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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1104** Session of  
1977

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INTRODUCED BY MELLOW, KURY, MCKINNEY, SWEENEY, EARLY, ROSS AND  
HOLL, SEPTEMBER 27, 1977

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REFERRED TO CONSUMER AFFAIRS, SEPTEMBER 27, 1977

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, adding provisions relating to disaster  
3 emergency services and making repeals.

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

6 TABLE OF CONTENTS

7 TITLE 35

8 HEALTH AND SAFETY

9 PART V. DISASTER EMERGENCY SERVICES

10 Chapter 71. General Provisions

11 Subchapter A. Preliminary Provisions

12 § 7101. Short title of part.

13 § 7102. Definitions.

14 § 7103. Purposes of part.

15 § 7104. Limitations.

16 Subchapter B. Interstate Civil Defense and Disaster Compact

17 § 7111. Interstate civil defense and disaster compact enacted.

18 Chapter 73. Commonwealth Services

1 Subchapter A. The Governor and Disaster Emergencies

2 § 7301. General authority of Governor.

3 § 7302. Temporary housing.

4 § 7303. Debris and wreckage removal.

5 § 7304. Community disaster loans.

6 § 7305. Individual and family assistance.

7 § 7306. Appropriation of Federal funds.

8 § 7307. Use and appropriation of unused Commonwealth funds.

9 Subchapter B. Office of Emergency Preparedness

10 § 7311. Establishment.

11 § 7312. Organization.

12 § 7313. Powers and duties.

13 § 7314. Utilization of existing services and facilities.

14 Chapter 75. Local Organizations and Services

15 Subchapter A. General Provisions

16 § 7501. General authority of political subdivisions.

17 § 7502. Local director of emergency preparedness.

18 § 7503. Powers and duties of political subdivisions.

19 § 7504. Coordination, assistance and mutual aid.

20 Subchapter B. Payment of Expenses

21 § 7511. Appropriations by political subdivisions.

22 § 7512. Law applicable to local organizations.

23 § 7513. Agreements among political subdivisions.

24 § 7514. Payments involving one political subdivision.

25 § 7515. Payments involving two or more political subdivisions.

26 Chapter 77. Miscellaneous Provisions

27 § 7701. Duties concerning disaster prevention.

28 § 7702. Acceptance of services, gifts, grants and loans.

29 § 7703. Interstate arrangements.

30 § 7704. Immunity from civil liability.

1 § 7705. Accidental injury or death benefits.

2 § 7706. Special powers of local agencies.

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

5 Section 1. Title 35, act of November 25, 1970 (P.L.707,  
6 No.230), known as the Pennsylvania Consolidated Statutes, is  
7 amended by adding a part to read:

8 TITLE 35

9 HEALTH AND SAFETY

10 Part

11 V. Disaster Emergency Services

12 PART V

13 DISASTER EMERGENCY SERVICES

14 Chapter

15 71. General Provisions

16 73. Commonwealth Services

17 75. Local Organizations and Services

18 77. Miscellaneous Provisions

19 CHAPTER 71

20 GENERAL PROVISIONS

21 Subchapter

22 A. Preliminary Provisions

23 B. Interstate Civil Defense and Disaster Compact

24 SUBCHAPTER A

25 PRELIMINARY PROVISIONS

26 Sec.

27 7101. Short title of part.

28 7102. Definitions.

29 7103. Purposes of part.

30 7104. Limitations.

1 § 7101. Short title of part.

2 This part shall be known and may be cited as the "Disaster  
3 Emergency Services Code."

4 § 7102. Definitions.

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

8 "Disaster." A man-made disaster, natural disaster or war-  
9 caused disaster.

10 "Emergency services." The preparation for and the carrying  
11 out of functions, other than functions for which military forces  
12 are primarily responsible, to prevent, minimize and repair  
13 injury and damage resulting from disasters, together with all  
14 other activities necessary or incidental to the preparation for  
15 and carrying out of those functions. The functions include,  
16 without limitation, firefighting services, police services,  
17 medical and health services, rescue, engineering, disaster  
18 warning services, communications, radiological, shelter,  
19 chemical and other special defense weapons, evacuation of  
20 persons from stricken areas, emergency welfare services,  
21 emergency transportation, emergency resources management,  
22 existing or properly assigned functions of plant protection,  
23 temporary restoration of public utility services and other  
24 functions related to civilian protection.

25 "Local organization." A local emergency preparedness  
26 organization.

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

1 and other injurious environmental contamination, which threatens  
2 or causes damage to property, human suffering, hardship or loss  
3 of life.

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

9 "Office or "State office." The Office of Emergency  
10 Preparedness.

11 "Political subdivision." Any county, city, borough,  
12 incorporated town or township.

13 "War-caused disaster." Any condition following an attack  
14 upon the United States resulting in substantial damage to  
15 property or injury to persons in the United States caused by use  
16 of bombs, missiles, shellfire, nuclear, radiological, chemical  
17 or biological means, or other weapons or overt paramilitary  
18 actions, or other conditions such as sabotage.

19 § 7103. Purposes of part.

20 The purposes of this part are to:

21 (1) Reduce vulnerability of people and communities of  
22 this Commonwealth to damage, injury and loss of life and  
23 property resulting from disasters.

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

26 (3) Provide a setting conducive to the rapid and orderly  
27 start of restoration and rehabilitation of persons and  
28 property affected by disasters.

29 (4) Clarify and strengthen the roles of the Governor,  
30 Commonwealth agencies and local government in prevention of,

1 preparation for, response to and recovery from disasters.

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

4 (6) Authorize and provide for coordination of activities  
5 relating to disaster prevention, preparedness, response and  
6 recovery by agencies and officers of this Commonwealth, and  
7 similar State-local and Federal-State activities in which the  
8 Commonwealth and its political subdivisions may participate.

9 (7) Provide a disaster management system embodying all  
10 aspects of predisaster preparedness and postdisaster  
11 response.

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

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

20 § 7104. Limitations.

21 This part is not intended to:

22 (1) Interfere with the course or conduct of a labor  
23 dispute, except that actions otherwise authorized by this  
24 part or other laws may be taken when necessary to forestall  
25 or mitigate imminent or existing danger to public health or  
26 safety.

27 (2) Interfere with dissemination of news or comment on  
28 public affairs, except that any communications facility or  
29 organization (including but not limited to radio and  
30 television stations, wire services and newspapers) may be

1 required to transmit or print public service messages  
2 furnishing information or instructions in connection with a  
3 disaster emergency.

