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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1088 Session of  
2020

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INTRODUCED BY BROWNE, GORDNER, REGAN, MARTIN, BROOKS, BAKER,  
MENSCH, YAW, K. WARD, J. WARD, BREWSTER, SCHWANK, KEARNEY,  
YUDICHAK, COSTA AND TARTAGLIONE, MARCH 11, 2020

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REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
MARCH 11, 2020

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, establishing and providing for the  
3 powers and duties of the Governor's Office of Homeland  
4 Security; in 911 emergency communication services, further  
5 providing for termination of chapter; in general provisions,  
6 further providing for definitions and for purposes of part;  
7 in Commonwealth services, further providing for general  
8 authority of Governor, for temporary housing, for debris and  
9 wreckage removal, for community disaster loans, for  
10 individual and family assistance and for grants for hazard  
11 mitigation, establishing the Disaster Emergency Fund, further  
12 providing for laws suspended during emergency assignments,  
13 providing for penalty for false application and further  
14 providing for organization, for powers and duties of  
15 Pennsylvania Emergency Management Agency, for utilization of  
16 existing services and facilities and for radiological  
17 emergency response preparedness, planning and recovery  
18 program; in volunteer firefighters, further providing for  
19 funds; in local organizations and services, further providing  
20 for general authority of political subdivisions, for local  
21 coordinator of emergency management, for powers and duties of  
22 political subdivisions, for coordination, assistance and  
23 mutual aid, for appropriations by political subdivisions, for  
24 law applicable to local organizations, for agreements among  
25 political subdivisions, for payments involving one political  
26 subdivision and for payments involving two or more political  
27 subdivisions and providing for regional all-hazards  
28 preparedness and emergency management; in Emergency  
29 Management Assistance Compact, further providing for  
30 budgetary considerations and providing for protections; and,  
31 in miscellaneous provisions, further providing for duties  
32 concerning disaster prevention, for acceptance of services,

1 gifts, grants and loans, for interstate arrangements and for  
2 immunity from civil liability, providing for other benefits  
3 unaffected, further providing for special powers of local  
4 agencies, for compensation for accidental injury and for  
5 penalties and providing for authority of Federal law  
6 enforcement officers, for confidentiality and for adverse  
7 interests.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Title 35 of the Pennsylvania Consolidated  
11 Statutes is amended by adding a chapter to read:

12 CHAPTER 49

13 GOVERNOR'S OFFICE OF HOMELAND SECURITY

14 Sec.

15 4901. Definitions.

16 4902. Office.

17 4903. Designation of State administrative agency.

18 4904. Cooperation by State agencies.

19 § 4901. Definitions.

20 The following words and phrases when used in this chapter  
21 shall have the meanings given to them in this section unless the  
22 context clearly indicates otherwise:

23 "Advisor." The Homeland Security Advisor under section  
24 4902(c) (relating to office).

25 "Director." The Homeland Security Director under section  
26 4902(d).

27 "Office." The Governor's Office of Homeland Security  
28 established under section 4902(a).

29 § 4902. Office.

30 (a) Establishment.--The Governor's Office of Homeland  
31 Security is established within the Governor's Office to prepare  
32 for, prevent, respond to and recover from acts of terrorism.

33 (b) Powers and duties.--The office has the power and duty

1 to:

2 (1) Secure this Commonwealth from acts of terrorism.

3 (2) Reduce the vulnerability of critical infrastructure  
4 and key resources to terrorist attacks.

5 (3) Partner with the United States Department of  
6 Homeland Security and other Federal, State and local agencies  
7 in matters related to homeland security.

8 (4) Work with the primary State fusion center to develop  
9 the process of information fusion for the gathering,  
10 processing, analyzing and disseminating of information  
11 related to homeland security.

12 (5) Cooperate with the Pennsylvania Emergency Management  
13 Agency in matters relating to emergency management planning,  
14 preparedness and response.

15 (6) Participate, in concert with the private sector and  
16 other Federal, State and local agencies, in a coordinated  
17 effort to prepare for, prevent, respond to and recover from  
18 acts of terrorism.

19 (c) Homeland Security Advisor.--The head of the office shall  
20 be the Homeland Security Advisor, as appointed by the Governor.  
21 The advisor shall serve as this Commonwealth's primary point of  
22 contact with the United States Department of Homeland Security  
23 and other Federal, State and local agencies in matters related  
24 to homeland security. The advisor shall advise and report to the  
25 Governor.

26 (d) Homeland Security Director.--The office shall be managed  
27 by a Homeland Security Director appointed by the Governor. The  
28 director shall report to the advisor and to the Governor's  
29 Deputy Chief of Staff for Public Safety. The director shall be  
30 assisted by personnel deemed necessary to allow the office to

1 carry out its responsibilities.

2 (e) Staffing and location.--The director is authorized to  
3 select, appoint and employ such employees as may be necessary to  
4 carry out the functions of the office, in accordance with the  
5 procedures of the Governor's Office of Administration. The  
6 office shall be located at the Pennsylvania State Police  
7 Departmental Headquarters. All personnel assigned to the office  
8 shall be classified as authorized employees of the Pennsylvania  
9 State Police.

10 § 4903. Designation of State administrative agency.

11 The Pennsylvania Emergency Management Agency is designated as  
12 the State Administrative Agency for this Commonwealth and shall  
13 be responsible for the administration and audit functions of all  
14 Federal grants relating to homeland security. The distribution  
15 awards of Federal grant money under the Homeland Security Grant  
16 Program and the Urban Area Security Initiative shall be made by  
17 the Governor's Office, in consultation with the advisor and the  
18 Director of the Pennsylvania Emergency Management Agency, in  
19 accordance with the Federal guidelines related to the National  
20 Homeland Security Strategy and Federal Grant Guidance as  
21 promulgated by the United States Department of Homeland Security  
22 and the Federal Emergency Management Agency for the respective  
23 grant years.

24 § 4904. Cooperation by State agencies.

25 All agencies under the Governor's jurisdiction shall  
26 cooperate with and provide assistance and support as needed by  
27 the office and the Governor's Deputy Chief of Staff for Public  
28 Safety to carry out the functions of the office effectively.

29 Section 2. Section 5398 of Title 35, amended June 28, 2019  
30 (P.L.142, No.17), is amended to read:

1 § 5398. Termination.

2 [This] (a) General rule.--Except as set forth in subsection  
3 (b), this chapter shall expire January 31, [2024] 2023.

4 (b) Exception.--Section 5304(c) (relating to counties) shall  
5 expire June 30, 2021.

6 Section 3. Sections 7102, 7103, 7301, 7302, 7303, 7304, 7305  
7 and 7305.1 of Title 35 are amended to read:

8 § 7102. Definitions.

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

12 "Agency." The Pennsylvania Emergency Management Agency.

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

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

25 "Chief elected executive officer." Includes:

26 (1) The mayor of a city or borough or the elected  
27 executive in a municipality without a mayor.

28 (2) The presiding elected officer of the governing body  
29 in municipalities without an elected executive.

30 "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(j) (relating to Pennsylvania  
21           Emergency 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 this Commonwealth. When  
12 activated, the CRCC is staffed with personnel from various State  
13 agencies who work in a defined organizational structure to  
14 coordinate State-level emergency management actions, such as the  
15 coordination and integration of resources. The CRCC provides  
16 policy guidance, situational awareness, common operating picture  
17 and planning 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 political subdivisions' 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 be  
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, including delivery of medications and health  
18 care supplies, search, rescue, engineering, disaster warning  
19 services, sharing of information, communications, radiological  
20 activities, shelter, chemical and other special weapons defense,  
21 evacuation of persons from stricken areas, emergency welfare  
22 services, mass-care services, emergency transportation,  
23 emergency [resources] management, existing or properly assigned  
24 functions of plant protection, temporary restoration of public  
25 utility services, logistics and resource management and other  
26 [functions] capabilities related to civilian protection. The  
27 term includes all of the following:

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

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

4           "Federal emergency." An emergency as defined in section  
5           102(1) of the Stafford Act (42 U.S.C. § 5122(1)).

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

8           (1) is employed by the United States;

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

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

13           "Grantee." The person, government or organization to which a  
14           grant is awarded.

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

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

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

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

29           (2) Characterized by the coordination of facilities,  
30           equipment, personnel, procedures and communications operating

1 within a common organizational structure and designed to aid  
2 in the management of resources during all kinds of  
3 emergencies regardless of size or complexity.

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

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

10 (1) A communications network.

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

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

17 (4) A public or private water pipeline.

