

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

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[EXECUTIVE ORDER NO. 2002-11]

Homeland Security Organizational Structure

September 12, 2002

Whereas, in response to the September 11, 2001, terrorist attacks on the United States and its people, the President of the United States, George W. Bush, called upon all Americans to be vigilant to the threat of terrorism and to defend our nation; and

Whereas, additional terrorist attacks against United States' citizens are likely as the technical means for carrying out such attacks and access to such means increase; and

Whereas, terrorist attacks may result in mass casualties to civilian populations, disruption of critical government functions and/or disruption or destruction of interdependent critical infrastructures that can impact the national economy and deny services upon which the welfare of citizens and vitality of the nation depends; and

Whereas, protecting the United States from future terrorist acts, including domestic, biological, and cyber-terrorism, is a primary security mission of the United States Government and a primary concern of state governments; and

Whereas, in light of the act of terrorism that occurred on September 11, 2001, it is timely and appropriate for the Commonwealth to review its capacity to coordinate the emergency preparedness and response activities across a range of divergent agencies, bureaus, and departments in the fight against terrorism; and

Whereas, we know that our future strength as a State and a Nation is dependent upon our continued vigilance and tenacity.

Now, Therefore, I, Mark S. Schweiker, Governor of the Commonwealth of Pennsylvania, by the virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby establish the Pennsylvania Homeland Security Organizational Structure. By doing so, I invest it with the necessary powers to perform the duties and functions set forth herein and to advise and counsel me in the development and operation of homeland security initiatives specifically with respect to the Commonwealth's overall duty to ensure public safety.



Governor

Fiscal Note: GOV 02-12. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter E. HOMELAND SECURITY ORGANIZATIONAL STRUCTURE

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§ 6.41. Homeland Security Organizational Structure.

The Homeland Security Organizational Structure consists of the Office of Homeland Security, the Governor's Homeland Security Executive Cabinet and the Homeland Security Advisory Council. Each entity shall be responsible for fulfilling specific activities, as outlined in this subchapter, necessary to support homeland security.

§ 6.42. Goals.

The goals of the Homeland Security Organizational Structure are to:

(1) Coordinate local, State and Federal homeland security efforts within this Commonwealth.

(2) Set forth necessary plans and actions to ensure the preservation of critical infrastructures, including communications, electrical energy, water supply systems, health systems, gas and oil storage and delivery, transportation, banking and finance, emergency services, government operations and agriculture.

(3) Develop partnerships and communication with external stakeholders, organizations and all levels of government.

(4) Reduce vulnerability by identifying, preventing, countering and neutralizing domestic and international terrorism.

(5) Heighten awareness, preparedness and the need for planning at all levels of government and citizenry through training, planning, exercises and outreach.

(6) Build upon the existing homeland security and crisis response infrastructure by unifying and maximizing our assets and acquiring resources.

§ 6.43. Office of Homeland Security.

The Office of Homeland Security (Office) is managed by a Director of Homeland Security (Director), who serves as the Commonwealth's single-point-of-contact on homeland security issues.

(1) *Responsibilities.* The Office shall:

(i) Make written recommendations to the Governor on issues that may affect the security of the Commonwealth.

(ii) Review and make recommendations to the Governor regarding all pending legislation and regulations that pertain to homeland security.

(iii) Submit to the Governor an annual report on homeland security activities.

(iv) Monitor government grant and private sector funding opportunities that may be used to strengthen homeland security efforts and resources.

(v) Convene, at least monthly, the Homeland Security Executive Cabinet.

(vi) Convene, at least quarterly, the Homeland Security Advisory Council.

(vii) Create and recommend that the Governor appoint task force members to address issues of specific or ongoing concern, or both, including terrorist act prevention, preparedness and response, as needed.

(viii) Adopt rules of procedure consistent with this subchapter.

(2) *Organizational location.* The Office is located within the Governor's Executive Offices and the Director reports to the Governor.

(3) *Priorities.* The Office priorities shall be established based on the advice of the Governor's Homeland Security Executive Cabinet and the Homeland Security Advisory Council within the overall strategic direction set forth by the Governor.

§ 6.44. Governor's Homeland Security Executive Cabinet (Executive Cabinet).

The Executive Cabinet was previously referred to as the Pennsylvania Security Cabinet.

(1) *Responsibilities.* The Executive Cabinet shall coordinate State government resources and advise the Director of the Office of Homeland Security and the Governor on matters related to homeland security.

(2) *Composition.* The Executive Cabinet shall be composed of:

- (i) The Governor.
- (ii) The Director of the Pennsylvania Emergency Management Agency.
- (iii) The Commissioner of the Pennsylvania State Police.
- (iv) The Adjutant General of Pennsylvania.
- (v) The Secretary of General Services.
- (vi) The Secretary of Health.
- (vii) The Secretary of Transportation.
- (viii) The Secretary of Administration.
- (ix) The Secretary of Agriculture.
- (x) The Secretary of Environmental Protection.

§ 6.45. Homeland Security Advisory Council (Council).

The purpose of the Council is to advise the Governor, the Director of the Office of Homeland Security and the Governor's Homeland Security Executive Cabinet on matters relating to homeland security.

(1) *Composition.* The Council shall be composed of the Director of the Office of Homeland Security and representatives from the following agencies and entities as selected by the Governor:

- (i) A representative of the Pennsylvania Emergency Management Agency.
- (ii) A representative of the Pennsylvania State Police.
- (iii) A representative of the Department of Agriculture.
- (iv) A representative of the Department of Environmental Protection.
- (v) A representative of the Department of Health.
- (vi) A representative of the Department of Transportation.
- (vii) A representative of the Department of Military and Veterans Affairs.
- (viii) A representative of the Department of General Services.
- (ix) A representative of the Public Utility Commission.
- (x) A representative of the Office of Attorney General.
- (xi) Nine additional members to be appointed by the Governor, including the following:
 - (A) A representative of the local government conference.
 - (B) A representative of the hospital industry.
 - (C) A representative of the first responder community.
 - (D) A representative of the Federal government.
 - (E) A representative of the private sector.
 - (F) A representative of the Regional Counter-Terrorism Task Force.

