
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2562 Session of
2012

INTRODUCED BY BARRAR, SAINATO, FARRY, BOBACK, BRADFORD, CAUSER,
GILLEN, GODSHALL, GRELL, HACKETT, KNOWLES, MILLER, O'NEILL,
SAYLOR, SWANGER AND TALLMAN, JULY 31, 2012

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JULY 31, 2012

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in emergency management services,
3 further providing for definitions and for purposes of part;
4 providing for penalty for false application; extensively
5 revising provisions relating to Commonwealth services and to
6 local organizations and services; further providing for
7 disaster duties, for acceptance, for interstate arrangements,
8 for immunity, for special powers, for workers' compensation
9 and for penalties; providing for authority of Federal law
10 enforcement officers, for confidentiality, for adverse
11 interests and for public health emergency measures; and
12 making a related repeal.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

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

18 § 7102. Definitions.

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

22 "Agency." The Pennsylvania Emergency Management Agency.

1 "All hazards." All dangers that can threaten or harm
2 individuals, the environment, critical infrastructure or
3 property.

4 "All-hazards information." Information describing the
5 dangers that can threaten or harm individuals, the environment,
6 the economy or property and which information pertains to the
7 preparedness for or consequences from the dangers. The term does
8 not include information related to criminal prosecution, law
9 enforcement sources or methods, investigative activity,
10 policies, training or protection tactics, tactical plans,
11 information protected by 18 Pa.C.S. (relating to crimes and
12 offenses) or information that could otherwise be reasonably seen
13 as compromising law enforcement efforts.

14 "Chief elected executive officer." The mayor of a city or
15 borough, the chairperson of the commissioners or supervisors or
16 the elected executive of a county, township or incorporated
17 town.

18 "Commonwealth agency." Any of the following:

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

21 (2) The Governor's Office.

22 (3) The Office of Attorney General, the Department of
23 the Auditor General and the Treasury Department and any other
24 agency, board or commission of the Commonwealth that is not
25 subject to the policy supervision and control of the
26 Governor.

27 (4) An organization established by the Constitution of
28 Pennsylvania, a statute or an executive order which performs
29 or is intended to perform an essential governmental function.

30 (5) A Commonwealth authority or entity.

1 "Commonwealth critical infrastructure protection program." A
2 program developed by the Pennsylvania Emergency Management
3 Agency to provide a coordinated approach to setting Commonwealth
4 priorities, goals and requirements for effective distribution of
5 funding and resources for critical infrastructure and key
6 resources to ensure that the government and public services
7 continue in the event of an emergency.

8 "Commonwealth Disaster Recovery Task Force." The task force
9 described under section 7312 (relating to Pennsylvania Emergency
10 Management Council).

11 "Commonwealth emergency management program." A program of
12 coordinated activities consistent with Federal guidelines,
13 including the National Incident Management System, coordinated
14 by the Pennsylvania Emergency Management Agency, to address the
15 management of emergencies. The term includes the State Emergency
16 Operations Plan, the State Hazard Mitigation Plan and all
17 appropriate State-level strategic and operational plans and
18 programs that address all hazards, disaster-related mitigation,
19 preparedness, protection, prevention, response and recovery.

20 "Council." The Pennsylvania Emergency Management Council.

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

27 "County emergency management program." An emergency
28 management and preparedness program established and maintained
29 by a county under section 7501 (relating to general authority of
30 county and local emergency management programs).

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

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

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, critical infrastructure or
26 property.

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

30 (1) affect seriously the safety, health or welfare of a

1 substantial number of [citizens of this Commonwealth] people
2 or preclude the operation or use of essential public
3 facilities; and

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

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

12 "Emergency." An incident that requires responsive,
13 coordinated action to protect individuals, the environment,
14 critical infrastructure or property.

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

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

27 "Emergency operations plan." A document prepared by a
28 political subdivision that is consistent with Federal and State
29 requirements that assigns responsibility to agencies and
30 departments under the jurisdiction and control of the political

1 subdivision for carrying out specific actions in a disaster
2 emergency and states, among other things, lines of authority,
3 response actions and coordination requirements.

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

24 (1) Capabilities of municipal governments, county
25 governments, nongovernmental organizations or the
26 Commonwealth.

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

30 "Federal emergency." An emergency as defined in section

1 102(1) of The Robert T. Stafford Disaster Relief and Emergency
2 Assistance Act (Public Law 93-288, 42 U.S.C. § 5122(1)).

3 "Federal law enforcement officer." A law enforcement officer
4 who:

5 (1) is employed by the United States;

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

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

10 "Grantee." The entity, government or organization to which a
11 grant is awarded.

12 "Hazard vulnerability analysis." A process by which a
13 political subdivision identifies the disasters most likely to
14 strike the community and estimates the potential economic impact
15 of the disaster to and the potential for loss of life, property,
16 critical infrastructure and the environment.

17 "Hazardous agent." A substance which has or potentially has
18 an adverse effect on human health with public health
19 consequences.

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 combination 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 "Incident management team." An incident command organization
8 made up of the command and general staff members and other
9 appropriate personnel organized according to Federal and State
10 guidelines which can be deployed or activated as needed.

11 "Institution of higher education." A university, a four-year
12 college or community college.

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

16 "Key resources." Publicly or privately controlled resources
17 essential for the minimum maintenance of critical infrastructure
18 and the operation of the government.

19 "Law enforcement sensitive information." Unclassified
20 information originated by a law enforcement agency which may be
21 used in criminal prosecution and requires protection against
22 unauthorized disclosure to protect sources and methods,
23 investigative activity, evidence or the integrity of pretrial
24 investigative reports, as well as tactics, training,
25 capabilities, protection details, protocols or policies which
26 could compromise law enforcement efforts.

27 "Letter of agreement." The written agreement of a public,
28 semipublic, private or nonprofit corporation, business,
29 association, partnership, authority or other entity or an
30 individual agreeing to provide personnel, equipment, supplies,

1 training facilities or other resources either directly to or in
2 support of preparedness and emergency management.

3 "Local disaster emergency." The condition declared by a
4 local governing body or chief elected executive officer when, in
5 its or the officer's judgment, the threat or actual occurrence
6 of a disaster may:

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

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

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

26 "Local emergency management program." An emergency
27 management and preparedness program established and maintained
28 by a municipality under section 7501 (relating to general
29 authority of county and local emergency management programs).

30 "Local health department." A county department of health

1 under the act of August 24, 1951 (P.L.1304, No.315), known as
2 the Local Health Administration Law, or a department of health
3 in a municipality approved for a Commonwealth grant to provide
4 local health services under section 25 of the Local Health
5 Administration Law.

6 ["Local organization." A local emergency management
7 organization.]

8 "Major disaster." The term as it is defined in the Stafford
9 Act.

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

17 "Mitigation." Protection activities designed to reduce or
18 eliminate risks to persons or property or to lessen the actual
19 or potential effects or consequences of an incident that may be
20 implemented prior to, during or after an incident.

21 "Municipality." A city, borough, incorporated town or
22 township.

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

27 "National Incident Management System." A system that
28 provides a consistent nationwide approach for Federal, State,
29 local and tribal governments, the private sector and
30 nongovernmental organizations to work effectively and

1 efficiently together to prepare for, prevent, protect against,
2 respond to and recover from domestic incidents, regardless of
3 cause, size or complexity. The term includes any successor
4 system established by the Federal Government.

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

14 "National Response Framework." A policy developed by the
15 Federal Government that integrates national domestic prevention,
16 protection, preparedness, response and recovery plans into one
17 all-discipline unity of effort for all hazards. The term
18 includes any successor policy adopted by the Federal Government.

19 ["Natural disaster." Any hurricane, tornado, storm, flood,
20 high water, wind-driven water, tidal wave, earthquake,
21 landslide, mudslide, snowstorm, drought, fire, explosion or
22 other catastrophe which results in substantial damage to
23 property, hardship, suffering or possible loss of life.]

24 "Operational plan." A plan that describes the emergency
25 management or homeland security roles, responsibilities and
26 resources of an organization.

27 "Person." An individual, corporation, [firm, association,]
28 partnership, limited liability company, business trust,
29 government entity, including the Commonwealth, foundation,
30 public utility, trust[,] or estate[, public or private

1 institution, group, the Commonwealth or a local agency or
2 political subdivision and any legal successor, representative or
3 agency of the foregoing].

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

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

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

14 "Prevention." Actions to avoid an incident or to intervene
15 to stop an incident from occurring.

16 "Protection." Actions to reduce or eliminate adverse effects
17 to life, property, the environment or critical infrastructure.

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

23 (1) Identify needs and define resources.

24 (2) Provide housing and promote restoration.

25 (3) Address long-term care and treatment of affected
26 persons.

27 (4) Implement additional measures and techniques, as
28 feasible.

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

30 (6) Develop initiatives to mitigate the effects of

1 future incidents.

2 "Regional." Pertaining to regional task forces.

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

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

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

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

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

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

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

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

21 "State Emergency Registry of Volunteers in Pennsylvania" or
22 "SERVPA." An Internet-based system developed and maintained by
23 the Commonwealth allowing for the advance and real-time
24 registration of volunteers for deployment during emergencies or
25 disasters.

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

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

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

6 "Terrorism." An act or activity that:

7 (1) Is dangerous to human life or potentially
8 destructive of critical infrastructure or key resources.

9 (2) Is a violation of the criminal laws of the United
10 States or of any state or other subdivision of the United
11 States in which it occurs.

12 (3) Is intended to intimidate or coerce the civilian
13 population or influence a government or affect the conduct of
14 a government.

15 "Urban search and rescue task force." A complement of
16 individuals and equipment organized by the Pennsylvania
17 Emergency Management Agency in accordance with standards
18 developed by the agency and the Federal Emergency Management
19 Agency to provide emergency response and search and rescue
20 capabilities and resources.

