

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1104 Session of 1977

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

AS AMENDED ON THIRD CONSIDERATION, NOVEMBER 1, 1977

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.

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

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

6 TITLE 35

7 HEALTH AND SAFETY

8 Part

9 V. Disaster Emergency Services

10 PART V

11 DISASTER EMERGENCY SERVICES

12 Chapter

13 71. General Provisions

14 73. Commonwealth Services

15 75. Local Organizations and Services

16 77. Miscellaneous Provisions

17 CHAPTER 71

18 GENERAL PROVISIONS

19 Subchapter

20 A. Preliminary Provisions

21 B. Interstate Civil Defense and Disaster Compact

22 SUBCHAPTER A

23 PRELIMINARY PROVISIONS

24 Sec.

25 7101. Short title of part.

26 7102. Definitions.

27 7103. Purposes of part.

28 7104. Limitations.

29 § 7101. Short title of part.

30 This part shall be known and may be cited as the "Disaster

1 Emergency Services Code."

2 § 7102. Definitions.

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

6 "Disaster." A man-made disaster, natural disaster or war-  
7 caused disaster.

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

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

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

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

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

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

18 § 7103. Purposes of part.

19 The purposes of this part are to:

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

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

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

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

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

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

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

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

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

19 § 7104. Limitations.

20 This part is not intended to:

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

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



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

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

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

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

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

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

30 (e) Shutting off water mains, gas mains, electric power

1 connections, and the suspension of all other utility services.

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

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

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

10 (i) Mobile support units.

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

28 Article 4. Whenever any person holds a license, certificate  
29 or other permit issued by any State evidencing the meeting of  
30 qualifications for professional, mechanical or other skills,

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

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

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

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

30 Article 8. Any party State rendering aid in another State

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

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

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

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

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

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

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

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

14 CHAPTER 73

15 COMMONWEALTH SERVICES

16 Subchapter

17 A. The Governor and Disaster Emergencies

18 B. Office of Emergency Preparedness

19 SUBCHAPTER A

20 THE GOVERNOR AND DISASTER EMERGENCIES

21 Sec.

22 7301. General authority of Governor.

23 7302. Temporary housing.

24 7303. Debris and wreckage removal.

25 7304. Community disaster loans.

26 7305. Individual and family assistance.

27 7306. Appropriation of Federal funds.

28 7307. Use and appropriation of unused Commonwealth funds.

29 § 7301. General authority of Governor.

30 (a) Responsibility to meet disasters.--The Governor is

1 responsible for meeting the dangers to this Commonwealth and  
2 people presented by disasters.

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

7 (c) Declaration of disaster emergency.--A disaster emergency  
8 shall be declared by executive order or proclamation of the  
9 Governor upon finding that a disaster has occurred or that the  
10 occurrence or the threat of a disaster is imminent. The state of  
11 disaster emergency shall continue until the Governor finds that  
12 the threat or danger has passed or the disaster has been dealt  
13 with to the extent that emergency conditions no longer exist and  
14 terminates the state of disaster emergency by executive order or  
15 proclamation, but no state of disaster emergency may continue  
16 for longer than ~~30~~ 90 days unless renewed by the Governor. The ←  
17 General Assembly by concurrent resolution may terminate a state  
18 of disaster emergency at any time. Thereupon, the Governor shall  
19 issue an executive order or proclamation ending the state of  
20 disaster emergency. All executive orders or proclamations issued  
21 under this subsection shall indicate the nature of the disaster,  
22 the area or areas threatened and the conditions which have  
23 brought the disaster about or which make possible termination of  
24 the state of disaster emergency. An executive order or  
25 proclamation shall be disseminated promptly by means calculated  
26 to bring its contents to the attention of the general public  
27 and, unless the circumstances attendant upon the disaster  
28 prevent or impede, shall be promptly filed with the Office of  
29 Emergency Preparedness.

30 (d) Activation of disaster response.--An executive order or

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

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

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

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

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

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

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

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

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

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

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

21 § 7302. Temporary housing.

