

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1539 Session of
2012

INTRODUCED BY BAKER, SOLOBAY, ALLOWAY, RAFFERTY, D. WHITE, YAW,
SCHWANK, MENSCH, BOSCOLA, COSTA, ERICKSON, FERLO AND
YUDICHAK, MAY 31, 2012

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, MAY 31,
2012

AN ACT

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

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

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

18 § 7102. Definitions.

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

22 "Agency." The Pennsylvania Emergency Management Agency.

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

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

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

17 "Commonwealth agency." Any of the following:

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

20 (2) The Governor's Office.

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

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

29 (5) A Commonwealth authority or entity.

30 "Commonwealth critical infrastructure protection program." A

program developed by the Pennsylvania Emergency Management Agency to provide a coordinated approach to setting Commonwealth priorities, goals and requirements for effective distribution of funding and resources for critical infrastructure and key resources to ensure that the government, economy and public services continue in the event of an emergency.

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

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

"Council." The Pennsylvania Emergency Management Council.

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

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

"Critical infrastructure." Assets, systems, networks and

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

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

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

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

20 "Director." The director of the Pennsylvania Emergency
21 Management Agency.

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

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

28 (1) affect seriously the safety, health or welfare of a
29 substantial number of [citizens of this Commonwealth] people
30 or preclude the operation or use of essential public

1 facilities; and

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

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

10 "Emergency." An incident that requires responsive,
11 coordinated action to protect individuals, the environment, the
12 economy or property.

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

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

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

1 response actions and coordination requirements.

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

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

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

28 "Federal emergency." An emergency as defined in section
29 102(1) of The Robert T. Stafford Disaster Relief and Emergency
30 Assistance Act (Public Law 93-288, 42 U.S.C. § 5122(1)).

1 "Federal law enforcement officer." A law enforcement officer
2 who:

3 (1) is employed by the United States;

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

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

8 "Grantee." The entity, government or organization to which a
9 grant is awarded.

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

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

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

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

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

27 (2) Characterized by the combination of facilities,
28 equipment, personnel, procedures and communications operating
29 within a common organizational structure and designed to aid
30 in the management of resources during all kinds of

1 emergencies regardless of size or complexity.

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

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

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

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

14 "Key resources." Publicly or privately controlled resources
15 essential to minimal operation of the economy and the
16 government.

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

25 "Letter of agreement." The written agreement of a public,
26 semipublic, private or nonprofit corporation, business,
27 association, partnership, authority or other entity or an
28 individual agreeing to provide personnel, equipment, supplies,
29 training facilities or other resources either directly to or in
30 support of preparedness and emergency management.

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

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

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

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

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

28 "Local health department." A county department of health
29 under the act of August 24, 1951 (P.L.1304, No.315), known as
30 the Local Health Administration Law, or a department of health

in a municipality approved for a Commonwealth grant to provide
local health services under section 25 of the Local Health
Administration Law.

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

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

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

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

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

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

"National Incident Management System." A system that
provides a consistent nationwide approach for Federal, State,
local and tribal governments, the private sector and
nongovernmental organizations to work effectively and
efficiently together to prepare for, prevent, protect against,
respond to and recover from domestic incidents, regardless of

1 cause, size or complexity. The term includes any successor
2 system established by the Federal Government.

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

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

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

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

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

1 agency of the foregoing].

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

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

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

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

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

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

21 (1) Identify needs and define resources.

22 (2) Provide housing and promote restoration.

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

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

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

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

30 "Regional." Pertaining to regional task forces.

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

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

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

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

29 "Specialized regional response team." A complement of
30 individuals established by a regional task force and organized

1 in accordance with standards developed by the Pennsylvania
2 Emergency Management Agency and applicable Federal agencies to
3 respond to emergencies involving an actual or potential
4 disaster.

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

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

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

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

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

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

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

4 "Terrorism." An act or activity that:

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

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

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

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

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

25 § 7103. [Purposes] Purpose of part.

26 [The purposes of this part are to:

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

30 (2) Prepare for prompt and efficient rescue, care and

1 treatment of persons victimized or threatened by disaster.

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

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

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

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

15 (7) Provide a disaster management system embodying all
16 aspects of predisaster preparedness and postdisaster
17 response.

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

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

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

28 (11) Further programs of education and training.

