AN ACT

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, establishing and providing for the powers and duties of the Governor's Office of Homeland Security; in 911 emergency communication services, further providing for termination of chapter; in general provisions, further providing for definitions and for purposes of part; in Commonwealth services, further providing for general authority of Governor, for temporary housing, for debris and wreckage removal, for community disaster loans, for individual and family assistance and for grants for hazard mitigation, establishing the Disaster Emergency Fund, further providing for laws suspended during emergency assignments, providing for penalty for false application and further providing for organization, for powers and duties of Pennsylvania Emergency Management Agency, for utilization of existing services and facilities and for radiological emergency response preparedness, planning and recovery program; in volunteer firefighters, further providing for funds; in local organizations and services, further providing for general authority of political subdivisions, for local coordinator of emergency management, for powers and duties of political subdivisions, for coordination, assistance and mutual aid, for appropriations by political subdivisions, for law applicable to local organizations, for agreements among political subdivisions, for payments involving one political subdivision and for payments involving two or more political subdivisions and providing for regional all-hazards preparedness and emergency management; in Emergency Management Assistance Compact, further providing for budgetary considerations and providing for protections; and, in miscellaneous provisions, further providing for duties concerning disaster prevention, for acceptance of services,
gifts, grants and loans, for interstate arrangements and for
immunity from civil liability, providing for other benefits
unaffected, further providing for special powers of local
agencies, for compensation for accidental injury and for
penalties and providing for authority of Federal law
enforcement officers, for confidentiality and for adverse
interests.

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

Section 1. Title 35 of the Pennsylvania Consolidated
Statutes is amended by adding a chapter to read:

CHAPTER 49
GOVERNOR'S OFFICE OF HOMELAND SECURITY

Sec.
4901. Definitions.
4902. Office.
4903. Designation of State administrative agency.
4904. Cooperation by State agencies.

§ 4901. Definitions.
The following words and phrases when used in this chapter
shall have the meanings given to them in this section unless the
context clearly indicates otherwise:
"Advisor." The Homeland Security Advisor under section
4902(c) (relating to office).
"Director." The Homeland Security Director under section
4902(d).
"Office." The Governor's Office of Homeland Security
established under section 4902(a).

§ 4902. Office.
(a) Establishment.--The Governor's Office of Homeland
Security is established within the Governor's Office to prepare
for, prevent, respond to and recover from acts of terrorism.
(b) Powers and duties.--The office has the power and duty
(1) Secure this Commonwealth from acts of terrorism.

(2) Reduce the vulnerability of critical infrastructure and key resources to terrorist attacks.

(3) Partner with the United States Department of Homeland Security and other Federal, State and local agencies in matters related to homeland security.

(4) Work with the primary State fusion center to develop the process of information fusion for the gathering, processing, analyzing and disseminating of information related to homeland security.

(5) Cooperate with the Pennsylvania Emergency Management Agency in matters relating to emergency management planning, preparedness and response.

(6) Participate, in concert with the private sector and other Federal, State and local agencies, in a coordinated effort to prepare for, prevent, respond to and recover from acts of terrorism.

(c) Homeland Security Advisor.--The head of the office shall be the Homeland Security Advisor, as appointed by the Governor. The advisor shall serve as this Commonwealth's primary point of contact with the United States Department of Homeland Security and other Federal, State and local agencies in matters related to homeland security. The advisor shall advise and report to the Governor.

(d) Homeland Security Director.--The office shall be managed by a Homeland Security Director appointed by the Governor. The director shall report to the advisor and to the Governor's Deputy Chief of Staff for Public Safety. The director shall be assisted by personnel deemed necessary to allow the office to
(e) Staffing and location.--The director is authorized to select, appoint and employ such employees as may be necessary to carry out the functions of the office, in accordance with the procedures of the Governor's Office of Administration. The office shall be located at the Pennsylvania State Police Departmental Headquarters. All personnel assigned to the office shall be classified as authorized employees of the Pennsylvania State Police.

§ 4903. Designation of State administrative agency.
The Pennsylvania Emergency Management Agency is designated as the State Administrative Agency for this Commonwealth and shall be responsible for the administration and audit functions of all Federal grants relating to homeland security. The distribution awards of Federal grant money under the Homeland Security Grant Program and the Urban Area Security Initiative shall be made by the Governor's Office, in consultation with the advisor and the Director of the Pennsylvania Emergency Management Agency, in accordance with the Federal guidelines related to the National Homeland Security Strategy and Federal Grant Guidance as promulgated by the United States Department of Homeland Security and the Federal Emergency Management Agency for the respective grant years.

§ 4904. Cooperation by State agencies.
All agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the office and the Governor's Deputy Chief of Staff for Public Safety to carry out the functions of the office effectively.

Section 2. Section 5398 of Title 35, amended June 28, 2019 (P.L.142, No.17), is amended to read:
§ 5398. Termination.

(a) General rule.--Except as set forth in subsection (b), this chapter shall expire January 31, [2024] 2023.

(b) Exception.--Section 5304(c) (relating to counties) shall expire June 30, 2021.

Section 3. Sections 7102, 7103, 7301, 7302, 7303, 7304, 7305 and 7305.1 of Title 35 are amended to read:

§ 7102. Definitions.

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


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

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

"Chief elected executive officer." Includes:

(1) The mayor of a city or borough or the elected executive in a municipality without a mayor.

(2) The presiding elected officer of the governing body in municipalities without an elected executive.

"Commonwealth agency." Any of the following:
(1) An office, department, authority, board, multistate agency or commission of the executive branch.

(2) The Governor's Office.

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

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

(5) A Commonwealth authority or entity.

"Commonwealth critical infrastructure protection plan." A plan to provide a coordinated approach to setting Commonwealth priorities, goals and requirements for effective distribution of funding and resources for critical infrastructure and key resources to ensure that the government, economy and public services continue in the event of an emergency.


"Commonwealth emergency management program." A program of coordinated activities consistent with Federal guidelines, including the National Incident Management System, coordinated by the agency, to address the management of emergencies. The term includes the Commonwealth emergency operations plan, the State hazard mitigation plan and all appropriate State-level strategic and operational plans and programs that address all hazards, disaster-related mitigation, preparedness, protection, prevention, response and recovery.
"Commonwealth emergency operations plan." A document prepared by the agency and approved and signed by the Governor that is consistent with Federal requirements and assigns responsibility to appropriate Commonwealth agencies for carrying out specific actions in a disaster emergency and states, among other things, lines of authority, response actions and coordination requirements.

"Commonwealth Response Coordination Center" or "CRCC." The Commonwealth's principal facility which provides response and recovery support during disasters and emergencies to local political subdivisions throughout this Commonwealth. When activated, the CRCC is staffed with personnel from various State agencies who work in a defined organizational structure to coordinate State-level emergency management actions, such as the coordination and integration of resources. The CRCC provides policy guidance, situational awareness, common operating picture and planning support for affected local political subdivisions.

