
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 35 Session of
2013

INTRODUCED BY BAKER, RAFFERTY, YUDICHAK, ERICKSON, FONTANA, YAW,
MENSCH, VANCE, VULAKOVICH, SOLOBAY AND GORDNER,
FEBRUARY 6, 2013

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
FEBRUARY 6, 2013

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;
12 establishing a system for the use of volunteer health
13 practitioners; providing reasonable safeguards to assure that
14 health practitioners are appropriately licensed and regulated
15 to protect the public's health; providing for limitations on
16 civil liability and for applicability of workers'
17 compensation and occupational disease law; and making a
18 related repeal.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

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

24 § 7102. Definitions.

25 The following words and phrases when used in this part shall

1 have, unless the context clearly indicates otherwise, the
2 meanings given to them in this section:

3 "Agency." The Pennsylvania Emergency Management Agency.

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

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

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

20 "Commonwealth agency." Any of the following:

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

23 (2) The Governor's Office.

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

29 (4) An organization established by the Constitution of
30 Pennsylvania, a statute or an executive order that performs

1 or is intended to perform an essential governmental function.

2 (5) A Commonwealth authority or entity.

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

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

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

22 "Council." The Pennsylvania Emergency Management Council.

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

29 "County emergency management program." An emergency
30 management and preparedness program established and maintained

1 by a county under section 7501 (relating to general authority of
2 county and local emergency management programs).

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

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

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

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

23 "Director." The director of the Pennsylvania Emergency
24 Management Agency.

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

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

1 (1) affect seriously the safety, health or welfare of a
2 substantial number of [citizens of this Commonwealth] people
3 or preclude the operation or use of essential public
4 facilities; and

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

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

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

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

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

28 "Emergency operations plan." A document prepared by a
29 political subdivision that is consistent with Federal and State
30 requirements that assigns responsibility to agencies and

1 departments under the jurisdiction and control of the political
2 subdivision for carrying out specific actions in a disaster
3 emergency and states, among other things, lines of authority,
4 response actions and coordination requirements.

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

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

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

1 "Federal emergency." An emergency as defined in section
2 102(1) of The Robert T. Stafford Disaster Relief and Emergency
3 Assistance Act (Public Law 93-288, 42 U.S.C. § 5122(1)).

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

6 (1) is employed by the United States;

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

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

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

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

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

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

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

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

30 (2) Characterized by the combination of facilities,

1 equipment, personnel, procedures and communications operating
2 within a common organizational structure and designed to aid
3 in the management of resources during all kinds of
4 emergencies regardless of size or complexity.

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

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

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

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

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

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

28 "Letter of agreement." The written agreement of a public,
29 semipublic, private or nonprofit corporation, business,
30 association, partnership, authority or other entity or an

1 individual agreeing to provide personnel, equipment, supplies,
2 training facilities or other resources either directly to or in
3 support of preparedness and emergency management.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 public utility, trust[,] or estate[, public or private
2 institution, group, the Commonwealth or a local agency or
3 political subdivision and any legal successor, representative or
4 agency of the foregoing].

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

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

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

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

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

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

24 (1) Identify needs and define resources.

25 (2) Provide housing and promote restoration.

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

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

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

1 (6) Develop initiatives to mitigate the effects of
2 future incidents.

3 "Regional." Pertaining to regional task forces.

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

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

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

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

1 planning documents.

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

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

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

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

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

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

1 disaster.

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

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

7 "Terrorism." An act or activity that:

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

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

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

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

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

28 § 7103. [Purposes] Purpose of part.

29 [The purposes of this part are to:

30 (1) Reduce vulnerability of people and communities of

1 this Commonwealth to damage, injury and loss of life and
2 property resulting from disasters.

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

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

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

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

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

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

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

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

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

1 (11) Further programs of education and training.

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

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

12 § 7301. General authority of Governor.

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

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

21 (c) Declaration of disaster emergency.--

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

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

1 proclamation, but no [state of] declared disaster emergency
2 may continue for longer than 90 days unless renewed by the
3 Governor.

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

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

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

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

1 facilities assembled, stockpiled or arranged to be made
2 available pursuant to this part or any other provision of law
3 relating to disaster emergencies.

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

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

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

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

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

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

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

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

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

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

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

26 § 7302. Temporary housing.

