
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1656 Session of
2015

INTRODUCED BY BARRAR, SAINATO, BARBIN, BOBACK, D. COSTA,
DRISCOLL, EVERETT, FARRY, GILLEN, HARHAI, A. HARRIS, HELM,
JAMES, KNOWLES, KORTZ, MURT, O'NEILL, PAYNE, ROZZI AND
ZIMMERMAN, OCTOBER 21, 2015

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, OCTOBER 21, 2015

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, as follows:
3 In 911 emergency communication services, further
4 providing for telecommunications management.
5 In general provisions, further providing for definitions
6 and for purposes of part.
7 In Commonwealth services:
8 further providing for general authority of Governor,
9 for temporary housing, for debris and wreckage removal,
10 for community disaster loans, for individual and family
11 assistance and for grants for hazard mitigation;
12 providing for use and appropriation of unused
13 Commonwealth funds;
14 further providing for laws suspended during emergency
15 assignments;
16 providing for deployment protections and for penalty
17 for false application;
18 further providing for organization, for powers and
19 duties, for utilization of existing services and
20 facilities, for radiological emergency response
21 preparedness, planning and recovery program and for
22 definitions; and
23 establishing the Statewide Public Safety
24 Communications and Interoperability Advisory Committee.
25 In local organizations and services:
26 further providing for general authority of political
27 subdivisions, for local coordinator of emergency

1 management, for powers and duties of political
2 subdivisions, for coordination, assistance and mutual
3 aid, for appropriations by political subdivisions, for
4 law applicable to local organizations, for agreements
5 among political subdivisions, for payments involving
6 single political subdivisions and for payments involving
7 multiple subdivisions; and

8 providing for regional all-hazards preparedness and
9 emergency management.

10 In miscellaneous provisions:

11 further providing for duties concerning disaster
12 prevention, for acceptance of services, gifts, grants and
13 loans, for interstate agreements, for immunity from civil
14 liability, for special powers of local agencies, for
15 compensation for accidental injury and for penalties; and

16 providing for replacement of volunteer service, for
17 authority of Federal law enforcement officers, for
18 confidentiality and for adverse interests.

19 Making an editorial change.

20 Making a repeal.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. The heading of Title 35 of the Pennsylvania
24 Consolidated Statutes is amended to read:

25 TITLE 35

26 [HEALTH AND] PUBLIC SAFETY

27 Section 1.1. Section 5303(b)(3) and (4) of Title 35, amended
28 June 29, 2015 (P.L.36, No.12), is amended to read:

29 § 5303. Telecommunications management.

30 * * *

31 (b) Establishment of 911 board.--There is established a
32 board within the agency to be known as the 911 board.

33 The board shall be comprised of the following:

34 * * *

35 (3) A representative from the following State agencies,
36 who shall serve as nonvoting members, to be appointed by the
37 chief executive or administrative officer of each agency:

38 (i) The Pennsylvania Public Utility Commission.

1 [(ii) The Office of the State Fire Commissioner.]

2 (iii) The Governor's Office of Administration.

3 (4) A representative from the following Statewide
4 associations, who shall serve as nonvoting members:

5 [(i) The Pennsylvania Chiefs of Police Association.

6 (ii) The Fraternal Order of Police.

7 (iii) The Pennsylvania Emergency Health Services
8 Council.

9 (iv) The Pennsylvania Fire and Emergency Services
10 Institute.]

11 (v) The Association of Public-Safety Communications
12 Officials.

13 (vi) The Pennsylvania Chapter of the National
14 Emergency Number Association.

15 [(vii) The Keystone Emergency Management
16 Association.

17 (viii) The Pennsylvania Professional Fire Fighters
18 Association.

19 (ix) The Firemen's Association of the State of
20 Pennsylvania.]

21 (x) The Pennsylvania Wireless Association.

22 (xi) The Pennsylvania Telephone Association.

23 (xii) The Broadband Cable Association of
24 Pennsylvania.

25 (xiii) The Pennsylvania Municipal League.

26 (xiv) The Pennsylvania State Association of
27 Boroughs.

28 (xv) The Pennsylvania State Association of Township
29 Supervisors.

30 (xvi) The Pennsylvania State Association of Township

1 Commissioners.

2 (xvii) The Ambulance Association of Pennsylvania.

3 * * *

4 Section 2. Sections 7102, 7103, 7301, 7302, 7303, 7304, 7305
5 and 7305.1 of Title 35 are amended to read:

6 § 7102. Definitions.

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

10 "Agency." The Pennsylvania Emergency Management Agency.

11 "All hazards." All dangers that can threaten or harm
12 individuals, the environment, critical infrastructure or
13 property.

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

25 "Chief elected executive officer." The mayor of a city or
26 borough, the chairperson of the commissioners or supervisors or
27 the elected executive of a county, township or incorporated
28 town.

29 "Committee." The advisory committee established under
30 Subchapter G of Chapter 73 (relating to Statewide Public Safety

1 Communications and Interoperability Advisory Committee).

2 "Commonwealth agency" or "State agency." Any of the
3 following:

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

6 (2) The Governor's Office.

7 (3) The Office of Attorney General, the Department of
8 the Auditor General and the Treasury Department and any other
9 agency, board or commission of the Commonwealth that is not
10 subject to the policy supervision and control of the
11 Governor.

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

15 (5) A Commonwealth authority or entity.

16 "Commonwealth critical infrastructure protection program." A
17 program developed by the Pennsylvania Emergency Management
18 Agency to provide a coordinated approach to setting Commonwealth
19 priorities, goals and requirements for effective distribution of
20 funding and resources for critical infrastructure and key
21 resources to ensure that the government and public services
22 continue in the event of an emergency.

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

26 "Commonwealth emergency management program." A program of
27 coordinated activities consistent with Federal guidelines,
28 including the National Incident Management System, coordinated
29 by the Pennsylvania Emergency Management Agency, to address the
30 management of emergencies. The term includes the State Emergency

1 Operations Plan, the State Hazard Mitigation Plan and all
2 appropriate State-level strategic and operational plans and
3 programs that address all hazards, disaster-related mitigation,
4 preparedness, protection, prevention, response and recovery.

5 "Computer-aided design" or "CAD." A database maintained by
6 the emergency management program used in aggregation with a
7 public safety answering point operating system.

8 "Council." The Pennsylvania Emergency Management Council.

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

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

19 "Critical infrastructure." Assets, systems, networks and
20 functions, physical or virtual, which are so vital to the
21 government that their incapacitation or destruction would have a
22 debilitating impact on security and public health or safety.

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

27 "Dedicated emergency response organization." An entity
28 organized, chartered or incorporated in this Commonwealth or
29 another jurisdiction of the United States or chartered by the
30 Congress of the United States for the primary purpose of

1 providing emergency services. The term includes a volunteer,
2 paid and combination organization.

3 "Dependent care facility." An organization, institution or
4 facility licensed or certified by the Commonwealth that is
5 responsible for the custodial care or health care of individuals
6 who are dependent on the organization, institution or facility
7 for daily living, health, safety or welfare.

8 "Director." The director of the Pennsylvania Emergency
9 Management Agency.

10 "Disability." An individual's physical, mental sensory,
11 cognitive or emotional impairment or some combination of these
12 that substantially limits one or more of the major life
13 activities, had an impairment in the past or when the individual
14 is regarded as having such an impairment.

15 "Disaster." [A man-made disaster, natural disaster or war-
16 caused disaster.] An event that has a large-scale adverse effect
17 on individuals, the environment, critical infrastructure or
18 property.

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

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

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

30 (3) have been caused by forces beyond the control of

1 man, by reason of civil disorder, riot or disturbance, or by
2 factors not foreseen and not known to exist when
3 appropriation bills were enacted.]

4 "Disaster emergency-related work." The repair, renovation,
5 installation, construction or rendering of services or other
6 business activities that relate to infrastructure that has been
7 damaged, impaired or destroyed by a disaster.

8 "Emergency." An incident that requires responsive,
9 coordinated action to protect individuals, the environment,
10 critical infrastructure or property.

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

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

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

30 "Emergency services." The preparation for and the carrying

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

20 (1) Capabilities of political subdivisions,
21 nongovernmental organizations, nonprofit organizations or the
22 Commonwealth.

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

26 "Federal emergency." An emergency as defined in section
27 102(1) of The Robert T. Stafford Disaster Relief and Emergency
28 Assistance Act (Public Law 93-288, 42 U.S.C. § 5122(1)).

29 "Federal law enforcement officer." A law enforcement officer
30 who:

1 (1) is employed by the United States;
2 (2) is authorized to effect an arrest, with or without a
3 warrant, for a violation of the United States Code; and
4 (3) is authorized to carry a firearm in the performance
5 of the law enforcement officer's duties.

6 "Grantee." The entity, government or organization to which a
7 grant is awarded.

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

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

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

19 "Incident." Any event or condition which constitutes an
20 actual or imminent threat to public health and safety, public or
21 private property or the economic well-being of the community.

22 "Incident command system." A standardized on-scene emergency
23 management construct that is consistent with the National
24 Incident Management System.

25 "Incident commander." The individual responsible for all
26 incident-related activities as described in the National
27 Incident Management System.

28 "Incident management team." An incident command organization
29 made up of the command and general staff members and other
30 appropriate personnel organized according to Federal, State or

1 regional guidelines which can be deployed or activated as
2 needed.

3 "Infrastructure." Real and personal property and equipment
4 that is owned or used by any of the following that service
5 multiple customers or citizens:

6 (1) A communications network.

7 (2) An electric generation, transmission and
8 distribution system.