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


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

"Council of governments." An association of two or more local government units joined together under a written compact to improve cooperation, coordination and planning and to undertake programs in their mutual interest under the provisions of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).
"County emergency management program." An emergency management and preparedness program established and maintained by a county under section 7501 (relating to general authority of political subdivisions' emergency management programs).

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

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

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

"Director." The Director of the Pennsylvania Emergency Management Agency.

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

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

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

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

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

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

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

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

"Emergency operations plan." A document prepared by a political subdivision that is consistent with Federal and State requirements that assigns responsibility to agencies and departments under the jurisdiction and control of the political subdivision for carrying out specific actions in a disaster emergency and states, among other things, lines of authority, response actions and coordination requirements.
"Emergency plan." A document prepared by a dependent care facility or large event planner, as referenced in section 7701(h) (relating to duties concerning disaster preparedness and emergency management), or other entity as required by statute or regulation to maintain an emergency preparedness capability or develop an emergency plan.

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

(1) Capabilities of municipal governments, county governments, nongovernmental organizations or the Commonwealth.
(2) Capabilities of regional task forces and other response organizations as specifically provided for under this part.

"Federal emergency." An emergency as defined in section 102(1) of the Stafford Act (42 U.S.C. § 5122(1)).

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

(1) is employed by the United States;

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

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

"Grantee." The person, government or organization to which a grant is awarded.

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

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

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

(1) Specifically designed to provide for the adoption of an integrated organizational structure that reflects the complexity and demands of single or multiple incidents,

without being hindered by jurisdictional boundaries.

(2) Characterized by the coordination of facilities, equipment, personnel, procedures and communications operating
within a common organizational structure and designed to aid in the management of resources during all kinds of emergencies regardless of size or complexity.

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

"Infrastructure." Real and personal property and equipment that is owned or used by any of the following that service multiple customers or [citizens] residents:

(1) A communications network.

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

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

(4) A public or private water pipeline.

(5) Pharmaceutical and health care distribution networks that provide critical medications and other medical supplies to hospitals, long-term care facilities, pharmacies and other health care settings.

"Local emergency." The condition declared by the local governing body when in their judgment the threat or actual occurrence of a disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby. A local emergency arising wholly or substantially out of a resource shortage may be declared only by the Governor, upon petition of the local governing body, when he deems the threat or actual occurrence of
a disaster to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby.

"Local organization." A local emergency management organization.

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

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

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

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

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

"Local disaster emergency." The condition declared by a local governing body or chief elected executive officer when, in the governing body's or officer's judgment, the threat or actual occurrence of a disaster may:
(1) Affect seriously the safety, health or welfare of a substantial number of people or preclude the operation or use of essential public facilities.

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

"Local emergency management program." An emergency management and preparedness program established and maintained by a political subdivision under section 7501.

"Major disaster." The term as it is defined in section 102(2) of the Stafford Act (42 U.S.C. § 5122(2)).

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

"Municipality." A city, borough, incorporated town, township, home rule or optional charter municipality or any other general purpose unit of local government other than a county.

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

"National Incident Management System." A system that provides a consistent nationwide approach for Federal, State, local and tribal governments, the private sector and nongovernmental organizations to work effectively and efficiently together to prepare for, prevent, protect against, respond to and recover from domestic incidents, regardless of cause, size or complexity. The term includes a successor system.
established by the Federal Government.

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

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

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

1. A presence in this Commonwealth, excluding prior disaster emergency-related work performed under section 7308(b)(1) (relating to laws suspended during emergency assignments).
2. Any registration, tax filing or nexus in this Commonwealth within the past three calendar years.

"Out-of-State employee." An employee who does not work in this Commonwealth, unless the employee is performing disaster emergency-related work during a period under section 7308(b)(1).
"Person." An individual, corporation, association, partnership, limited liability company, business trust, government entity, including the Commonwealth, foundation, public utility, trust[, or estate[, public or private institution, group, the Commonwealth or a local agency or political subdivision and any legal successor, representative or agency of the foregoing].

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

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

"President." The President of the United States.

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

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

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

(1) Identify needs and define resources.

(2) Provide housing and promote restoration.

(3) Address long-term care and treatment of affected persons.
(4) Implement additional measures and techniques, as feasible.

(5) Evaluate the incident to identify lessons learned.

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

"Regional." Pertaining to regional task forces.

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

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

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

"War-caused disaster." Any condition following an attack upon the United States resulting in substantial damage to property or injury to persons in the United States caused by use of bombs, missiles, shellfire, nuclear, radiological, chemical or biological means, or other weapons or overt paramilitary
"Response." Activities that address the short-term, direct effects of an incident. The term includes the execution of emergency operations plans and incident mitigation activities designed to limit the loss of life, personal injury, property damage and other unfavorable outcomes.

"Review and accept." The process by which the agency, county emergency management programs and local emergency management programs validate planning documents in accordance with this part to ensure compliance with established planning criteria, adherence to templates and completeness. The process may not imply approval or verification of ability to execute the plans described in the planning documents.

"Specialized regional response team." A complement of individuals established by a regional task force and organized in accordance with standards developed by the agency and applicable Federal agencies to respond to emergencies involving an actual or potential disaster.

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


"State hazard mitigation plan." A document prepared by the agency to reduce the loss of life and property due to all hazards and to enable mitigation measures to be implemented during the immediate recovery from a disaster.

"Strategic plan." A plan describing an organization's emergency management or homeland security goals and objectives.
"Tactical plan." A plan describing an organization's execution of tasks and actions to prevent, protect, investigate and respond to an emergency, incident or other situation.

"Wholesale distributor of prescription medications." A person who operates a facility from which a person engages in the wholesale distribution of prescription drugs as defined under section 3 of the act of December 14, 1992 (P.L.1116, No.145), known as the Wholesale Prescription Drug Distributors License Act.

§ 7103. [Purposes] Purpose of part.

The purposes of this part are to:

1. Reduce vulnerability of people and communities of this Commonwealth to damage, injury and loss of life and property resulting from disasters.
2. Prepare for prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster.
3. Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters.
4. Clarify and strengthen the roles of the Governor, Commonwealth agencies and local government in prevention of, preparation for, response to and recovery from disasters.
5. Authorize and provide for cooperation in disaster prevention, preparedness, response and recovery.
6. Authorize and provide for coordination of activities relating to disaster prevention, preparedness, response and recovery by agencies and officers of this Commonwealth, and similar State-local and Federal-State activities in which the Commonwealth and its political subdivisions participate.
7. Provide a disaster management system embodying all
aspects of predisaster preparedness and postdisaster response.

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

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

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

(11) Further programs of education and training.

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

The purpose of this part is to provide for coordination of activities relating to disaster preparedness and emergency management activities by agencies and officers of this Commonwealth among political subdivisions, intergovernmental cooperative entities, regional task forces, councils of governments, elementary and secondary schools and other appropriate public and private entities participate.

§ 7301. General authority of Governor.

(a) Responsibility to meet address disasters.--The Governor is responsible for meeting addressing the dangers to this Commonwealth and people as presented by disasters.