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

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

30           (2) To assist any political subdivision of this

1 Commonwealth which is the locus of temporary housing for  
2 disaster victims to acquire sites necessary for such  
3 temporary housing and to do all things required to prepare  
4 such sites to receive and utilize temporary housing units by:

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

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

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

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

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

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

1 payment of transportation charges) which are necessary to  
2 prepare or equip the sites to utilize the housing units.

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

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

11 § 7303. Debris and wreckage removal.

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

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

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

26 ~~(b) Authorization and indemnification by affected agencies~~ <—  
27 ~~and persons. Authority under this section shall not be~~  
28 ~~exercised unless the affected political subdivision,~~  
29 ~~corporation, organization or individual first presents an~~  
30 ~~unconditional authorization for removal of the debris or~~

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

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

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

17 § 7304. Community disaster loans.

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

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

29 (2) To determine the amount needed by any applicant  
30 political subdivision to restore or resume its governmental

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

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

12 § 7305. Individual and family assistance.

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

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

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

1 Commonwealth share from the Federal Government to be repaid  
2 when the Commonwealth is able to do so.

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

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

14 § 7306. Appropriation of Federal funds.

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

24 § 7307. Use and appropriation of unused Commonwealth funds.

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

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

4 SUBCHAPTER B

5 OFFICE OF EMERGENCY PREPAREDNESS

6 Sec.

7 7311. Establishment.

8 7312. Organization.

9 7313. Powers and duties.

10 7314. Utilization of existing services and facilities.

11 § 7311. Establishment.

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

15 § 7312. Organization.

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

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

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

11 (d) Space, equipment and supplies.--The office shall be  
12 provided with appropriate space, furniture, equipment, supplies,  
13 stationery and printing in the same manner as other Commonwealth  
14 agencies are supplied. REQUIRED COMMUNICATIONS CAPABILITY SHALL <—  
15 BE PROVIDED AND SPECIAL CONSIDERATION SHALL BE GIVEN TO BLAST  
16 AND FALLOUT PROTECTION TO PERMIT EXTENDED OPERATIONS.

17 § 7313. Powers and duties.

18 The office shall have the following powers and duties:

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

24 (i) Preparedness standards established by the  
25 Federal ~~Civil Defense~~ DEFENSE CIVIL Preparedness Agency. <—

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

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

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

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

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

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

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

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

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

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

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

1           (3) To promulgate, adopt and enforce such rules,  
2 regulations and orders as may be deemed necessary to carry  
3 out the provisions of this part.

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

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

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

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

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

25           (9) To provide for mobile support units.

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

29           (11) To plan and make arrangements for the availability  
30 and use of any private facilities, services and property and,

1 if necessary and if in fact used, provide for payment for use  
2 under terms and conditions agreed upon.

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

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

10 (14) TO ADMINISTER GRANT PROGRAMS TO POLITICAL ←  
11 SUBDIVISIONS FOR DISASTER PREPAREDNESS.

12 ~~(14)~~ (15) To accept and coordinate assistance provided ←  
13 by Federal agencies in major disasters in accordance with the  
14 provisions of the Federal Disaster Relief Act of 1974 (Public  
15 Law 93-288, 42 U.S.C. § 5121 et seq.), or any amendment or  
16 reenactment thereof.

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

26 ~~(16)~~ (17) To take other action necessary, incidental or ←  
27 appropriate for the implementation of this part.

28 § 7314. Utilization of existing services and facilities.

29 In order to avoid duplication of services and facilities, the  
30 office shall utilize the services and facilities of existing

1 officers, offices, departments, commissions, boards, bureaus,  
2 institutions and other agencies of the Commonwealth and of the  
3 political subdivisions thereof. These officers and agencies  
4 shall cooperate with and extend their services and facilities to  
5 the office as requested.

6 CHAPTER 75

7 LOCAL ORGANIZATIONS AND SERVICES

8 Subchapter

9 A. General Provisions

10 B. Payment of Expenses

11 SUBCHAPTER A

12 GENERAL PROVISIONS

13 Sec.

14 7501. General authority of political subdivisions.