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

27 § 7103. [Purposes] Purpose of part.

28 [The purposes of this part are to:

29 (1) Reduce vulnerability of people and communities of
30 this Commonwealth to damage, injury and loss of life and

1 property resulting from disasters.

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

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

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

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

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

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

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

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

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

30 (11) Further programs of education and training.

1 (12) Establish integrated communications capabilities
2 and warning systems.]

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

11 § 7301. General authority of Governor.

12 (a) Responsibility to meet disasters.--The Governor is
13 responsible for meeting the dangers to this Commonwealth and
14 people presented by disasters.

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

20 (c) Declaration of disaster emergency.--

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

25 (2) The [state of] declared disaster emergency shall
26 continue until the Governor finds that the threat or danger
27 has passed or the disaster has been dealt with to the extent
28 that emergency conditions no longer exist and terminates the
29 [state of] declared disaster emergency by executive order or
30 proclamation, but no [state of] declared disaster emergency

1 may continue for longer than 90 days unless renewed by the
2 Governor.

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

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

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

22 (d) Activation of disaster response.--An executive order or
23 proclamation of a state of disaster emergency shall activate the
24 disaster response and recovery aspects of the [Commonwealth]
25 State emergency operations plan and [local disaster] other
26 emergency plans applicable to the political subdivision or area
27 in question and shall be authority for the deployment and use of
28 any forces to which the plan or plans apply and for use or
29 distribution of any supplies, equipment and materials and
30 facilities assembled, stockpiled or arranged to be made

1 available pursuant to this part or any other provision of law
2 relating to disaster emergencies.

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

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

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

20 (2) [Utilize] Prior to, during and following the
21 expiration of a declaration of a disaster emergency, utilize
22 all available resources of the Commonwealth [Government] and
23 each political subdivision [of this Commonwealth] as
24 reasonably necessary to cope with [the] or mitigate the
25 effects of a disaster emergency or potential disaster
26 emergency.

27 (3) Transfer the direction, personnel or functions of
28 Commonwealth agencies or units thereof for the purpose of
29 performing or facilitating emergency services.

30 (4) Subject to any applicable requirements for

1 compensation under section 7313(10) (relating to powers and
2 duties), commandeer or utilize any private, public or quasi-
3 public property if necessary to cope with the disaster
4 emergency.

5 (5) Direct and compel the evacuation of all or part of
6 the population from any stricken or threatened area within
7 this Commonwealth if this action is necessary for the
8 preservation of life or other disaster mitigation, response
9 or recovery.

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

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

15 (8) Suspend or limit the sale, dispensing or
16 transportation of alcoholic beverages, firearms, explosives
17 and combustibles.

18 (9) If the Governor determines that the Commonwealth
19 needs the assistance of Federal law enforcement while a
20 declaration of a disaster emergency is in effect, make in his
21 a request to the Federal Government for the assistance of
22 Federal law enforcement officers in enforcing the laws of
23 this Commonwealth. Only the Governor shall have the power to
24 make the request.

25 § 7302. Temporary housing.

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

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

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

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

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

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

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

27 (3) Under such [regulations] conditions as the Governor
28 shall prescribe, to temporarily suspend or modify for not to
29 exceed 60 days any public health, safety, zoning,
30 transportation [(within] within or across this

1 [Commonwealth)] Commonwealth or other requirement of statute
2 or regulation within this Commonwealth when by proclamation
3 the Governor deems the suspension or modification essential
4 to provide temporary housing for disaster victims.

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

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

18 [(d) Definitions.--As used in this section, "major disaster"
19 and "emergency" shall have the same meanings as defined or used
20 in The Robert T. Stafford Disaster Relief and Emergency
21 Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.).]
22 § 7303. Debris and wreckage removal.

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

28 (1) Notwithstanding any other provision of law, through
29 the use of Commonwealth agencies [or instrumentalities], to
30 clear or remove from publicly or privately owned land or

1 water[,] debris and wreckage which may threaten public health
2 or safety, or public or private property.

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

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

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

19 § 7304. Community disaster loans.

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

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

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

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

14 § 7305. Individual and family assistance.

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

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

29 (2) To enter into an agreement with the Federal
30 Government or any Federal agency or officer pledging the

1 Commonwealth to participate in the funding of the assistance
2 authorized in paragraph (1) and, if Commonwealth funds are
3 not otherwise available to the Governor, to accept an advance
4 of the Commonwealth share from the Federal Government to be
5 repaid when the Commonwealth is able to do so.

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

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

19 § 7305.1. Grants for public assistance and hazard mitigation.

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

1 agreement with the Federal Government or any Federal agency or
2 officer pledging the Commonwealth to participate in the funding
3 of the public assistance and mitigation project or plan.

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

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

19 Section 2. Title 35 is amended by adding a section to read:
20 § 7307.1. Use and appropriation of unused Commonwealth funds.

21 (a) Transfer of funds authorized.--In addition to the
22 transfers permitted under section 1508(a) of the act of April 9,
23 1929 (P.L.343, No.176), known as The Fiscal Code, if the
24 Governor has not declared a disaster emergency or if a
25 declaration of disaster emergency has expired, the Governor may
26 nevertheless transfer any unused funds which may have been
27 appropriated for the ordinary expenses of the Commonwealth in
28 the General Fund to such Commonwealth agencies as the Governor
29 may direct to be expended for preparedness planning and other
30 activities related to a potential or actual disaster in such

1 manner as the Governor shall approve, and the funds are
2 appropriated to the Governor for such purposes.

3 (b) Limitation on amount transferred.--The total of the
4 transfers authorized under section 1508(a) of The Fiscal Code
5 and under this section shall not exceed \$25,000,000 in any one
6 year except by action of the General Assembly.

7 Section 3. Section 7308 of Title 35 is amended to read:
8 § 7308. Laws suspended during emergency assignments.

9 In the case of a declaration of a [state of] disaster
10 emergency by the Governor, Commonwealth agencies may implement
11 their emergency assignments without regard to procedures
12 required by other laws [(except mandatory constitutional
13 requirements)], except constitutional requirements, pertaining
14 to the performance of public work, entering into contracts,
15 incurring of obligations, employment of temporary workers,
16 rental of equipment, purchase of supplies and materials and
17 expenditures of public funds.

18 Section 4. Title 35 is amended by adding a section to read:
19 § 7309. Penalty for false application.

20 A person who fraudulently or willfully makes a material
21 misstatement of fact in connection with an application for
22 assistance under this subchapter commits a misdemeanor of the
23 third degree. In addition to any other sentence imposed, the
24 defendant shall be ordered to repay to the Commonwealth the
25 amount of funds received under the application.

26 Section 5. Sections 7312, 7313, 7314, 7320, 7501, 7502,
27 7503, 7504, 7511, 7512, 7513, 7514 and 7515 of Title 35 are
28 amended to read:

29 § 7312. [Organization.] Pennsylvania Emergency Management
30 Council.

1 [This agency shall consist of and be organized substantially
2 as follows:

3 (a) Council.--Primary responsibility for overall policy and
4 direction of a Statewide civil defense and disaster program and
5 response capability of the type hereinafter prescribed shall be
6 vested in a body legally known as the Pennsylvania Emergency
7 Management Council, which]

8 (a) Establishment.--

9 (1) The Pennsylvania Emergency Management Council is
10 established within the agency.

11 (2) (i) The council shall be composed of: the Governor,
12 the Lieutenant Governor, the Adjutant General, the
13 Secretary of the Budget, the director, the Secretary of
14 Administration, the Secretary of State, the Secretary of
15 Education, the Secretary of General Services, the
16 Secretary of Labor and Industry, the Secretary of Health,
17 the Attorney General, the Governor's General Counsel, the
18 Secretary of Community [Affairs,] and Economic
19 Development, the Secretary of Conservation and Natural
20 Resources, the Secretary of Environmental Protection, the
21 Secretary of Transportation, the Secretary of
22 Agriculture, the Secretary of Public Welfare, the
23 Commissioner of the Pennsylvania State Police, [Chairman]
24 the Chairperson of the Pennsylvania Public Utility
25 Commission, the State Fire Commissioner, or any of their
26 designees, and the Speaker of the House of
27 Representatives, the President pro tempore of the Senate,
28 the Minority Leader of the Senate and the Minority Leader
29 of the House of Representatives or their designee. [The
30 Speaker of the House of Representatives, President pro

1 tempore of the Senate, Minority Leader of the Senate and
2 Minority Leader of the House of Representatives may
3 authorize a member of their respective Houses of the
4 General Assembly to serve in their stead.]

5 (ii) The Governor may authorize up to two
6 representatives of business and industry, up to two
7 representatives of labor, up to two public members at
8 large and one representative respectively of the
9 [Pennsylvania State Association of] County Commissioners
10 Association of Pennsylvania, the Pennsylvania State
11 Association of Township Commissioners, the Pennsylvania
12 State Association of Township Supervisors, the
13 Pennsylvania League of Cities and Municipalities [and],
14 the Pennsylvania State Association of Boroughs and the
15 Keystone Emergency Management Association to be nonvoting
16 members of the council.

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

19 (iv) The Governor may also appoint representatives
20 of key private sectors, including the energy utility,
21 medical, police, fire, emergency medical services,
22 communications, transportation, education, agriculture
23 and labor sectors, and two members-at-large to serve as
24 nonvoting council members.

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

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

30 (c) Regular meetings.--For the conduct of routine business,

1 including particularly the consideration of matters of basic
2 policy, the council shall meet at the call of the [chairman and
3 at least three times during each calendar year.] chair.

