

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

SENATOR SMITH, APPROPRIATIONS, RE-REPORTED AS AMENDED, JANUARY 30, 1978

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 weapons
18 defense, evacuation of persons from stricken areas, emergency
19 welfare services, emergency transportation, emergency resources
20 management, existing or properly assigned functions of plant
21 protection, temporary restoration of public utility services and
22 other functions related to civilian protection.

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

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

1 hardship or loss of life.

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

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

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

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

17 § 7103. Purposes of part.

18 The purposes of this part are to:

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

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

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

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

30 (5) Authorize and provide for cooperation in disaster

1 prevention, preparedness, response and recovery.

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

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

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

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

18 § 7104. Limitations.

19 This part is not intended to:

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

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

1 disaster emergency.

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

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

14 SUBCHAPTER B

15 INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

16 Sec.

17 7111. Interstate civil defense and disaster compact enacted.

18 § 7111. Interstate civil defense and disaster compact enacted.

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

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

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

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

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

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

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

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

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

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

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

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

9 (i) Mobile support units.

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

27 Article 4. Whenever any person holds a license, certificate
28 or other permit issued by any State evidencing the meeting of
29 qualifications for professional, mechanical or other skills,
30 such person may render aid involving such skill in any party

1 State to meet an emergency or disaster and such State shall give
2 due recognition to such license, certificate or other permit as
3 if issued in the State in which aid is rendered.

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

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

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

29 Article 8. Any party State rendering aid in another State
30 pursuant to this compact shall be reimbursed by the party State

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

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

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

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

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

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

30 Article 13. This compact shall continue in force and remain

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

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

13 CHAPTER 73

14 COMMONWEALTH SERVICES

15 Subchapter

16 A. The Governor and Disaster Emergencies

17 B. Office of Emergency Preparedness

18 SUBCHAPTER A

19 THE GOVERNOR AND DISASTER EMERGENCIES

20 Sec.

21 7301. General authority of Governor.

22 7302. Temporary housing.

23 7303. Debris and wreckage removal.

24 7304. Community disaster loans.

25 7305. Individual and family assistance.

26 7306. Appropriation of Federal funds.

27 7307. Use and appropriation of unused Commonwealth funds.

28 § 7301. General authority of Governor.

29 (a) Responsibility to meet disasters.--The Governor is
30 responsible for meeting the dangers to this Commonwealth and

1 people presented by disasters.

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

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

29 (d) Activation of disaster response.--An executive order or
30 proclamation of a state of disaster emergency shall activate the

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

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

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

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

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

30 (3) Transfer the direction, personnel or functions of

1 Commonwealth agencies or units thereof for the purpose of
2 performing or facilitating emergency services.

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

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

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

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

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

20 § 7302. Temporary housing.

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

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

29 (2) To assist any political subdivision of this
30 Commonwealth which is the locus of temporary housing for

1 disaster victims to acquire sites necessary for such
2 temporary housing and to do all things required to prepare
3 such sites to receive and utilize temporary housing units by:

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

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

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

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

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

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

1 prepare or equip the sites to utilize the housing units.

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

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

10 § 7303. Debris and wreckage removal.

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

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

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

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

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

7 § 7304. Community disaster loans.

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

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

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

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

1 character.

2 § 7305. Individual and family assistance.

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

6 (1) Upon determining that assistance under the Federal
7 Disaster Relief Act of 1974 (Public Law 93-288, 42 U.S.C. §
8 5121 et seq.), and from other means is insufficient to meet
9 the disaster-related necessary expenses or serious needs of
10 individuals or families adversely affected by a major
11 disaster, to accept a grant from the Federal Government for
12 the purpose of meeting the expenses or needs of disaster
13 victims, subject to any terms and conditions imposed upon the
14 grant.

15 (2) To enter into an agreement with the Federal
16 Government or any Federal agency or officer pledging the
17 Commonwealth to participate in the funding of the assistance
18 authorized in paragraph (1) in an amount not to exceed 25%
19 thereof and, if Commonwealth funds are not otherwise
20 available to the Governor, to accept an advance of the
21 Commonwealth share from the Federal Government to be repaid
22 when the Commonwealth is able to do so.

