
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1218 Session of
2017

INTRODUCED BY BARRAR, SAINATO, D. COSTA, GILLEN, O'NEILL,
ORTITAY, READSHAW, SACCONI, SAYLOR, WARD AND ZIMMERMAN,
APRIL 17, 2017

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, APRIL 17, 2017

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 establishing the Disaster Emergency Fund;
15 further providing for laws suspended during emergency
16 assignments;
17 providing for deployment protections and for penalty
18 for false application;
19 further providing for organization, for powers and
20 duties, for utilization of existing services and
21 facilities, for radiological emergency response
22 preparedness, planning and recovery program and for
23 definitions; and
24 establishing the Statewide Public Safety
25 Communications and Interoperability Advisory Committee.
26 In local organizations and services:
27 further providing for general authority of political
28 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 Emergency Management Assistance Compact:
11 providing for protections.
12 In miscellaneous provisions:
13 further providing for duties concerning disaster
14 prevention, for acceptance of services, gifts, grants and
15 loans, for interstate arrangements, for immunity from
16 civil liability, for special powers of local agencies,
17 for compensation for accidental injury and for penalties;
18 and
19 providing for replacement of volunteer service, for
20 authority of Federal law enforcement officers, for
21 confidentiality and for adverse interests.
22 Making an editorial change.
23 Making a repeal.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

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

28 TITLE 35
29 [HEALTH AND] PUBLIC SAFETY

30 Section 1.1. Section 5303(b)(4) of Title 35 is amended by
31 adding a clause to read:

32 § 5303. Telecommunications management.

33 * * *

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

36 The board shall be comprised of the following:

37 * * *

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

1 * * *

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 Commonwealth

1 Emergency Operations Plan, the State Hazard Mitigation Plan and
2 all 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 "Commonwealth emergency operations plan." A document
6 prepared by the Pennsylvania Emergency Management Agency that
7 meets all of the following:

8 (1) Is approved and signed by the Governor.

9 (2) Is consistent with Federal requirements.

10 (3) Assigns responsibility to appropriate Commonwealth
11 agencies for carrying out specific actions in a disaster
12 emergency.

13 (4) Provides criteria such as lines of authority,
14 response actions and coordination requirements.

15 "Commonwealth Response Coordination Center" or "CRCC." The
16 Commonwealth's principal facility which provides response and
17 recovery support during disasters and emergencies to local
18 political subdivisions throughout the State.

19 "Commonwealth Watch and Warning Center" or "CWWC." The
20 Commonwealth's principal 24-hour, seven-day-a-week watch and
21 warning center.

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

25 "Council." The Pennsylvania Emergency Management Council.

26 "Council of governments." An association of two or more
27 local government units joined together under a written compact
28 to improve cooperation, coordination and planning and to
29 undertake programs in their mutual interest under 53 Pa.C.S. Ch.
30 23 Subch. A (relating to intergovernmental cooperation).

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

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

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

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

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

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

26 "Disability." An individual's physical, mental, sensory,
27 cognitive or emotional impairment or some combination of the
28 impairments that substantially limits one or more of the major
29 life activities.

30 "Disaster." [A man-made disaster, natural disaster or war-

1 caused disaster.] An event that has a large-scale adverse effect
2 on individuals, the environment, critical infrastructure or
3 property.

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

7 (1) affect seriously the safety, health or welfare of a
8 substantial number of [citizens of this Commonwealth]
9 individuals or preclude the operation or use of essential
10 public facilities; and

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

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

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

23 "Emergency." An incident that requires responsive,
24 coordinated action to protect an individual, the environment,
25 critical infrastructure or property.

26 "Emergency action plan." A document prepared by a dependent
27 care facility or large event planner, as provided under section
28 7701(h) (relating to duties concerning disaster preparedness and
29 emergency management), or other entity as required by statute or
30 regulation to develop or maintain an emergency preparedness

1 capability or an emergency plan.

2 "Emergency management." [The judicious planning, assignment
3 and coordination of all available resources in an integrated
4 program of prevention, mitigation, preparedness, response and
5 recovery for emergencies of any kind, whether from attack, man-
6 made or natural sources.] The continuous cycle of preparedness,
7 planning, response, recovery and mitigation for emergencies.

8 "Emergency operations plan." A document prepared by a
9 political subdivision that is consistent with Federal and State
10 requirements that assigns responsibility to agencies and
11 departments under the jurisdiction and control of the political
12 subdivision for carrying out specific actions in a disaster
13 emergency and states criteria such as lines of authority,
14 response actions and coordination requirements.

15 "Emergency services." The preparation for and the carrying
16 out of [functions] capabilities, other than [functions]
17 capabilities for which military forces are primarily
18 responsible, to prepare for, prevent, protect against, respond
19 to and recover from, minimize and provide emergency repair of
20 injury and damage resulting from disasters or emergencies,
21 together with all other activities necessary or incidental to
22 the preparation for and carrying out of those [functions]
23 capabilities. The [functions] capabilities include, without
24 limitation, firefighting services, police services, medical and
25 health services, search, rescue, engineering, disaster warning
26 services, sharing of information, communications, radiological
27 activities, shelter, chemical and other special weapons defense,
28 evacuation of persons from stricken areas, emergency welfare
29 services, mass-care services, emergency transportation,
30 emergency [resources] management, existing or properly assigned

1 functions of plant protection, temporary restoration of public
2 utility services, logistics and resource management and other
3 [functions] capabilities related to civilian protection. The
4 term includes all of the following:

5 (1) Capabilities of political subdivisions,
6 nongovernmental organizations, nonprofit organizations or the
7 Commonwealth.

8 (2) Capabilities of regional task forces and other
9 response organizations as specifically provided for under
10 this part.

11 "Federal emergency." An emergency as defined in section
12 102(1) of the Stafford Act.

13 "Federal law enforcement officer." A law enforcement officer
14 who meets all of the following:

15 (1) Is employed by the United States.

16 (2) Is authorized to effect an arrest for a violation of
17 the United States Code.

18 (3) Is authorized to carry a firearm in the performance
19 of the law enforcement officer's duties.

20 "Grantee." The entity, government or organization to which a
21 grant is awarded.

22 "Hazard vulnerability analysis." A process by which a
23 political subdivision identifies the disasters most likely to
24 strike the community and estimates the potential economic impact
25 of the disaster to and the potential for loss of life, property,
26 critical infrastructure and the environment.

27 "Hazardous agent." A substance which has or potentially has
28 an adverse effect on human health with public health
29 consequences.

30 "Homeland security." A concerted national effort to prevent

1 and disrupt terrorist attacks, protect against all hazards and
2 respond to and recover from incidents that occur.

3 "Incident." An event or condition which constitutes an
4 actual or imminent threat to public health and safety, public or
5 private property or the economic well-being of the community.

6 "Incident command system." A standardized on-scene emergency
7 management construct that is consistent with the National
8 Incident Management System.

9 "Incident commander." The individual responsible for all
10 incident-related activities as described in the National
11 Incident Management System.

12 "Incident management team." An incident command organization
13 made up of the command and general staff members and other
14 appropriate personnel organized according to Federal, State or
15 regional guidelines which can be deployed or activated as
16 needed.

17 "Infrastructure." Real and personal property and equipment
18 that is owned or used by any of the following that service
19 multiple customers or citizens:

20 (1) A communications network.

21 (2) An electric generation, transmission and
22 distribution system.

23 (3) A gas distribution system that provides the
24 facilities and equipment for producing, generating,
25 transmitting, distributing or the furnishing of gas directly
26 to the end customer.

27 (4) A public or private water pipeline.

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

1 "Key resources." Publicly or privately controlled resources
2 essential for the minimum maintenance of critical infrastructure
3 and the operation of the government.

4 "Law enforcement sensitive information." Unclassified
5 information originated by a law enforcement agency which may be
6 used in criminal prosecution and requires protection against
7 unauthorized disclosure to protect sources and methods,
8 investigative activity, evidence or the integrity of pretrial
9 investigative reports, as well as tactics, training,
10 capabilities, protection details, protocols or policies which
11 could compromise law enforcement efforts.

12 "Letter of agreement." The written agreement of a public,
13 semipublic, private or nonprofit corporation, business,
14 association, partnership, authority or other entity or an
15 individual agreeing to provide personnel, equipment, supplies,
16 training facilities or other resources either directly to or in
17 support of preparedness and emergency management.

18 "Local disaster emergency." A condition declared by a
19 political subdivision or chief elected executive officer when,
20 in its or the officer's judgment, the threat or actual
21 occurrence of a disaster may:

22 (1) Affect seriously the safety, health or welfare of a
23 substantial number of people or preclude the operation or use
24 of essential public facilities.

25 (2) Be of a magnitude or severity that warrants
26 coordinated political subdivision action in alleviating the
27 danger, damage, suffering or hardship.