18 (5) Pharmaceutical and health care distribution networks  
19 that provide critical medications and other medical supplies  
20 to hospitals, long-term care facilities, pharmacies and other  
21 health care settings.

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

1 a disaster to be of sufficient severity and magnitude to warrant  
2 coordinated local government action to prevent or alleviate the  
3 damage, loss, hardship or suffering threatened or caused  
4 thereby.

5 "Local organization." A local emergency management  
6 organization.

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

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

19 "Institution of higher education." A university, four-year  
20 college or community college.

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

24 "Key resources." Publicly or privately controlled resources  
25 essential to minimal operation of the economy and the  
26 government.

27 "Local disaster emergency." The condition declared by a  
28 local governing body or chief elected executive officer when, in  
29 the governing body's or officer's judgment, the threat or actual  
30 occurrence of a disaster may:

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

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

7           "Local emergency management program." An emergency  
8           management and preparedness program established and maintained  
9           by a political subdivision under section 7501.

10          "Major disaster." The term as it is defined in section  
11          102(2) of the Stafford Act (42 U.S.C. § 5122(2)).

12          "Mitigation." Protection activities designed to reduce or  
13          eliminate risks to persons or property or to lessen the actual  
14          or potential effects or consequences of an incident that may be  
15          implemented prior to, during or after an incident.

16          "Municipality." A city, borough, incorporated town,  
17          township, home rule or optional charter municipality or any  
18          other general purpose unit of local government other than a  
19          county.

20          "Mutual aid." Mutual assistance and sharing of resources  
21          among participating political subdivisions in the prevention of,  
22          response to and recovery from threats to public health and  
23          safety that are beyond the capability of the affected community.

24          "National Incident Management System." A system that  
25          provides a consistent nationwide approach for Federal, State,  
26          local and tribal governments, the private sector and  
27          nongovernmental organizations to work effectively and  
28          efficiently together to prepare for, prevent, protect against,  
29          respond to and recover from domestic incidents, regardless of  
30          cause, size or complexity. The term includes a successor system

1 established by the Federal Government.

2 "National Infrastructure Protection Plan." A plan developed  
3 by the United States Department of Homeland Security that  
4 provides a coordinated approach to critical infrastructure and  
5 key resources protection roles and responsibilities for Federal,  
6 State, local, tribal and private sector security partners, or a  
7 successor program, and that sets national priorities, goals and  
8 requirements for effective distribution of funding and resources  
9 to ensure that the government, economy and public services  
10 continue in the event of a disaster emergency.

11 "Operational plan." A plan that describes the emergency  
12 management or homeland security roles, responsibilities and  
13 resources of an organization.

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

22 (1) A presence in this Commonwealth, excluding prior  
23 disaster emergency-related work performed under section  
24 7308(b)(1) (relating to laws suspended during emergency  
25 assignments).

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

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

1 "Person." An individual, corporation, [firm,] association,  
2 partnership, limited liability company, business trust,  
3 government entity, including the Commonwealth, foundation,  
4 public utility, trust[,], or estate[, public or private  
5 institution, group, the Commonwealth or a local agency or  
6 political subdivision and any legal successor, representative or  
7 agency of the foregoing].

8 "Political subdivision." [Any] A county[, city, borough,  
9 incorporated town or township] or municipality.

10 "Preparedness." A continuous process of identifying and  
11 implementing tasks and activities necessary to build, sustain  
12 and improve operational capability to prevent, protect against,  
13 respond to and recover from domestic incidents involving all  
14 levels of government, private sector and nongovernmental  
15 organizations to identify threats, determine vulnerabilities and  
16 identify required resources.

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

18 "Prevention." Actions to avoid an incident or to intervene  
19 to stop an incident from occurring.

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

22 "Recovery." The development, coordination and execution of  
23 service-restoration and site-restoration plans for impacted  
24 communities and the reconstitution of government operations and  
25 services through individual, private sector, nongovernmental and  
26 public assistance programs that do all of the following:

27 (1) Identify needs and define resources.

28 (2) Provide housing and promote restoration.

29 (3) Address long-term care and treatment of affected  
30 persons.

1           (4) Implement additional measures and techniques, as  
2           feasible.

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

4           (6) Develop initiatives to mitigate the effects of  
5           future incidents.

6           "Regional." Pertaining to regional task forces.

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

17           "Registered business." Any business entity that is  
18 registered to do business in this Commonwealth prior to a  
19 declared disaster or emergency.

20           "Resource shortage." The absence, unavailability or reduced  
21 supply of any raw or processed natural resource, or any  
22 commodities, goods or services of any kind which bear a  
23 substantial relationship to the health, safety, welfare and  
24 economic well-being of the [citizens] residents of this  
25 Commonwealth.

26           ["War-caused disaster." Any condition following an attack  
27 upon the United States resulting in substantial damage to  
28 property or injury to persons in the United States caused by use  
29 of bombs, missiles, shellfire, nuclear, radiological, chemical  
30 or biological means, or other weapons or overt paramilitary

1 actions, or other conditions such as sabotage.]

2 "Response." Activities that address the short-term, direct  
3 effects of an incident. The term includes the execution of  
4 emergency operations plans and incident mitigation activities  
5 designed to limit the loss of life, personal injury, property  
6 damage and other unfavorable outcomes.

7 "Review and accept." The process by which the agency, county  
8 emergency management programs and local emergency management  
9 programs validate planning documents in accordance with this  
10 part to ensure compliance with established planning criteria,  
11 adherence to templates and completeness. The process may not  
12 imply approval or verification of ability to execute the plans  
13 described in the planning documents.

14 "Specialized regional response team." A complement of  
15 individuals established by a regional task force and organized  
16 in accordance with standards developed by the agency and  
17 applicable Federal agencies to respond to emergencies involving  
18 an actual or potential disaster.

19 "Specialized Statewide response team." A complement of  
20 individuals designated or recognized by the Commonwealth to  
21 provide specialized personnel, equipment and other support  
22 capabilities in response to an actual or potential disaster.

23 "Stafford Act." The Robert T. Stafford Disaster Relief and  
24 Emergency Assistance Act (Public Law 93-288, 88 Stat. 143).

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

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

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

4 "Wholesale distributor of prescription medications." A  
5 person who operates a facility from which a person engages in  
6 the wholesale distribution of prescription drugs as defined  
7 under section 3 of the act of December 14, 1992 (P.L.1116,  
8 No.145), known as the Wholesale Prescription Drug Distributors  
9 License Act.

10 § 7103. [Purposes] Purpose of part.

11 [The purposes of this part are to:

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

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

17 (3) Provide a setting conducive to the rapid and orderly  
18 start of restoration and rehabilitation of persons and  
19 property affected by disasters.

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

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

25 (6) Authorize and provide for coordination of activities  
26 relating to disaster prevention, preparedness, response and  
27 recovery by agencies and officers of this Commonwealth, and  
28 similar State-local and Federal-State activities in which the  
29 Commonwealth and its political subdivisions participate.

30 (7) Provide a disaster management system embodying all

1 aspects of predisaster preparedness and postdisaster  
2 response.

3 (8) Assist in prevention of disaster caused or  
4 aggravated by inadequate planning for and regulation of  
5 public and private facilities and land use.

6 (9) Supplement, without in any way limiting, authority  
7 conferred by previous statutes of this Commonwealth and  
8 increase the capability of the Commonwealth and local  
9 agencies having responsibilities for civil defense to perform  
10 both civil defense and disaster services.

11 (10) Further the operational capacities of Commonwealth  
12 agencies to deal with disaster situations.

13 (11) Further programs of education and training.

14 (12) Establish integrated communications capabilities  
15 and warning systems.]

16 The purpose of this part is to provide for coordination of  
17 activities relating to disaster preparedness and emergency  
18 management activities by agencies and officers of this  
19 Commonwealth among political subdivisions, intergovernmental  
20 cooperative entities, regional task forces, councils of  
21 governments, elementary and secondary schools and other  
22 appropriate public and private entities participate.

23 § 7301. General authority of Governor.

24 (a) Responsibility to [meet] address disasters.--The  
25 Governor is responsible for [meeting] addressing the dangers to  
26 this Commonwealth [and people] as presented by disasters.

27 (b) Executive orders, proclamations and regulations.--Under  
28 this part, in addition to other rights granted to the Governor  
29 under this part, the Governor may issue, amend and rescind  
30 executive orders, proclamations and regulations, which shall

1 have the force and effect of law.

2 (c) Declaration of disaster emergency.--

3 (1) A disaster emergency shall be declared by executive  
4 order or proclamation of the Governor upon finding that a  
5 disaster has occurred or that the occurrence or the threat of  
6 a disaster is imminent.