23 (b) Grants by Governor.--~~Notwithstanding any other provision~~ <—
24 ~~of statute or regulation,~~ TO IMPLEMENT SUBSECTION (A), the <—
25 Governor is authorized to make grants to meet disaster-related
26 necessary expenses or serious needs of individuals or families
27 adversely affected by a major disaster DECLARED BY THE <—
28 PRESIDENT. Any grant shall not exceed \$5,000 in the aggregate to
29 an individual or family in any single major disaster. ~~declared~~ <—
30 ~~by the President.~~

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

5 § 7306. Appropriation of Federal funds.

6 All moneys received from the Federal Government for the
7 purpose of disaster assistance or relief, including assistance
8 as specified under sections 7302 (relating to temporary
9 housing), 7303 (relating to debris and wreckage removal) and
10 7304 (relating to community disaster loans), shall be paid into
11 the General Fund. ~~and are hereby appropriated out of the General~~ ←
12 ~~Fund to the departments, boards, commissions or agencies~~
13 ~~designated by the Governor or to the extent specified in the~~
14 ~~respective sections.~~

15 § 7307. Use and appropriation of unused Commonwealth funds.

16 Whenever the Governor has declared a disaster emergency, he
17 may transfer any unused funds which may have been appropriated
18 for the ordinary expenses of the Commonwealth Government in the
19 General Fund to such Commonwealth agencies as the Governor may
20 direct to be expended for relief of disaster in such manner as
21 the Governor shall approve, and the funds are hereby
22 appropriated to the Governor for such purposes. The total of
23 such transfers shall not exceed \$5,000,000 in any one year
24 except by action of the General Assembly.

25 SUBCHAPTER B

26 OFFICE OF EMERGENCY PREPAREDNESS

27 Sec.

28 7311. Establishment.

29 7312. Organization.

30 7313. Powers and duties.

1 7314. Utilization of existing services and facilities.

2 § 7311. Establishment.

3 There is hereby established the Office of Emergency
4 Preparedness to assist in the direction, control and
5 coordination of disaster emergency services.

6 § 7312. Organization.

7 (a) Composition, chairman and quorum.--The authority of the
8 office shall be exercised by the Governor ex officio, Lieutenant
9 Governor, Adjutant General, Secretary of Health, Attorney
10 General, Secretary of Community Affairs, Speaker of the House of
11 Representatives, President pro tempore of the Senate, Minority
12 Leader of the Senate, Minority Leader of the House of
13 Representatives, Commissioner of the Pennsylvania State Police,
14 Secretary of Environmental Resources, Secretary of
15 Transportation and Secretary of Public Welfare. The Speaker of
16 the House of Representatives, President pro tempore of the
17 Senate, Minority Leader of the Senate and Minority Leader of the
18 House of Representatives may authorize a member of their
19 respective Houses of the General Assembly to serve in their
20 stead. The Governor shall appoint a chairman from the membership
21 and five members shall constitute a quorum.

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

26 (c) Appointment of personnel and expenditure of funds.--The
27 members may employ a Director of Emergency Preparedness and such
28 technical, clerical, stenographic and other personnel, ~~fix their~~ <—
29 WHOSE compensation SHALL BE FIXED BY THE EXECUTIVE BOARD, and <—
30 may make such expenditures within the appropriation therefor or

1 other funds made available to the office as are necessary to
2 carry out the purposes of this part.

3 (d) Space, equipment and supplies.--The office shall be
4 provided with appropriate space, furniture, equipment, supplies,
5 stationery and printing in the same manner as other Commonwealth
6 agencies are supplied. Required communications capability shall
7 be provided and special consideration shall be given to blast
8 and fallout protection to permit extended operations.

9 § 7313. Powers and duties.

10 The office shall have the following powers and duties:

11 (1) To prepare, maintain and keep current a Commonwealth
12 Emergency Preparedness Plan for the prevention and
13 minimization of injury and damage caused by disaster, prompt
14 and effective response to disaster and disaster emergency
15 relief and recovery. The plan may include provisions for:

16 (i) Preparedness standards established by the
17 Federal Defense Civil Preparedness Agency.

18 (ii) Commonwealth and local disaster emergency
19 preparedness responsibilities.

20 (iii) Assistance to Commonwealth and local
21 government officials in designing emergency preparedness
22 plans and training programs.

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

26 (v) Coordination of Federal, Commonwealth and local
27 disaster emergency preparedness activities.

28 (vi) Coordination of the Commonwealth Emergency
29 Preparedness Plan with the disaster plans of the Federal
30 Government and those of other states.

1 (vii) Assistance to the Commonwealth and local
2 governments in obtaining, utilizing and managing Federal
3 and Commonwealth disaster assistance.