4 (d) Emergency meetings.--In the event of [attack or disaster
5 situations determined actually or likely to be of such nature,
6 magnitude, severity or duration as to necessitate extensive or
7 extraordinary deployment and use of Commonwealth resources for
8 emergency purposes] the occurrence of an emergency, the
9 [chairman shall, within not more than 72 hours immediately
10 following such determination,] chair may call the council into
11 emergency session[,] for consideration of actions taken or to be
12 taken. [In] The director may call such meetings in the absence
13 of the [chairman, notice of such meetings shall be disseminated
14 to the membership by the State director.] chair.

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

27 (f) Staff.--[The council shall, within the limitations of
28 appropriations made to the agency, arrange for the employment of
29 such professional, technical, administrative and other staff
30 personnel as may be deemed essential to the development and

1 maintenance of a Statewide civil defense and disaster plan and
2 program of the type hereinafter prescribed. All such personnel
3 shall be employed and subject to pertinent provisions of the act
4 of August 5, 1941 (P.L.752, No.286), known as the "Civil Service
5 Act," and the Commonwealth Compensation Plan.] The agency shall
6 provide the council with such staff and other services as may be
7 required for the council to carry out its responsibilities under
8 this part.

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

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

29 (i) Administrative provisions.--Except as otherwise provided
30 in this part, the agency shall be subject to the provisions of

1 the act of April 9, 1929 (P.L.177, No.175), known as "The
2 Administrative Code of 1929."]

3 (j) Commonwealth Disaster Recovery Task Force.--The director
4 shall organize the Commonwealth Disaster Recovery Task Force to,
5 when directed by the Governor, review and conduct studies of
6 disasters that occur in this Commonwealth, their causes and
7 impacts, make recommendations to prevent future disasters,
8 lessen their impact and help expedite recovery at the State and
9 local level. The members of the council shall serve on the task
10 force and may invite other organizations and Commonwealth
11 agencies to participate as needed.

12 § 7313. Powers and duties.

13 The agency shall [have the following powers and duties]
14 develop a comprehensive emergency management and preparedness
15 system for this Commonwealth, in coordination with other
16 Commonwealth agencies as designated by the Governor. In order to
17 develop the system, the agency shall:

18 (1) [To prepare] Prepare, maintain and keep current [a
19 Pennsylvania Emergency Management Plan for the prevention and
20 minimization of injury and damage caused by disaster, prompt
21 and effective response to disaster and disaster emergency
22 relief and recovery.] the Commonwealth emergency management
23 program. The [plan] program may include provisions for:

24 (i) Preparedness standards established by the United
25 States Department of Homeland Security and the Federal
26 Emergency Management Agency.

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

29 (iii) Assistance to Commonwealth agencies, regional
30 task forces, local government officials, [schools and

1 custodial child] dependent care facilities [in designing
2 emergency management plans and training programs] and the
3 private sector in developing their systems of emergency
4 management and preparedness.

5 (iv) Organization of manpower[,] and chains of
6 command[, continuity of government] in emergency
7 situations and emergency operational principles.

8 (v) Coordination of Federal, [Commonwealth] State,
9 regional and local [disaster] preparedness and emergency
10 management activities.

11 (vi) Coordination of the [Commonwealth Emergency
12 Management Plan with the disaster plans of the Federal
13 Government and those of other states] State emergency
14 operations plan with other Commonwealth agencies as
15 designated by the Governor, the United States Department
16 of Homeland Security, the Federal Emergency Management
17 Agency and other states.

18 (vii) Assistance to the Commonwealth, regional task
19 forces, school districts and local governments in
20 obtaining, utilizing and managing Federal and
21 [Commonwealth] State disaster assistance.

22 (viii) Supply to appropriate [Commonwealth] State
23 and local officials and regional task forces State
24 catalogs of Federal, [Commonwealth] State and private
25 assistance programs.

26 (ix) [Identification of areas particularly
27 vulnerable to disasters.] Accreditation programs for
28 county and local emergency management programs,
29 Commonwealth emergency management certification programs
30 and qualification standards for appointed emergency

1 management coordinators.

2 (x) Recommendations for zoning, building and other
3 land-use controls; safety measures pertaining to
4 nonpermanent or semipermanent structures; resource
5 conservation and allocation; and other preventive and
6 preparedness measures designed to eliminate or reduce
7 disasters or their impact.

8 (xi) Authorization and procedures for the erection
9 or other construction of temporary works designed to
10 protect against or mitigate danger, damage or loss from
11 flood, conflagration or other disaster in coordination
12 with the Department of Environmental Protection.

13 (1.1) Maintain and keep current the State emergency
14 operations plan, the State hazard mitigation plan and any
15 other related and supporting plans as necessary or required
16 by Federal or State law or regulation.

17 (2) [To establish] Establish, equip and staff [a
18 Commonwealth and area emergency operations center]
19 Commonwealth emergency operation centers with a consolidated
20 Statewide system of warning and provide a system of disaster
21 communications integrated with those of Federal[,
22 Commonwealth and local] agencies, Commonwealth agencies,
23 regional task forces and political subdivisions involved in
24 disaster emergency operations.

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

28 (4) [To provide] Provide technical guidance, advice and
29 assistance to Commonwealth agencies, [political subdivisions,
30 schools and custodial child care facilities] regional task

1 forces, county emergency management programs, local emergency
2 management programs, school districts and dependent care
3 facilities in the preparation of [disaster] emergency
4 [management] plans or components thereof [and to periodically
5 review such plans and suggest or require revisions].

6 (5) [To establish] Establish and operate, or assist
7 [political subdivisions] county emergency management
8 programs, local emergency management programs and regional
9 task forces in establishing and operating, training programs
10 and programs of public information.

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

24 (7) [To provide] Provide emergency direction and
25 [control] coordination of Commonwealth [and local] emergency
26 operations[.] by overseeing the identification and commitment
27 of all Commonwealth personnel, equipment and resources
28 through the use of an incident command system. The tactical
29 and operational control of the resources of a Commonwealth
30 agency shall remain with that respective agency.

1 (8) [To determine] Determine the need for, maintain
2 information regarding and procure materials, supplies,
3 equipment, facilities and services necessary for [disaster
4 emergency readiness, response and recovery] preparedness and
5 emergency management.

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

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

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

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

23 (13) [To administer] Administer grant programs [to
24 political subdivisions for disaster management] and provide
25 grants and other funding assistance subject to availability
26 of appropriated funds, in coordination with other
27 Commonwealth agencies as designated by the Governor.

28 (14) [To accept] Accept and coordinate assistance
29 provided by Federal agencies in major disasters or
30 emergencies in accordance with the provisions of [The Robert

1 T. Stafford Disaster Relief and Emergency Assistance Act
2 (Public Law 93-288, 42 U.S.C. § 5121 et seq.), or any
3 amendment or reenactment thereof.] the Stafford Act.

4 (15) [To] In conjunction with the Department of
5 Environmental Protection, respond to [disaster] disasters
6 relating to [atomic] nuclear or radiological energy
7 operations or radioactive objects or materials. Any such
8 action taken and any regulations adopted by the [office]
9 agency shall be inapplicable to any objects or materials
10 possessing a radiation-producing capacity less than that set
11 forth as the maximum safety limit by the standards endorsed
12 and as may be subsequently endorsed by the United States
13 Nuclear Regulatory Commission or the Environmental Protection
14 Agency for the protection of life and property and the
15 maintenance 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 chairman and minority chairman of the Appropriations
24 Committee of the Senate and the chairman and minority
25 chairman 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, avian flu/pandemic preparedness
29 or other public health emergency funds. The reports shall
30 include information relating to the entity receiving grant

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

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

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

29 (i) Provide minimum competency testing for their
30 operators.

1 (ii) Submit plans for flood notification and warning.]
2 submit plans for flood notification and warning and provide
3 inundation maps in accordance with direction from the
4 Department of Environmental Protection.

5 (22) Establish policies and procedures to coordinate and
6 implement all search and rescue activities with the Federal
7 Government, other states, other Commonwealth agencies and
8 political subdivisions. The agency may dispatch authorized
9 personnel and specialized equipment to disaster emergency or
10 training sites within or outside this Commonwealth for search
11 and rescue, training and other emergency response purposes.
12 The agency may immediately dispatch those personnel and
13 equipment to a disaster site without regard to procedures and
14 formalities prescribed by law, except for constitutional
15 requirements, pertaining to the performance of public work,
16 entering into contracts, the incurring of obligations, the
17 employment of temporary workers, the rental or purchase of
18 supplies, material, equipment and other related activities.

19 (23) Maintain an integrated communications capability
20 designed to allow all public safety answering points, county
21 dispatch centers and first responders to communicate with the
22 State emergency operations center and to facilitate Next
23 Generation 911 implementation.

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

1 (25) Assist with the implementation of the National
2 Infrastructure Protection Plan and the Commonwealth Critical
3 Infrastructure Preparedness Plan in coordination with other
4 Commonwealth agencies as designated by the Governor.

5 (26) Conduct all-hazards exercises, as appropriate.

6 § 7314. Utilization of existing services and facilities.

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

15 § 7320. Radiological emergency [response preparedness, planning
16 and recovery] preparedness and management program.

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

29 (b) Agency functions.--The specific functions of the agency
30 under the radiological emergency [response preparedness,

1 planning and recovery] preparedness and management program shall
2 include, but not be limited to:

3 (1) Serving as the point of contact for the coordination
4 and management of the Statewide response and provide for
5 interface between the affected [facilities] counties and
6 other Commonwealth agencies [and departments, counties,
7 municipalities], Federal agencies, regional task forces,
8 political subdivisions and school districts.

9 (2) [Annual] Overseeing the annual review and revision,
10 as necessary, of the risk county and support county
11 radiological emergency response plans to ensure that they are
12 consistent with the [Commonwealth's] State Emergency
13 [Management] Operations Plan.