29 (12) Establish integrated communications capabilities
30 and warning systems.]

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

9 § 7301. General authority of Governor.

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

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

18 (c) Declaration of disaster emergency.--

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

23 (2) The [state of] declared disaster emergency shall
24 continue until the Governor finds that the threat or danger
25 has passed or the disaster has been dealt with to the extent
26 that emergency conditions no longer exist and terminates the
27 [state of] declared disaster emergency by executive order or
28 proclamation, but no [state of] declared disaster emergency
29 may continue for longer than 90 days unless renewed by the
30 Governor.

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

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

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

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

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

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

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

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

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

28 (4) Subject to any applicable requirements for
29 compensation under section 7313(10) (relating to powers and
30 duties), commandeer or utilize any private, public or quasi-

1 public property if necessary to cope with the disaster
2 emergency.

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

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

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

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

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

23 § 7302. Temporary housing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 § 7304. Community disaster loans.

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

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

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

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

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

12 § 7305. Individual and family assistance.

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

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

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

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

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

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

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

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

1 of the public assistance and mitigation project or plan.

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

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

17 Section 2. Title 35 is amended by adding a section to read:
18 § 7307.1. Use and appropriation of unused Commonwealth funds.

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

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

5 Section 3. Section 7308 of Title 35 is amended to read:

6 § 7308. Laws suspended during emergency assignments.

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

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

17 § 7309. Penalty for false application.

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

24 Section 5. Sections 7312, 7313, 7314, 7320, 7501, 7502,
25 7503, 7504, 7511, 7512, 7513, 7514 and 7515 of Title 35 are
26 amended to read:

27 § 7312. [Organization.] Pennsylvania Emergency Management
28 Council.

29 [This agency shall consist of and be organized substantially
30 as follows:

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

6 (a) Establishment.--

7 (1) The Pennsylvania Emergency Management Council is
8 established within the agency.

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

1 authorize a member of their respective Houses of the
2 General Assembly to serve in their stead.]

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

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

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

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

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

28 (c) Regular meetings.--For the conduct of routine business,
29 including particularly the consideration of matters of basic
30 policy, the council shall meet at the call of the [chairman and

1 at least three times during each calendar year.] chair.

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

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

25 (f) Staff.--[The council shall, within the limitations of
26 appropriations made to the agency, arrange for the employment of
27 such professional, technical, administrative and other staff
28 personnel as may be deemed essential to the development and
29 maintenance of a Statewide civil defense and disaster plan and
30 program of the type hereinafter prescribed. All such personnel

1 shall be employed and subject to pertinent provisions of the act
2 of August 5, 1941 (P.L.752, No.286), known as the "Civil Service
3 Act," and the Commonwealth Compensation Plan.] The agency shall
4 provide the council with such staff and other services as may be
5 required for the council to carry out its responsibilities under
6 this part.

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

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

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

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

10 § 7313. Powers and duties.

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

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

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

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

27 (iii) Assistance to Commonwealth agencies, regional
28 task forces, local government officials, [schools and
29 custodial child] dependent care facilities [in designing
30 emergency management plans and training programs] and the

1 private sector in developing their systems of emergency
2 management and preparedness.

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

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

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

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

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

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

30 (x) Recommendations for zoning, building and other

1 land-use controls; safety measures pertaining to
2 nonpermanent or semipermanent structures; resource
3 conservation and allocation; and other preventive and
4 preparedness measures designed to eliminate or reduce
5 disasters or their impact.

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

11 (1.1) Maintain and keep current the State emergency
12 operations plan, the State hazard mitigation plan and any
13 other related and supporting plans as necessary or required
14 by Federal or State law or regulation.

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

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

26 (4) [To provide] Provide technical guidance, advice and
27 assistance to Commonwealth agencies, [political subdivisions,
28 schools and custodial child care facilities] regional task
29 forces, county emergency management programs, local emergency
30 management programs, school districts and dependent care

1 facilities in the preparation of [disaster] emergency
2 [management] plans or components thereof [and to periodically
3 review such plans and suggest or require revisions].

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

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

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

29 (8) [To determine] Determine the need for, maintain
30 information regarding and procure materials, supplies,

1 equipment, facilities and services necessary for [disaster
2 emergency readiness, response and recovery] preparedness and
3 emergency management.

