

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 35 Session of 2015

INTRODUCED BY BAKER, VULAKOVICH, EICHELBERGER, YAW, FONTANA, SCHWANK, BOSCOLA, YUDICHAK, ALLOWAY, RAFFERTY, PILEGGI AND WARD, FEBRUARY 11, 2015

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, FEBRUARY 11, 2015

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
 2 Consolidated Statutes, in emergency management services,
 3 further providing for definitions and for purposes of part;
 4 providing for penalty for false application; extensively
 5 revising provisions relating to Commonwealth services and to
 6 local organizations and services; further providing for
 7 disaster duties, for acceptance, for interstate arrangements,
 8 for immunity, for special powers, for workers' compensation
 9 and for penalties; providing for authority of Federal law
 10 enforcement officers, for confidentiality, for adverse
 11 interests and for public health emergency measures;
 12 establishing a system for the use of volunteer health
 13 practitioners; providing reasonable safeguards to assure that
 14 health practitioners are appropriately licensed and regulated
 15 to protect the public's health; providing for limitations on
 16 civil liability and for applicability of workers'
 17 compensation and occupational disease law; repealing act 227
 18 of 2002.

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

21 Section 1. Section 7102 of Title 35 of the Pennsylvania
 22 Consolidated Statutes, amended October 31, 2014 (P.L.3044,
 23 No.2003), is amended to read:

24 § 7102. Definitions.

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

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

3 "Agency." The Pennsylvania Emergency Management Agency.

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

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

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

20 "Commonwealth agency." Any of the following:

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

23 (2) The Governor's Office.

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

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

1 or is intended to perform an essential governmental function.

2 (5) A Commonwealth authority or entity.

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

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

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

22 "Council." The Pennsylvania Emergency Management Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 "Emergency action plan." A document prepared by a dependent
21 care facility or large event planner, as referenced in section
22 7701(h) (relating to duties concerning disaster preparedness and
23 emergency management), or other entity as required by statute or
24 regulation to maintain an emergency preparedness capability or
25 develop an emergency plan.

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

1 planning, response, recovery and mitigation for emergencies.

2 "Emergency operations plan." A document prepared by a
3 political subdivision that is consistent with Federal and State
4 requirements that assigns responsibility to agencies and
5 departments under the jurisdiction and control of the political
6 subdivision for carrying out specific actions in a disaster
7 emergency and states, among other things, lines of authority,
8 response actions and coordination requirements.

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

29 (1) Capabilities of municipal governments, county
30 governments, nongovernmental organizations or the

1 Commonwealth.

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

5 "Federal emergency." An emergency as defined in section
6 102(1) of The Robert T. Stafford Disaster Relief and Emergency
7 Assistance Act (Public Law 93-288, 42 U.S.C. § 5122(1)).

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

10 (1) is employed by the United States;

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

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

15 "Grantee." The entity, government or organization to which a
16 grant is awarded.

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

22 "Hazardous agent." A substance that has or potentially has
23 an adverse effect on human health with public health
24 consequences.

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

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

30 (1) Specifically designed to provide for the adoption of

1 an integrated organizational structure that reflects the
2 complexity and demands of single or multiple incidents,
3 without being hindered by jurisdictional boundaries.

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

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

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

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

19 (1) A communications network.

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

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

26 (4) A public or private water pipeline.

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

29 "Joint information center." A facility established to
30 coordinate incident-related public information activities and be

1 the central point of contact for news media.

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

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

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

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

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

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

29 ["Local emergency." The condition declared by the local
30 governing body when in their judgment the threat or actual

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

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

16 "Local health department." A county department of health
17 under the act of August 24, 1951 (P.L.1304, No.315), known as
18 the Local Health Administration Law, or a department of health
19 in a municipality approved for a Commonwealth grant to provide
20 local health services under section 25 of the Local Health
21 Administration Law.

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

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

26 ["Man-made disaster." Any industrial, nuclear or
27 transportation accident, explosion, conflagration, power
28 failure, natural resource shortage or other condition, except
29 enemy action, resulting from man-made causes, such as oil spills
30 and other injurious environmental contamination, which threatens

1 or causes substantial damage to property, human suffering,
2 hardship or loss of life.]

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

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

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

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

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

30 "National Response Framework." A policy developed by the

1 Federal Government that integrates national domestic prevention,
2 protection, preparedness, response and recovery plans into one
3 all-discipline unity of effort for all hazards. The term
4 includes a successor policy adopted by the Federal Government.

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

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

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

21 (1) A presence in this Commonwealth, excluding prior
22 disaster emergency-related work performed under section
23 7308(b)(1) (relating to laws suspended during emergency
24 assignments).

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

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

30 "Person." An individual, corporation, [firm, association,]

1 partnership, limited liability company, business trust,
2 government entity, including the Commonwealth, foundation,
3 public utility, trust[,] or estate[, public or private
4 institution, group, the Commonwealth or a local agency or
5 political subdivision and any legal successor, representative or
6 agency of the foregoing].

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

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

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

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

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

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

26 (1) Identify needs and define resources.

27 (2) Provide housing and promote restoration.

28 (3) Address long-term care and treatment of affected
29 persons.

30 (4) Implement additional measures and techniques, as

1 feasible.

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

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

5 "Regional." Pertaining to regional task forces.

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

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

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

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

29 "Review and accept." The process by which the Pennsylvania
30 Emergency Management Agency, county emergency management

1 programs and local emergency management programs validate
2 planning documents in accordance with this part to ensure
3 compliance with established planning criteria, adherence to
4 templates and completeness. The process may not imply approval
5 or verification of ability to execute the plans described in the
6 planning documents.

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

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

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

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

27 "State Emergency Registry of Volunteers in Pennsylvania" or
28 "SERVPA." An Internet-based system developed and maintained by
29 the Commonwealth allowing for the advance and real-time
30 registration of volunteers for deployment during emergencies or

1 disasters.

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

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

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

12 "Terrorism." An act or activity that:

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

15 (2) Is a violation of the criminal laws of the United
16 States or of any state or other subdivision of the United
17 States where it occurs.

18 (3) Is intended to intimidate or coerce the civilian
19 population or influence a government or affect the conduct of
20 a government.

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

27 ["War-caused disaster." Any condition following an attack
28 upon the United States resulting in substantial damage to
29 property or injury to persons in the United States caused by use
30 of bombs, missiles, shellfire, nuclear, radiological, chemical

1 or biological means, or other weapons or overt paramilitary
2 actions, or other conditions such as sabotage.]

3 Section 2. Section 7103 of Title 35 is amended to read:

4 § 7103. [Purposes] Purpose of part.

5 [The purposes of this part are to:

6 (1) Reduce vulnerability of people and communities of
7 this Commonwealth to damage, injury and loss of life and
8 property resulting from disasters.