28 ["Local emergency." The condition declared by the local
29 governing body when in their judgment the threat or actual
30 occurrence of a disaster is or threatens to be of sufficient

1 severity and magnitude to warrant coordinated local government
2 action to prevent or alleviate the damage, loss, hardship or
3 suffering threatened or caused thereby. A local emergency
4 arising wholly or substantially out of a resource shortage may
5 be declared only by the Governor, upon petition of the local
6 governing body, when he deems the threat or actual occurrence of
7 a disaster to be of sufficient severity and magnitude to warrant
8 coordinated local government action to prevent or alleviate the
9 damage, loss, hardship or suffering threatened or caused
10 thereby.]

11 "Local emergency management program." An emergency
12 management and preparedness program established and maintained
13 by a political subdivision under section 7501 (relating to
14 general authority of county and local emergency management
15 programs).

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

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

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

27 "Mitigation." Protection activities designed to reduce or
28 eliminate risks to persons or property or to lessen the actual
29 or potential effects or consequences of a disaster emergency
30 that may be implemented prior to, during or after a disaster

1 emergency.

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

6 "National Incident Management System" or "NIMS." A system
7 that provides a consistent nationwide approach for Federal,
8 State, local and tribal governments, the private sector and
9 nongovernmental and nonprofit organizations to work effectively
10 and efficiently together to prepare for, prevent, protect
11 against, respond to and recover from disaster emergencies,
12 regardless of cause, size or complexity. The term includes any
13 successor system established by the Federal Government.

14 "National Infrastructure Protection Plan." A plan developed
15 by the United States Department of Homeland Security that
16 provides a coordinated approach to critical infrastructure and
17 key resources protection roles and responsibilities for Federal,
18 State, regional, local, tribal and private sector security
19 partners or any successor program and that sets national
20 priorities, goals and requirements for effective distribution of
21 funding and resources to ensure that the government, critical
22 infrastructure and public services continue in the event of a
23 disaster emergency.

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

29 ["Natural disaster." Any hurricane, tornado, storm, flood,
30 high water, wind-driven water, tidal wave, earthquake,

1 landslide, mudslide, snowstorm, drought, fire, explosion or
2 other catastrophe which results in substantial damage to
3 property, hardship, suffering or possible loss of life.]

4 "Operational plan." A plan that describes the emergency
5 management or homeland security roles, responsibilities and
6 resources of an organization.

7 "Out-of-State business." A business entity whose services
8 are requested by a registered business, the Commonwealth or a
9 political subdivision of the Commonwealth for purposes of
10 performing disaster emergency-related work in this Commonwealth.
11 The term includes a business entity that is affiliated with a
12 registered business in this Commonwealth solely through common
13 ownership. The out-of-State business may not have any of the
14 following:

15 (1) A presence in this Commonwealth, excluding prior
16 disaster emergency-related work performed under section
17 7308(b)(1) (relating to laws suspended during emergency
18 assignments).

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

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

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

1 agency of the foregoing.]

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

4 "Premise alert system." A computer-aided dispatch database
5 safety program of individuals with a disability or special needs
6 maintained by an emergency management program or public safety
7 answering point.

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

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

16 "Prevention." Actions to avoid a disaster emergency or to
17 intervene to stop one from occurring.

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

20 "Public safety answering point" or "PSAP." As defined in
21 section 5302 (relating to definitions).

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

28 (1) Identify needs and define resources.

29 (2) Provide housing and promote restoration.

30 (3) Address long-term care and treatment of affected

1 persons.

2 (4) Implement additional measures and techniques, as
3 feasible.

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

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

7 "Regional." Pertaining to regional task forces.

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

18 "Registered business." Any business entity that is
19 registered to do business in this Commonwealth prior to a
20 declared disaster or emergency.

21 "Resource shortage." The absence, unavailability or reduced
22 supply of any raw or processed natural resource, or any
23 commodities, goods or services of any kind which bear a
24 substantial relationship to the health, safety, welfare and
25 economic well-being of the citizens of this Commonwealth.

26 "Response." An activity that addresses the short-term,
27 direct effects of an incident. The term includes the execution
28 of emergency operations plans and incident mitigation activities
29 designed to limit the loss of life, personal injury, property
30 damage and other unfavorable outcomes.

1 "Review and accept." The process by which the Pennsylvania
2 Emergency Management Agency, county emergency management and
3 local emergency management programs validate planning documents
4 in accordance with this part to ensure compliance with
5 established planning criteria, adherence to templates and
6 completeness.

7 "Special needs." An individual who requires assistance who
8 has or who is at increased risk of a chronic physical,
9 developmental, behavioral, emotional, mental or cognitive
10 condition and who also requires health and related services
11 beyond the common individual.

12 "Specialized regional response team." A complement of
13 individuals established by a regional task force and organized
14 in accordance with NIMS.

15 "Specialized Statewide response team." A complement of
16 individuals organized by the Commonwealth in accordance with
17 NIMS to provide specialized personnel, equipment and other
18 support capabilities in response to an actual or potential
19 disaster.

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

23 "State emergency operations plan." A document prepared by
24 the Pennsylvania Emergency Management Agency and approved and
25 signed by the Governor that is consistent with Federal
26 requirements and assigns responsibility to appropriate
27 Commonwealth agencies for carrying out specific actions in a
28 disaster emergency and states, among other things, lines of
29 authority, response actions and coordination requirements.

30 "State Emergency Registry of Volunteers in Pennsylvania" or

1 "SERVPA." An Internet-based system developed and maintained by
2 the Commonwealth allowing for the advance and real-time
3 registration of volunteers for deployment during disaster
4 emergencies.

5 "State hazard mitigation plan." A document prepared by the
6 Pennsylvania Emergency Management Agency to reduce the loss of
7 life and property due to all hazards and to enable mitigation
8 measures to be implemented during the immediate recovery from a
9 disaster emergency.

10 "Statewide Communication Interoperability Plan" or "SCIP." A
11 Statewide plan that is locally driven and involves
12 multijurisdictional and multidisciplinary planning to enhance
13 emergency communications that are uniform and enhance
14 interoperable communications for public safety and for officials
15 at all levels of government.

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

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

21 "Terrorism." An act or activity that:

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

24 (2) Is a violation of the criminal laws of the United
25 States or of any state or other subdivision of the United
26 States in which it occurs.

27 (3) Is intended to intimidate or coerce the civilian
28 population or influence a government or affect the conduct of
29 a government.

30 "Urban search and rescue task force." A complement of

1 individuals and equipment organized by the Pennsylvania
2 Emergency Management Agency in accordance with standards
3 developed by the agency and the Federal Emergency Management
4 Agency to provide emergency response and search and rescue
5 capabilities and resources.

6 ["War-caused disaster." Any condition following an attack
7 upon the United States resulting in substantial damage to
8 property or injury to persons in the United States caused by use
9 of bombs, missiles, shellfire, nuclear, radiological, chemical
10 or biological means, or other weapons or overt paramilitary
11 actions, or other conditions such as sabotage.]

12 § 7103. [Purposes] Purpose of part.

13 [The purposes of this part are to:

14 (1) Reduce vulnerability of people and communities of
15 this Commonwealth to damage, injury and loss of life and
16 property resulting from disasters.

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

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

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

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

27 (6) Authorize and provide for coordination of activities
28 relating to disaster prevention, preparedness, response and
29 recovery by agencies and officers of this Commonwealth, and
30 similar State-local and Federal-State activities in which the

1 Commonwealth and its political subdivisions participate.

2 (7) Provide a disaster management system embodying all
3 aspects of predisaster preparedness and postdisaster
4 response.

5 (8) Assist in prevention of disaster caused or
6 aggravated by inadequate planning for and regulation of
7 public and private facilities and land use.

8 (9) Supplement, without in any way limiting, authority
9 conferred by previous statutes of this Commonwealth and
10 increase the capability of the Commonwealth and local
11 agencies having responsibilities for civil defense to perform
12 both civil defense and disaster services.

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

15 (11) Further programs of education and training.

16 (12) Establish integrated communications capabilities
17 and warning systems.] The purpose of this part is to
18 authorize and provide for coordination of activities relating
19 to disaster preparedness and emergency management activities
20 by agencies and officers of this Commonwealth and similar
21 Federal-State and State-local activities in which the
22 Commonwealth and its political subdivisions,
23 intergovernmental cooperative entities, regional task forces,
24 councils of governments, school districts and other
25 appropriate public and private entities participate.

26 § 7301. General authority of Governor.

27 (a) Responsibility to meet disasters.--The Governor is
28 responsible for meeting the dangers to this Commonwealth and
29 people presented by disasters.

30 (b) Executive orders, proclamations and regulations.--Under

1 this part, in addition to other rights granted to the Governor
2 under this part, the Governor may issue, amend and rescind
3 executive orders, proclamations and regulations, which shall
4 have the force and effect of law.