9 (3) A gas distribution system that provides the
10 facilities and equipment for producing, generating,
11 transmitting, distributing or the furnishing of gas directly
12 to the end customer.

13 (4) A public or private water pipeline.

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 for the minimum maintenance of critical infrastructure
19 and the operation of the government.

20 "Law enforcement sensitive information." Unclassified
21 information originated by a law enforcement agency which 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 which
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." A condition declared by a
5 political subdivision or chief elected executive officer when,
6 in its or the officer's judgment, the threat or actual
7 occurrence 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 political subdivision 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 political subdivision under section 7501 (relating to
30 general authority of county and local emergency management

1 programs).

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

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

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

13 "Mitigation." Protection activities designed to reduce or
14 eliminate risks to persons or property or to lessen the actual
15 or potential effects or consequences of a disaster emergency
16 that may be implemented prior to, during or after a disaster
17 emergency.

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

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

30 "National Infrastructure Protection Plan." A plan developed

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

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

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

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

23 "Out-of-State business." A business entity whose services
24 are requested by a registered business, the Commonwealth or a
25 political subdivision of the Commonwealth for purposes of
26 performing disaster emergency-related work in this Commonwealth.
27 The term includes a business entity that is affiliated with a
28 registered business in this Commonwealth solely through common
29 ownership. The out-of-State business may not have any of the
30 following:

1 (1) A presence in this Commonwealth, excluding prior
2 disaster emergency-related work performed under section
3 7308(b)(1) (relating to laws suspended during emergency
4 assignments).

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

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

10 "PSAP." As defined in section 5302 (relating to
11 definitions).

12 "Person." An individual, corporation, [firm, association,]
13 partnership, limited liability company, business trust,
14 government entity, including the Commonwealth, its
15 instrumentalities and political subdivisions, foundation, public
16 or private utility, trust[,], or estate[,], public or private
17 institution, group, the Commonwealth or a local agency or
18 political subdivision and any legal successor, representative or
19 agency of the foregoing].

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

22 "Premise alert system." A computer-aided dispatch database
23 safety program of individuals with a disability or special needs
24 maintained by an emergency management program or public safety
25 answering point.

26 "Preparedness." A continuous process of identifying and
27 implementing tasks and activities necessary to build, sustain
28 and improve operational capability to prevent, protect against,
29 respond to and recover from disaster emergencies involving all
30 levels of government, private sector, nongovernmental and

1 nonprofit organizations to identify threats, determine
2 vulnerabilities and identify required resources.

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

4 "Prevention." Actions to avoid a disaster emergency or to
5 intervene to stop one from occurring.

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

8 "Recovery." The development, coordination and execution of
9 service-restoration and site-restoration plans for impacted
10 communities and the reconstitution of government operations and
11 services through individual, private sector, nongovernmental and
12 nonprofit public assistance programs that do all of the
13 following:

14 (1) Identify needs and define resources.

15 (2) Provide housing and promote restoration.

16 (3) Address long-term care and treatment of affected
17 persons.

18 (4) Implement additional measures and techniques, as
19 feasible.

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

21 (6) Develop initiatives to mitigate the effects of
22 future disaster emergencies.

23 "Regional." Pertaining to regional task forces.

24 "Regional task force." An operational cooperative effort
25 organized among Federal, State, regional, county, council of
26 governments and local emergency management, health, law
27 enforcement, public safety and other officials and
28 representatives from volunteer service organizations, emergency
29 services organizations, private business and industry, hospitals
30 and medical care facilities and other entities within a

1 multicounty area as recognized by and determined by the agency
2 that is responsible for conducting all-hazards planning,
3 training preparedness and emergency response activities.

4 "Registered business." Any business entity that is
5 registered to do business in this Commonwealth prior to a
6 declared disaster or emergency.

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

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

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

25 "Special needs." Individuals who require assistance who have
26 or are at increased risk of a chronic physical, developmental,
27 behavioral, emotional, mental or cognitive condition and who
28 also require health and related services beyond the common
29 individual.

30 "Specialized regional response team." A complement of

1 individuals established by a regional task force and organized
2 in accordance with NIMS.

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

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

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

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

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

28 "Statewide communication interoperability plan" or "SCIP." A
29 Statewide plan that is locally driven and involves
30 multijurisdictional and multidisciplinary planning to enhance

1 emergency communications that are uniform and enhance
2 interoperable communications for public safety and for officials
3 at all levels of government.

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

6 "Tactical plan." A plan describing an organization's
7 execution of tasks and actions to prevent, protect, investigate
8 and respond to a disaster emergency or other situation.

9 "Terrorism." An act or activity that:

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

12 (2) Is a violation of the criminal laws of the United
13 States or of any state or other subdivision of the United
14 States in which it occurs.

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

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

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

30 § 7103. [Purposes] Purpose of part.

1 [The purposes of this part are to:

2 (1) Reduce vulnerability of people and communities of
3 this Commonwealth to damage, injury and loss of life and
4 property resulting from disasters.

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

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

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

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

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

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

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

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

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

3 (11) Further programs of education and training.

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

14 § 7301. General authority of Governor.

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

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

23 (c) Declaration of disaster emergency.--

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

28 (2) The [state of] declared disaster emergency shall
29 continue until the Governor finds that the threat or danger
30 has passed or the disaster has been dealt with to the extent

1 that emergency conditions no longer exist and terminates the
2 [state of] declared disaster emergency by executive order or
3 proclamation, but no [state of] declared disaster emergency
4 may continue for longer than 90 days unless renewed by the
5 Governor.

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

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

16 (5) An executive order or proclamation shall be
17 disseminated promptly by means calculated to bring its
18 contents to the attention of the general public and, unless
19 the circumstances attendant upon the disaster prevent or
20 impede, shall be promptly filed with the [Pennsylvania
21 Emergency Management Agency] agency and the Legislative
22 Reference Bureau for publication under [Part II of Title 45]
23 45 Pa.C.S. Pt. II (relating to publication and effectiveness
24 of Commonwealth documents).

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

1 any forces to which the plan or plans apply and for use or
2 distribution of any supplies, equipment and materials and
3 facilities assembled, stockpiled or arranged to be made
4 available pursuant to this part or any other provision of law
5 relating to disaster emergencies.

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

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

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

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

30 (3) Transfer the direction, personnel or functions of

1 Commonwealth agencies or units thereof for the purpose of
2 performing or facilitating emergency services.

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

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

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

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

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

21 (9) Confer the power of arrest on the law enforcement
22 personnel serving as part of the emergency forces of a party
23 state during operations in this Commonwealth pursuant to a
24 declaration of a disaster emergency under subsection (c). Law
25 enforcement personnel shall be under the operational control
26 of the Commissioner of Pennsylvania State Police and shall
27 comply with the terms and conditions of the Emergency
28 Management Assistance Compact under Chapter 76 (relating to
29 Emergency Management Assistance Compact). Arrest powers
30 granted under this paragraph shall expire when the

1 declaration of a disaster emergency is terminated by
2 executive order, proclamation or operation of law, if the
3 arrest powers have not previously been terminated.

4 (10) Request assistance of Federal law enforcement while
5 a declaration of a disaster emergency is in effect to the
6 Federal Government to assist in enforcing the laws of this
7 Commonwealth. Only the Governor shall have the power to make
8 the request.

9 § 7302. Temporary housing.

10 (a) Authority of Governor.--Whenever the Governor has
11 [proclaimed] declared a disaster emergency under this part, or
12 the President, at the request of the Governor, has declared [an]
13 a Federal emergency or a major disaster to exist in this
14 Commonwealth, the Governor is authorized:

15 (1) To enter into purchase, lease or other arrangements
16 with any Federal agency for temporary housing units to be
17 occupied by disaster victims and to make the units available
18 to any political subdivision [of this Commonwealth named as a
19 party to the emergency or disaster declaration.], nonprofit
20 organization or nongovernmental organization authorized under
21 a Federal or State declared disaster emergency.

22 (2) To assist any political subdivision [of this
23 Commonwealth], authorized nonprofit organization or
24 nongovernmental organization which is the locus of temporary
25 housing for disaster victims to acquire sites necessary for
26 such temporary housing and to do all things required to
27 prepare such sites to receive and utilize temporary housing
28 units by:

29 (i) advancing or lending funds available to the
30 Governor from any appropriation made by the General

1 Assembly or from any other source;

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

4 (iii) becoming a copartner with the political
5 subdivision for the execution and performance of any
6 temporary housing for disaster victims project;

7 and for such purposes to pledge the credit of the
8 Commonwealth on such terms as the Governor deems appropriate
9 having due regard for current debt transactions of the
10 Commonwealth.

11 (3) Under such [regulations] conditions as the Governor
12 shall prescribe, to temporarily suspend or modify for not to
13 exceed 60 days any public health, safety, zoning,
14 transportation [(within] within or across this
15 [Commonwealth)] Commonwealth or other requirement of statute
16 or regulation within this Commonwealth when by proclamation
17 the Governor deems the suspension or modification essential
18 to provide temporary housing for disaster victims.

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

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

1 management activities.

2 [(d) Definitions.--As used in this section, "major disaster"
3 and "emergency" shall have the same meanings as defined or used
4 in The Robert T. Stafford Disaster Relief and Emergency
5 Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.).]
6 § 7303. Debris and wreckage removal.

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

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

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

21 (b) Authority of Commonwealth personnel.--Whenever the
22 Governor provides for clearance of debris or wreckage pursuant
23 to subsection (a), employees of the designated Commonwealth
24 agencies or individuals appointed by the Commonwealth are
25 authorized to enter upon private land or waters and perform any
26 tasks necessary to the removal or clearance operation.