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

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

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

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

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

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

1 amendment or reenactment thereof.] the Stafford Act.

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

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

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

20 (17.1) Report semiannually to the Governor and the
21 chairman and minority chairman of the Appropriations
22 Committee of the Senate and the chairman and minority
23 chairman of the Appropriations Committee of the House of
24 Representatives regarding all grants awarded by the agency
25 from Federal disaster assistance or relief funds, homeland
26 security and defense funds, avian flu/pandemic preparedness
27 or other public health emergency funds. The reports shall
28 include information relating to the entity receiving grant
29 money from the agency, including the name and address of the
30 entity, the amount of the grant, the date of issuance and the

1 purpose of the grant. Reports shall be submitted on or before
2 August 15 of each year for grants awarded during the period
3 from January 1 through June 30 and on or before February 15
4 of each year for grants awarded during the period from July 1
5 through December 31.

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

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

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

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

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

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

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

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

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

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

29 (25) Assist with the implementation of the National
30 Infrastructure Protection Plan and the Commonwealth Critical

1 Infrastructure Preparedness Plan in coordination with other
2 Commonwealth agencies as designated by the Governor.

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

4 § 7314. Utilization of existing services and facilities.

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

13 § 7320. Radiological emergency [response preparedness, planning
14 and recovery] preparedness and management program.

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

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

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

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

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

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

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

26 (6) [Seeking formal Federal review and approval of the
27 Commonwealth's Annex E to its Emergency Management Plan and
28 the county, municipal and other plans in accordance with 44
29 CFR Part 350 (relating to review and approval of state and
30 local radiological emergency plans and preparedness). Once

1 Federal approval is obtained for the plans, the agency shall
2 seek to maintain that approval status.] (Reserved).

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

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

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

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

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

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

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

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

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

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

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

28 (18) [Providing] Coordinating redundant communications'
29 capability between the agency's headquarters and each
30 [generating] commercial nuclear power 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] A nonlapsing restricted receipt account to be known as the Radiological Emergency Response Planning and Preparedness Program Fund is established in the General 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).

§ 7501. General authority of [political subdivisions] county and local emergency management programs.

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

(b) Declaration of local disaster emergency.--

(1) A local disaster emergency may be declared by official action of the governing body of a political subdivision upon finding a disaster emergency has occurred or

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

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

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

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

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

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

29 (7) The effect of a declaration of a local disaster
30 emergency is to activate the response and recovery aspects of

any and all applicable local emergency [management] plans and to authorize the furnishing of aid and assistance thereunder.

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

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

(e) Employment of personnel.--In order to meet prescribed requirements for eligibility to receive Federal contributions authorized under the provisions of the Federal Civil Defense Act of 1950 (64 Stat. 1245, 50 U.S.C. App. § 2251 et seq.) or any amendment or reenactment thereof, political subdivisions are authorized to avail themselves of services offered by the State Civil Service Commission under the provisions of the act of August 5, 1941 (P.L.752, No.286), known as the ["Civil Service Act,[" in connection with the employment of personnel in [local

1 organizations] a county emergency management program or a local
2 emergency management program established pursuant to the
3 provisions of this part.

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

13 § 7502. [Local coordinator of emergency management] County and
14 local emergency management coordinators.

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

27 (b) County coordinator.--[A coordinator shall be appointed
28 in all counties with approval of the director of the agency. The
29 executive officer or governing body of the county shall
30 recommend a coordinator whose recommendation must be endorsed by

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

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

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

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

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

subdivisions. Any other law notwithstanding, a local government official may be recommended for appointment.] Local coordinators.--

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

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

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

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

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

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

(ii) The agency, or appointing entity, may remove a county or local coordinator who fails to comply with the continuing education and certification requirements

1 prescribed by the agency.

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

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

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

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

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

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

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

1 of the coordinator.

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

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

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

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

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

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

activities assigned emergency functions in accordance with
agency directives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (11) Maintaining training records for coordinators of

1 local emergency management programs within the county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (c) Local emergency management program.--A municipality
29 required to establish a local emergency management program under
30 section 7501 (relating to general authority of county and local

emergency management programs) shall develop, maintain and manage programs and capabilities as prescribed by the agency which shall include, but not be limited to, the following:

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

(2) Maintaining a current list of municipal resources.

