

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 911 Session of
2007

INTRODUCED BY MARSICO, ADOLPH, BAKER, BASTIAN, BOYD, CIVERA,
CREIGHTON, DALLY, ELLIS, FLECK, FREEMAN, GABIG, GEIST,
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J. TAYLOR AND THOMAS, MAY 1, 2007

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MAY 1, 2007

AN ACT

1 Amending Titles 4 (Amusements), 35 (Health and Safety) and 44
2 (Law and Justice) of the Pennsylvania Consolidated Statutes,
3 consolidating and reorganizing provisions relating to the
4 Office of Emergency Services, the Pennsylvania State Police,
5 the Pennsylvania Emergency Management Agency, the Office of
6 the State Fire Commissioner, the Capitol Police and Gaming
7 Investigations and Enforcement; establishing the Homeland
8 Security Agency and the Department of Public Safety; making
9 related repeals; and making editorial changes.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 1517 of Title 4 of the Pennsylvania
13 Consolidated Statutes is repealed:

14 [§ 1517. Investigations and enforcement.

15 (a) Establishment.--There is hereby established within the
16 board a Bureau of Investigations and Enforcement which shall be
17 independent of the board in matters relating to the enforcement
18 of this part. The bureau shall have the powers and duties set

1 forth in subsection (a.1).

2 (a.1) Powers and duties of bureau.--The Bureau of
3 Investigations and Enforcement shall have the following powers
4 and duties:

5 (1) Enforce the provisions of this part.

6 (2) Investigate and review all applicants and
7 applications for a license, permit or registration.

8 (3) Investigate licensees, permittees, registrants and
9 other persons regulated by the board for noncriminal
10 violations of this part, including potential violations
11 referred to the bureau by the board or other person.

12 (4) Monitor gaming operations to ensure all of the
13 following:

14 (i) Compliance with this part, the act of April 12,
15 1951 (P.L.90, No.21), known as the Liquor Code, and the
16 other laws of this Commonwealth.

17 (ii) The implementation of adequate security
18 measures by a licensed entity.

19 (5) Inspect and examine licensed entities as provided in
20 subsection (e). Inspections may include the review and
21 reproduction of any document or record.

22 (6) Conduct audits of a licensed entity as necessary to
23 ensure compliance with this part. An audit may include the
24 review of accounting, administrative and financial records,
25 management control systems, procedures and other records
26 utilized by a licensed entity.

27 (7) Refer possible criminal violations to the
28 Pennsylvania State Police. The bureau shall not have the
29 power of arrest.

30 (8) Cooperate in the investigation and prosecution of

1 criminal violations related to this part.

2 (9) Be a criminal justice agency under 18 Pa.C.S. Ch. 91
3 (relating to criminal history record information).

4 (a.2) Office of Enforcement Counsel.--

5 (1) There is established within the bureau an Office of
6 Enforcement Counsel which shall act as the prosecutor in all
7 noncriminal enforcement actions initiated by the bureau under
8 this part and shall have the following powers and duties:

9 (i) Advise the bureau on all matters, including the
10 granting of licenses, permits or registrations, the
11 conduct of background investigations, audits and
12 inspections and the investigation of potential violations
13 of this part.

14 (ii) File recommendations and objections relating to
15 the issuance of licenses, permits and registrations on
16 behalf of the bureau.

17 (iii) Initiate, in its sole discretion, proceedings
18 for noncriminal violations of this part by filing a
19 complaint or other pleading with the board.

20 (2) The director of the Office of Enforcement Counsel
21 shall report to the executive director of the board on
22 administrative matters. The director shall be selected by the
23 board and shall be an attorney admitted to practice before
24 the Pennsylvania Supreme Court.

25 (b) Powers and duties of department.--

26 (1) The department shall at all times have the power of
27 access to examination and audit of any equipment and records
28 relating to all aspects of the operation of slot machines
29 under this part.

30 (2) Notwithstanding the provisions of section 353(f) of

1 the act of March 4, 1971 (P.L.6, No.2), known as the Tax
2 Reform Code of 1971, the department shall supply the board,
3 the bureau, the Pennsylvania State Police and the Office of
4 Attorney General with information concerning the status of
5 delinquent taxes owned by the applicant, licensee or
6 permittee.

7 (c) Powers and duties of the Pennsylvania State Police.--The
8 Pennsylvania State Police shall have the following powers and
9 duties:

10 (1) Promptly conduct background investigations on
11 persons as directed by the board in accordance with the
12 provisions of section 1202 (relating to general and specific
13 powers). The Pennsylvania State Police may contract with
14 other law enforcement annuitants to assist in the conduct of
15 investigations under this paragraph.

16 (2) (Deleted by amendment).

17 (3) Initiate proceedings for criminal violations of this
18 part.

19 (4) Provide the board with all information necessary for
20 all actions under this part for all proceedings involving
21 criminal enforcement of this part.

22 (5) Inspect, when appropriate, a licensee's or
23 permittee's person and personal effects present in a licensed
24 facility under this part while that licensee or permittee is
25 present at a licensed facility.

26 (6) Enforce the criminal provisions of this part and all
27 other criminal laws of the Commonwealth.

28 (7) Fingerprint applicants for licenses and permits.

29 (8) Exchange fingerprint data with and receive national
30 criminal history record information from the FBI for use in

1 investigating applications for any license or permit under
2 this part.

3 (9) Receive and take appropriate action on any referral
4 from the board relating to criminal conduct.

5 (10) Require the production of any information, material
6 and other data from any licensee, permittee or other
7 applicant seeking approval from the board.

8 (11) Conduct administrative inspections on the premises
9 of licensed racetrack or nonprimary location or licensed
10 facility at such times, under such circumstances and to such
11 extent as the bureau determines to ensure compliance with
12 this part and the regulations of the board and, in the course
13 of inspections, review and make copies of all documents and
14 records required by the inspection through onsite observation
15 and other reasonable means to assure compliance with this
16 part and regulations promulgated under this part.

17 (12) Conduct audits or verification of information of
18 slot machine operations at such times, under such
19 circumstances and to such extent as the bureau determines.
20 This paragraph includes reviews of accounting, administrative
21 and financial records and management control systems,
22 procedures and records utilized by a slot machine licensee.

23 (13) A member of the Pennsylvania State Police assigned
24 to duties of enforcement under this part shall not be counted
25 toward the complement as defined in the act of December 13,
26 2001 (P.L.903, No.100), entitled "An act repealing in part a
27 limitation on the complement of the Pennsylvania State
28 Police."

29 (c.1) Powers and duties of Attorney General.--Within the
30 Office of Attorney General, the Attorney General shall establish

1 a gaming unit. The unit shall investigate and institute criminal
2 proceedings as authorized by subsection (d).

3 (d) Criminal action.--

4 (1) The district attorneys of the several counties shall
5 have authority to investigate and to institute criminal
6 proceedings for a violation of this part.

7 (2) In addition to the authority conferred upon the
8 Attorney General under the act of October 15, 1980 (P.L.950,
9 No.164), known as the Commonwealth Attorneys Act, the
10 Attorney General shall have the authority to investigate and,
11 following consultation with the appropriate district
12 attorney, to institute criminal proceedings for a violation
13 of this part. A person charged with a violation of this part
14 by the Attorney General shall not have standing to challenge
15 the authority of the Attorney General to investigate or
16 prosecute the case, and, if any such challenge is made, the
17 challenge shall be dismissed and no relief shall be available
18 in the courts of this Commonwealth to the person making the
19 challenge.

20 (d.1) Regulatory action.--Nothing contained in subsection
21 (d) shall be construed to limit the existing regulatory or
22 investigative authority of an agency or the Commonwealth whose
23 functions relate to persons or matters within the scope of this
24 part.

25 (e) Inspection, seizure and warrants.--

26 (1) The bureau, the department and the Pennsylvania
27 State Police shall have the authority without notice and
28 without warrant to do all of the following in the performance
29 of their duties:

30 (i) Inspect and examine all premises where slot

1 machine operations are conducted, gaming devices or
2 equipment are manufactured, sold, distributed or serviced
3 or where records of these activities are prepared or
4 maintained.

5 (ii) Inspect all equipment and supplies in, about,
6 upon or around premises referred to in subparagraph (i).

7 (iii) Seize, summarily remove and impound equipment
8 and supplies from premises referred to in subparagraph
9 (i) for the purposes of examination and inspection.

10 (iv) Inspect, examine and audit all books, records
11 and documents pertaining to a slot machine licensee's
12 operation.

13 (v) Seize, impound or assume physical control of any
14 book, record, ledger, game, device, cash box and its
15 contents, counting room or its equipment or slot machine
16 operations.

17 (2) The provisions of paragraph (1) shall not be deemed
18 to limit warrantless inspections except in accordance with
19 constitutional requirements.

20 (3) To further effectuate the purposes of this part, the
21 bureau and the Pennsylvania State Police may obtain
22 administrative warrants for the inspection and seizure of
23 property possessed, controlled, bailed or otherwise held by
24 an applicant, licensee, permittee, intermediary, subsidiary,
25 affiliate or holding company.

26 (f) Information sharing and enforcement referral.--With
27 respect to the administration, supervision and enforcement of
28 this part, the bureau, the department, the Pennsylvania State
29 Police or the Office of Attorney General may obtain or provide
30 pertinent information regarding applicants, licensees or

1 permittees from or to law enforcement entities or gaming
2 authorities of the Commonwealth and other domestic, foreign or
3 federally approved jurisdictions, including the Federal Bureau
4 of Investigation, and may transmit such information to each
5 other electronically.]

6 Section 2. Subchapter B heading and sections 7311, 7312,
7 7313, 7314 and 7320 of Title 35 of the Pennsylvania Consolidated
8 Statutes are repealed:

9 [SUBCHAPTER B

10 PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

11 § 7311. Creation.

12 To assure prompt, proper and effective discharge of basic
13 Commonwealth responsibilities relating to civil defense and
14 disaster preparedness, operations and recovery, there is hereby
15 formally created the Pennsylvania Emergency Management Agency.

16 § 7312. Organization.