4 (viii) Supply to appropriate Commonwealth and local
5 officials State catalogs of Federal, Commonwealth and
6 private assistance programs.

7 (ix) Identification of areas particularly vulnerable
8 to disasters.

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

15 (xi) Authorization and procedures for the erection
16 or other construction of temporary works designed to
17 protect against or mitigate danger, damage or loss from
18 flood, conflagration or other disaster.

19 (2) To establish, equip and staff Commonwealth and area
20 emergency operations centers and provide a system of disaster
21 communications integrated with those of Federal, Commonwealth
22 and local agencies involved in disaster emergency operations.

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

26 (4) To provide technical advice and assistance to
27 Commonwealth agencies and political subdivisions in the
28 preparation of disaster emergency preparedness plans or
29 components thereof and to periodically review such plans and
30 suggest or require revisions.

1 (5) To establish and operate or assist political
2 subdivisions in establishing and operating training programs
3 and programs of public information.

4 (6) To supply appropriate Commonwealth and local
5 agencies and officials and the general public with
6 precautionary notices, watches and warnings relating to
7 actual and potential disasters and to provide a flow of
8 official information and instructions to the general public
9 through all means available before, during and after an
10 emergency.

11 (7) To provide emergency direction and control of
12 Commonwealth and local emergency operations.

13 (8) To determine the need for, maintain information
14 regarding and procure materials, supplies, equipment,
15 facilities and services necessary for disaster emergency
16 readiness, response and recovery.

17 (9) To provide for mobile support units.

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

21 (11) To plan and make arrangements for the availability
22 and use of any private facilities, services and property and,
23 if necessary and if in fact used, provide for payment for use
24 under terms and conditions agreed upon.

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

28 (13) To cooperate with the Federal Government and any
29 public or private agency or entity in achieving any purpose
30 of this part and in implementing programs for disaster

1 prevention, preparation, response and recovery.

2 (14) To administer grant programs to political
3 subdivisions for disaster preparedness.

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

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

18 (17) To take other action necessary, incidental or
19 appropriate for the implementation of this part.

20 § 7314. Utilization of existing services and facilities.

21 In order to avoid duplication of services and facilities, the
22 office shall utilize the services and facilities of existing
23 officers, offices, departments, commissions, boards, bureaus,
24 institutions and other agencies of the Commonwealth and of the
25 political subdivisions thereof. These officers and agencies
26 shall cooperate with and extend their services and facilities to
27 the office as requested.

28 CHAPTER 75

29 LOCAL ORGANIZATIONS AND SERVICES

30 Subchapter

- 1 A. General Provisions
- 2 B. Payment of Expenses

3 SUBCHAPTER A

4 GENERAL PROVISIONS

5 Sec.

6 7501. General authority of political subdivisions.

7 7502. Local director of emergency preparedness.

8 7503. Powers and duties of political subdivisions.

9 7504. Coordination, assistance and mutual aid.

10 § 7501. General authority of political subdivisions.

11 (a) Establishing disaster emergency preparedness

12 organization.--Each political subdivision of this Commonwealth

13 is directed and authorized to establish a local emergency

14 preparedness organization in accordance with the plan and

15 program of the State Office of Emergency Preparedness. Each

16 local organization shall have responsibility for disaster

17 emergency preparedness, response and recovery within the

18 territorial limits of the political subdivision within which it

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

20 outside of its jurisdictional limits as may be required under

21 this part.

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

23 emergency may be declared by the governing body of a political

24 subdivision upon finding a disaster has occurred or is imminent.

25 The governing body of a political subdivision may authorize the

26 mayor or other chief executive officer to declare a local

27 disaster emergency subject to ratification by the governing

28 body. The declaration shall not be continued or renewed for a

29 period in excess of seven days except by or with the consent of

30 the governing body of the political subdivision. Any order or

1 proclamation declaring, continuing or terminating a local
2 disaster emergency shall be given prompt and general publicity
3 and shall be filed promptly with the State office. The effect of
4 a declaration of a local disaster emergency is to activate the
5 response and recovery aspects of any and all applicable local
6 emergency preparedness plans and to authorize the furnishing of
7 aid and assistance thereunder.