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

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

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

28 (6) [Seeking formal Federal review and approval of the
29 Commonwealth's Annex E to its Emergency Management Plan and
30 the county, municipal and other plans in accordance with 44

1 CFR Part 350 (relating to review and approval of state and
2 local radiological emergency plans and preparedness). Once
3 Federal approval is obtained for the plans, the agency shall
4 seek to maintain that approval status.] (Reserved).

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

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

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

26 (10) Coordinating the review and update of emergency
27 information brochures with the respective counties and
28 [utilities] nuclear power plant licensees.

29 (11) Participation with each [utility] nuclear power
30 plant licensee in planning and program meetings scheduled

1 with [counties, municipalities] political subdivisions,
2 dependent care facilities and school districts.

3 (12) Developing planning and preparedness procedures for
4 emergency response within the ingestion exposure pathway
5 emergency planning zone.

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

10 (14) Performing actions necessary to satisfy the
11 Commonwealth's responsibilities relative to Federal guidance
12 memoranda.

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

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

23 (17) Providing guidance to [State, county and municipal
24 elected officials, departments and agencies and school
25 districts in order] Commonwealth agencies, political
26 subdivisions, school districts and dependent care facilities
27 to ensure compliance with this section and all other
28 applicable Federal and State radiation protection safety
29 laws.

30 (18) [Providing] Coordinating redundant communications'

1 capability between the agency's headquarters and each
2 [generating] commercial nuclear power station in this
3 Commonwealth sufficient to meet Federal and State regulatory
4 requirements.

5 (c) Establishment of fund.--[There is hereby created in the
6 General Fund a] A nonlapsing restricted receipt account to be
7 known as the Radiological Emergency Response Planning and
8 Preparedness Program Fund is established in the General Fund.
9 [Fees received under subsection (d) shall be deposited in this
10 fund.] Moneys in the fund are hereby appropriated to the agency
11 to carry out its responsibilities under subsections (a) and (b).
12 § 7501. General authority of [political subdivisions] county
13 and local emergency management programs.

14 (a) Establishing emergency management [organization]
15 programs.--[Each political subdivision of this Commonwealth is
16 directed and authorized to establish a local emergency
17 management organization in accordance with the plan and program
18 of the Pennsylvania Emergency Management Agency. Each local
19 organization shall have responsibility for emergency management,
20 response and recovery within the territorial limits of the
21 political subdivision within which it is organized] Within two
22 years of the effective date of Chapter 79 (relating to public
23 health emergency measures), a political subdivision shall
24 establish an emergency management program consistent with the
25 Commonwealth emergency management program within its
26 jurisdictional limits as required by the agency and, in
27 addition, shall conduct such services outside of its
28 jurisdictional limits as may be required under this part.

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

30 (1) A local disaster emergency may be declared by

1 official action of the governing body of a political
2 subdivision upon finding a disaster emergency has occurred or
3 is imminent. The governing body of a political subdivision
4 may authorize the [mayor or other] chief elected executive
5 officer to declare a local disaster emergency subject to
6 ratification by official action of the governing body.

7 (2) The [declaration] declared disaster emergency shall
8 be issued by executive order or proclamation and shall
9 continue until the governing body or the chief elected
10 executive officer, as the case may be, finds that the threat
11 or danger has passed or the disaster has been dealt with to
12 the extent that emergency conditions no longer exist.

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

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

22 (5) Any order or proclamation declaring, continuing or
23 terminating a [local] county disaster emergency shall be
24 given prompt and general publicity and shall be filed
25 promptly with the agency.

26 (6) Any order or proclamation declaring, continuing or
27 terminating a municipal disaster emergency shall be given
28 prompt and general publicity and shall be filed promptly with
29 the agency through the appropriate county emergency
30 management program.

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

5 (c) Contracts and obligations.--In carrying out the
6 provisions of this part, each political subdivision shall have
7 the power to enter into contracts and incur obligations
8 necessary to manage the disaster emergency [management, response
9 and recovery].

10 (d) Temporary suspension of formal requirements.--Each
11 political subdivision included in a declaration of disaster
12 emergency declared by either the Governor or the governing body
13 or chief executive elected officer of the political subdivision
14 affected by the disaster emergency is authorized to exercise the
15 powers vested under this section in the light of the exigencies
16 of the emergency situation without regard to time-consuming
17 procedures and formalities prescribed by law [(excepting
18 [mandatory constitutional requirements]), excepting
19 constitutional requirements, pertaining to the performance of
20 public work, entering into contracts, the incurring of
21 obligations, the employment of temporary workers, the rental of
22 equipment, the purchase of supplies and materials, the levying
23 of taxes and the appropriation and expenditure of public funds.

24 (e) Employment of personnel.--In order to meet prescribed
25 requirements for eligibility to receive Federal contributions
26 authorized under the provisions of the Federal Civil Defense Act
27 of 1950 (64 Stat. 1245, 50 U.S.C. App. § 2251 et seq.) or any
28 amendment or reenactment thereof, political subdivisions are
29 authorized to avail themselves of services offered by the State
30 Civil Service Commission under the provisions of the act of

1 August 5, 1941 (P.L.752, No.286), known as the ["Civil Service
2 Act,[" in connection with the employment of personnel in [local
3 organizations] a county emergency management program or a local
4 emergency management program established pursuant to the
5 provisions of this part.

6 (f) Intergovernmental cooperation.--Notwithstanding the
7 provisions of 53 Pa.C.S. § 2302 (relating to definitions), two
8 or more municipalities may jointly cooperate in the
9 establishment of a local emergency management program through
10 the organization or enactment of a council of governments, a
11 letter of agreement or other governing structure in conformance
12 with the provisions of 53 Pa.C.S. Ch. 23 Subch. A (relating to
13 intergovernmental cooperation) and in conformance with standards
14 established by the agency.

15 § 7502. [Local coordinator of emergency management] County and
16 local emergency management coordinators.

17 (a) General rule.--[Each local organization of emergency
18 management shall have] Each county emergency management program
19 and each local emergency management program shall appoint a
20 coordinator who shall be responsible for the planning,
21 administration and operation of the [local organization]
22 respective emergency management program subject to the direction
23 and control of the chief elected executive officer [or] and
24 governing body. The duties of and continuing education and
25 certification standards for a coordinator shall be prescribed by
26 the agency. In addition to the qualifications under this
27 section, the agency shall prescribe other qualifications for the
28 appointment of coordinators as it deems necessary.

29 (b) County coordinator.--[A coordinator shall be appointed
30 in all counties with approval of the director of the agency. The

1 executive officer or governing body of the county shall
2 recommend a coordinator whose recommendation must be endorsed by
3 the director of the agency prior to appointment by the Governor.
4 Upon failure of the executive officer or governing body of the
5 county to make a recommendation of a person for coordinator
6 within the time fixed by the agency, the Governor is authorized
7 to appoint a coordinator based upon the recommendation of the
8 director of the agency.]

9 (1) The chief elected executive officer of each county
10 shall recommend the appointment of a coordinator of the
11 county emergency management program to the director, within
12 90 days of a vacancy and a coordinator shall only be
13 appointed with the approval of the director.

14 (2) A temporary or acting coordinator shall be appointed
15 by the chief elected executive officer, and the agency shall
16 be notified of the appointment within 24 hours of a vacancy.
17 At no time shall the coordinator position remain vacant for
18 more than 24 hours.

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

22 (c) [Local level.--At the local level, the coordinator shall
23 be appointed by the Governor upon the recommendation of the
24 executive officer or governing body of the political
25 subdivision. Upon the failure of the executive officer or
26 governing body of a political subdivision to make a
27 recommendation to the Governor of a candidate for coordinator
28 within the time fixed by the agency, the Governor is authorized
29 to appoint a coordinator without any recommendation. A candidate
30 for coordinator for two or more political subdivisions may be

1 recommended to the Governor for appointment upon agreement by
2 resolution of the governing bodies of such political
3 subdivisions. Any other law notwithstanding, a local government
4 official may be recommended for appointment.] Local
5 coordinators.--

6 (1) The chief elected executive officer of a
7 municipality with a local emergency management program shall
8 appoint a coordinator and provide written notice to the
9 county where the local emergency management program is
10 located within 30 days following his appointment.

11 (2) A temporary or acting coordinator shall be appointed
12 by the chief elected executive officer and the county shall
13 be notified of the appointment within 24 hours of a vacancy.
14 At no time shall the coordinator position remain vacant for
15 more than 24 hours.

16 (3) Notwithstanding any other provision of law, a local
17 government official may be appointed as a coordinator under
18 this subsection, provided that the official complies with the
19 qualifications for appointment prescribed by the agency as
20 contained in this section.

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

22 (1) A coordinator shall be professionally competent and
23 capable of planning, effecting coordination among operating
24 agencies of government and controlling coordinated operations
25 by local emergency preparedness forces.

26 (2) (i) A coordinator may be removed for incompetence,
27 dishonesty or commitment of an offense involving moral
28 turpitude under Federal, State or local laws or
29 ordinances.

30 (ii) The agency, or appointing entity, may remove a

1 county or local coordinator who fails to comply with the
2 continuing education and certification requirements
3 prescribed by the agency.

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

6 (1) [Attend and successfully complete the first phase of
7 the career development program as prescribed by the agency
8 within one year after appointment.] Successfully complete the
9 basic certification program of the agency within one year
10 after appointment.

11 (2) [Attend and successfully complete the second phase
12 of the career development program as prescribed by the agency
13 within three years after appointment.] Successfully complete
14 the advanced certification program of the agency within three
15 years after appointment.

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

20 (4) Meet the training, continuing education,
21 certification and qualification requirements prescribed by
22 and within the time frames established by the agency.