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

19 (a) Council.--Primary responsibility for overall policy and
20 direction of a Statewide civil defense and disaster program and
21 response capability of the type hereinafter prescribed shall be
22 vested in a body legally known as the Pennsylvania Emergency
23 Management Council, which shall be composed of: the Governor,
24 Lieutenant Governor, Adjutant General, Secretary of Health,
25 Attorney General, General Counsel, Secretary of Community
26 Affairs, Secretary of Environmental Protection, Secretary of
27 Transportation, Secretary of Agriculture, Secretary of Public
28 Welfare, Commissioner of the Pennsylvania State Police, Chairman
29 of the Public Utility Commission, State Fire Commissioner,
30 Speaker of the House of Representatives, President pro tempore

1 of the Senate, Minority Leader of the Senate and Minority Leader
2 of the House of Representatives. The Speaker of the House of
3 Representatives, President pro tempore of the Senate, Minority
4 Leader of the Senate and Minority Leader of the House of
5 Representatives may authorize a member of their respective
6 Houses of the General Assembly to serve in their stead. The
7 Governor may authorize up to two representatives of business and
8 industry, up to two representatives of labor, up to two public
9 members at large and one representative respectively of the
10 Pennsylvania State Association of County Commissioners, the
11 Pennsylvania State Association of Township Commissioners, the
12 Pennsylvania State Association of Township Supervisors, the
13 Pennsylvania League of Cities and the Pennsylvania State
14 Association of Boroughs to be nonvoting members of the council.
15 The Governor may designate a member to serve as chairman. Five
16 members shall constitute a quorum.

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

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

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

1 into emergency session, for consideration of actions taken or to
2 be taken. In the absence of the chairman, notice of such
3 meetings shall be disseminated to the membership by the State
4 director.

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

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

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

30 (h) Emergency communications.--The agency shall maintain an

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

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

20 § 7313. Powers and duties.

21 The agency shall have the following powers and duties:

22 (1) To prepare, maintain and keep current a Pennsylvania
23 Emergency Management Plan for the prevention and minimization
24 of injury and damage caused by disaster, prompt and effective
25 response to disaster and disaster emergency relief and
26 recovery. The plan may include provisions for:

27 (i) Preparedness standards established by the
28 Federal Emergency Management Agency.

29 (ii) Commonwealth and local disaster emergency
30 management responsibilities.

1 (iii) Assistance to Commonwealth agencies, local
2 government officials, schools and custodial child care
3 facilities in designing emergency management plans and
4 training programs.

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

8 (v) Coordination of Federal, Commonwealth and local
9 disaster emergency management activities.

10 (vi) Coordination of the Commonwealth Emergency
11 Management Plan with the disaster plans of the Federal
12 Government and those of other states.

13 (vii) Assistance to the Commonwealth and local
14 governments in obtaining, utilizing and managing Federal
15 and Commonwealth disaster assistance.

16 (viii) Supply to appropriate Commonwealth and local
17 officials State catalogs of Federal, Commonwealth and
18 private assistance programs.

19 (ix) Identification of areas particularly vulnerable
20 to disasters.

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

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

1 (2) To establish, equip and staff a Commonwealth and
2 area emergency operations center with a consolidated
3 Statewide system of warning and provide a system of disaster
4 communications integrated with those of Federal, Commonwealth
5 and local agencies involved in disaster emergency operations.

6 (3) To promulgate, adopt and enforce such rules,
7 regulations and orders as may be deemed necessary to carry
8 out the provisions of this part.

9 (4) To provide technical advice and assistance to
10 Commonwealth agencies, political subdivisions, schools and
11 custodial child care facilities in the preparation of
12 disaster emergency management plans or components thereof and
13 to periodically review such plans and suggest or require
14 revisions.

15 (5) To establish and operate or assist political
16 subdivisions in establishing and operating training programs
17 and programs of public information.

18 (6) To supply appropriate Commonwealth and local
19 agencies and officials and the general public with
20 precautionary notices, watches and warnings relating to
21 actual and potential disasters and to provide a flow of
22 official information and instructions to the general public
23 through all means available before, during and after an
24 emergency. The agency shall implement a program of integrated
25 flood warning systems among political subdivisions. The
26 agency shall establish coordinated flood notification and
27 early warning systems along prescribed major river basins and
28 selected tributaries thereof in this Commonwealth.

29 (7) To provide emergency direction and control of
30 Commonwealth and local emergency operations.

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

5 (9) To make or request of Commonwealth or local agencies
6 and officials, studies, surveys and reports as are necessary
7 to carry out the purposes of this part.

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

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

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

19 (13) To administer grant programs to political
20 subdivisions for disaster management.

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

27 (15) To respond to disaster relating to atomic energy
28 operations or radioactive objects or materials. Any such
29 action taken and any regulations adopted by the office shall
30 be inapplicable to any objects or materials possessing a

1 radiation-producing capacity less than that set forth as the
2 maximum safety limit by the standards endorsed and as may be
3 subsequently endorsed by the United States Nuclear Regulatory
4 Commission for the protection of life and property and the
5 maintenance of health and safety.

6 (16) To take other action necessary, incidental or
7 appropriate for the implementation of this part.

8 (17) To report annually to the General Assembly the
9 state of preparedness of the Commonwealth to deal with attack
10 or disaster and those significant events occurring within the
11 past year.

12 (18) To recommend to the Governor legislation or other
13 actions as deemed necessary in connection with the purposes
14 of this part.

15 (19) To provide, from its own stockpiles or other
16 sources, emergency operational equipment, materials and
17 supplies required and available for essential supplementation
18 of those owned, acquired and used by Commonwealth, county and
19 local departments and agencies for attack and disaster
20 operations. The agency shall establish two regional emergency
21 supply warehouses. One shall be located in the western part
22 of this Commonwealth, and one shall be located in the eastern
23 part of this Commonwealth.

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

(21) To require hydroelectric generating facilities and dam operators to do all of the following:

(i) Provide minimum competency testing for their operators.

(ii) Submit plans for flood notification and warning.

§ 7314. Utilization of existing services and facilities.

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

§ 7320. Radiological emergency response preparedness, planning and recovery program.

(a) Establishment of program.--In addition to the powers and duties of the agency set forth in section 7313 (relating to powers and duties), the agency shall develop, establish and maintain a radiological emergency response preparedness, planning and recovery program consistent with the Commonwealth's Emergency Management Plan and in accordance with other applicable Federal regulations and State laws for each nuclear generating facility that has received an operating license from the Nuclear Regulatory Commission.

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

(1) Serving as the point of contact for interface between the affected facilities and other Commonwealth

1 agencies and departments, counties, municipalities and school
2 districts.

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

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

10 (4) Participation in the Federal full participation
11 exercises scheduled for nuclear generation stations.

12 (5) Review and revision, as necessary, of Annex E,
13 "Radiological Emergency Response to Nuclear Power Plant
14 Incidents," of the Commonwealth's Emergency Management Plan
15 and annual review of the onsite emergency response plan of
16 each utility to ensure that it is consistent with the annex.

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

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

29 (8) Assisting in the update of lesson plans used by each
30 utility for county, municipal, school and volunteer agency

1 offsite training purposes and, to the extent necessary to
2 obtain Federal approval, participation in this training
3 effort.

4 (9) Annual review of the Alert Notification System
5 Report for each nuclear generating station to ensure that
6 current information from the State and county plans are
7 included in the report and assist in the coordination of
8 siren or other emergency communication tests with each
9 utility, the appropriate counties and adjacent states.

10 (10) Coordinating the review and update of emergency
11 information brochures with the respective counties and
12 utilities.

13 (11) Participation with each utility in planning and
14 program meetings scheduled with counties, municipalities and
15 school districts.

16 (12) Developing planning and preparedness procedures for
17 emergency response within the ingestion exposure pathway
18 zone.

19 (13) Providing a qualified press secretary or designee
20 to participate in the operation of a joint information center
21 upon its activation by a utility.

22 (14) Performing actions necessary to satisfy the
23 Commonwealth's responsibilities relative to Federal guidance
24 memoranda.

25 (15) Providing reasonable assistance and support
26 requested by a utility from time to time in connection with
27 the utility obtaining or maintaining, or both, an emergency
28 plan acceptable to Federal regulatory entities having
29 jurisdiction over the utility.

30 (16) Providing other reasonable assistance and support

requested by utilities from time to time.

(17) Providing guidance to State, county and municipal elected officials, departments and agencies and school districts in order to ensure compliance with this section and all other applicable Federal and State radiation protection safety laws.

(18) Providing redundant communications' capability between the agency's headquarters and each nuclear generating station in this Commonwealth sufficient to meet Federal and State regulatory requirements.

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

(d) Annual fees.--An annual fee of \$100,000 per site, regardless of the number of reactors per site, shall be paid by the named nuclear generating facility operating licensee or co-licensees. This fee shall be paid by July 1, 1989, or within 30 days of the effective date of this act, whichever is later, and by July 1 of each year thereafter.]

Section 3. The title heading and Part II heading of Title 44 of the Pennsylvania Consolidated Statutes are amended to read:

TITLE 44

LAW AND [JUSTICE] PUBLIC SAFETY

PART II

[PENNSYLVANIA STATE POLICE]

AGENCIES

Section 4. Part II of Title 44 is amended by adding chapters
to read:

CHAPTER 11

PRELIMINARY PROVISIONS

Sec.

1101. Definitions.

1102. Department.

1103. Secretary.

§ 1101. Definitions.

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Public Safety of the Commonwealth established in section 1102 (relating to department).

"Secretary." The Secretary of Public Safety of the Commonwealth.

§ 1102. Department.

(a) Establishment.--There is established an administrative department to be known as the Department of Public Safety. The department shall be divided into the following divisions:

(1) Pennsylvania Emergency Management Agency.

(2) Office of Emergency Medical Services.

(3) Pennsylvania State Police.

(4) Capitol Police.

(5) Homeland Security Agency.

(6) Office of the State Fire Commissioner.

(7) Gaming Investigations and Enforcement by the

Pennsylvania State Police.

(b) Powers and duties.--The department has the following powers and duties:

(1) Conduct, supervise and coordinate the public safety efforts of the Commonwealth.

(2) Enter into agreements with neighboring states to coordinate public safety and security and emergency response efforts and equipment sharing.

(3) Prepare, for issuance by the Governor, executive orders, proclamations and regulations, as necessary or appropriate.

(4) Recommend to the Governor legislation or other actions as deemed necessary in connection with the purposes of this part.

(5) Do any other act necessary to protect or ensure the safety of the citizens of this Commonwealth.