5 (c) Declaration of disaster emergency.--

6 (1) A disaster emergency shall be declared by executive
7 order or proclamation of the Governor upon finding that a
8 disaster has occurred or that the occurrence or the threat of
9 a disaster is imminent.

10 (2) The [state of] declared disaster emergency shall
11 continue until the Governor finds that the threat or danger
12 has passed or the disaster has been dealt with to the extent
13 that emergency conditions no longer exist and terminates the
14 [state of] declared disaster emergency by executive order or
15 proclamation, but no [state of] declared disaster emergency
16 may continue for longer than 90 days unless renewed by the
17 Governor.

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

23 (4) All executive orders or proclamations issued under
24 this subsection shall indicate the nature of the disaster,
25 the area or areas threatened and the conditions which have
26 brought the disaster about or which make possible termination
27 of the [state of] declared disaster emergency.

28 (5) An executive order or proclamation shall be
29 disseminated promptly by means calculated to bring its
30 contents to the attention of the general public and, unless

1 the circumstances attendant upon the disaster prevent or
2 impede, shall be promptly filed with the [Pennsylvania
3 Emergency Management Agency] agency and the Legislative
4 Reference Bureau for publication under [Part II of Title 45]
5 45 Pa.C.S. Pt. II (relating to publication and effectiveness
6 of Commonwealth documents).

7 (d) Activation of disaster response.--An executive order or
8 proclamation of a state of disaster emergency shall activate the
9 disaster response and recovery aspects of the [Commonwealth]
10 State emergency operations plan and [local disaster] other
11 emergency plans applicable to the political subdivision or area
12 in question and shall be authority for the deployment and use of
13 any forces to which the plan or plans apply and for use or
14 distribution of any supplies, equipment and materials and
15 facilities assembled, stockpiled or arranged to be made
16 available pursuant to this part or any other provision of law
17 relating to disaster emergencies.

18 (e) Commander in chief of military forces.--[During the
19 continuance of any state of disaster emergency, the] The
20 Governor is commander in chief of the Pennsylvania military
21 forces. To the greatest extent practicable, the Governor shall
22 delegate or assign command authority by prior arrangement
23 embodied in appropriate executive orders or regulations, but
24 this does not restrict the authority of the Governor to do so by
25 orders issued at the time of the disaster emergency.

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

28 (1) Suspend the provisions of any [regulatory] statute
29 [prescribing the procedures for conduct of Commonwealth
30 business,] or the orders, rules or regulations of any

1 Commonwealth agency, if strict compliance with the provisions
2 of any statute, order, rule or regulation would in any way
3 prevent, hinder or delay necessary action in coping with the
4 emergency.

5 (2) [Utilize] Prior to, during and following the
6 expiration of a declaration of a disaster emergency, utilize
7 all available resources of the Commonwealth [Government] and
8 each political subdivision [of this Commonwealth] as
9 reasonably necessary to cope with [the] or mitigate the
10 effects of a disaster emergency or potential disaster
11 emergency.

12 (3) Transfer the direction, personnel or functions of
13 Commonwealth agencies or units thereof for the purpose of
14 performing or facilitating emergency services.

15 (4) Subject to any applicable requirements for
16 compensation under section 7313(10) (relating to powers and
17 duties), commandeer or utilize any private, public or quasi-
18 public property if necessary to cope with the disaster
19 emergency.

20 (5) Direct and compel the evacuation of all or part of
21 the population from any stricken or threatened area within
22 this Commonwealth if this action is necessary for the
23 preservation of life or other disaster mitigation, response
24 or recovery.

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

27 (7) Control ingress and egress to and from a disaster
28 area, the movement of persons within the area and the
29 occupancy of premises therein.

30 (8) Suspend or limit the sale, dispensing or

1 transportation of alcoholic beverages, firearms, explosives
2 and combustibles.

3 (9) Confer the power of arrest on the law enforcement
4 personnel serving as part of the emergency forces of a party
5 state during operations in this Commonwealth pursuant to a
6 declaration of a disaster emergency under subsection (c). Law
7 enforcement personnel shall be under the operational control
8 of the Commissioner of Pennsylvania State Police and shall
9 comply with the terms and conditions of the Emergency
10 Management Assistance Compact under Chapter 76 (relating to
11 Emergency Management Assistance Compact). Arrest powers
12 granted under this paragraph shall expire when the
13 declaration of a disaster emergency is terminated by
14 executive order, proclamation or operation of law, if the
15 arrest powers have not previously been terminated.

16 (10) Request assistance of Federal law enforcement while
17 a declaration of a disaster emergency is in effect to the
18 Federal Government to assist in enforcing the laws of this
19 Commonwealth.

20 § 7302. Temporary housing.

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

26 (1) To enter into purchase, lease or other arrangements
27 with any Federal agency for temporary housing units to be
28 occupied by disaster victims and to make the units available
29 to any political subdivision [of this Commonwealth named as a
30 party to the emergency or disaster declaration.], nonprofit

1 organization or nongovernmental organization authorized under
2 a Federal or State declared disaster emergency.

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

10 (i) advancing or lending funds available to the
11 Governor from any appropriation made by the General
12 Assembly or from any other source;

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

15 (iii) becoming a copartner with the political
16 subdivision for the execution and performance of any
17 temporary housing for disaster victims project;

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

22 (3) Under such [regulations] conditions as the Governor
23 shall prescribe, to temporarily suspend or modify for not to
24 exceed 60 days any public health, safety, zoning,
25 transportation [(within] within or across this
26 [Commonwealth)] Commonwealth or other requirement of statute
27 or regulation within this Commonwealth when by proclamation
28 the Governor deems the suspension or modification essential
29 to provide temporary housing for disaster victims.

30 (b) Acquisition of sites by political subdivisions.--[Any] A

1 political subdivision [of this Commonwealth], authorized
2 nonprofit organization or nongovernmental organization is
3 expressly authorized to acquire, temporarily or permanently, by
4 purchase, lease or otherwise, sites required for installation of
5 temporary housing units for disaster victims[,] and to enter
6 into whatever arrangements [which are] necessary to prepare or
7 equip the sites to utilize the housing units.

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

13 [(d) Definitions.--As used in this section, "major disaster"
14 and "emergency" shall have the same meanings as defined or used
15 in The Robert T. Stafford Disaster Relief and Emergency
16 Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.).]
17 § 7303. Debris and wreckage removal.

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

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

28 (2) To accept funds from the Federal Government and
29 utilize the funds to make grants or to reimburse any
30 political subdivision for the purpose of removing debris or

1 wreckage from publicly or privately owned land or water.

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

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

14 § 7304. Community disaster loans.

15 Whenever, at the request of the Governor, the President has
16 declared a major disaster or emergency to exist in this
17 Commonwealth, the Governor is authorized:

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

26 (2) To determine the amount needed by [any applicant] a
27 political subdivision to restore or resume its governmental
28 functions and to certify the amount to the Federal
29 Government. No application amount shall exceed 25% of the
30 annual operating budget of the applicant for the fiscal year

1 in which the major disaster or emergency occurs.

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

9 § 7305. Individual and family assistance.

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

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

24 (2) To enter into an agreement with the Federal
25 Government or any Federal agency or officer pledging the
26 Commonwealth to participate in the funding of the assistance
27 authorized in paragraph (1) and, if Commonwealth funds are
28 not otherwise available to the Governor, to accept an advance
29 of the Commonwealth share from the Federal Government to be
30 repaid when the Commonwealth is able to do so.

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

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

14 § 7305.1. Grants for public assistance and hazard mitigation.

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

29 (b) Special Session disaster relief acts.--Projects which
30 are itemized under Chapter 3 of the act of July 11, 1996 (2nd

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

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

14 Section 3. Title 35 is amended by adding sections to read:
15 § 7307.1. Use and appropriation of unused Commonwealth funds.

16 (a) Transfer of funds authorized.--In addition to the
17 transfers permitted under section 1508(a) of the act of April 9,
18 1929 (P.L.343, No.176), known as The Fiscal Code,
19 notwithstanding whether the Governor has not declared a disaster
20 emergency or whether a declaration of disaster emergency has
21 expired, the Governor may transfer any unused funds which may
22 have been appropriated for the ordinary expenses of the
23 Commonwealth in the General Fund to the Commonwealth agencies as
24 the Governor may direct to be expended for preparedness planning
25 and other activities related to a potential or actual disaster
26 in a manner approved by the Governor.

27 (b) Limitation on amount transferred.--The total of the
28 transfers authorized under section 1508(a) of The Fiscal Code
29 and under this section may not exceed \$25,000,000 in any one
30 year, except by action of the General Assembly.

1 § 7307.2. Disaster Emergency Fund.