7 (2) The [state of] declared disaster emergency shall  
8 continue until the Governor finds that the threat or danger  
9 has passed or the disaster has been dealt with to the extent  
10 that emergency conditions no longer exist and terminates the  
11 [state of] declared disaster emergency by executive order or  
12 proclamation, but no [state of] declared disaster emergency  
13 may continue for longer than 90 days unless renewed by the  
14 Governor.

15 (3) The General Assembly by concurrent resolution may  
16 terminate a [state of] disaster emergency declaration at any  
17 time. Thereupon, the Governor shall issue an executive order  
18 or proclamation ending the [state of] declared disaster  
19 emergency.

20 (4) All executive orders or proclamations issued under  
21 this subsection shall indicate the nature of the disaster,  
22 the area or areas threatened and the conditions which have  
23 brought the disaster about or which make possible termination  
24 of the [state of] declared disaster emergency.

25 (5) An executive order or proclamation shall be  
26 disseminated promptly by means calculated to bring its  
27 contents to the attention of the general public and, unless  
28 the circumstances attendant upon the disaster prevent or  
29 impede, shall be promptly filed with the [Pennsylvania  
30 Emergency Management Agency] agency and the Legislative

1 Reference Bureau for publication under [Part II of Title 45]  
2 45 Pa.C.S. Pt. II (relating to publication and effectiveness  
3 of Commonwealth documents).

4 (d) Activation of disaster response.--An executive order or  
5 proclamation of a [state of] declared disaster emergency shall  
6 activate the disaster response and recovery aspects of the  
7 Commonwealth emergency operations plan and [local disaster]  
8 other emergency plans applicable to the political subdivision or  
9 area in question and shall be authority for the deployment and  
10 use of any forces to which the plan or plans apply and for use  
11 or distribution of any supplies, equipment and materials and  
12 facilities assembled, stockpiled or arranged to be made  
13 available pursuant to this part or any other provision of law  
14 relating to disaster emergencies.

15 (e) Commander in chief of military forces.--[During the  
16 continuance of any state of disaster emergency, the] The  
17 Governor is commander in chief of the Pennsylvania military  
18 forces. To the greatest extent practicable, the Governor shall  
19 delegate or assign command authority by prior arrangement  
20 embodied in appropriate executive orders or regulations, but  
21 this does not restrict the authority of the Governor to do so by  
22 orders issued at the time of the disaster emergency.

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

25 (1) Suspend the provisions of any [regulatory] statute  
26 [prescribing the procedures for conduct of Commonwealth  
27 business,] or the orders, rules or regulations of any  
28 Commonwealth agency, if strict compliance with the provisions  
29 of any statute, order, rule or regulation would in any way  
30 prevent, hinder or delay necessary action in coping with the

1 emergency.

2 (1.1) Transfer any unused funds which may have been  
3 appropriated for the ordinary expenses of the Commonwealth in  
4 the General Fund to Commonwealth agencies as the Governor may  
5 direct to be expended for relief of disaster in a manner as  
6 the Governor shall approve, and the funds are hereby  
7 appropriated to the Governor for those purposes. The total of  
8 the transfers under this subsection shall not exceed  
9 \$30,000,000 in any one fiscal year except by action of the  
10 General Assembly. The Secretary of the Budget may only make  
11 the transfer of funds if the transfer will not result in a  
12 deficit in any appropriation from which the funds are  
13 transferred. The Secretary of the Budget shall, within five  
14 days of a transfer of funds authorized under this section,  
15 notify the chairman and minority chairman of the  
16 Appropriations Committee of the Senate and the chairman and  
17 minority chairman of the Appropriations Committee of the  
18 House of Representatives of the transfer. The notification  
19 shall identify the amount transferred, the appropriation from  
20 which funds were transferred, the appropriation to which the  
21 funds were transferred and the justification for such  
22 transfer. The Secretary of the Budget shall provide a full  
23 accounting to the chairman and minority chairman of the  
24 Appropriations Committee of the Senate and the chairman and  
25 minority chairman of the Appropriations Committee of the  
26 House of Representatives after the close of each fiscal year  
27 concerning funds transferred pursuant to the provisions of  
28 this section.

29 (1.2) Transfer any funds which may have been  
30 appropriated for the ordinary expenses of government in the

1 General Fund to Commonwealth agencies as the Governor may  
2 direct to be expended for reimbursements as provided in  
3 section 7705(a) and (b) (relating to special powers of  
4 political subdivisions). Reimbursements shall be made in  
5 accordance with and to the extent permitted by regulations  
6 issued by the agency or agencies as the Governor may  
7 designate to administer the reimbursement programs  
8 established under this section. The total of the transfers  
9 shall not exceed \$5,000,000 in any one fiscal year except by  
10 action of the General Assembly. Transfers of funds shall only  
11 be used for relief of disaster events related to an emergency  
12 proclamation issued by the Governor and shall not be expended  
13 on hazard mitigation projects or any other program. The  
14 Secretary of the Budget may only make the transfer of funds  
15 if the transfer will not result in a deficit in any  
16 appropriation from which the funds are transferred. The  
17 Secretary of the Budget shall, within five days of a transfer  
18 of funds authorized under this section, notify the chairman  
19 and minority chairman of the Appropriations Committee of the  
20 Senate and the chairman and minority chairman of the  
21 Appropriations Committee of the House of Representatives of  
22 the transfer. The notification shall identify the amount  
23 transferred, the appropriation from which funds were  
24 transferred, the appropriation to which the funds were  
25 transferred and the justification for such transfer. The  
26 Secretary of the Budget shall provide a full accounting to  
27 the chairman and minority chairman of the Appropriations  
28 Committee of the Senate and the chairman and minority  
29 chairman of the Appropriations Committee of the House of  
30 Representatives after the close of each fiscal year

1 concerning funds transferred pursuant to the provisions of  
2 this section.

3 (2) [Utilize] Before, during and following the  
4 expiration of a declaration of a disaster emergency, utilize  
5 all available resources of the Commonwealth [Government] and  
6 each political subdivision [of this Commonwealth] as  
7 reasonably necessary to cope with [the] or mitigate the  
8 effects of a disaster emergency or potential disaster  
9 emergency.

10 (3) Transfer the direction, personnel or functions of  
11 Commonwealth agencies or units thereof for the purpose of  
12 performing or facilitating emergency services.

13 (4) Subject to any applicable requirements for  
14 compensation under section 7313(10) (relating to powers and  
15 duties), commandeer or utilize any private, public or quasi-  
16 public property if necessary to cope with the disaster  
17 emergency.

18 (5) Direct and compel the evacuation of all or part of  
19 the population from any stricken or threatened area within  
20 this Commonwealth if this action is necessary for the  
21 preservation of life or other disaster mitigation, response  
22 or recovery.

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

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

28 (8) Suspend or limit the sale, dispensing or  
29 transportation of alcoholic beverages, [firearms,] explosives  
30 and combustibles.

1 (9) Confer the power of arrest on the law enforcement  
2 personnel serving as part of the emergency forces of a party  
3 state during operations in this Commonwealth pursuant to a  
4 declaration of a disaster emergency under subsection (c). Law  
5 enforcement personnel shall be under the operational control  
6 of the Commissioner of Pennsylvania State Police and shall  
7 comply with the terms and conditions of the Emergency  
8 Management Assistance Compact under Chapter 76 (relating to  
9 Emergency Management Assistance Compact). Arrest powers  
10 granted under this paragraph shall expire when the  
11 declaration of a disaster emergency is terminated by  
12 executive order, proclamation or operation of law, if the  
13 arrest powers have not previously been terminated.

14 (10) If the Governor determines that the Commonwealth  
15 needs the assistance of Federal law enforcement while a  
16 declaration of a disaster emergency is in effect, make a  
17 request to the Federal Government for the assistance of  
18 Federal law enforcement officers in enforcing the laws of  
19 this Commonwealth. Only the Governor shall have the power to  
20 make the request.

21 (11) Appoint the director, subject to the consent of a  
22 majority of the members elected to the Senate.

23 § 7302. Temporary housing.

24 (a) Authority of Governor.--Whenever the Governor has  
25 [proclaimed] declared a disaster emergency under this part, or  
26 the President, at the request of the Governor, has declared [an]  
27 a Federal emergency or a major disaster to exist in this  
28 Commonwealth, the Governor is authorized:

29 (1) To enter into purchase, lease or other arrangements  
30 with any Federal agency for temporary housing units to be

1 occupied by disaster victims and to make the units available  
2 to any political subdivision [of this Commonwealth named as a  
3 party to the emergency or disaster declaration.], authority  
4 or authorized nongovernmental organization included in the  
5 declared disaster emergency, declared Federal emergency or  
6 declared major disaster.