(c) Office space, equipment and services.--The Department of General Services shall furnish the department with necessary office space, furniture, equipment, supplies and services.

(d) Senate confirmation.--The secretary and the heads of all agencies enumerated in subsection (a) shall be subject to Senate confirmation upon appointment to their respective positions.

(e) Compensation.--The compensation of the secretary and all heads of agencies shall be established by the Executive Board.

§ 1103. Secretary.

The secretary must have served at least 15 years at a management-level capacity in law enforcement, the military or a related security field.

CHAPTER 13

HOMELAND SECURITY AGENCY

1 Sec.

2 1301. Definitions.

3 1302. Agency.

4 1303. Director.

5 § 1301. Definitions.

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

9 "Agency." The Homeland Security Agency established in
10 section 1302 (relating to agency).

11 "Director." The Director of Homeland Security established in
12 section 1303 (relating to director).

13 § 1302. Agency.

14 (a) Establishment.--There is established within the
15 department the Homeland Security Agency.

16 (b) Powers and duties.--The agency shall have the following
17 powers and duties:

18 (1) Coordinate homeland security efforts within this
19 Commonwealth.

20 (2) Act as the Commonwealth lead agency for Federal and
21 Commonwealth homeland security efforts.

22 (3) Develop and implement a Statewide effort to protect
23 critical infrastructure.

24 (4) Coordinate the collection, analysis and
25 dissemination of intelligence among Federal, Commonwealth and
26 local government agencies.

27 (5) Coordinate assistance with neighboring states in
28 emergency situations.

29 (6) Develop Statewide homeland security policies which
30 create and enhance terrorism preparedness.

1 (7) Require political subdivisions to establish and
2 maintain homeland security plans.

3 (8) Provide technical advice and assistance to
4 administrative departments and agencies and political
5 subdivisions in preparation of homeland security plans.

6 (9) Establish and operate or assist political
7 subdivisions in establishing training programs related to
8 homeland security.

9 (10) Establish and operate a database containing
10 information regarding materials, supplies, equipment and
11 services necessary for homeland security.

12 (11) Advise and cooperate with any public or private
13 agency or entity in implementing programs for terrorism
14 prevention and terrorist incident response.

15 (12) Enter into agreements with law enforcement
16 agencies, the military, emergency response organizations,
17 local public health agencies, political subdivisions and
18 other appropriate public or private entities necessary to
19 enhance homeland security response capabilities.

20 (13) Employ professional staff as necessary.

21 (14) Report annually to the Governor and the General
22 Assembly on the activities of the agency during the preceding
23 year.

24 (15) Do any other act necessary to protect the safety of
25 the citizens of this Commonwealth.

26 (c) Office space, equipment and services.--The Department of
27 General Services shall furnish the agency with necessary office
28 space, furniture, equipment, supplies and services.

29 § 1303. Director.

30 (a) Appointment and confirmation.--The Governor shall

1 nominate in accordance with the provisions of the Constitution
2 of Pennsylvania and, by and with the advice and consent of a
3 majority of the members elected to the Senate, appoint an
4 individual as the Director of Homeland Security. The director
5 shall be the head officer of the agency.

6 (b) Qualification.--The director must have served at least
7 ten years at a management-level capacity in law enforcement, the
8 military or a related security field.

9 CHAPTER 15

10 OFFICE OF EMERGENCY MEDICAL SERVICES

11 Sec.

12 1501. Definitions.

13 1502. Director.

14 1503. Committee.

15 1504. Appropriations.

16 § 1501. 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 "Committee." The Emergency Medical Services Advisory
21 Committee established in section 1503 (relating to committee).

22 "Director." The State Director of Emergency Medical Services
23 established under section 1502 (relating to director).

24 "Emergency medical services." The services utilized in
25 responding to the needs of an individual for immediate medical
26 care in order to prevent loss of life or aggravation of
27 physiological or psychological illness or injury.

28 § 1502. Director.

29 (a) Establishment.--Within the department, there shall be
30 the State Director of Emergency Medical Services, who, through

1 the Secretary of Public Safety, shall report to the Governor on
2 all matters which pertain to maintaining a fully operational
3 emergency medical service system throughout this Commonwealth.

4 The director shall have the following powers and duties:

5 (1) Establish and implement a Statewide certification
6 program for first responders, emergency medical technicians
7 and EMT-paramedics.

8 (2) Develop and oversee education and training programs
9 needed for EMS personnel to become certified.

10 (3) Coordinate the activities of Commonwealth and local
11 community interests engaged in the delivery of emergency and
12 nonemergency treatment and transportation within this
13 Commonwealth, pursuant to the provisions of act of July 3,
14 1985 (P.L.164, No.45), known as the Emergency Medical
15 Services Act.

16 (4) Serve as a focal point for information relative to
17 emergency medical service, injuries and loss of life,
18 resulting from trauma or medical events in this Commonwealth.

19 (5) Gather and retain data relevant to standards of care
20 and submit periodic, at least annual, reports regarding the
21 performance and safety of the emergency medical system.

22 (6) Develop and participate in a program of public
23 awareness and education concerning the roles and uses of the
24 emergency medical system and of education to individuals
25 regarding the prevention of its misuse.

26 (7) Serve as a central point to support local efforts
27 and interests in all matters pertaining to treatment and
28 transportation within the emergency medical system.

29 (8) Perform economic impact studies prior to introducing
30 or changing existing statutes or regulations governing the

1 performance and delivery of clinical protocols, financial
2 mandates or operational mandates, which change the clinical,
3 fiscal or operational efficiency of the emergency medical
4 system.

5 (b) Qualifications and appointment.--

6 (1) The director must be an individual who:

7 (i) by reason of training, experience and
8 attainment, is qualified to coordinate emergency medical
9 services and control activities; and

10 (ii) has documented experience managing daily
11 clinical, financial and operational activities of both
12 career and volunteer emergency medical services.

13 (2) The director shall be appointed by the Governor
14 after consultation with the emergency medical services
15 community. The appointment of the director shall be ratified
16 by the advice and consent of a majority of the members
17 elected to the Senate. The director shall act as the
18 Commonwealth's primary representative with the Statewide
19 emergency medical service community.

20 (c) Transfer.--

21 (1) The subjects of transfer of the department employed,
22 expended or used in connection with sections 11, 12 and 14 of
23 the Emergency Medical Services Act are transferred to the
24 director to be employed, expended or used in connection with
25 the powers and duties of the director under subsection (b).
26 The transfer under this paragraph has the same effect as if
27 the subjects of transfer had originally been those of the
28 director.

29 (2) Personnel transferred under paragraph (1) shall
30 retain the same employment status held prior to transfer.

1 This paragraph includes:

2 (i) Civil service classification.

3 (ii) Seniority.

4 (iii) Benefits.

5 (iv) Perquisites.

6 § 1503. Committee.

7 (a) Establishment.--

8 (1) The Emergency Medical Services Advisory Committee is
9 established to assist the director. The committee shall
10 consist of the following members:

11 (i) The Secretary of Public Safety.

12 (ii) The director, who shall serve as chairman.

13 (iii) Two paid emergency medical services responders
14 to be appointed by the Governor from a list of at least
15 six nominees submitted by the Pennsylvania Ambulance
16 Association and the Pennsylvania Fire and Emergency
17 Services Institute.

18 (iv) Four volunteer emergency medical services
19 responders, one each to be appointed by the President pro
20 tempore of the Senate, the Minority Leader of the Senate,
21 the Speaker of the House of Representatives and the
22 Minority Leader of the House of Representatives.

23 (v) One member of the public, appointed by the
24 Governor.

25 (2) The Secretary of Health shall serve ex officio.
26 Other members shall serve at the pleasure of the appointing
27 authority.

28 (3) The committee shall advise the director on matters
29 pertaining to system improvement and policy issues.

30 (b) Compensation and expenses.--The members shall serve

without compensation but shall be reimbursed for actual and necessary traveling and other expenses incurred in connection with attendance at meetings.

(c) Regular meetings.--For the conduct of routine business, including particularly the consideration of matters of basic policy, the committee shall meet at the call of the chairman and at least three times during each calendar year.

§ 1504. Appropriations.

All appropriations for the director shall be by a separate line item in the General Appropriation Act.

CHAPTER 17

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Sec.

1701. Definitions.

1702. Creation.

1703. Organization.

1704. Powers and duties.

1705. Utilization of existing services and facilities.

1706. Radiological emergency response preparedness, planning and recovery program.

§ 1701. Definitions.

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

"Agency." The Pennsylvania Emergency Management Agency.

"Council." The Pennsylvania Emergency Management Council.

§ 1702. Creation.

The Pennsylvania Emergency Management Agency is created to assure prompt, proper and effective discharge of basic Commonwealth responsibilities relating to civil defense and

1 disaster preparedness, operations and recovery.

2 § 1703. Organization.

3 (a) Pennsylvania Emergency Management Council.--Primary
4 responsibility for overall policy and direction of a Statewide
5 civil defense and disaster program and response capability shall
6 be vested in a body to be legally known as the Pennsylvania
7 Emergency Management Council, which shall be composed of the
8 Governor, Lieutenant Governor, Adjutant General, Secretary of
9 Health, Attorney General, General Counsel, Secretary of
10 Community Affairs, Secretary of Environmental Protection,
11 Secretary of Public Safety, Secretary of Transportation,
12 Secretary of Agriculture, Secretary of Public Welfare,
13 Commissioner of the Pennsylvania State Police, Chairman of the
14 Public Utility Commission, State Fire Commissioner, President
15 pro tempore of the Senate, Speaker of the House of
16 Representatives, Minority Leader of the Senate and Minority
17 Leader of the House of Representatives. The President pro
18 tempore of the Senate, the Speaker of the House of
19 Representatives, President pro tempore of the Senate, Minority
20 Leader of the Senate and Minority Leader of the House of
21 Representatives may each authorize a member of their respective
22 Houses of the General Assembly to serve in their stead. The
23 Governor may authorize up to two representatives of business and
24 industry, up to two representatives of labor, up to two public
25 members at large and one representative, respectively, of the
26 Pennsylvania State Association of County Commissioners, the
27 Pennsylvania State Association of Township Commissioners, the
28 Pennsylvania State Association of Township Supervisors, the
29 Pennsylvania League of Cities and Municipalities and the
30 Pennsylvania State Association of Boroughs to be nonvoting

1 members of the council. The Governor shall designate the member
2 who is to serve as chairman. Five members of the council shall
3 constitute a quorum.