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

1 Commonwealth, the Governor is authorized:

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

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

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

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

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

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

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

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

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

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

19 [(d) Definitions.--As used in this section, "major disaster"
20 and "emergency" shall have the same meanings as defined or used
21 in The Robert T. Stafford Disaster Relief and Emergency
22 Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.).]
23 § 7303. Debris and wreckage removal.

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

29 (1) Notwithstanding any other provision of law, through
30 the use of Commonwealth agencies [or instrumentalities], to

1 clear or remove from publicly or privately owned land or
2 water[,] debris and wreckage which may threaten public health
3 or safety, or public or private property.

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

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

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

20 § 7304. Community disaster loans.

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

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

1 [any] the applicant [political subdivision].

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

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

15 § 7305. Individual and family assistance.

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

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

30 (2) To enter into an agreement with the Federal

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

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

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

20 § 7305.1. Grants for public assistance and hazard mitigation.

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

1 the availability of appropriated funds, to enter into an
2 agreement with the Federal Government or any Federal agency or
3 officer pledging the Commonwealth to participate in the funding
4 of the public assistance and mitigation project or plan.

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

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

20 Section 2. Title 35 is amended by adding a section to read:
21 § 7307.1. Use and appropriation of unused Commonwealth funds.

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

1 activities related to a potential or actual disaster in a manner
2 as the Governor shall approve, and the funds are appropriated to
3 the Governor for that purpose.

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

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

9 § 7308. Laws suspended during emergency assignments.

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

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

20 § 7309. Penalty for false application.

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

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

30 § 7312. [Organization.] Pennsylvania Emergency Management

1 Council.

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

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

9 (a) Establishment.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (i) Administrative provisions.--Except as otherwise provided

1 in this part, the agency shall be subject to the provisions of
2 the act of April 9, 1929 (P.L.177, No.175), known as "The
3 Administrative Code of 1929."]

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

13 § 7313. Powers and duties.

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

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

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

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

30 (iii) Assistance to Commonwealth agencies, regional

1 task forces, local government officials, [schools and
2 custodial child] dependent care facilities [in designing
3 emergency management plans and training programs] and the
4 private sector in developing their systems of emergency
5 management and preparedness.

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

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

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

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

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

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

1 and qualification standards for appointed emergency
2 management coordinators.

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

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

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

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

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

29 (4) [To provide] Provide technical guidance, advice and
30 assistance to Commonwealth agencies, [political subdivisions,

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

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

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

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

1 agency shall remain with that respective agency.

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

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

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

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

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

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

29 (14) [To accept] Accept and coordinate assistance
30 provided by Federal agencies in major disasters or

1 emergencies in accordance with the provisions of [The Robert
2 T. Stafford Disaster Relief and Emergency Assistance Act
3 (Public Law 93-288, 42 U.S.C. § 5121 et seq.), or any
4 amendment or reenactment thereof.] the Stafford Act.

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

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

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

23 (17.1) Report semiannually to the Governor and the
24 chairman and minority chairman of the Appropriations
25 Committee of the Senate and the chairman and minority
26 chairman of the Appropriations Committee of the House of
27 Representatives regarding all grants awarded by the agency
28 from Federal disaster assistance or relief funds, homeland
29 security and defense funds, avian flu/pandemic preparedness
30 or other public health emergency funds. The reports shall

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

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

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

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

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

30 (i) Provide minimum competency testing for their

1 operators.

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

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

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

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

1 to the system.

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

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

7 § 7314. Utilization of existing services and facilities.

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

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

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

30 (b) Agency functions.--The specific functions of the agency

1 under the radiological emergency [response preparedness,
2 planning and recovery] preparedness and management program shall
3 include, but not be limited to:

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

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

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

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

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

29 (6) [Seeking formal Federal review and approval of the
30 Commonwealth's Annex E to its Emergency Management Plan and

1 the county, municipal and other plans in accordance with 44
2 CFR Part 350 (relating to review and approval of state and
3 local radiological emergency plans and preparedness). Once
4 Federal approval is obtained for the plans, the agency shall
5 seek to maintain that approval status.] (Reserved).

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

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

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

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

30 (11) Participation with each [utility] nuclear power

1 plant licensee in planning and program meetings scheduled
2 with [counties, municipalities] political subdivisions,
3 dependent care facilities and school districts.

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

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

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

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

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

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

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

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

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

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

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

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

1 management program.