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

(c) Declaration of disaster emergency.--

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

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

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

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

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

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

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

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

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

(1.1) Transfer any unused funds which may have been appropriated for the ordinary expenses of the Commonwealth in the General Fund to Commonwealth agencies as the Governor may direct to be expended for relief of disaster in a manner as the Governor shall approve, and the funds are hereby appropriated to the Governor for those purposes. The total of the transfers under this subsection shall not exceed $30,000,000 in any one fiscal year except by action of the General Assembly. The Secretary of the Budget may only make the transfer of funds if the transfer will not result in a deficit in any appropriation from which the funds are transferred. The Secretary of the Budget shall, within five days of a transfer of funds authorized under this section, notify the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives of the transfer. The notification shall identify the amount transferred, the appropriation from which funds were transferred, the appropriation to which the funds were transferred and the justification for such transfer. The Secretary of the Budget shall provide a full accounting to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives after the close of each fiscal year concerning funds transferred pursuant to the provisions of this section.

(1.2) Transfer any funds which may have been appropriated for the ordinary expenses of government in the
General Fund to Commonwealth agencies as the Governor may direct to be expended for reimbursements as provided in section 7705(a) and (b) (relating to special powers of political subdivisions). Reimbursements shall be made in accordance with and to the extent permitted by regulations issued by the agency or agencies as the Governor may designate to administer the reimbursement programs established under this section. The total of the transfers shall not exceed $5,000,000 in any one fiscal year except by action of the General Assembly. Transfers of funds shall only be used for relief of disaster events related to an emergency proclamation issued by the Governor and shall not be expended on hazard mitigation projects or any other program. The Secretary of the Budget may only make the transfer of funds if the transfer will not result in a deficit in any appropriation from which the funds are transferred. The Secretary of the Budget shall, within five days of a transfer of funds authorized under this section, notify the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives of the transfer. The notification shall identify the amount transferred, the appropriation from which funds were transferred, the appropriation to which the funds were transferred and the justification for such transfer. The Secretary of the Budget shall provide a full accounting to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives after the close of each fiscal year.
concerning funds transferred pursuant to the provisions of this section.

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

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

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

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

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

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

(8) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, [firearms,] explosives and combustibles.

20200SB1088PN1587 - 25 -
(9) Confer the power of arrest on the law enforcement personnel serving as part of the emergency forces of a party state during operations in this Commonwealth pursuant to a declaration of a disaster emergency under subsection (c). Law enforcement personnel shall be under the operational control of the Commissioner of Pennsylvania State Police and shall comply with the terms and conditions of the Emergency Management Assistance Compact under Chapter 76 (relating to Emergency Management Assistance Compact). Arrest powers granted under this paragraph shall expire when the declaration of a disaster emergency is terminated by executive order, proclamation or operation of law, if the arrest powers have not previously been terminated.

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

(11) Appoint the director, subject to the consent of a majority of the members elected to the Senate.

§ 7302. Temporary housing.

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

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

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

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

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

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

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

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

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

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

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

§ 7303. Debris and wreckage removal.

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

(1) Notwithstanding any other provision of law, through
the use of Commonwealth agencies [or instrumentalities], to
clear or remove from publicly or privately owned land or
water[,] debris and wreckage which may threaten public health
or safety, or public or private property.
(2) To accept funds from the Federal Government and utilize the funds to make grants or to reimburse any political subdivision for the purpose of removing debris or wreckage from publicly or privately owned land or water.

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

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

§ 7304. Community disaster loans.

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

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

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

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

§ 7305. Individual and family assistance.

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

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

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

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

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

§ 7305.1. Grants for public assistance and hazard mitigation.

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

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

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

Section 4. Title 35 is amended by adding a section to read:
§ 7307.1. Disaster Emergency Fund.
(a) Establishment.--A nonlapsing, restricted account is
established within the State Treasury to be known as the
Disaster Emergency Fund. Any money appropriated, deposited or
transferred to the fund, including interest earned on money in
the fund, shall be restricted and nonlapsing.

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

Section 5. Section 7308(a) of Title 35 is amended to read:
§ 7308. Laws suspended during emergency assignments.
(a) Commonwealth agencies.--In the case of a declaration of
a [state of] disaster emergency by the Governor, Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws [(except mandatory constitutional requirements)], except constitutional requirements pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials and expenditures of public funds.

* * *

Section 6. Title 35 is amended by adding a section to read:

§ 7309. Penalty for false application.

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

Section 7. Sections 7312, 7313, 7314 and 7320 of Title 35 are amended to read:


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

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

(a) Establishment.--

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

(2) (i) The council shall be composed of: the Governor, the Lieutenant Governor, the Adjutant General, the Secretary of the Budget, the director, the Secretary of Administration, the Secretary of State, the Secretary of Education, the Secretary of General Services, the Secretary of Labor and Industry, the Secretary of Health, the Attorney General, the Governor's General Counsel, the Secretary of Community [Affairs,] and Economic Development, the Secretary of Conservation and Natural Resources, the Secretary of Environmental Protection, the Secretary of Transportation, the Secretary of Agriculture, the Secretary of [Public Welfare,] Human Services, the Commissioner of the Pennsylvania State Police, [Chairman] the Chairperson of the Pennsylvania Public Utility Commission, the State Fire Commissioner, the Homeland Security Director or their designees, and the Speaker of the House of Representatives, the President pro tempore of the Senate, the Minority Leader of the Senate and the Minority Leader of the House of Representatives, or their designees. [The Speaker of the House of Representatives, President pro tempore of the Senate, Minority Leader of the Senate and Minority Leader of the House of Representatives may authorize a member of their respective Houses of the General Assembly to serve in their stead.]

(ii) The Governor may authorize up to two representatives of business and industry, up to two representatives of labor, up to two public members at large and one representative respectively of the
Pennsylvania State Association of County Commissioners Association of Pennsylvania, the Pennsylvania State Association of Township Commissioners, the Pennsylvania State Association of Township Supervisors, the Pennsylvania Municipal League [of Cities and], the Pennsylvania State Association of Boroughs and the Keystone Emergency Management Association to be nonvoting members of the council.

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

(iv) The Governor may also appoint representatives of key private sectors, including the agriculture, communications, education, emergency medical services and supply delivery, energy utility, fire, medical, police and transportation sectors, and two members at large to serve as nonvoting council members.

(3) Five voting members shall constitute a quorum.

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

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

(d) Emergency meetings.--In the event of [attack or disaster situations determined actually or likely to be of such nature, magnitude, severity or duration as to necessitate extensive or extraordinary deployment and use of Commonwealth resources for emergency purposes, the chairman shall, within not more than 72
hours immediately following such determination,] the occurrence
of an emergency, the chair may call the council into emergency
session[, for consideration of actions taken or to be taken.

[In] The director may call such meetings in the absence of the
[chairman, notice of such meetings shall be disseminated to the
membership by the State director.