27 [(c) Nonliability of Commonwealth personnel.--Except in
28 cases of willful misconduct, gross negligence or bad faith, any
29 Commonwealth employee or agent complying with and performing
30 duties pursuant to orders of the Governor under this section

1 shall not be liable for death of or injury to persons or damage
2 to property.]

3 § 7304. Community disaster loans.

4 Whenever, at the request of the Governor, the President has
5 declared a major disaster or emergency to exist in this
6 Commonwealth, the Governor is authorized:

7 (1) Upon determining that a political subdivision [of
8 this Commonwealth] will suffer a substantial loss of tax and
9 other revenues from a major disaster or emergency and has
10 demonstrated a need for financial assistance to perform its
11 governmental functions, to apply to the Federal Government,
12 on behalf of the political subdivision, for a loan and to
13 receive and disburse the proceeds of any approved loan to
14 [any] the applicant [political subdivision].

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

21 (3) After review, recommend to the Federal Government
22 the cancellation of all or any part of repayment when, in the
23 first three full fiscal-year periods following the major
24 disaster, the revenues of the political subdivision are
25 insufficient to meet its operating expenses, including
26 additional disaster-related expenses [of a municipal
27 operation character].

28 § 7305. Individual and family assistance.

29 (a) Grants by Federal Government.--Whenever the President,
30 at the request of the Governor, has declared a major disaster or

1 emergency to exist in this Commonwealth, the Governor is
2 authorized:

3 (1) Upon determining that assistance under [The Robert
4 T. Stafford Disaster Relief and Emergency Assistance Act
5 (Public Law 93-288, 42 U.S.C. § 5121 et seq.),] the Stafford
6 Act and from other means is insufficient to meet the
7 disaster-related necessary expenses or serious needs of
8 individuals or families adversely affected by a major
9 disaster or emergency, to accept a grant from the Federal
10 Government for the purpose of meeting the expenses or needs
11 of disaster victims, subject to any terms and conditions
12 imposed upon the grant.

13 (2) To enter into an agreement with the Federal
14 Government or any Federal agency or officer pledging the
15 Commonwealth to participate in the funding of the assistance
16 authorized in paragraph (1) and, if Commonwealth funds are
17 not otherwise available to the Governor, to accept an advance
18 of the Commonwealth share from the Federal Government to be
19 repaid when the Commonwealth is able to do so.

20 (b) Grants by Governor.--To implement subsection (a), the
21 Governor is authorized to make grants to meet disaster-related
22 necessary expenses or serious needs of individuals or families
23 adversely affected by a major disaster or emergency declared by
24 the President. Any grant shall not exceed the amount authorized
25 by [The Robert T. Stafford Disaster Relief and Emergency
26 Assistance Act] the Stafford Act or by applicable State law to
27 an individual or family in any single major disaster or
28 emergency.

29 [(c) Penalty for false application.--Any person who
30 fraudulently or willfully makes a misstatement of fact in

1 connection with an application for assistance under this section
2 shall be guilty of a misdemeanor of the third degree.]

3 § 7305.1. Grants for public assistance and hazard mitigation.

4 (a) Commonwealth participation in public assistance and
5 hazard mitigation funding; agreements.--Whenever the President
6 authorizes [the] a contribution [of up to 75% of] to the cost of
7 [hazard mitigation measures to] public assistance grants to
8 repair or replace eligible public property damage or hazard
9 mitigation to reduce the risk of future damage, hardship[,] or
10 loss [or suffering] to eligible property in any area affected by
11 a major disaster pursuant to [The Robert T. Stafford Disaster
12 Relief and Emergency Assistance Act (Public Law 93-288, 88 Stat.
13 143)] the Stafford Act, the Governor is authorized, subject to
14 the availability of appropriated funds, to enter into an
15 agreement with the Federal Government or any Federal agency or
16 officer pledging the Commonwealth to participate in the funding
17 of the public assistance and mitigation project or plan.

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

28 (c) Need for plan--The agency may withhold Federal or State
29 funds available under subsection (a) from a political
30 subdivision that does not have in effect a current emergency

1 operations or hazard mitigation plan as required under this
2 part.

3 Section 3. Title 35 is amended by adding a section to read:
4 § 7307.1. Use and appropriation of unused Commonwealth funds.

5 (a) Transfer of funds authorized.--In addition to the
6 transfers permitted under section 1508(a) of the act of April 9,
7 1929 (P.L.343, No.176), known as The Fiscal Code, if the
8 Governor has not declared a disaster emergency or if a
9 declaration of disaster emergency has expired, the Governor may
10 nevertheless transfer any unused funds which may have been
11 appropriated for the ordinary expenses of the Commonwealth in
12 the General Fund to such Commonwealth agencies as the Governor
13 may direct to be expended for preparedness planning and other
14 activities related to a potential or actual disaster in such
15 manner as the Governor shall approve, and the funds are
16 appropriated to the Governor for such purposes.

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

21 Section 4. Section 7308(a) of Title 35 is amended to read:
22 § 7308. Laws suspended during emergency assignments.

23 (a) Commonwealth agencies.--In the case of a declaration of
24 a [state of] disaster emergency by the Governor, Commonwealth
25 agencies may implement their emergency assignments without
26 regard to procedures required by other laws [(except mandatory
27 constitutional requirements)], except constitutional
28 requirements, pertaining to the performance of public work,
29 entering into contracts, incurring of obligations, employment of
30 temporary workers, rental of equipment, purchase of supplies and

1 materials and expenditures of public funds.

2 * * *

3 Section 5. Title 35 is amended by adding sections to read:

4 § 7309. Deployment protections.

5 Any person temporarily deployed by the Commonwealth in
6 response to a mutual aid request shall be deemed to be an
7 employee of the Commonwealth for purposes of Chapter 76
8 (relating to Emergency Management Assistance Compact).

9 § 7310. Penalty for false application.

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

16 Section 6. Sections 7312, 7313, 7314, 7320 and 7332 of Title
17 35 are amended to read:

18 § 7312. [Organization.] Pennsylvania Emergency Management
19 Council.

20 [This agency shall consist of and be organized substantially
21 as follows:

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

27 (1) The Pennsylvania Emergency Management Council is
28 established within the agency.

29 (2) (i) The council shall be composed of the following
30 voting members: the Governor, the Lieutenant Governor,

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

25 (ii) The Governor may authorize up to two
26 representatives of business and industry, up to two
27 representatives of labor, [up to two public members at
28 large] one representative from the American Red Cross and
29 the Arc of Pennsylvania, respectively, and one
30 representative respectively of the [Pennsylvania State

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

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

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

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

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

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

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

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

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

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

30 [(g) Office space, equipment and services.--The agency shall

1 be furnished necessary and appropriate office space, furniture,
2 equipment, supplies and services in the same general manner as
3 are other Commonwealth departments and agencies.

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

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

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

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

3 § 7313. Powers and duties.

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

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

15 (i) Preparedness standards established by the United
16 States Department of Homeland Security and the Federal
17 Emergency Management Agency. The standards shall include
18 nationally recognized accreditation programs for county
19 and local emergency management programs, Commonwealth
20 emergency management certification programs and
21 qualification standards for appointed emergency
22 management coordinators.

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

25 (iii) Assistance to Commonwealth agencies, [local
26 government officials, schools and custodial child]
27 regional task forces, political subdivisions, dependent
28 care facilities [in designing emergency management plans
29 and training programs] and the private sector in
30 developing their systems of emergency management and

1 preparedness.

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

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

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

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

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

24 [(ix) Identification of areas particularly
25 vulnerable to disasters.]

26 (x) Recommendations for zoning, building and other
27 land-use controls; safety measures pertaining to
28 nonpermanent or semipermanent structures; resource
29 conservation and allocation; and other preventive and
30 preparedness measures designed to eliminate or reduce

1 disasters or their impact.

2 (xi) Authorization and procedures for the erection
3 or other construction of temporary works designed to
4 protect against or mitigate danger, damage or loss from
5 flood, conflagration or other disaster[.] in coordination
6 with the Department of Environmental Protection.

7 (1.1) Maintain and keep current the State emergency
8 operations and hazard mitigation plans and any other related
9 and supporting plans as necessary or required by Federal or
10 State law or regulation.

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

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

22 (4) [To provide] Provide technical guidance, advice and
23 assistance to Commonwealth agencies, political subdivisions,
24 [schools and custodial child care facilities] regional task
25 forces, school districts and dependent care facilities in the
26 preparation of disaster emergency [management] plans or
27 components thereof [and to periodically review such plans and
28 suggest or require revisions].

29 (5) [To establish] Establish and operate, or assist
30 [political subdivisions] county and local emergency

1 management programs and regional task forces in establishing
2 and operating, training programs and programs of public
3 information.

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

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

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

29 (9) [To make] Make or request of Commonwealth [or local
30 agencies and officials] agencies, county and local emergency

1 management programs or regional task forces, studies, surveys
2 and reports as are necessary to carry out the purposes of
3 this part.

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

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

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

16 (13) [To administer] Provide and administer grant
17 programs [to political subdivisions for disaster management.]
18 made available in accordance with this chapter or other
19 applicable Federal or State law.

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

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

1 agency shall be inapplicable to any objects or materials
2 possessing a radiation-producing capacity less than that set
3 forth as the maximum safety limit by the standards endorsed
4 and as may be subsequently endorsed by the United States
5 Nuclear Regulatory Commission or the Environmental Protection
6 Agency for the protection of life and property and the
7 maintenance of [health and] public safety.