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

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

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

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

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

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

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

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

30 (b) County coordinator.--[A coordinator shall be appointed

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

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

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

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

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

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

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

12 (2) A temporary or acting coordinator shall be appointed
13 by the chief elected executive officer and the county 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) Notwithstanding any other provision of law, a local
18 government official may be appointed as a coordinator under
19 this subsection, provided that the official complies with the
20 qualifications for appointment prescribed by the agency as
21 contained in this section.

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

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

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

1 (ii) The agency, or appointing entity, may remove a
2 county or local coordinator who fails to comply with the
3 continuing education and certification requirements
4 prescribed by the agency.

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

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

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

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

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

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

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

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

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

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

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

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

30 (2) Establish, equip and staff an emergency operations

1 center, consolidated with warning and communication systems
2 to support government operations in emergencies and provide
3 other essential facilities and equipment for agencies and
4 activities assigned emergency functions in accordance with
5 agency directives.

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

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

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

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

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

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

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

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

30 (11) Participate in the program of integrated flood

1 warning systems under section 7313(6) (relating to powers and
2 duties).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (16) Participating in planning for continuity of
30 municipal government and continuity of municipal operations

1 and providing assistance where feasible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 § 7504. Coordination[,] and assistance [and mutual aid].

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

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

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

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

1 with the provisions of the mutual aid agreements.

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

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

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

14 § 7511. Appropriations by political subdivisions.

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

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

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

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

28 (1) Nothing in this subchapter or any other provision of
29 this part shall be deemed to limit the power of any political
30 subdivision to appropriate money for the purpose of paying

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

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

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

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

1 subdivision.

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

12 § 7513. Agreements among political subdivisions.

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

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

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

30 (i) Specify the proportionate share of the expenses

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

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

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

1 management program, as the case may be, shall be a party to the
2 agreement.

3 § 7514. Payments involving one political subdivision.

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

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

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

24 (b) Gift or grant of money.--Any gift or grant of money made
25 to the local [organization] emergency management program or the
26 county emergency management program or to the political
27 subdivision for the payment of expenses incurred or to be
28 incurred by or for the [organization] local emergency management
29 program or the county emergency management program, as the case
30 may be, shall be deposited in the treasury of the political

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

7 § 7515. Payments involving two or more political subdivisions.

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

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

1 (c) Reimbursement of agent.--

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

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

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

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

28 (1) Any gift or grant of money made to or for the local
29 [organization] emergency management program or the county
30 emergency management program, if made to a political

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

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

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

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

21 SUBCHAPTER C

22 REGIONAL ALL-HAZARDS PREPAREDNESS

23 AND EMERGENCY MANAGEMENT

24 Sec.

25 7521. Regional task forces.

26 7522. Specialized regional task force teams.

27 7523. Urban search and rescue task force.

28 7524. Specialized Statewide response teams.

29 7525. Grant program.

30 7526. Workers' compensation premiums.

1 § 7521. Regional task forces.

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

12 (b) Organization.--

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

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

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

1 the designated member county.

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

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

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

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

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

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

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

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

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

7 § 7522. Specialized regional task force teams.

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

11 (b) Organization.--

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

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

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

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

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

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

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

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

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

16 (d) Activation and deployment.--

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

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

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

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

13 § 7524. Specialized Statewide response teams.

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

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

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

27 § 7525. Grant program.

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

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

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

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

12 § 7526. Workers' compensation premiums.

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

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

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

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

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

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

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

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

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

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

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

30 (h) Large event plans.--

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

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

12 (i) Sharing of information.--

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

16 (i) A Commonwealth agency.

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

19 (iii) The General Assembly.

20 (iv) A political subdivision.

21 (v) A dedicated emergency response organization.

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

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

30 (ii) Cooperate in and facilitate the collection and

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

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

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

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

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

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

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

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

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

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

20 (c) Indemnification.--

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

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

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

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

5 § 7703. Interstate arrangements.

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

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

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

30 § 7704. Immunity from civil liability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 § 7707. Penalties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 § 7715. Confidentiality.

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

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

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

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

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

29 § 7716. Adverse interests.

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

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

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

8 CHAPTER 79

9 PUBLIC HEALTH EMERGENCY MEASURES

10 Sec.

11 7901. Definitions.

12 7901.1. Public health and medical emergency coordination.

13 7902. Temporary isolation or quarantine without notice.

14 7903. Continued isolation or quarantine.