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

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

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

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

(i) Administrative provisions.--Except as otherwise provided in this part, the agency shall be subject to the provisions of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." The agency shall provide the council with staff and other services as may be required for the council to carry out its responsibilities under this part.

(j) Commonwealth Disaster Recovery Task Force.--The director shall organize the Commonwealth Disaster Recovery Task Force to review and conduct, when directed by the Governor, studies of disasters that occur in this Commonwealth, their causes and impacts, make recommendations to prevent future disasters, lessen their impact and help expedite recovery at the State and local level. The members of the council shall serve on the task
§ 7313. Powers and duties.
The agency shall have the following powers and duties:
develop a comprehensive emergency management and preparedness system for this Commonwealth, in coordination with other Commonwealth agencies as designated by the Governor. In order to develop the system, the agency shall:

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


(ii) Commonwealth State, regional and local disaster emergency management responsibilities.

(iii) Assistance to Commonwealth agencies, local government officials, regional task forces, political subdivisions, elementary and secondary schools and custodial child care facilities in designing emergency management plans and training programs and the private sector in developing their systems of emergency management and preparedness.

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

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

(vi) Coordination of the Commonwealth Emergency Management Plan with the disaster plans of the Federal Government and those of other states emergency operations plan.

(vii) Assistance to the Commonwealth, regional task forces, elementary and secondary schools and county and local governments and private or nonprofit entities in obtaining, utilizing and managing Federal and [Commonwealth] State disaster assistance.

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

(ix) Identification of areas particularly vulnerable to disasters.] Accreditation programs for county and local emergency management programs, Commonwealth emergency management certification programs and qualification standards for appointed emergency management coordinators.

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

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

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

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

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

(4) To provide [Provide standards, technical guidance,]
advice and assistance to Commonwealth agencies, [political
subdivisions, schools and custodial child care facilities]
regional task forces, county emergency management programs,
local emergency management programs, elementary and secondary
schools and dependent care facilities in the preparation of
[disaster] emergency [management] plans or components thereof
[and to periodically review such plans and suggest or require
revisions].

(5) To establish and operate or assist political
subdivisions in establishing and operating training programs]
Establish standards for and assist county emergency
management programs, local emergency management programs and
regional task forces with operations, training and programs of public information.

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

(7) [To provide] Provide emergency direction and [control] coordination of Commonwealth [and local] emergency operations[,] by overseeing the identification and commitment of all Commonwealth personnel, which includes all members of agency-designated specialized Statewide response teams, equipment and resources through the use of an incident command system. The tactical and operational control of the resources of a Commonwealth agency shall remain with that respective agency.

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

(9) [To make] Make or request of Commonwealth [or local
agencies and officials] agencies, county emergency management
programs, local emergency management programs or region

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task forces, studies, surveys and reports as are necessary to

carry out the purposes of this part.

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(10) [To plan] Plan and make arrangements for the

availability and use of any private facilities, services and

property and, if necessary and if in fact used, provide for

payment for use under terms and conditions agreed upon.

(11) [To prepare] Prepare, for issuance by the Governor,

executive orders, proclamations and regulations as necessary

or appropriate in coping with disasters.

(12) [To cooperate] Cooperate with the Federal

Government and any public or private agency or entity in

achieving any purpose of this part and in implementing

programs for [disaster prevention, preparation, response and

recovery] preparedness and emergency management.

(13) [To administer] Administer grant programs [to

political subdivisions for disaster management] and provide

grants and other funding assistance subject to availability

of appropriated funds.

(14) [To accept] Accept and coordinate assistance

provided by Federal agencies in major disasters or

emergencies in accordance with the provisions of [The Robert

T. Stafford Disaster Relief and Emergency Assistance Act

(Public Law 93-288, 42 U.S.C. § 5121 et seq.), or any

amendment or reenactment thereof] the Stafford Act.

(15) [To] In conjunction with the Department of

Environmental Protection, respond to [disaster] disasters

relating to [atomic] nuclear or radiological energy

operations or radioactive objects or materials. Any such
action taken and any regulations adopted by the [office] agency shall be inapplicable to any objects or materials possessing a radiation-producing capacity less than that set forth as the maximum safety limit by the standards endorsed and as may be subsequently endorsed by the United States Nuclear Regulatory Commission or the Environmental Protection Agency for the protection of life and property and the maintenance of health and safety. Action taken and regulations adopted by the agency shall be inapplicable to objects or materials possessing a radiation-producing capacity less than that set forth as the maximum safety limit by the standards endorsed by the United States Nuclear Regulatory Commission or the Environmental Protection Agency for the protection of life and property and the maintenance of health and safety.

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

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

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

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

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

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

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

(i) Provide minimum competency testing for their operators.

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

(22) Establish policies and procedures to coordinate and implement all search and rescue activities with the Federal Government, other states, other Commonwealth agencies and political subdivisions. The agency may activate and deploy an agency-designated specialized Statewide response team and specialized equipment to disaster emergency or training sites within or outside this Commonwealth for search and rescue, training and other emergency response purposes.

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

(24) Assist with the implementation of the National Infrastructure Protection Plan and the Commonwealth critical infrastructure protection plan in coordination with other Commonwealth agencies as designated by the Governor.

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

§ 7314. Utilization of existing services and facilities.
In order to avoid duplication of services and facilities, the agency shall utilize the services and facilities of existing officers, offices, departments, commissions, boards, bureaus, institutions and other agencies of the Commonwealth and of the political subdivisions thereof. These officers and agencies shall cooperate with and extend their services and facilities to the agency as requested and consistent with other operational requirements of that agency.

§ 7320. Radiological emergency preparedness and management program.

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) Developing planning and preparedness procedures for emergency response within the ingestion exposure pathway emergency planning zone.
(13) Providing a qualified press secretary public information officer or designee to participate in the operation of a joint information center upon its activation by a utility nuclear power plant licensee.

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

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

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

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

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

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

Section 8. Section 7416(f) of Title 35 is amended by adding a paragraph to read:

§ 7416. Funds.

* * *

(f) Use.--Funds of any volunteer firefighters' relief association may be spent:

* * *

(18) To defray the cost of obtaining or renewing a commercial driver's license under 75 Pa.C.S. Ch. 16 (relating to commercial drivers) for a volunteer firefighter who is a resident of this Commonwealth to operate a fire or emergency vehicle registered to the fire department or municipality.

Section 9. Sections 7501, 7502, 7503, 7504, 7511, 7512, 7513, 7514 and 7515 of Title 35 are amended to read:

§ 7501. General authority of political subdivisions' emergency management programs.

[(a) Establishing emergency management organization.--Each political subdivision of this Commonwealth is directed and authorized to establish a local emergency management organization in accordance with the plan and program of the Pennsylvania Emergency Management Agency. Each local organization shall have responsibility for emergency management, response and recovery within the territorial limits of the...]

20200SB1088PN1587 - 50 -
political subdivision within which it is organized and, in addition, shall conduct such services outside of its jurisdictional limits as may be required under this part.] (a.1) Establishing emergency management programs.--No later than two years from the effective date of this subsection, a political subdivision shall establish an emergency management program consistent with the Commonwealth emergency management program within its jurisdictional limits as required by the agency.