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

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

25 (e) Employment of personnel.--In order to meet prescribed
26 requirements for eligibility to receive Federal contributions
27 authorized under the provisions of the Federal Civil Defense Act
28 of 1950 (64 Stat. 1245, 50 U.S.C. App. § 2251 et seq.) or any
29 amendment or reenactment thereof, political subdivisions are
30 authorized to avail themselves of services offered by the State

1 Civil Service Commission under the provisions of the act of
2 August 5, 1941 (P.L.752, No.286), known as the "Civil Service
3 Act," in connection with the employment of personnel in local
4 organizations established pursuant to the provisions of this
5 part.

6 § 7502. Local director of emergency preparedness.

7 (a) General rule.--Each local organization for disaster
8 emergency preparedness shall have a director who shall be
9 responsible for the planning, administration and operation of
10 the local organization subject to the direction and control of
11 the executive officer or governing body.

12 (b) Appointment.--The director shall be appointed by the
13 Governor upon the recommendation of the executive officer or
14 governing body of the political subdivision. A full-time
15 director shall be employed in each county. Upon the failure of
16 the executive officer or governing body of a political
17 subdivision to make a recommendation to the Governor of a
18 candidate for director within the time fixed by the Governor,
19 the Governor is authorized to appoint a director without any
20 recommendation. A candidate for director for two or more
21 political subdivisions may be recommended to the Governor for
22 appointment upon agreement by resolution of the governing bodies
23 of such political subdivisions. Any other law notwithstanding, a
24 local government official may be recommended for appointment.

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

1 (d) In-service training.--

2 (1) Each appointed director shall:

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

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

9 (iii) Attend and successfully complete training
10 conferences called by the official having responsibility
11 for providing the director with in-service training.

12 (iv) Failure to attend the basic and advanced
13 seminars or failure to attend a prescribed training
14 conference for a period of two consecutive years shall be
15 cause for replacement.

16 (2) Responsibility for the professional in-service
17 training of each director rests with each successive higher
18 political subdivision than the one in which the director is
19 functioning.

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

23 § 7503. Powers and duties of political subdivisions.

24 Each political subdivision shall:

25 (1) Prepare, maintain and keep current a disaster
26 emergency preparedness plan for the prevention and
27 minimization of injury and damage caused by disaster, prompt
28 and effective response to disaster and disaster emergency
29 relief and recovery in consonance with the Commonwealth
30 Emergency Preparedness Plan.

1 (2) Establish, equip and staff an emergency operations
2 center, provide communications to support government
3 operations in emergencies and provide other essential
4 facilities and equipment for agencies and activities assigned
5 emergency functions.

6 (3) Provide individual and organizational training
7 programs to insure prompt, efficient and effective disaster
8 emergency services.

9 (4) Organize, prepare and coordinate all locally
10 available manpower, materials, supplies, equipment,
11 facilities and services necessary for disaster emergency
12 readiness, response and recovery.

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

15 (6) Execute and enforce such rules and orders as the
16 State office shall adopt and promulgate under the authority
17 of this part.

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

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

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

26 § 7504. Coordination, assistance and mutual aid.

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

28 Direction of disaster emergency services is the responsibility
29 of the lowest level of government affected. When two or more
30 political subdivisions within a county are affected, the county

1 organization shall exercise responsibility for coordination and
2 support to the area of operations. When two or more counties are
3 involved, coordination shall be provided by the State office or
4 by area organizations established by the State office.

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

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

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

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

29 SUBCHAPTER B

30 PAYMENT OF EXPENSES

1 Sec.

2 7511. Appropriations by political subdivisions.

3 7512. Law applicable to local organizations.

4 7513. Agreements among political subdivisions.

5 7514. Payments involving one political subdivision.

6 7515. Payments involving two or more political subdivisions.

7 § 7511. Appropriations by political subdivisions.

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

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

1 § 7512. Law applicable to local organizations.

2 (a) General rule.--Where the jurisdiction of the local
3 organization is coterminous with the political subdivision
4 making an appropriation for the payment of the expenses, the
5 local organization shall be deemed an agency, board or
6 commission of the political subdivision, subject to all of the
7 laws governing the making of contracts or purchases, the
8 employment of persons or otherwise incurring financial
9 obligations which apply to the political subdivision.

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

20 § 7513. Agreements among political subdivisions.