15 7904. Miscellaneous.

16 § 7901. Definitions.

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

20 "Quarantine subject." The subject of an order under section
21 7902(a)(1) (relating to temporary isolation or quarantine
22 without notice). The term includes an individual or group
23 subject to either isolation or quarantine.

24 § 7901.1. Public health and medical emergency coordination.

25 (a) Secretary of Health.--

26 (1) During preparation for or response to a disaster or
27 disaster emergency resulting in or potentially resulting in a
28 significant public health threat with or without medical
29 consequences, the Secretary of Health shall have primary
30 jurisdiction, responsibility and authority for the public

1 health and medical services capabilities of Commonwealth
2 agency emergency services, including the dispensing of
3 medication.

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

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

17 § 7902. Temporary isolation or quarantine without notice.

18 (a) Temporary isolation or quarantine.--

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

24 (i) one or more identified individuals; or

25 (ii) one or more groups whose individual members are
26 identified by past or present location or other
27 characteristic that would place them at risk for
28 transmitting a contagious or potentially contagious
29 disease, infection or hazardous agent. Identifying
30 characteristics for the individual members of such a

1 group may include, but not be limited to:

2 (A) Being or having been present in or at an
3 identified geographic area, address, structure, event
4 or mode of transport, during a specified period of
5 time.

6 (B) Being or having been in contact with an
7 identified individual during a specified period of
8 time.

9 (C) Being or having been in contact with, or
10 consumed an item during a specified period of time
11 that has been identified as transmitting or
12 potentially transmitting a contagious or potentially
13 contagious disease, infection or hazardous agent.

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

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

20 (2) This subsection may not be construed to require a
21 declaration of disaster emergency by the Governor in order to
22 be effective.

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

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

29 (2) The name and address, or other appropriate
30 identifying information, of the facility or other location to

1 which the quarantine subject will be isolated or quarantined.
2 Quarantine subjects may be isolated or quarantined within
3 specified geographic areas, structures or modes of transport.

4 (3) The date and time that the isolation or quarantine
5 will begin.

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

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

11 (6) A copy of this section and relevant definitions
12 under this part.

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

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

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

28 (3) A copy of the written order shall be provided to the
29 quarantine subject. If it is impractical to provide a copy of
30 the written order to each quarantine subject, the law

1 enforcement organization shall communicate the order in any
2 other manner reasonably likely under the circumstances to
3 reach the quarantine subjects.

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

10 § 7903. Continued isolation or quarantine.

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

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

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

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

1 (4) The quarantine subject has the right to be present,
2 cross-examine witnesses and present testimony. If a party
3 cannot personally appear before the court due to the nature
4 of the disease, infection or hazardous agent, the court may
5 determine how the hearing shall occur, including through the
6 use of closed-circuit television.

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

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

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

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

27 § 7904. Miscellaneous.

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

29 (1) If the order of isolation or quarantine issued under
30 section 7902 (relating to temporary isolation or quarantine

1 without notice) is issued with respect to individuals under
2 the jurisdiction of a local health department, the county or
3 municipality where the local health department operates shall
4 assure, at its expense, that the individuals are provided
5 with adequate and safe food, water and shelter and with
6 appropriate medical care for the duration of the isolation or
7 quarantine.

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

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

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

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

30 (1) (i) The authorization shall be in writing and shall

1 state the vaccines or drugs to be administered or
2 dispensed, the categories of persons included in the
3 authorization, additional training required before a
4 person may perform vaccine administration or drug
5 dispensing or administration, supervision required for
6 performance of the vaccine administration or drug
7 dispensing or administration, and the duration of the
8 authorization.

9 (ii) The Secretary of Health or designee may in
10 writing extend the scope and duration of the
11 authorization as the situation warrants.

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

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

28 (ii) Persons dispensing drugs shall only provide the
29 drugs for family members or others for whom complete
30 information as required by the Department of Health has

1 been presented, and who are determined, based on that
2 information, to meet the criteria for dispensing as
3 established or adopted by the Department of Health.

4 (iii) A minor who appears able to understand and
5 carry out the responsibilities enumerated in this section
6 may receive the drugs.

7 CHAPTER 80

8 UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS

9 Sec.

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25 § 8001. Short title of chapter.

26 This chapter shall be known and may be cited as the Uniform
27 Emergency Volunteer Health Practitioners Act.

28 § 8002. Definitions.