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

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

14 (17.1) Report semiannually to the Governor and the
15 chairman and minority chairman of the Appropriations
16 Committee of the Senate and the chairman and minority
17 chairman of the Appropriations Committee of the House of
18 Representatives regarding all grants awarded by the agency
19 from Federal disaster assistance or relief funds, homeland
20 security and defense funds, pandemic preparedness or other
21 public health emergency funds. The reports shall include
22 information relating to the entity receiving grant money from
23 the agency, including the name and address of the entity, the
24 amount of the grant, the date of issuance and the purpose of
25 the grant. Reports shall be submitted on or before August 15
26 of each year for grants awarded during the period from
27 January 1 through June 30 and on or before February 15 of
28 each year for grants awarded during the period from July 1
29 through December 31.

30 (18) [To recommend] Recommend to the Governor

1 legislation or other actions as deemed necessary in
2 connection with the purposes of this part.

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

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

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

21 (i) Provide minimum competency testing for their
22 operators.

23 (ii) Submit plans for flood notification and
24 warning.

25 (22) Establish policies and procedures to coordinate and
26 implement all search and rescue activities with the Federal
27 Government, other states, other Commonwealth agencies and
28 political subdivisions. The agency may dispatch authorized
29 personnel and specialized equipment to disaster emergency or
30 training sites within or outside this Commonwealth for search

1 and rescue, training and other emergency response purposes.
2 The agency may immediately dispatch those personnel and
3 equipment to a disaster site without regard to procedures and
4 formalities prescribed by law, except for constitutional
5 requirements, pertaining to the performance of public work,
6 entering into contracts, the incurring of obligations, the
7 employment of temporary workers, the rental or purchase of
8 supplies, material, equipment and other related activities.

9 (23) Maintain an interoperable communications capability
10 in accordance with Chapter 73 (relating to Commonwealth
11 services).

12 (24) Establish and maintain a Statewide incident
13 reporting system and methodology for all-hazards information.
14 All Commonwealth agencies, county emergency management
15 programs, county 911 centers and other entities required to
16 provide all-hazards information to the agency under this part
17 and other State law shall contribute all-hazards information
18 to the system.

19 (25) Assist with the implementation of the National
20 Infrastructure Protection Plan and the Commonwealth Critical
21 Infrastructure Preparedness Plan in coordination with other
22 Commonwealth agencies as designated by the Governor.

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

24 § 7314. Utilization of existing services and facilities.

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

1 the agency as requested and consistent with other operational
2 requirements of that agency.

3 § 7320. Radiological emergency [response preparedness, planning
4 and recovery] preparedness and management program.

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

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

21 (1) Serving as the point of contact for the coordination
22 and management of the Statewide response and provide for
23 interface between the affected [facilities] counties and
24 other Commonwealth agencies [and departments, counties,
25 municipalities], Federal agencies, regional task forces,
26 political subdivisions and school districts.

27 (2) [Annual] Overseeing the annual review and revision,
28 as necessary, of the risk county and support county
29 radiological emergency response plans to ensure that they are
30 consistent with the [Commonwealth's] State Emergency

1 [Management] Operations Plan.

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

5 (4) Participation in the Federal full participation
6 exercises scheduled for commercial nuclear [generation] power
7 stations.

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

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

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

28 (8) [Assisting in] Overseeing the update of lesson plans
29 used by each [utility] nuclear power plant licensee for
30 county, municipal, school and volunteer agency offsite

1 training purposes [and, to the extent necessary to obtain
2 Federal approval, participation in this training effort.]
3 with the objective to standardize training material to the
4 extent possible to support sharing of resources between
5 Offsite Response Organizations.

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

14 (10) Coordinating the review and update of emergency
15 information brochures with the respective counties and
16 [utilities] nuclear power plant licensees.

17 (11) Participation with each [utility] nuclear power
18 plant licensee in planning and program meetings scheduled
19 with [counties, municipalities] political subdivisions,
20 dependent care facilities and school districts.

21 (12) Developing planning and preparedness procedures for
22 emergency response within the ingestion exposure pathway
23 emergency planning zone.

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

28 (14) Performing actions necessary to satisfy the
29 Commonwealth's responsibilities relative to Federal guidance
30 memoranda.

1 (15) Providing reasonable assistance and support
2 requested by a [utility] nuclear power plant licensee from
3 time to time in connection with the [utility] nuclear power
4 plant licensee obtaining or maintaining, or both, an
5 emergency plan acceptable to Federal regulatory entities
6 having jurisdiction over the [utility] nuclear power plant
7 licensee.

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

11 (17) Providing guidance to [State, county and municipal
12 elected officials, departments and agencies and school
13 districts in order] Commonwealth agencies, political
14 subdivisions, school districts and dependent care facilities
15 to ensure compliance with this section and all other
16 applicable Federal and State radiation protection safety
17 laws.

18 (18) [Providing] Coordinating redundant communications'
19 capability between the agency's headquarters and each
20 [nuclear generating] commercial nuclear power station in this
21 Commonwealth sufficient to meet Federal and State regulatory
22 requirements.

23 (c) Establishment of fund.--[There is hereby created in the
24 General Fund a] A nonlapsing restricted receipt account to be
25 known as the Radiological Emergency Response Planning and
26 Preparedness Program Fund is established in the General Fund.
27 [Fees received under subsection (d) shall be deposited in this
28 fund.] Moneys in the fund are hereby appropriated to the agency
29 to carry out its responsibilities under subsections (a) and (b).
30 § 7332. Definitions.

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

4 ["Agency." The Pennsylvania Emergency Management Agency.]

5 "Committee." The Intrastate Mutual Aid Committee.

6 ["Dedicated emergency response organization." Any entity
7 organized, chartered or incorporated in this Commonwealth or
8 chartered by the Congress of the United States for the primary
9 purpose of providing emergency services. The term shall include
10 volunteer, career and combination organizations.]

11 "Emergency responder." An individual in the public or
12 private sector who has special skills, qualifications, training,
13 knowledge or experience, whether or not the person possesses a
14 license, certificate, permit or other official recognition for
15 the skills, qualifications, training, knowledge or experience,
16 that would benefit a participating political subdivision in
17 responding to an authorized mutual aid request or participating
18 in an authorized drill or exercise. The term shall include a law
19 enforcement officer, a firefighter, an emergency medical
20 services worker, a physician, nurse or other public health
21 worker, an emergency management official, a coroner or medical
22 examiner, a State-certified hazardous materials team member, a
23 public works worker, a building inspector, an architect, an
24 engineer or other design professional or a person with
25 specialized equipment operations skills or training or with any
26 other skills needed to provide aid in a declared emergency.

27 ["Incident." Any event or condition which constitutes an
28 actual or imminent threat to public health and safety, public or
29 private property or the economic well-being of the community.

30 "Incident commander." The individual responsible for all

1 incident-related activities, including the development of
2 strategies and tactics and the ordering and releasing of
3 resources as provided under the National Incident Management
4 System.

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

10 "National Incident Management System." The National Incident
11 Management System established by the United States Department of
12 Homeland Security.]

13 "Participating political subdivision." A political
14 subdivision that has not opted out of the intrastate mutual aid
15 system.

16 ["Political subdivision." Any county, city, borough,
17 incorporated town or township. The term shall include any
18 council of governments established among any of the above.]

19 "Requesting political subdivision." A participating
20 political subdivision that requests assistance under this
21 subchapter.

22 "Responding political subdivision." A participating
23 political subdivision that responds to a request for assistance
24 under this subchapter.

25 "System." The intrastate mutual aid system.

26 Section 7. Chapter 73 of Title 35 is amended by adding a
27 subchapter to read:

28 SUBCHAPTER G

29 STATEWIDE PUBLIC SAFETY COMMUNICATIONS

30 AND INTEROPERABILITY ADVISORY COMMITTEE

1 Sec.
2 7391. Definitions.
3 7392. Establishment of committee.
4 7393. Composition.
5 7394. Designee.
6 7395. Appointments.
7 7396. Quorum.
8 7397. Meetings.
9 7398. Compensation.
10 7399. Roles and responsibilities.

11 § 7391. Definitions.

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

15 "Committee." The Statewide Public Safety Communications and
16 Interoperability Advisory Committee.

17 § 7392. Establishment of committee.

18 There is established a committee within the agency to be
19 known as the Statewide Public Safety Communications and
20 Interoperability Advisory Committee.

21 § 7393. Composition.

22 The committee shall be comprised of the following:

23 (1) The following State agencies or officials:

24 (i) The director of the agency, who shall act as
25 chairperson.

26 (ii) The State 911 coordinator.

27 (iii) The Commissioner of Pennsylvania State Police
28 or a designee of the PA-FirstNet Program.

29 (iv) A representative from the Governor's Office of
30 Administration.

1 (v) The Secretary of Community and Economic
2 Development.

3 (vi) A representative from the Office of the State
4 Fire Commissioner.

5 (vii) The chairman of the State Geospatial
6 Coordinating Board.

7 (viii) A representative from the Pennsylvania Public
8 Utility Commission.

9 (ix) The Secretary of Health.

10 (2) One member appointed by each of the following:

11 (i) The President pro tempore of the Senate.

12 (ii) The Minority Leader of the Senate.

13 (iii) The Speaker of the House of Representatives.

14 (iv) The Minority Leader of the House of
15 Representatives.

16 (3) A representative from the following Statewide
17 associations:

18 (i) The Association of Public-Safety Communications
19 Officials.

20 (ii) The Pennsylvania Chapter of the National
21 Emergency Number Association.

22 (iii) The Keystone Emergency Management Association.

23 (iv) The Pennsylvania Wireless Association.

24 (v) The Pennsylvania Telephone Association.