21 (a) General rule.--Where a local organization has
22 jurisdiction in an area including all or parts of more than one
23 political subdivision which does not include the whole area of
24 any county, the political subdivisions, all or part of which lie
25 within the jurisdiction of the organization, shall, before
26 paying any expenses of the organization, enter into an agreement
27 designating one of the political subdivisions as the agent of
28 each of them for the purpose of paying the expenses of the local
29 organization. The agreement shall also set forth the
30 proportionate share of the expenses of the organization to be

1 paid by each political subdivision party to the agreement and an
2 estimate of the amount required to be appropriated by each of
3 them for the purpose of paying the expenses. The agreement shall
4 be effective when approved by the corporate authorities of each
5 of the political subdivisions by a majority vote and each of the
6 subdivisions shall thereupon make an appropriation pursuant to
7 section 7511 (relating to appropriations by political
8 subdivisions) sufficient to pay its share of the expenses of the
9 organization.

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

19 § 7514. Payments involving one political subdivision.

20 (a) General rule.--All bills or claims to be paid from any
21 appropriation made by a political subdivision coterminous with
22 the local organization, after first being approved by the local
23 organization or an appropriate officer thereof designated for
24 that purpose, shall be paid from the treasury of the political
25 subdivision only upon the warrant or order of the officer or
26 officers of the political subdivision designated by law to
27 approve or countersign warrants or orders for the payment of the
28 ordinary expenses of the political subdivision, and shall be
29 subject to audit in the same manner as other financial
30 transactions of the political subdivision. In each case, the

1 officer or officers shall have the same power to approve or
2 disapprove as they have in case of warrants for ordinary
3 expenses of the political subdivision, and no warrant or order
4 for the payment thereof shall be issued without the approval.

5 (b) Gift or grant of money.--Any gift or grant of money made
6 to the local organization or to the political subdivision for
7 the payment of expenses incurred or to be incurred by or for the
8 organization shall be deposited in the treasury of the political
9 subdivision and shall be appropriated by the political
10 subdivision for the purpose for which the gift or grant was
11 made, and any bills or claims to be paid from the gift or grant
12 shall be paid in the manner provided in this subchapter for the
13 payment of other bills and claims against the political
14 subdivision.

15 § 7515. Payments involving two or more political subdivisions.

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

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

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

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

26 (d) Gift or grant of money.--Any gift or grant of money made
27 to or for the local organization, if made to a political
28 subdivision, shall be deposited in its treasury and be
29 appropriated by it for the purpose for which the gift or grant
30 was made and the political subdivision shall notify the

1 political subdivision named as agent in the agreement of the
2 appropriation and the purpose for which it is available. If the
3 gift or grant of money is made to the organization, it shall be
4 deposited in the treasury of the political subdivision named as
5 agent in the agreement and shall be appropriated by the
6 political subdivision for the purpose for which the gift or
7 grant was made. Any expenditure made by the agent political
8 subdivision from any gift or grant deposited in its treasury or
9 reimbursed from any gift or grant deposited in the treasury of
10 any other political subdivision shall not be included in
11 computing the reimbursement requested from any other political
12 subdivision under the agreement.

13 CHAPTER 77

14 MISCELLANEOUS PROVISIONS

15 Sec.

16 7701. Duties concerning disaster prevention.

17 7702. Acceptance of services, gifts, grants and loans.

18 7703. Interstate arrangements.

19 7704. Immunity from civil liability.

20 ~~7705. Accidental injury or death benefits.~~ <—

21 ~~7706~~ 7705. Special powers of local agencies.

22 § 7701. Duties concerning disaster prevention.

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

1 disasters.

2 (b) Department of Environmental Resources.--The Department
3 of Environmental Resources, in conjunction with the State Office
4 of Emergency Preparedness, shall keep land uses and construction
5 of structures and other facilities under continuing study and
6 identify areas which are particularly susceptible to severe land
7 shifting, subsidence, flood or other catastrophic occurrence.
8 The studies under this subsection shall concentrate on means of
9 reducing or avoiding the dangers caused by this occurrence or
10 the consequences thereof.

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

20 § 7702. Acceptance of services, gifts, grants and loans.

21 (a) General rule.--Whenever any person or the Federal
22 Government or any Federal agency or officer offers to the
23 Commonwealth or, through the Commonwealth, to any political
24 subdivision, services, equipment, supplies, materials or funds
25 by way of gift, grant or loan for purposes of disaster emergency
26 services, the Commonwealth, acting through the Governor, or the
27 political subdivision, acting with the consent of the Governor
28 and through its executive officer or governing body, may accept
29 the offer and upon acceptance the Governor or executive officer
30 or governing body of the political subdivision may authorize any

1 officer of the Commonwealth or of the political subdivision, as
2 the case may be, to receive the services, equipment, supplies,
3 materials or funds on behalf of the Commonwealth or political
4 subdivision subject to the terms of the offer and the rules and
5 regulations, if any, of the agency or person making the offer.