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

30 (e.1) Credit.--At the discretion of the director, a

1 coordinator may receive credit toward meeting the requirements
2 of subsection (e) on the basis of prior experience and training
3 of the coordinator.

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

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

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

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

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

29 (2) Establish, equip and staff an emergency operations
30 center, consolidated with warning and communication systems

1 to support government operations in emergencies and provide
2 other essential facilities and equipment for agencies and
3 activities assigned emergency functions in accordance with
4 agency directives.

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

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

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

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

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

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

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

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

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

1 duties).

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

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

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

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

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

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

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

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

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

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

30 (10) Providing training to staff of local emergency

1 management programs and municipalities within the county.

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

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

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

9 (i) Encouraging optimal communication and
10 coordination between the local emergency management
11 programs within the county and local 911 centers in
12 accordance with applicable State law.

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

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

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

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

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

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

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

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

8 (20) Supporting the implementation of the Commonwealth
9 Critical Infrastructure Protection Program and the National
10 Infrastructure Protection Plan.

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

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

16 (23) Reviewing and accepting emergency action plans and
17 emergency operations plans developed by municipalities,
18 dependent care facilities and other entities located within
19 the county which are required by law or regulation to develop
20 and maintain an emergency plan. The coordinator shall provide
21 an annual report to the agency on or before March 1 of each
22 year describing the status of the plans reviewed under this
23 paragraph.

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

30 (c) Local emergency management program.--A municipality

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

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

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

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

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

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

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

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

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

30 (9) Coordinating emergency communications by doing the

1 following:

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

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

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

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

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

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

19 (14) Supporting the implementation of the National
20 Infrastructure Protection Plan and the Commonwealth Critical
21 Infrastructure Preparedness Plan.

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

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

27 (17) Reviewing and accepting emergency management plans
28 and programs developed by school districts, dependent care
29 facilities and other entities located within the municipality
30 that are required by law or the Commonwealth to develop and

1 maintain preparedness and emergency management capabilities.
2 The coordinator shall provide an annual report to the
3 coordinator of the county emergency management program where
4 the municipality is located on or before September 1 of each
5 year describing the status of the plans reviewed under this
6 paragraph.

7 § 7504. Coordination[,] and assistance [and mutual aid].

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

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

16 (b) Assistance from higher government unit.--When all
17 appropriate locally available forces and resources are fully
18 committed by the affected political subdivision, assistance from
19 a higher level of government shall be provided. Regional task
20 forces may assist in the coordination efforts.

21 [(c) Municipal mutual aid agreements.--County and local
22 coordinators of emergency management shall develop mutual aid
23 agreements with adjacent political subdivisions for reciprocal
24 emergency assistance. The agreements shall be consistent with
25 the plans and programs of the agency. In disaster emergencies,
26 requests for mutual aid assistance shall be referred to the
27 organization having responsibility for coordination as specified
28 in subsection (a) and in time of emergency it shall be the duty
29 of each local organization to render assistance in accordance
30 with the provisions of the mutual aid agreements.

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

6 (e) Ratification of agreements.--Mutual aid agreements shall
7 be ratified by the governing bodies of the political
8 subdivisions involved.

9 (f) Control of outside support forces.--Support forces
10 furnished political subdivisions from outside its jurisdiction
11 shall be under the operational control of the department, agency
12 or office furnishing the force.]

13 § 7511. Appropriations by political subdivisions.

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

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

21 (2) In making appropriations, the political subdivision
22 shall specify the amounts and purposes for which the moneys
23 appropriated may be used by the organization to or for which
24 such appropriation may be made.

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

27 (1) Nothing in this subchapter or any other provision of
28 this part shall be deemed to limit the power of any political
29 subdivision to appropriate money for the purpose of paying
30 the expenses of a local [organization] emergency management

1 program or a county emergency management program having
2 jurisdiction both within and without the political
3 subdivision even though an appropriation has been or is to be
4 made to another local [organization] emergency management
5 program or another county emergency management program
6 coterminous with or having jurisdiction within the political
7 subdivision.

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

17 § 7512. Law applicable to local [organizations] emergency
18 management programs and county emergency management
19 programs.

20 [(a) General rule.--]Where the jurisdiction of the local
21 [organization] emergency management program or the county
22 emergency management program is coterminous with the political
23 subdivision making an appropriation for the payment of the
24 expenses, the local [organization] emergency management program
25 or the county emergency management program, as the case may be,
26 shall be deemed an agency, board or commission of the political
27 subdivision, subject to all of the laws governing the making of
28 contracts or purchases, the employment of persons or otherwise
29 incurring financial obligations which apply to the political
30 subdivision.

1 [(b) Second class townships.--No purchase or purchases shall
2 be made, no contract entered into and no expenses incurred by
3 any local organization which involves the payment of more than
4 \$25 out of the treasury of any second class township unless the
5 proposed expenditure has been approved in writing by the
6 township supervisors. If any purchase or contract is made or
7 other expenses incurred contrary to the provisions of this
8 subsection, the township shall not be responsible for the
9 payment thereof but the person acting for the local organization
10 in the transaction shall be personally liable for the payment.]

11 § 7513. Agreements among political subdivisions.

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

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

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

29 (i) Specify the proportionate share of the expenses
30 of the [organization] local emergency management program

1 or the county emergency management program, as the case
2 may be, to be paid by each political subdivision party to
3 the agreement and an estimate of the amount required to
4 be appropriated by each of them for the purpose of paying
5 the expenses. [The agreement shall be effective]

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

17 (b) Counties.--Where the local [organization] emergency
18 management program or the county emergency management program
19 has jurisdiction in an area including the whole area of one or
20 more counties which is not coterminous with any one county,
21 before paying any expenses of the [organization] local emergency
22 management program or the county emergency management program,
23 as the case may be, the counties, all or part of which lie
24 within the jurisdiction of the [organization] local emergency
25 management program or the county emergency management program,
26 shall enter into an agreement in the manner and form provided in
27 subsection (a) and with like effect, and no other political
28 subdivision lying within the jurisdiction of the [organization]
29 local emergency management program or the county emergency
30 management program, as the case may be, shall be a party to the

1 agreement.

2 § 7514. Payments involving one political subdivision.

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

4 (1) All bills or claims to be paid from any

5 appropriation made by a political subdivision coterminous

6 with the local [organization] emergency management program or

7 the county emergency management program, after first being

8 approved by the local [organization] emergency management

9 program or the county emergency management program or an

10 appropriate officer thereof designated for that purpose,

11 shall be paid from the treasury of the political subdivision

12 only upon the warrant or order of the officer or officers of

13 the political subdivision designated by law to approve or

14 countersign warrants or orders for the payment of the

15 ordinary expenses of the political subdivision, and shall be

16 subject to audit in the same manner as other financial

17 transactions of the political subdivision.

18 (2) In each case, the officer or officers shall have the

19 same power to approve or disapprove as they have in case of

20 warrants for ordinary expenses of the political subdivision,

21 and no warrant or order for the payment thereof shall be

22 issued without the approval.

23 (b) Gift or grant of money.--Any gift or grant of money made

24 to the local [organization] emergency management program or the

25 county emergency management program or to the political

26 subdivision for the payment of expenses incurred or to be

27 incurred by or for the [organization] local emergency management

28 program or the county emergency management program, as the case

29 may be, shall be deposited in the treasury of the political

30 subdivision and shall be appropriated by the political

1 subdivision for the purpose for which the gift or grant was
2 made, and any bills or claims to be paid from the gift or grant
3 shall be paid in the manner provided in this subchapter for the
4 payment of other bills and claims against the political
5 subdivision.

6 § 7515. Payments involving two or more political subdivisions.

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

22 (b) Accounting by agent.--The political subdivision
23 designated as agent shall, not later than the fifteenth day of
24 each month, submit an itemized account of the expenses of the
25 organization paid by it during the preceding calendar month to
26 each of the other political subdivisions party to the agreement,
27 together with a request for reimbursement of the proportionate
28 share of expenses agreed to be paid by each of the other
29 political subdivisions.

30 (c) Reimbursement of agent.--

1 (1) Each political subdivision requested to make
2 reimbursement shall do so within 30 days after the request
3 from the appropriation made for the payment of the expenses
4 of the organization [and, in]. In the event [of failure] the
5 political subdivision fails to do so, mandamus shall lie to
6 compel the officers of the political subdivision to pay the
7 agreed-upon proportionate share of the proper expenses of the
8 organization out of the first moneys thereafter in the
9 treasury of the political subdivision and not previously
10 pledged to any other purpose.

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

14 (3) Any payment made by any political subdivision to the
15 political subdivision named as agent in the agreement for
16 reimbursement for the payment of the expenses of the
17 organization shall be credited by the agent political
18 subdivision to the appropriation made by it for the payment
19 of the expenses of the [organization] local emergency
20 management program or the county emergency management program
21 and shall be available for the payment of future expenses of
22 the [organization] local emergency management program or the
23 county emergency management program, as the case may be,
24 without further appropriation or action by the agent
25 political subdivision.

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

27 (1) Any gift or grant of money made to or for the local
28 [organization] emergency management program or the county
29 emergency management program, if made to a political
30 subdivision, shall be deposited in its treasury and be

1 appropriated by it for the purpose for which the gift or
2 grant was made and the political subdivision shall notify the
3 political subdivision named as agent in the agreement of the
4 appropriation and the purpose for which it is available.

5 (2) If the gift or grant of money is made to the
6 [organization] local emergency management program or the
7 county emergency management program, it shall be deposited in
8 the treasury of the political subdivision named as agent in
9 the agreement and shall be appropriated by the political
10 subdivision for the purpose for which the gift or grant was
11 made.