25 (vi) The Broadband Cable Association of
26 Pennsylvania.

27 (vii) The County Commissioner's Association of
28 Pennsylvania.

29 (viii) The Pennsylvania Municipal League.

30 (ix) The Pennsylvania State Association of Boroughs.

1 (x) The Pennsylvania State Association of Township
2 Supervisors.

3 (xi) The Pennsylvania State Association of Township
4 Commissioners.

5 (xii) The Pennsylvania Chiefs of Police Association.

6 (xiii) The Fraternal Order of Police.

7 (xiv) The Pennsylvania Professional Fire Fighters
8 Association.

9 (xv) The Firemen's Association of the State of
10 Pennsylvania.

11 (xvi) The Pennsylvania Emergency Health Services
12 Council.

13 § 7394. Designee.

14 A member of the committee may appoint a designee who must be
15 an employee of the same agency or organization to attend
16 meetings.

17 § 7395. Appointments.

18 (a) Recommendations.--The Governor shall appoint the
19 committee members upon the recommendations provided by the
20 organizations listed in section 7393(3) (relating to
21 composition).

22 (b) Terms.--Members under section 7393(2) shall serve two-
23 year terms.

24 (c) Time.--The Governor shall make the appointments within
25 60 days of the effective date of this subsection and may remove
26 an appointed member for cause upon written notice to the
27 committee.

28 § 7396. Quorum.

29 Fourteen members of the committee shall constitute a quorum.

30 § 7397. Meetings.

1 The committee shall meet at least quarterly and may meet at
2 the call of the chairperson. All meetings of the committee shall
3 be conducted in accordance with 65 Pa.C.S. Ch. 7 (relating to
4 open meetings).

5 § 7398. Compensation.

6 The members of the board shall serve without compensation but
7 shall be reimbursed for their actual and necessary travel and
8 other expenses in connection with attendance at meetings called
9 by the chairperson.

10 § 7399. Roles and responsibilities.

11 The advisory committee shall:

12 (1) Advise the agency and the Governor and shall be a
13 central intergovernmental and interdisciplinary body for
14 interoperable communications planning and implementation to
15 mitigate the challenges of interoperable communications for
16 public safety and emergency communications.

17 (2) Advise the agency on ways to ensure effective and
18 efficient interoperable communications among public safety
19 and emergency response agencies at all levels of government
20 to support the development, implementation and maintenance of
21 the Commonwealth's Statewide Communications Interoperability
22 Plan.

23 (3) Promote the ability to establish and sustain
24 emergency communications in support of mission operations.

25 (4) Promote emergency communications capabilities among
26 jurisdictions, disciplines and levels of government, across
27 frequency bands and technologies, in real time.

28 (5) Facilitate and assist the agency with the ability of
29 emergency response agencies in maintaining communications in
30 the event of damage to or destruction of the primary

1 infrastructure.

2 (6) Advise the agency on providing for the development
3 and maintenance of the Commonwealth's SCIP.

4 (7) Promote and assist the agency in the establishment
5 of communications interoperability agreements among
6 jurisdictions.

7 (8) Review State, county and local emergency
8 communications grant applications in accordance with Federal
9 grant guidelines to ensure consistency with the Statewide
10 plan.

11 (9) Promote the development of policies, standards and
12 procedures for interoperable communications.

13 (10) Develop for the agency an interoperability outreach
14 plan to ensure awareness of Federal and State policies,
15 programs, standards and initiatives for interoperable
16 emergency communications.

17 (11) Measure and provide to the agency progress
18 communications interoperability against the goals and
19 standards in the Commonwealth's SCIP to ensure that the
20 decisions of the committee are guided by accurate assessment
21 of progress.

22 (12) Provide assistance to the 911 board upon request
23 and make available information relating to 911 communications
24 that the committee may have to assist the 911 board with
25 carrying out its duties.

26 Section 8. Sections 7501, 7502, 7503, 7504, 7511, 7512,
27 7513, 7514 and 7515 of Title 35 are amended to read:

28 § 7501. General authority of [political subdivisions] county
29 and local emergency management programs.

30 (a) Establishing emergency management [organization]

1 programs.--Each political subdivision [of this Commonwealth is
2 directed and authorized to] shall establish a local emergency
3 management [organization] program in accordance with [the plan
4 and program of the Pennsylvania Emergency Management Agency.
5 Each local organization shall have responsibility for emergency
6 management, response and recovery within the territorial limits
7 of the political subdivision within which it is organized] this
8 title and[, in addition,] shall conduct such services outside of
9 its jurisdictional limits as may be required under this part.

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

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

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

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

28 (4) All executive orders or proclamations issued under
29 this subsection shall indicate the nature of the disaster
30 emergency, the area or areas threatened and the conditions

1 which have brought the disaster emergency about or which make
2 possible termination of the declared disaster emergency.

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

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

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

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

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

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

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

17 (f) Intergovernmental cooperation.--Notwithstanding the
18 provisions of 53 Pa.C.S. § 2302 (relating to definitions), two
19 or more municipalities may jointly cooperate in the
20 establishment of a local emergency management program through
21 the organization or enactment of a council of governments, a
22 letter of agreement or other governing structure in conformance
23 with the provisions of 53 Pa.C.S. Ch. 23 Subch. A (relating to
24 intergovernmental cooperation) and in conformance with standards
25 established by the agency.

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

28 (a) General rule.--[Each local organization of emergency
29 management shall have] Each county and local emergency
30 management program shall appoint a coordinator who shall be

1 responsible for the planning, administration and operation of
2 the [local organization] respective emergency management program
3 subject to the direction and control of the [executive officer
4 or] governing body. The standards and qualifications for a
5 coordinator shall be prescribed by the agency.

6 (b) County coordinator.--[A coordinator shall be appointed
7 in all counties with approval of the director of the agency. The
8 executive officer or governing body of the county shall
9 recommend a coordinator whose recommendation must be endorsed by
10 the director of the agency prior to appointment by the Governor.
11 Upon failure of the executive officer or governing body of the
12 county to make a recommendation of a person for coordinator
13 within the time fixed by the agency, the Governor is authorized
14 to appoint a coordinator based upon the recommendation of the
15 director of the agency.]

16 (1) The chief elected executive officer of each county
17 shall recommend the appointment of a coordinator of the
18 county emergency management program to the director within 90
19 days of a vacancy, and a coordinator shall only be appointed
20 with the approval of the director.

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

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

29 (c) [Local level.--At the local level, the coordinator shall
30 be appointed by the Governor upon the recommendation of the

1 executive officer or governing body of the political
2 subdivision. Upon the failure of the executive officer or
3 governing body of a political subdivision to make a
4 recommendation to the Governor of a candidate for coordinator
5 within the time fixed by the agency, the Governor is authorized
6 to appoint a coordinator without any recommendation. A candidate
7 for coordinator for two or more political subdivisions may be
8 recommended to the Governor for appointment upon agreement by
9 resolution of the governing bodies of such political
10 subdivisions. Any other law notwithstanding, a local government
11 official may be recommended for appointment.] Local
12 coordinators.--

13 (1) The governing body of a political subdivision shall
14 appoint a coordinator and provide written notice to its
15 respective county within 30 days following an appointment.

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

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

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

29 (1) A coordinator shall be professionally competent and
30 capable of planning, effecting coordination among operating

1 agencies of government and controlling coordinated operations
2 by local emergency preparedness forces.

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

7 (ii) The agency or governing body of a political
8 subdivision may remove a county or local coordinator who
9 fails to comply with the provisions of this title.

10 (3) This subsection shall not be construed to limit a
11 political subdivision's ability to remove a local coordinator
12 for reasons not specified under this title.

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

15 (1) [Attend and successfully complete the first phase of
16 the career development program as prescribed by the agency
17 within one year after appointment.] Successfully complete the
18 basic certification program of the agency within one year
19 after appointment.

20 (2) [Attend and successfully complete the second phase
21 of the career development program as prescribed by the agency
22 within three years after appointment.] Successfully complete
23 the advanced certification program of the agency within three
24 years after appointment.

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

29 (4) Meet the training, continuing education,
30 certification and qualification requirements prescribed by

1 and within the time frames established by the agency.
2 [Failure to attend the instruction described in this subsection
3 or failure to attend a prescribed training conference for a
4 period of two consecutive years shall be cause for replacement.
5 The State Director of Emergency Management may grant credit
6 toward meeting the requirements of this subsection to appointed
7 local coordinators on the basis of prior experience and
8 training.]

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

13 (f) Responsibility for training.--Responsibility for the
14 professional in-service training of each coordinator rests with
15 each successive higher [political subdivision] emergency
16 management program than the one in which the coordinator is
17 functioning.

18 (g) Expenses.--[Each appointed] The political subdivision or
19 council of governments served by the coordinator shall reimburse
20 the coordinator [shall be reimbursed] for actual expenses
21 incurred in the performance of his duties and attendance at
22 scheduled meetings, exercises and required training.

23 § 7503. Powers and duties of [political subdivisions] county
24 and local emergency management programs.

25 (a) General rule.--Each [political subdivision shall, either
26 individually or pursuant to the provisions of the act of July
27 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental
28 Cooperation Law, adopt an Intergovernmental Cooperation
29 agreement with other political subdivisions to:] county and
30 local emergency management program shall:

1 (1) Prepare, maintain and keep current [a disaster], as
2 specified by the agency, emergency management [plan for the
3 prevention and minimization of injury and damage caused by
4 disaster, prompt and effective response to disaster and
5 disaster emergency relief and recovery in consonance with the
6 Pennsylvania Emergency Management Plan] plans as provided for
7 under this title.