2 (a) Establishment.--A nonlapsing, restricted account is
3 established within the State Treasury to be known as the
4 Disaster Emergency Fund. Money appropriated, deposited or
5 transferred to the fund, including interest earned on money in
6 the fund, shall be restricted and nonlapsing.

7 (b) Use of fund money.--Money in the fund shall be used to
8 assist with emergencies or nonfederally declared disasters in
9 accordance with standards and guidelines set by the agency and
10 published in the Pennsylvania Bulletin.

11 Section 4. Section 7308(a) of Title 35 is amended to read:

12 § 7308. Laws suspended during emergency assignments.

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

22 * * *

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

24 § 7309. Deployment protections.

25 (a) General rule.--An individual temporarily deployed by the
26 Commonwealth or providing equipment for the purpose of emergency
27 services activities in response to a mutual aid request by the
28 agency shall be deemed an employee of the Commonwealth and
29 granted immunity in accordance with subsection (b).

30 (b) Exception.--Except for willful misconduct or gross

1 negligence, an individual temporarily deployed by the
2 Commonwealth or providing equipment for the purpose of emergency
3 services activities shall not be liable for the death or injury
4 to an individual or for damage to or loss of property as a
5 result of that activity. Immunity, rights or privileges shall
6 not be granted to an individual under this section unless
7 deployed by the Commonwealth in accordance with subsection (c).

8 (c) Deployment by the Commonwealth.--Deployment by the
9 Commonwealth shall be limited to the agency. The agency shall
10 promulgate, adopt and enforce standards, directives, orders,
11 rules and regulations as may be deemed necessary to carry out
12 the provisions of this section.

13 § 7310. Penalty for false application.

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

20 Section 6. Sections 7312, 7313, 7314, 7320 and 7332 of Title
21 35 are amended to read:

22 § 7312. [Organization.] Pennsylvania Emergency Management
23 Council.

24 [This agency shall consist of and be organized substantially
25 as follows:

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

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

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

29 (ii) The Governor may authorize up to two
30 representatives of business and industry, up to two

1 representatives of labor, [up to two public members at
2 large] one representative from the American Red Cross and
3 the Arc ???? of Pennsylvania, respectively, and one
4 representative respectively of the [Pennsylvania State
5 Association of] County Commissioners Association of
6 Pennsylvania, the Pennsylvania State Association of
7 Township Commissioners, the Pennsylvania State
8 Association of Township Supervisors, the Pennsylvania
9 Municipal League [of Cities] and the Pennsylvania State
10 Association of Boroughs to be nonvoting members of the
11 council.

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

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

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

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

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

30 (d) Emergency meetings.--In the event of [attack or disaster

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

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

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

1 Act," and the Commonwealth Compensation Plan.] The agency shall
2 provide the council with staff and other services as may be
3 required for the council to carry out its responsibilities under
4 this part.

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

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

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

29 (j) Commonwealth Disaster Recovery Task Force.--The director
30 shall organize the Commonwealth Disaster Recovery Task Force to,

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

8 § 7313. Powers and duties.

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

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

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

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

30 (iii) Assistance to Commonwealth agencies, [local

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

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

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

13 (vi) Coordination of the Commonwealth [Emergency
14 Management Plan with the disaster plans of the Federal
15 Government and those of other states] emergency
16 operations plan.

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

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

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

1 management coordinators.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (13) [To administer] Provide and administer grant
24 programs [to political subdivisions for disaster management.]
25 made available in accordance with this chapter or other
26 applicable Federal or State law.

27 (14) [To accept] Accept and coordinate assistance
28 provided by Federal agencies in major disasters or
29 emergencies in accordance with the provisions of [The Robert
30 T. Stafford Disaster Relief and Emergency Assistance Act

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

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

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

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

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

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

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

10 (19) [To provide, from its own stockpiles or other
11 sources, emergency operational equipment, materials and
12 supplies required and available for essential supplementation
13 of those owned, acquired and used by Commonwealth, county and
14 local departments and agencies for attack and disaster
15 operations. The agency shall establish two regional emergency
16 supply warehouses. One shall be located in the western part
17 of this Commonwealth, and one shall be located in the eastern
18 part of this Commonwealth.] Purchase equipment, materials and
19 supplies on behalf of regional task forces, specialized task
20 forces, county emergency management programs or local
21 emergency programs in support of preparation, response,
22 mitigation or recovery activities to the extent that funds
23 are available or appropriated for that purpose.

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

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

3 (i) Provide minimum competency testing for their
4 operators.

5 (ii) Submit plans for flood notification and
6 warning.

7 (22) Establish policies and procedures to coordinate and
8 implement all search and rescue activities with the Federal
9 Government, other states, other Commonwealth agencies and
10 political subdivisions. The agency may dispatch authorized
11 personnel and specialized equipment to disaster emergency or
12 training sites within or outside this Commonwealth for search
13 and rescue, training and other emergency response purposes.

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

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

25 (25) Conduct all-hazards exercises, as appropriate.

26 § 7314. Utilization of existing services and facilities.

27 In order to avoid duplication of services and facilities, the
28 agency shall utilize the services and facilities of existing
29 officers, offices, departments, commissions, boards, bureaus,
30 institutions and other agencies of the Commonwealth and of the

1 political subdivisions thereof. These officers and agencies
2 shall cooperate with and extend their services and facilities to
3 the agency as requested and consistent with other operational
4 requirements of that agency.

5 § 7320. Radiological emergency [response preparedness, planning
6 and recovery] preparedness and management program.

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

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

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

29 (2) [Annual] Overseeing the annual review and revision,
30 as necessary, of the risk county and support county

1 radiological emergency response plans to ensure that they are
2 consistent with the [Commonwealth's] State Emergency
3 [Management] Operations Plan.

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

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

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

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

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

30 (8) [Assisting in] Overseeing the update of lesson plans

1 used by each [utility] nuclear power plant licensee for
2 county, municipal, school and volunteer agency offsite
3 training purposes [and, to the extent necessary to obtain
4 Federal approval, participation in this training effort.]
5 with the objective to standardize training material to the
6 extent possible to support sharing of resources between
7 Offsite Response Organizations.

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

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

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

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

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

30 (14) Performing actions necessary to satisfy the

1 Commonwealth's responsibilities relative to Federal guidance
2 memoranda.

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

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

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

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

25 (c) Establishment of fund.--[There is hereby created in the
26 General Fund a] A nonlapsing restricted receipt account to be
27 known as the Radiological Emergency Response Planning and
28 Preparedness Program Fund is established in the General Fund.

29 [Fees received under subsection (d) shall be deposited in this
30 fund.] Moneys in the fund are hereby appropriated to the agency

1 to carry out its responsibilities under subsections (a) and (b).

2 § 7332. Definitions.

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

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

7 "Committee." The Intrastate Mutual Aid Committee.

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

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

30 ["Incident." Any event or condition which constitutes an

1 actual or imminent threat to public health and safety, public or
2 private property or the economic well-being of the community.

3 "Incident commander." The individual responsible for all
4 incident-related activities, including the development of
5 strategies and tactics and the ordering and releasing of
6 resources as provided under the National Incident Management
7 System.

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

13 "National Incident Management System." The National Incident
14 Management System established by the United States Department of
15 Homeland Security.]

16 "Participating political subdivision." A political
17 subdivision that has not opted out of the intrastate mutual aid
18 system.

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

22 "Requesting political subdivision." A participating
23 political subdivision that requests assistance under this
24 subchapter.

25 "Responding political subdivision." A participating
26 political subdivision that responds to a request for assistance
27 under this subchapter.

28 "System." The intrastate mutual aid system.

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

1 or a designee of the PA-FirstNet Program.

2 (iv) A representative from the Governor's Office of
3 Administration.

4 (v) The Secretary of Community and Economic
5 Development.

6 (vi) A representative from the Office of the State
7 Fire Commissioner.

8 (vii) The chairman of the State Geospatial
9 Coordinating Board.

10 (viii) A representative from the Pennsylvania Public
11 Utility Commission.

12 (ix) The Secretary of Health.

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

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

15 (ii) The Minority Leader of the Senate.

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

17 (iv) The Minority Leader of the House of
18 Representatives.

19 (3) A representative from the following Statewide
20 associations:

21 (i) The Association of Public-Safety Communications
22 Officials.

23 (ii) The Pennsylvania Chapter of the National
24 Emergency Number Association.

25 (iii) The Keystone Emergency Management Association.

26 (iv) The Pennsylvania Wireless Association.

27 (v) The Pennsylvania Telephone Association.

28 (vi) The Broadband Cable Association of
29 Pennsylvania.