15 7502. Local director of emergency preparedness.

16 7503. Powers and duties of political subdivisions.

17 7504. Coordination, assistance and mutual aid.

18 § 7501. General authority of political subdivisions.

19 (a) Establishing disaster emergency preparedness

20 organization.--Each political subdivision of this Commonwealth

21 is directed and authorized to establish a local emergency

22 preparedness organization in accordance with the plan and

23 program of the State Office of Emergency Preparedness. Each

24 local organization shall have responsibility for disaster

25 emergency preparedness, response and recovery within the

26 territorial limits of the political subdivision within which it

27 is organized and, in addition, shall conduct such services

28 outside of its jurisdictional limits as may be required under

29 this part.

30 (b) Declaration of disaster emergency.--A local disaster

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

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

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

1 equipment, the purchase of supplies and materials, the levying  
2 of taxes and the appropriation and expenditure of public funds.

3 (E) EMPLOYMENT OF PERSONNEL.--IN ORDER TO MEET PRESCRIBED ←—  
4 REQUIREMENTS FOR ELIGIBILITY TO RECEIVE FEDERAL CONTRIBUTIONS  
5 AUTHORIZED UNDER THE PROVISIONS OF THE FEDERAL CIVIL DEFENSE ACT  
6 OF 1950 (64 STAT. 1245, 50 U.S.C. APP. §2251 ET SEQ.) OR ANY  
7 AMENDMENT OR REENACTMENT THEREOF, POLITICAL SUBDIVISIONS ARE  
8 AUTHORIZED TO AVAIL THEMSELVES OF SERVICES OFFERED BY THE STATE  
9 CIVIL SERVICE COMMISSION UNDER THE PROVISIONS OF THE ACT OF  
10 AUGUST 5, 1941 (P.L.752, NO.286), KNOWN AS THE "CIVIL SERVICE  
11 ACT," IN CONNECTION WITH THE EMPLOYMENT OF PERSONNEL IN LOCAL  
12 ORGANIZATIONS ESTABLISHED PURSUANT TO THE PROVISIONS OF THIS  
13 PART.

14 § 7502. Local director of emergency preparedness.

15 (a) General rule.--Each local organization for disaster  
16 emergency preparedness shall have a director who shall be  
17 responsible for the planning, administration and operation of  
18 the local organization subject to the direction and control of  
19 the executive officer or governing body.

20 (b) Appointment.--The director shall be appointed by the  
21 Governor upon the recommendation of the executive officer or  
22 governing body of the political subdivision. A full-time  
23 director shall be employed in each county. ~~and in each other ←—~~  
24 ~~political subdivision or joint arrangement serving a population~~  
25 ~~of 25,000 or more.~~ Upon the failure of the executive officer or  
26 governing body of a political subdivision to make a  
27 recommendation to the Governor of a candidate for director  
28 within the time fixed by the Governor, the Governor is  
29 authorized to appoint a director without any recommendation. A  
30 candidate for director for two or more political subdivisions

1 may be recommended to the Governor for appointment upon  
2 agreement by resolution of the governing bodies of such  
3 political subdivisions. ANY OTHER LAW NOTWITHSTANDING, A LOCAL  
4 GOVERNMENT OFFICIAL MAY BE RECOMMENDED FOR APPOINTMENT. ←

5 (c) Qualifications.--A director shall be professionally  
6 competent and capable of planning, effecting coordination among  
7 operating agencies of government and controlling coordinated  
8 operations by local emergency preparedness forces. He shall be  
9 assigned no duties in conflict with the primary duty of  
10 director.

11 (d) In-service training.--

12 (1) Each appointed director shall:

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

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

19 (iii) Attend and successfully complete training  
20 conferences called by the official having responsibility  
21 for providing the director with in-service training.

22 (iv) Failure to attend the basic and advanced  
23 seminars or failure to attend a prescribed training  
24 conference for a period of two consecutive years shall be  
25 cause for replacement.

26 (2) Responsibility for the professional in-service  
27 training of each director rests with each successive higher  
28 political subdivision than the one in which the director is  
29 functioning.