4 (b) Compensation and expenses.--Members of the council shall
5 serve without compensation but may be reimbursed for actual and
6 necessary travel and other expenses incurred in connection with
7 attendance at meetings.

8 (c) Regular meetings.--For conducting routine business,
9 including consideration of matters of basic policy, the council
10 shall meet at the call of the chairman and at least three times
11 during each calendar year.

12 (d) Emergency meetings.--In the event of an attack or a
13 disaster situation determined actually or likely to be of such
14 nature, magnitude, severity or duration as to necessitate
15 extensive or extraordinary deployment and use of Commonwealth
16 resources for emergency purposes, the chairman of the council
17 shall, within the 72 hours immediately following that
18 determination, call the council into emergency session for
19 consideration of actions taken or to be taken. In the absence of
20 the chairman, notice of an emergency session shall be
21 disseminated to the membership by the State director.

22 (e) State director.--To supervise the work and activities
23 comprising the State Civil Defense and Disaster Program, the
24 Governor shall appoint an individual to act, on a full-time
25 basis, as director of the agency. The appointment of the
26 director shall be ratified by the consent of two-thirds of the
27 members elected to the Senate. The director shall perform all
28 fiscal, planning, administrative, operational and other duties
29 as may be assigned to him by the council and shall act as the
30 chairman's principal assistant in civil defense and disaster

1 matters. The director or the director's designee shall also be
2 responsible to coordinate and supervise the Commonwealth and
3 local disaster response effort following a presidential
4 declaration of an emergency or a major disaster.

5 (f) Staff.--The council shall, within the limitations of
6 appropriations made to the agency, arrange for employment of
7 such professional, technical, administrative and other staff
8 personnel as may be deemed essential to the development and
9 maintenance of a Statewide civil defense and disaster plan and
10 program of the type prescribed by this chapter. All such
11 personnel shall be employed and subject to pertinent provisions
12 of the act of August 5, 1941 (P.L.752, No.286), known as the
13 Civil Service Act, and the Commonwealth Compensation Plan.

14 (g) Office space, equipment and services.--The agency shall
15 be supplied with office space, furniture, equipment, supplies
16 and services in the same manner as other Commonwealth
17 departments and agencies.

18 (h) Emergency communications.--The agency shall maintain an
19 integrated communications capability designed to provide to all
20 areas and counties weather advisories, river forecasts,
21 warnings, and direction and control of all emergency
22 preparedness functions within this Commonwealth. The agency
23 shall coordinate the Commonwealth's emergency communication
24 systems and the sharing of information and weather emergency
25 notifications among the National Weather Service, contiguous
26 State emergency management offices, local coordinators of
27 emergency management, the Pennsylvania State Police, local
28 police departments, private relief associations and other
29 appropriate organizations. The agency shall establish the sole
30 Statewide telephone number that persons, including county and

municipal emergency management personnel, may use to report incidences of radioactive and hazardous materials and other disaster emergencies.

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

§ 1704. Powers and duties.

The agency shall have the following powers and duties:

(1) To prepare, maintain and keep current a Pennsylvania Emergency Management Plan for the prevention and minimization of injury and damage caused by disaster, prompt and effective response to disaster and disaster emergency relief and recovery. The plan may include provisions for all of the following:

(i) Preparedness standards established by the Federal Emergency Management Agency.

(ii) Commonwealth and local disaster emergency management responsibilities.

(iii) Assistance to Commonwealth agencies, local government officials, schools and custodial child-care facilities in designing emergency management plans and training programs.

(iv) Organization of manpower, chains of command, continuity of government in emergency situations and emergency operational principles.

(v) Coordination of Federal, Commonwealth and local disaster emergency management activities.

(vi) Coordination of the Commonwealth Emergency Management Plan with the disaster plans of the Federal

Government and those of other states.

(vii) Assistance to the Commonwealth and local governments in obtaining, utilizing and managing Federal and Commonwealth disaster assistance.

(viii) Supplying to appropriate Commonwealth and local officials State catalogs of Federal, Commonwealth and private assistance programs.

(ix) Identification of areas particularly vulnerable to disasters.

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

(xi) Authorization and procedures for erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster.

(2) To establish, equip and staff a Commonwealth and area emergency operations center with a consolidated Statewide system of warning and provide a system of disaster communications integrated with those of Federal, Commonwealth and local agencies involved in disaster emergency operations.

(3) To promulgate, adopt and enforce rules, regulations and orders necessary to carry out the provisions of this chapter.

(4) To provide technical advice and assistance to Commonwealth agencies, political subdivisions, schools and custodial child care facilities in the preparation of

1 disaster emergency management plans or components thereof and
2 to periodically review such plans and suggest or require
3 revisions.

4 (5) To establish and operate or assist political
5 subdivisions in establishing and operating training programs
6 and programs of public information.

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

18 (7) To provide emergency direction and control of
19 Commonwealth and local emergency operations.

20 (8) To determine the need for, maintain information
21 regarding and procure materials, supplies, equipment,
22 facilities and services necessary for disaster emergency
23 readiness, response and recovery.

24 (9) To make or request from Commonwealth or local
25 agencies and officials any studies, surveys and reports
26 necessary to carry out the purposes of this chapter.

27 (10) To plan and make arrangements for availability and
28 use of private facilities, services and property and, if
29 necessary and if in fact used, provide for payment for use
30 under terms and conditions agreed upon.

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

4 (12) To cooperate with the Federal Government and any
5 public or private agency or entity in achieving any purpose
6 of this chapter and in implementing programs for disaster
7 prevention, preparation, response and recovery.

8 (13) To administer grant programs to political
9 subdivisions for disaster management.

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

16 (15) To respond to disasters relating to atomic energy
17 operations or radioactive objects or materials. Action taken
18 and regulations adopted under this paragraph shall be
19 inapplicable to objects or materials possessing a radiation-
20 producing capacity less than that set forth as the maximum
21 safety limit by standards endorsed, or subsequently endorsed,
22 by the United States Nuclear Regulatory Commission for the
23 protection of life and property and the maintenance of health
24 and safety.

25 (16) To take other action necessary, incidental or
26 appropriate, for implementation of this chapter.

27 (17) To report annually to the General Assembly the
28 state of preparedness of the Commonwealth to deal with attack
29 or disaster and significant events occurring within the past
30 year.

1 (18) To recommend legislation or other action deemed
2 necessary in connection with the purposes of this chapter.

3 (19) To provide, from its own stockpiles or other
4 sources, emergency operational equipment, materials and
5 supplies required and available for essential supplementation
6 of those owned, acquired and used by Commonwealth, county and
7 local departments and agencies for attack and disaster
8 operations. The agency shall establish two regional emergency
9 supply warehouses, one in the western part of this
10 Commonwealth and one in the eastern part of this
11 Commonwealth.

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

19 (21) To require hydroelectric generating facilities and
20 dam operators to provide minimum competency testing for their
21 operators and to submit plans for flood notification and
22 warning.

23 § 1705. Utilization of existing services and facilities.

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

1 § 1706. Radiological emergency response preparedness, planning
2 and recovery program.

3 (a) Establishment of program.--In addition to the powers and
4 duties of the agency set forth in section 1704 (relating to
5 powers and duties), the agency shall develop, establish and
6 maintain a radiological emergency response preparedness,
7 planning and recovery program consistent with the Commonwealth's
8 Emergency Management Plan and in accordance with other
9 applicable Federal regulations and State laws for each nuclear
10 generating facility that has received an operating license from
11 the United States Nuclear Regulatory Commission.

12 (b) Agency functions.--The specific functions of the agency
13 under the radiological emergency response preparedness, planning
14 and recovery program shall include, but not be limited to:

15 (1) Serving as the point of contact for interface
16 between the affected facilities and other Commonwealth
17 agencies and departments, counties, municipalities and school
18 districts.

19 (2) Conducting annual review and revision, as necessary,
20 of the risk and support county radiological emergency
21 response plans to ensure that they are consistent with the
22 Commonwealth's Emergency Management Plan.

23 (3) Participating in required exercises, including
24 emergency communication drills and tests, as based upon
25 mutually agreed schedules and parameters.

26 (4) Participating in Federal full participation
27 exercises scheduled for nuclear generation stations.

28 (5) Conducting review and revision, as necessary, of
29 Annex E, "Radiological Emergency Response to Nuclear Power
30 Plant Incidents," of the Commonwealth's Emergency Management

1 Plan and annual review of the onsite emergency response plan
2 of each utility to ensure that it is consistent with the
3 annex.

4 (6) Seeking formal Federal review and approval of Annex
5 E of the Commonwealth's Emergency Management Plan and county,
6 municipal and other plans in accordance with 44 CFR Part 350
7 (relating to review and approval of state and local
8 radiological emergency plans and preparedness). After Federal
9 approval is obtained for a plan, the agency shall seek to
10 maintain its approval status.

11 (7) Conducting annual review of municipal and school
12 district radiological emergency response plans in conjunction
13 with respective county emergency management agencies to
14 ensure that the plans are consistent with applicable county
15 radiological emergency response plans.

16 (8) Assisting in the update of lesson plans used by each
17 utility for county, municipal, school and volunteer agency
18 offsite training purposes and, to the extent necessary to
19 obtain Federal approval, participation in this training
20 effort.

21 (9) Conducting annual review of the Alert Notification
22 System Report for each nuclear generating station to ensure
23 that current information from the State and county plans are
24 included in the report and assist in the coordination of
25 siren or other emergency communication tests with each
26 utility, the appropriate counties and adjacent states.

27 (10) Coordinating the review and update of emergency
28 information brochures with the respective counties and
29 utilities.

30 (11) Participating with each utility in planning and

1 program meetings scheduled with counties, municipalities and
2 school districts.

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

6 (13) Providing a qualified press secretary or designee
7 to participate in the operation of a joint information center
8 upon its activation by a utility.

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

12 (15) Providing reasonable assistance and support
13 requested by a utility from time to time in connection with
14 the utility is obtaining or maintaining, or both, an
15 emergency plan acceptable to Federal regulatory entities
16 having jurisdiction over the utility.

17 (16) Providing other reasonable assistance and support
18 requested by utilities from time to time.