12 (3) Any expenditure made by the agent political
13 subdivision from any gift or grant deposited in its treasury
14 or reimbursed from any gift or grant deposited in the
15 treasury of any other political subdivision shall not be
16 included in computing the reimbursement requested from any
17 other political subdivision under the agreement.

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

20 SUBCHAPTER C

21 REGIONAL ALL-HAZARDS PREPAREDNESS

22 AND EMERGENCY MANAGEMENT

23 Sec.

24 7521. Regional task forces.

25 7522. Specialized regional task force teams.

26 7523. Urban search and rescue task force.

27 7524. Specialized Statewide response teams.

28 7525. Grant program.

29 7526. Workers' compensation premiums.

30 § 7521. Regional task forces.

1 (a) Establishment.--The agency, in coordination with
2 Commonwealth agencies as designated by the Governor, county and
3 local emergency management programs, health, law enforcement,
4 public safety and volunteer organizations and other officials
5 and representatives from dedicated emergency response
6 organizations, private business and industry, institutions of
7 higher education, hospitals and medical care facilities and
8 other entities responsible for the health, safety and welfare of
9 the citizens of this Commonwealth, shall establish regional task
10 forces throughout this Commonwealth.

11 (b) Organization.--

12 (1) Each regional task force shall be a cooperative
13 effort among the counties within the designated region. Each
14 regional task force shall be governed by an executive board
15 comprised of the county coordinator from each county or other
16 county official appointed by the county within the task force
17 region.

18 (2) Notwithstanding any provision in 53 Pa.C.S. Ch. 23
19 (relating to general provisions), the member counties may
20 organize their regional task force as a council of
21 governments pursuant to 53 Pa.C.S. Ch. 23 Subch. A (relating
22 to intergovernmental cooperation).

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

1 (c) Plans.--Each regional task force shall prepare an all-
2 hazards emergency operations plan that encompasses the
3 comprising counties in accordance with subsection (d) and
4 guidelines developed by the agency. The agency shall review and
5 accept each plan in a timely manner, but no later than 90 days
6 after receipt of the plan by the agency. The task force shall
7 review and update the plan triennially and submit it to the
8 agency for review.

9 (d) Duties of regional task forces.--The duties of a
10 regional task force shall include the following:

11 (1) To develop and maintain an all-hazards emergency
12 operations plan.

13 (2) To comply with Federal and State requirements
14 regarding National Incident Management System training and
15 certification, emergency response equipment typing and
16 emergency responder credentialing.

17 (3) Consistent with Federal and State guidelines, to
18 consider serving as agent, if so appointed by its member
19 counties, for county and local coordinators and first
20 responders when applying for United States Department of
21 Homeland Security, State and related grants.

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

1 (5) To attend training and related sessions as directed
2 or conducted by the agency.

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

5 (7) To participate in and conduct capabilities-based
6 planning activities and assessments.

7 § 7522. Specialized regional task force teams.

8 (a) Establishment.--A regional task force may establish one
9 or more specialized regional response teams and incident
10 management teams.

11 (b) Organization.--

12 (1) Specialized regional task force teams shall be
13 organized in accordance with guidelines approved by the
14 regional task force executive board and the agency.

15 (2) The regional task force must enter into a written
16 agreement with each specialized regional task force team that
17 it establishes.

18 (3) In addition to any other terms, the written
19 agreement shall stipulate which member county of the regional
20 task force is the responsible agent for administering any
21 funds, grants or expenses of the specialized regional task
22 force team.

23 (4) Any specialized regional task force team shall be
24 subject to the laws governing the making of contracts or
25 purchases, the employment of persons or otherwise incurring
26 financial obligations, which apply to the designated agent
27 county.

28 (c) Activation and deployment.--A specialized regional task
29 force team may be activated and deployed by the Governor or the
30 designee of the Governor or an official designated by the

1 executive board of the regional task force that established it.
2 § 7523. Urban search and rescue task force.

3 (a) Establishment of task forces.--The agency shall
4 establish urban search and rescue task forces throughout this
5 Commonwealth.

6 (b) Organization.--An urban search and rescue task force
7 shall be organized in accordance with guidelines developed by
8 the agency in coordination with the Federal Emergency Management
9 Agency.

10 (c) Responsibilities.--An urban search and rescue task force
11 shall respond to actual or potential disasters in this
12 Commonwealth and shall also perform search and rescue functions
13 as delineated in the Stafford Act, the National Response
14 Framework and the preparedness and response plans created in
15 accordance with the provisions of this chapter.

16 (d) Activation and deployment.--

17 (1) An urban search and rescue task force may only be
18 activated and deployed to the scene of a disaster emergency
19 by the President, the Governor, the designee of the Governor
20 or an official designated by the Federal Emergency Management
21 Agency. During an activation and deployment by the Governor
22 or the designee of the Governor, the administrative and
23 operational costs of the task force, its individual members
24 and their employers, Commonwealth agencies and other parties
25 shall be paid by the Commonwealth.

26 (2) A component or subgroup of an urban search and
27 rescue task force may only be activated and deployed by the
28 agency, a county included in the task force of which it is a
29 component or subgroup or the task force itself. During the
30 activation and deployment, the administrative and operational

1 costs of the urban search and rescue task force component or
2 subgroup, its individual members and their employers shall be
3 paid by the deploying entity requesting the activation or
4 deployment.

5 (e) Funding, grants and donations.--In addition to any funds
6 that are provided to a task force under section 7525 (relating
7 to grant program) or the authority of section 7307.1 (relating
8 to use and appropriation of unused Commonwealth funds), the
9 urban search and rescue task force may be eligible to receive
10 grants, donations of equipment and supplies and other funds from
11 any source. As an agent of the Commonwealth, a task force is
12 entitled to tax-exempt status from the Federal Government.

13 § 7524. Specialized Statewide response teams.

14 (a) Establishment.--Commonwealth agencies may establish one
15 or more specialized Statewide response teams.

16 (b) Organization and responsibilities.--Specialized
17 Statewide response teams shall be organized in accordance with
18 guidelines developed by the agency in consultation with
19 applicable Federal or Commonwealth agencies. The response teams
20 shall provide professional, logistical, material and other forms
21 of emergency services and support to the regional task forces,
22 counties and specialized regional response teams organized in
23 this Commonwealth.

24 (c) Activation.--Specialized Statewide response teams may
25 only be activated and deployed by the Governor or the designee
26 of the Governor.

27 § 7525. Grant program.

28 (a) Authorization.--The agency may award grants to regional
29 task forces, specialized regional task force teams, specialized
30 Statewide response teams and urban search and rescue task forces

1 to assist them in carrying out the provisions of this part,
2 including, but not limited to, entering into letters of
3 agreement or mutual aid agreements or providing mutual aid.

4 (b) Grants and funding.--Regional task forces, specialized
5 regional task force teams, specialized Statewide response teams
6 and urban search and rescue task forces may receive grants and
7 funding from the Federal Government and the Commonwealth through
8 application to the agency or any other entity providing grants
9 or funding for the purposes of this part.

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

12 § 7526. Workers compensation premiums.

13 Nothing in this part shall be construed to permit an insurer
14 to raise workers compensation premiums due to the participation
15 or membership of a county, municipality, emergency services
16 organization, individual or employer on any task force or
17 response team described in this part.

18 Section 7. Sections 7701, 7702, 7703, 7704, 7705, 7706 and
19 7707 of Title 35 are amended to read:

20 § 7701. Duties concerning disaster [prevention] preparedness
21 and emergency management.

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

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

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

22 (d) Schools.--[Public-funded universities, colleges,]
23 Institutions of higher education and elementary and secondary
24 schools which receive public funds shall be made available to
25 [local] municipal, county, regional and [State] Commonwealth
26 officials for emergency planning and exercise purposes and
27 actual [service as mass-care facilities in the event of an
28 emergency evacuation] emergency services.

29 (e) Vehicles.--School bus and transportation vehicles owned,
30 contracted for or leased by [universities, colleges]

1 institutions of higher education and school districts which
2 receive public funds shall be made available to local, county,
3 regional and [State] Commonwealth officials for emergency
4 planning and exercise purposes and actual [service in the event
5 of an emergency evacuation] emergency services.

6 (f) Disaster response and emergency preparedness [drills]
7 exercises.--[Annually, schools and custodial child care
8 facilities shall conduct at least one disaster response or
9 emergency preparedness plan drill.] Every emergency action plan
10 developed under subsection (g) shall provide for the conduct of
11 at least one disaster exercise annually as specified by the
12 agency. The disaster exercise shall be coordinated with the
13 appropriate emergency management program.

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

30 (h) Large event plans.--

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

9 (2) A copy of the plan shall be provided to the county
10 and local emergency management program where the event is to
11 be held at least 30 days prior to the event.

12 (i) Sharing of information.--

13 (1) This subsection applies to any of the following
14 public entities which possesses or acquires all-hazards
15 information:

16 (i) A Commonwealth agency.

17 (ii) A court or an entity or office of the Unified
18 Judicial System.

19 (iii) The General Assembly.

20 (iv) A political subdivision.

21 (v) A dedicated emergency response organization.

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

24 (i) Promptly share all-hazards information with the
25 agency and other Commonwealth agencies in accordance with
26 standards and all-hazards information guidance issued and
27 the all-hazards information plan developed by the agency
28 and consistent with the statutory responsibilities of the
29 agencies providing and receiving the information.

30 (ii) Cooperate in and facilitate the collection and

1 validation of the information and the production of
2 reports based on the information with contents and
3 formats which permit dissemination that maximizes the
4 utility of the information in protecting the territory,
5 citizens and interests of this Commonwealth.