(b) Declaration of local disaster emergency.--

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

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

(3) A declared disaster emergency shall not be [continued or] renewed for a period in excess of [seven] 30 days except by [or with the consent] official action of the governing body of the political subdivision. [Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general
publicity and shall be filed promptly with the agency.

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

(5) An order or proclamation declaring, continuing or terminating a local disaster emergency by a political subdivision shall be given prompt and general publicity and shall be filed promptly with the agency through the appropriate county emergency management program.

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

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

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

(e) Employment of personnel.--In order to meet prescribed requirements for eligibility to receive Federal contributions authorized under the provisions of the former Federal Civil Defense Act of 1950 (64 Stat. 1245, 50 U.S.C. App. § 2251 et seq.) or any amendment or reenactment thereof, political subdivisions are authorized to avail themselves of services offered by the State Civil Service Commission under [the provisions of the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act,"] 71 Pa.C.S. Pt. III (relating to civil service reform) in connection with the employment of personnel in [local organizations] a political subdivision's emergency management program established pursuant to the provisions of this part.

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

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

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

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

(a.2) Backup coordinator.--To the greatest extent possible, each county emergency management program and local emergency management program shall have a backup coordinator.

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

(1) The chief elected executive officer of each county shall appoint a coordinator of the county emergency
management program within 90 days of a vacancy.

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

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

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

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

(2) A temporary or acting coordinator shall be appointed
by the chief elected executive officer and the county shall be notified of the appointment within 24 hours of a vacancy. At no time shall the coordinator position remain vacant for more than 24 hours, and a temporary or acting coordinator may only serve for a period of 90 days unless otherwise appointed as a coordinator under paragraph (1).

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

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

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

(2) (i) The chief elected executive officer or the governing body of the political subdivision shall remove a coordinator for incompetence, dishonesty or commitment of a felony or an offense involving moral turpitude under Federal, State or local laws or ordinances.

(ii) A county or local coordinator serves at the pleasure of the chief elected executive officer and may be removed for any reason.

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

(e) In-service training.--Each coordinator appointed
the coordinator under this section shall:

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

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

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

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

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

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

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

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

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

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

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

(2) Establish, equip and staff an emergency operations center, consolidated with warning and communication systems to support government operations in emergencies and provide other essential facilities and equipment for agencies and
activities assigned emergency functions in accordance with agency directives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Following reporting protocols established by the agency.

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

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

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

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

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

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

(13) Coordinating emergency communications by doing the following:

(i) Encouraging optimal communication and coordination between the local emergency management programs within the county and public safety answering points in accordance with applicable State law.

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

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

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

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

(16) Participating in planning for continuity of municipal government and continuity of municipal operations and providing assistance upon request where feasible.

(17) Coordinating the delivery of citizen education programs and supplementing materials as necessary.
(18) Coordinating the delivery of awareness and education programs for county and municipal elected officials on preparedness and emergency management topics.

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

(20) Supporting the implementation of the National Infrastructure Protection Plan and the Commonwealth critical infrastructure protection plan.

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

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

(23) Reviewing emergency plans and emergency operations plans developed by municipalities and other entities located within the county that are required by law or regulation to develop and maintain an emergency plan. The coordinator shall provide an annual report to the agency on or before March 1 of each year describing the status of the plans reviewed under this paragraph. This paragraph includes review of emergency plans for nuclear reactors that are subject to regulation by the Nuclear Regulatory Commission.

(24) Coordinating the development and engagement of a countywide animal rescue capability consistent with standards and guidelines established by the agency in conjunction with the Department of Agriculture and the Pennsylvania State Animal Response Team. The coordinator shall engage a county animal response team, if one exists, in planning activities or utilize mutual aid to engage a county animal response team where appropriate.
(c) Local emergency management program.--A political subdivision required to establish a local emergency management program under section 7501 (relating to general authority of political subdivisions' emergency management programs) shall develop, maintain and manage programs and capabilities as prescribed by the agency that shall include, but not be limited to, the following:

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

(2) Maintaining a current list of municipal resources.

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

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

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

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

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

(8) Providing training for staff of the local emergency management program and maintaining training records and
certification documentation. Training records shall be
provided to the county upon request.

(9) Coordinating emergency communications by doing the
following:

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

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

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

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

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

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

(14) Supporting the implementation of the National
Infrastructure Protection Plan and the Commonwealth critical
infrastructure protection plan.

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

(16) Advising municipal officials in matters related to
disaster preparedness and emergency management.
Reviewing emergency management plans and programs developed by elementary and secondary schools, dependent care facilities and other entities located within the political subdivision that are required by law or the Commonwealth to develop and maintain preparedness and emergency management capabilities. The coordinator shall provide an annual report to the coordinator of the county emergency management program where the political subdivision is located on or before September 1 of each year describing the status of the plans reviewed under this paragraph. This paragraph includes review of emergency plans for nuclear reactors that are subject to regulation by the Nuclear Regulatory Commission.

§ 7504. Coordination and assistance.

(a) Responsibility for direction and coordination.—Direction of disaster emergency management services is the responsibility of the lowest level of government affected. When two or more political subdivisions municipalities within a county are affected, the county organization shall exercise responsibility for coordination and support to the area of operations. When two or more counties are involved, coordination shall be provided by the agency or by area organizations established by the agency.

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

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

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

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

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

§ 7511. Appropriations by political subdivisions.

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

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

(2) In making appropriations, the political subdivision
shall specify the amounts and purposes for which the moneys

appropriated may be used [by the organization to or for which such appropriation may be made].

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

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

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

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

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

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

§ 7513. Agreements among political subdivisions.

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

(1) Where a local emergency management program or a county emergency management program has jurisdiction in an area including all or parts of more than one political subdivision which does not include the whole area of any county, the political subdivisions, all or part of which lie within the jurisdiction of the local emergency management program or the county emergency management program, as the case may be, shall, before paying any expenses of the local emergency management program or the county emergency management program, enter
into an agreement designating one of the political subdivisions as the agent of each of them for the purpose of paying the expenses of the local \textbf{organization} emergency management program or the county emergency management program.

(2) The agreement shall \textbf{also set forth}: \begin{itemize}
\item[(i)] Specify the proportionate share of the expenses of the \textbf{organization} local emergency management program or the county emergency management program, as the case may be, to be paid by each political subdivision party to the agreement and an estimate of the amount required to be appropriated by each of them for the purpose of paying the expenses. \textbf{The agreement shall be effective}
\item[(ii)] Take effect when approved by \textbf{the corporate authorities} of each of the political subdivisions by a majority vote and each of the subdivisions shall thereupon \textbf{official action} of the governing body of each of the political subdivisions and each of the political subdivisions shall then make an appropriation pursuant to section 7511 (relating to appropriations by political subdivisions) sufficient to pay its share of the expenses of the \textbf{organization} local emergency management program or the county emergency management program, as the case may be.
\end{itemize} 

(b) Counties.--Where the local \textbf{organization} emergency management program or the county emergency management program has jurisdiction in an area including the whole area of one or more counties which is not coterminous with any one county, before paying any expenses of the \textbf{organization} local emergency management program or the county emergency management program,
as the case may be, the counties, all or part of which lie
within the jurisdiction of the [organization] local emergency
management program or the county emergency management program,
shall enter into an agreement in the manner and form provided in
subsection (a) and with like effect, and no other political
subdivision lying within the jurisdiction of the [organization]
local emergency management program or the county emergency
management program, as the case may be, shall be a party to the
agreement.