29 The following words and phrases when used in this chapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Declaration of disaster emergency." A declaration of
3 emergency issued by a person authorized to do so under the laws
4 of this Commonwealth.

5 "Department." The Department of Health of the Commonwealth.

6 "Disaster relief organization." An entity that provides
7 emergency or disaster relief services that include health or
8 veterinary services provided by volunteer health practitioners
9 and that:

10 (1) is designated or recognized as a provider of those
11 services pursuant to a disaster response and recovery plan
12 adopted by an agency of the Federal Government or the
13 Pennsylvania Emergency Management Agency; or

14 (2) regularly plans and conducts its activities in
15 coordination with an agency of the Federal Government or the
16 Pennsylvania Emergency Management Agency.

17 "Emergency." An event or condition that is a disaster or
18 disaster emergency.

19 "Emergency Management Assistance Compact." The interstate
20 compact approved by Congress by Public Law 104-321, 110 Stat.
21 3877 and set forth in section 7601 (relating to compact
22 enacted).

23 "Entity." A person other than an individual.

24 "Health facility." An entity licensed under the laws of this
25 Commonwealth or another state to provide health or veterinary
26 services.

27 "Health practitioner." An individual licensed under the laws
28 of this Commonwealth or another state to provide health or
29 veterinary services.

30 "Health services." The provision of treatment, care, advice

1 or guidance, of other services or of supplies, related to the
2 health or death of individuals or human populations, to the
3 extent necessary to respond to an emergency, including:

4 (1) the following, concerning the physical or mental
5 condition or functional status of an individual or affecting
6 the structure or function of the body:

7 (i) preventive, diagnostic, therapeutic,
8 rehabilitative, maintenance or palliative care; and

9 (ii) counseling, assessment, procedures or other
10 services;

11 (2) sale or dispensing of a drug, a device, equipment or
12 another item to an individual in accordance with a
13 prescription; and

14 (3) funeral, cremation, cemetery or other mortuary
15 services.

16 "Host entity." An entity operating in this Commonwealth
17 which uses volunteer health practitioners to respond to an
18 emergency.

19 "License." Authorization by a state to engage in health or
20 veterinary services that are unlawful without the authorization.
21 The term includes authorization under the laws of this
22 Commonwealth to an individual to provide health or veterinary
23 services based upon a national certification issued by a public
24 or private entity.

25 "Person." Any individual, corporation, business trust,
26 trust, partnership, limited liability company, association,
27 joint venture, public corporation, government or governmental
28 subdivision, agency or instrumentality or any other legal or
29 commercial entity.

30 "Scope of practice." The extent of the authorization to

1 provide health or veterinary services granted to a health
2 practitioner by a license issued to the health practitioner in
3 the state in which the principal part of the health
4 practitioner's services are rendered, including any conditions
5 imposed by the licensing authority.

6 "State." A state of the United States, the District of
7 Columbia, Puerto Rico, the Virgin Islands or any territory or
8 insular possession subject to the jurisdiction of the United
9 States.

10 "Veterinary services." The provision of treatment, care,
11 advice or guidance or other services or of supplies, related to
12 the health or death of an animal or to animal populations, to
13 the extent necessary to respond to an emergency, including:

14 (1) diagnosis, treatment or prevention of an animal
15 disease, injury or other physical or mental condition by the
16 prescription, administration or dispensing of vaccine,
17 medicine, surgery or therapy;

18 (2) use of a procedure for reproductive management; and

19 (3) monitoring and treatment of animal populations for
20 diseases that have spread or demonstrate the potential to
21 spread to humans.

22 "Volunteer health practitioner." A health practitioner who
23 provides health or veterinary services, whether or not the
24 health practitioner receives compensation for those services.
25 The term does not include a health practitioner who receives
26 compensation pursuant to a preexisting employment relationship
27 with a host entity or affiliate which requires the health
28 practitioner to provide health services in this Commonwealth,
29 unless the health practitioner is not a resident of this
30 Commonwealth and is employed by a disaster relief organization

1 providing services in this Commonwealth while an emergency
2 declaration is in effect.

3 § 8003. Applicability to volunteer health practitioners.

4 This chapter applies to volunteer health practitioners
5 registered with a registration system that complies with section
6 8005 (relating to volunteer health practitioner registration
7 systems) and who provide health or veterinary services in this
8 Commonwealth for a host entity while an emergency declaration is
9 in effect.