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

8 (3) A private entity which becomes aware of all-hazards
9 information or threats that may impact the health, safety and
10 welfare of the citizens of this Commonwealth shall do all of
11 the following:

12 (i) Promptly share the information with the agency
13 and appropriate law enforcement organizations in
14 accordance with all-hazards information standards and
15 guidance issued.

16 (ii) Cooperate in and facilitate the collection and
17 validation of the information and the production of
18 reports based on the information.

19 (4) Documents, information or other materials received
20 by the agency or law enforcement organizations under
21 paragraph (3)(i) shall be subject to section 7715 (relating
22 to confidentiality) and any other Federal or State law
23 protecting proprietary information or trade secrets and the
24 release or use of the information.

25 § 7702. Acceptance of services, gifts, grants and loans.

26 (a) General rule.--Whenever any person or the Federal
27 Government or any Federal agency or officer offers to the
28 Commonwealth or, through the Commonwealth, to any political
29 subdivision or school district, services, equipment, supplies,
30 materials or funds by way of gift, grant or loan for purposes of

1 [disaster] emergency services, the Commonwealth, acting through
2 the Governor, or the political subdivision or school district,
3 acting with the consent of the Governor and through its chief
4 elected executive officer or governing body, may accept the
5 offer and upon acceptance the Governor or chief elected
6 executive officer or governing body of the political subdivision
7 may authorize any officer of the Commonwealth or of the
8 political subdivision or school district, as the case may be, to
9 receive the services, equipment, supplies, materials or funds on
10 behalf of the Commonwealth or political subdivision or school
11 district subject to the terms of the offer and the rules and
12 regulations, if any, of the agency or person making the offer.

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

20 (c) Indemnification.--

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

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

29 (3) The General Assembly, under 1 Pa.C.S. § 2310
30 (relating to sovereign immunity reaffirmed; specific waiver),

1 waives sovereign immunity as a bar to a claim against a
2 Commonwealth agency brought by the United States under
3 paragraph (1) only to the extent provided under this
4 subsection.

5 § 7703. Interstate arrangements.

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

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

23 (c) Legislative approval of agreements.--Any agreement, if
24 sufficient authority for the making thereof does not otherwise
25 exist, becomes effective only after its text has been
26 communicated to the General Assembly and provided that neither
27 House of the General Assembly has disapproved it by adjournment
28 of the next ensuing session competent to consider it or within
29 30 days of its submission, whichever is longer.

30 § 7704. Immunity from civil liability.

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

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

26 (c) Other benefits unaffected.--This section does not affect
27 the right of any person to receive benefits to which he would
28 otherwise be entitled under this part or under the [workmen's
29 compensation laws] act of June 2, 1915 (P.L.736, No.338), known
30 as the Workers' Compensation Act, or under any pension law, nor

1 the right of any person to receive any benefits or compensation
2 under any Federal law.

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

6 § 7705. Special powers of [local agencies] political
7 subdivisions.

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

18 (b) Water systems.--Whenever the Governor shall have
19 proclaimed a disaster emergency under section 7301(c) and in the
20 event that a water system owned or operated by a political
21 subdivision or municipal authority is damaged, destroyed or made
22 inoperable as a direct result of such disaster emergency, the
23 political subdivision or municipal authority shall have the
24 authority to lease or hire such personnel and equipment as may
25 be needed to effect restoration of such water system. The
26 political subdivision or municipal authority may be reimbursed
27 for the cost of such restoration as provided in [subsection
28 (c).] section 1508(b) of the act of April 9, 1929 (P.L.343,
29 No.176), known as The Fiscal Code.

30 (d) Limitations.--Reimbursements pursuant to [subsection

1 (c)] section 1508(b) of The Fiscal Code shall not be made to the
2 extent that the Commonwealth, a political subdivision or a
3 municipal authority may be eligible for assistance from the
4 Federal Government.

5 § 7706. [Compensation for accidental injury] Workers'
6 compensation.

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

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

21 (2) A sum not exceeding \$15,000 for reimbursement for
22 medical and hospital expenses associated with accidental
23 injury.

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

28 Volunteers who are members of the Commonwealth emergency
29 management program, a county emergency management program or a
30 local emergency management program are deemed to be employees of

1 the Commonwealth or of the county or municipality by whose
2 program they are deployed for purposes of the act of June 2,
3 1915 (P.L.736, No.338), known as the Workers' Compensation Act,
4 when engaging in or performing the following activities:

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

7 (2) Going to or returning from an emergency or disaster
8 emergency to which program members have been deployed.

9 (3) Scheduled training, exercise or related official
10 functions designated and authorized by the applicable
11 emergency management official.

12 (b) [Source of funds.--All benefits hereby authorized shall
13 be paid out of funds appropriated to the agency. Payments shall
14 be made on the basis of claims submitted to the agency through
15 the Department of Labor and Industry in accordance with rules
16 and orders promulgated and adopted by the agency.] (Reserved).

17 (c) Computation.--For purposes of computing a volunteer's
18 wage compensation under the Workers' Compensation Act, there
19 shall be an irrebuttable presumption that the wages shall be at
20 least equal to the Statewide average weekly wage.

21 (d) Applicability.--The provisions of this section shall not
22 apply to the extent that the volunteer is otherwise covered for
23 workers' compensation purposes under an existing policy,
24 agreement, contract or law.

25 (e) Construction.--The provisions of this section shall not
26 supersede Chapter 76 (relating to emergency management
27 assistance compact).

28 § 7707. Penalties.

29 (a) General rule.--The chief elected executive official of a
30 political subdivision may order or direct only the resources

1 within the official's given authority. Any person [violating any
2 of the plans and programs adopted and promulgated by the
3 Pennsylvania Emergency Management Council shall, upon conviction
4 thereof in a summary proceeding, be sentenced] subject to the
5 authority of:

6 (1) the Governor or his designee who fails to comply
7 with an order or direction from the Governor or his designee;

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

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

13 (4) a county or local emergency management program in
14 compliance with this part, other than Chapter 79 (relating to
15 public health emergency measures), who fails to comply with
16 an order or direction from that county or local emergency
17 program commits a violation of this part.

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

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

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

27 (b) Loss of funds.--[Those political subdivisions in
28 violation of section 7501 (relating to general authority of
29 political subdivisions), section 7502 (relating to local
30 coordinator of emergency management), section 7503 (relating to

1 powers and duties of political subdivisions) or section 7504
2 (relating to coordination, assistance and mutual aid) shall, at
3 the direction of the council, be subject to loss of Federal
4 personnel and administrative funding for the remainder of the
5 fiscal year in which conviction is established. Reinstatement of
6 Federal personnel and administrative funding shall take place
7 the year following approval of remedial action to the
8 violation.] Any grantee who fails to comply with any provision
9 of this part may, at the agency's discretion, be subject to the
10 loss of grant funding administered by the agency.

11 Section 8. Title 35 is amended by adding sections to read:
12 § 7714. Authority of Federal law enforcement officers.

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

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

28 (c) Liability.--A Federal law enforcement officer operating
29 under this section shall have the same immunities from liability
30 as any agent or employee of the Commonwealth under 42 Pa.C.S.

1 Ch. 85 (relating to matters affecting government units).

2 § 7715. Confidentiality.

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

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

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

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

23 (b) Open meetings exception.--Meetings of the council, a
24 county emergency management program, a local emergency
25 management program or any task force or response team organized
26 in accordance with this part, relating to preparedness and
27 emergency management, shall not be subject to the provisions of
28 65 Pa.C.S. Ch. 7 (relating to open meetings).

29 § 7716. Adverse interests.

30 A Commonwealth or local official or employee may serve in a

1 leadership role in a nonprofit entity, notwithstanding the act
2 of July 19, 1957 (P.L.1017, No.451), known as the State Adverse
3 Interest Act, as long as the official or employee when acting in
4 a Commonwealth or local government capacity recuses himself from
5 any official duties or decisions which pertain to the nonprofit
6 entity.

7 Section 9. Title 35 is amended by adding a chapter to read:

8 CHAPTER 79

9 PUBLIC HEALTH EMERGENCY MEASURES

10 Sec.

11 7901. Definitions.

12 7901.1. Public health and medical emergency coordination.

13 7902. Temporary isolation or quarantine without notice.

14 7903. Continued isolation or quarantine.

15 7904. Miscellaneous.

16 § 7901. Definitions.

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

20 "Public health emergency." An occurrence or imminent threat
21 of a disease or condition of public health importance with the
22 following characteristics:

23 (1) Is believed to be caused by any of the following:

24 (i) A bioterrorist event, a chemical attack or a
25 nuclear attack.

26 (ii) The appearance of a novel or previously
27 controlled or eradicated infectious agent or biological
28 toxin.

29 (iii) A natural disaster, an accidental chemical
30 release or a nuclear incident.

1 (2) Poses a high probability of any of the following
2 harms in the affected population:

3 (i) A large number of deaths.

4 (ii) A large number of serious or long-term
5 disabilities.

6 (iii) Widespread exposure to an infectious or toxic
7 agent that poses a significant risk of substantial future
8 harm to a large number of people.

9 "Quarantine subject." The subject of an order under section
10 7902(a)(1) (relating to temporary isolation or quarantine
11 without notice). The term includes an individual or group
12 subject to either isolation or quarantine.

13 § 7901.1. Public health and medical emergency coordination.

14 (a) Secretary of Health.--

15 (1) During preparation for or response to a disaster or
16 disaster emergency resulting in or potentially resulting in a
17 significant public health threat with or without medical
18 consequences, the Secretary of Health shall have primary
19 jurisdiction, responsibility and authority for the public
20 health and medical services capabilities of Commonwealth
21 agency emergency services, including the dispensing of
22 medication.

23 (2) Commonwealth agencies shall conduct public health
24 and medical assessment, mitigation, preparedness, response
25 and recovery activities in accordance with direction provided
26 by the Secretary of Health. The Secretary of Health shall
27 coordinate with the agency to the extent necessary.