§ 7514. Payments involving one political subdivision.

(a) General rule.-- Warrant or order required.--

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

(2) In each case, the officer or officers shall have the
same power to approve or disapprove as they have in case of
warrants for ordinary expenses of the political subdivision,
and no warrant or order for the payment thereof shall be
issued without the approval.
(b) Gift or grant of money.--Any gift or grant of money made to the local emergency management program or the county emergency management program or to the political subdivision for the payment of expenses incurred or to be incurred by or for the local emergency management program or the county emergency management program, as the case may be, shall be deposited in the treasury of the political subdivision and shall be appropriated by the political subdivision for the purpose for which the gift or grant was made, and any bills or claims to be paid from the gift or grant shall be paid in the manner provided in this subchapter for the payment of other bills and claims against the political subdivision.

§ 7515. Payments involving two or more political subdivisions.

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

(b) Accounting by agent.--The political subdivision
designated as agent shall, not later than the fifteenth day of
each month, submit an itemized account of the expenses of the
[organization] local emergency management program or the county
emergency management program paid by it during the preceding
calendar month to each of the other political subdivisions party
to the agreement, together with a request for reimbursement of
the proportionate share of expenses agreed to be paid by each of
the other political subdivisions.

(c) Reimbursement of agent.--

(1) Each political subdivision requested to make
reimbursement shall do so within 30 days after the request
from the appropriation made for the payment of the expenses
of the [organization and, in] local emergency management
program or the county emergency management program. In the
event [of failure] the political subdivision fails to do so,
mandamus shall lie to compel the officers of the political
subdivision to pay the agreed-upon proportionate share of the
proper expenses of the [organization] local emergency
management program or the county emergency management program
out of the first moneys thereafter in the treasury of the
political subdivision and not previously pledged to any other
purpose.

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

(3) Any payment made by any political subdivision to the
political subdivision named as agent in the agreement for
reimbursement for the payment of the expenses of the
[organization] local emergency management program or the county emergency management program shall be credited by the agent political subdivision to the appropriation made by it for the payment of the expenses of the [organization] local emergency management program or the county emergency management program and shall be available for the payment of future expenses of the [organization] local emergency management program or the county emergency management program, as the case may be, without further appropriation or action by the agent political subdivision.

(d) Gift or grant of money.--

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

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

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

Section 10. Chapter 75 of Title 35 is amended by adding a subchapter to read:

SUBCHAPTER C
REGIONAL ALL-HAZARDS PREPAREDNESS AND EMERGENCY MANAGEMENT

Sec.

7521. Regional task forces.
7522. Specialized regional response teams.
7523. (Reserved).
7524. Specialized Statewide response teams.
7525. Grant program.
7526. Workers' compensation premiums.

§ 7521. Regional task forces.

(a) Establishment.--The agency, in coordination with Commonwealth agencies as designated by the Governor, county and local emergency management programs, health, law enforcement, public safety and volunteer organizations and other officials and representatives from dedicated emergency response organizations, private business and industry, institutions of higher education, hospitals and medical care facilities, wholesale distributors of prescription medications and medical supplies and other entities responsible for the health, safety and welfare of the people within this Commonwealth shall establish regional task forces throughout this Commonwealth.

(b) Organization.--

(1) Each regional task force shall be a cooperative effort among the counties within the designated region. Each regional task force shall be governed by an executive board
comprised of the county coordinator from each county or other
county official appointed by the county within the task force
region, and one member from each of the following emergency
management communities: health, law enforcement, fire and
emergency medical services, to be chosen in a manner
determined by the regional task force.

(2) Each regional task force shall designate for
purposes of contract and grant administration, by majority
vote of the executive board as a:

(i) designated county model;
(ii) distributed funds model; or
(iii) regional county model.

(3) The following apply for a designated county model:

(i) Notwithstanding any provision in 53 Pa.C.S. Ch.
    23 (relating to general provisions), the member counties
    may organize their regional task force as a council of
    governments under 53 Pa.C.S. Ch. 23 Subch. A (relating to
    intergovernmental cooperation). In lieu of establishing a
    council of governments, the governing bodies of member
    counties must enter into an intergovernmental cooperation
    agreement to carry out this subsection.

(ii) The regional task force executive board shall
    designate one of its member counties as its agent
    responsible for entering into contracts and grant
    agreements and administering any funds, grants or
    expenses of the regional task force. The regional task
    force shall be subject to all of the laws governing the
    making of contracts or purchases, the employment of
    persons or otherwise incurring financial obligations,
    which apply to the designated member county.
(iii) Either a joint resolution establishing a council of governments or an intergovernmental cooperation agreement fully executed by the governing bodies of member counties must be received by the agency prior to the release of contract or grant funds to the designated agent member county.

(4) The following apply for a distributed funds model:

(i) The agency shall enter into contracts and grant agreements with each of the member counties individually. Each task force member county is responsible for administering funds, grants or expenses incurred. Each individual member county shall be responsible for the laws governing the making of contracts or purchases, the employment of persons or otherwise incurring financial obligation individual to the county.

(ii) Notwithstanding any provision in 53 Pa.C.S. Ch. 23, the member counties may organize their regional task force as a council of governments under 53 Pa.C.S. Ch. 23 Subch. A.

(5) The following apply for a regional county model:

(i) The agency shall enter into cooperative contracts and grant agreements with the regional task force. Each regional task force member county will be represented in a cooperative contract or grant agreement and responsible for executing the contract or grant agreement on behalf of the member county it represents in the region.

(ii) The agency will distribute funds to one regional task force member county or to each regional
task force county as outlined in a cooperative contract or grant agreement, as required.

(iii) Each county will be responsible for regional task force expenditure of grant funds and purchases that are maintained, delivered or reside in the respective regional task force county.

(iv) An intergovernmental cooperation agreement fully executed by the governing bodies of the regional task force member counties must be received by the agency prior to the release of contract or grant funds to one regional task force member county rather than to each regional task force member county individually.

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

(d) Plans.--All regional task forces, regardless of designation, shall coordinate and develop a regional plan that addresses national, State and regional priorities and national preparedness goals and that encompasses the comprising counties in accordance with subsection (e) and guidelines developed by the agency. The agency shall review and accept each plan in a timely manner, but no later than 90 days after receipt of the plan by the agency. The task force shall review and update the plan triennially and submit it to the agency for review.