30 (e) Expenses.--Each appointed director shall be reimbursed

1 for actual expenses incurred in the performance of his duties  
2 and attendance at scheduled meetings.

3 § 7503. Powers and duties of political subdivisions.

4 Each political subdivision shall:

5 (1) Prepare, maintain and keep current a disaster  
6 emergency preparedness plan for the prevention and  
7 minimization of injury and damage caused by disaster, prompt  
8 and effective response to disaster and disaster emergency  
9 relief and recovery in consonance with the Commonwealth  
10 Emergency Preparedness Plan.

11 (2) Establish, equip and staff an emergency operations  
12 center, provide communications to support government  
13 operations in emergencies and provide other essential  
14 facilities and equipment for agencies and activities assigned  
15 emergency functions.

16 (3) Provide individual and organizational training  
17 programs to insure prompt, efficient and effective disaster  
18 emergency services.

19 (4) Organize, prepare and coordinate all locally  
20 available manpower, materials, supplies, equipment,  
21 facilities and services necessary for disaster emergency  
22 readiness, response and recovery.

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

25 (6) Execute and enforce such rules and orders as the  
26 State office shall adopt and promulgate under the authority  
27 of this part.

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

30 (8) Have available for inspection at its emergency

1 operations center all disaster emergency plans, rules and  
2 orders of the Governor and the State office.

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

6 § 7504. Coordination, assistance and mutual aid.

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

8 Direction of disaster emergency services is the responsibility  
9 of the lowest level of government affected. When two or more  
10 political subdivisions within a county are affected, the county  
11 organization shall exercise responsibility for coordination and  
12 support to the area of operations. When two or more counties are  
13 involved, coordination shall be provided by the State office or  
14 by area organizations established by the State office.

15 (b) Assistance from higher government unit.--When all  
16 appropriate locally available forces and resources are fully  
17 committed by the affected political subdivision, assistance from  
18 a higher level of government shall be provided.

19 (c) Municipal mutual aid agreements.--County and local  
20 directors of emergency preparedness shall develop mutual aid  
21 agreements with adjacent political subdivisions for reciprocal  
22 emergency assistance. The agreements shall be consistent with  
23 the plans and programs of the State office. In disaster  
24 emergencies, requests for mutual aid assistance shall be  
25 referred to the organization having responsibility for  
26 coordination as specified in subsection (a) and in time of  
27 emergency it shall be the duty of each local organization to  
28 render assistance in accordance with the provisions of the  
29 mutual aid agreements.

30 (d) Interstate mutual aid arrangements.--The director of

1 each local organization may, subject to approval of the  
2 Governor, enter into mutual aid arrangements with similar  
3 agencies or organizations in other states for reciprocal  
4 disaster emergency services.

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

9 SUBCHAPTER B

10 PAYMENT OF EXPENSES

11 Sec.

12 7511. Appropriations by political subdivisions.

13 7512. Law applicable to local organizations.

14 7513. Agreements among political subdivisions.

15 7514. Payments involving one political subdivision.

16 7515. Payments involving two or more political subdivisions.

17 § 7511. Appropriations by political subdivisions.

18 (a) General rule.--Every political subdivision shall have  
19 the power to make appropriations for the payment of expenses of  
20 the local organization in the manner provided by law for making  
21 appropriations for the ordinary expenses of the political  
22 subdivision. In making appropriations, the political subdivision  
23 shall specify the amounts and purposes for which the moneys  
24 appropriated may be used by the organization to or for which  
25 such appropriation may be made.

26 (b) Two or more local organizations.--Nothing in this  
27 subchapter or any other provision of this part shall be deemed  
28 to limit the power of any political subdivision to appropriate  
29 money for the purpose of paying the expenses of a local  
30 organization having jurisdiction both within and without the

1 political subdivision even though an appropriation has been or  
2 is to be made to another local organization coterminous with or  
3 having jurisdiction within the political subdivision. Payments  
4 on account of an appropriation under this subsection shall be  
5 made pursuant to an agreement under section 7513 (relating to  
6 agreements among political subdivisions) or in the form of a  
7 gift or grant to the political subdivision responsible in the  
8 first instance for the payment of bills and claims against the  
9 local organization for the payment of the expenses for which the  
10 appropriation was made.