30 (vii) The County Commissioner's Association of

- 1 Pennsylvania.
- 2 (viii) The Pennsylvania Municipal League.
- 3 (ix) The Pennsylvania State Association of Boroughs.
- 4 (x) The Pennsylvania State Association of Township
- 5 Supervisors.
- 6 (xi) The Pennsylvania State Association of Township
- 7 Commissioners.
- 8 (xii) The Pennsylvania Chiefs of Police Association.
- 9 (xiii) The Fraternal Order of Police.
- 10 (xiv) The Pennsylvania Professional Fire Fighters
- 11 Association.
- 12 (xv) The Firemen's Association of the State of
- 13 Pennsylvania.
- 14 (xvi) The Pennsylvania Emergency Health Services
- 15 Council.

16 § 7394. Designee.

17 A member of the committee may appoint a designee who must be

18 an employee of the same agency or organization to attend

19 meetings.

20 § 7395. Appointments.

21 (a) Recommendations.--The Governor shall appoint the

22 committee members upon the recommendations provided by the

23 organizations listed under section 7393(3) (relating to

24 composition).

25 (b) Terms.--Members under section 7393(2) shall serve two-

26 year terms.

27 (c) Time.--The Governor shall make the appointments within

28 60 days of the effective date of this subsection and may remove

29 an appointed member for cause upon written notice to the

30 committee.

1 § 7396. Quorum.

2 Fourteen members of the committee shall constitute a quorum.

3 § 7397. Meetings.

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

8 § 7398. Compensation.

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

13 § 7399. Roles and responsibilities.

14 The advisory committee shall:

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

20 (2) Advise the agency on ways to ensure effective and
21 efficient interoperable communications among public safety
22 and emergency response agencies at all levels of government
23 to support the development, implementation and maintenance of
24 the Commonwealth's SCIP.

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

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

30 (5) Facilitate and assist the agency with the ability of

1 emergency response agencies in maintaining communications in
2 the event of damage to or destruction of the primary
3 infrastructure.

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

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

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

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

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

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

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

28 Section 8. Sections 7501, 7502, 7503, 7504, 7511, 7512,
29 7513, 7514 and 7515 of Title 35 are amended to read:

30 § 7501. General authority of [political subdivisions] county

1 and local emergency management programs.

2 (a) Establishing emergency management [organization]
3 programs.--[Each political subdivision of this Commonwealth is
4 directed and authorized to establish a local emergency
5 management organization in accordance with the plan and program
6 of the Pennsylvania Emergency Management Agency. Each local
7 organization shall have responsibility for emergency management,
8 response and recovery within the territorial limits of the
9 political subdivision within which it is organized and, in
10 addition, shall conduct such services outside of its
11 jurisdictional limits as may be required under this part.] No
12 later than two years from the effective date of this subsection,
13 a political subdivision shall establish an emergency management
14 program consistent with the Commonwealth emergency management
15 program within its jurisdictional limits as required by the
16 agency.

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

18 (1) A local disaster emergency may be declared by
19 official action of the governing body of a political
20 subdivision upon finding a disaster emergency has occurred or
21 is imminent. The governing body of a political subdivision
22 may authorize the [mayor or other] chief elected executive
23 officer to declare a local disaster emergency subject to
24 ratification by official action of the governing body.

25 (2) The [declaration] declared disaster emergency shall
26 be issued by executive order or proclamation and shall
27 continue until the governing body or the chief elected
28 executive officer, as appropriate, finds that the threat or
29 danger has passed or the disaster has been dealt with to the
30 extent that emergency conditions no longer exist.

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

5 (4) Each executive order or proclamation issued under
6 this subsection shall indicate the nature of the disaster
7 emergency, the area or areas threatened and the conditions
8 which have brought the disaster emergency about or which make
9 possible termination of the declared disaster emergency.

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

14 (6) Any order or proclamation declaring, continuing or
15 terminating a local disaster emergency must be given prompt
16 and general publicity and must be filed promptly with the
17 agency through the appropriate county emergency management
18 program.

19 (7) The effect of a declaration of a local disaster
20 emergency is to activate the response and recovery aspects of
21 any and all applicable local emergency management plans and
22 to authorize the furnishing of aid and assistance thereunder.

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

28 (d) Temporary suspension of formal requirements.--Each
29 political subdivision included in a declaration of disaster
30 emergency declared by either the Governor or the governing body

1 or chief elected executive officer of the political subdivision
2 affected by the disaster emergency is authorized to exercise the
3 powers vested under this section in the light of the exigencies
4 of the emergency situation without regard to time-consuming
5 procedures and formalities prescribed by law [(excepting
6 mandatory constitutional requirements)], excepting
7 constitutional requirements, pertaining to the performance of
8 public work, entering into contracts, the incurring of
9 obligations, the employment of temporary workers, the rental of
10 equipment, the purchase of supplies and materials, the levying
11 of taxes and the appropriation and expenditure of public funds.

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

24 (f) Intergovernmental cooperation.--Notwithstanding the
25 provisions of 53 Pa.C.S. § 2302 (relating to definitions), two
26 or more municipalities may jointly cooperate in the
27 establishment of an emergency management program under 53
28 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
29 cooperation) and in conformance with standards established by
30 the agency.

1 § 7502. [Local coordinator of emergency management] County and
2 local emergency management coordinators.

3 (a) General rule.--[Each local organization of emergency
4 management shall have] Each county and local emergency
5 management program shall appoint a coordinator who shall be
6 responsible for the planning, administration and operation of
7 the [local organization] respective emergency management program
8 subject to the direction and control of the chief elected
9 executive officer or governing body. The duties of and
10 continuing education and certification standards for a
11 coordinator or any individual that seeks to be certified by the
12 Commonwealth at any level or emergency management shall be
13 prescribed by the agency. In addition to the qualifications
14 under this section, the agency shall prescribe other
15 qualifications for the appointment of coordinators as it deems
16 necessary.

17 (a.1) Certification refusal.--The agency may refuse to
18 certify an individual as an emergency manager for incompetence,
19 dishonesty or commitment of a felony or an offense involving
20 moral turpitude under Federal, State or local laws or
21 ordinances.

22 (b) County coordinator.--[A coordinator shall be appointed
23 in all counties with approval of the director of the agency. The
24 executive officer or governing body of the county shall
25 recommend a coordinator whose recommendation must be endorsed by
26 the director of the agency prior to appointment by the Governor.
27 Upon failure of the executive officer or governing body of the
28 county to make a recommendation of a person for coordinator
29 within the time fixed by the agency, the Governor is authorized
30 to appoint a coordinator based upon the recommendation of the

1 director of the agency.]

2 (1) The chief elected executive officer of each county
3 shall recommend the appointment of a coordinator of the
4 county emergency management program within 90 days of a
5 vacancy.

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

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

14 (c) [Local level.--At the local level, the coordinator shall
15 be appointed by the Governor upon the recommendation of the
16 executive officer or governing body of the political
17 subdivision. Upon the failure of the executive officer or
18 governing body of a political subdivision to make a
19 recommendation to the Governor of a candidate for coordinator
20 within the time fixed by the agency, the Governor is authorized
21 to appoint a coordinator without any recommendation. A candidate
22 for coordinator for two or more political subdivisions may be
23 recommended to the Governor for appointment upon agreement by
24 resolution of the governing bodies of such political
25 subdivisions. Any other law notwithstanding, a local government
26 official may be recommended for appointment.] Local
27 coordinators.--

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

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

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

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

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

18 (2) (i) An appointing authority may remove a
19 coordinator for incompetence, dishonesty or commitment of
20 a felony or an offense involving moral turpitude under
21 Federal, State or local laws or ordinances.

22 (ii) The governing body of a political subdivision
23 may remove a county or local coordinator who fails to
24 comply with the provisions of this title or for any
25 reason.

26 (iii) A county or local coordinator or an individual
27 that has been certified by the Commonwealth as an
28 emergency manager may be removed or decertified by the
29 agency for failure to meet agency-prescribed training and
30 certification standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 duties).

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

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

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

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

14 (4) Implementing and coordinating the county's NIMS
15 compliance activities.

16 (5) Assisting political subdivisions within the county
17 in NIMS where feasible.

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

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

23 (8) Preparing and maintaining a county hazard
24 vulnerability analysis that incorporates all locally
25 identified hazards.

26 (9) Assisting political subdivisions with planning
27 activities within the county where feasible.

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

30 (11) Maintaining training records for coordinators

1 within the county who have received training from the agency.

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

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

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

11 (ii) Establishing and managing a county emergency
12 operations center using NIMS.

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

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

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

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

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

29 (18) Coordinating the delivery of awareness and
30 education programs for county and local elected officials on

1 preparedness and emergency management topics.

2 (19) Participating in regional task force activities as
3 appropriate.

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

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

10 (22) Advising county officials in matters related to
11 disaster preparedness and response.

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

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

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

29 (26) Developing, maintaining and managing information
30 received from a premise alert system form into a county

1 emergency management plan.

2 (27) Updating information provided every two years or
3 upon notice that premise alert system information has
4 changed.