8 (2) Establish, equip and staff an emergency operations
9 center, consolidated with warning and communication systems
10 to support government operations in emergencies and provide
11 other essential facilities and equipment for agencies and
12 activities assigned emergency functions in accordance with
13 this title.

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

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

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

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

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

29 (8) Have available for inspection at its emergency
30 operations center all emergency management plans, rules and

1 orders of the Governor and the agency.

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

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

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

11 (b) County emergency management program.--A county shall
12 develop, maintain and manage its emergency management program
13 and capabilities as prescribed by the agency. The program shall
14 include the following:

15 (1) Coordinating resource management to ensure that
16 county resources are properly organized, trained and equipped
17 and have adequate plans to safely and effectively accomplish
18 assigned missions.

19 (2) Maintaining a countywide listing of county and
20 municipal resources.

21 (3) Providing updated resource management information to
22 the agency upon request.

23 (4) Implementing and coordinating the county's NIMS
24 compliance activities.

25 (5) Assisting political subdivisions within the county
26 in NIMS where feasible.

27 (6) Following reporting protocols established by the
28 agency.

29 (7) Developing and implementing county plans, policies
30 and procedures that are current with Commonwealth strategies,

1 requirements, plans and templates.

2 (8) Preparing and maintaining a county hazard
3 vulnerability analysis that incorporates all locally
4 identified hazards.

5 (9) Assisting political subdivisions with planning
6 activities within the county where feasible.

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

9 (11) Maintaining training records for coordinators
10 within the county who have received training from the agency.

11 (12) Submitting certification documentation to the
12 agency for county staff and staff of political subdivisions
13 within the county.

14 (13) Coordinating emergency communications by doing the
15 following:

16 (i) Encouraging optimal communication and
17 coordination between the local emergency management
18 programs within the county and PSAPs in accordance with
19 applicable State law.

20 (ii) Establishing and managing a county emergency
21 operations center using NIMS.

22 (iii) Coordinating and cooperating with local
23 emergency management programs within the county and other
24 relevant organizations and entities for interoperable
25 emergency communications.

26 (14) Participating in continuity of county government
27 and continuity of county operations planning and ensuring
28 that county planning is consistent with Statewide and
29 regional plans.

30 (15) Developing, maintaining and executing an exercise

1 and evaluation program in accordance with agency directives
2 and the Federal Homeland Security Exercise and Evaluation
3 Program or its successor program.

4 (16) Assisting in planning for continuity of political
5 subdivisions and operations where feasible.

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

8 (18) Coordinating the delivery of awareness and
9 education programs for county and local elected officials on
10 preparedness and emergency management topics.

11 (19) Participating in regional task force activities as
12 appropriate.

13 (20) Supporting the implementation of the Commonwealth
14 Critical Infrastructure Protection Program and the National
15 Infrastructure Protection Plan.

16 (21) Seeking and promoting opportunities to improve the
17 efficiency of emergency preparedness and response through
18 regionalization of services as appropriate.

19 (22) Advising county officials in matters related to
20 disaster preparedness and response.

21 (23) Reviewing emergency action and operations plans
22 developed by a political subdivision, dependent care
23 facilities and other public entities located within the
24 county which are required by law or regulation to develop and
25 maintain an emergency plan. The coordinator shall provide an
26 annual report to the agency on or before March 1 of each year
27 describing the status of the plans reviewed under this
28 paragraph.

29 (24) Coordinating the development and maintenance of a
30 countywide animal rescue capability consistent with standards

1 and guidelines established by the agency in conjunction with
2 the Department of Agriculture and the Pennsylvania State
3 Animal Response Team. The coordinator shall engage a county
4 animal response team, if one exists, in planning activities.

5 (25) Incorporating premise alert system information
6 provided to the county into a PSAP database to be available
7 for dispatch during emergencies if necessary.

8 (26) Developing, maintaining and managing information
9 received from a premise alert system form into a county
10 emergency management plan.

11 (27) Updating information provided every two years or
12 upon notice that premise alert system information has
13 changed.

14 (c) Local emergency management program.--A political
15 subdivision required to establish a local emergency management
16 program under section 7501 (relating to general authority of
17 county and local emergency management programs) shall develop,
18 maintain and manage programs and capabilities as provided for
19 under this title which shall include, but not be limited to, the
20 following:

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

25 (2) Maintaining a current list of political subdivision
26 resources.

27 (3) Providing updated resource management information to
28 the county emergency management program where the political
29 subdivision is located and to the county PSAP upon request.

30 (4) Coordinating the political subdivision's NIMS

1 compliance activities.

2 (5) Following reporting protocols established by the
3 county emergency management program where the county PSAP
4 and the political subdivision are located.

5 (6) Developing and implementing local plans, policies
6 and procedures in consultation with law enforcement, fire and
7 emergency personnel and medical service providers that are
8 consistent with the requirements of this title.

9 (7) Preparing and maintaining a local hazard
10 vulnerability analysis.

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

14 (9) Coordinating emergency communications by doing the
15 following:

16 (i) Establishing a local emergency operations center
17 in compliance with NIMS.

18 (ii) Coordinating and cooperating with the county
19 emergency management program where the political
20 subdivision is located and other relevant organizations
21 and entities for interoperable emergency communications.

22 (10) Participating in a political subdivision's
23 continuity and operations planning.

24 (11) Coordinating the delivery of citizen education
25 programs by the political subdivision and supplementing
26 materials as necessary.

27 (12) Coordinating the delivery of awareness and
28 education programs by the political subdivision for local
29 elected officials for preparedness and emergency management
30 topics.

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

3 (14) Supporting the implementation of the National
4 Infrastructure Protection Plan and the Commonwealth Critical
5 Infrastructure Preparedness Plan.

6 (15) Seeking and promoting opportunities to improve the
7 efficiency of preparedness and emergency management through
8 regionalization of services as appropriate.

9 (16) Advising local officials in matters related to
10 disaster preparedness and emergency management.

11 (17) Reviewing emergency management plans and programs
12 developed by school districts, dependent care facilities and
13 other public entities located within the political
14 subdivision that are required by law or the Commonwealth to
15 develop and maintain preparedness and emergency management
16 capabilities. The coordinator shall provide an annual report
17 to the coordinator of the county emergency management program
18 where the political subdivision is located on or before
19 September 1 of each year describing the status of the plans
20 reviewed under this paragraph.

21 (18) Developing and implementing a premise alert system
22 to be utilized by citizens of a political subdivision to
23 voluntarily submit premise alert forms containing personal
24 information to be used in emergency situations.

25 (19) Sharing premise alert forms and information with
26 the political subdivision's county PSAP and incorporating the
27 information received into the local emergency management
28 plan.

29 (20) Updating premise alert information every two years
30 upon notice that information has changed.

1 (21) Coordinating and sharing premise alert information
2 with appropriate law enforcement agencies to forward to the
3 county PSAP.

4 § 7504. Coordination[,] and assistance [and mutual aid].

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

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

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

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

28 (d) Interstate mutual aid arrangements.--The coordinator of
29 each local organization may, subject to approval of the
30 Governor, enter into mutual aid arrangements with similar

1 agencies or organizations in other states for reciprocal
2 disaster emergency services.

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

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

10 § 7511. Appropriations by political subdivisions.

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

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

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

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

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

1 [organization] or county emergency management program
2 coterminous with or having jurisdiction within the political
3 subdivision.

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

13 § 7512. Law applicable to local [organizations] and county
14 emergency management programs.

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

25 [(b) Second class townships.--No purchase or purchases shall
26 be made, no contract entered into and no expenses incurred by
27 any local organization which involves the payment of more than
28 \$25 out of the treasury of any second class township unless the
29 proposed expenditure has been approved in writing by the
30 township supervisors. If any purchase or contract is made or

1 other expenses incurred contrary to the provisions of this
2 subsection, the township shall not be responsible for the
3 payment thereof but the person acting for the local organization
4 in the transaction shall be personally liable for the payment.]

5 § 7513. Agreements among political subdivisions.

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

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

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

20 (i) Specify the proportionate share of the expenses
21 of the [organization] local or county emergency
22 management program, as the case may be, to be paid by
23 each political subdivision party to the agreement and an
24 estimate of the amount required to be appropriated by
25 each of them for the purpose of paying the expenses. [The
26 agreement shall be effective]

27 (ii) Take effect when approved by [the corporate
28 authorities of each of the political subdivisions by a
29 majority vote and each of the subdivisions shall
30 thereupon] official action of the governing body of each

1 political subdivision and each political subdivision
2 shall then make an appropriation pursuant to section 7511
3 (relating to appropriations by political subdivisions)
4 sufficient to pay its share of the expenses of the
5 [organization] local or county emergency management
6 program, as the case may be.

7 (b) Counties.--Where the local [organization] or county
8 emergency management program has jurisdiction in an area
9 including the whole area of one or more counties which is not
10 coterminous with any one county, before paying any expenses of
11 the [organization] local or county emergency management program,
12 as the case may be, the counties, all or part of which lie
13 within the jurisdiction of the [organization] local or county
14 emergency management program, shall enter into an agreement in
15 the manner and form provided in subsection (a) and with like
16 effect, and no other political subdivision lying within the
17 jurisdiction of the [organization] local or county emergency
18 management program, as the case may be, shall be a party to the
19 agreement.

20 § 7514. Payments involving one political subdivision.