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

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

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

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

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

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

(9) Coordinating emergency communications by doing the following:

(i) Establishing and managing a municipal emergency

1 operations center in compliance with the National
2 Incident Management System.

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

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

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

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

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

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

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

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

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

30 The coordinator shall provide an annual report to the

1 coordinator of the county emergency management program where
2 the municipality is located on or before September 1 of each
3 year describing the status of the plans reviewed under this
4 paragraph.

5 § 7504. Coordination[,] and assistance [and mutual aid].

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

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

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

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

29 (d) Interstate mutual aid arrangements.--The coordinator of
30 each local organization may, subject to approval of the

1 Governor, enter into mutual aid arrangements with similar
2 agencies or organizations in other states for reciprocal
3 disaster emergency services.

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

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

11 § 7511. Appropriations by political subdivisions.

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

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

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

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

25 (1) Nothing in this subchapter or any other provision of
26 this part shall be deemed to limit the power of any political
27 subdivision to appropriate money for the purpose of paying
28 the expenses of a local [organization] emergency management
29 program or a county emergency management program having
30 jurisdiction both within and without the political

1 subdivision even though an appropriation has been or is to be
2 made to another local [organization] emergency management
3 program or another county emergency management program
4 coterminous with or having jurisdiction within the political
5 subdivision.

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

15 § 7512. Law applicable to local [organizations] emergency
16 management programs and county emergency management
17 programs.

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

29 [(b) Second class townships.--No purchase or purchases shall
30 be made, no contract entered into and no expenses incurred by

1 any local organization which involves the payment of more than
2 \$25 out of the treasury of any second class township unless the
3 proposed expenditure has been approved in writing by the
4 township supervisors. If any purchase or contract is made or
5 other expenses incurred contrary to the provisions of this
6 subsection, the township shall not be responsible for the
7 payment thereof but the person acting for the local organization
8 in the transaction shall be personally liable for the payment.]

9 § 7513. Agreements among political subdivisions.

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

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

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

27 (i) Specify the proportionate share of the expenses
28 of the [organization] local emergency management program
29 or the county emergency management program, as the case
30 may be, to be paid by each political subdivision party to

1 the agreement and an estimate of the amount required to
2 be appropriated by each of them for the purpose of paying
3 the expenses. [The agreement shall be effective]

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

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

30 § 7514. Payments involving one political subdivision.

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

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

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

21 (b) Gift or grant of money.--Any gift or grant of money made
22 to the local [organization] emergency management program or the
23 county emergency management program or to the political
24 subdivision for the payment of expenses incurred or to be
25 incurred by or for the [organization] local emergency management
26 program or the county emergency management program, as the case
27 may be, shall be deposited in the treasury of the political
28 subdivision and shall be appropriated by the political
29 subdivision for the purpose for which the gift or grant was
30 made, and any bills or claims to be paid from the gift or grant

1 shall be paid in the manner provided in this subchapter for the
2 payment of other bills and claims against the political
3 subdivision.

4 § 7515. Payments involving two or more political subdivisions.

5 (a) General rule.--Where two or more political subdivisions
6 have entered into an agreement as provided by section 7513
7 (relating to agreements among political subdivisions), all bills
8 and claims for expenses incurred by or for the local

9 [organization] emergency management program or the county

10 emergency management program shall thereafter be paid in the
11 first instance by the political subdivision named as agent in
12 the agreement in the manner provided in section 7514 (relating
13 to payments involving one political subdivision) as though the
14 organization were coterminous with the political subdivision and
15 the [organization] local emergency management program or the
16 county emergency management program, as the case may be, shall
17 be subject to all of the laws governing the making of contracts
18 or purchases, the employment of persons or otherwise incurring
19 financial obligations which apply to the political subdivision.

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

28 (c) Reimbursement of agent.--

29 (1) Each political subdivision requested to make
30 reimbursement shall do so within 30 days after the request

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

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

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

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

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

political subdivision named as agent in the agreement of the appropriation and the purpose for which it is available.

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

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

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

SUBCHAPTER C

REGIONAL ALL-HAZARDS PREPAREDNESS

AND EMERGENCY MANAGEMENT

Sec.

7521. Regional task forces.

7522. Specialized regional task force teams.

7523. Urban search and rescue task force.

7524. Specialized Statewide response teams.

7525. Grant program.

7526. Workers' compensation premiums.

§ 7521. Regional task forces.