7 (2) To assist any political subdivision [of this  
8 Commonwealth], authority or authorized nongovernmental  
9 organization which is the locus of temporary housing for  
10 disaster victims to acquire sites necessary for such  
11 temporary housing and to do all things required to prepare  
12 such sites to receive and utilize temporary housing units by:

13 (i) advancing or lending funds available to the  
14 Governor from any appropriation made by the General  
15 Assembly or from any other source;

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

18 (iii) becoming a copartner with the political  
19 subdivision for the execution and performance of any  
20 temporary housing for disaster victims [project];

21 and for such purposes to pledge the credit of the  
22 Commonwealth on such terms as the Governor deems appropriate  
23 having due regard for current debt transactions of the  
24 Commonwealth.

25 (3) Under such [regulations] conditions as the Governor  
26 shall prescribe, to temporarily suspend or modify for not to  
27 exceed 60 days any public health, safety, zoning,  
28 transportation [(within] within or across this  
29 [Commonwealth)] Commonwealth or other requirement of statute  
30 or regulation within this Commonwealth when by proclamation

1 the Governor deems the suspension or modification essential  
2 to provide temporary housing for disaster victims.

3 (b) Acquisition of sites by political subdivisions.--Any  
4 political subdivision [of this Commonwealth], authority or  
5 authorized nonprofit organization is expressly authorized to  
6 acquire, temporarily or permanently, by purchase, lease or  
7 otherwise, sites required for installation of temporary housing  
8 units for disaster victims[, ] and to enter into whatever  
9 arrangements [which are] necessary to prepare or equip the sites  
10 to utilize the housing units.

11 (c) Construction of section.--This section does not limit  
12 the authority of the Governor to apply for, administer and  
13 expend any grants, gifts or payments in aid of disaster  
14 [prevention,] preparedness[, response or recovery] and emergency  
15 management activities.

16 [(d) Definitions.--As used in this section, "major disaster"  
17 and "emergency" shall have the same meanings as defined or used  
18 in The Robert T. Stafford Disaster Relief and Emergency  
19 Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.).]  
20 § 7303. Debris and wreckage removal.

21 (a) Authority of Governor.--Whenever the Governor has  
22 declared a disaster emergency to exist under this part, or the  
23 President, at the request of the Governor, has declared a major  
24 disaster or emergency to exist in this Commonwealth, the  
25 Governor is authorized:

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

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

5 (b) Authority of Commonwealth personnel.--Whenever the  
6 Governor provides for clearance of debris or wreckage pursuant  
7 to subsection (a), employees of the designated Commonwealth  
8 agencies or individuals appointed by the Commonwealth are  
9 authorized to enter upon private land or waters and perform any  
10 tasks necessary to the removal or clearance operation.

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

17 § 7304. Community disaster loans.

18 Whenever, at the request of the Governor, the President has  
19 declared a major disaster or emergency to exist in this  
20 Commonwealth, the Governor is authorized:

21 (1) Upon determining that a political subdivision [of  
22 this Commonwealth] will suffer a substantial loss of tax and  
23 other revenues from a major disaster or emergency and has  
24 demonstrated a need for financial assistance to perform its  
25 governmental functions, to apply to the Federal Government,  
26 on behalf of the political subdivision, for a loan and to  
27 receive and disburse the proceeds of any approved loan to  
28 [any] the applicant [political subdivision].

29 (2) To determine the amount needed by [any applicant] a  
30 political subdivision to restore or resume its governmental

1 functions and to certify the amount to the Federal  
2 Government. No application amount shall exceed 25% of the  
3 annual operating budget of the applicant for the fiscal year  
4 in which the major disaster or emergency occurs.

5 (3) After review, recommend to the Federal Government  
6 the cancellation of all or any part of repayment when, in the  
7 first three full fiscal-year periods following the major  
8 disaster, the revenues of the political subdivision are  
9 insufficient to meet its operating expenses, including  
10 additional disaster-related expenses [of a municipal  
11 operation character].

12 § 7305. Individual and family assistance.

13 (a) Grants by Federal Government.--Whenever the President,  
14 at the request of the Governor, has declared a major disaster or  
15 emergency to exist in this Commonwealth, the Governor is  
16 authorized:

17 (1) Upon determining that assistance under [The Robert  
18 T. Stafford Disaster Relief and Emergency Assistance Act  
19 (Public Law 93-288, 42 U.S.C. § 5121 et seq.),] the Stafford  
20 Act and from other means is insufficient to meet the  
21 disaster-related necessary expenses or serious needs of  
22 individuals or families adversely affected by a major  
23 disaster or emergency, to accept a grant from the Federal  
24 Government for the purpose of meeting the expenses or needs  
25 of disaster victims, subject to any terms and conditions  
26 imposed upon the grant.

27 (2) To enter into an agreement with the Federal  
28 Government or any Federal agency or officer pledging the  
29 Commonwealth to participate in the funding of the assistance  
30 authorized in paragraph (1) and, if Commonwealth funds are

1 not otherwise available to the Governor, to accept an advance  
2 of the Commonwealth share from the Federal Government to be  
3 repaid when the Commonwealth is able to do so.

4 (b) Grants by Governor.--To implement subsection (a), the  
5 Governor is authorized to make grants to meet disaster-related  
6 necessary expenses or serious needs of individuals or families  
7 adversely affected by a major disaster or emergency declared by  
8 the President. Any grant shall not exceed the amount authorized  
9 by [The Robert T. Stafford Disaster Relief and Emergency  
10 Assistance Act] the Stafford Act or by applicable State law to  
11 an individual or family in any single major disaster or  
12 emergency.

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

17 § 7305.1. Grants for public assistance and hazard mitigation.

18 (a) Commonwealth participation in public assistance and  
19 hazard mitigation funding; agreements.--Whenever the President  
20 authorizes [the] a contribution [of up to 75% of] to the cost of  
21 [hazard mitigation measures to] public assistance grants to  
22 repair or replace eligible public property damage or hazard  
23 mitigation to reduce the risk of future damage, hardship[, ] or  
24 loss [or suffering] to eligible property in any area affected by  
25 a major disaster pursuant to [The Robert T. Stafford Disaster  
26 Relief and Emergency Assistance Act (Public Law 93-288, 88 Stat.  
27 143)] the Stafford Act, the Governor is authorized, subject to  
28 the availability of appropriated funds, to enter into an  
29 agreement with the Federal Government or any Federal agency or  
30 officer pledging the Commonwealth to participate in the funding

1 of the public assistance and mitigation project or plan.

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

12 (c) Need for plan.--The agency may withhold Federal or State  
13 funds available under subsection (a) from a political  
14 subdivision that does not have in effect a current emergency  
15 operations plan and a current hazard mitigation plan as required  
16 under this part.

17 Section 4. Title 35 is amended by adding a section to read:  
18 § 7307.1. Disaster Emergency Fund.

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

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

28 Section 5. Section 7308(a) of Title 35 is amended to read:  
29 § 7308. Laws suspended during emergency assignments.

30 (a) Commonwealth agencies.--In the case of a declaration of

1 a [state of] disaster emergency by the Governor, Commonwealth  
2 agencies may implement their emergency assignments without  
3 regard to procedures required by other laws [(except mandatory  
4 constitutional requirements)], except constitutional  
5 requirements pertaining to the performance of public work,  
6 entering into contracts, incurring of obligations, employment of  
7 temporary workers, rental of equipment, purchase of supplies and  
8 materials and expenditures of public funds.

9 \* \* \*

10 Section 6. Title 35 is amended by adding a section to read:  
11 § 7309. Penalty for false application.

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

18 Section 7. Sections 7312, 7313, 7314 and 7320 of Title 35  
19 are amended to read:

20 § 7312. [Organization.] Pennsylvania Emergency Management  
21 Council.

22 [This agency shall consist of and be organized substantially  
23 as follows:

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

29 (a) Establishment.--

30 (1) The Pennsylvania Emergency Management Council is

1 established within the agency.

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

27 (ii) The Governor may authorize up to two  
28 representatives of business and industry, up to two  
29 representatives of labor, up to two public members at  
30 large and one representative respectively of the

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

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

11 (iv) The Governor may also appoint representatives  
12 of key private sectors, including the agriculture,  
13 communications, education, emergency medical services and  
14 supply delivery, energy utility, fire, medical, police  
15 and transportation sectors, and two members at large to  
16 serve as nonvoting council members.