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

22 (1) All bills or claims to be paid from any
23 appropriation made by a political subdivision coterminous
24 with the local [organization] or county emergency management
25 program, after first being approved by the local
26 [organization] or county emergency management program or an
27 appropriate officer thereof designated for that purpose,
28 shall be paid from the treasury of the political subdivision
29 only upon the warrant or order of the officer or officers of
30 the political subdivision designated by law to approve or

1 countersign warrants or orders for the payment of the
2 ordinary expenses of the political subdivision, and shall be
3 subject to audit in the same manner as other financial
4 transactions of the political subdivision.

5 (2) In each case, the officer or officers shall have the
6 same power to approve or disapprove as they have in case of
7 warrants for ordinary expenses of the political subdivision,
8 and no warrant or order for the payment thereof shall be
9 issued without the approval.

10 (b) Gift or grant of money.--Any gift or grant of money made
11 to the local [organization] or county emergency management
12 program or to the political subdivision for the payment of
13 expenses incurred or to be incurred by or for the [organization]
14 local or county emergency management program, as the case may
15 be, shall be deposited in the treasury of the political
16 subdivision and shall be appropriated by the political
17 subdivision for the purpose for which the gift or grant was
18 made, and any bills or claims to be paid from the gift or grant
19 shall be paid in the manner provided in this subchapter for the
20 payment of other bills and claims against the political
21 subdivision.

22 § 7515. Payments involving two or more political subdivisions.

23 (a) General rule.--Where two or more political subdivisions
24 have entered into an agreement as provided by section 7513
25 (relating to agreements among political subdivisions), all bills
26 and claims for expenses incurred by or for the local
27 [organization] or county emergency management program shall
28 thereafter be paid in the first instance by the political
29 subdivision named as agent in the agreement in the manner
30 provided in section 7514 (relating to payments involving one

1 political subdivision) as though the organization were
2 coterminous with the political subdivision, and the
3 [organization] local or county emergency management program, as
4 the case may be, shall be subject to all of the laws governing
5 the making of contracts or purchases, the employment of persons
6 or otherwise incurring financial obligations which apply to the
7 political subdivision.

8 (b) Accounting by agent.--The political subdivision
9 designated as agent shall, not later than the fifteenth day of
10 each month, submit an itemized account of the expenses of the
11 organization paid by it during the preceding calendar month to
12 each of the other political subdivisions party to the agreement,
13 together with a request for reimbursement of the proportionate
14 share of expenses agreed to be paid by each of the other
15 political subdivisions.

16 (c) Reimbursement of agent.--

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

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

30 (3) Any payment made by any political subdivision to the

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

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

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

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

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

1 other political subdivision under the agreement.

2 Section 9. Chapter 75 of Title 35 is amended by adding a
3 subchapter to read:

4 SUBCHAPTER C

5 REGIONAL ALL-HAZARDS PREPAREDNESS

6 AND EMERGENCY MANAGEMENT

7 Sec.

8 7521. Regional task forces.

9 7522. Specialized regional task force teams.

10 7523. Urban search and rescue task force.

11 7524. Specialized Statewide response teams.

12 7525. Grant program.

13 7526. Workers' compensation premiums.

14 § 7521. Regional task forces.

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

25 (b) Organization.--

26 (1) Each regional task force shall be a cooperative
27 effort among the counties within the designated region. Each
28 regional task force shall be governed by an executive board
29 comprised of the county coordinator from each county or other
30 county official appointed by the county within the task force

1 region.

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

7 (3) The regional task force executive board shall
8 designate one of its member counties as its agent responsible
9 for entering into contracts and administering any funds,
10 grants or expenses of the regional task force, and, as such,
11 the regional task force shall be subject to all of the laws
12 governing the making of contracts or purchases, the
13 employment of persons or otherwise incurring financial
14 obligations, which apply to the designated member county.

15 (c) Plans.--Each regional task force shall prepare an all-
16 hazards emergency operations plan that encompasses the
17 comprising counties in accordance with subsection (d) and
18 guidelines developed by the agency. The agency shall review each
19 plan in a timely manner, but no later than 90 days after receipt
20 of the plan by the agency. The task force shall review and
21 update the plan triennially and submit it to the agency for
22 review.

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

25 (1) To develop and maintain an all-hazards emergency
26 operations plan.

27 (2) To comply with Federal and State requirements
28 regarding NIMS training and certification, emergency response
29 equipment typing and emergency responder credentialing.

30 (3) Consistent with Federal and State guidelines, to

1 consider serving as agent, if so appointed by its member
2 counties, for county and local coordinators and first
3 responders when applying for United States Department of
4 Homeland Security, State, regional and related grants.

5 (4) To develop, maintain and manage an inventory of
6 regional emergency response resources, including emergency
7 response vehicles, specialized equipment and certified or
8 credentialed personnel, that can be deployed within the
9 region served by the task force or elsewhere in response to
10 events that threaten life, property, the environment or
11 critical infrastructure and provide an inventory of these
12 resources on a schedule and in a manner prescribed by the
13 agency.

14 (5) To participate in and conduct exercises as required
15 by the agency and the Federal Government.

16 (6) To participate in and conduct capabilities-based
17 planning activities and assessments.

18 § 7522. Specialized regional task force teams.

19 (a) Establishment.--A regional task force may establish one
20 or more specialized regional response teams and incident
21 management teams.

22 (b) Organization.--

23 (1) Specialized regional task force teams shall be
24 organized in accordance with guidelines approved by the
25 regional task force executive board and the agency.

26 (2) The regional task force must enter into a written
27 agreement with each specialized regional task force team that
28 it establishes.

29 (3) In addition to any other terms, the written
30 agreement shall stipulate which member county of the regional

1 task force is the responsible agent for administering any
2 funds, grants or expenses of the specialized regional task
3 force team.

4 (4) Any specialized regional task force team shall be
5 subject to the laws governing the making of contracts or
6 purchases, the employment of persons or otherwise incurring
7 financial obligations, which apply to the designated agent
8 county.

9 (c) Activation and deployment.--A specialized regional task
10 force team may be activated and deployed by the Governor or the
11 designee of the Governor or an official designated by the
12 executive board of the regional task force that established it.
13 § 7523. Urban search and rescue task force.

14 (a) Establishment of task forces.--The agency shall
15 establish urban search and rescue task forces throughout this
16 Commonwealth.

17 (b) Organization.--An urban search and rescue task force
18 shall be organized in accordance with guidelines developed by
19 the agency in coordination with the Federal Emergency Management
20 Agency.

21 (c) Responsibilities.--An urban search and rescue task force
22 shall respond to actual or potential disasters in this
23 Commonwealth and shall also perform search and rescue functions
24 as delineated in the Stafford Act, the National Response
25 Framework and the preparedness and response plans created in
26 accordance with the provisions of this chapter.

27 (d) Activation and deployment.--

28 (1) An urban search and rescue task force may only be
29 activated and deployed to the scene of a disaster emergency
30 by the President, the Governor, the designee of the Governor

1 or an official designated by the Federal Emergency Management
2 Agency. During an activation and deployment by the Governor
3 or the designee of the Governor, the administrative and
4 operational costs of the task force, its individual members
5 and their employers, Commonwealth agencies and other parties
6 shall be paid by the Commonwealth.

7 (2) A component or subgroup of an urban search and
8 rescue task force may only be activated and deployed by the
9 agency, a county included in the task force of which it is a
10 component or subgroup or the task force itself. During the
11 activation and deployment, the administrative and operational
12 costs of the urban search and rescue task force component or
13 subgroup, its individual members and their employers shall be
14 paid by the deploying entity requesting the activation or
15 deployment.

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

24 § 7524. Specialized Statewide response teams.

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

27 (b) Organization and responsibilities.--Specialized
28 Statewide response teams shall be organized in accordance with
29 guidelines developed by the agency in consultation with
30 applicable Federal or Commonwealth agencies. The response teams

1 shall provide professional, logistical, material and other forms
2 of emergency services and support to the regional task forces,
3 counties and specialized regional response teams organized in
4 this Commonwealth.

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

8 § 7525. Grant program.

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

15 (b) Grants and funding.--Regional task forces, specialized
16 regional task force teams, specialized Statewide response teams
17 and urban search and rescue task forces may receive grants and
18 funding from the Federal Government and the Commonwealth through
19 application to the agency or any other entity providing grants
20 or funding for the purposes of this part.

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

23 § 7526. Workers' compensation premiums.

24 Nothing in this part shall be construed to permit an insurer
25 to raise workers' compensation premiums due to the participation
26 or membership of a political subdivision, emergency services
27 organization, individual or employer on any task force or
28 response team described in this part.

29 Section 10. Sections 7701, 7702, 7703, 7704, 7705, 7706 and
30 7707 of Title 35 are amended to read:

1 § 7701. Duties concerning disaster [prevention] preparedness
2 and emergency management.

3 (a) Governor.--In addition to disaster prevention measures
4 included in the Commonwealth and local plans, the Governor shall
5 consider on a continuing basis steps that could be taken to
6 prevent or reduce the harmful consequences of disasters. The
7 Governor, from time to time, shall make recommendations to the
8 General Assembly, political subdivisions and other appropriate
9 public and private entities as may facilitate measures for
10 prevention or reduction of the harmful consequences of
11 disasters.

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

24 (c) Other Commonwealth agencies.--At the direction of the
25 Governor, and pursuant to any other authority and competence
26 they have, Commonwealth agencies, including but not limited to
27 those charged with economic recovery responsibilities in
28 connection with floodplain management, stream encroachment and
29 flow regulation, weather modification, fire prevention and
30 control, air quality, public works, land use and land-use

1 planning, construction standards, public utilities and energy,
2 shall make studies of disaster prevention-related matters.