10 § 8004. Regulation of services during emergency.

11 (a) Authorization.--When an emergency declaration is in
12 effect, the agency or the department may issue an order to
13 limit, restrict or otherwise regulate:

14 (1) the duration of practice by volunteer health
15 practitioners;

16 (2) the geographical areas in which volunteer health
17 practitioners may practice;

18 (3) the types of volunteer health practitioners who may
19 practice;

20 (4) whether and to what extent volunteer health or
21 veterinary services may be provided by host entities
22 specifically or in general; and

23 (5) any other matters necessary to coordinate
24 effectively the provision of health or veterinary services
25 during the emergency.

26 (b) Procedure.--An order issued under subsection (a) may
27 take effect immediately, without prior notice or comment, and is
28 not a regulation within the meaning of:

29 (1) the act of July 31, 1968 (P.L.769, No.240), referred
30 to as the Commonwealth Documents Law;

1 (2) the act of October 15, 1980 (P.L.950, No.164), known
2 as the Commonwealth Attorneys Act; or

3 (3) the act of June 25, 1982 (P.L.633, No.181), known as
4 the Regulatory Review Act.

5 (c) Host entities.--A host entity that uses volunteer health
6 practitioners to provide health or veterinary services in this
7 Commonwealth shall:

8 (1) consult and coordinate its activities with the
9 agency and the department to the extent practicable to
10 provide for the efficient and effective use of volunteer
11 health practitioners; and

12 (2) comply with any law other than this chapter relating
13 to the management of emergency health or veterinary services.

14 § 8005. Volunteer health practitioner registration systems.

15 (a) Qualifications.--To qualify as a volunteer health
16 practitioner registration system, a system must:

17 (1) accept applications for the registration of
18 volunteer health practitioners before or during an emergency;

19 (2) include information about the licensure and good
20 standing of volunteer health practitioners which is
21 accessible by authorized persons;

22 (3) be capable of confirming the accuracy of information
23 concerning whether a health practitioner is licensed and in
24 good standing before health services or veterinary services
25 are provided under this chapter; and

26 (4) meet one of the following conditions:

27 (i) be an emergency system for advance registration
28 of volunteer health practitioners established by a state
29 and funded through the Health Resources Services
30 Administration under section 319I of the Public Health

1 Service Act (58 Stat. 682, 42 U.S.C. § 247d-7b), such as
2 the State Emergency Registry for Volunteers in
3 Pennsylvania (SERVPA);

4 (ii) be a local unit consisting of trained and
5 equipped emergency response, public health and medical
6 personnel formed pursuant to section 2801 of the Public
7 Health Service Act (42 U.S.C. § 300hh);

8 (iii) be operated by a:

9 (A) disaster relief organization;

10 (B) licensing board;

11 (C) national or regional association of
12 licensing boards or health practitioners;

13 (D) health facility that provides comprehensive
14 inpatient and outpatient health care services,
15 including a tertiary care and teaching hospital; or

16 (E) governmental entity; or

17 (iv) be designated by the agency as a registration
18 system for purposes of this chapter.

19 (b) Confirmation.--When an emergency declaration is in
20 effect, the agency, the department, a person authorized to act
21 on behalf of the agency or a host entity may confirm whether
22 volunteer health practitioners utilized in this Commonwealth are
23 registered with a registration system that complies with
24 subsection (a). Confirmation is limited to obtaining identities
25 of the volunteer health practitioners from the system and
26 determining whether the system indicates that they are licensed
27 and in good standing.

28 (c) Notice.--Upon request of a person in this Commonwealth
29 authorized under subsection (b) or a similarly authorized person
30 in another state, a registration system located in this

1 Commonwealth shall notify the person of the identities of
2 volunteer health practitioners and whether they are licensed and
3 in good standing.

4 (d) Effect.--A host entity is not required to use the
5 services of a volunteer health practitioner even if the health
6 practitioner is registered with a registration system that
7 indicates that the health practitioner is licensed and in good
8 standing.

9 § 8006. Recognition of volunteer health practitioners licensed
10 in other states.

11 (a) Practice allowed.--When an emergency declaration is in
12 effect, a volunteer health practitioner, registered with a
13 registration system that complies with section 8005 (relating to
14 volunteer health practitioner registration systems) and licensed
15 and in good standing in the state upon which the health
16 practitioner's registration is based, may practice in this
17 Commonwealth to the extent authorized by this chapter as if the
18 health practitioner were licensed in this Commonwealth.