5 (c) Local emergency management program.--A political
6 subdivision required to establish a local emergency management
7 program under section 7501 (relating to general authority of
8 county and local emergency management programs) shall develop,
9 maintain and manage programs and capabilities as provided for
10 under this title which shall include, but not be limited to, the
11 following:

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

16 (2) Maintaining a current list of political subdivision
17 resources.

18 (3) Providing updated resource management information to
19 the county emergency management program where the political
20 subdivision is located and to the PSAP upon request.

21 (4) Coordinating the political subdivision's NIMS
22 compliance activities.

23 (5) Following reporting protocols established by the
24 county emergency management program where the PSAP and the
25 political subdivision are located.

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

30 (7) Preparing and maintaining a local hazard

1 vulnerability analysis.

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

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

7 (i) Establishing a local emergency operations center
8 in compliance with NIMS.

9 (ii) Coordinating and cooperating with the county
10 emergency management program where the political
11 subdivision is located and other relevant organizations
12 and entities for interoperable emergency communications.

13 (10) Participating in a political subdivision's
14 continuity and operations planning.

15 (11) Coordinating the delivery of citizen education
16 programs by the political subdivision and supplementing
17 materials as necessary.

18 (12) Coordinating the delivery of awareness and
19 education programs by the political subdivision for local
20 elected officials for preparedness and emergency management
21 topics.

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

24 (14) Supporting the implementation of the National
25 Infrastructure Protection Plan and the Commonwealth Critical
26 Infrastructure Preparedness Plan.

27 (15) Seeking and promoting opportunities to improve the
28 efficiency of preparedness and emergency management through
29 regionalization of services as appropriate.

30 (16) Advising local officials in matters related to

1 disaster preparedness and emergency management.

2 (17) Reviewing emergency management plans and programs
3 developed by school districts, dependent care facilities and
4 other public entities located within the political
5 subdivision that are required by law or the Commonwealth to
6 develop and maintain preparedness and emergency management
7 capabilities. The coordinator shall provide an annual report
8 to the coordinator of the county emergency management program
9 where the political subdivision is located on or before
10 September 1 of each year describing the status of the plans
11 reviewed under this paragraph.

12 (18) Developing and implementing a premise alert system
13 to be utilized by citizens of a political subdivision to
14 voluntarily submit premise alert forms containing personal
15 information to be used in emergency situations.

16 (19) Sharing premise alert forms and information with
17 the political subdivision's corresponding PSAP and
18 incorporating the information received into the local
19 emergency management plan.

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

22 (21) Coordinating and sharing premise alert information
23 with appropriate law enforcement agencies to forward to the
24 911 system.

25 § 7504. Coordination[,] and assistance [and mutual aid].

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

27 Direction of disaster emergency management services is the
28 responsibility of the lowest level of government affected. When
29 two or more political subdivisions within a county are affected,
30 the county organization shall exercise responsibility for

1 coordination and support to the area of operations. When two or
2 more counties are involved, coordination shall be provided by
3 the agency or by area organizations established by the agency.

4 (b) Assistance from higher government unit.--When all
5 appropriate locally available forces and resources are fully
6 committed by the affected political subdivision, assistance from
7 a higher level of government shall be provided. Regional task
8 forces may assist in the coordination efforts and provisions of
9 resources.

10 [(c) Municipal mutual aid agreements.--County and local
11 coordinators of emergency management shall develop mutual aid
12 agreements with adjacent political subdivisions for reciprocal
13 emergency assistance. The agreements shall be consistent with
14 the plans and programs of the agency. In disaster emergencies,
15 requests for mutual aid assistance shall be referred to the
16 organization having responsibility for coordination as specified
17 in subsection (a) and in time of emergency it shall be the duty
18 of each local organization to render assistance in accordance
19 with the provisions of the mutual aid agreements.

20 (d) Interstate mutual aid arrangements.--The coordinator of
21 each local organization may, subject to approval of the
22 Governor, enter into mutual aid arrangements with similar
23 agencies or organizations in other states for reciprocal
24 disaster emergency services.

25 (e) Ratification of agreements.--Mutual aid agreements shall
26 be ratified by the governing bodies of the political
27 subdivisions involved.

28 (f) Control of outside support forces.--Support forces
29 furnished political subdivisions from outside its jurisdiction
30 shall be under the operational control of the department, agency

1 or office furnishing the force.]

2 § 7511. Appropriations by political subdivisions.

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

5 (1) A political subdivision may make appropriations for
6 the payment of expenses [of the local organization] for
7 preparedness and emergency management activities in the
8 manner provided by law for making appropriations for the
9 ordinary expenses of the political subdivision.

10 (2) In making appropriations, the political subdivision
11 shall specify the amounts and purposes for which the moneys
12 appropriated may be used by the organization to or for which
13 such appropriation may be made.

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

16 (1) Nothing in this subchapter or any other provision of
17 this part shall be deemed to limit the power of any political
18 subdivision to appropriate money for the purpose of paying
19 the expenses of a local [organization] or county emergency
20 management program having jurisdiction both within and
21 without the political subdivision even though an
22 appropriation has been or is to be made to another local
23 [organization] or county emergency management program
24 coterminous with or having jurisdiction within the political
25 subdivision.

26 (2) Payments on account of an appropriation under this
27 subsection shall be made pursuant to an agreement under
28 section 7513 (relating to agreements among political
29 subdivisions) or in the form of a gift or grant to the
30 political subdivision responsible in the first instance for

1 the payment of bills and claims against the local
2 [organization] or county emergency management program, as the
3 case may be, for the payment of the expenses for which the
4 appropriation was made.

5 § 7512. Law applicable to local [organizations] and county
6 emergency management programs.

7 [(a) General rule.--] Where the jurisdiction of the local
8 [organization] or county emergency management program is
9 coterminous with the political subdivision making an
10 appropriation for the payment of the expenses, the local
11 [organization] or county emergency management program, as the
12 case may be, shall be deemed an agency, board or commission of
13 the political subdivision, subject to all of the laws governing
14 the making of contracts or purchases, the employment of persons
15 or otherwise incurring financial obligations which apply to the
16 political subdivision.

17 [(b) Second class townships.--No purchase or purchases shall
18 be made, no contract entered into and no expenses incurred by
19 any local organization which involves the payment of more than
20 \$25 out of the treasury of any second class township unless the
21 proposed expenditure has been approved in writing by the
22 township supervisors. If any purchase or contract is made or
23 other expenses incurred contrary to the provisions of this
24 subsection, the township shall not be responsible for the
25 payment thereof but the person acting for the local organization
26 in the transaction shall be personally liable for the payment.]

27 § 7513. Agreements among political subdivisions.

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

29 (1) Where a local [organization] or county emergency
30 management program has jurisdiction in an area including all

1 or parts of more than one political subdivision which does
2 not include the whole area of any county, the political
3 subdivisions, all or part of which lie within the
4 jurisdiction of the [organization] local or county emergency
5 management program, as the case may be, shall, before paying
6 any expenses of the [organization] local or county emergency
7 management program, enter into an agreement designating one
8 of the political subdivisions as the agent of each of them
9 for the purpose of paying the expenses of the local
10 [organization.] or county emergency management program.

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

12 (i) Specify the proportionate share of the expenses
13 of the [organization] local or county emergency
14 management program, as the case may be, to be paid by
15 each political subdivision party to the agreement and an
16 estimate of the amount required to be appropriated by
17 each of them for the purpose of paying the expenses. [The
18 agreement shall be effective]

19 (ii) Take effect when approved by [the corporate
20 authorities of each of the political subdivisions by a
21 majority vote and each of the subdivisions shall
22 thereupon] official action of the governing body of each
23 political subdivision and each political subdivision
24 shall then make an appropriation pursuant to section 7511
25 (relating to appropriations by political subdivisions)
26 sufficient to pay its share of the expenses of the
27 [organization] local or county emergency management
28 program, as the case may be.

29 (b) Counties.--Where the local [organization] or county
30 emergency management program has jurisdiction in an area

1 including the whole area of one or more counties which is not
2 coterminous with any one county, before paying any expenses of
3 the [organization] local or county emergency management program,
4 as the case may be, the counties, all or part of which lie
5 within the jurisdiction of the [organization] local or county
6 emergency management program, shall enter into an agreement in
7 the manner and form provided in subsection (a) and with like
8 effect, and no other political subdivision lying within the
9 jurisdiction of the [organization] local or county emergency
10 management program, as the case may be, shall be a party to the
11 agreement.

12 § 7514. Payments involving one political subdivision.

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

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

27 (2) In each case, the officer or officers shall have the
28 same power to approve or disapprove as they have in case of
29 warrants for ordinary expenses of the political subdivision,
30 and no warrant or order for the payment thereof shall be

1 issued without the approval.