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

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

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

26 (d) Emergency meetings.--In the event of [attack or disaster  
27 situations determined actually or likely to be of such nature,  
28 magnitude, severity or duration as to necessitate extensive or  
29 extraordinary deployment and use of Commonwealth resources for  
30 emergency purposes, the chairman shall, within not more than 72

1 hours immediately following such determination,] the occurrence  
2 of an emergency, the chair may call the council into emergency  
3 session[,] for consideration of actions taken or to be taken.  
4 [In] The director may call such meetings in the absence of the  
5 [chairman, notice of such meetings shall be disseminated to the  
6 membership by the State director.

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

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

28 (g) Office space, equipment and services.--The agency shall  
29 be furnished necessary and appropriate office space, furniture,  
30 equipment, supplies and services in the same general manner as

1 are other Commonwealth departments and agencies.

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

18 (i) Administrative provisions.--Except as otherwise provided  
19 in this part, the agency shall be subject to the provisions of  
20 the act of April 9, 1929 (P.L.177, No.175), known as "The  
21 Administrative Code of 1929."] The agency shall provide the  
22 council with staff and other services as may be required for the  
23 council to carry out its responsibilities under this part.

24 (j) Commonwealth Disaster Recovery Task Force.--The director  
25 shall organize the Commonwealth Disaster Recovery Task Force to  
26 review and conduct, when directed by the Governor, studies of  
27 disasters that occur in this Commonwealth, their causes and  
28 impacts, make recommendations to prevent future disasters,  
29 lessen their impact and help expedite recovery at the State and  
30 local level. The members of the council shall serve on the task

1 force and may invite other organizations and Commonwealth  
2 agencies to participate as needed.

3 § 7313. Powers and duties.

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

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

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

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

20 (iii) Assistance to Commonwealth agencies, [local  
21 government officials,] regional task forces, political  
22 subdivisions, elementary and secondary schools [and  
23 custodial child], dependent care facilities [in designing  
24 emergency management plans and training programs.] and  
25 the private sector in developing their systems of  
26 emergency management and preparedness.

27 (iv) Organization of manpower[, ] and chains of  
28 command[, continuity of government] in emergency  
29 situations and emergency operational principles.

30 (v) Coordination of Federal, [Commonwealth] State,

1 regional and local [disaster] preparedness and emergency  
2 management activities.

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

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

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

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

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

28 (xi) Authorization and procedures for the erection  
29 or other construction of temporary works designed to  
30 protect against or mitigate danger, damage or loss from

1 flood, conflagration or other disaster[.] in coordination  
2 with the Department of Environmental Protection.

3 (1.1) Maintain and keep current the Commonwealth  
4 emergency operations plan, the State hazard mitigation plan  
5 and other related and supporting plans as necessary or  
6 required by Federal or State law or regulation.

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

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

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

27 (5) [To establish and operate or assist political  
28 subdivisions in establishing and operating training programs]  
29 Establish standards for and assist county emergency  
30 management programs, local emergency management programs and

1 regional task forces with operations, training and programs  
2 of public information.

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

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

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

30 (9) [To make] Make or request of Commonwealth [or local

1 agencies and officials] agencies, county emergency management  
2 programs, local emergency management programs or regional  
3 task forces, studies, surveys and reports as are necessary to  
4 carry out the purposes of this part.

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

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

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

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

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

27 (15) [To] In conjunction with the Department of  
28 Environmental Protection, respond to [disaster] disasters  
29 relating to [atomic] nuclear or radiological energy  
30 operations or radioactive objects or materials. Any such

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

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

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

22 (17.1) Report semiannually to the Governor and the  
23 chairperson and minority chairperson of the Appropriations  
24 Committee of the Senate and the chairperson and minority  
25 chairperson of the Appropriations Committee of the House of  
26 Representatives regarding all grants awarded by the agency  
27 from Federal disaster assistance or relief funds, homeland  
28 security and defense funds, pandemic preparedness or other  
29 public health emergency funds. The reports shall include  
30 information relating to the entity receiving grant money from

1 the agency, including the name and address of the entity, the  
2 amount of the grant, the date of issuance and the purpose of  
3 the grant. Reports shall be submitted on or before August 15  
4 of each year for grants awarded during the period from  
5 January 1 through June 30 and on or before February 15 of  
6 each year for grants awarded during the period from July 1  
7 through December 31.

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

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

25 (20) For the period during which an emergency is  
26 declared by the Governor, [to] incur obligations for or  
27 purchase such materials and supplies as may be necessary to  
28 combat a disaster, protect the health and safety of persons  
29 and property and provide emergency assistance to victims of a  
30 disaster without complying with formal bidding or other time-

1 consuming contract procedures.

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

4 (i) Provide minimum competency testing for their  
5 operators.

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

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

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

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

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

30 § 7314. Utilization of existing services and facilities.

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

9 § 7320. Radiological emergency [~~response preparedness, planning~~  
10 ~~and recovery~~] preparedness and management program.

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

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

27 (1) Serving as the point of contact for the coordination  
28 and management of the Statewide response and provide for  
29 interface between the affected [~~facilities~~] counties and  
30 other Federal agencies, Commonwealth agencies [~~and~~

1 departments, counties, municipalities], regional task forces,  
2 political subdivisions and school districts.

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

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

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

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

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

30 (7) Annual review of municipal and school district

1 radiological emergency response plans in conjunction with the  
2 respective county emergency management [agencies to ensure  
3 that they are consistent with the applicable county  
4 radiological emergency response plans] program.

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

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

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

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

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

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

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

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

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

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

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

30 (c) Establishment of fund.--[There is hereby created in the

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

8 Section 8. Section 7416(f) of Title 35 is amended by adding  
9 a paragraph to read:

10 § 7416. Funds.

11 \* \* \*

12 (f) Use.--Funds of any volunteer firefighters' relief  
13 association may be spent:

14 \* \* \*

15 (18) To defray the cost of obtaining or renewing a  
16 commercial driver's license under 75 Pa.C.S. Ch. 16 (relating  
17 to commercial drivers) for a volunteer firefighter who is a  
18 resident of this Commonwealth to operate a fire or emergency  
19 vehicle registered to the fire department or municipality.

20 Section 9. Sections 7501, 7502, 7503, 7504, 7511, 7512,  
21 7513, 7514 and 7515 of Title 35 are amended to read:

22 § 7501. General authority of political [subdivisions]

23 subdivisions' emergency management programs.

24 [(a) Establishing emergency management organization.--Each  
25 political subdivision of this Commonwealth is directed and  
26 authorized to establish a local emergency management  
27 organization in accordance with the plan and program of the  
28 Pennsylvania Emergency Management Agency. Each local  
29 organization shall have responsibility for emergency management,  
30 response and recovery within the territorial limits of the

1 political subdivision within which it is organized and, in  
2 addition, shall conduct such services outside of its  
3 jurisdictional limits as may be required under this part.]

4 (a.1) Establishing emergency management programs.--No later  
5 than two years from the effective date of this subsection, a  
6 political subdivision shall establish an emergency management  
7 program consistent with the Commonwealth emergency management  
8 program within its jurisdictional limits as required by the  
9 agency.

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

11 (1) A local disaster emergency may be declared by  
12 official action of the governing body or chief elected  
13 executive officer of a political subdivision upon finding a  
14 disaster emergency has occurred or is imminent. [The  
15 governing body of a political subdivision may authorize the  
16 mayor or other chief executive officer to declare a local  
17 disaster emergency subject to ratification by the governing  
18 body.]

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

25 (3) A declared disaster emergency shall not be  
26 [continued or] renewed for a period in excess of [seven] 30  
27 days except by [or with the consent] official action of the  
28 governing body of the political subdivision. [Any order or  
29 proclamation declaring, continuing or terminating a local  
30 disaster emergency shall be given prompt and general

1 publicity and shall be filed promptly with the agency.]

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

7 (5) An order or proclamation declaring, continuing or  
8 terminating a local disaster emergency by a political  
9 subdivision shall be given prompt and general publicity and  
10 shall be filed promptly with the agency through the  
11 appropriate county emergency management program.

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

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

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

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

5 (e) Employment of personnel.--In order to meet prescribed  
6 requirements for eligibility to receive Federal contributions  
7 authorized under the provisions of the former Federal Civil  
8 Defense Act of 1950 (64 Stat. 1245, 50 U.S.C. App. § 2251 et  
9 seq.) or any amendment or reenactment thereof, political  
10 subdivisions are authorized to avail themselves of services  
11 offered by the State Civil Service Commission under [the  
12 provisions of the act of August 5, 1941 (P.L.752, No.286), known  
13 as the "Civil Service Act,"] 71 Pa.C.S. Pt. III (relating to  
14 civil service reform) in connection with the employment of  
15 personnel in [local organizations] a political subdivision's  
16 emergency management program established pursuant to the  
17 provisions of this part.