(a) Establishment.--The agency, in coordination with Commonwealth agencies as designated by the Governor, county and

1 local emergency management programs, health, law enforcement,
2 public safety and volunteer organizations and other officials
3 and representatives from dedicated emergency response
4 organizations, private business and industry, institutions of
5 higher education, hospitals and medical care facilities and
6 other entities responsible for the health, safety and welfare of
7 the citizens of this Commonwealth, shall establish regional task
8 forces throughout this Commonwealth.

9 (b) Organization.--

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

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

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

29 (c) Plans.--Each regional task force shall prepare an all-
30 hazards emergency operations plan that encompasses the

1 comprising counties in accordance with subsection (d) and
2 guidelines developed by the agency. The agency shall review and
3 accept each plan in a timely manner, but no later than 90 days
4 after receipt of the plan by the agency. The task force shall
5 review and update the plan triennially and submit it to the
6 agency for review.

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

9 (1) To develop and maintain an all-hazards emergency
10 operations plan.

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

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

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

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

30 (6) To participate in and conduct exercises as required

1 by the agency and the Federal Government.

2 (7) To participate in and conduct capabilities-based
3 planning activities and assessments.

4 § 7522. Specialized regional task force teams.

5 (a) Establishment.--A regional task force may establish one
6 or more specialized regional response teams and incident
7 management teams.

8 (b) Organization.--

9 (1) Specialized regional task force teams shall be
10 organized in accordance with guidelines approved by the
11 regional task force executive board and the agency.

12 (2) The regional task force must enter into a written
13 agreement with each specialized regional task force team that
14 it establishes.

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

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

25 (c) Activation and deployment.--A specialized regional task
26 force team may be activated and deployed by the Governor or the
27 designee of the Governor or an official designated by the
28 executive board of the regional task force that established it.

29 § 7523. Urban search and rescue task force.

30 (a) Establishment of task forces.--The agency shall

1 establish urban search and rescue task forces throughout this
2 Commonwealth.

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

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

13 (d) Activation and deployment.--

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

23 (2) A component or subgroup of an urban search and
24 rescue task force may only be activated and deployed by the
25 agency, a county included in the task force of which it is a
26 component or subgroup or the task force itself. During the
27 activation and deployment, the administrative and operational
28 costs of the urban search and rescue task force component or
29 subgroup, its individual members and their employers shall be
30 paid by the deploying entity requesting the activation or

deployment.

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

§ 7524. Specialized Statewide response teams.

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

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

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

§ 7525. Grant program.

(a) Authorization.--The agency may award grants to regional task forces, specialized regional task force teams, specialized Statewide response teams and urban search and rescue task forces to assist them in carrying out the provisions of this part, including, but not limited to, entering into letters of agreement or mutual aid agreements or providing mutual aid.

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

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

9 § 7526. Workers compensation premiums.

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

15 Section 7. Sections 7701, 7702, 7703, 7704, 7705, 7706 and
16 7707 of Title 35 are amended to read:

17 § 7701. Duties concerning disaster [prevention] preparedness
18 and emergency management.

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

28 (b) Department of Environmental [Resources] Protection.--The
29 Department of Environmental [Resources] Protection, in
30 conjunction with the [Pennsylvania Emergency Management Agency,]

1 Department of Community and Economic Development, the Department
2 of Transportation and the agency, shall keep land uses, flood
3 plain designations and construction of structures and other
4 facilities under continuing study and identify areas which are
5 particularly susceptible to severe land shifting, subsidence,
6 flood or other catastrophic occurrence. The studies under this
7 subsection shall concentrate on means of reducing or avoiding
8 the dangers caused by this occurrence or the consequences
9 thereof.

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

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

26 (e) Vehicles.--School bus and transportation vehicles owned,
27 contracted for or leased by [universities, colleges]
28 institutions of higher education and school districts which
29 receive public funds shall be made available to local, county,
30 regional and [State] Commonwealth officials for emergency

1 planning and exercise purposes and actual [service in the event
2 of an emergency evacuation] emergency services.