3 (d) Schools.--[Public-funded universities, colleges,]
4 Institutions of higher education and elementary and secondary
5 schools which receive public funds shall be made available to
6 [local, county] political subdivision, regional and [State]
7 Commonwealth officials for emergency planning and exercise
8 purposes and actual [service as mass-care facilities in the
9 event of an emergency evacuation] emergency services.

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

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

25 (g) Plans.--[Every school district and custodial child care
26 facility, in cooperation with the local Emergency Management
27 Agency and the Pennsylvania Emergency Management Agency, shall
28 develop and implement a comprehensive disaster response and
29 emergency preparedness plan consistent with the guidelines
30 developed by the Pennsylvania Emergency Management Agency and

1 other pertinent State requirements. The plan shall be reviewed
2 annually and modified as necessary. A copy of the plan shall be
3 provided to the county emergency management agency.] Every
4 dependent care facility, including, but not limited to, public
5 school entities, shall develop and be prepared to implement an
6 all-hazards emergency action plan in accordance with standards
7 established by the agency. The plan shall be coordinated with
8 the appropriate local or county emergency management program and
9 dedicated emergency response organizations.

10 (h) Large event plans.--

11 (1) When an event involves the congregation of such a
12 large number of people such that a disaster emergency could
13 potentially overwhelm the resources of the dedicated
14 emergency response organizations responsible for the event or
15 would be likely to respond in the geographic area where the
16 event is to be held, the sponsoring organization of the
17 event, in consultation with the county coordinator, shall
18 develop an emergency action plan as specified by the agency.

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

22 (i) Sharing of information.--

23 (1) This subsection applies to any of the following
24 public entities which possesses or acquires all-hazards
25 information:

26 (i) A Commonwealth agency.

27 (ii) A court or an entity or office of the Unified
28 Judicial System.

29 (iii) The General Assembly.

30 (iv) A political subdivision.

1 (v) A dedicated emergency response organization.

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

4 (i) Promptly share all-hazards information with the
5 agency and other Commonwealth agencies in accordance with
6 standards and all-hazards information guidance issued and
7 the all-hazards information plan developed by the agency
8 and consistent with the statutory responsibilities of the
9 agencies providing and receiving the information.

10 (ii) Cooperate in and facilitate the collection and
11 validation of the information and the production of
12 reports based on the information with contents and
13 formats which permit dissemination that maximizes the
14 utility of the information in protecting the territory,
15 citizens and interests of this Commonwealth.

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

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

22 (i) Promptly share the information with the agency
23 and appropriate law enforcement organizations in
24 accordance with all-hazards information standards and
25 guidance issued.

26 (ii) Cooperate in and facilitate the collection and
27 validation of the information and the production of
28 reports based on the information.

29 (4) Documents, information or other materials received
30 by the agency or law enforcement organizations under

1 paragraph (3)(i) shall be subject to section 7715 (relating
2 to confidentiality) and any other Federal or State law
3 protecting proprietary information or trade secrets and the
4 release or use of the information.

5 § 7702. Acceptance of services, gifts, grants and loans.

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

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

30 (c) Indemnification.--

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

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

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

15 § 7703. Interstate arrangements.

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

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

1 compact, the Governor may negotiate special agreements with the
2 jurisdiction or jurisdictions.

3 (c) Legislative approval of agreements.--Any agreement, if
4 sufficient authority for the making thereof does not otherwise
5 exist, becomes effective only after its text has been
6 communicated to the General Assembly and provided that neither
7 House of the General Assembly has disapproved it by adjournment
8 of the next ensuing session competent to consider it or within
9 30 days of its submission, whichever is longer.

10 § 7704. Immunity from civil liability.

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

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

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

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

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

16 § 7705. Special powers of [local agencies] political
17 subdivisions.

18 (a) Roadway clearance.--Whenever the Governor shall have
19 proclaimed a disaster emergency under section 7301(c) (relating
20 to [declaration of disaster emergency]) general authority of
21 Governor), officials of any political subdivision included in
22 the disaster emergency shall have the authority to clear such
23 roadways as are necessary for the health, safety and welfare of
24 residents, even though such roadways are not officially the
25 responsibility of such political subdivision. The political
26 subdivision may be reimbursed for the cost of such clearing as
27 provided in subsection (c).

28 (b) Water systems.--Whenever the Governor shall have
29 proclaimed a disaster emergency under section 7301(c) and in the
30 event that a water system owned or operated by a political

1 subdivision or municipal authority is damaged, destroyed or made
2 inoperable as a direct result of such disaster emergency, the
3 political subdivision or municipal authority shall have the
4 authority to lease or hire such personnel and equipment as may
5 be needed to effect restoration of such water system. The
6 political subdivision or municipal authority may be reimbursed
7 for the cost of such restoration as provided in [subsection
8 (c).] section 1508(b) of the act of April 9, 1929 (P.L.343,
9 No.176), known as The Fiscal Code.

10 (d) Limitations.--Reimbursements pursuant to [subsection
11 (c)] section 1508(b) of The Fiscal Code shall not be made to the
12 extent that the Commonwealth, a political subdivision or a
13 municipal authority may be eligible for assistance from the
14 Federal Government.

15 § 7706. [Compensation for accidental injury] Workers'
16 compensation.

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

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

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

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

8 Volunteers who are members of the Commonwealth emergency
9 management program, a county emergency management program or
10 a local emergency management program are deemed to be
11 employees of the Commonwealth or of a political subdivision
12 by whose program they are deployed for purposes of the act of
13 June 2, 1915 (P.L.736, No.338), known as the Workers'
14 Compensation Act, when engaging in or performing the
15 following activities:

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

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

20 (3) Scheduled training, exercise or related official
21 functions designated and authorized by the applicable
22 emergency management official.

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

28 (c) Computation.--For purposes of computing a volunteer's
29 wage compensation under the Workers' Compensation Act, there
30 shall be an irrebuttable presumption that the wages shall be at

1 least equal to the Statewide average weekly wage.

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

6 (e) Construction.--The provisions of this section shall not
7 supersede Chapter 76 (relating to Emergency Management
8 Assistance Compact).

9 § 7707. Penalties.

10 (a) General rule.--The chief elected executive official of a
11 political subdivision may order or direct only the resources
12 within the official's given authority. Any person [violating any
13 of the plans and programs adopted and promulgated by the
14 Pennsylvania Emergency Management Council shall, upon conviction
15 thereof in a summary proceeding, be sentenced] subject to the
16 authority of:

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

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

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

24 (4) a county or local emergency management program in
25 compliance with this part who fails to comply with an order
26 or direction from that county or local emergency program
27 commits a violation of this part.

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

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

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

7 (b) Loss of funds.--[Those political subdivisions in
8 violation of section 7501 (relating to general authority of
9 political subdivisions), section 7502 (relating to local
10 coordinator of emergency management), section 7503 (relating to
11 powers and duties of political subdivisions) or section 7504
12 (relating to coordination, assistance and mutual aid) shall, at
13 the direction of the council, be subject to loss of Federal
14 personnel and administrative funding for the remainder of the
15 fiscal year in which conviction is established. Reinstatement of
16 Federal personnel and administrative funding shall take place
17 the year following approval of remedial action to the
18 violation.] Any grantee who fails to comply with any provision
19 of this part may, at the agency's discretion, be subject to the
20 loss of grant funding administered by the agency.

21 Section 11. Title 35 is amended by adding sections to read:
22 § 7708.1. Replacement of volunteer service.

23 (a) Condition.--No city, borough, town or township may
24 replace a volunteer fire company serving it with a paid fire
25 company unless a majority of the voters in the municipality have
26 first voted in favor of the change.

27 (b) Referendum.--If a municipality under subsection (a)
28 desires to replace its volunteer fire company with a paid fire
29 company, the following apply:

30 (1) The municipality must file a petition with the

1 county board of elections of the county on the question of
2 replacement.

3 (2) The board shall cause a question to be placed on the
4 ballot and submitted at the municipal primary election
5 occurring at least 60 days after the petition is filed.

6 (3) The question shall be in the following form:

7 Do you favor the replacing of the volunteer fire
8 company by a paid fire company in
9 theof?

10 (4) The referendum shall be conducted under the act of
11 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania
12 Election Code.

13 (5) If a majority of the electors voting on the question
14 vote yes, then the municipality shall replace the volunteer
15 fire company with a paid fire company.

16 § 7714. Authority of Federal law enforcement officers.

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

27 (b) Operational control.--Federal law enforcement officers
28 working in cooperation with State and local law enforcement
29 officers during a disaster emergency declared by the Governor
30 shall come under the operational control of the Pennsylvania

1 State Police or as otherwise directed by the Governor.

2 (c) Liability.--A Federal law enforcement officer operating
3 under this section shall have the same immunities from liability
4 as any agent or employee of the Commonwealth under 42 Pa.C.S.
5 Ch. 85 (relating to matters affecting government units).
6 § 7715. Confidentiality.

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

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

16 (2) Information in any form received by the agency or a
17 law enforcement organization under section 7701(i) (relating
18 to duties concerning disaster preparedness and emergency
19 management).

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

27 (b) Open meetings exception.--Meetings of the council, a
28 county emergency management program, a local emergency
29 management program or any task force or response team organized
30 in accordance with this part, relating to preparedness and

1 emergency management, shall not be subject to the provisions of
2 65 Pa.C.S. Ch. 7 (relating to open meetings).

3 § 7716. Adverse interests.

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

11 Section 12. Repeals are as follows:

12 (1) The General Assembly declares that the repeal under
13 paragraph (2) is necessary to effectuate the addition of 35
14 Pa.C.S. Chs. 73 Subch. G and 75 Subch. C.

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

18 Section 13. This act shall take effect immediately.