19 (b) Exception.--A volunteer health practitioner qualified
20 under subsection (a) is not entitled to the protections of this
21 chapter if the health practitioner is licensed in more than one
22 state and any license of the health practitioner:

23 (1) is suspended, revoked or subject to an agency order
24 limiting or restricting practice privileges; or

25 (2) has been voluntarily terminated under threat of
26 sanction.

27 § 8007. No effect on credentialing and privileging.

28 (a) (Reserved).

29 (b) General rule.--This chapter does not affect
30 credentialing or privileging standards of a health facility and

1 does not preclude a health facility from waiving or modifying
2 those standards while an emergency declaration is in effect.

3 (c) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection:

6 "Credentialing." Obtaining, verifying and assessing the
7 qualifications of a health practitioner to provide treatment,
8 care or services in or for a health facility.

9 "Privileging." The authorizing by an appropriate authority,
10 such as a governing body, of a health practitioner to provide
11 specific treatment, care or services at a health facility
12 subject to limits based on factors that include license,
13 education, training, experience, competence, health status and
14 specialized skill.

15 § 8008. Provision of volunteer health or veterinary services;
16 administrative sanctions.

17 (a) Scope of practice.--Subject to subsections (b) and (c),
18 a volunteer health practitioner shall adhere to the scope of
19 practice for a similarly licensed health practitioner
20 established by the licensing provisions, practice acts or other
21 laws of this Commonwealth.

22 (b) Outside scope of practice.--Except as otherwise provided
23 in subsection (c), this chapter does not authorize a volunteer
24 health practitioner to provide services that are outside the
25 health practitioner's scope of practice, even if a similarly
26 licensed health practitioner in this Commonwealth would be
27 permitted to provide the services.

28 (c) Department authority.--The department may modify or
29 restrict the health or veterinary services that volunteer health
30 practitioners may provide pursuant to this chapter. An order

1 under this subsection may take effect immediately, without prior
2 notice or comment, and is not a regulation within the meaning
3 of:

4 (1) the act of July 31, 1968 (P.L.769, No.240), referred
5 to as the Commonwealth Documents Law;

6 (2) the act of October 15, 1980 (P.L.950, No.164), known
7 as the Commonwealth Attorneys Act; or

8 (3) the act of June 25, 1982 (P.L.633, No.181), known as
9 the Regulatory Review Act.

10 (d) Host entity authority.--A host entity may restrict the
11 health or veterinary services that a volunteer health
12 practitioner may provide pursuant to this chapter.

13 (e) Unauthorized practice defined.--A volunteer health
14 practitioner does not engage in unauthorized practice unless the
15 practitioner has reason to know of any limitation, modification
16 or restriction under this section or that a similarly licensed
17 health practitioner in this Commonwealth would not be permitted
18 to provide the services. A volunteer health practitioner has
19 reason to know of a limitation, modification or restriction or
20 that a similarly licensed health practitioner in this
21 Commonwealth would not be permitted to provide a service if:

22 (1) the health practitioner knows the limitation,
23 modification or restriction exists or that a similarly
24 licensed health practitioner in this Commonwealth would not
25 be permitted to provide the service; or

26 (2) from all the facts and circumstances known to the
27 health practitioner at the relevant time, a reasonable person
28 would conclude that the limitation, modification or
29 restriction exists or that a similarly licensed health
30 practitioner in this Commonwealth would not be permitted to

1 provide the service.

2 (f) Licensing boards.--In addition to the authority granted
3 by laws of this Commonwealth other than this chapter to regulate
4 the conduct of health practitioners, a licensing board or other
5 disciplinary authority in this Commonwealth:

6 (1) may impose administrative sanctions upon a health
7 practitioner licensed in this Commonwealth for conduct
8 outside of this Commonwealth in response to an out-of-State
9 emergency;

10 (2) may impose administrative sanctions upon a health
11 practitioner not licensed in this Commonwealth for conduct in
12 this Commonwealth in response to an in-State emergency; and

13 (3) shall report any administrative sanctions imposed
14 upon a health practitioner licensed in another state to the
15 appropriate licensing board or other disciplinary authority
16 in any other state in which the health practitioner is known
17 to be licensed.