(e) Duties of regional task forces.--The duties of all regional task forces, regardless of designation, shall include the following:

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

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

(3) To achieve capability targets under the National Preparedness System.

(4) To organize, at a minimum, working groups from the following emergency management communities:

   (i) Health services.
   (ii) Law enforcement.
   (iii) Fire protection.
   (iv) Emergency medical services.

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

(6) To maintain a multiyear training and exercise plan and attend training and related sessions as directed or conducted by the agency.

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

(8) To participate in and conduct capabilities-based planning activities and assessments.

(9) To maintain interoperable and compatible emergency
communication systems in support of Statewide communications

(10) To comply with agency guidelines, standards and
directives and homeland security Federal grant guidelines.

(f) Activation and deployment.--A regional task force or a
subset of the regional task force may be activated and deployed
by the Governor or the designee of the Governor, or an official
designated by the executive board of the regional task force
that established it. During an activation and deployment, the
administrative and operational costs of the regional task force
or a subset of the regional task force, its individual members
and their employers, Commonwealth agencies and other parties
shall be negotiated and paid by the entity that activated and
deployed the regional task force or the subset of the regional
task force.

§ 7522. Specialized regional response teams.

(a) Establishment.--A regional task force may establish one
or more specialized regional response teams.

(b) Organization.--

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

(2) The regional task force must enter into a written
agreement with each specialized regional response team that
the regional task force establishes.

(3) In addition to other terms, the written agreement
shall stipulate the scope of authority, employed or volunteer
status of team members and which member county of the
regional task force is the responsible agent for
administering funds, grants or expenses of the specialized
regional response team to the extent eligible.

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

(5) A specialized regional response team shall be
subject to the laws governing the making of contracts or
purchases, the employment of persons or otherwise incurring
financial obligations.

(c) Activation and deployment.--A specialized regional
response team may be activated and deployed by the Governor or
the designee of the Governor or an official designated by the
executive board of the regional task force that established the
specialized regional response team. During an activation and
deployment, the administrative and operational costs of the
specialized regional response team, its individual members and
their employers, Commonwealth agencies and other parties shall
be negotiated and paid by the entity that activated and deployed
the specialized regional response team.

§ 7523. (Reserved).

§ 7524. Specialized Statewide response teams.

(a) Establishment.--The agency may establish and designate
specialized Statewide response teams throughout this
Commonwealth.

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

(c) Activation.--Specialized Statewide response teams may
only be activated and deployed by the Governor, the designee of the Governor or an official designated by the Federal Emergency Management Agency. During an activation and deployment, the administrative and operational costs of the specialized Statewide response team, its individual members and their employers, Commonwealth agencies and other parties shall be negotiated and paid by the entity that activated and deployed the specialized Statewide response team.

(d) Funding, grants and donation.--In addition to funds that are provided under section 7525 (relating to grant program), specialized Statewide response teams, as designated by the agency, may be eligible to receive grants, donations of equipment and supplies and other funds from any source. As an agent of the Commonwealth, a specialized Statewide response team is entitled to tax-exempt status from the Federal Government.

§ 7525. Grant program.

(a) Authorization.--The agency may award:

(1) grants to regional task forces, specialized regional response teams, specialized Statewide response teams and urban search and rescue task forces to the extent they are organized under section 7521(c) (relating to regional task forces); or

(2) individual grants to the member political subdivisions that comprise the entities.

(b) Grants and funding.--The following shall apply:

(1) regional task forces, specialized regional response teams and specialized Statewide response teams may receive grants and funding from the Federal Government and the Commonwealth through application to the agency or any other entity providing grants or funding for the purposes of this
part to the extent they are organized under section 7521(c);

or

(2) the agency may award individual grants to the member
political subdivisions that comprise the entities.

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

§ 7526. Workers' compensation premiums.

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

Section 11. Section 7604(a) of Title 35 is amended to read:

§ 7604. Budgetary considerations.

(a) Expenditures.--In addition to the funds which the
Governor is authorized to transfer for disasters in accordance
with [35 Pa.C.S. § 7307 (relating to use and appropriation of
unused Commonwealth funds)] section 1508 of the act of April 9,
1929 (P.L.343, No.176), known as The Fiscal Code, the Governor
may transfer any other appropriated but unused funds in an
amount of not more than [$15,000,000] [$25,000,000] in any fiscal
year which may have been appropriated for the ordinary expenses
of the Commonwealth government from the General Fund to be
utilized for the purposes set forth in [35 Pa.C.S. §] section
7601 (relating to compact enacted). The Secretary of the Budget
may only make the transfer of funds if the transfer will not
result in a deficit in any appropriation from which the funds
are transferred. The Secretary of the Budget shall, within five
days of a transfer of funds authorized under this section,
notify the chairman and minority chairman of the Appropriations
Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives of such transfer. Such notification shall identify the amount transferred, the appropriation from which funds were transferred, the appropriation to which the funds were transferred and the justification for such transfer. The Secretary of the Budget shall provide a full accounting to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives after the close of each fiscal year concerning funds transferred pursuant to the provisions of this section.

Section 12. Title 35 is amended by adding a section to read:

§ 7605. Protections.

An individual who is not an employee of the Commonwealth and is deployed by the Governor or a designee under section 7601 (relating to compact enacted) shall be considered an employee of the Commonwealth for the purposes of Articles VI and VIII of the Emergency Management Assistance Compact under section 7601 for the period of deployment. Administrative and operational costs related to the deployment shall be negotiated and paid by the entity that activated and deployed the individual.

Section 13. Sections 7701, 7702, 7703 and 7704 of Title 35 are amended to read:

§ 7701. Duties concerning disaster preparedness and emergency management.

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

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

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

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

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

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

(g) Plans.--[Every school district and custodial child care facility, in cooperation with the local Emergency Management Agency and the Pennsylvania Emergency Management Agency, shall develop and implement a comprehensive disaster response and emergency preparedness plan consistent with the guidelines developed by the Pennsylvania Emergency Management Agency and other pertinent State requirements. The plan shall be reviewed annually and modified as necessary. A copy of the plan shall be provided to the county emergency management agency.] Each dependent care facility, including elementary and secondary schools, shall develop and be prepared to implement an all-
hazards emergency action plan in accordance with standards established by the agency. The plan shall be coordinated with the appropriate county emergency management program, local emergency management program and dedicated emergency response organizations.

(h) Large event plans.--

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

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

(i) Sharing of information.--

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

(i) A Commonwealth agency.

(ii) A court or an entity or office of the unified judicial system.

(iii) The General Assembly.

(iv) A political subdivision.

(v) A dedicated emergency response organization.

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

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

(ii) Cooperate in and facilitate the collection and validation of the information and the production of reports based on the information with contents and formats that permit dissemination that maximizes the utility of the information in protecting the territory, people within and interests of this Commonwealth.

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

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

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

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

(4) Documents, information or other materials received by the agency or law enforcement organizations under paragraph (3)(i) shall be subject to section 7716 (relating to confidentiality) and other Federal or State law protecting proprietary information or trade secrets and the release or use of the information.