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

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

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

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

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

24 (7) Provide a disaster management system embodying all
25 aspects of pre-disaster preparedness and post-disaster
26 response.

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

30 (9) Supplement, without in any way limiting, authority

1 conferred by previous statutes of this Commonwealth and
2 increase the capability of the Commonwealth and local
3 agencies having responsibilities for civil defense to perform
4 both civil defense and disaster services.

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

7 (11) Further programs of education and training.

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

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

18 Section 3. Section 7301 of Title 35, amended October 27,
19 2014 (P.L. 2899, No.187), is amended to read:

20 § 7301. General authority of Governor.

21 (a) Responsibility to meet disasters.--The Governor is
22 responsible for meeting the dangers to this Commonwealth and
23 people presented by disasters.

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

29 (c) Declaration of disaster emergency.--

30 (1) A disaster emergency shall be declared by executive

1 order or proclamation of the Governor upon finding that a
2 disaster has occurred or that the occurrence or the threat of
3 a disaster is imminent.

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

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

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

22 (5) An executive order or proclamation shall be
23 disseminated promptly by means calculated to bring its
24 contents to the attention of the general public and, unless
25 the circumstances attendant upon the disaster prevent or
26 impede, shall be promptly filed with the [Pennsylvania
27 Emergency Management Agency] agency and the Legislative
28 Reference Bureau for publication under [Part II of Title 45]
29 45 Pa.C.S. Pt. II (relating to publication and effectiveness
30 of Commonwealth documents).

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

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

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

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

29 (2) [Utilize] Before, during and following the
30 expiration of a declaration of a disaster emergency, utilize

1 all available resources of the Commonwealth [Government] and
2 each political subdivision [of this Commonwealth] as
3 reasonably necessary to cope with [the] or mitigate the
4 effects of a disaster emergency or potential disaster
5 emergency.

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

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

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

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

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

24 (8) Suspend or limit the sale, dispensing or
25 transportation of alcoholic beverages, firearms, explosives
26 and combustibles.

27 (9) Confer the power of arrest on the law enforcement
28 personnel serving as part of the emergency forces of a party
29 state during operations in this Commonwealth pursuant to a
30 declaration of a disaster emergency under subsection (c). Law

1 enforcement personnel shall be under the operational control
2 of the Commissioner of Pennsylvania State Police and shall
3 comply with the terms and conditions of the Emergency
4 Management Assistance Compact under Chapter 76 (relating to
5 Emergency Management Assistance Compact). Arrest powers
6 granted under this paragraph shall expire when the
7 declaration of a disaster emergency is terminated by
8 executive order, proclamation or operation of law, if the
9 arrest powers have not previously been terminated.

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

17 Section 4. Sections 7302, 7304, 7305 and 7305.1 of Title 35
18 are amended to read:

19 § 7302. Temporary housing.

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

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

1 disaster emergency, declared Federal emergency or declared
2 major disaster.

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

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

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

14 (iii) becoming a copartner with the political
15 subdivision for the execution and performance of any
16 temporary housing for disaster victims [project];
17 and for such purposes to pledge the credit of the
18 Commonwealth on such terms as the Governor deems appropriate
19 having due regard for current debt transactions of the
20 Commonwealth.

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

29 (b) Acquisition of sites by political subdivisions.--Any
30 political subdivision [of this Commonwealth] authority or

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

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

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

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

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

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

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

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

13 § 7304. Community disaster loans.

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

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

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

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

8 § 7305. Individual and family assistance.

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

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

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

30 (b) Grants by Governor.--To implement subsection (a), the

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

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

13 § 7305.1. Grants for public assistance and hazard mitigation.

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

28 (b) Special Session disaster relief acts.--Projects which
29 are itemized under Chapter 3 of the act of July 11, 1996 (2nd
30 Sp.Sess., P.L.1791, No.8), known as the Special Session Flood

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

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

13 Section 5. Title 35 is amended by adding a section to read:
14 § 7307.1. Use and appropriation of unused Commonwealth funds.

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

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

1 Section 6. Section 7308(a) of Title 35, amended October 31,
2 2014 (P.L.3044, No.203), is amended to read:

3 § 7308. Laws suspended during emergency assignments.

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

13 * * *

14 Section 7. Title 35 is amended by adding a section to read:
15 § 7309. Penalty for false application.

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

22 Section 8. Sections 7312, 7313, 7314, 7320, 7501, 7502,
23 7503, 7504, 7511, 7512, 7513, 7514 and 7515 of Title 35 are
24 amended to read:

25 § 7312. [Organization.] Pennsylvania Emergency Management
26 Council.

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

29 (a) Council.--Primary responsibility for overall policy and
30 direction of a Statewide civil defense and disaster program and

1 response capability of the type hereinafter prescribed shall be
2 vested in a body legally known as the Pennsylvania Emergency
3 Management Council, which]

4 (a) Establishment.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 § 7313. Powers and duties.

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

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

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

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

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

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

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

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

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

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

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

28 (x) Recommendations for zoning, building and other
29 land-use controls; safety measures pertaining to
30 nonpermanent or semipermanent structures; resource

1 conservation and allocation; and other preventive and
2 preparedness measures designed to eliminate or reduce
3 disasters or their impact.

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

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

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

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

24 (4) [To provide] Provide technical guidance, advice and
25 assistance to Commonwealth agencies, [political subdivisions,
26 schools and custodial child care facilities] regional task
27 forces, county emergency management programs, local emergency
28 management programs, school districts and dependent care
29 facilities in the preparation of [disaster] emergency
30 [management] plans or components thereof [and to periodically

1 review such plans and suggest or require revisions].

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

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

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

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

1 emergency management.

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

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

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

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

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

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

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

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

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

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

25 (17.1) Report semiannually to the Governor and the
26 chairman and minority chairman of the Appropriations
27 Committee of the Senate and the chairman and minority
28 chairman of the Appropriations Committee of the House of
29 Representatives regarding all grants awarded by the agency
30 from Federal disaster assistance or relief funds, homeland

1 security and defense funds, avian flu/pandemic preparedness
2 or other public health emergency funds. The reports shall
3 include information relating to the entity receiving grant
4 money from the agency, including the name and address of the
5 entity, the amount of the grant, the date of issuance and the
6 purpose of the grant. Reports shall be submitted on or before
7 August 15 of each year for grants awarded during the period
8 from January 1 through June 30 and on or before February 15
9 of each year for grants awarded during the period from July 1
10 through December 31.

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

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

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

30 (21) [To require] Require hydroelectric generating

1 facilities and dam operators to [do all of the following:

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

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

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

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

27 (24) Establish and maintain a Statewide incident
28 reporting system and methodology for all-hazards information.
29 All Commonwealth agencies, county emergency management
30 programs, county 911 centers and other entities required to

1 provide all-hazards information to the agency under this part
2 and other State law shall contribute all-hazards information
3 to the system.