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

25 § 7502. [Local coordinator of emergency management] County and  
26 local emergency management coordinators.

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

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

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

16 (a.2) Backup coordinator.--To the greatest extent possible,  
17 each county emergency management program and local emergency  
18 management program shall have a backup coordinator.

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

29 (1) The chief elected executive officer of each county  
30 shall appoint a coordinator of the county emergency

1 management program within 90 days of a vacancy.

2 (2) A temporary or acting coordinator shall be appointed  
3 by the chief elected executive officer, and the agency 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.

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

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

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

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

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

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

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

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

17 (2) (i) The chief elected executive officer or the  
18 governing body of the political subdivision shall remove  
19 a coordinator for incompetence, dishonesty or commitment  
20 of a felony or an offense involving moral turpitude under  
21 Federal, State or local laws or ordinances.

22 (ii) A county or local coordinator serves at the  
23 pleasure of the chief elected executive officer and may  
24 be removed for any reason.

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

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

1 [coordinator] under this section shall:

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

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

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

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

23 (4) Meet the training, continuing education,  
24 certification and qualification requirements prescribed by  
25 and within the time frames established by the agency.

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

30 (f) Responsibility for training.--Responsibility for the

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

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

12 § 7503. Powers and duties of [political subdivisions] county  
13 and local emergency management programs.

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

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

27 (2) Establish, equip and staff an emergency operations  
28 center, consolidated with warning and communication systems  
29 to support government operations in emergencies and provide  
30 other essential facilities and equipment for agencies and

1 activities assigned emergency functions in accordance with  
2 agency directives.

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

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

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

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

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

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

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

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

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

30 (b) County emergency management program.--A county shall

1 develop, maintain and manage its emergency management program  
2 and capabilities as prescribed by the agency. The program shall  
3 include the following:

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

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

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

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

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

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

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

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

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

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

30 (11) Acquiring training records for coordinators of

1 local emergency management programs within the county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (4) Coordinating the political subdivision's National  
18 Incident Management System compliance activities.

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

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

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

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

1 certification documentation. Training records shall be  
2 provided to the county upon request.

3 (9) Coordinating emergency communications by doing the  
4 following:

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

8 (ii) Coordinating and cooperating with the county  
9 emergency management program where the political  
10 subdivision is located and other relevant organizations  
11 and entities for interoperable emergency communications.

12 (10) Participating in continuity of local government and  
13 continuity of local operations planning.

14 (11) Coordinating the delivery of citizen education  
15 programs by the political subdivision and supplementing  
16 materials as necessary.

17 (12) Coordinating the delivery of awareness and  
18 education programs by the political subdivision for local  
19 elected officials for preparedness and emergency management  
20 topics.

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

23 (14) Supporting the implementation of the National  
24 Infrastructure Protection Plan and the Commonwealth critical  
25 infrastructure protection plan.

26 (15) Seeking and promoting opportunities to improve the  
27 efficiency of preparedness and emergency management through  
28 regionalization of services as appropriate.

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

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

13 § 7504. Coordination[, ] and assistance [and mutual aid].

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

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

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

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

29       [(c) Municipal mutual aid agreements.--County and local

30 coordinators of emergency management shall develop mutual aid

1 agreements with adjacent political subdivisions for reciprocal  
2 emergency assistance. The agreements shall be consistent with  
3 the plans and programs of the agency. In disaster emergencies,  
4 requests for mutual aid assistance shall be referred to the  
5 organization having responsibility for coordination as specified  
6 in subsection (a) and in time of emergency it shall be the duty  
7 of each local organization to render assistance in accordance  
8 with the provisions of the mutual aid agreements.

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

14 (e) Ratification of agreements.--Mutual aid agreements shall  
15 be ratified by the governing bodies of the political  
16 subdivisions involved.

17 (f) Control of outside support forces.--Support forces  
18 furnished political subdivisions from outside its jurisdiction  
19 shall be under the operational control of the department, agency  
20 or office furnishing the force.]

21 § 7511. Appropriations by political subdivisions.

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

24 (1) A political subdivision may make appropriations for  
25 the payment of expenses [of the local organization] for  
26 preparedness and emergency management plans in the manner  
27 provided by law for making appropriations for the ordinary  
28 expenses of the political subdivision.

29 (2) In making appropriations, the political subdivision  
30 shall specify the amounts and purposes for which the moneys

1 appropriated may be used [by the organization to or for which  
2 such appropriation may be made].

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

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

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

25 § 7512. Law applicable to local [organizations] emergency  
26 management programs and county emergency management  
27 programs.

28 (a) General rule.--Where the jurisdiction of the local  
29 [organization] emergency management program or the county  
30 emergency management program is coterminous with the political

1 subdivision making an appropriation for the payment of the  
2 expenses, the local [organization] emergency management program  
3 or the county emergency management program, as the case may be,  
4 shall be deemed an agency, board or commission of the political  
5 subdivision, subject to all of the laws governing the making of  
6 contracts or purchases, the employment of persons or otherwise  
7 incurring financial obligations which apply to the political  
8 subdivision.

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

19 § 7513. Agreements among political subdivisions.

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

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

1 into an agreement designating one of the political  
2 subdivisions as the agent of each of them for the purpose of  
3 paying the expenses of the local [organization.] emergency  
4 management program or the county emergency management  
5 program.

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

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

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

25 (b) Counties.--Where the local [organization] emergency  
26 management program or the county emergency management program  
27 has jurisdiction in an area including the whole area of one or  
28 more counties which is not coterminous with any one county,  
29 before paying any expenses of the [organization] local emergency  
30 management program or the county emergency management program,

1 as the case may be, the counties, all or part of which lie  
2 within the jurisdiction of the [organization] local emergency  
3 management program or the county emergency management program,  
4 shall enter into an agreement in the manner and form provided in  
5 subsection (a) and with like effect, and no other political  
6 subdivision lying within the jurisdiction of the [organization]  
7 local emergency management program or the county emergency  
8 management program, as the case may be, shall be a party to the  
9 agreement.

10 § 7514. Payments involving one political subdivision.

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

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

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

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

14 § 7515. Payments involving two or more political subdivisions.

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

1 financial obligations which apply to the political subdivision.

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

11 (c) Reimbursement of agent.--

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

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

28 (3) Any payment made by any political subdivision to the  
29 political subdivision named as agent in the agreement for  
30 reimbursement for the payment of the expenses of the

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

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

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

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

27 (3) Any expenditure made by the agent political  
28 subdivision from any gift or grant deposited in its treasury  
29 or reimbursed from any gift or grant deposited in the  
30 treasury of any other political subdivision shall not be

1 included in computing the reimbursement requested from any  
2 other political subdivision under the agreement.

3 Section 10. Chapter 75 of Title 35 is amended by adding a  
4 subchapter to read:

5 SUBCHAPTER C

6 REGIONAL ALL-HAZARDS PREPAREDNESS

7 AND EMERGENCY MANAGEMENT

8 Sec.

9 7521. Regional task forces.

10 7522. Specialized regional response teams.

11 7523. (Reserved).

12 7524. Specialized Statewide response teams.

13 7525. Grant program.

14 7526. Workers' compensation premiums.

15 § 7521. Regional task forces.

16 (a) Establishment.--The agency, in coordination with  
17 Commonwealth agencies as designated by the Governor, county and  
18 local emergency management programs, health, law enforcement,  
19 public safety and volunteer organizations and other officials  
20 and representatives from dedicated emergency response  
21 organizations, private business and industry, institutions of  
22 higher education, hospitals and medical care facilities,  
23 wholesale distributors of prescription medications and medical  
24 supplies and other entities responsible for the health, safety  
25 and welfare of the people within this Commonwealth shall  
26 establish regional task forces throughout this Commonwealth.

27 (b) Organization.--

28 (1) Each regional task force shall be a cooperative  
29 effort among the counties within the designated region. Each  
30 regional task force shall be governed by an executive board

1 comprised of the county coordinator from each county or other  
2 county official appointed by the county within the task force  
3 region, and one member from each of the following emergency  
4 management communities: health, law enforcement, fire and  
5 emergency medical services, to be chosen in a manner  
6 determined by the regional task force.

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

- 10 (i) designated county model;  
11 (ii) distributed funds model; or  
12 (iii) regional county model.