2 (b) Gift or grant of money.--Any gift or grant of money made
3 to the local [organization] or county emergency management
4 program or to the political subdivision for the payment of
5 expenses incurred or to be incurred by or for the [organization]
6 local or county emergency management program, as the case may
7 be, shall be deposited in the treasury of the political
8 subdivision and shall be appropriated by the political
9 subdivision for the purpose for which the gift or grant was
10 made, and any bills or claims to be paid from the gift or grant
11 shall be paid in the manner provided in this subchapter for the
12 payment of other bills and claims against the political
13 subdivision.

14 § 7515. Payments involving two or more political subdivisions.

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

30 (b) Accounting by agent.--The political subdivision

1 designated as agent shall, not later than the fifteenth day of
2 each month, submit an itemized account of the expenses of the
3 organization paid by it during the preceding calendar month to
4 each of the other political subdivisions party to the agreement,
5 together with a request for reimbursement of the proportionate
6 share of expenses agreed to be paid by each of the other
7 political subdivisions.

8 (c) Reimbursement of agent.--

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

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

22 (3) Any payment made by any political subdivision to the
23 political subdivision named as agent in the agreement for
24 reimbursement for the payment of the expenses of the
25 organization shall be credited by the agent political
26 subdivision to the appropriation made by it for the payment
27 of the expenses of the [organization] local or county
28 emergency management program and shall be available for the
29 payment of future expenses of the [organization] local or
30 county emergency management program, as the case may be,

1 without further appropriation or action by the agent
2 political subdivision.

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

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

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

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

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

26 SUBCHAPTER C

27 REGIONAL ALL-HAZARDS PREPAREDNESS

28 AND EMERGENCY MANAGEMENT

29 Sec.

30 7521. Regional task forces.

1 7522. Specialized regional task force teams.

2 7523. Urban search and rescue task force.

3 7524. Specialized Statewide response teams.

4 7525. Grant program.

5 7526. Workers' compensation premiums.

6 § 7521. Regional task forces.

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

18 (b) Organization.--

19 (1) Each regional task force shall be a cooperative
20 effort among the counties within the designated region. Each
21 regional task force shall be governed by an executive board
22 comprised of the following:

23 (i) The county coordinator from each county or other
24 county official appointed by the county within the task
25 force region.

26 (ii) One member from each of the following emergency
27 management communities, to be chosen in a manner
28 determined by the regional task force:

29 (A) Health services.

30 (B) Law enforcement.

1 (C) Fire protection.

2 (D) Emergency medical services.

3 (2) Each regional task force shall determine, by
4 majority vote of the executive board, for purposes of
5 contract and grant administration, its designation as either:

6 (i) a single entity contract and grant
7 administrator; or

8 (ii) a multiple entity contract and grant
9 administrator.

10 (c) Single entity contract and grant administrator.--The
11 following apply to a regional task force with a designation as a
12 single entity contract and grant administrator:

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

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

26 (3) An intergovernmental cooperation agreement fully
27 executed by the governing bodies of member counties must be
28 received by the agency prior to the release of contract or
29 grant funds to the designated agent member county.

30 (d) Multiple entity contract and grant administrator.--The

1 following apply to a regional task force with a designation as a
2 multiple entity contract and grant administrator:

3 (1) The agency shall enter into contracts and grant
4 agreements with each of the operational task force member
5 counties individually. Each task force member county shall be
6 responsible for administering any funds or grants it receives
7 or expenses it incurs. Each individual member county shall be
8 responsible for the laws governing the making of contracts or
9 purchases, the employment of persons or otherwise incurring
10 financial obligation individual to it.

11 (2) Notwithstanding any provision in 53 Pa.C.S. Ch. 23,
12 the member counties must organize their regional task force
13 as a council of governments pursuant to 53 Pa.C.S. Ch. 23
14 Subch. A.

15 (e) Agency authority.--The agency has the authority to enter
16 into contract and grant agreements with qualified entities other
17 than single or multiple entity contract and grant administrators
18 to the extent permitted by Federal law, regulations and
19 guidance.

20 (f) Plans.--Each regional task force, notwithstanding
21 designation, shall coordinate and develop a regional plan that
22 addresses national, State and regional priorities and national
23 preparedness goals that encompasses the comprising counties in
24 accordance with subsection (d) and guidelines developed by the
25 agency. The agency shall review each plan in a timely manner,
26 but not later than 90 days after receipt of the plan by the
27 agency. The task force shall review and update the plan
28 triennially and submit it to the agency for review.

29 (g) Duties of regional task forces.--The duties of a
30 regional task, notwithstanding designation, shall include the

1 following:

2 (1) To develop and maintain a regional plan based on
3 national, State and regional priorities and national
4 preparedness goals.

5 (2) To comply with Federal and State requirements
6 regarding NIMS training and certification, emergency response
7 equipment typing and emergency responder credentialing.

8 (3) Organize, at a minimum, working groups from the
9 following emergency management communities:

10 (i) Health services.

11 (ii) Law enforcement.

12 (iii) Fire protection.

13 (iv) Emergency medical services

14 (4) To develop, maintain and manage an inventory of
15 regional emergency response resources, including emergency
16 response vehicles, specialized equipment and certified or
17 credentialed personnel, that can be deployed within the
18 region served by the task force or elsewhere in response to
19 events that threaten life, property, the environment or
20 critical infrastructure and provide an inventory of the
21 resources on a schedule and in a manner prescribed by the
22 agency.

23 (5) To maintain a multiyear training and exercise plan
24 and participate in and conduct exercises as required by the
25 agency and the Federal Government.

26 (6) To participate in and conduct capabilities-based
27 planning activities and assessments.

28 (7) Maintain interoperable and compatible emergency
29 communication systems in support of Statewide communications
30 systems.

1 (8) Comply with agency guidelines, standards and
2 directives and Homeland Security grant guidelines.

3 (h) Activation and deployment.--A regional task force or a
4 subset of the regional task force may be activated and deployed
5 by the Governor or the designee of the Governor, or an official
6 designated by the executive board of the regional task force
7 that established the regional task force. During an activation
8 and deployment, the administrative and operational costs of the
9 regional task force or a subset of the regional task force, its
10 individual members and their employers, Commonwealth agencies
11 and other parties shall be negotiated and paid by the entity
12 that activated and deployed the regional task force or the
13 subset of the regional task force.

14 § 7522. Specialized regional task force teams.

15 (a) Establishment.--A regional task force may establish one
16 or more specialized regional response teams and incident
17 management teams.

18 (b) Organization.--

19 (1) Specialized regional task force teams shall be
20 organized in accordance with guidelines approved by the
21 regional task force executive board and the agency.

22 (2) The regional task force must enter into a written
23 agreement with each specialized regional task force team that
24 it establishes.

25 (3) In addition to any other terms, the written
26 agreement shall stipulate the scope of authority, employed or
27 volunteer status of team members, which member county of the
28 regional task force is the responsible agent for
29 administering any funds, grants or expenses of the
30 specialized regional task force team.

1 (4) Any specialized regional task force team shall be
2 subject to the laws governing the making of contracts or
3 purchases, the employment of persons or otherwise incurring
4 financial obligations.

5 (5) In order to receive funds or grants directly, a
6 specialized regional task force team must meet the
7 requirements of section 7521(b)(2) (relating to regional task
8 forces).

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 the
13 regional task force.

14 § 7523. Urban search and rescue task force.

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

18 (a.1) Costs.--During an activation and deployment, the
19 administrative and operational costs of the regional task force
20 or a subset of the regional task force, its individual members
21 and their employers, Commonwealth agencies and other parties
22 shall be negotiated and paid by the entity that activated and
23 deployed the specialized regional task force.

24 (b) Organization.--An urban search and rescue task force
25 shall be organized in accordance with guidelines developed by
26 the agency in coordination with the Federal Emergency Management
27 Agency.

28 (c) Responsibilities.--An urban search and rescue task force
29 shall respond to actual or potential disasters in this
30 Commonwealth and shall also perform search and rescue functions

1 as delineated in the Stafford Act, the National Response
2 Framework and the preparedness and response plans created in
3 accordance with the provisions of this chapter.

4 (d) Activation and deployment.--

5 (1) An urban search and rescue task force may only be
6 activated and deployed to the scene of a disaster emergency
7 by the President, the Governor, the designee of the Governor
8 or an official designated by the Federal Emergency Management
9 Agency. During an activation and deployment by the Governor
10 or the designee of the Governor, the administrative and
11 operational costs of the urban search and rescue task force,
12 its individual members and their employers, Commonwealth
13 agencies and other parties shall be negotiated and paid by
14 the Commonwealth.

15 (2) A component or subgroup of an urban search and
16 rescue task force may only be activated and deployed by the
17 agency, a county or the task force. During the activation and
18 deployment, the administrative and operational costs of the
19 urban search and rescue task force component or subgroup, its
20 individual members and their employers shall be paid by the
21 deploying entity requesting the activation or deployment.