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

13 § 7703. Interstate arrangements.

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

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

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

1 sufficient authority for the making thereof does not otherwise
2 exist, becomes effective only after its text has been
3 communicated to the General Assembly and provided that neither
4 House of the General Assembly has disapproved it by adjournment
5 of the next ensuing session competent to consider it or within
6 30 days of its submission, whichever is longer.

7 § 7704. Immunity from civil liability.

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

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

29 (c) Other benefits unaffected.--This section does not affect
30 the right of any person to receive benefits to which he would

1 otherwise be entitled under this part or under the workmen's
2 compensation laws or under any pension law, nor the right of any
3 person to receive any benefits or compensation under any Federal
4 law.

5 ~~§ 7705. Accidental injury or death benefits.~~ <—

6 ~~(a) General rule. All duly enrolled emergency services~~
7 ~~volunteers who are not eligible to receive benefits under the~~
8 ~~workmen's compensation laws shall be entitled, except during a~~
9 ~~state of war or period of armed conflict within the continental~~
10 ~~limits of the United States, to the following benefits relating~~
11 ~~to injuries sustained while actually engaged in emergency~~
12 ~~preparedness and emergency services activities or in or enroute~~
13 ~~to and from civil defense or emergency services tests or~~
14 ~~operations authorized by the State Office of Emergency~~
15 ~~Preparedness and carried out in accordance with rules and orders~~
16 ~~promulgated and adopted by the office:~~

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

19 ~~(2) A sum not exceeding \$750 for reimbursement for~~
20 ~~medical and hospital expenses associated with accidental~~
21 ~~injury.~~

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

27 ~~(b) Claims and payments. All benefits hereby authorized~~
28 ~~shall be paid out of funds appropriated to the office. Payments~~
29 ~~shall be made on the basis of claims submitted to the office~~
30 ~~through the Department of Labor and Industry in accordance with~~

1 ~~rules and orders promulgated and adopted by the office.~~

2 ~~§ 7706~~ § 7705. Special powers of local agencies.

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

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

22 (c) Reimbursement.--Whenever the Governor shall have
23 proclaimed a disaster emergency under section 7301(c), he shall
24 have power to transfer any unused funds which may have been
25 appropriated for the ordinary expenses of government in the
26 General Fund to such State agencies as he may direct to be
27 expended for reimbursements as provided in subsections (a) and
28 (b). Such reimbursements shall be made in accordance with and to
29 the extent permitted by regulations issued by such agency or
30 agencies as the Governor may designate to administer the

1 reimbursement programs established by subsections (a) and (b).
2 The total of such transfers shall never exceed \$1,000,000 in any
3 one year except by action of the General Assembly.

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

8 SECTION 2. TRANSFERS. ←

9 ALL PERSONNEL, ALLOCATIONS, APPROPRIATIONS, EQUIPMENT, FILES,
10 RECORDS, CONTRACTS, AGREEMENTS, OBLIGATIONS, AND OTHER MATERIAL
11 WHICH ARE USED, EMPLOYED OR EXPENDED IN CONNECTION WITH THE
12 POWERS, DUTIES OR FUNCTIONS OF THE STATE COUNCIL OF CIVIL
13 DEFENSE ARE HEREBY TRANSFERRED TO THE OFFICE OF EMERGENCY
14 PREPAREDNESS WITH THE SAME FORCE AND EFFECT AS IF THE
15 APPROPRIATIONS HAD BEEN MADE TO AND THE ITEMS HAD BEEN THE
16 PROPERTY OF THE OFFICE OF EMERGENCY PREPAREDNESS IN THE FIRST
17 INSTANCE AND AS IF THE CONTRACTS, AGREEMENTS AND OBLIGATIONS HAD
18 BEEN INCURRED OR ENTERED INTO BY THE OFFICE OF EMERGENCY
19 PREPAREDNESS.

20 Section ~~2~~ 3. Repeals. ←

21 The following acts are repealed:

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

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

1 raids, blackouts or sabotage; regulating the manner of payment
2 of expenses of local and district councils of civil defense;
3 authorizing such political subdivisions to borrow money under
4 certain conditions for such purposes; and providing for the
5 repayment thereof."

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

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

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

20 Section 3 4. Effective date.

←

21 This act shall take effect immediately and shall be
22 retroactive to July 1, 1977.