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

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

27 (h) Large event plans.--

28 (1) When an event involves the congregation of such a
29 large number of people such that a disaster emergency could
30 potentially overwhelm the resources of the dedicated

1 emergency response organizations responsible for the event or
2 would be likely to respond in the geographic area where the
3 event is to be held, the sponsoring organization of the event
4 shall develop an emergency action plan as specified by the
5 agency.

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

9 (i) Sharing of information.--

10 (1) This subsection applies to any of the following
11 public entities which possesses or acquires all-hazards
12 information:

13 (i) A Commonwealth agency.

14 (ii) A court or an entity or office of the Unified
15 Judicial System.

16 (iii) The General Assembly.

17 (iv) A political subdivision.

18 (v) A dedicated emergency response organization.

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

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

27 (ii) Cooperate in and facilitate the collection and
28 validation of the information and the production of
29 reports based on the information with contents and
30 formats which permit dissemination that maximizes the

1 utility of the information in protecting the territory,
2 citizens and interests of this Commonwealth.

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

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

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

13 (ii) Cooperate in and facilitate the collection and
14 validation of the information and the production of
15 reports based on the information.

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

22 § 7702. Acceptance of services, gifts, grants and loans.

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

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

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

17 (c) Indemnification.--

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

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

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

1 subsection.

2 § 7703. Interstate arrangements.

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

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

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

27 § 7704. Immunity from civil liability.

28 (a) General rule.--Neither the Commonwealth, nor any
29 Commonwealth agency, nor any political subdivision [thereof nor
30 other agencies] nor, except in cases of willful misconduct, the

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

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

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

30 (d) Effect on other immunities.--The immunity provided in

1 this section does not supersede and is in addition to other
2 immunities provided by law.

3 § 7705. Special powers of [local agencies] political
4 subdivisions.

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

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

27 (d) Limitations.--Reimbursements pursuant to [subsection
28 (c)] section 1508(b) of The Fiscal Code shall not be made to the
29 extent that the Commonwealth, a political subdivision or a
30 municipal authority may be eligible for assistance from the

1 Federal Government.

2 § 7706. [Compensation for accidental injury] Workers'
3 compensation.

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

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

18 (2) A sum not exceeding \$15,000 for reimbursement for
19 medical and hospital expenses associated with accidental
20 injury.

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

25 Volunteers who are members of the Commonwealth emergency
26 management program, a county emergency management program or a
27 local emergency management program are deemed to be employees of
28 the Commonwealth or of the county or municipality by whose
29 program they are deployed for purposes of the act of June 2,
30 1915 (P.L.736, No.338), known as the Workers' Compensation Act,

1 when engaging in or performing the following activities:

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

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

6 (3) Scheduled training, exercise or related official
7 functions designated and authorized by the applicable
8 emergency management official.

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

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

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

22 (e) Construction.--The provisions of this section shall not
23 supersede Chapter 76 (relating to emergency management
24 assistance compact).

25 § 7707. Penalties.

26 (a) General rule.--The chief elected executive official of a
27 political subdivision may order or direct only the resources
28 within the official's given authority. Any person [violating any
29 of the plans and programs adopted and promulgated by the
30 Pennsylvania Emergency Management Council shall, upon conviction

thereof in a summary proceeding, be sentenced] subject to the
authority of:

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

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

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

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

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

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

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

(b) Loss of funds.--[Those political subdivisions in
violation of section 7501 (relating to general authority of
political subdivisions), section 7502 (relating to local
coordinator of emergency management), section 7503 (relating to
powers and duties of political subdivisions) or section 7504
(relating to coordination, assistance and mutual aid) shall, at
the direction of the council, be subject to loss of Federal

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

8 Section 8. Title 35 is amended by adding sections to read:
9 § 7714. Authority of Federal law enforcement officers.

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

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

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

29 § 7715. Confidentiality.

30 (a) Right-to-Know Law exemption.--The following shall be

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

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

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

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

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

26 § 7716. Adverse interests.

27 A Commonwealth or local official or employee may serve in a
28 leadership role in a nonprofit entity, notwithstanding the act
29 of July 19, 1957 (P.L.1017, No.451), known as the State Adverse
30 Interest Act, as long as the official or employee when acting in

a Commonwealth or local government capacity recuses himself from any official duties or decisions which pertain to the nonprofit entity.

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

CHAPTER 79

PUBLIC HEALTH EMERGENCY MEASURES

Sec.