4 (3) Affect the jurisdiction or responsibilities of  
5 police forces, firefighting forces, units of the armed forces  
6 of the United States or of any personnel thereof when on  
7 active duty except that Commonwealth and local disaster  
8 emergency plans shall place reliance upon the forces  
9 available for performance of functions related to disaster  
10 emergencies.

11 (4) Limit, modify or abridge the authority of the  
12 Governor to proclaim martial law or exercise any other powers  
13 vested in him under the Constitution, statutes or common law  
14 of this Commonwealth independent of, or in conjunction with,  
15 any provisions of this part.

16 SUBCHAPTER B

17 INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

18 Sec.

19 7111. Interstate civil defense and disaster compact enacted.

20 § 7111. Interstate civil defense and disaster compact enacted.

21 The Interstate Civil Defense and Disaster Compact is hereby  
22 enacted into law and entered into with all jurisdictions legally  
23 joining therein in the form substantially as follows:

24 Article 1. The purpose of this compact is to provide mutual  
25 aid among the States in meeting any emergency or disaster from  
26 enemy attack or other cause (natural or otherwise), including  
27 sabotage and subversive acts and direct attacks by bombs,  
28 shellfire and atomic, radiological, chemical, bacteriological  
29 means and other weapons. The prompt, full and effective  
30 utilization of the resources of the respective States, including

1 such resources as may be available from the United States  
2 Government or any other source are essential to the safety, care  
3 and welfare of the people thereof in the event of enemy action  
4 or other emergency, and any other resources, including  
5 personnel, equipment or supplies, shall be incorporated into a  
6 plan or plans of mutual aid to be developed among the civil  
7 defense agencies or similar bodies of the States that are  
8 parties hereto. The directors of civil defense of all party  
9 States shall constitute a committee to formulate plans and to  
10 take all necessary steps for the implementation of this compact.

11 Article 2. It shall be the duty of each party State to  
12 formulate civil defense plans and programs for application  
13 within such State. There shall be frequent consultation between  
14 the representatives of the States and with the United States  
15 Government and the free exchange of information and plans,  
16 including inventories of any materials and equipment available  
17 for civil defense. In carrying out such civil defense plans and  
18 programs, the party States shall, so far as possible, provide  
19 and follow uniform standards, practices and rules and  
20 regulations including:

21 (a) Insignia, arm bands and any other distinctive articles  
22 to designate and distinguish the different civil defense  
23 services.

24 (b) Blackouts and practice blackouts, air raid drills,  
25 mobilization of civil defense forces, and other tests and  
26 exercises.

27 (c) Warnings and signals for drills or attacks and the  
28 mechanical devices to be used in connection therewith.

29 (d) The effective screening or extinguishing of all lights  
30 and lighting devices and appliances.



1 (e) Shutting off water mains, gas mains, electric power  
2 connections, and the suspension of all other utility services.

3 (f) All materials or equipment used or to be used for civil  
4 defense purposes in order to assure that such materials and  
5 equipment will be easily and freely interchangeable when used in  
6 or by any other party State.

7 (g) The conduct of civilians and the movement and cessation  
8 of movement of pedestrians and vehicular traffic prior, during  
9 and subsequent to drills or attacks.

10 (h) The safety of public meetings or gatherings.

11 (i) Mobile support units.

12 Article 3. Any party State requested to render mutual aid  
13 shall take such action as is necessary to provide and make  
14 available the resources covered by this compact in accordance  
15 with the terms hereof: Provided, That it is understood that the  
16 State rendering aid may withhold resources to the extent  
17 necessary to provide reasonable protection for such State. Each  
18 party State shall extend to the civil defense forces of any  
19 other party State while operating within its State limits under  
20 the terms and conditions of this compact, the same powers  
21 (except that of arrest, unless specifically authorized by the  
22 receiving State), duties, rights, privileges and immunities as  
23 if they were performing their duties in the State in which  
24 normally employed or rendering services. Civil defense forces  
25 will continue under the command and control of their regular  
26 leaders but the organizational units will come under the  
27 operational control of the civil defense authorities of the  
28 State receiving assistance.

29 Article 4. Whenever any person holds a license, certificate  
30 or other permit issued by any State evidencing the meeting of

1 qualifications for professional, mechanical or other skills,  
2 such person may render aid involving such skill in any party  
3 State to meet an emergency or disaster and such State shall give  
4 due recognition to such license, certificate or other permit as  
5 if issued in the State in which aid is rendered.

6 Article 5. No party State or its officers or employees  
7 rendering aid in another State pursuant to this compact shall be  
8 liable on account of any act or omission in good faith on the  
9 part of such forces while so engaged or on account of the  
10 maintenance or use of any equipment or supplies in connection  
11 therewith.

12 Article 6. Inasmuch as it is probable that the pattern and  
13 detail of the machinery for mutual aid among two or more States  
14 may differ from that appropriate among other States party  
15 hereto, this instrument contains elements of a broad base common  
16 to all States and nothing herein contained shall preclude any  
17 State from entering into supplementary agreements with another  
18 State or States. Such supplementary agreements may comprehend  
19 but shall not be limited to provisions for evacuation and  
20 reception of injured and other persons and the exchange of  
21 medical, fire, police, public utility, reconnaissance, welfare,  
22 transportation and communications personnel, equipment and  
23 supplies.

24 Article 7. Each party State shall provide for the payment of  
25 compensation and death benefits to injured members of the civil  
26 defense forces of that State and the representatives of deceased  
27 members of such forces in case such members sustain injuries or  
28 are killed while rendering aid pursuant to this compact in the  
29 same manner and on the same terms as if the injury or death were  
30 sustained within such State.

1 Article 8. Any party State rendering aid in another State  
2 pursuant to this compact shall be reimbursed by the party State  
3 receiving such aid for any loss or damage to or expense incurred  
4 in the operation of any equipment answering a request for aid  
5 and for the cost incurred in connection with such requests:  
6 Provided, That any aiding party State may assume in whole or in  
7 part such loss, damage, expense or other cost, or may loan such  
8 equipment or donate such services to the receiving party State  
9 without charge or cost: and, Provided further, That any two or  
10 more party States may enter into supplementary agreements  
11 establishing a different allocation of costs as among those  
12 States. The United States Government may relieve the party State  
13 receiving aid from any liability and reimburse the party State  
14 supplying civil defense forces for the compensation paid to and  
15 the transportation, subsistence and maintenance expenses of such  
16 forces during the time of the rendition of such aid or  
17 assistance outside the State and may also pay fair and  
18 reasonable compensation for the use or utilization of the  
19 supplies, materials, equipment or facilities so utilized or  
20 consumed.