22 (e) Funding, grants and donations.--In addition to any funds
23 that are provided to a task force under section 7525 (relating
24 to grant program) or the authority of section 7307.1 (relating
25 to use and appropriation of unused Commonwealth funds), the
26 urban search and rescue task force may be eligible to receive
27 grants, donations of equipment and supplies and other funds from
28 any source. As an agent of the Commonwealth, a task force shall
29 be entitled to tax-exempt status from the Commonwealth.
30 § 7524. Specialized Statewide response teams.

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

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

11 (c) Activation.--Specialized Statewide response teams may
12 only be activated and deployed by the Governor or the designee
13 of the Governor. During an activation and deployment, the
14 administrative and operational costs of the regional task force
15 or a subset of the regional task force, its individual members
16 and their employers, Commonwealth agencies and other parties
17 shall be negotiated and paid by the entity that activated and
18 deployed the specialized Statewide response team.

19 § 7525. Grant program.

20 (a) Authorization.--The agency may award grants to either of
21 the following:

22 (1) Regional task forces, specialized regional task
23 force teams, specialized Statewide response teams and urban
24 search and rescue task forces to the extent they are
25 organized under section 7521(b) (relating to regional task
26 forces).

27 (2) The member political subdivisions that comprise the
28 entities under paragraph (1).

29 (b) Grants and funding.--Regional task forces, specialized
30 regional task force teams, specialized Statewide response teams

1 and urban search and rescue task forces may receive grants and
2 funding from the Federal Government and the Commonwealth through
3 application to the agency or any other entity providing grants
4 or funding for the purposes of this part to the extent they are
5 organized under section 7521(b).

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

8 § 7526. Workers' compensation premiums.

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

14 Section 9.1. Title 35 is amended by adding a section to
15 read:

16 § 7605. Protections.

17 An individual that is not an employee of the Commonwealth who
18 is deployed by the Governor or a designee under section 7601
19 (relating to compact enacted) shall be considered an employee of
20 the Commonwealth for the purposes of this chapter.

21 Section 10. Sections 7701, 7702, 7703, 7704, 7705, 7706 and
22 7707 of Title 35 are amended to read:

23 § 7701. Duties concerning disaster [prevention] preparedness
24 and emergency management.

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

1 public and private entities as may facilitate measures for
2 prevention or reduction of the harmful consequences of
3 disasters.

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

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

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

1 event of an emergency evacuation] emergency services.

2 (e) Vehicles.--School bus and transportation vehicles owned,
3 contracted for or leased by [universities, colleges]
4 institutions of higher education and school districts which
5 receive public funds shall be made available to local, county,
6 regional and [State] Commonwealth officials for emergency
7 planning and exercise purposes and actual [service in the event
8 of an emergency evacuation] emergency services.

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

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

1 dedicated emergency response organizations.

2 (h) Large event plans.--

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

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

14 (i) Sharing of information.--

15 (1) This subsection shall apply to any of the following
16 public entities which possess or acquire all-hazards
17 information:

18 (i) A Commonwealth agency.

19 (ii) A court or an entity or office of the Unified
20 Judicial System.

21 (iii) The General Assembly.

22 (iv) A political subdivision.

23 (v) A dedicated emergency response organization.

24 (2) A public entity enumerated under paragraph (1) shall
25 do all of the following:

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

1 agencies providing and receiving the information.

2 (ii) Cooperate in and facilitate the collection and
3 validation of the information and the production of
4 reports based on the information with contents and
5 formats which permit dissemination that maximizes the
6 utility of the information in protecting the territory,
7 citizens and interests of this Commonwealth.

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

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

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

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

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

27 § 7702. Acceptance of services, gifts, grants and loans.

28 (a) General rule.--Whenever any person or the Federal
29 Government or any Federal agency or officer offers to the
30 Commonwealth or, through the Commonwealth, to any political

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

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

22 (c) Indemnification.--

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

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

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

7 § 7703. Interstate arrangements.

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

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

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

1 30 days of its submission, whichever is longer.

2 § 7704. Immunity from civil liability.

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

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

30 (c) Other benefits unaffected.--This section does not affect

1 the right of any person to receive benefits to which he would
2 otherwise be entitled under this part or under the [workmen's
3 compensation laws] act of June 2, 1915 (P.L.736, No.338), known
4 as the Workers' Compensation Act, or under any pension law, nor
5 the right of any person to receive any benefits or compensation
6 under any Federal law.

7 (d) Effect on other immunities.--The immunity provided under
8 this section shall not supersede and shall not be in addition to
9 other immunities provided by law.

10 § 7705. Special powers of [local agencies] political
11 subdivisions.

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

22 (b) Water systems.--Whenever the Governor shall have
23 proclaimed a disaster emergency under section 7301(c) and in the
24 event that a water system owned or operated by a political
25 subdivision or municipal authority is damaged, destroyed or made
26 inoperable as a direct result of such disaster emergency, the
27 political subdivision or municipal authority shall have the
28 authority to lease or hire such personnel and equipment as may
29 be needed to effect restoration of such water system. The
30 political subdivision or municipal authority may be reimbursed

1 for the cost of such restoration as provided in [subsection
2 (c).] section 1508(b) of the act of April 9, 1929 (P.L.343,
3 No.176), known as The Fiscal Code.

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

9 § 7706. [Compensation for accidental injury] Workers'
10 compensation.

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

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

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

28 (3) Weekly payments of \$200, not to exceed six months in
29 duration, beginning on the eighth day of disability directly
30 arising from accidental injury rendering the individual

1 totally incapable of following his normal gainful pursuits.]
2 Volunteers of an agency-established urban search and rescue
3 task force, a regional task force, specialized Statewide
4 response teams, a specialized regional task force, the
5 Commonwealth emergency management program, a county emergency
6 management program or a local emergency management program
7 are deemed to be employees of the Commonwealth or of a
8 political subdivision by whose program they are deployed for
9 purposes of the act of June 2, 1915 (P.L.736, No.338), known
10 as the Workers' Compensation Act, when engaging in or
11 performing the following activities:

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

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

16 (3) Scheduled training, exercise or related official
17 functions designated and authorized by the applicable
18 emergency management official.

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

24 Computation.--For purposes of computing a volunteer's wage
25 compensation under the Workers' Compensation Act, there shall be
26 an irrebuttable presumption that the wages shall be at least
27 equal to the Statewide average weekly wage.

28 (c) Applicability.--The provisions of this section shall not
29 apply to the extent that the volunteer is otherwise covered for
30 workers' compensation purposes under an existing policy,

1 agreement, contract or law nor shall this provision apply to an
2 individual who self-deploys or has not been authorized to
3 respond in accordance with subsection (a).

4 (d) Construction.--The provisions of this section shall not
5 supersede Chapter 76 (relating to Emergency Management
6 Assistance Compact).

7 § 7707. Penalties.

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

17 (1) The Governor or his or her designee.

18 (2) A chief elected executive official.

19 (3) An agency.

20 (4) A county or local emergency management program.

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

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

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

30 (b) Loss of funds.--[Those political subdivisions in

1 violation of section 7501 (relating to general authority of
2 political subdivisions), section 7502 (relating to local
3 coordinator of emergency management), section 7503 (relating to
4 powers and duties of political subdivisions) or section 7504
5 (relating to coordination, assistance and mutual aid) shall, at
6 the direction of the council, be subject to loss of Federal
7 personnel and administrative funding for the remainder of the
8 fiscal year in which conviction is established. Reinstatement of
9 Federal personnel and administrative funding shall take place
10 the year following approval of remedial action to the
11 violation.] A grantee who fails to comply with a provision of
12 this part may, at the agency's discretion, be subject to the
13 loss of grant funding administered by the agency.

14 Section 11. Title 35 is amended by adding sections to read:
15 § 7708.1. Replacement of volunteer service.

16 (a) Condition.--A city, borough, town or township may not
17 replace a volunteer fire company serving the municipality with a
18 paid fire company unless a majority of the voters in the
19 municipality have first voted in favor of the change.

20 (b) Referendum.--If a municipality under subsection (a)
21 desires to replace the municipality's volunteer fire company
22 with a paid fire company, the following shall apply:

23 (1) The municipality must file a petition with the
24 county board of elections of the county on the question of
25 replacement.

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

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

30 Do you favor the replacing of the volunteer fire

1 company by a paid fire company in
2 theof?

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

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

9 § 7714.1. Authority of Federal law enforcement officers.

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

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

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

29 § 7715. Confidentiality.

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

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

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

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

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

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

26 § 7716. Adverse interests.

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

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

4 Section 12. Repeals are as follows:

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

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

11 Section 13. This act shall take effect immediately.