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

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

9 § 7314. Utilization of existing services and facilities.

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

18 § 7320. Radiological emergency [response preparedness, planning
19 and recovery] preparedness and management program.

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

1 Commission.

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

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

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

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

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

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

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

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

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

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

29 (10) Coordinating the review and update of emergency
30 information brochures with the respective counties and

1 [utilities] nuclear power plant licensees.

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

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

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

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

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

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

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

1 applicable Federal and State radiation protection safety
2 laws.

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

8 (c) Establishment of fund.--[There is hereby created in the
9 General Fund a] A nonlapsing restricted receipt account to be
10 known as the Radiological Emergency Response Planning and
11 Preparedness Program Fund is established in the General Fund.
12 [Fees received under subsection (d) shall be deposited in this
13 fund.] Moneys in the fund are hereby appropriated to the agency
14 to carry out its responsibilities under subsections (a) and (b).
15 § 7501. General authority of [political subdivisions] county
16 and local emergency management programs.

17 (a) Establishing emergency management [organization]
18 programs.--[Each political subdivision of this Commonwealth is
19 directed and authorized to establish a local emergency
20 management organization in accordance with the plan and program
21 of the Pennsylvania Emergency Management Agency. Each local
22 organization shall have responsibility for emergency management,
23 response and recovery within the territorial limits of the
24 political subdivision within which it is organized] No later
25 than two years from the effective date of Chapter 83 (relating
26 to public health emergency measures), a political subdivision
27 shall establish an emergency management program consistent with
28 the Commonwealth emergency management program within its
29 jurisdictional limits as required by the agency and, in
30 addition, shall conduct such services outside of its

1 jurisdictional limits as may be required under this part.

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

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

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

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

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

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

29 (6) An order or proclamation declaring, continuing or
30 terminating a municipal disaster emergency shall be given

1 prompt and general publicity and shall be filed promptly with
2 the agency through the appropriate county emergency
3 management program.

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

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

13 (d) Temporary suspension of formal requirements.--Each
14 political subdivision included in a declaration of disaster
15 emergency declared by either the Governor or the governing body
16 or chief executive elected officer of the political subdivision
17 affected by the disaster emergency is authorized to exercise the
18 powers vested under this section in the light of the exigencies
19 of the emergency situation without regard to time-consuming
20 procedures and formalities prescribed by law [(excepting
21 [mandatory constitutional requirements]), excepting

22 constitutional requirements, pertaining to the performance of
23 public work, entering into contracts, the incurring of
24 obligations, the employment of temporary workers, the rental of
25 equipment, the purchase of supplies and materials, the levying
26 of taxes and the appropriation and expenditure of public funds.

27 (e) Employment of personnel.--In order to meet prescribed
28 requirements for eligibility to receive Federal contributions
29 authorized under the provisions of the Federal Civil Defense Act
30 of 1950 (64 Stat. 1245, 50 U.S.C. App. § 2251 et seq.) or any

1 amendment or reenactment thereof, political subdivisions are
2 authorized to avail themselves of services offered by the State
3 Civil Service Commission under the provisions of the act of
4 August 5, 1941 (P.L.752, No.286), known as the ["Civil Service
5 Act,[" in connection with the employment of personnel in [local
6 organizations] a county emergency management program or a local
7 emergency management program established pursuant to the
8 provisions of this part.

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

18 § 7502. [Local coordinator of emergency management] County and
19 local emergency management coordinators.

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

1 appointment of coordinators as it deems necessary.

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

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

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

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

25 (c) [Local level.--At the local level, the coordinator shall
26 be appointed by the Governor upon the recommendation of the
27 executive officer or governing body of the political
28 subdivision. Upon the failure of the executive officer or
29 governing body of a political subdivision to make a
30 recommendation to the Governor of a candidate for coordinator

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

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

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

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

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

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

29 (2) (i) A coordinator may be removed for incompetence,
30 dishonesty or commitment of an offense involving moral

1 turpitude under Federal, State or local laws or
2 ordinances.

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

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

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

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

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

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

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

1 local coordinators on the basis of prior experience and
2 training.]

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

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

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

17 § 7503. Powers and duties of [political subdivisions] county
18 and local emergency management programs.

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

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

1 Pennsylvania Emergency Management Plan] plans.

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

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

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

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

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

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

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

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

29 (10) Participate in [all] tests, drills and exercises,
30 including remedial drills and exercises, scheduled by the

1 agency or by the Federal Government.

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

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

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

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

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

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

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

22 (6) Following reporting protocols established by the
23 agency.

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

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

30 (9) Coordinating and monitoring planning activities by

1 municipalities within the county and providing assistance
2 where feasible.

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

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

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

10 (13) Coordinating emergency communications by doing the
11 following:

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

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

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

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

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

1 (16) Participating in planning for continuity of
2 municipal government and continuity of municipal operations
3 and providing assistance where feasible.

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

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

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

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

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

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

19 (23) Reviewing and accepting emergency action plans and
20 emergency operations plans developed by municipalities,
21 dependent care facilities and other entities located within
22 the county that are required by law or regulation to develop
23 and maintain an emergency plan. The coordinator shall provide
24 an annual report to the agency on or before March 1 of each
25 year describing the status of the plans reviewed under this
26 paragraph. This paragraph includes review of emergency plans
27 for nuclear reactors that are subject to regulation by the
28 Nuclear Regulatory Commission.

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

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

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

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

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

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

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

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

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

30 (7) Preparing and maintaining a municipal hazard

1 vulnerability analysis.

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

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

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

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

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

16 (11) Coordinating the delivery of citizen education
17 programs by the municipality and supplementing materials as
18 necessary.

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

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

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

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

30 (16) Advising municipal officials in matters related to

1 disaster preparedness and emergency management.

2 (17) Reviewing and accepting emergency management plans
3 and programs developed by school districts, dependent care
4 facilities and other entities located within the municipality
5 that are required by law or the Commonwealth to develop and
6 maintain preparedness and emergency management capabilities.
7 The coordinator shall provide an annual report to the
8 coordinator of the county emergency management program where
9 the municipality is located on or before September 1 of each
10 year describing the status of the plans reviewed under this
11 paragraph. This paragraph includes review of emergency plans
12 for nuclear reactors that are subject to regulation by the
13 Nuclear Regulatory Commission.

14 § 7504. Coordination[,] and assistance [and mutual aid].

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

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

28 [(c) Municipal mutual aid agreements.--County and local
29 coordinators of emergency management shall develop mutual aid
30 agreements with adjacent political subdivisions for reciprocal

1 emergency assistance. The agreements shall be consistent with
2 the plans and programs of the agency. In disaster emergencies,
3 requests for mutual aid assistance shall be referred to the
4 organization having responsibility for coordination as specified
5 in subsection (a) and in time of emergency it shall be the duty
6 of each local organization to render assistance in accordance
7 with the provisions of the mutual aid agreements.