21 Article 9. Plans for the orderly evacuation and reception of  
22 the civilian population as the result of an emergency or  
23 disaster shall be worked out from time to time between  
24 representatives of the party States and the various local civil  
25 defense areas thereof. Such plans shall include the manner of  
26 transporting such evacuees, the number of evacuees to be  
27 received in different areas, the manner in which food, clothing,  
28 housing, and medical care will be provided, the registration of  
29 the evacuees, the providing of facilities for the notification  
30 of relatives or friends and the forwarding of such evacuees to

1 other areas, or the bringing in of additional materials,  
2 supplies and all other relevant factors. Such plans shall  
3 provide that the party State receiving evacuees shall be  
4 reimbursed generally for the out-of-pocket expenses incurred in  
5 receiving and caring for such evacuees, for expenditures for  
6 transportation, food, clothing, medicines and medical care and  
7 like items. Such expenditures shall be reimbursed by the party  
8 State of which the evacuees are residents or by the United  
9 States Government under plans approved by it. After the  
10 termination of the emergency or disaster the party State of  
11 which the evacuees are resident shall assume the responsibility  
12 for the ultimate support or repatriation of such evacuees.

13 Article 10. This compact shall be available to any State,  
14 territory or possession of the United States and the District of  
15 Columbia. The term "State" may also include any neighboring  
16 foreign country or province or state thereof.

17 Article 11. The committee established pursuant to Article 1  
18 of this compact may request the Civil Defense Agency of the  
19 United States Government to act as an informational and  
20 coordinating body under this compact and representatives of such  
21 agency of the United States Government may attend meetings of  
22 such committee.

23 Article 12. This compact shall become operative immediately  
24 upon its ratification by any State as between it and any other  
25 State or States so ratifying, and shall be subject to approval  
26 by Congress unless prior Congressional approval has been given.  
27 Duly authenticated copies of this compact and of such  
28 supplementary agreements as may be entered into shall, at the  
29 time of their approval, be deposited with each of the party  
30 States and with the Civil Defense Agency and other appropriate

1 agencies of the United States Government.

2 Article 13. This compact shall continue in force and remain  
3 binding on each party State until the Legislature or the  
4 Governor of such party State takes action to withdraw therefrom.  
5 Such action shall not be effective until 30 days after notice  
6 thereof has been sent by the Governor of the party State  
7 desiring to withdraw to the Governors of all other party States.

8 Article 14. This compact shall be construed to effectuate  
9 the purposes stated in Article 1. If any provision of this  
10 compact is declared unconstitutional or the applicability  
11 thereof to any person or circumstance is held invalid, the  
12 constitutionality of the remainder of this compact and the  
13 applicability thereof to other persons and circumstances shall  
14 not be affected thereby.

15 CHAPTER 73

16 COMMONWEALTH SERVICES

17 Subchapter

18 A. The Governor and Disaster Emergencies

19 B. Office of Emergency Preparedness

20 SUBCHAPTER A

21 THE GOVERNOR AND DISASTER EMERGENCIES

22 Sec.

23 7301. General authority of Governor.

24 7302. Temporary housing.

25 7303. Debris and wreckage removal.

26 7304. Community disaster loans.

27 7305. Individual and family assistance.

28 7306. Appropriation of Federal funds.

29 7307. Use and appropriation of unused Commonwealth funds.

30 § 7301. General authority of Governor.

1 (a) Responsibility to meet disasters.--The Governor is  
2 responsible for meeting the dangers to this Commonwealth and  
3 people presented by disasters.

4 (b) Executive orders, proclamations and regulations.--Under  
5 this part, the Governor may issue, amend and rescind executive  
6 orders, proclamations and regulations which shall have the force  
7 and effect of law.

8 (c) Declaration of disaster emergency.--A disaster emergency  
9 shall be declared by executive order or proclamation of the  
10 Governor upon finding that a disaster has occurred or that the  
11 occurrence or the threat of a disaster is imminent. The state of  
12 disaster emergency shall continue until the Governor finds that  
13 the threat or danger has passed or the disaster has been dealt  
14 with to the extent that emergency conditions no longer exist and  
15 terminates the state of disaster emergency by executive order or  
16 proclamation, but no state of disaster emergency may continue  
17 for longer than 30 days unless renewed by the Governor. The  
18 General Assembly by concurrent resolution may terminate a state  
19 of disaster emergency at any time. Thereupon, the Governor shall  
20 issue an executive order or proclamation ending the state of  
21 disaster emergency. All executive orders or proclamations issued  
22 under this subsection shall indicate the nature of the disaster,  
23 the area or areas threatened and the conditions which have  
24 brought the disaster about or which make possible termination of  
25 the state of disaster emergency. An executive order or  
26 proclamation shall be disseminated promptly by means calculated  
27 to bring its contents to the attention of the general public  
28 and, unless the circumstances attendant upon the disaster  
29 prevent or impede, shall be promptly filed with the Office of  
30 Emergency Preparedness.

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 and  
4 local disaster emergency plans applicable to the political  
5 subdivision or area in question and shall be authority for the  
6 deployment and use of any forces to which the plan or plans  
7 apply and for use or distribution of any supplies, equipment and  
8 materials and facilities assembled, stockpiled or arranged to be  
9 made available pursuant to this part or any other provision of  
10 law relating to disaster emergencies.

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

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

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

28 (2) Utilize all available resources of the Commonwealth  
29 Government and each political subdivision of this  
30 Commonwealth as reasonably necessary to cope with the

1 disaster emergency.

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

5 (4) Subject to any applicable requirements for  
6 compensation under section 7313(11) (relating to powers and  
7 duties), commandeer or utilize any private property if  
8 necessary to cope with the disaster emergency.

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

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

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

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

22 § 7302. Temporary housing.

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

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



1           (2) To assist any political subdivision of this  
2 Commonwealth which is the locus of temporary housing for  
3 disaster victims to acquire sites necessary for such  
4 temporary housing and to do all things required to prepare  
5 such sites to receive and utilize temporary housing units by:

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

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

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

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

18           (3) Under such regulations as the Governor shall  
19 prescribe, to temporarily suspend or modify for not to exceed  
20 60 days any public health, safety, zoning, transportation  
21 (within or across this Commonwealth) or other requirement of  
22 statute or regulation within this Commonwealth when by  
23 proclamation the Governor deems the suspension or  
24 modification essential to provide temporary housing for  
25 disaster victims.