11 § 7512. Law applicable to local organizations.

12 (a) General rule.--Where the jurisdiction of the local  
13 organization is coterminous with the political subdivision  
14 making an appropriation for the payment of the expenses, the  
15 local organization shall be deemed an agency, board or  
16 commission of the political subdivision, subject to all of the  
17 laws governing the making of contracts or purchases, the  
18 employment of persons or otherwise incurring financial  
19 obligations which apply to the political subdivision.

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

30 § 7513. Agreements among political subdivisions.

1 (a) General rule.--Where a local organization has  
2 jurisdiction in an area including all or parts of more than one  
3 political subdivision which does not include the whole area of  
4 any county, the political subdivisions, all or part of which lie  
5 within the jurisdiction of the organization, shall, before  
6 paying any expenses of the organization, enter into an agreement  
7 designating one of the political subdivisions as the agent of  
8 each of them for the purpose of paying the expenses of the local  
9 organization. The agreement shall also set forth the  
10 proportionate share of the expenses of the organization to be  
11 paid by each political subdivision party to the agreement and an  
12 estimate of the amount required to be appropriated by each of  
13 them for the purpose of paying the expenses. The agreement shall  
14 be effective when approved by the corporate authorities of each  
15 of the political subdivisions by a majority vote and each of the  
16 subdivisions shall thereupon make an appropriation pursuant to  
17 section 7511 (relating to appropriations by political  
18 subdivisions) sufficient to pay its share of the expenses of the  
19 organization.

20 (b) Counties.--Where the local organization has jurisdiction  
21 in an area including the whole area of one or more counties  
22 which is not coterminous with any one county, before paying any  
23 expenses of the organization, the counties, all or part of which  
24 lie within the jurisdiction of the organization, shall enter  
25 into an agreement in the manner and form provided in subsection  
26 (a) and with like effect, and no other political subdivision  
27 lying within the jurisdiction of the organization shall be a  
28 party to the agreement.

29 § 7514. Payments involving one political subdivision.

30 (a) General rule.--All bills or claims to be paid from any

1 appropriation made by a political subdivision conterminous with  
2 the local organization, after first being approved by the local  
3 organization or an appropriate officer thereof designated for  
4 that purpose, shall be paid from the treasury of the political  
5 subdivision only upon the warrant or order of the officer or  
6 officers of the political subdivision designated by law to  
7 approve or countersign warrants or orders for the payment of the  
8 ordinary expenses of the political subdivision, and shall be  
9 subject to audit in the same manner as other financial  
10 transactions of the political subdivision. In each case, the  
11 officer or officers shall have the same power to approve or  
12 disapprove as they have in case of warrants for ordinary  
13 expenses of the political subdivision, and no warrant or order  
14 for the payment thereof shall be issued without the approval.

15 (b) Gift or grant of money.--Any gift or grant of money made  
16 to the local organization or to the political subdivision for  
17 the payment of expenses incurred or to be incurred by or for the  
18 organization shall be deposited in the treasury of the political  
19 subdivision and shall be appropriated by the political  
20 subdivision for the purpose for which the gift or grant was  
21 made, and any bills or claims to be paid from the gift or grant  
22 shall be paid in the manner provided in this subchapter for the  
23 payment of other bills and claims against the political  
24 subdivision.

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

26 (a) General rule.--Where two or more political subdivisions  
27 have entered into an agreement as provided by section 7513  
28 (relating to agreements among political subdivisions), all bills  
29 and claims for expenses incurred by or for the local  
30 organization shall thereafter be paid in the first instance by

1 the political subdivision named as agent in the agreement in the  
2 manner provided in section 7514 (relating to payments involving  
3 one political subdivision) as though the organization were  
4 coterminous with the political subdivision, and the organization  
5 shall be subject to all of the laws governing the making of  
6 contracts or purchases, the employment of persons or otherwise  
7 incurring financial obligations which apply to the political  
8 subdivision.