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

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

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

20 § 7511. Appropriations by political subdivisions.

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

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

28 (2) In making appropriations, the political subdivision
29 shall specify the amounts and purposes for which the moneys
30 appropriated may be used by the organization to or for which

1 such appropriation may be made.

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

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

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

24 § 7512. Law applicable to local [organizations] emergency
25 management programs and county emergency management
26 programs.

27 [(a) General rule.--]Where the jurisdiction of the local
28 [organization] emergency management program or the county
29 emergency management program is coterminous with the political
30 subdivision making an appropriation for the payment of the

1 expenses, the local [organization] emergency management program
2 or the county emergency management program, as the case may be,
3 shall be deemed an agency, board or commission of the political
4 subdivision, subject to all of the laws governing the making of
5 contracts or purchases, the employment of persons or otherwise
6 incurring financial obligations which apply to the political
7 subdivision.

8 [(b) Second class townships.--No purchase or purchases shall
9 be made, no contract entered into and no expenses incurred by
10 any local organization which involves the payment of more than
11 \$25 out of the treasury of any second class township unless the
12 proposed expenditure has been approved in writing by the
13 township supervisors. If any purchase or contract is made or
14 other expenses incurred contrary to the provisions of this
15 subsection, the township shall not be responsible for the
16 payment thereof but the person acting for the local organization
17 in the transaction shall be personally liable for the payment.]
18 § 7513. Agreements among political subdivisions.

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

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

1 subdivisions as the agent of each of them for the purpose of
2 paying the expenses of the local [organization.] emergency
3 management program or the county emergency management
4 program.

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

6 (i) Specify the proportionate share of the expenses
7 of the [organization] local emergency management program
8 or the county emergency management program, as the case
9 may be, to be paid by each political subdivision party to
10 the agreement and an estimate of the amount required to
11 be appropriated by each of them for the purpose of paying
12 the expenses. [The agreement shall be effective]

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

24 (b) Counties.--Where the local [organization] emergency
25 management program or the county emergency management program
26 has jurisdiction in an area including the whole area of one or
27 more counties which is not coterminous with any one county,
28 before paying any expenses of the [organization] local emergency
29 management program or the county emergency management program,
30 as the case may be, the counties, all or part of which lie

1 within the jurisdiction of the [organization] local emergency
2 management program or the county emergency management program,
3 shall enter into an agreement in the manner and form provided in
4 subsection (a) and with like effect, and no other political
5 subdivision lying within the jurisdiction of the [organization]
6 local emergency management program or the county emergency
7 management program, as the case may be, shall be a party to the
8 agreement.

9 § 7514. Payments involving one political subdivision.

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

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

25 (2) In each case, the officer or officers shall have the
26 same power to approve or disapprove as they have in case of
27 warrants for ordinary expenses of the political subdivision,
28 and no warrant or order for the payment thereof shall be
29 issued without the approval.

30 (b) Gift or grant of money.--Any gift or grant of money made

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

13 § 7515. Payments involving two or more political subdivisions.

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

29 (b) Accounting by agent.--The political subdivision
30 designated as agent shall, not later than the fifteenth day of

1 each month, submit an itemized account of the expenses of the
2 organization paid by it during the preceding calendar month to
3 each of the other political subdivisions party to the agreement,
4 together with a request for reimbursement of the proportionate
5 share of expenses agreed to be paid by each of the other
6 political subdivisions.

7 (c) Reimbursement of agent.--

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

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

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

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

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

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

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

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

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

27 SUBCHAPTER C

28 REGIONAL ALL-HAZARDS PREPAREDNESS

29 AND EMERGENCY MANAGEMENT

30 Sec.

- 1 7521. Regional task forces.
- 2 7522. Specialized regional task force teams.
- 3 7523. Urban search and rescue task force.
- 4 7524. Specialized Statewide response teams.
- 5 7525. Grant program.
- 6 7526. Workers' compensation premiums.
- 7 § 7521. Regional task forces.

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

18 (b) Organization.--

19 (1) Each regional task force shall be a cooperative
20 effort among the counties within the designated region. Each
21 regional task force shall be governed by an executive board
22 comprised of the county coordinator from each county or other
23 county official appointed by the county within the task force
24 region.

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

30 (3) The regional task force executive board shall

1 designate one of its member counties as its agent responsible
2 for entering into contracts and administering any funds,
3 grants or expenses of the regional task force. The regional
4 task force shall be subject to all of the laws governing the
5 making of contracts or purchases, the employment of persons
6 or otherwise incurring financial obligations, which apply to
7 the designated member county.

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

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

18 (1) To develop and maintain an all-hazards emergency
19 operations plan.

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

24 (3) Consistent with Federal and State guidelines, to
25 consider serving as agent, if so appointed by its member
26 counties, for county and local coordinators and first
27 responders when applying for United States Department of
28 Homeland Security, State and related grants.

29 (4) To develop, maintain and manage an inventory of
30 regional emergency response resources, including emergency

1 response vehicles, specialized equipment and certified or
2 credentialed personnel, that can be deployed within the
3 region served by the task force or elsewhere in response to
4 events that threaten life, property, the environment or the
5 economy and provide an inventory of the resources on a
6 schedule and in a manner prescribed by the agency.

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

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

11 (7) To participate in and conduct capabilities-based
12 planning activities and assessments.

13 § 7522. Specialized regional task force teams.

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

17 (b) Organization.--

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

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

24 (3) In addition to other terms, the written agreement
25 shall stipulate which member county of the regional task
26 force is the responsible agent for administering funds,
27 grants or expenses of the specialized regional task force
28 team.

29 (4) A specialized regional task force team shall be
30 subject to the laws governing the making of contracts or

1 purchases, the employment of persons or otherwise incurring
2 financial obligations, which apply to the designated agent
3 county.

4 (c) Activation and deployment.--A specialized regional task
5 force team may be activated and deployed by the Governor or the
6 designee of the Governor or an official designated by the
7 executive board of the regional task force that established it.
8 § 7523. Urban search and rescue task force.

9 (a) Establishment of task forces.--The agency shall
10 establish urban search and rescue task forces throughout this
11 Commonwealth.

12 (b) Organization.--An urban search and rescue task force
13 shall be organized in accordance with guidelines developed by
14 the agency in coordination with the Federal Emergency Management
15 Agency.

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

22 (d) Activation and deployment.--

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

1 shall be paid by the Commonwealth.