26           (b) Acquisition of sites by political subdivisions.--Any  
27 political subdivision of this Commonwealth is expressly  
28 authorized to acquire, temporarily or permanently, by purchase,  
29 lease or otherwise, sites required for installation of temporary  
30 housing units for disaster victims, and to enter into whatever

1 arrangements (including purchase of temporary housing units and  
2 payment of transportation charges) which are necessary to  
3 prepare or equip the sites to utilize the housing units.

4 (c) Construction of section.--This section does not limit  
5 the authority of the Governor to apply for, administer and  
6 expend any grants, gifts or payments in aid of disaster  
7 prevention, preparedness, response or recovery.

8 (d) Definitions.--As used in this section "major disaster,"  
9 "emergency" and "temporary housing" shall have the same meanings  
10 as defined or used in the Federal Disaster Relief Act of 1974  
11 (Public Law 93-288, 42 U.S.C. §5121 et seq.).

12 § 7303. Debris and wreckage removal.

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

18 (1) Notwithstanding any other provision of law, through  
19 the use of Commonwealth agencies or instrumentalities, to  
20 clear or remove from publicly or privately owned land or  
21 water, debris and wreckage which may threaten public health  
22 or safety, or public or private property.

23 (2) To accept funds from the Federal Government and  
24 utilize the funds to make grants to any political subdivision  
25 for the purpose of removing debris or wreckage from publicly  
26 or privately owned land or water.

27 (b) Authorization and indemnification by affected agencies  
28 and persons.--Authority under this section shall not be  
29 exercised unless the affected political subdivision,  
30 corporation, organization or individual first presents an

1 unconditional authorization for removal of the debris or  
2 wreckage from public and private property and, in the case of  
3 removal of debris or wreckage from private property, first  
4 agrees to indemnify the Commonwealth against any claim arising  
5 from such removal.

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

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

18 § 7304. Community disaster loans.

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

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

30 (2) To determine the amount needed by any applicant

1 political subdivision to restore or resume its governmental  
2 functions and to certify the amount to the Federal  
3 Government. No application amount shall exceed 25% of the  
4 annual operating budget of the applicant for the fiscal year  
5 in which the major disaster occurs.

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

13 § 7305. Individual and family assistance.

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

17 (1) Upon determining that assistance under the Federal  
18 Disaster Relief Act of 1974 (Public Law 93-288, 42 U.S.C.  
19 §5121 et seq.), and from other means is insufficient to meet  
20 the disaster-related necessary expenses or serious needs of  
21 individuals or families adversely affected by a major  
22 disaster, to accept a grant from the Federal Government for  
23 the purpose of meeting the expenses or needs of disaster  
24 victims, subject to any terms and conditions imposed upon the  
25 grant.

26 (2) To enter into an agreement with the Federal  
27 Government or any Federal agency or officer pledging the  
28 Commonwealth to participate in the funding of the assistance  
29 authorized in paragraph (1) in an amount not to exceed 25%  
30 thereof and, if Commonwealth funds are not otherwise

1 available to the Governor, to accept an advance of the  
2 Commonwealth share from the Federal Government to be repaid  
3 when the Commonwealth is able to do so.

4 (b) Grants by Governor.--Notwithstanding any other provision  
5 of statute or regulation, the Governor is authorized to make  
6 grants to meet disaster-related necessary expenses or serious  
7 needs of individuals or families adversely affected by a major  
8 disaster. Any grant shall not exceed \$5,000 in the aggregate to  
9 an individual or family in any single major disaster declared by  
10 the President.

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

15 § 7306. Appropriation of Federal funds.

16 All moneys received from the Federal Government for the  
17 purpose of disaster assistance or relief, including assistance  
18 as specified under sections 7302 (relating to temporary  
19 housing), 7303 (relating to debris and wreckage removal) and  
20 7304 (relating to community disaster loans), shall be paid into  
21 the General Fund and are hereby appropriated out of the General  
22 Fund to the departments, boards, commissions or agencies  
23 designated by the Governor or to the extent specified in the  
24 respective sections.

25 § 7307. Use and appropriation of unused Commonwealth funds.

26 Whenever the Governor has declared a disaster emergency, he  
27 may transfer any unused funds which may have been appropriated  
28 for the ordinary expenses of the Commonwealth Government in the  
29 General Fund to such Commonwealth agencies as the Governor may  
30 direct to be expended for relief of disaster in such manner as

1 the Governor shall approve, and the funds are hereby  
2 appropriated to the Governor for such purposes. The total of  
3 such transfers shall not exceed \$5,000,000 in any one year  
4 except by action of the General Assembly.

5 SUBCHAPTER B

6 OFFICE OF EMERGENCY PREPAREDNESS

7 Sec.

8 7311. Establishment.

9 7312. Organization.

10 7313. Powers and duties.

11 7314. Utilization of existing services and facilities.

12 § 7311. Establishment.

13 There is hereby established the Office of Emergency  
14 Preparedness to assist in the direction, control and  
15 coordination of disaster emergency services.

16 § 7312. Organization.

17 (a) Composition, chairman and quorum.--The authority of the  
18 office shall be exercised by the Governor ex officio, Lieutenant  
19 Governor, Adjutant General, Secretary of Health, Auditor  
20 General, Secretary of Community Affairs, Speaker of the House of  
21 Representatives, President pro tempore of the Senate, Minority  
22 Leader of the Senate, Minority Leader of the House of  
23 Representatives, Commissioner of the Pennsylvania State Police,  
24 Secretary of Environmental Resources, Secretary of  
25 Transportation and Secretary of Public Welfare. The Speaker of  
26 the House of Representatives, President pro tempore of the  
27 Senate, Minority Leader of the Senate and Minority Leader of the  
28 House of Representatives may authorize a member of their  
29 respective Houses of the General Assembly to serve in their  
30 stead. They shall elect a chairman from the membership and five

1 members shall constitute a quorum.

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

6 (c) Appointment of personnel and expenditure of funds.--The  
7 members may employ a Director of Emergency Preparedness and such  
8 technical, clerical, stenographic and other personnel, fix their  
9 compensation and may make such expenditures within the  
10 appropriation therefor or other funds made available to the  
11 office as are necessary to carry out the purposes of this part.

12 (d) Space, equipment and supplies.--The office shall be  
13 provided with appropriate space, furniture, equipment, supplies,  
14 stationery and printing in the same manner as other Commonwealth  
15 agencies are supplied.

16 § 7313. Powers and duties.