7901. Definitions.

7901.1. Public health and medical emergency coordination.

7902. Temporary isolation or quarantine without notice.

7903. Continued isolation or quarantine.

7904. Miscellaneous.

§ 7901. 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:

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

§ 7901.1. Public health and medical emergency coordination.

(a) Secretary of Health.--

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

1 (2) Commonwealth agencies shall conduct public health
2 and medical assessment, mitigation, preparedness, response
3 and recovery activities in accordance with direction provided
4 by the Secretary of Health. The Secretary of Health shall
5 coordinate with the agency to the extent necessary.

6 (b) Department of Health.--The Department of Health shall
7 provide technical guidance, advice and assistance, as
8 appropriate, to county emergency management programs, local
9 emergency management programs and local health departments to
10 carry out their responsibility to prepare emergency plans or
11 components thereof and to execute public health and medical
12 assessment, mitigation, preparedness, response and recovery
13 activities in their jurisdiction.

14 § 7902. Temporary isolation or quarantine without notice.

15 (a) Temporary isolation or quarantine.--

16 (1) In the case of an all-hazards emergency, the
17 Governor, in consultation with the Secretary of Health,
18 through a written order to prevent or limit the transmission
19 of a contagious or potentially contagious disease, infection
20 or hazardous agent, may temporarily isolate or quarantine:

21 (i) one or more identified individuals; or

22 (ii) one or more groups whose individual members are
23 identified by past or present location or other
24 characteristic which would place them at risk for
25 transmitting a contagious or potentially contagious
26 disease, infection or hazardous agent. Identifying
27 characteristics for the individual members of such a
28 group may include, but not be limited to:

29 (A) Being or having been present in or at an
30 identified geographic area, address, structure, event

1 or mode of transport, during a specified period of
2 time.

3 (B) Being or having been in contact with an
4 identified individual during a specified period of
5 time.

6 (C) Being or having been in contact with, or
7 consumed an item or items during a specified period
8 of time, which items have been identified as
9 transmitting or potentially transmitting a contagious
10 or potentially contagious disease, infection or
11 hazardous agent.

12 (D) Having or having had a specified employer,
13 workplace or job function during a specified period
14 of time.

15 (E) Having or having had a specified name,
16 address or other personal identifier where these are
17 known.

18 (2) This subsection shall not be construed to require a
19 declaration of disaster emergency by the Governor in order to
20 be effective.

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

23 (1) The identity of each quarantine subject by name or
24 other appropriate identifying information, including, but not
25 limited to, identifying characteristics that make individuals
26 part of a group subject to isolation or quarantine.

27 (2) The name and address, or other appropriate
28 identifying information, of the facility or other location to
29 which the quarantine subject will be isolated or quarantined.
30 Quarantine subjects may be isolated or quarantined within

1 specified geographic areas, structures or modes of transport.

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

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

6 (5) A statement that quarantine subjects are entitled to
7 representation by legal counsel at all stages of the
8 proceedings.

9 (6) A copy of this section and relevant definitions
10 under this part.

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

12 (1) The Department of Health, or the local health
13 department if the quarantine subject is within the
14 jurisdiction of a local health department, shall deliver a
15 copy of the written order to the appropriate law enforcement
16 organization. Delivery may be effected by any appropriate
17 means, including electronic transmission.

18 (2) The law enforcement organization shall immediately,
19 without the need for a warrant, take the quarantine subject
20 to the facility or other location specified in the order, if
21 properly equipped and trained to do so, or ensure that there
22 is no ingress or egress from the place of isolation or
23 quarantine, as appropriate. The law enforcement organization
24 may take measures as appropriate under the circumstances to
25 enforce the order against the quarantine subject.

26 (3) A copy of the written order shall be provided to the
27 quarantine subject. If it is impractical to provide a copy of
28 the written order to each quarantine subject, the law
29 enforcement organization shall communicate the order in any
30 other manner reasonably likely under the circumstances to

1 reach the quarantine subjects.

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

8 § 7903. Continued isolation or quarantine.