28 (b) Department of Health.--The Department of Health shall
29 provide technical guidance, advice and assistance, as
30 appropriate, to county emergency management programs, local

1 emergency management programs and local health departments to
2 carry out their responsibility to prepare emergency plans or
3 components thereof and to execute public health and medical
4 assessment, mitigation, preparedness, response and recovery
5 activities in their jurisdiction.

6 § 7902. Temporary isolation or quarantine without notice.

7 (a) Temporary isolation or quarantine.--

8 (1) In the case of an all-hazards emergency, the
9 Governor, in consultation with the Secretary of Health,
10 through a written order to prevent or limit the transmission
11 of a contagious or potentially contagious disease, infection
12 or hazardous agent, may temporarily isolate or quarantine:

13 (i) one or more identified individuals; or

14 (ii) one or more groups whose individual members are
15 identified by past or present location or other
16 characteristic which would place them at risk for
17 transmitting a contagious or potentially contagious
18 disease, infection or hazardous agent. Identifying
19 characteristics for the individual members of such a
20 group may include, but not be limited to:

21 (A) Being or having been present in or at an
22 identified geographic area, address, structure, event
23 or mode of transport, during a specified period of
24 time.

25 (B) Being or having been in contact with an
26 identified individual during a specified period of
27 time.

28 (C) Being or having been in contact with, or
29 consumed an item or items during a specified period
30 of time, which items have been identified as

1 transmitting or potentially transmitting a contagious
2 or potentially contagious disease, infection or
3 hazardous agent.

4 (D) Having or having had a specified employer,
5 workplace or job function during a specified period
6 of time.

7 (E) Having or having had a specified name,
8 address or other personal identifier where these are
9 known.

10 (2) This subsection shall not be construed to require a
11 declaration of disaster emergency by the Governor in order to
12 be effective.

13 (b) Order of isolation or quarantine.--The written order of
14 isolation or quarantine must include all of the following:

15 (1) The identity of each quarantine subject by name or
16 other appropriate identifying information, including, but not
17 limited to, identifying characteristics that make individuals
18 part of a group subject to isolation or quarantine.

19 (2) The name and address, or other appropriate
20 identifying information, of the facility or other location to
21 which the quarantine subject will be isolated or quarantined.
22 Quarantine subjects may be isolated or quarantined within
23 specified geographic areas, structures or modes of transport.

24 (3) The date and time at which the isolation or
25 quarantine will begin.

26 (4) The disease, infection or hazardous agent in
27 question, if known.

28 (5) A statement that quarantine subjects are entitled to
29 representation by legal counsel at all stages of the
30 proceedings.

1 (6) A copy of this section and relevant definitions
2 under this part.

3 (c) Effectuation of order of isolation or quarantine.--

4 (1) The Department of Health, or the local health
5 department if the quarantine subject is within the
6 jurisdiction of a local health department, shall deliver a
7 copy of the written order to the appropriate law enforcement
8 organization. Delivery may be effected by any appropriate
9 means, including electronic transmission.

10 (2) The law enforcement organization shall immediately,
11 without the need for a warrant, take the quarantine subject
12 to the facility or other location specified in the order, if
13 properly equipped and trained to do so, or ensure that there
14 is no ingress or egress from the place of isolation or
15 quarantine, as appropriate. The law enforcement organization
16 may take measures as appropriate under the circumstances to
17 enforce the order against the quarantine subject.

18 (3) A copy of the written order shall be provided to the
19 quarantine subject. If it is impractical to provide a copy of
20 the written order to each quarantine subject, the law
21 enforcement organization shall communicate the order in any
22 other manner reasonably likely under the circumstances to
23 reach the quarantine subjects.

24 (4) The Department of Health, or the local health
25 department if the quarantine subject is within the
26 jurisdiction of a local health department, shall provide or
27 assist in providing proper training and equipment to the law
28 enforcement organization as needed to enable it to safely
29 carry out its duties under this section.

30 § 7903. Continued isolation or quarantine.

1 (a) Continued isolation or quarantine.--If a determination
2 is made to continue the isolation or quarantine commenced under
3 section 7902 (relating to temporary isolation or quarantine
4 without notice), the Department of Health or local health
5 department, depending upon whose jurisdiction the quarantine
6 subject is within, shall within 24 hours following the issuance
7 by the Governor of the written order under section 7902(a) file
8 a petition with a court of competent jurisdiction for a hearing
9 to authorize the continued isolation or quarantine. All of the
10 following shall apply:

11 (1) The court shall hold a hearing on the petition not
12 more than 72 hours after the filing of the petition to
13 determine whether continued isolation or quarantine is
14 warranted.

15 (2) Reasonable notice, either oral or written, stating
16 the time, place and purpose of the hearing shall be given to
17 the quarantine subject.

18 (3) The hearing shall be held in camera, or with other
19 appropriate safeguards, to protect the identity of the
20 quarantine subject.

21 (4) The quarantine subject has the right to be present,
22 cross-examine witnesses and present testimony. If a party
23 cannot personally appear before the court due to the nature
24 of the disease, infection or hazardous agent, the court may
25 determine the manner in which the hearing shall occur,
26 including through the use of closed-circuit television.

27 (5) If the number of individuals in a group quarantine
28 subject is too numerous to allow for individual hearings
29 within the 72-hour time frame or it is not possible to hold
30 individual hearings because not every member of the group can

1 be individually identified within the 72-hour time frame, the
2 court may determine that the interests of the group may be
3 represented by an authorized representative, which may be
4 appointed by the court.

5 (6) The Department of Health or local health department
6 must show by a preponderance of the evidence that continued
7 isolation or quarantine is warranted.

8 (7) A quarantine subject is entitled to representation
9 by legal counsel at all stages of any proceedings under this
10 section. If the quarantine subject is without financial
11 resources or is otherwise unable to employ counsel, the court
12 shall provide counsel for the quarantine subject.

13 (b) Continuation warranted.--If the court determines
14 continued isolation or quarantine is warranted, the court shall
15 so order the continued isolation or quarantine and shall fix the
16 time and duration of the isolation or quarantine.

17 § 7904. Miscellaneous.

18 (a) Care of individuals during isolation or quarantine.--

19 (1) If the order of isolation or quarantine issued under
20 section 7902 (relating to temporary isolation or quarantine
21 without notice) is issued with respect to individuals under
22 the jurisdiction of a local health department, the county or
23 municipality in which the local health department operates
24 shall assure, at its expense, that the individuals are
25 provided with adequate and safe food, water and shelter and
26 with appropriate medical care for the duration of the
27 isolation or quarantine.

28 (2) If the order of isolation or quarantine issued under
29 section 7902 is issued with respect to individuals not under
30 the jurisdiction of a local health department, the

1 Commonwealth shall assure, at its expense, that the
2 individuals are provided with adequate and safe food, water
3 and shelter and with appropriate medical care for the
4 duration of the isolation or quarantine.

5 (b) Relation to other laws.--Nothing in this chapter shall
6 be construed to limit the existing authority of the Secretary of
7 Health, the Department of Health or a local health department.

8 (c) Penalties.--The Department of Health, by its order, may
9 impose a civil penalty on any person who fails to comply with
10 any order issued by the Governor under this chapter. The penalty
11 shall be no more than \$1,000 for the first offense, \$2,000 for
12 the second offense and \$5,000 for each subsequent offense.

13 (d) Emergency administration or dispensing of drugs or other
14 pharmaceuticals.--When the Governor has declared a disaster
15 emergency or when the Secretary of Health determines that it is
16 necessary to protect the health and safety of the public, the
17 Secretary of Health or designee may authorize any person to
18 administer vaccines or dispense or administer drugs.

19 (1) (i) The authorization shall be in writing and shall
20 state the vaccines or drugs to be administered or
21 dispensed, the categories of persons included in the
22 authorization, any additional training required before
23 such persons may perform vaccine administration or drug
24 dispensing or administration, any supervision required
25 for performance of the vaccine administration or drug
26 dispensing or administration, and the duration of the
27 authorization.

28 (ii) The Secretary of Health or designee may in
29 writing extend the scope and duration of the
30 authorization as the situation warrants.

1 (iii) In addition to the civil immunity afforded in
2 Chapter 77 (relating to miscellaneous provisions) and any
3 other applicable immunities, any person authorized by the
4 Secretary of Health under this section shall not be
5 subject to professional discipline, administrative
6 penalty or other administrative sanction or criminal
7 liability for good faith performance of the vaccine
8 administration or drug dispensing or administration
9 duties performed in accordance with this section.

10 (2) (i) When the Governor has declared a disaster
11 emergency or when the Secretary of Health determines that
12 it is necessary to protect the health and safety of the
13 public, the Secretary of Health or designee may in
14 writing authorize drugs to be dispensed to an individual
15 to give to family members or others who have authorized
16 the individual to receive the drugs on their behalf.

17 (ii) Persons dispensing drugs shall only provide the
18 drugs for family members or others for whom complete
19 information as required by the Department of Health has
20 been presented, and who are determined, based on that
21 information, to meet the criteria for dispensing as
22 established or adopted by the Department of Health.

23 (iii) A minor who appears able to understand and
24 carry out the responsibilities enumerated in this section
25 may receive the drugs.

26 Section 10. Repeals are as follows:

27 (1) The General Assembly declares that the repeal under
28 paragraph (2) is necessary to effectuate the addition of 35
29 Pa.C.S. Ch. 75 Subch. C and Ch. 79.

30 (2) The act of December 16, 2002 (P.L.1967, No.227),

1 known as the Counterterrorism Planning, Preparedness and
2 Response Act, is repealed.
3 Section 11. This act shall take effect immediately.