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

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

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

1           (iii) Either a joint resolution establishing a  
2           council of governments or an intergovernmental  
3           cooperation agreement fully executed by the governing  
4           bodies of member counties must be received by the agency  
5           prior to the release of contract or grant funds to the  
6           designated agent member county.

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

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

17           (ii) Notwithstanding any provision in 53 Pa.C.S. Ch.  
18           23, the member counties may organize their regional task  
19           force as a council of governments under 53 Pa.C.S. Ch. 23  
20           Subch. A.

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

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

29           (ii) The agency will distribute funds to one  
30           regional task force member county or to each regional

1 task force county as outlined in a cooperative contract  
2 or grant agreement, as required.

3 (iii) Each county will be responsible for regional  
4 task force expenditure of grant funds and purchases that  
5 are maintained, delivered or reside in the respective  
6 regional task force county.

7 (iv) An intergovernmental cooperation agreement  
8 fully executed by the governing bodies of the regional  
9 task force member counties must be received by the agency  
10 prior to the release of contract or grant funds to one  
11 regional task force member county rather than to each  
12 regional task force member county individually.

13 (c) Agency authority.--The agency has the authority to enter  
14 into contracts and grant agreements with qualified entities  
15 other than single or multiple entity contract and grant  
16 administrators to the extent permitted by Federal law,  
17 regulations and guidance.

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

27 (e) Duties of regional task forces.--The duties of all  
28 regional task forces, regardless of designation, shall include  
29 the following:

30 (1) To develop and maintain a regional plan based on

1 national, State and regional priorities and national  
2 preparedness goals.

3 (2) To comply with Federal and State requirements  
4 regarding National Incident Management System training and  
5 certification, emergency response equipment typing and  
6 emergency responder credentialing.

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

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

11 (i) Health services.

12 (ii) Law enforcement.

13 (iii) Fire protection.

14 (iv) Emergency medical services.

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

23 (6) To maintain a multiyear training and exercise plan  
24 and attend training and related sessions as directed or  
25 conducted by the agency.

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

28 (8) To participate in and conduct capabilities-based  
29 planning activities and assessments.

30 (9) To maintain interoperable and compatible emergency

1 communication systems in support of Statewide communications  
2 systems.

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

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

16 § 7522. Specialized regional response teams.

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

19 (b) Organization.--

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

23 (2) The regional task force must enter into a written  
24 agreement with each specialized regional response team that  
25 the regional task force establishes.

26 (3) In addition to other terms, the written agreement  
27 shall stipulate the scope of authority, employed or volunteer  
28 status of team members and which member county of the  
29 regional task force is the responsible agent for  
30 administering funds, grants or expenses of the specialized

1 regional response team to the extent eligible.

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

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

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

19 § 7523. (Reserved).

20 § 7524. Specialized Statewide response teams.

21 (a) Establishment.--The agency may establish and designate  
22 specialized Statewide response teams throughout this  
23 Commonwealth.

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

30 (c) Activation.--Specialized Statewide response teams may

1 only be activated and deployed by the Governor, the designee of  
2 the Governor or an official designated by the Federal Emergency  
3 Management Agency. During an activation and deployment, the  
4 administrative and operational costs of the specialized  
5 Statewide response team, its individual members and their  
6 employers, Commonwealth agencies and other parties shall be  
7 negotiated and paid by the entity that activated and deployed  
8 the specialized Statewide response team.

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

17 (a) Authorization.--The agency may award:

18 (1) grants to regional task forces, specialized regional  
19 response teams, specialized Statewide response teams and  
20 urban search and rescue task forces to the extent they are  
21 organized under section 7521(c) (relating to regional task  
22 forces); or

23 (2) individual grants to the member political  
24 subdivisions that comprise the entities.

25 (b) Grants and funding.--The following shall apply:

26 (1) regional task forces, specialized regional response  
27 teams and specialized Statewide response teams may receive  
28 grants and funding from the Federal Government and the  
29 Commonwealth through application to the agency or any other  
30 entity providing grants or funding for the purposes of this

1 part to the extent they are organized under section 7521(c);  
2 or

3 (2) the agency may award individual grants to the member  
4 political subdivisions that comprise the entities.

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

7 § 7526. Workers' compensation premiums.

8 Nothing in this part shall be construed to permit an insurer  
9 to raise workers' compensation premiums due to the participation  
10 or membership of a political subdivision, emergency services  
11 organization, individual or employer on a task force or response  
12 team described in this part.

13 Section 11. Section 7604(a) of Title 35 is amended to read:

14 § 7604. Budgetary considerations.

15 (a) Expenditures.--In addition to the funds which the  
16 Governor is authorized to transfer for disasters in accordance  
17 with [35 Pa.C.S. § 7307 (relating to use and appropriation of  
18 unused Commonwealth funds)] section 1508 of the act of April 9,  
19 1929 (P.L.343, No.176), known as The Fiscal Code, the Governor  
20 may transfer any other appropriated but unused funds in an  
21 amount of not more than [\$15,000,000] \$25,000,000 in any fiscal  
22 year which may have been appropriated for the ordinary expenses  
23 of the Commonwealth government from the General Fund to be  
24 utilized for the purposes set forth in [35 Pa.C.S. §] section  
25 7601 (relating to compact enacted). The Secretary of the Budget  
26 may only make the transfer of funds if the transfer will not  
27 result in a deficit in any appropriation from which the funds  
28 are transferred. The Secretary of the Budget shall, within five  
29 days of a transfer of funds authorized under this section,  
30 notify the chairman and minority chairman of the Appropriations

1 Committee of the Senate and the chairman and minority chairman  
2 of the Appropriations Committee of the House of Representatives  
3 of such transfer. Such notification shall identify the amount  
4 transferred, the appropriation from which funds were  
5 transferred, the appropriation to which the funds were  
6 transferred and the justification for such transfer. The  
7 Secretary of the Budget shall provide a full accounting to the  
8 chairman and minority chairman of the Appropriations Committee  
9 of the Senate and the chairman and minority chairman of the  
10 Appropriations Committee of the House of Representatives after  
11 the close of each fiscal year concerning funds transferred  
12 pursuant to the provisions of this section.

13 \* \* \*

14 Section 12. Title 35 is amended by adding a section to read:  
15 § 7605. Protections.

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

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

26 § 7701. Duties concerning disaster [prevention] preparedness  
27 and emergency management.

28 (a) Governor.--In addition to disaster prevention measures  
29 included in the Commonwealth and local plans, the Governor shall  
30 consider on a continuing basis steps that could be taken to

1 prevent or reduce the harmful consequences of disasters. The  
2 Governor, from time to time, shall make recommendations to the  
3 General Assembly, political subdivisions and other appropriate  
4 public and private entities as may facilitate measures for  
5 prevention or reduction of the harmful consequences of  
6 disasters.

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

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

28 (d) Schools.--[Public-funded universities, colleges,]  
29 Institutions of higher education and elementary and secondary  
30 schools that receive public funds shall be made available to

1 [local, county and State] Commonwealth, municipal, county and  
2 regional officials for emergency planning and exercise purposes  
3 and actual [service as mass-care facilities in the event of an  
4 emergency evacuation] emergency services.

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

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

20 (g) Plans.--[Every school district and custodial child care  
21 facility, in cooperation with the local Emergency Management  
22 Agency and the Pennsylvania Emergency Management Agency, shall  
23 develop and implement a comprehensive disaster response and  
24 emergency preparedness plan consistent with the guidelines  
25 developed by the Pennsylvania Emergency Management Agency and  
26 other pertinent State requirements. The plan shall be reviewed  
27 annually and modified as necessary. A copy of the plan shall be  
28 provided to the county emergency management agency.] Each  
29 dependent care facility, including elementary and secondary  
30 schools, shall develop and be prepared to implement an all-

1 hazards emergency action plan in accordance with standards  
2 established by the agency. The plan shall be coordinated with  
3 the appropriate county emergency management program, local  
4 emergency management program and dedicated emergency response  
5 organizations.

6 (h) Large event plans.--

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

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

18 (i) Sharing of information.--

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

22 (i) A Commonwealth agency.

23 (ii) A court or an entity or office of the unified  
24 judicial system.

25 (iii) The General Assembly.

26 (iv) A political subdivision.

27 (v) A dedicated emergency response organization.

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

30 (i) Promptly share all-hazards information with the

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

6 (ii) Cooperate in and facilitate the collection and  
7 validation of the information and the production of  
8 reports based on the information with contents and  
9 formats that permit dissemination that maximizes the  
10 utility of the information in protecting the territory,  
11 people within and interests of this Commonwealth.