19 (17) Providing guidance to State, county and municipal
20 elected officials, departments and agencies and school
21 districts to ensure compliance with this section and all
22 other applicable Federal and State radiation protection
23 safety laws.

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

28 (c) Establishment of fund.--There is hereby created in the
29 General Fund a nonlapsing restricted receipt account to be known
30 as the Radiological Emergency Response Planning and Preparedness

1 Program Fund, into which fees received under subsection (d)
2 shall be deposited. Moneys in the fund are appropriated to the
3 agency to carry out its responsibilities under subsections (a)
4 and (b).

5 (d) Annual fees.--By July 1 of each year, an annual fee of
6 \$100,000 per site, regardless of the number of reactors per
7 site, shall be paid by the named nuclear generating facility
8 operating licensee or colicensees.

9 CHAPTER 19

10 OFFICE OF STATE FIRE COMMISSIONER

11 Sec.

12 1901. Scope of chapter.

13 1902. Definitions.

14 1903. State Fire Commissioner.

15 1904. Pennsylvania State Fire Academy.

16 1905. Pennsylvania Volunteer Loan Assistance Program.

17 1906. Fire Safety Advisory Committee.

18 1907. Appropriations.

19 § 1901. Scope of chapter.

20 This chapter relates to the State Fire Commissioner.

21 § 1902. Definitions.

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

25 "Agency." The Pennsylvania Emergency Management Agency.

26 "Commissioner." The State Fire Commissioner appointed under
27 section 1903 (relating to State Fire Commissioner).

28 "Committee." The Fire Safety Advisory Committee established
29 under section 1906 (relating to Fire Safety Advisory Committee).

30 § 1903. State Fire Commissioner.

1 (a) State Fire Commissioner.--Within the department there
2 shall be the State Fire Commissioner, who, through the Secretary
3 of Public Safety, shall report to the Governor on all matters
4 concerning fire safety in this Commonwealth. The commissioner
5 shall have the power and duty to:

6 (1) Coordinate the activities of State and local
7 community interests engaged in fire prevention and control
8 activities.

9 (2) Serve as a focal point for information relative to
10 fires, property damage, injuries and the loss of life.

11 (3) Disseminate, through periodic reports, information
12 about fire prevention efforts and fire control techniques.

13 (4) Develop and participate in a program of public
14 information and education designed to create a public
15 awareness of the incidence and the ravages of fire and
16 methods the individual can take to prevent fires and minimize
17 loss when they occur.

18 (5) Serve as a central point to support local efforts
19 and interests in all matters pertinent to fire prevention and
20 control.

21 (b) Transfer.--The commissioner shall use, employ and
22 expend, in connection with the functions, powers and duties
23 enumerated in subsection (a) for the position of the
24 commissioner, contract obligations, if any, records, files,
25 property, supplies and equipment now being used or held in
26 connection with such functions, powers and duties and the
27 unexpended balance of appropriations, allocations, Federal
28 grants and other funds available or to be made available for use
29 in connection with such functions, powers and duties as
30 previously were vested in the agency by Reorganization Plan No.5

1 of 1981 (P.L.612).

2 (c) Qualifications and appointment.--The commissioner shall
3 be a person who, by reason of training, experience and
4 attainment, is qualified to coordinate fire prevention and
5 control activities. The commissioner shall be appointed by the
6 Governor after consultation with the fire service community. The
7 appointment of the commissioner shall be ratified by the consent
8 of two-thirds of the members elected to the Senate. The
9 commissioner shall act as the Commonwealth's primary
10 representative with the Statewide fire service community.
11 § 1904. Pennsylvania State Fire Academy.

12 (a) Creation.--There is hereby created the Pennsylvania
13 State Fire Academy, formerly known as the Pennsylvania State
14 Firemen's Training School created under the act of May 26, 1949
15 (P.L.1844, No.547), entitled, "An act establishing the
16 Pennsylvania State Firemen's Training School in or adjacent to
17 the borough of Lewistown; providing for its operation and
18 maintenance by the Department of Public Instruction; authorizing
19 the acquisition of a site either by gift or purchase by the
20 Commonwealth or by The General State Authority, or the use of
21 land now owned by the Commonwealth; providing for the erection
22 or construction and the furnishing and equipping of the
23 buildings and structures by The General State Authority, and the
24 leasing thereof by the Commonwealth; and conferring powers and
25 imposing duties upon the Department of Public Instruction and
26 the Public Service Institute Board," which shall be under the
27 operational control of the commissioner. The commissioner shall
28 administratively provide for the erection or construction, the
29 furnishing, the staffing and the equipping of buildings and
30 structures through the Department of General Services and for

the leasing of the buildings and structures by the Commonwealth for the use and support of the Pennsylvania State Fire Academy. The Pennsylvania State Firemen's Training School and the powers and duties of the Department of Education and the Public Service Institute Board, pertaining to the Pennsylvania State Firemen's Training School, which were transferred to the agency under Reorganization Plan No.6 of 1981 (P.L.613) and which are set forth in the act of May 26, 1949 (P.L.1844, No.547), are hereby transferred to and vested in the commissioner.

(b) Transfer.--There are hereby transferred to the commissioner, to be used, employed and expended in connection with the functions, powers and duties enumerated in subsection (a), personnel, contract obligations, if any, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties and the unexpended balance of appropriations, allocations, Federal grants and other funds available or to be made available for use in connection with such functions, powers and duties as previously were vested in the Department of Education and the Public Service Institute Board under the act of May 26, 1949 (P.L.1844, No.547), and transferred to the agency by Reorganization Plan No.6 of 1981 (P.L.613).

(c) Hazardous chemical and radioactive material training.--The Pennsylvania State Fire Academy shall serve as the resident Commonwealth government center for hazardous chemical and radioactive material training. The Pennsylvania State Fire Academy is authorized to use resident and field staff to support this training.

(d) Firefighter training and certification.--A Statewide firefighter training program shall be implemented by the

commissioner to educate the fire service community about the importance of firefighter health and safety. This program shall include measures designed to increase the mobility of training courses throughout this Commonwealth, to enhance firefighter accessibility to training course offerings and to improve and expand training for and response capability to emergencies with emphasis on hazardous materials incidents. The program shall also include implementation of a firefighter certification program in accordance with parameters developed by the commissioner consistent with established standards. The acquisition of physical resources to enhance Statewide capability shall be coordinated by the commissioner.

(e) Administration.--

(1) The commissioner may assess reasonable fees on for-profit corporations and businesses and on students who are nonresidents of this Commonwealth for fire, rescue and emergency service training programs provided to them by the Pennsylvania State Fire Academy, but in no event shall any member of a municipal or volunteer fire, rescue, ambulance or other emergency service organization located within this Commonwealth be charged for training provided at the Pennsylvania State Fire Academy.

(2) The commissioner may charge all students for class materials and supplies directly related to the conduct of classes provided at the Pennsylvania State Fire Academy and for insignia, patches and similar memorabilia indicating student attendance or achievement at the Pennsylvania State Fire Academy.

(3) All revenues generated by these fees and charges shall augment the appropriation made to the Office of State

1 Fire Commissioner.

2 § 1905. Pennsylvania Volunteer Loan Assistance Program.

3 (a) Creation.--There shall be a loan assistance program,
4 which shall be implemented by the commissioner, for volunteer
5 agencies, known as the Pennsylvania Volunteer Loan Assistance
6 Program, which shall make loans under the act of July 15, 1976
7 (P.L.1036, No.208), known as the Volunteer Fire Company,
8 Ambulance Service and Rescue Squad Assistance Act. The
9 Pennsylvania Volunteer Loan Assistance Program and the powers
10 and duties previously vested in the Department of Community
11 Affairs, which were transferred to the agency under
12 Reorganization Plan No.7 of 1981 (P.L.615) and which are set
13 forth under the Volunteer Fire Company, Ambulance Service and
14 Rescue Squad Assistance Act, are hereby transferred to and
15 vested in the commissioner.

16 (b) Transfer.--There are hereby transferred to the
17 commissioner, to be used, employed and expended in connection
18 with the functions, powers and duties enumerated in subsection
19 (a), personnel, contractual obligations, if any, mortgages,
20 liens, encumbrances and any other secured interests, records,
21 files, property, supplies and equipment now being used or held
22 in connection with such functions, powers and duties and the
23 unexpended balance of appropriations, allocations and other
24 funds available or to be made available for use in connection
25 with such functions, powers and duties as previously were vested
26 in the Department of Community Affairs under the Volunteer Fire
27 Company, Ambulance Service and Rescue Squad Assistance Act and
28 transferred to the agency by Reorganization Plan No.7 of 1981
29 (P.L.615).

30 (c) Regulations.--The Volunteer Loan Assistance Program

regulations found in 4 Pa. Code Ch. 113 (relating to volunteer fire company, ambulance service and rescue squad assistance) are hereby transferred to the commissioner from the agency. The commissioner shall fully implement and administer those regulations on the effective date of this act. The commissioner may be substituted for the agency throughout the regulations and the regulations may be renumbered and published in the Pennsylvania Bulletin as final regulations without those regulatory changes being subject to the provisions of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

§ 1906. Fire Safety Advisory Committee.

(a) Creation.--There is hereby created the Fire Safety Advisory Committee to assist the commissioner. The committee shall consist of nine members, as follows:

(1) The director of the agency, ex officio.

(2) The commissioner, who shall serve as chairman.

(3) Two paid firefighters to be appointed by the Governor from a list of at least six nominees submitted by the Pennsylvania Professional State Firefighters Association.

(4) One member of the public, to be appointed by the Governor.

(5) Four volunteer firefighters, one each to be appointed by the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives. Members of the committee shall serve at the pleasure of their appointing authority. The committee shall advise the commissioner on matters pertaining to the operation of the Pennsylvania State Fire Academy and any

other matters as the commissioner may request.

(b) Expenses.--Members of the committee shall receive reimbursement for reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

§ 1907. Appropriations.

All appropriations for the commissioner shall be by a separate line item in the General Appropriation Act.

Section 5. Chapter 21 of Title 44 is amended to read:

CHAPTER 21

[PRELIMINARY PROVISIONS

(Reserved)]

PENNSYLVANIA STATE POLICE

Sec.

2101. Definitions.

2102. Establishment.

2103. Organization.

2104. Commissioner.

2105. Powers and duties of Pennsylvania State Police.

2106. Powers and duties of Pennsylvania State Police Force.

2107. Resident State Trooper program.

§ 2101. Definitions.