17 The office shall have the following powers and duties:

18 (1) To prepare, maintain and keep current a Commonwealth  
19 Emergency Preparedness Plan for the prevention and  
20 minimization of injury and damage caused by disaster, prompt  
21 and effective response to disaster and disaster emergency  
22 relief and recovery. The plan may include provisions for:

23 (i) Preparedness standards established by the  
24 Federal Civil Defense Preparedness Agency.

25 (ii) Commonwealth and local disaster emergency  
26 preparedness responsibilities.

27 (iii) Assistance to Commonwealth and local  
28 government officials in designing emergency preparedness  
29 plans and training programs.

30 (iv) Organization of manpower, chains of command,

1 continuity of government in emergency situations and  
2 emergency operational principles.

3 (v) Coordination of Federal, Commonwealth and local  
4 disaster emergency preparedness activities.

5 (vi) Coordination of the Commonwealth Emergency  
6 Preparedness Plan with the disaster plans of the Federal  
7 Government and those of other states.

8 (vii) Assistance to the Commonwealth and local  
9 governments in obtaining, utilizing and managing Federal  
10 and Commonwealth disaster assistance.

11 (viii) Supply to appropriate Commonwealth and local  
12 officials State catalogs of Federal, Commonwealth and  
13 private assistance programs.

14 (ix) Identification of areas particularly vulnerable  
15 to disasters.

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

22 (xi) Authorization and procedures for the erection  
23 or other construction of temporary works designed to  
24 protect against or mitigate danger, damage or loss from  
25 flood, conflagration or other disaster.

26 (2) To establish, equip and staff Commonwealth and area  
27 emergency operations centers and provide a system of disaster  
28 communications integrated with those of Federal, Commonwealth  
29 and local agencies involved in disaster emergency operations.

30 (3) To promulgate, adopt and enforce such rules,



1 regulations and orders as may be deemed necessary to carry  
2 out the provisions of this part.

3 (4) To provide technical advice and assistance to  
4 Commonwealth agencies and political subdivisions in the  
5 preparation of disaster emergency preparedness plans or  
6 components thereof and to periodically review such plans and  
7 suggest or require revisions.

8 (5) To establish and operate or assist political  
9 subdivisions in establishing and operating training programs  
10 and programs of public information.

11 (6) To supply appropriate Commonwealth and local  
12 agencies and officials and the general public with  
13 precautionary notices, watches and warnings relating to  
14 actual and potential disasters and to provide a flow of  
15 official information and instructions to the general public  
16 through all means available before, during and after an  
17 emergency.

18 (7) To provide emergency direction and control of  
19 Commonwealth and local emergency operations.

20 (8) To determine the need for, maintain information  
21 regarding and procure materials, supplies, equipment,  
22 facilities and services necessary for disaster emergency  
23 readiness, response and recovery.

24 (9) To provide for mobile support units.

25 (10) To make or request of Commonwealth or local  
26 agencies and officials, studies, surveys and reports as are  
27 necessary to carry out the purposes of this part.

28 (11) To plan and make arrangements for the availability  
29 and use of any private facilities, services and property and,  
30 if necessary and if in fact used, provide for payment for use

1 under terms and conditions agreed upon.

2 (12) To prepare, for issuance by the Governor, executive  
3 orders, proclamations and regulations as necessary or  
4 appropriate in coping with disasters.

5 (13) To cooperate with the Federal Government and any  
6 public or private agency or entity in achieving any purpose  
7 of this part and in implementing programs for disaster  
8 prevention, preparation, response and recovery.

9 (14) To accept and coordinate assistance provided by  
10 Federal agencies in major disasters in accordance with the  
11 provisions of the Federal Disaster Relief Act of 1974 (Public  
12 Law 93-288, 42 U.S.C. § 5121 et seq.), or any amendment or  
13 reenactment thereof.

14 (15) To respond to disaster relating to atomic energy  
15 operations or radioactive objects or materials. Any such  
16 action taken and any regulations adopted by the office shall  
17 be inapplicable to any objects or materials possessing a  
18 radiation-producing capacity less than that set forth as the  
19 maximum safety limit by the standards endorsed and as may be  
20 subsequently endorsed by the United States Nuclear Regulatory  
21 Commission for the protection of life and property and the  
22 maintenance of health and safety.

23 (16) To take other action necessary, incidental or  
24 appropriate for the implementation of this part.

25 § 7314. Utilization of existing services and facilities.

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

1 shall cooperate with and extend their services and facilities to  
2 the office as requested.

3 CHAPTER 75

4 LOCAL ORGANIZATIONS AND SERVICES

5 Subchapter

6 A. General Provisions

7 B. Payment of Expenses

8 SUBCHAPTER A

9 GENERAL PROVISIONS

10 Sec.

11 7501. General authority of political subdivisions.

12 7502. Local director of emergency preparedness.

13 7503. Powers and duties of political subdivisions.

14 7504. Coordination, assistance and mutual aid.

15 § 7501. General authority of political subdivisions.

16 (a) Establishing disaster emergency preparedness  
17 organization.--Each political subdivision of this Commonwealth  
18 is directed and authorized to establish a local emergency  
19 preparedness organization in accordance with the plan and  
20 program of the State Office of Emergency Preparedness. Each  
21 local organization shall have responsibility for disaster  
22 emergency preparedness, response and recovery within the  
23 territorial limits of the political subdivision within which it  
24 is organized and, in addition, shall conduct such services  
25 outside of its jurisdictional limits as may be required under  
26 this part.

27 (b) Declaration of disaster emergency.--A local disaster  
28 emergency may be declared by the governing body of a political  
29 subdivision upon finding a disaster has occurred or is imminent.  
30 The governing body of a political subdivision may authorize the

1 mayor or other chief executive officer to declare a local  
2 disaster emergency subject to ratification by the governing  
3 body. The declaration shall not be continued or renewed for a  
4 period in excess of seven days except by or with the consent of  
5 the governing body of the political subdivision. Any order or  
6 proclamation declaring, continuing or terminating a local  
7 disaster emergency shall be given prompt and general publicity  
8 and shall be filed promptly with the State office. The effect of  
9 a declaration of a local disaster emergency is to activate the  
10 response and recovery aspects of any and all applicable local  
11 emergency preparedness plans and to authorize the furnishing of  
12 aid and assistance thereunder.