(xii) Additional members appointed at the Governor's discretion with the total membership not to exceed 25.

(2) *Chairperson.* The Governor will designate, to serve at the Governor's pleasure, one person from the Council membership as chairperson of the Council.

(3) *Terms.* Terms of members initially appointed shall be eight members for 2 years, eight members for 3 years and nine members for 4 years, as designated by the Governor at the time of appointment. Thereafter, the terms are for 4 years. Each member shall serve until the expiration of the term to which the member was appointed or until death, resignation or removal, or until the member's successor has been selected and qualified. A member may not serve more than 6 months beyond the expiration of the member's appointed term.

(4) *Compensation.* Members of the Council shall serve without compensation for their services except that members may be reimbursed the necessary and actual expenses incurred in attending meetings of the Council and in performance of their duties.

§ 6.46. Relationship with other agencies.

All agencies under the Governor's jurisdiction shall cooperate with and provide assistance to the Office of Homeland Security, the Governor's Homeland Security Executive Cabinet and the Homeland Security Advisory Council in performing its functions.

§ 6.47. Rescission and termination.

Executive Order 2001-6, Governor's Task Force on Security, is rescinded. This subchapter remains in effect unless revised or rescinded by the Governor.

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GOVERNOR'S OFFICE

Governor's Commission on Abandoned Mine Voids and Mine Safety; Executive Order 2002-10

September 4, 2002

Whereas, on July 24, 2002, miners at Quecreek Mining Company's mine in Lincoln Township, Somerset County, unexpectedly encountered flooded abandoned mine workings; and

Whereas, although nine members of one crew in the mine escaped, the inrushing waters trapped another nine miners who were miraculously saved after a more than 77 hour rescue effort; and

Whereas, the U. S. Department of Labor's Mine Safety and Health Administration and the Pennsylvania Department of Environmental Protection's Bureau of Deep Mine Safety joint investigation of the actual events at the Quecreek Mine will determine specific follow-up enforcement actions with respect to that specific accident; and

Whereas, the Department of Environmental Protection has already taken steps to notify existing mine owners to verify the location of abandoned mine voids in close proximity to their operations; and

Whereas, the Pennsylvania miners and their families need to be assured that existing and future mines are safe from flooding and other hazards associated with the inaccurate location of mine voids; and

Whereas, Pennsylvania's coal mining industry cannot continue to operate safely and contribute to the economy of the Commonwealth without knowing the location of abandoned mine voids.

Now, Therefore, I, Mark S. Schweiker, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Governor's Commission on Abandoned Mine Voids and Mine Safety, as hereinafter set forth:



Governor

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1. *Mission.* To investigate and document the hazards posed by abandoned mine voids, in particular the flooding of adjacent operating mines, and to make recommendations regarding the accurate location of voids and avoidance of other hazards associated with mining.

2. *Functions.* Using the accident at Quecreek Mine as a general reference, make recommendations regarding each of the following:

a. The best engineering practices to be used in the design and layout of modern mines adjacent to abandoned mine workings.

b. The regulatory policies and permit review procedures for permitting mines adjacent to abandoned underground mine workings.

c. The practices and procedures of mine operations in advance of mining to detect mine voids.

d. The training of mine workers who operate mines adjacent to underground mine workings.

e. The inspection and compliance of the mine operations with the approved mine plans and operating requirements.

f. The rescue and response procedures which shall include policies for sharing information with families of miners affected by the accident.

3. *Composition of the Commission.* The Commission shall consist of the following nine members appointed by the Governor:

a. A respected mine engineer and member of academia familiar with underground mining, who shall serve as Chair.

b. Member of the United Mine Workers' Association.

c. Mine engineer/surveyor.

d. Geologist.

e. Representative of the Office for Mineral Resources Management of the Department of Environmental Protection.

f. Mine safety professional.

g. Coal mine operator.

h. Drilling expert.

i. Emergency response professional.

4. *Terms of Membership.*

a. Members shall be appointed to serve until November 15, 2002, unless the Commission is reestablished or dissolved sooner. All members shall serve at the pleasure of the Governor.

b. Should a vacancy occur due to resignation, disability, or death of a member, the Governor shall appoint a successor as expeditiously as possible and the successor shall serve the duration of the unexpired term.

5. *Compensation.* Members of the Commission shall receive no compensation for their service, except that such members may be reimbursed for actual travel and related expenses in accordance with the Commonwealth Travel and Subsistence Regulations.

6. *Meetings and Communication.* The Commission shall interview and solicit testimony from experts and citizens to gather information for this investigation. The Commission shall hold public hearings for the purpose of gathering information.

7. *Reports.* The Commission shall report on current mining practices and regulatory policies and provide recommendations to improve safety when mines are adjacent to abandoned mine workings. By November 15, 2002, the Commission shall present, for the Governor's review and approval, a written report of the Commission's activities and a detailed report including any dissenting opinions of the Commission's findings and recommendations.

8. *Executive Agencies.* All agencies under the Governor's jurisdiction shall cooperate with and provide assistance as needed to the Commission in performing its functions. The Commission will receive administrative support from the Department of Environmental Protection.

9. *Effective Date.* This Executive Order shall be effective immediately.

10. *Termination Date.* This Executive Order shall terminate on November 15, 2002, unless reestablished or sooner rescinded.

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