20200SB1088PN1587 - 87 -
§ 7702. Acceptance of services, gifts, grants and loans.

(a) General rule.--Whenever any person or the Federal Government or any Federal agency or officer offers to the Commonwealth or, through the Commonwealth, to any political subdivision or school district, services, equipment, supplies, materials or funds by way of gift, grant or loan for purposes of disaster emergency services, the Commonwealth, acting through the Governor, or the political subdivision or school district, acting with the consent of the Governor and through its chief elected executive officer or governing body, may accept the offer and upon acceptance the Governor or chief elected executive officer or governing body of the political subdivision or school district may authorize any officer of the Commonwealth or of the political subdivision or school district, as the case may be, to receive the services, equipment, supplies, materials or funds on behalf of the Commonwealth or political subdivision or school district subject to the terms of the offer and the rules and regulations, if any, of the agency or person making the offer.

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

(c) Indemnification.--

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

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

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

§ 7703. Interstate arrangements.

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

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

(c) Legislative approval of agreements.--Any agreement, if

sufficient authority for the making thereof does not otherwise exist, becomes effective only after its text has been communicated to the General Assembly and provided that neither House of the General Assembly has disapproved it by adjournment of the next ensuing session competent to consider it or within 30 days of its submission, whichever is longer.

§ 7704. Immunity from civil liability.

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

(b) Real estate owners.--Any person, organization or authority owning or controlling real estate or other premises, who voluntarily and without compensation grants a license or privilege or otherwise permits the designation or use of the whole or any part or parts of the real estate or premises for any emergency services purpose, shall, together with his
successors in interest, if any, not be civilly liable for

[c] negligently] causing the death of or injury to or loss or
damage to the property of any person who is upon the real estate
or other premises for that purpose.

[(c) Other benefits unaffected.--This section does not
affect the right of any person to receive benefits to which he
would otherwise be entitled under this part or under the
workmen's compensation laws or under any pension law, nor the
right of any person to receive any benefits or compensation
under any Federal law.]

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

Section 14. Title 35 is amended by adding a section to read:
§ 7704.1. Other benefits unaffected.

Participation in this part by an individual does not affect
the right of that individual to receive benefits to which the
individual would otherwise be entitled under this part or under
the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, or under any pension law, nor the right of any
person to receive any benefits or compensation under any Federal
law.

Section 15. Sections 7705, 7706 and 7707 of Title 35 are
amended to read:
§ 7705. Special powers of [local agencies] political
subdivisions.

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

(b) Water systems.--Whenever the Governor shall have
proclaimed a disaster emergency under section 7301(c) and in the
event that a water system owned or operated by a political
subdivision or municipal authority is damaged, destroyed or made
inoperable as a direct result of such disaster emergency, the
political subdivision or municipal authority shall have the
authority to lease or hire such personnel and equipment as may
be needed to effect restoration of such water system. The
political subdivision or municipal authority may be reimbursed
for the cost of such restoration as provided in [subsection
(c)], section 7301.

(d) Limitations.--Reimbursements pursuant to [subsection
(c)] section 7301 shall not be made to the extent that the
Commonwealth, a political subdivision or a municipal authority
may be eligible for assistance from the Federal Government.

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

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

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

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

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

Volunteers of the agency, a regional task force, specialized
Statewide response teams, specialized regional response teams,
the Commonwealth emergency management program, a county
emergency management program when deployed by the agency or a
local emergency management program are deemed to be employees of
the Commonwealth for purposes of the act of June 2, 1915
(P.L.736, No.338), known as the Workers' Compensation Act, when
engaging in or performing the following activities:

(1) Deployment by the agency and participation in
emergency services activities as authorized or approved by
the agency.

(2) Going to or returning from an emergency or disaster
emergency to which the program members have been deployed by
the agency.

(3) Required training, exercise or related official
functions designated, authorized and approved by the agency.
(b) Source of funds.--All benefits hereby authorized shall be paid out of funds appropriated to the agency. Payments shall be made on the basis of claims submitted to the agency through the Department of Labor and Industry in accordance with rules and orders promulgated and adopted by the agency.]

Computation.--For purposes of computing a volunteer's wage compensation under the Workers' Compensation Act, there shall be an irrebuttable presumption that the wages shall be at least two-thirds of the weekly wages the volunteer would have received from employment in the volunteer's usual occupation, provided that wage recovery may not exceed the Statewide maximum weekly compensation rate established pursuant to the Workers' Compensation Act. If a volunteer is unable to establish a usual occupation and associated wage, wage recovery shall be at least the Statewide minimum weekly compensation rate established pursuant to the Workers' Compensation Act.

(c) Applicability.--The provisions of this section shall not apply to the extent that the volunteer is otherwise covered for workers' compensation purposes under an existing policy, agreement, contract or law, nor shall this section apply to an individual who self-deploys or has not been authorized to respond in accordance with subsection (a).

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

§ 7707. Penalties.

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

1. the Governor or his designee who fails to comply with an order or direction from the Governor;
2. a chief elected executive officer who fails to comply with an order or direction from the chief elected executive officer;
3. the agency who fails to comply with an order or direction from the agency; or
4. a county or local emergency management program in compliance with this part who fails to comply with an order or direction from that county or local emergency program.

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

1. to pay a fine not exceeding $200 or imprisonment not exceeding 30 days, or both, for the first offense;
2. to pay a fine not exceeding $500 or imprisonment not exceeding 90 days, or both, for each subsequent offense.

(b) Loss of funds.--Those political subdivisions in violation of section 7501 (relating to general authority of political subdivisions), section 7502 (relating to local coordinator of emergency management), section 7503 (relating to powers and duties of political subdivisions) or section 7504 (relating to coordination, assistance and mutual aid) shall, at the discretion of the Governor or his designee, lose not less than $1,000 or to the extent of all funds received or held by such political subdivisions in violation of any of said sections.
the direction of the council, be subject to loss of Federal personnel and administrative funding for the remainder of the fiscal year in which conviction is established. Reinstatement of Federal personnel and administrative funding shall take place the year following approval of remedial action to the violation.] A grantee who fails to comply with a provision of this part may, at the agency's discretion, be subject to the loss of grant funding administered by the agency.

Section 16. Title 35 is amended by adding sections to read:

§ 7715. Authority of Federal law enforcement officers.

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

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

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

§ 7716. Confidentiality.
(a) Right-to-Know Law exemption.--The following shall be exempt from access under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law:

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

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

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

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

§ 7717. Adverse interests.

A Commonwealth or local emergency management official or employee may serve in a leadership role in a nonprofit entity, notwithstanding the act of July 19, 1957 (P.L.1017, No.451),
known as the State Adverse Interest Act, if the official or employee when acting in a Commonwealth or local government capacity recuses themself from official duties or decisions that pertain to the nonprofit entity.

Section 17. This act shall take effect as follows:


(2) The remainder of this act shall take effect immediately.