9 (a) Continued isolation or quarantine.--If a determination
10 is made to continue the isolation or quarantine commenced under
11 section 7902 (relating to temporary isolation or quarantine
12 without notice), the Department of Health or local health
13 department, depending upon whose jurisdiction the quarantine
14 subject is within, shall within 24 hours following the issuance
15 by the Governor of the written order under section 7902(a) file
16 a petition with a court of competent jurisdiction for a hearing
17 to authorize the continued isolation or quarantine. All of the
18 following shall apply:

19 (1) The court shall hold a hearing on the petition not
20 more than 72 hours after the filing of the petition to
21 determine whether continued isolation or quarantine is
22 warranted.

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

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

29 (4) The quarantine subject has the right to be present,
30 cross-examine witnesses and present testimony. If a party

1 cannot personally appear before the court due to the nature
2 of the disease, infection or hazardous agent, the court may
3 determine the manner in which the hearing shall occur,
4 including through the use of closed-circuit television.

5 (5) If the number of individuals in a group quarantine
6 subject is too numerous to allow for individual hearings
7 within the 72-hour time frame or it is not possible to hold
8 individual hearings because not every member of the group can
9 be individually identified within the 72-hour time frame, the
10 court may determine that the interests of the group may be
11 represented by an authorized representative, which may be
12 appointed by the court.

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

16 (7) A quarantine subject is entitled to representation
17 by legal counsel at all stages of any proceedings under this
18 section. If the quarantine subject is without financial
19 resources or is otherwise unable to employ counsel, the court
20 shall provide counsel for the quarantine subject.

21 (b) Continuation warranted.--If the court determines
22 continued isolation or quarantine is warranted, the court shall
23 so order the continued isolation or quarantine and shall fix the
24 time and duration of the isolation or quarantine.

25 § 7904. Miscellaneous.

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

27 (1) If the order of isolation or quarantine issued under
28 section 7902 (relating to temporary isolation or quarantine
29 without notice) is issued with respect to individuals under
30 the jurisdiction of a local health department, the county or

1 municipality in which the local health department operates
2 shall assure, at its expense, that the individuals are
3 provided with adequate and safe food, water and shelter and
4 with appropriate medical care for the duration of the
5 isolation or quarantine.

6 (2) If the order of isolation or quarantine issued under
7 section 7902 is issued with respect to individuals not under
8 the jurisdiction of a local health department, the
9 Commonwealth shall assure, at its expense, that the
10 individuals are provided with adequate and safe food, water
11 and shelter and with appropriate medical care for the
12 duration of the isolation or quarantine.

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

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

21 (d) Emergency administration or dispensing of drugs or other
22 pharmaceuticals.--When the Governor has declared a disaster
23 emergency or when the Secretary of Health determines that it is
24 necessary to protect the health and safety of the public, the
25 Secretary of Health or designee may authorize any person to
26 administer vaccines or dispense or administer drugs.

27 (1) (i) The authorization shall be in writing and shall
28 state the vaccines or drugs to be administered or
29 dispensed, the categories of persons included in the
30 authorization, any additional training required before

1 such persons may perform vaccine administration or drug
2 dispensing or administration, any supervision required
3 for performance of the vaccine administration or drug
4 dispensing or administration, and the duration of the
5 authorization.

6 (ii) The Secretary of Health or designee may in
7 writing extend the scope and duration of the
8 authorization as the situation warrants.

9 (iii) In addition to the civil immunity afforded in
10 Chapter 77 (relating to miscellaneous provisions) and any
11 other applicable immunities, any person authorized by the
12 Secretary of Health under this section shall not be
13 subject to professional discipline, administrative
14 penalty or other administrative sanction or criminal
15 liability for good faith performance of the vaccine
16 administration or drug dispensing or administration
17 duties performed in accordance with this section.

18 (2) (i) When the Governor has declared a disaster
19 emergency or when the Secretary of Health determines that
20 it is necessary to protect the health and safety of the
21 public, the Secretary of Health or designee may in
22 writing authorize drugs to be dispensed to an individual
23 to give to family members or others who have authorized
24 the individual to receive the drugs on their behalf.

25 (ii) Persons dispensing drugs shall only provide the
26 drugs for family members or others for whom complete
27 information as required by the Department of Health has
28 been presented, and who are determined, based on that
29 information, to meet the criteria for dispensing as
30 established or adopted by the Department of Health.

1 (iii) A minor who appears able to understand and
2 carry out the responsibilities enumerated in this section
3 may receive the drugs.

4 Section 10. Repeals are as follows:

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

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

11 Section 11. This act shall take effect immediately.