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

11 (e) Funding, grants and donations.--In addition to funds
12 that are provided to a task force under section 7525 (relating
13 to grant program) or the authority of section 7307.1 (relating
14 to use and appropriation of unused Commonwealth funds), the
15 urban search and rescue task force may be eligible to receive
16 grants, donations of equipment and supplies and other funds from
17 any source. As an agent of the Commonwealth, a task force is
18 entitled to tax-exempt status from the Federal Government.
19 § 7524. Specialized Statewide response teams.

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

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

30 (c) Activation.--Specialized Statewide response teams may

1 only be activated and deployed by the Governor or the designee
2 of the Governor.

3 § 7525. Grant program.

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

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

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

18 § 7526. Workers' compensation premiums.

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

24 Section 10. Sections 7701, 7702, 7703, 7704, 7705, 7706 and
25 7707 of Title 35 are amended to read:

26 § 7701. Duties concerning disaster [prevention] preparedness
27 and emergency management.

28 (a) Governor.--In addition to disaster prevention measures
29 included in the Commonwealth and local plans, the Governor shall
30 consider on a continuing basis steps that could be taken to

1 prevent or reduce the harmful consequences of disasters. The
2 Governor, from time to time, shall make recommendations to the
3 General Assembly, political subdivisions and other appropriate
4 public and private entities as may facilitate measures for
5 prevention or reduction of the harmful consequences of
6 disasters.

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

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

28 (d) Schools.--[Public-funded universities, colleges,]
29 Institutions of higher education and elementary and secondary
30 schools that receive public funds shall be made available to

1 [local] municipal, county, regional and [State] Commonwealth
2 officials for emergency planning and exercise purposes and
3 actual [service as mass-care facilities in the event of an
4 emergency evacuation] emergency services.

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

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

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

1 all-hazards emergency action plan in accordance with standards
2 established by the agency. The plan shall be coordinated with
3 the appropriate county emergency management program, local
4 emergency management program and dedicated emergency response
5 organizations.

6 (h) Large event plans.--

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

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

18 (i) Sharing of information.--

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

22 (i) A Commonwealth agency.

23 (ii) A court or an entity or office of the Unified
24 Judicial System.

25 (iii) The General Assembly.

26 (iv) A political subdivision.

27 (v) A dedicated emergency response organization.

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

30 (i) Promptly share all-hazards information with the

1 agency and other Commonwealth agencies in accordance with
2 standards and all-hazards information guidance issued and
3 the all-hazards information plan developed by the agency
4 and consistent with the statutory responsibilities of the
5 agencies providing and receiving the information.

6 (ii) Cooperate in and facilitate the collection and
7 validation of the information and the production of
8 reports based on the information with contents and
9 formats that permit dissemination that maximizes the
10 utility of the information in protecting the territory,
11 citizens and interests of this Commonwealth.

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

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

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

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

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

1 § 7702. Acceptance of services, gifts, grants and loans.

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

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

26 (c) Indemnification.--

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

1 pursuant to the Stafford Act.

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

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

11 § 7703. Interstate arrangements.

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

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

29 (c) Legislative approval of agreements.--Any agreement, if
30 sufficient authority for the making thereof does not otherwise

1 exist, becomes effective only after its text has been
2 communicated to the General Assembly and provided that neither
3 House of the General Assembly has disapproved it by adjournment
4 of the next ensuing session competent to consider it or within
5 30 days of its submission, whichever is longer.

6 § 7704. Immunity from civil liability.

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

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

1 other premises for that purpose.

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

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

12 § 7705. Special powers of [local agencies] political
13 subdivisions.

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

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

1 be needed to effect restoration of such water system. The
2 political subdivision or municipal authority may be reimbursed
3 for the cost of such restoration as provided in [subsection
4 (c).] section 1508(b) of the act of April 9, 1929 (P.L.343,
5 No.176), known as The Fiscal Code.

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

11 § 7706. [Compensation for accidental injury] Workers'
12 compensation.

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

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

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

30 (3) Weekly payments of \$200, not to exceed six months in

1 duration, beginning on the eighth day of disability directly
2 arising from accidental injury rendering the individual
3 totally incapable of following his normal gainful pursuits.]

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

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

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

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

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

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

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

1 (e) Construction.--The provisions of this section shall not
2 supersede Chapter 76 (relating to emergency management
3 assistance compact).

4 § 7707. Penalties.

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

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

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

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

19 (4) a county or local emergency management program in
20 compliance with this part, other than Chapter 83 (relating to
21 public health emergency measures), who fails to comply with
22 an order or direction from that county or local emergency
23 program commits a violation of this part.

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

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

30 (2) to pay a fine not exceeding [\$500] \$1,000 or

1 imprisonment not exceeding 90 days, or both, for each
2 subsequent offense.

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

17 Section 11. Title 35 is amended by adding sections to read:
18 § 7714. Authority of Federal law enforcement officers.

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

29 (b) Operational control.--Federal law enforcement officers
30 working in cooperation with State and local law enforcement

1 officers during a disaster emergency declared by the Governor
2 shall come under the operational control of the Pennsylvania
3 State Police or as otherwise directed by the Governor.

4 (c) Liability.--A Federal law enforcement officer operating
5 under this section shall have the same immunities from liability
6 as any agent or employee of the Commonwealth under 42 Pa.C.S.
7 Ch. 85 (relating to matters affecting government units).
8 § 7715. Confidentiality.

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

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

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

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

29 (b) Open meetings exception.--Meetings of the council, a
30 county emergency management program, a local emergency

1 management program or a task force or response team organized in
2 accordance with this part, relating to preparedness and
3 emergency management, shall not be subject to the provisions of
4 65 Pa.C.S. Ch. 7 (relating to open meetings).

5 § 7716. Adverse interests.

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

13 Section 12. Title 35 is amended by adding chapters to read:

14 CHAPTER 83

15 PUBLIC HEALTH EMERGENCY MEASURES

16 Sec.

17 8301. Definitions.

18 8302. Public health and medical emergency coordination.

19 8303. Temporary isolation or quarantine without notice.

20 8304. Continued isolation or quarantine.

21 8305. Miscellaneous.

22 § 8301. Definitions.

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

26 "Quarantine subject." The subject of an order under section
27 8303(a)(1) (relating to temporary isolation or quarantine
28 without notice). The term includes an individual or group
29 subject to either isolation or quarantine.

30 § 8302. Public health and medical emergency coordination.

1 (a) Secretary of Health.--

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

10 (2) Commonwealth agencies shall conduct public health
11 and medical assessment, mitigation, preparedness, response
12 and recovery activities in accordance with direction provided
13 by the Secretary of Health. The Secretary of Health shall
14 coordinate with the agency to the extent necessary.

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

23 § 8303. Temporary isolation or quarantine without notice.