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

"Commissioner." The Commissioner of Pennsylvania State Police.

§ 2102. Establishment.

There is established within the department the Pennsylvania State Police.

1 § 2103. Organization.

2 (a) Composition.--The Pennsylvania State Police shall
3 consist of a Commissioner, a Deputy Commissioner, the State
4 Police Force, which are consolidated into one force, to be known
5 as the Pennsylvania State Police Force, and any chiefs,
6 statisticians, clerks, experts and other assistants, as the
7 commissioner, with the approval of the Governor, shall deem
8 necessary for the work of the force.

9 (b) Officers.--The Pennsylvania State Police Force shall
10 consist of a number of officers and men and women and shall be
11 organized in the manner as the commissioner, with the approval
12 of the Governor, shall determine, except that the number of
13 officers and men and women shall not exceed in the aggregate
14 3,940 persons. State policemen, both officers and men, assigned
15 to duty with the Pennsylvania Turnpike Commission or assigned to
16 duty as resident State troopers, shall not be counted in
17 determining the total number of officers and men and women in
18 the State Police Force.

19 (c) Compensation.--The members of the State Police Force and
20 the chiefs, statisticians, clerks, experts and other assistants
21 engaged in the work of the Pennsylvania State Police shall be
22 appointed by the commissioner and shall receive compensation as
23 shall be fixed by the commissioner, with the approval of the
24 Governor. The compensation shall conform to the standards
25 established by the Executive Board.

26 (d) Mandatory retirement.--The following shall apply:

27 (1) Except as provided in paragraph (2), any member of
28 the Pennsylvania State Police, except the commissioner and
29 deputy commissioner, regardless of rank, who has attained or
30 who shall attain the age of 60 years, shall resign from

1 membership in the State Police Force.

2 (2) Paragraph (1) shall not apply to members of the
3 State Police Force who, upon attaining the age of 60 years,
4 have less than 20 years of service. Upon completion of 20
5 years of service, paragraph (1) shall become applicable to
6 those members.

7 (e) Dismissal.--No enlisted member of the Pennsylvania State
8 Police shall be dismissed from service or reduced in rank except
9 by action of a court martial board held upon the recommendation
10 of the commissioner and the Governor.

11 (f) Probationary period.--All new cadets and troopers shall
12 serve a probationary period of 18 months from the date of
13 original enlistment, during which time they may be dismissed by
14 the commissioner for violations of rules and regulations,
15 incompetency and inefficiency without action of a court-martial
16 board or the right of appeal to a civil court.

17 (g) Underwater search teams.--The Pennsylvania State Police
18 Force shall include two underwater search teams, one of which
19 shall be in eastern Pennsylvania and one of which shall be in
20 western Pennsylvania.

21 § 2104. Commissioner.

22 (a) Status.--The Commissioner of Pennsylvania State Police
23 shall be the head and executive officer of the Pennsylvania
24 State Police.

25 (b) Duties.--The commissioner shall do all of the following:

26 (1) Provide suitable uniforms, arms, equipment, and
27 where it is deemed necessary, horses or motor vehicles, for
28 the members of the Pennsylvania State Police Force.

29 (2) Make rules and regulations, subject to the approval
30 of the Governor, prescribing all of the following:

1 (i) Qualifications prerequisite to or retention of
2 membership in the Pennsylvania State Police Force.

3 (ii) The enlistment, training, discipline and
4 conduct of the members of the Pennsylvania State Police
5 Force.

6 (iii) The selection and promotion of members of the
7 Pennsylvania State Police Force on the basis of merit.

8 (iv) The filing and hearing of charges against
9 members of the Pennsylvania State Police Force.

10 (v) Any other rules and regulations as are deemed
11 necessary for the control and regulation of the
12 Pennsylvania State Police Force.

13 (3) Maintain a training school, to be known as the
14 Pennsylvania State Police Academy, for the proper instruction
15 of members of the Pennsylvania State Police Force, which
16 shall be situated at the place or places as the commissioner,
17 with the approval of the Governor, may determine.

18 (4) Establish local headquarters in various places, so
19 as best to distribute the members of the Pennsylvania State
20 Police Force through the various sections of the Commonwealth
21 where they will be most efficient in carrying out the
22 purposes of this chapter or any other act to preserve the
23 peace, prevent and detect crime and to police the highways.

24 (c) Training.--The training prescribed by the commissioner
25 for members of the force shall include identifying and
26 responding to ethnic tension situations and complaints of
27 violation of 18 Pa.C.S. § 2710 (relating to ethnic intimidation)
28 or 3307 (relating to institutional vandalism).

29 (d) Court-martial.--

30 (1) The following shall apply:

1 (i) Before any enlisted member who has not reached
2 mandatory retirement age is dismissed or refused
3 reenlistment by the commissioner, the commissioner shall
4 furnish the enlisted member with a detailed written
5 statement of the charges upon which the enlisted member's
6 dismissal or refusal of reenlistment is based, together
7 with a written notice, signed by the commissioner or the
8 proper authority, of a time and place where the enlisted
9 member will be given an opportunity to be heard either in
10 person or by counsel, or both, before a court-martial
11 board appointed by the commissioner.

12 (ii) The court-martial board shall consist of three
13 commissioned officers.

14 (iii) The court-martial hearing shall not be sooner
15 than ten days nor later than 30 days after the written
16 notice under subparagraph (i).

17 (iv) At the court-martial hearing all testimony
18 offered, including that of complainants and their
19 witnesses as well as that of the accused enlisted member
20 and the enlisted member's witnesses, shall be recorded by
21 a competent stenographer whose services shall be
22 furnished by the Pennsylvania State Police at its
23 expense.

24 (v) A court-martial hearing may be postponed,
25 continued or adjourned, by agreement of the person
26 charged and the court-martial board with approval of the
27 commissioner. If the court-martial hearing is postponed,
28 continued or adjourned and any testimony has been taken,
29 a free copy of a transcript of the testimony shall be
30 given to the accused upon request.

1 (vi) The court-martial board shall have power to
2 issue subpoenas requiring the attendance of witnesses at
3 any hearing and shall do so at the request of the party
4 against whom a complaint is made. If a person shall
5 refuse to appear and testify in answer to a subpoena
6 issued by the court-martial board, any party interested
7 may petition the court of common pleas of the county in
8 which the court-martial hearing is to be held setting
9 forth the facts. The court shall then issue its subpoena
10 commanding the person to appear before the court-martial
11 board to testify as to the matters being inquired into. A
12 person refusing to testify before the court-martial board
13 may be held for contempt by the court of common pleas.
14 All testimony at any hearing shall be taken under oath
15 and any member of the court-martial board shall have
16 power to administer oaths to such witnesses.

17 (vii) After fully hearing the charges or complaints
18 and hearing all witnesses produced by the court-martial
19 board and the person against whom the charges are pending
20 and, after full, impartial and unbiased consideration
21 thereof, the court-martial board shall, by a recorded,
22 closed-secret, two-thirds vote of all members, determine
23 whether or not the charges or complaints have been
24 sustained and whether the evidence substantiates the
25 charges and complaints. In accordance with the
26 determination, the court-martial board shall recommend
27 the discharge, demotion or refusal of reenlistment of the
28 enlisted member to the commissioner. If one member of the
29 court-martial board dissents from the findings of the
30 other members, the member may state the reason for

1 disagreement, which shall be made a part of the record.

2 (viii) Reports of findings of the court-martial
3 board shall not be made public before being acted upon by
4 the commissioner. The court-martial board shall submit
5 all records of the trial to the commissioner for review.

6 (ix) A written notice of any decision of the
7 commissioner discharging, demoting or refusing the
8 reenlistment of a member, together with a free copy of a
9 transcript of the notes of testimony, shall be sent by
10 registered mail to the enlisted member at the enlisted
11 member's last known address within 30 days after the
12 hearing is concluded. The commissioner may, in the
13 commissioner's discretion, follow or disregard the
14 recommendations of the court-martial board.

15 (x) If the final decision of the commissioner is in
16 favor of the enlisted member, the records in the files of
17 the Pennsylvania State Police shall reflect the decision
18 accordingly.

19 (xi) If the enlisted member concerned considers
20 himself or herself aggrieved by the action of the
21 commissioner, an appeal may be taken by the enlisted
22 member to the Court of Common Pleas of Dauphin County in
23 accordance with the provisions of 2 Pa.C.S. Ch. 5 Subch.
24 A (relating to practice and procedure of Commonwealth
25 agencies) and Ch. 7 Subch. A (relating to judicial review
26 of Commonwealth agency action).

27 (2) For the purposes of this subsection, the term
28 "enlisted member" shall not include a cadet or trooper of the
29 Pennsylvania State Police with less than 18 months of
30 service.

1 § 2105. Powers and duties of Pennsylvania State Police.

2 The Pennsylvania State Police shall have the following powers
3 and duties:

4 (1) Except as otherwise provided in this chapter, to
5 continue to exercise the powers and perform the duties by law
6 vested in and imposed upon the Pennsylvania State Police.

7 (2) To assist the Governor, as the Governor may request,
8 in the administration and enforcement of the laws of this
9 Commonwealth.

10 (3) With the approval of the Governor, to assist any
11 administrative department, board or commission of the State
12 government to enforce the laws applicable or pertaining to
13 any department, board or commission, or any organization of
14 the department, board or commission.

15 (4) Whenever possible, to cooperate with counties and
16 municipalities in the detection of crime, the apprehension of
17 criminals and the preservation of law and order throughout
18 this Commonwealth.

19 (5) To aid in the enforcement of all laws relating to
20 game, fish, forests and waters.

21 (6) To collect and classify and keep at all times
22 available, complete information useful for the detection of
23 crime and the identification and apprehension of criminals.
24 The information shall be available for all police officers
25 within the Commonwealth, under regulations as the
26 commissioner may prescribe.

27 (7) To enforce the laws regulating the use of the
28 highways of this Commonwealth and to assist the Department of
29 Transportation and the Department of Revenue in the
30 collection of all of the following:

1 (i) Motor license fees.

2 (ii) Fees for titling vehicles and tractors.

3 (iii) Operators' license fees.

4 (iv) The tax on cigarettes.

5 (v) The tax on liquid fuels.