9 (b) Accounting by agent.--The political subdivision  
10 designated as agent shall, not later than the fifteenth day of  
11 each month, submit an itemized account of the expenses of the  
12 organization paid by it during the preceding calendar month to  
13 each of the other political subdivisions party to the agreement,  
14 together with a request for reimbursement of the proportionate  
15 share of expenses agreed to be paid by each of the other  
16 political subdivisions.

17 (c) Reimbursement of agent.--Each political subdivision  
18 requested to make reimbursement shall do so within 30 days after  
19 the request from the appropriation made for the payment of the  
20 expenses of the organization and, in the event of failure to do  
21 so, mandamus shall lie to compel the officers of the political  
22 subdivision to pay the agreed-upon proportionate share of the  
23 proper expenses of the organization out of the first moneys  
24 thereafter in the treasury of the political subdivision and not  
25 previously pledged to any other purpose. No political  
26 subdivision may be compelled to pay for any one year an amount  
27 greater than the amount estimated in the agreement as its  
28 proportionate share. Any payment made by any political  
29 subdivision to the political subdivision named as agent in the  
30 agreement for reimbursement for the payment of the expenses of

1 the organization shall be credited by the agent political  
2 subdivision to the appropriation made by it for the payment of  
3 the expenses of the organization and shall be available for the  
4 payment of future expenses of the organization without further  
5 appropriation or action by the agent political subdivision.

6 (d) Gift or grant of money.--Any gift or grant of money made  
7 to or for the local organization, if made to a political  
8 subdivision, shall be deposited in its treasury and be  
9 appropriated by it for the purpose for which the gift or grant  
10 was made and the political subdivision shall notify the  
11 political subdivision named as agent in the agreement of the  
12 appropriation and the purpose for which it is available. If the  
13 gift or grant of money is made to the organization, it shall be  
14 deposited in the treasury of the political subdivision named as  
15 agent in the agreement and shall be appropriated by the  
16 political subdivision for the purpose for which the gift or  
17 grant was made. Any expenditure made by the agent political  
18 subdivision from any gift or grant deposited in its treasury or  
19 reimbursed from any gift or grant deposited in the treasury of  
20 any other political subdivision shall not be included in  
21 computing the reimbursement requested from any other political  
22 subdivision under the agreement.

23 CHAPTER 77

24 MISCELLANEOUS PROVISIONS

25 Sec.

26 7701. Duties concerning disaster prevention.

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

28 7703. Interstate arrangements.

29 7704. Immunity from civil liability.

30 7705. Accidental injury or death benefits.

1 7706. Special powers of local agencies.

2 § 7701. Duties concerning disaster prevention.

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

12 (b) Department of Environmental Resources.--The Department  
13 of Environmental Resources, in conjunction with the State Office  
14 of Emergency Preparedness, shall keep land uses and construction  
15 of structures and other facilities under continuing study and  
16 identify areas which are particularly susceptible to severe land  
17 shifting, subsidence, flood or other catastrophic occurrence.  
18 The studies under this subsection shall concentrate on means of  
19 reducing or avoiding the dangers caused by this occurrence or  
20 the consequences thereof.

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

30 § 7702. Acceptance of services, gifts, grants and loans.

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

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

23 § 7703. Interstate arrangements.

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

1 (b) Negotiation and status of agreements.--If this action is  
2 taken with jurisdictions that have enacted the Interstate Civil  
3 Defense and Disaster Compact, any resulting agreement or  
4 agreements may be considered supplemental agreements pursuant to  
5 Article 6 of that compact. If the other jurisdiction or  
6 jurisdictions with which the Governor proposes to cooperate  
7 pursuant to subsection (a) have not enacted that compact, the  
8 Governor may negotiate special agreements with the jurisdiction  
9 or jurisdictions.