24 (a) Temporary isolation or quarantine.--

25 (1) In the case of an all-hazards emergency, the
26 Governor, in consultation with the Secretary of Health,
27 through a written order to prevent or limit the transmission
28 of a contagious or potentially contagious disease, infection
29 or hazardous agent, may temporarily isolate or quarantine:

30 (i) one or more identified individuals; or

1 (ii) one or more groups whose individual members are
2 identified by past or present location or other
3 characteristic that would place them at risk for
4 transmitting a contagious or potentially contagious
5 disease, infection or hazardous agent. Identifying
6 characteristics for the individual members of such a
7 group may include, but not be limited to:

8 (A) Being or having been present in or at an
9 identified geographic area, address, structure, event
10 or mode of transport, during a specified period of
11 time.

12 (B) Being or having been in contact with an
13 identified individual during a specified period of
14 time.

15 (C) Being or having been in contact with, or
16 consumed an item during a specified period of time
17 that has been identified as transmitting or
18 potentially transmitting a contagious or potentially
19 contagious disease, infection or hazardous agent.

20 (D) Having or having had a specified employer,
21 workplace or job function during a specified period
22 of time.

23 (E) Having or having had a specified name,
24 address or other personal identifier where these are
25 known.

26 (2) This subsection may not be construed to require a
27 declaration of disaster emergency by the Governor in order to
28 be effective.

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

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

5 (2) The name and address, or other appropriate
6 identifying information, of the facility or other location to
7 which the quarantine subject will be isolated or quarantined.
8 Quarantine subjects may be isolated or quarantined within
9 specified geographic areas, structures or modes of transport.

10 (3) The date and time that the isolation or quarantine
11 will begin.

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

14 (5) A statement that quarantine subjects are entitled to
15 representation by legal counsel at all stages of the
16 proceedings.

17 (6) A copy of this section and relevant definitions
18 under this part.

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

20 (1) The Department of Health, or the local health
21 department if the quarantine subject is within the
22 jurisdiction of a local health department, shall deliver a
23 copy of the written order to the appropriate law enforcement
24 organization. Delivery may be effected by any appropriate
25 means, including electronic transmission.

26 (2) The law enforcement organization shall immediately,
27 without the need for a warrant, take the quarantine subject
28 to the facility or other location specified in the order, if
29 properly equipped and trained to do so, or ensure that there
30 is no ingress or egress from the place of isolation or

1 quarantine, as appropriate. The law enforcement organization
2 may take measures as appropriate under the circumstances to
3 enforce the order against the quarantine subject.

4 (3) A copy of the written order shall be provided to the
5 quarantine subject. If it is impractical to provide a copy of
6 the written order to each quarantine subject, the law
7 enforcement organization shall communicate the order in any
8 other manner reasonably likely under the circumstances to
9 reach the quarantine subjects.

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

16 § 8304. Continued isolation or quarantine.

17 (a) Continued isolation or quarantine.--If a determination
18 is made to continue the isolation or quarantine commenced under
19 section 8303 (relating to temporary isolation or quarantine
20 without notice), the Department of Health or local health
21 department, depending upon whose jurisdiction the quarantine
22 subject is within, shall within 24 hours following the issuance
23 by the Governor of the written order under section 7902(a)
24 (relating to legislative purpose) file a petition with a court
25 of competent jurisdiction for a hearing to authorize the
26 continued isolation or quarantine. All of the following shall
27 apply:

28 (1) The court shall hold a hearing on the petition not
29 more than 72 hours after the filing of the petition to
30 determine whether continued isolation or quarantine is

1 warranted.

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

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

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

14 (5) If the number of individuals in a group quarantine
15 subject is too numerous to allow for individual hearings
16 within the 72-hour time frame or it is not possible to hold
17 individual hearings because not every member of the group can
18 be individually identified within the 72-hour time frame, the
19 court may determine that the interests of the group may be
20 represented by an authorized representative, which may be
21 appointed by the court.

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

25 (7) A quarantine subject is entitled to representation
26 by legal counsel at all stages of any proceedings under this
27 section. If the quarantine subject is without financial
28 resources or is otherwise unable to employ counsel, the court
29 shall provide counsel for the quarantine subject.

30 (b) Continuation warranted.--If the court determines

1 continued isolation or quarantine is warranted, the court shall
2 so order the continued isolation or quarantine and shall fix the
3 time and duration of the isolation or quarantine.

4 § 8305. Miscellaneous.

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

6 (1) If the order of isolation or quarantine issued under
7 section 8303 (relating to temporary isolation or quarantine
8 without notice) is issued with respect to individuals under
9 the jurisdiction of a local health department, the county or
10 municipality where the local health department operates shall
11 assure, at its expense, that the individuals are provided
12 with adequate and safe food, water and shelter and with
13 appropriate medical care for the duration of the isolation or
14 quarantine.

15 (2) If the order of isolation or quarantine issued under
16 section 8303 is issued with respect to individuals not under
17 the jurisdiction of a local health department, the
18 Commonwealth shall assure, at its expense, that the
19 individuals are provided with adequate and safe food, water
20 and shelter and with appropriate medical care for the
21 duration of the isolation or quarantine.

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

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

30 (d) Emergency administration or dispensing of drugs or other

1 pharmaceuticals.--When the Governor has declared a disaster
2 emergency or when the Secretary of Health determines that it is
3 necessary to protect the health and safety of the public, the
4 Secretary of Health or designee may authorize a person to
5 administer vaccines or dispense or administer drugs. The
6 following apply:

7 (1) (i) The authorization shall be in writing and shall
8 state the vaccines or drugs to be administered or
9 dispensed, the categories of persons included in the
10 authorization, additional training required before a
11 person may perform vaccine administration or drug
12 dispensing or administration, supervision required for
13 performance of the vaccine administration or drug
14 dispensing or administration, and the duration of the
15 authorization.

16 (ii) The Secretary of Health or designee may in
17 writing extend the scope and duration of the
18 authorization as the situation warrants.

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

28 (2) (i) When the Governor has declared a disaster
29 emergency or when the Secretary of Health determines that
30 it is necessary to protect the health and safety of the

1 public, the Secretary of Health or designee may in
2 writing authorize drugs to be dispensed to an individual
3 to give to family members or others who have authorized
4 the individual to receive the drugs on their behalf.

5 (ii) Persons dispensing drugs shall only provide the
6 drugs for family members or others for whom complete
7 information as required by the Department of Health has
8 been presented, and who are determined, based on that
9 information, to meet the criteria for dispensing as
10 established or adopted by the Department of Health.

11 (iii) A minor who appears able to understand and
12 carry out the responsibilities enumerated in this section
13 may receive the drugs.

14 CHAPTER 85

15 UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS

16 Sec.

17 8501. Short title of chapter.

18 8502. Definitions.

19 8503. Applicability to volunteer health practitioners.

20 8504. Regulation of services during emergency.

21 8505. Volunteer health practitioner registration systems.

22 8506. Recognition of volunteer health practitioners licensed in
23 other states.