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

18 (d) Temporary suspension of formal requirements.--Each  
19 political subdivision included in a declaration of disaster  
20 emergency is authorized pursuant to section 7301(c) (relating to  
21 general authority of Governor) to exercise the powers vested  
22 under this section in the light of the exigencies of the  
23 emergency situation without regard to time-consuming procedures  
24 and formalities prescribed by law (excepting mandatory  
25 constitutional requirements) pertaining to the performance of  
26 public work, entering into contracts, the incurring of  
27 obligations, the employment of temporary workers, the rental of  
28 equipment, the purchase of supplies and materials, the levying  
29 of taxes and the appropriation and expenditure of public funds.  
30 § 7502. Local director of emergency preparedness.

1 (a) General rule.--Each local organization for disaster  
2 emergency preparedness shall have a director who shall be  
3 responsible for the planning, administration and operation of  
4 the local organization subject to the direction and control of  
5 the executive officer or governing body.

6 (b) Appointment.--The director shall be appointed by the  
7 Governor upon the recommendation of the executive officer or  
8 governing body of the political subdivision. A full-time  
9 director shall be employed in each county and in each other  
10 political subdivision or joint arrangement serving a population  
11 of 25,000 or more. Upon the failure of the executive officer or  
12 governing body of a political subdivision to make a  
13 recommendation to the Governor of a candidate for director  
14 within the time fixed by the Governor, the Governor is  
15 authorized to appoint a director without any recommendation. A  
16 candidate for director for two or more political subdivisions  
17 may be recommended to the Governor for appointment upon  
18 agreement by resolution of the governing bodies of such  
19 political subdivisions.

20 (c) Qualifications.--A director shall be professionally  
21 competent and capable of planning, effecting coordination among  
22 operating agencies of government and controlling coordinated  
23 operations by local emergency preparedness forces. He shall be  
24 assigned no duties in conflict with the primary duty of  
25 director.

26 (d) In-service training.--

27 (1) Each appointed director shall:

28 (i) Attend and successfully complete a basic  
29 emergency preparedness seminar as prescribed by the State  
30 office within one year after appointment.

1           (ii) Attend and successfully complete an advanced  
2 emergency preparedness seminar as prescribed by the State  
3 office within three years after appointment.

4           (iii) Attend and successfully complete training  
5 conferences called by the official having responsibility  
6 for providing the director with in-service training.

7           (iv) Failure to attend the basic and advanced  
8 seminars or failure to attend a prescribed training  
9 conference for a period of two consecutive years shall be  
10 cause for replacement.

11           (2) Responsibility for the professional in-service  
12 training of each director rests with each successive higher  
13 political subdivision than the one in which the director is  
14 functioning.

15           (e) Expenses.--Each appointed director shall be reimbursed  
16 for actual expenses incurred in the performance of his duties  
17 and attendance at scheduled meetings.

18 § 7503. Powers and duties of political subdivisions.

19           Each political subdivision shall:

20           (1) Prepare, maintain and keep current a disaster  
21 emergency preparedness plan for the prevention and  
22 minimization of injury and damage caused by disaster, prompt  
23 and effective response to disaster and disaster emergency  
24 relief and recovery in consonance with the Commonwealth  
25 Emergency Preparedness Plan.

26           (2) Establish, equip and staff an emergency operations  
27 center, provide communications to support government  
28 operations in emergencies and provide other essential  
29 facilities and equipment for agencies and activities assigned  
30 emergency functions.

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

4 (4) Organize, prepare and coordinate all locally  
5 available manpower, materials, supplies, equipment,  
6 facilities and services necessary for disaster emergency  
7 readiness, response and recovery.

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

10 (6) Execute and enforce such rules and orders as the  
11 State office shall adopt and promulgate under the authority  
12 of this part.

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

15 (8) Have available for inspection at its emergency  
16 operations center all disaster emergency plans, rules and  
17 orders of the Governor and the State office.

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

21 § 7504. Coordination, assistance and mutual aid.

22 (a) Responsibility for direction and coordination.--  
23 Direction of disaster emergency services is the responsibility  
24 of the lowest level of government affected. When two or more  
25 political subdivisions within a county are affected, the county  
26 organization shall exercise responsibility for coordination and  
27 support to the area of operations. When two or more counties are  
28 involved, coordination shall be provided by the State office or  
29 by area organizations established by the State office.

30 (b) Assistance from higher government unit.--When all

1 appropriate locally available forces and resources are fully  
2 committed by the affected political subdivision, assistance from  
3 a higher level of government shall be provided.

4 (c) Municipal mutual aid agreements.--County and local  
5 directors of emergency preparedness shall develop mutual aid  
6 agreements with adjacent political subdivisions for reciprocal  
7 emergency assistance. The agreements shall be consistent with  
8 the plans and programs of the State office. In disaster  
9 emergencies, requests for mutual aid assistance shall be  
10 referred to the organization having responsibility for  
11 coordination as specified in subsection (a) and in time of  
12 emergency it shall be the duty of each local organization to  
13 render assistance in accordance with the provisions of the  
14 mutual aid agreements.

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

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

24 SUBCHAPTER B

25 PAYMENT OF EXPENSES

26 7511. Appropriations by political subdivisions.

27 7512. Law applicable to local organizations.

28 7513. Agreements among political subdivisions.

29 7514. Payments involving one political subdivision.

30 7515. Payments involving two or more political subdivisions.



1 § 7511. Appropriations by political subdivisions.

2 (a) General rule.--Every political subdivision shall have  
3 the power to make appropriations for the payment of expenses of  
4 the local organization in the manner provided by law for making  
5 appropriations for the ordinary expenses of the political  
6 subdivision. In making appropriations, the political subdivision  
7 shall specify the amounts and purposes for which the moneys  
8 appropriated may be used by the organization to or for which  
9 such appropriation may be made.

10 (b) Two or more local organizations.--Nothing in this  
11 subchapter or any other provision of this part shall be deemed  
12 to limit the power of any political subdivision to appropriate  
13 money for the purpose of paying the expenses of a local  
14 organization having jurisdiction both within and without the  
15 political subdivision even though an appropriation has been or  
16 is to be made to another local organization coterminous with or  
17 having jurisdiction within the political subdivision. Payments  
18 on account of an appropriation under this subsection shall be  
19 made pursuant to an agreement under section 7513 (relating to  
20 agreements among political subdivisions) or in the form of a  
21 gift or grant to the political subdivision responsible in the  
22 first instance for the payment of bills and claims against the  
23 local organization for the payment of the expenses for which the  
24 appropriation was made.

25 § 7512. Law applicable to local organizations.

