation or use of the  
17 whole or any part or parts of the real estate or premises for  
18 any emergency services purpose, shall, together with his  
19 successors in interest, if any, not be civilly liable for  
20 [negligently] causing the death of or injury to or loss or  
21 damage to the property of any person who is upon the real estate  
22 or other premises for that purpose.

23 [(c) Other benefits unaffected.--This section does not  
24 affect the right of any person to receive benefits to which he  
25 would otherwise be entitled under this part or under the  
26 workmen's compensation laws or under any pension law, nor the  
27 right of any person to receive any benefits or compensation  
28 under any Federal law.]

29 (d) Effect on other immunities.--The immunity provided in  
30 this section does not supersede and is in addition to other

1 immunities provided by law.

2 Section 10. Title 35 is amended by adding a section to read:

3 § 7704.1. Other benefits unaffected.

4 Participation in this part by an individual does not affect  
5 the right of that individual to receive benefits to which the  
6 individual would otherwise be entitled under this part or under  
7 the act of June 2, 1915 (P.L.736, No.338), known as the Workers'  
8 Compensation Act, or under any pension law, nor the right of any  
9 person to receive any benefits or compensation under any Federal  
10 law.

11 Section 11. Sections 7705, 7706 and 7707 of Title 35 are  
12 amended to read:

13 § 7705. Special powers of [local agencies] political  
14 subdivisions.

15 (a) Roadway clearance.--Whenever the Governor shall have  
16 proclaimed a disaster emergency under section 7301(c) (relating  
17 to [declaration of disaster emergency]) general authority of  
18 Governor), officials of any political subdivision included in  
19 the disaster emergency shall have the authority to clear such  
20 roadways as are necessary for the health, safety and welfare of  
21 residents, even though such roadways are not officially the  
22 responsibility of such political subdivision. The political  
23 subdivision may be reimbursed for the cost of such clearing as  
24 provided in subsection (c).

25 (b) Water systems.--Whenever the Governor shall have  
26 proclaimed a disaster emergency under section 7301(c) and in the  
27 event that a water system owned or operated by a political  
28 subdivision or municipal authority is damaged, destroyed or made  
29 inoperable as a direct result of such disaster emergency, the  
30 political subdivision or municipal authority shall have the

1 authority to lease or hire such personnel and equipment as may  
2 be needed to effect restoration of such water system. The  
3 political subdivision or municipal authority may be reimbursed  
4 for the cost of such restoration as provided in [subsection  
5 (c).] section 7301.

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

10 § 7706. [Compensation for accidental injury] Workers'  
11 compensation.

12 (a) Benefits.--[All duly enrolled emergency management  
13 volunteers, and such other volunteers as the agency shall by  
14 regulation qualify, who are not eligible to receive benefits  
15 under the Workmen's Compensation Laws shall be entitled, except  
16 during a state of war or period of armed conflict within the  
17 continental limits of the United States, to the following  
18 benefits relating to injuries sustained while actually engaged  
19 in emergency management activities and services or in or en  
20 route to and from emergency management tests, drills, exercises  
21 or operations authorized by the Pennsylvania Emergency  
22 Management Agency and carried out in accordance with rules and  
23 orders promulgated and adopted by the agency:

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

26 (2) A sum not exceeding \$15,000 for reimbursement for  
27 medical and hospital expenses associated with accidental  
28 injury.

29 (3) Weekly payments of \$200, not to exceed six months in  
30 duration, beginning on the eighth day of disability directly

1 arising from accidental injury rendering the individual  
2 totally incapable of following his normal gainful pursuits.]

3 Volunteers of the agency, a regional task force, specialized  
4 Statewide response teams, specialized regional response teams,  
5 the Commonwealth emergency management program, a county  
6 emergency management program or a local emergency management  
7 program are deemed to be employees of the Commonwealth or of the  
8 county or municipality by whose program they are deployed for  
9 purposes of the act of June 2, 1915 (P.L.736, No.338), known as  
10 the Workers' Compensation Act, when engaging in or performing  
11 the following activities:

12 (1) Deployment by the applicable emergency management  
13 official and participation in emergency services activities.

14 (2) Going to or returning from an emergency or disaster  
15 emergency to which the program members have been deployed.

16 (3) Required training, exercise or related official  
17 functions designated and authorized by the applicable  
18 emergency management official.

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

24 Computation.--For purposes of computing a volunteer's wage  
25 compensation under the Workers' Compensation Act, there shall be  
26 an irrebuttable presumption that the wages shall be at least  
27 equal to the Statewide average weekly wage.

28 (c) Applicability.--The provisions of this section shall not  
29 apply to the extent that the volunteer is otherwise covered for  
30 workers' compensation purposes under an existing policy,

1 agreement, contract or law, nor shall this section apply to an  
2 individual who self-deploys or has not been authorized to  
3 respond in accordance with subsection (a).

4 (d) Construction.--The provisions of this section shall not  
5 supersede Chapter 76 (relating to emergency management  
6 assistance compact).

7 § 7707. Penalties.

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

15 (1) the Governor or his designee who fails to comply  
16 with an order or direction from the Governor or a designee of  
17 the Governor;

18 (2) a chief elected executive officer who fails to  
19 comply with an order or direction from the chief elected  
20 executive officer;

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

23 (4) a county or local emergency management program in  
24 compliance with this part who fails to comply with an order  
25 or direction from that county or local emergency program  
26 commits a violation of this part.

27 (a.1) Penalty.--A violation of this section shall constitute  
28 a summary offense and the person convicted of the violation  
29 shall be sentenced:

30 (1) to pay a fine not exceeding [\$200] \$500 or to

1 imprisonment not exceeding 30 days, or both, for the first  
2 offense[,] and

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

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

20 Section 12. Title 35 is amended by adding sections to read:  
21 § 7715. Authority of Federal law enforcement officers.

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

1 the officer's presence.

2 (b) Operational control.--Federal law enforcement officers  
3 working in cooperation with State and local law enforcement  
4 officers during a disaster emergency declared by the Governor  
5 shall come under the operational control of the Pennsylvania  
6 State Police or as otherwise directed by the Governor.

7 (c) Liability.--A Federal law enforcement officer operating  
8 under this section shall have the same immunities from liability  
9 as any agent or employee of the Commonwealth under 42 Pa.C.S.  
10 Ch. 85 (relating to matters affecting government units).  
11 § 7716. Confidentiality.

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

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

21 (2) Information in a form received by the agency or a  
22 law enforcement organization under section 7701(i) (relating  
23 to duties concerning disaster preparedness and emergency  
24 management).

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

1 Commonwealth.

2 (b) Open meetings exception.--Meetings of the council, a  
3 county emergency management program, a local emergency  
4 management program or a task force or response team organized in  
5 accordance with this part, relating to preparedness and  
6 emergency management, shall not be subject to the provisions of  
7 65 Pa.C.S. Ch. 7 (relating to open meetings).

8 § 7717. Adverse interests.

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

16 Section 13. Repeals are as follows:

17 (1) The General Assembly declares that the repeals under  
18 paragraphs (2) and (3) are necessary to effectuate this act.

19 (2) The act of December 16, 2002 (P.L.1967, No.227),  
20 known as the Counterterrorism Planning, Preparedness and  
21 Response Act, is repealed.

22 (3) Section 1508 of the act of April 9, 1929 (P.L.343,  
23 No.176), known as The Fiscal Code, is repealed.

24 Section 14. This act shall take effect immediately.