24 8507. No effect on credentialing and privileging.

25 8508. Provision of volunteer health or veterinary services;
26 administrative sanctions.

27 8509. Relation to other laws.

28 8510. Regulatory authority.

29 8511. Limitations on civil liability.

30 8512. Workers' compensation coverage.

1 8513. Uniformity of application and construction.

2 § 8501. Short title of chapter.

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

5 § 8502. Definitions.

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

9 "Declaration of disaster emergency." A declaration of
10 emergency issued by a person authorized to do so under the laws
11 of this Commonwealth.

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

13 "Disaster relief organization." An entity that provides
14 emergency or disaster relief services that include health or
15 veterinary services provided by volunteer health practitioners
16 and that:

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

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

24 "Emergency." An event or condition that is a disaster or
25 disaster emergency.

26 "Emergency Management Assistance Compact." The interstate
27 compact approved by Congress by Public Law 104-321, 110 Stat.
28 3877 and set forth in section 7601 (relating to compact
29 enacted).

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

1 "Health facility." An entity licensed under the laws of this
2 Commonwealth or another state to provide health or veterinary
3 services.

4 "Health practitioner." An individual licensed under the laws
5 of this Commonwealth or another state to provide health or
6 veterinary services.

7 "Health services." The provision of treatment, care, advice
8 or guidance, of other services or of supplies, related to the
9 health or death of individuals or human populations, to the
10 extent necessary to respond to an emergency, including:

11 (1) the following, concerning the physical or mental
12 condition or functional status of an individual or affecting
13 the structure or function of the body:

14 (i) preventive, diagnostic, therapeutic,
15 rehabilitative, maintenance or palliative care; and

16 (ii) counseling, assessment, procedures or other
17 services;

18 (2) sale or dispensing of a drug, a device, equipment or
19 another item to an individual in accordance with a
20 prescription; and

21 (3) funeral, cremation, cemetery or other mortuary
22 services.

23 "Host entity." An entity operating in this Commonwealth
24 which uses volunteer health practitioners to respond to an
25 emergency.

26 "License." Authorization by a state to engage in health or
27 veterinary services that are unlawful without the authorization.
28 The term includes authorization under the laws of this
29 Commonwealth to an individual to provide health or veterinary
30 services based upon a national certification issued by a public

1 or private entity.

2 "Person." An individual, corporation, business trust, trust,
3 partnership, limited liability company, association, joint
4 venture, public corporation, government or governmental
5 subdivision, agency or instrumentality or any other legal or
6 commercial entity.

7 "Scope of practice." The extent of the authorization to
8 provide health or veterinary services granted to a health
9 practitioner by a license issued to the health practitioner in
10 the state in which the principal part of the health
11 practitioner's services are rendered, including any conditions
12 imposed by the licensing authority.

13 "State." A state of the United States, the District of
14 Columbia, Puerto Rico, the Virgin Islands or any territory or
15 insular possession subject to the jurisdiction of the United
16 States.

17 "Veterinary services." The provision of treatment, care,
18 advice or guidance or other services or of supplies, related to
19 the health or death of an animal or to animal populations, to
20 the extent necessary to respond to an emergency, including:

21 (1) diagnosis, treatment or prevention of an animal
22 disease, injury or other physical or mental condition by the
23 prescription, administration or dispensing of vaccine,
24 medicine, surgery or therapy;

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

26 (3) monitoring and treatment of animal populations for
27 diseases that have spread or demonstrate the potential to
28 spread to humans.

29 "Volunteer health practitioner." A health practitioner who
30 provides health or veterinary services, whether or not the

1 health practitioner receives compensation for those services.
2 The term does not include a health practitioner who receives
3 compensation pursuant to a preexisting employment relationship
4 with a host entity or affiliate which requires the health
5 practitioner to provide health services in this Commonwealth,
6 unless the health practitioner is not a resident of this
7 Commonwealth and is employed by a disaster relief organization
8 providing services in this Commonwealth while an emergency
9 declaration is in effect.

10 § 8503. Applicability to volunteer health practitioners.

11 This chapter applies to volunteer health practitioners
12 registered with a registration system that complies with section
13 8505 (relating to volunteer health practitioner registration
14 systems) and who provide health or veterinary services in this
15 Commonwealth for a host entity while an emergency declaration is
16 in effect.

17 § 8504. Regulation of services during emergency.

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

21 (1) the duration of practice by volunteer health
22 practitioners;

23 (2) the geographical areas in which volunteer health
24 practitioners may practice;

25 (3) the types of volunteer health practitioners who may
26 practice;

27 (4) whether and to what extent volunteer health or
28 veterinary services may be provided by host entities
29 specifically or in general; and

30 (5) any other matters necessary to coordinate

1 effectively the provision of health or veterinary services
2 during the emergency.

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

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

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

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

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

15 (1) consult and coordinate its activities with the
16 agency and the department to the extent practicable to
17 provide for the efficient and effective use of volunteer
18 health practitioners; and

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

21 § 8505. Volunteer health practitioner registration systems.

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

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

26 (2) include information about the licensure and good
27 standing of volunteer health practitioners which is
28 accessible by authorized persons;

29 (3) be capable of confirming the accuracy of information
30 concerning whether a health practitioner is licensed and in

1 good standing before health services or veterinary services
2 are provided under this chapter; and

3 (4) meet one of the following conditions:

4 (i) be an emergency system for advance registration
5 of volunteer health practitioners established by a state
6 and funded through the Health Resources Services
7 Administration under section 319I of the Public Health
8 Service Act (58 Stat. 682, 42 U.S.C. § 247d-7b), such as
9 the State Emergency Registry for Volunteers in
10 Pennsylvania (SERVPA);

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

15 (iii) be operated by a:

16 (A) disaster relief organization;

17 (B) licensing board;

18 (C) national or regional association of
19 licensing boards or health practitioners;

20 (D) health facility that provides comprehensive
21 inpatient and outpatient health care services,
22 including a tertiary care and teaching hospital; or

23 (E) governmental entity; or

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

26 (b) Confirmation.--When an emergency declaration is in
27 effect, the agency, the department, a person authorized to act
28 on behalf of the agency or a host entity may confirm whether
29 volunteer health practitioners utilized in this Commonwealth are
30 registered with a registration system that complies with

1 subsection (a). Confirmation is limited to obtaining identities
2 of the volunteer health practitioners from the system and
3 determining whether the system indicates that they are licensed
4 and in good standing.

5 (c) Notice.--Upon request of a person in this Commonwealth
6 authorized under subsection (b) or a similarly authorized person
7 in another state, a registration system located in this
8 Commonwealth shall notify the person of the identities of
9 volunteer health practitioners and whether they are licensed and
10 in good standing.