26 (a) General rule.--Where the jurisdiction of the local  
27 organization is coterminous with the political subdivision  
28 making an appropriation for the payment of the expenses, the  
29 local organization shall be deemed an agency, board or  
30 commission of the political subdivision, subject to all of the

1 laws governing the making of contracts or purchases, the  
2 employment of persons or otherwise incurring financial  
3 obligations which apply to the political subdivision.

4 (b) Second class townships.--No purchase or purchases shall  
5 be made, no contract entered into and no expenses incurred by  
6 any local organization which involves the payment of more than  
7 \$25 out of the treasury of any second class township unless the  
8 proposed expenditure has been approved in writing by the  
9 township supervisors. If any purchase or contract is made or  
10 other expenses incurred contrary to the provisions of this  
11 subsection, the township shall not be responsible for the  
12 payment thereof but the person acting for the local organization  
13 in the transaction shall be personally liable for the payment.

14 § 7513. Agreements among political subdivisions.

15 (a) General rule.--Where a local organization has  
16 jurisdiction in an area including all or parts of more than one  
17 political subdivision which does not include the whole area of  
18 any county, the political subdivisions, all or part of which lie  
19 within the jurisdiction of the organization, shall, before  
20 paying any expenses of the organization, enter into an agreement  
21 designating one of the political subdivisions as the agent of  
22 each of them for the purpose of paying the expenses of the local  
23 organization. The agreement shall also set forth the  
24 proportionate share of the expenses of the organization to be  
25 paid by each political subdivision party to the agreement and an  
26 estimate of the amount required to be appropriated by each of  
27 them for the purpose of paying the expenses. The agreement shall  
28 be effective when approved by the corporate authorities of each  
29 of the political subdivisions by a majority vote and each of the  
30 subdivisions shall thereupon make an appropriation pursuant to

1 section 7511 (relating to appropriations by political  
2 subdivisions) sufficient to pay its share of the expenses of the  
3 organization.

4 (b) Counties.--Where the local organization has jurisdiction  
5 in an area including the whole area of one or more counties  
6 which is not coterminous with any one county, before paying any  
7 expenses of the organization, the counties, all or part of which  
8 lie within the jurisdiction of the organization, shall enter  
9 into an agreement in the manner and form provided in subsection  
10 (a) and with like effect, and no other political subdivision  
11 lying within the jurisdiction of the organization shall be a  
12 party to the agreement.

13 § 7514. Payments involving one political subdivision.

14 (a) General rule.--All bills or claims to be paid from any  
15 appropriation made by a political subdivision conterminous with  
16 the local organization, after first being approved by the local  
17 organization or an appropriate officer thereof designated for  
18 that purpose, shall be paid from the treasury of the political  
19 subdivision only upon the warrant or order of the officer or  
20 officers of the political subdivision designated by law to  
21 approve or 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. In each case, the  
25 officer or officers shall have the same power to approve or  
26 disapprove as they have in case of warrants for ordinary  
27 expenses of the political subdivision, and no warrant or order  
28 for the payment thereof shall be issued without the approval.

29 (b) Gift or grant of money.--Any gift or grant of money made  
30 to the local organization or to the political subdivision for

1 the payment of expenses incurred or to be incurred by or for the  
2 organization shall be deposited in the treasury of the political  
3 subdivision and shall be appropriated by the political  
4 subdivision for the purpose for which the gift or grant was  
5 made, and any bills or claims to be paid from the gift or grant  
6 shall be paid in the manner provided in this subchapter for the  
7 payment of other bills and claims against the political  
8 subdivision.

9 § 7515. Payments involving two or more political subdivisions.

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

23 (b) Accounting by agent.--The political subdivision  
24 designated as agent shall, not later than the fifteenth day of  
25 each month, submit an itemized account of the expenses of the  
26 organization paid by it during the preceding calendar month to  
27 each of the other political subdivisions party to the agreement,  
28 together with a request for reimbursement of the proportionate  
29 share of expenses agreed to be paid by each of the other  
30 political subdivisions.

1 (c) Reimbursement of agent.--Each political subdivision  
2 requested to make reimbursement shall do so within 30 days after  
3 the request from the appropriation made for the payment of the  
4 expenses of the organization and, in the event of failure to do  
5 so, mandamus shall lie to compel the officers of the political  
6 subdivision to pay the agreed-upon proportionate share of the  
7 proper expenses of the organization out of the first moneys  
8 thereafter in the treasury of the political subdivision and not  
9 previously pledged to any other purpose. No political  
10 subdivision may be compelled to pay for any one year an amount  
11 greater than the amount estimated in the agreement as its  
12 proportionate share. Any payment made by any political  
13 subdivision to the political subdivision named as agent in the  
14 agreement for reimbursement for the payment of the expenses of  
15 the organization shall be credited by the agent political  
16 subdivision to the appropriation made by it for the payment of  
17 the expenses of the organization and shall be available for the  
18 payment of future expenses of the organization without further  
19 appropriation or action by the agent political subdivision.

20 (d) Gift or grant of money.--Any gift or grant of money made  
21 to or for the local organization, if made to a political  
22 subdivision, shall be deposited in its treasury and be  
23 appropriated by it for the purpose for which the gift or grant  
24 was made and the political subdivision shall notify the  
25 political subdivision named as agent in the agreement of the  
26 appropriation and the purpose for which it is available. If the  
27 gift or grant of money is made to the organization, it shall be  
28 deposited in the treasury of the political subdivision named as  
29 agent in the agreement and shall be appropriated by the  
30 political subdivision for the purpose for which the gift or

1 grant was made. Any expenditure made by the agent political  
2 subdivision from any gift or grant deposited in its treasury or  
3 reimbursed from any gift or grant deposited in the treasury of  
4 any other political subdivision shall not be included in  
5 computing the reimbursement requested from any other political  
6 subdivision under the agreement.

7 CHAPTER 77

8 MISCELLANEOUS PROVISIONS

9 Sec.

10 7701. Duties concerning disaster prevention.

11 7702. Acceptance of services, gifts, grants and loans.

12 7703. Interstate arrangements.

13 7704. Immunity from civil liability.

14 7705. Accidental injury or death benefits.

15 7706. Special powers of local agencies.

16 § 7701. Duties concerning disaster prevention.

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

26 (b) Department of Environmental Resources.--The Department  
27 of Environmental Resources, in conjunction with the State Office  
28 of Emergency Preparedness, shall keep land uses and construction  
29 of structures and other facilities under continuing study and  
30 identify areas which are particularly susceptible to severe land

1 shifting, subsidence, flood or other catastrophic occurrence.  
2 The studies under this subsection shall concentrate on means of  
3 reducing or avoiding the dangers caused by this occurrence or  
4 the consequences thereof.