10 (c) Legislative approval of agreements.--Any agreement, if  
11 sufficient authority for the making thereof does not otherwise  
12 exist, becomes effective only after its text has been  
13 communicated to the General Assembly and provided that neither  
14 House of the General Assembly has disapproved it by adjournment  
15 of the next ensuing session competent to consider it or within  
16 30 days of its submission, whichever is longer.

17 § 7704. Immunity from civil liability.

18 (a) General rule.--Neither the Commonwealth nor any  
19 political subdivision thereof nor other agencies nor, except in  
20 cases of willful misconduct, the agents, employees or  
21 representatives of any of them engaged in any emergency services  
22 activities, nor except in cases of willful misconduct or gross  
23 negligence any individual or other person under contract with  
24 them to provide equipment or work on a cost basis to be used in  
25 disaster relief, while complying with or attempting to comply  
26 with this part or any rule or regulation promulgated pursuant to  
27 the provisions of this part, shall be liable for the death of or  
28 any injury to persons or loss or damage to property as a result  
29 of that activity.

30 (b) Real estate owners.--Any person owning or controlling

1 real estate or other premises, who voluntarily and without  
2 compensation, grants a license or privilege or otherwise permits  
3 the designation or use of the whole or any part or parts of the  
4 real estate or premises for any emergency services purpose,  
5 shall, together with his successors in interest, if any, not be  
6 civilly liable for negligently causing the death of or injury to  
7 or loss or damage to the property of any person who is upon the  
8 real estate or other premises for that purpose.

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

15 § 7705. Accidental injury or death benefits.

16 (a) General rule.--All duly enrolled emergency services  
17 volunteers who are not eligible to receive benefits under the  
18 workmen's compensation laws shall be entitled, except during a  
19 state of war or period of armed conflict within the continental  
20 limits of the United States, to the following benefits relating  
21 to injuries sustained while actually engaged in emergency  
22 preparedness and emergency services activities or in or enroute  
23 to and from civil defense or emergency services tests or  
24 operations authorized by the State Office of Emergency  
25 Preparedness and carried out in accordance with rules and orders  
26 promulgated and adopted by the office:

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

29 (2) A sum not exceeding \$750 for reimbursement for  
30 medical and hospital expenses associated with accidental

1 injury.

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

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

12 § 7706. Special powers of local agencies.

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

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

1 for the cost of such restoration as provided in subsection (c).

2 (c) Reimbursement.--Whenever the Governor shall have  
3 proclaimed a disaster emergency under section 7301(c), he shall  
4 have power to transfer any unused funds which may have been  
5 appropriated for the ordinary expenses of government in the  
6 General Fund to such State agencies as he may direct to be  
7 expended for reimbursements as provided in subsections (a) and  
8 (b). Such reimbursements shall be made in accordance with and to  
9 the extent permitted by regulations issued by such agency or  
10 agencies as the Governor may designate to administer the  
11 reimbursement programs established by subsections (a) and (b).  
12 The total of such transfers shall never exceed \$1,000,000 in any  
13 one year except by action of the General Assembly.

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

18 Section 2. Repeals.

19 The following acts are repealed:

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

22 Act of March 19, 1951 (P.L.42, No.6), entitled "An act  
23 authorizing certain political subdivisions to make  
24 appropriations for the payment of expenses of local or district  
25 councils of civil defense within said political subdivisions and  
26 for the protection or preparation for the protection of the  
27 health, welfare and safety of the civilian population of said  
28 political subdivision during emergencies resulting from air  
29 raids, blackouts or sabotage; regulating the manner of payment  
30 of expenses of local and district councils of civil defense;

1 authorizing such political subdivisions to borrow money under  
2 certain conditions for such purposes; and providing for the  
3 repayment thereof."

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

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

13 Act of July 6, 1961 (P.L.515, No.265), entitled, as amended,  
14 "An act authorizing the Governor to provide for disaster and  
15 emergency relief under certain circumstances; authorizing him to  
16 transfer certain funds in the General Fund for these purposes,  
17 and making an appropriation."

18 Section 3. Effective date.

19 This act shall take effect immediately and shall be  
20 retroactive to July 1, 1977.