11 (d) Effect.--A host entity is not required to use the
12 services of a volunteer health practitioner even if the health
13 practitioner is registered with a registration system that
14 indicates that the health practitioner is licensed and in good
15 standing.

16 § 8506. Recognition of volunteer health practitioners licensed
17 in other states.

18 (a) Practice allowed.--When an emergency declaration is in
19 effect, a volunteer health practitioner, registered with a
20 registration system that complies with section 8505 (relating to
21 volunteer health practitioner registration systems) and licensed
22 and in good standing in the state upon which the health
23 practitioner's registration is based, may practice in this
24 Commonwealth to the extent authorized by this chapter as if the
25 health practitioner were licensed in this Commonwealth.

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

30 (1) is suspended, revoked or subject to an agency order

1 limiting or restricting practice privileges; or

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

4 § 8507. No effect on credentialing and privileging.

5 (a) General rule.--This chapter does not affect
6 credentialing or privileging standards of a health facility and
7 does not preclude a health facility from waiving or modifying
8 those standards while an emergency declaration is in effect.

9 (b) Definitions.--As used in this section, the following
10 words and phrases shall have the meanings given to them in this
11 subsection:

12 "Credentialing." Obtaining, verifying and assessing the
13 qualifications of a health practitioner to provide treatment,
14 care or services in or for a health facility.

15 "Privileging." The authorizing by an appropriate authority,
16 such as a governing body, of a health practitioner to provide
17 specific treatment, care or services at a health facility
18 subject to limits based on factors that include license,
19 education, training, experience, competence, health status and
20 specialized skill.

21 § 8508. Provision of volunteer health or veterinary services;
22 administrative sanctions.

23 (a) Scope of practice.--Subject to subsections (b) and (c),
24 a volunteer health practitioner shall adhere to the scope of
25 practice for a similarly licensed health practitioner
26 established by the licensing provisions, practice acts or other
27 laws of this Commonwealth.

28 (b) Outside scope of practice.--Except as otherwise provided
29 in subsection (c), this chapter does not authorize a volunteer
30 health practitioner to provide services that are outside the

1 health practitioner's scope of practice, even if a similarly
2 licensed health practitioner in this Commonwealth would be
3 permitted to provide the services.

4 (c) Department authority.--The department may modify or
5 restrict the health or veterinary services that volunteer health
6 practitioners may provide pursuant to this chapter. An order
7 under this subsection may take effect immediately, without prior
8 notice or comment, and is not a regulation within the meaning
9 of:

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

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

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

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

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

28 (1) the health practitioner knows the limitation,
29 modification or restriction exists or that a similarly
30 licensed health practitioner in this Commonwealth would not

1 be permitted to provide the service; or

2 (2) from all the facts and circumstances known to the
3 health practitioner at the relevant time, a reasonable person
4 would conclude that the limitation, modification or
5 restriction exists or that a similarly licensed health
6 practitioner in this Commonwealth would not be permitted to
7 provide the service.

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

12 (1) may impose administrative sanctions upon a health
13 practitioner licensed in this Commonwealth for conduct
14 outside of this Commonwealth in response to an out-of-State
15 emergency;

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

19 (3) shall report any administrative sanctions imposed
20 upon a health practitioner licensed in another state to the
21 appropriate licensing board or other disciplinary authority
22 in any other state in which the health practitioner is known
23 to be licensed.

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

30 § 8509. Relation to other laws.

1 (a) Emergency Management Assistance Compact.--This chapter
2 does not limit rights, privileges or immunities provided to
3 volunteer health practitioners by laws other than this chapter.
4 Except as otherwise provided in subsection (b), this chapter
5 does not affect requirements for the use of health practitioners
6 pursuant to the Emergency Management Assistance Compact.

7 (b) Emergency forces.--The agency, pursuant to the Emergency
8 Management Assistance Compact, may incorporate into the
9 emergency forces of this Commonwealth volunteer health
10 practitioners who are not officers or employees of this
11 Commonwealth or a political subdivision.

12 § 8510. Regulatory authority.

13 The agency and the department may promulgate regulations to
14 implement this chapter. In doing so, the agency and the
15 department shall consider regulations promulgated by similarly
16 empowered agencies in other states to promote uniformity of
17 application of this chapter and make the emergency response
18 systems in the various states reasonably compatible.

19 § 8511. Limitations on civil liability.

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

30 (b) Information.--A person that, pursuant to this chapter,

1 operates, uses or relies upon information provided by a
2 volunteer health practitioner registration system under section
3 8505 (relating to volunteer health practitioner registration
4 systems) is not liable for damages for an act or omission
5 relating to that operation, use or reliance unless the act or
6 omission is an intentional tort or is willful misconduct or
7 wanton, grossly negligent, reckless or criminal conduct.

8 (c) Applicability of subchapter.--In addition to the
9 protections provided in subsection (a), a volunteer health
10 practitioner providing health or veterinary services pursuant to
11 this chapter is entitled to all the rights, privileges or
12 immunities provided by law.

13 § 8512. Workers' compensation coverage.

14 (a) Status of volunteer health practitioners.--A volunteer
15 health practitioner who provides health services pursuant to
16 this chapter and who is not otherwise eligible for benefits for
17 injury or death under the act of June 2, 1915 (P.L.736, No.338),
18 known as the Workers' Compensation Act, or the act of June 21,
19 1939 (P.L.566, No.284), known as The Pennsylvania Occupational
20 Disease Act, or under the workers' compensation or occupational
21 disease law of another state may be eligible to receive benefits
22 under section 7706 (relating to compensation for accidental
23 injury).

24 (b) Administration.--The Department of Labor and Industry
25 may promulgate regulations, enter into agreements with other
26 states or take other measures to facilitate the receipt of
27 benefits for injury or death under the Workers' Compensation Act
28 or The Pennsylvania Occupational Disease Act by volunteer health
29 practitioners who reside in other states and may waive or modify
30 requirements for filing, processing and paying claims that

1 unreasonably burden the volunteer health practitioners. To
2 promote uniformity of application of this chapter with other
3 states that enact similar legislation, the Department of Labor
4 and Industry shall consult with and consider the approaches to
5 filing, processing and paying claims taken by agencies with
6 similar authority in other states.

7 § 8513. Uniformity of application and construction.

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

11 Section 13. Repeals are as follows:

12 (1) The General Assembly declares that the repeal under
13 paragraph (2) is necessary to effectuate the addition of 35
14 Pa.C.S. Ch. 75 Subch. C and Ch. 83.

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

18 Section 14. This act shall apply as follows:

19 (1) The addition of 35 Pa.C.S. § 8511 shall apply to
20 causes of action which arise on or after the effective date
21 of this paragraph.

22 (2) The addition of 35 Pa.C.S. § 8512 shall apply to
23 claims for injuries which occur on or after the effective
24 date of this paragraph.

25 Section 15. This act shall take effect immediately.