6 (vi) The issuance of certificates of title and motor
7 and operators' licenses.

8 (8) To search without warrant any boat, conveyance,
9 vehicle or receptacle or any place of business when there is
10 good reason to believe that any law has been violated, the
11 enforcement or administration of which is imposed or vested
12 in the Department of Revenue.

13 (9) To collect information relating to crimes and
14 incidents related to the race, color, religion or national
15 origin of individuals or groups, which shall be reported
16 monthly by all local law enforcement agencies and the State
17 Fire Marshal. Any information, records and statistics
18 collected in accordance with this paragraph shall be
19 available for use by any agency required to furnish
20 information, to the extent that the information is reasonably
21 necessary or useful to the agency in carrying out the duties
22 imposed on it by law. The commissioner may, by regulation,
23 establish conditions for the use or availability of the
24 information as may be necessary to its preservation, the
25 protection of confidential information or the circumstances
26 of a pending prosecution.

27 § 2106. Powers and duties of Pennsylvania State Police Force.

28 The various members of the Pennsylvania State Police are
29 authorized and empowered to do all of the following:

30 (1) Make arrests, without warrant, for all violations of

1 the law, including laws regulating the use of the highways,
2 which they may witness, and to serve and execute warrants
3 issued by the proper local authorities. The members of the
4 Pennsylvania State Police Force shall have all the powers and
5 prerogatives conferred by law upon members of the police
6 force of cities of the first class and upon constables of the
7 Commonwealth.

8 (2) To act as game protectors and as forest, fish or
9 fire wardens, and for the better performance of those duties
10 to do all of the following:

11 (i) Seize all guns, boats, decoys, traps, dogs,
12 game, fish, shooting paraphernalia or hunting or fishing
13 appliances or devices, used, taken or had in possession,
14 contrary to the laws of this Commonwealth. Any article
15 seized shall be held subject to the disposition as the
16 Executive Director of the Pennsylvania Fish and Boat
17 Commission, the Executive Director of the Pennsylvania
18 Game Commission or the Secretary of Environmental
19 Protection may respectively determine.

20 (ii) Seize and take possession of all birds, animals
21 or fish which, contrary to any law of this Commonwealth:

22 (A) have been taken, caught or killed;

23 (B) had or are possessed or under control; or

24 (C) have been or are about to be shipped.

25 (iii) Search without warrant any boat, conveyance,
26 vehicle or receptacle, if there is good reason to believe
27 that any law has been violated, the enforcement or
28 administration of which is imposed on or vested in the
29 Pennsylvania Fish and Boat Commission, the Pennsylvania
30 Game Commission or the Department of Environmental

1 Protection.

2 (iv) Serve subpoenas issued before any examination,
3 investigation or trial had under any law referred to
4 under this paragraph.

5 (v) Purchase game or fish for the purpose of
6 securing evidence.

7 § 2107. Resident State Trooper program.

8 (a) Appointment.--The commissioner may appoint members of
9 the regular Pennsylvania State Police Force to be assigned on a
10 regular basis to a municipality or adjacent municipalities
11 which, as of or after July 1, 1991, did not have an organized
12 police force, if the municipality or municipalities agree to pay
13 the entire cost of providing the State trooper service.

14 (b) Implementation.--In order to implement this section, the
15 commissioner is authorized to enter into agreements with
16 boroughs and first- and second-class townships for the
17 furnishing of police protection by one or more resident State
18 troopers on a contractual basis. The contract price for the
19 services shall be the full direct and indirect costs of
20 providing the police protection as determined by the
21 commissioner. All funds paid for the police services shall be
22 credited to the General Fund and used for the express purpose of
23 financing the services for which the contract price was paid.
24 Fifty additional personnel are authorized to meet the initial
25 staffing requirements of the Pennsylvania State Police resulting
26 from any agreements executed under this subsection.

27 (c) Promulgation.--The commissioner shall promulgate any
28 regulations as may be necessary to implement the resident State
29 trooper program and the contractual agreements authorized by
30 this section. The regulations shall do all of the following:

1 (1) Allow adjacent municipalities to join together to
2 request the services of and share in the costs of a resident
3 State trooper. If more than one adjacent municipality shall
4 request the services of a single resident State trooper, the
5 commissioner may determine that the geographic area is too
6 large to be covered by one resident State trooper and that
7 one or more additional resident State troopers must be
8 assigned in order to provide the geographic area with
9 adequate police protection.

10 (2) Require that, as a prerequisite to applying for the
11 services of a resident State trooper, a municipality or
12 municipalities shall adopt a resolution or ordinance
13 authorizing a contractual arrangement with the Pennsylvania
14 State Police for the payment by the municipality or
15 municipalities of the entire costs incurred in connection
16 with the provision of the services.

17 (3) Require resident State troopers to remain under the
18 direct control of the Pennsylvania State Police with
19 supervision to be provided by the commanding officer of the
20 field installation having jurisdiction over the municipality
21 or municipalities contracting for the services of the
22 resident State trooper. The commanding officer shall
23 determine the number of supervisors for the resident State
24 troopers assigned to the commanding officer's field
25 installation. Each resident State trooper shall operate out
26 of the resident State trooper's assigned field installation,
27 which shall be the resident State trooper's official duty
28 station.

29 (4) Require all resident State troopers to reside within
30 the geographic area served by the field installation having

1 jurisdiction over the municipality or municipalities to which
2 the resident State trooper is assigned.

3 (5) Require that all organizational orders, regulations
4 and directives issued by the Pennsylvania State Police apply
5 with full force to resident State troopers.

6 (6) Require such matters as the geographic area served,
7 hours of duty and type of duties to be arranged by the
8 commander of the field installation in cooperation with the
9 governing body of the municipality or municipalities.

10 (7) Require that an on-duty resident State trooper not
11 leave the on-duty resident State trooper's assigned
12 municipality or municipalities without the authorization of
13 the commander of the field installation and require that the
14 commander not remove a resident State trooper from the
15 resident State trooper's area of jurisdiction during assigned
16 hours except in cases of extreme emergency, in which case the
17 governing body of the contracting municipality or
18 municipalities shall be notified.

19 (8) Require resident State troopers to be in uniform at
20 all times during assigned working hours, unless authorized by
21 the commander of the field installation to work in civilian
22 attire.

23 (9) Require resident State troopers to enforce 75
24 Pa.C.S. (relating to vehicles) and the criminal laws of this
25 Commonwealth.

26 (10) Require that all supplies and equipment, including
27 vehicles and radios, be obtained by the resident trooper from
28 the supervising field installation.

29 Section 6. Title 44 is amended by adding chapters to read:

30 CHAPTER 25

CAPITOL POLICE

Sec.

2501. Capitol Police.

2502. Duties.

2503. Capitol Police Commander.

2504. Organization.

§ 2501. Capitol Police.

(a) Establishment.--There is established within the
department the Capitol Police.

§ 2502. Duties.

The Capitol Police shall have the following powers and
duties:

(1) To enforce good order in State-owned or State-leased
buildings and on State-owned or State-leased grounds or on
any roadway under Capitol Police jurisdiction in this
Commonwealth.

(2) To protect the property of the Commonwealth in
State-owned or State-leased grounds and buildings or on any
roadway under Capitol Police jurisdiction in this
Commonwealth.

(3) To exclude all disorderly persons from the premises
of the State Capitol, State-owned or State-leased buildings
and grounds or roadways in this Commonwealth.

(4) In the performance of their duties, to adopt
whatever means may be necessary.

(5) To exercise the same powers exercised under the laws
of this Commonwealth or ordinance by the police of the City
of Harrisburg and municipalities in counties where State-
owned or State-leased buildings are located.

(6) To order off grounds and out of buildings or

1 roadways stated in paragraph (3) all vagrants, loafers,
2 trespassers and persons under the influence of liquor, and,
3 if necessary, remove them by force, and, in case of
4 resistance, carry the offenders before a district magistrate.

5 (7) To arrest any person who shall damage, mutilate or
6 destroy the trees, plants, shrubbery, turf, grass-plots,
7 benches, buildings or structures, or commit any other offense
8 within State buildings on State-owned or State-leased grounds
9 or roadways in this Commonwealth, and carry the offender
10 before the district magistrate and prefer charges against him
11 under the laws of the Commonwealth.

12 § 2503. Capitol Police Commander.

13 (a) Status.--The Capitol Police Commander shall be the head
14 and executive officer of the Capitol Police and shall be
15 selected from the ranks of the Capitol Police.

16 (b) Duties.--The commander shall do all of the following:

17 (1) Provide suitable uniforms, arms, equipment and motor
18 vehicles for the members of the Capitol Police.

19 (2) Make rules and regulations, subject to the approval
20 of the Governor, prescribing all of the following:

21 (i) Qualifications prerequisite to membership or
22 retention of membership in the Capitol Police.

23 (ii) The enlistment, training, discipline and
24 conduct of the members of the Capitol Police.

25 (iii) The selection and promotion of members of the
26 Capitol Police on the basis of merit.

27 (iv) Filing and hearing charges against members of
28 the Capitol Police.

29 (v) Any other rules and regulations as are deemed
30 necessary for the control and regulation of the Capitol

1 Police.

2 (3) Establish a State headquarters to be located in the
3 Harrisburg Capitol Complex and to establish local
4 headquarters in various places, so as best to distribute the
5 members of the Capitol Police in counties wherein State-owned
6 or State-leased properties are located where they will be
7 most efficient in carrying out the purposes of this act or
8 any other act to preserve the peace, prevent and detect crime
9 and to police Commonwealth property according to the
10 provisions of this act.

11 § 2504. Organization.

12 (a) Composition.--The Capitol Police, consisting of a
13 commander, shall also consist of any chiefs, statisticians,
14 clerks, experts and other assistants, as the commander shall
15 deem necessary for the work of the Capitol Police.

16 (b) Officers.--The Capitol Police shall consist of a number
17 of officers from men and women ranging from captain to patrolman
18 and shall be organized in the manner as the commander shall
19 determine.

20 CHAPTER 27

21 GAMING INVESTIGATIONS AND ENFORCEMENT

22 Sec.

23 2701. Definitions.

24 2702. Bureau of Gaming Investigations and Enforcement.

25 § 2701. Definitions.

26 "Bureau." The Bureau of Gaming and Enforcement in the
27 Pennsylvania State Police.