18 (g) Discretion of licensing boards.--In determining whether
19 to impose administrative sanctions under subsection (f), a
20 licensing board or other disciplinary authority shall consider
21 the circumstances in which the conduct took place, including any
22 exigent circumstances, and the health practitioner's scope of
23 practice, education, training, experience and specialized skill.

24 § 8009. Relation to other laws.

25 (a) Emergency Management Assistance Compact.--This chapter
26 does not limit rights, privileges or immunities provided to
27 volunteer health practitioners by laws other than this chapter.
28 Except as otherwise provided in subsection (b), this chapter
29 does not affect requirements for the use of health practitioners
30 pursuant to the Emergency Management Assistance Compact.

1 (b) Emergency forces.--The agency, pursuant to the Emergency
2 Management Assistance Compact, may incorporate into the
3 emergency forces of this Commonwealth volunteer health
4 practitioners who are not officers or employees of this
5 Commonwealth or a political subdivision.

6 § 8010. Regulatory authority.

7 The agency and the department may promulgate regulations to
8 implement this chapter. In doing so, the agency and the
9 department shall consider regulations promulgated by similarly
10 empowered agencies in other states to promote uniformity of
11 application of this chapter and make the emergency response
12 systems in the various states reasonably compatible.

13 § 8011. Limitations on civil liability.

14 (a) Immunity.--A volunteer health practitioner or host
15 entity that is not an agent of the Commonwealth, a Commonwealth
16 agency, a political subdivision or a local agency and that
17 provides health services or veterinary services in compliance
18 with this chapter is not subject to civil liability, for the
19 death or bodily injury of an individual or for loss or damage to
20 property, arising out of an act or omission of the practitioner
21 in providing those services to the same extent as an individual
22 engaged in disaster services activities under section 7704
23 (relating to immunity from civil liability).

24 (b) Information.--A person that, pursuant to this chapter,
25 operates, uses or relies upon information provided by a
26 volunteer health practitioner registration system under section
27 8005 (relating to volunteer health practitioner registration
28 systems) is not liable for damages for an act or omission
29 relating to that operation, use or reliance unless the act or
30 omission is an intentional tort or is willful misconduct or

1 wanton, grossly negligent, reckless or criminal conduct.

2 (c) Applicability of subchapter.--In addition to the
3 protections provided in subsection (a), a volunteer health
4 practitioner providing health or veterinary services pursuant to
5 this chapter is entitled to all the rights, privileges or
6 immunities provided by law.

7 § 8012. Workers' compensation coverage.

8 (a) (Reserved).

9 (b) Status of volunteer health practitioners.--A volunteer
10 health practitioner who provides health services pursuant to
11 this chapter and who is not otherwise eligible for benefits for
12 injury or death under the act of June 2, 1915 (P.L.736, No.338),
13 known as the Workers' Compensation Act, or the act of June 21,
14 1939 (P.L.566, No.284), known as The Pennsylvania Occupational
15 Disease Act, or under the workers' compensation or occupational
16 disease law of another state may be eligible to receive benefits
17 under section 7706 (relating to compensation for accidental
18 injury).

19 (c) Administration.--The Department of Labor and Industry
20 may promulgate regulations, enter into agreements with other
21 states or take other measures to facilitate the receipt of
22 benefits for injury or death under the Workers' Compensation Act
23 or The Pennsylvania Occupational Disease Act by volunteer health
24 practitioners who reside in other states and may waive or modify
25 requirements for filing, processing and paying claims that
26 unreasonably burden the volunteer health practitioners. To
27 promote uniformity of application of this chapter with other
28 states that enact similar legislation, the Department of Labor
29 and Industry shall consult with and consider the approaches to
30 filing, processing and paying claims taken by agencies with

1 similar authority in other states.

2 § 8013. Uniformity of application and construction.

3 In applying and construing this chapter, consideration must
4 be given to the need to promote uniformity of the law with
5 respect to its subject matter among states that enact it.

6 Section 10. Repeals are as follows:

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

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

13 Section 11. This act shall apply as follows:

14 (1) The addition of 35 Pa.C.S. § 8011 shall apply to
15 causes of action which arise on or after the effective date
16 of this paragraph.

17 (2) The addition of 35 Pa.C.S. § 8012 shall apply to
18 claims for injuries which occur on or after the effective
19 date of this paragraph.

20 Section 12. This act shall take effect immediately.