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

14 § 7702. Acceptance of services, gifts, grants and loans.

15 (a) General rule.--Whenever any person or the Federal  
16 Government or any Federal agency or officer offers to the  
17 Commonwealth or, through the Commonwealth, to any political  
18 subdivision, services, equipment, supplies, materials or funds  
19 by way of gift, grant or loan for purposes of disaster emergency  
20 services, the Commonwealth, acting through the Governor, or the  
21 political subdivision, acting with the consent of the Governor  
22 and through its executive officer or governing body, may accept  
23 the offer and upon acceptance the Governor or executive officer  
24 or governing body of the political subdivision may authorize any  
25 officer of the Commonwealth or of the political subdivision, as  
26 the case may be, to receive the services, equipment, supplies,  
27 materials or funds on behalf of the Commonwealth or political  
28 subdivision subject to the terms of the offer and the rules and  
29 regulations, if any, of the agency or person making the offer.

30 (b) Property of Commonwealth.--All equipment, supplies and

1 materials referred to in subsection (a) shall, when accepted by  
2 the Commonwealth, be treated as the property of the Commonwealth  
3 and shall be subject to the relevant provisions of the act of  
4 April 9, 1929 (P.L.177, No.175), known as "The Administrative  
5 Code of 1929," unless the General Assembly directs otherwise by  
6 statute.

7 §7703. Interstate arrangements.

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

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

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



1 § 7704. Immunity from civil liability.

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

14 (b) Real estate owners.--Any person owning or controlling  
15 real estate or other premises, who voluntarily and without  
16 compensation, grants a license or privilege or otherwise permits  
17 the designation or use of the whole or any part or parts of the  
18 real estate or premises for any emergency services purpose,  
19 shall, together with his successors in interest, if any, not be  
20 civilly liable for negligently causing the death of or injury to  
21 or loss or damage to the property of any person who is upon the  
22 real estate or other premises for that purpose.

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

29 § 7705. Accidental injury or death benefits.

30 (a) General rule.--All duly enrolled emergency services

1 volunteers who are not eligible to receive benefits under the  
2 workmen's compensation laws shall be entitled, except during a  
3 state of war or period of armed conflict within the continental  
4 limits of the United States, to the following benefits relating  
5 to injuries sustained while actually engaged in emergency  
6 preparedness and emergency services activities or in or enroute  
7 to and from civil defense or emergency services tests or  
8 operations authorized by the State Office of Emergency  
9 Preparedness and carried out in accordance with rules and orders  
10 promulgated and adopted by the office:

11 (1) A sum of \$1,500 for accidental injury directly  
12 causing or leading to death.

13 (2) A sum not exceeding \$750 for reimbursement for  
14 medical and hospital expenses associated with accidental  
15 injury.

16 (3) Weekly payments of \$25, beginning on the eighth day  
17 of disability and continuing for not more than 26 weeks, for  
18 disability directly arising from accidental injury rendering  
19 the individual totally incapable of following his normal  
20 gainful pursuits.

21 (b) Claims and payments.--All benefits hereby authorized  
22 shall be paid out of funds appropriated to the office. Payments  
23 shall be made on the basis of claims submitted to the office  
24 through the Department of Labor and Industry in accordance with  
25 rules and orders promulgated and adopted by the office.

26 § 7706. Special powers of local agencies.

27 (a) Roadway clearance.--Whenever the Governor shall have  
28 proclaimed a disaster emergency under section 7301(c) (relating  
29 to declaration of disaster emergency), officials of any  
30 political subdivision included in the disaster emergency shall

1 have the authority to clear such roadways as are necessary for  
2 the health, safety and welfare of residents, even though such  
3 roadways are not officially the responsibility of such political  
4 subdivision. The political subdivision may be reimbursed for the  
5 cost of such clearing as provided in subsection (c).

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

16 (c) Reimbursement.--Whenever the Governor shall have  
17 proclaimed a disaster emergency under section 7301(c), he shall  
18 have power to transfer any unused funds which may have been  
19 appropriated for the ordinary expenses of government in the  
20 General Fund to such State agencies as he may direct to be  
21 expended for reimbursements as provided in subsections (a) and  
22 (b). Such reimbursements shall be made in accordance with and to  
23 the extent permitted by regulations issued by such agency or  
24 agencies as the Governor may designate to administer the  
25 reimbursement programs established by subsections (a) and (b).  
26 The total of such transfers shall never exceed \$1,000,000 in any  
27 one year except by action of the General Assembly.

28 (d) Limitations.--Reimbursements pursuant to subsection (c)  
29 shall not be made to the extent that the Commonwealth, a  
30 political subdivision or a municipal authority may be eligible

1 for assistance from the Federal Government.

2 Section 2. Repeals.

3 The following acts are repealed:

4 Act of March 19, 1951 (P.L.28, No.4), known as the "State  
5 Council of Civil Defense Act of 1951."

6 Act of March 19, 1951 (P.L.42, No.6), entitled "An act  
7 authorizing certain political subdivisions to make  
8 appropriations for the payment of expenses of local or district  
9 councils of civil defense within said political subdivisions and  
10 for the protection or preparation for the protection of the  
11 health, welfare and safety of the civilian population of said  
12 political subdivision during emergencies resulting from air  
13 raids, blackouts or sabotage; regulating the manner of payment  
14 of expenses of local and district councils of civil defense;  
15 authorizing such political subdivisions to borrow money under  
16 certain conditions for such purposes; and providing for the  
17 repayment thereof."

18 Act of March 19, 1951 (P.L.47, No.7), entitled "An act  
19 authorizing the Commonwealth of Pennsylvania to enter into a  
20 compact with any other state for mutual helpfulness in meeting  
21 any civil defense emergency or disaster."

22 Act of April 28, 1961 (P.L.129, No.60), entitled "An act  
23 authorizing political subdivisions of the Commonwealth to avail  
24 themselves of services offered by the State Civil Service  
25 Commission in connection with the employment of personnel for  
26 civil defense purposes."

27 Act of July 6, 1961 (P.L.515, No.265), entitled, as amended,  
28 "An act authorizing the Governor to provide for disaster and  
29 emergency relief under certain circumstances; authorizing him to  
30 transfer certain funds in the General Fund for these purposes,

1 and making an appropriation."

2 Section 3. Effective date.

3 This act shall take effect immediately and shall be

4 retroactive to July 1, 1977.