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

14 (3) A private entity that becomes aware of all-hazards  
15 information or threats that may impact the health, safety and  
16 welfare of the people within this Commonwealth shall do all  
17 of the following:

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

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

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

1 § 7702. Acceptance of services, gifts, grants and loans.

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

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

27 (c) Indemnification.--

28 (1) Except as set forth under paragraph (2), the  
29 Commonwealth may indemnify or hold harmless and save the  
30 United States free from damages arising from a response to

1 the Commonwealth's request for direct Federal assistance  
2 under the Stafford Act.

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

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

12 § 7703. Interstate arrangements.

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

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

30 (c) Legislative approval of agreements.--Any agreement, if

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

7 § 7704. Immunity from civil liability.

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

25 (b) Real estate owners.--Any person[, organization] or  
26 authority owning or controlling real estate or other premises,  
27 who voluntarily and without compensation[,] grants a license or  
28 privilege or otherwise permits the designation or use of the  
29 whole or any part or parts of the real estate or premises for  
30 any emergency services purpose, shall, together with his

1 successors in interest, if any, not be civilly liable for  
2 [negligently] causing the death of or injury to or loss or  
3 damage to the property of any person who is upon the real estate  
4 or other premises for that purpose.

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

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

14 Section 14. Title 35 is amended by adding a section to read:  
15 § 7704.1. Other benefits unaffected.

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

23 Section 15. Sections 7705, 7706 and 7707 of Title 35 are  
24 amended to read:

25 § 7705. Special powers of [local agencies] political  
26 subdivisions.

27 (a) Roadway clearance.--Whenever the Governor shall have  
28 proclaimed a disaster emergency under section 7301(c) (relating  
29 to [declaration of disaster emergency]) general authority of  
30 Governor), officials of any political subdivision included in

1 the disaster emergency shall have the authority to clear such  
2 roadways as are necessary for the health, safety and welfare of  
3 residents, even though such roadways are not officially the  
4 responsibility of such political subdivision. The political  
5 subdivision may be reimbursed for the cost of such clearing as  
6 provided in [subsection (c)] section 7301.

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

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

22 § 7706. [Compensation for accidental injury] Workers'  
23 compensation.

24 (a) Benefits.--[All duly enrolled emergency management  
25 volunteers, and such other volunteers as the agency shall by  
26 regulation qualify, who are not eligible to receive benefits  
27 under the Workmen's Compensation Laws shall be entitled, except  
28 during a state of war or period of armed conflict within the  
29 continental limits of the United States, to the following  
30 benefits relating to injuries sustained while actually engaged

1 in emergency management activities and services or in or en  
2 route to and from emergency management tests, drills, exercises  
3 or operations authorized by the Pennsylvania Emergency  
4 Management Agency and carried out in accordance with rules and  
5 orders promulgated and adopted by the agency:

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

8 (2) A sum not exceeding \$15,000 for reimbursement for  
9 medical and hospital expenses associated with accidental  
10 injury.

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

15 Volunteers of the agency, a regional task force, specialized  
16 Statewide response teams, specialized regional response teams,  
17 the Commonwealth emergency management program, a county  
18 emergency management program when deployed by the agency or a  
19 local emergency management program are deemed to be employees of  
20 the Commonwealth for purposes of the act of June 2, 1915  
21 (P.L.736, No.338), known as the Workers' Compensation Act, when  
22 engaging in or performing the following activities:

23 (1) Deployment by the agency and participation in  
24 emergency services activities as authorized or approved by  
25 the agency.

26 (2) Going to or returning from an emergency or disaster  
27 emergency to which the program members have been deployed by  
28 the agency.

29 (3) Required training, exercise or related official  
30 functions designated, authorized and approved by the agency.

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

6 Computation.--For purposes of computing a volunteer's wage  
7 compensation under the Workers' Compensation Act, there shall be  
8 an irrebuttable presumption that the wages shall be at least  
9 two-thirds of the weekly wages the volunteer would have received  
10 from employment in the volunteer's usual occupation, provided  
11 that wage recovery may not exceed the Statewide maximum weekly  
12 compensation rate established pursuant to the Workers'  
13 Compensation Act. If a volunteer is unable to establish a usual  
14 occupation and associated wage, wage recovery shall be at least  
15 the Statewide minimum weekly compensation rate established  
16 pursuant to the Workers' Compensation Act.

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

23 (d) Construction.--The provisions of this section shall not  
24 supersede Chapter 76 (relating to Emergency Management  
25 Assistance Compact).

26 § 7707. Penalties.

27 (a) General rule.--The chief elected executive officer of a  
28 political subdivision may order or direct only the resources  
29 within the officer's given authority. Any person [violating any  
30 of the plans and programs adopted and promulgated by the

1 Pennsylvania Emergency Management Council shall, upon conviction  
2 thereof in a summary proceeding, be sentenced] subject to the  
3 authority of:

4 (1) the Governor or his designee who fails to comply  
5 with an order or direction from the Governor or a designee of  
6 the Governor;

7 (2) a chief elected executive officer who fails to  
8 comply with an order or direction from the chief elected  
9 executive officer;

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

12 (4) a county or local emergency management program in  
13 compliance with this part who fails to comply with an order  
14 or direction from that county or local emergency program  
15 commits a violation of this part.

16 (a.1) Penalty.--A violation of this section shall constitute  
17 a summary offense and the person convicted of the violation  
18 shall be sentenced:

19 (1) to pay a fine not exceeding [\$200] \$500 or to  
20 imprisonment not exceeding 30 days, or both, for the first  
21 offense[ , ]; and

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

25 (b) Loss of funds.--[Those political subdivisions in  
26 violation of section 7501 (relating to general authority of  
27 political subdivisions), section 7502 (relating to local  
28 coordinator of emergency management), section 7503 (relating to  
29 powers and duties of political subdivisions) or section 7504  
30 (relating to coordination, assistance and mutual aid) shall, at

1 the direction of the council, be subject to loss of Federal  
2 personnel and administrative funding for the remainder of the  
3 fiscal year in which conviction is established. Reinstatement of  
4 Federal personnel and administrative funding shall take place  
5 the year following approval of remedial action to the  
6 violation.] A grantee who fails to comply with a provision of  
7 this part may, at the agency's discretion, be subject to the  
8 loss of grant funding administered by the agency.

9 Section 16. Title 35 is amended by adding sections to read:  
10 § 7715. Authority of Federal law enforcement officers.

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

21 (b) Operational control.--Federal law enforcement officers  
22 working in cooperation with State and local law enforcement  
23 officers during a disaster emergency declared by the Governor  
24 shall come under the operational control of the Pennsylvania  
25 State Police or as otherwise directed by the Governor.

26 (c) Liability.--A Federal law enforcement officer operating  
27 under this section shall have the same immunities from liability  
28 as any agent or employee of the Commonwealth under 42 Pa.C.S.  
29 Ch. 85 (relating to matters affecting government units).

30 § 7716. Confidentiality.

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

4 (1) Information in a form relating to preparedness and  
5 emergency management activities of the Commonwealth or a  
6 political subdivision, school district or council of  
7 governments that if disclosed would be reasonably likely to  
8 jeopardize or threaten public safety or preparedness or  
9 public protection activity.

10 (2) Information in a form received by the agency or a  
11 law enforcement organization under section 7701(i) (relating  
12 to duties concerning disaster preparedness and emergency  
13 management).

14 (3) Other information in a form produced, compiled or  
15 maintained under this part and not otherwise exempt from  
16 access under this section or the Right-to-Know Law, the  
17 disclosure of which could, in the determination of the  
18 director, or designee, endanger the life or physical safety  
19 of an individual or the physical safety of property in this  
20 Commonwealth.

21 (b) Open meetings exception.--Meetings of the council, a  
22 county emergency management program, a local emergency  
23 management program or a task force or response team organized in  
24 accordance with this part, relating to preparedness and  
25 emergency management, shall not be subject to the provisions of  
26 65 Pa.C.S. Ch. 7 (relating to open meetings).

27 § 7717. Adverse interests.

28 A Commonwealth or local emergency management official or  
29 employee may serve in a leadership role in a nonprofit entity,  
30 notwithstanding the act of July 19, 1957 (P.L.1017, No.451),

1 known as the State Adverse Interest Act, if the official or  
2 employee when acting in a Commonwealth or local government  
3 capacity recuses themselves from official duties or decisions that  
4 pertain to the nonprofit entity.

5 Section 17. This act shall take effect as follows:

6 (1) The addition of 35 Pa.C.S. § 7301(f)(11) shall take  
7 effect January 1, 2021.

8 (2) The remainder of this act shall take effect  
9 immediately.