28 "Department." The Department of Revenue of the Commonwealth.

29 § 2702. Bureau of Gaming Investigations and Enforcement.

30 (a) Establishment.--There is established within the

Pennsylvania State Police a Bureau of Gaming Investigations and Enforcement. The bureau shall have the powers and duties set forth in subsection (b).

(b) Powers and duties of bureau.--The Bureau of Gaming Investigations and Enforcement shall have the following powers and duties:

(1) Enforce the provisions of 4 Pa.C.S. Pt. II (relating to gaming).

(2) Investigate and review all applicants and applications for a license, permit or registration.

(3) Investigate licensees, permittees, registrants and other persons regulated by the board for criminal and noncriminal violations of 4 Pa.C.S. Pt. II, including potential violations referred to the bureau by the board or other persons.

(4) Monitor gaming operations to ensure all of the following:

(i) Compliance with this part, the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, and the other laws of this Commonwealth.

(ii) The implementation of adequate security measures by a licensed entity.

(5) Inspect and examine licensed entities as provided in subsection (e). Inspections may include the review and reproduction of any document or record.

(6) Initiate proceedings for criminal violations and enforce the criminal provisions of this part and any other criminal laws of this Commonwealth that may be related to a violation of this part.

(7) Provide the board with all information necessary for

1 all actions under this part for all proceedings involving
2 criminal enforcement of this part.

3 (8) Inspect, when appropriate, a licensee's or
4 permittee's person and personal effects present in a licensed
5 facility under this part while that licensee or permittee is
6 present at a licensed facility.

7 (9) Exchange fingerprint data with and receive national
8 criminal history record information from the FBI for use in
9 investigating applications for any license or permit under
10 this part.

11 (10) Receive and take appropriate action on any referral
12 from the board or any other government agency or person
13 relating to criminal conduct.

14 (11) Require the production of any information, material
15 and other data from any licensee, permittee or other
16 applicant seeking approval from the board.

17 (12) Conduct administrative inspections on the premises
18 of licensed racetrack or nonprimary location or licensed
19 facility at such times, under such circumstances and to such
20 extent as it determines to ensure compliance with this part
21 and the regulations of the board and, in the course of
22 inspections, review and make copies of all documents and
23 records required by the inspection through onsite observation
24 and other reasonable means to assure compliance with this
25 part and regulations promulgated under this part.

26 (13) Conduct audits or verification of information of
27 slot machine operations at such times, under such
28 circumstances and to such extent as it determines. This
29 paragraph includes reviews of accounting, administrative and
30 financial records and management control systems, procedures

1 and records utilized by a slot machine licensee.

2 (14) A member of the Pennsylvania State Police assigned
3 to duties of enforcement under this part shall not be counted
4 toward the complement as defined in the act of December 13,
5 2001 (P.L.903, No.100), entitled "An act repealing in part a
6 limitation on the complement of the Pennsylvania State
7 Police."

8 (c) Powers and duties of Attorney General.--Within the
9 Office of Attorney General, the Attorney General shall establish
10 a gaming unit. The unit shall investigate and institute criminal
11 proceedings as authorized by subsection (e).

12 (d) Powers and duties of department.--

13 (1) The department shall at all times have power of
14 access to examination and audit of any equipment and records
15 relating to all aspects of the operation of slot machines
16 under this act.

17 (2) Notwithstanding the provisions of section 353(f) of
18 the act of March 4, 1971 (P.L.6, No.2), known as the Tax
19 Reform Code of 1971, the department shall supply the board,
20 the bureau, the Pennsylvania State Police and the Office of
21 Attorney General with information concerning the status of
22 delinquent taxes owed by the applicant, licensee or
23 permittee.

24 (e) Criminal action.--

25 (1) District attorneys have authority to investigate and
26 to institute criminal proceedings for a violation of 4
27 Pa.C.S. Pt. II.

28 (2) In addition to the authority conferred upon the
29 Attorney General under the act of October 15, 1980 (P.L.950,
30 No.164), known as the Commonwealth Attorneys Act, the

1 Attorney General shall have the authority to investigate and,
2 following consultation with the appropriate district
3 attorney, to institute criminal proceedings for a violation
4 of 4 Pa.C.S. Pt. II. A person charged with a violation of
5 that part by the Attorney General shall not have standing to
6 challenge the authority of the Attorney General to
7 investigate or prosecute the case, and, if any such challenge
8 is made, the challenge shall be dismissed and no relief shall
9 be available in the courts of this Commonwealth to the person
10 making the challenge.

11 (f) Regulatory action.--Nothing contained in subsection (g)
12 shall be construed to limit the existing regulatory or
13 investigative authority of an agency of the Commonwealth whose
14 functions relate to persons or matters within the scope of 4
15 Pa.C.S. Part II.

16 (g) Inspection, seizure and warrants.--

17 (1) The bureau shall have the authority without notice
18 and without warrant to do all of the following in the
19 performance of its duties:

20 (i) Inspect and examine all premises where slot
21 machine operations are conducted, gaming devices or
22 equipment are manufactured, sold, distributed or serviced
23 or where records of these activities are prepared or
24 maintained.

25 (ii) Inspect all equipment and supplies in, about,
26 upon or around premises referred to in subparagraph (i).

27 (iii) Seize, summarily remove and impound equipment
28 and supplies from premises referred to in subparagraph
29 (i) for the purposes of examination and inspection.

30 (iv) Inspect, examine and audit all books, records

1 and documents pertaining to a slot machine licensee's
2 operation.

3 (v) Seize, impound or assume physical control of any
4 book, record, ledger, game, device, cash box and its
5 contents, counting room or its equipment or slot machine
6 operations.

7 (2) The provisions of paragraph (1) shall not be deemed
8 to limit warrantless inspections except in accordance with
9 constitutional requirements.

10 (3) To further effectuate the purposes of 4 Pa.C.S. Pt.
11 II, the bureau may obtain administrative warrants for the
12 inspection and seizure of property possessed, controlled,
13 bailed or otherwise held by an applicant, licensee,
14 permittee, intermediary, subsidiary, affiliate or holding
15 company.

16 (h) Information sharing and enforcement referral.--With
17 respect to the administration, supervision and enforcement of 4
18 Pa.C.S. Pt. II, the bureau or the Office of Attorney General may
19 obtain or provide pertinent information regarding applicants,
20 licensees or permittees from or to law enforcement entities or
21 gaming authorities of the Commonwealth and other domestic,
22 foreign or federally approved jurisdictions, including the
23 Federal Bureau of Investigation, and may transmit such
24 information to each other electronically.

25 Section 7. Repeals are as follows:

26 (1) The General Assembly declares as follows:

27 (i) The repeal of 4 Pa.C.S. § 1517 is necessary to
28 effectuate the addition of 44 Pa.C.S. Ch. 27.

29 (ii) The repeal of 35 Pa.C.S. Ch. 73 Subch. B is
30 necessary to effectuate the addition of 44 Pa.C.S. Ch.

1 17.

2 (iii) The repeal of the act of November 4, 1995
3 (P.L.604, No.61), known as the State Fire Commission Act,
4 is necessary to effectuate the addition of 44 Pa.C.S. Ch.
5 25.

6 (2) The following acts and parts of acts are repealed to
7 the extent specified:

8 (i) The act of June 7, 1923 (P.L.498, No.274), known
9 as The Administrative Code, absolutely.

10 (ii) Section 2416 of the act of April 9, 1929
11 (P.L.177, No.175), known as The Administrative Code of
12 1929, insofar as it is inconsistent with the addition of
13 44 Pa.C.S. § 1103(a)(4) and Ch. 25.

14 (iii) The act of April 9, 1929 (P.L.177, No.175),
15 known as The Administrative Code of 1929, insofar as it
16 is inconsistent with this act.

17 (iv) The act of November 4, 1995 (P.L.604, No.61),
18 known as the State Fire Commission Act, absolutely.

19 Section 8. The following apply:

20 (1) The addition of 44 Pa.C.S. Ch. 27 is a continuation
21 of 4 Pa.C.S. § 1517. Orders, regulations, rules and decisions
22 which were made under 4 Pa.C.S. § 1517 and which are in
23 effect on the effective date of section 1 of this act shall
24 remain in full force and effect until revoked, vacated or
25 modified under 44 Pa.C.S. Ch. 27. Contracts, obligations and
26 collective bargaining agreements entered into under 4 Pa.C.S.
27 § 1517 are not affected nor impaired by the repeal of 4
28 Pa.C.S. § 1517.

29 (2) The addition of 44 Pa.C.S. Ch. 17 is a continuation
30 of 35 Pa.C.S. Ch. 73 Subch. B. Orders, regulations, rules and

1 decisions which were made under 35 Pa.C.S. Ch. 73 Subch. B
2 and which are in effect on the effective date of section 2 of
3 this act shall remain in full force and effect until revoked,
4 vacated or modified under 44 Pa.C.S. Ch. 17. Contracts,
5 obligations and collective bargaining agreements entered into
6 under 35 Pa.C.S. Ch. 73 Subch. B are not affected nor
7 impaired by the repeal of 35 Pa.C.S. Ch. 73 Subch. B.

8 (3) The addition of 44 Pa.C.S. Ch. 25 is a continuation
9 of the act of November 4, 1995 (P.L.604, No.61), known as the
10 State Fire Commission Act. The following apply:

11 (i) Except as otherwise provided in 44 Pa.C.S. Ch.
12 25, all activities initiated under the State Fire
13 Commission Act shall continue and remain in full force
14 and effect and may be completed under 44 Pa.C.S. Ch. 25.
15 Orders, regulations, rules and decisions which were made
16 under the State Fire Commission Act and which are in
17 effect on the effective date of section 7(2)(iv) of this
18 act shall remain in full force and effect until revoked,
19 vacated or modified under 44 Pa.C.S. Ch. 25. Contracts,
20 obligations and collective bargaining agreements entered
21 into under the State Fire Commission Act are not affected
22 nor impaired by the repeal of the State Fire Commission
23 Act.

24 (ii) Any difference in language between 44 Pa.C.S.
25 Ch. 25 and the State Fire Commission Act is intended only
26 to conform to the style of the Pennsylvania Consolidated
27 Statutes and is not intended to change or affect the
28 legislative intent, judicial construction or
29 administration and implementation of the State Fire
30 Commission Act.

1 Section 9. This act shall take effect in 60 days.