

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, FEBRUARY 21, 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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30 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

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

5 TITLE 35

6 HEALTH AND SAFETY

7 Part

8 V. Disaster Emergency Services

9 PART V

10 DISASTER EMERGENCY SERVICES

11 Chapter

12 71. General Provisions

13 73. Commonwealth Services

14 75. Local Organizations and Services

15 77. Miscellaneous Provisions

16 CHAPTER 71

17 GENERAL PROVISIONS

18 Subchapter

19 A. Preliminary Provisions

20 B. Interstate Civil Defense and Disaster Compact

21 SUBCHAPTER A

22 PRELIMINARY PROVISIONS

23 Sec.

24 7101. Short title of part.

25 7102. Definitions.

26 7103. Purposes of part.

27 7104. Limitations.

28 § 7101. Short title of part.

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

1 § 7102. Definitions.

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

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

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

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

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

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

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

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

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

16 § 7103. Purposes of part.

17 The purposes of this part are to:

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

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

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

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

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

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

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

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

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

17 § 7104. Limitations.

18 This part is not intended to:

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

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

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

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

13 SUBCHAPTER B

14 INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

15 Sec.

16 7111. Interstate civil defense and disaster compact enacted.

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

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

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

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

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

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

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

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

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

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

30 (f) All materials or equipment used or to be used for civil

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

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

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

8 (i) Mobile support units.

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

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

1 due recognition to such license, certificate or other permit as
2 if issued in the State in which aid is rendered.

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

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

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

28 Article 8. Any party State rendering aid in another State
29 pursuant to this compact shall be reimbursed by the party State
30 receiving such aid for any loss or damage to or expense incurred

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

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

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

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

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

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

29 Article 13. This compact shall continue in force and remain
30 binding on each party State until the Legislature or the

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

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

12 CHAPTER 73

13 COMMONWEALTH SERVICES

14 Subchapter

- 15 A. The Governor and Disaster Emergencies
- 16 B. Office of Emergency Preparedness

17 SUBCHAPTER A

18 THE GOVERNOR AND DISASTER EMERGENCIES

19 Sec.

- 20 7301. General authority of Governor.
- 21 7302. Temporary housing.
- 22 7303. Debris and wreckage removal.
- 23 7304. Community disaster loans.
- 24 7305. Individual and family assistance.
- 25 7306. Appropriation of Federal funds.
- 26 7307. Use and appropriation of unused Commonwealth funds.

27 § 7301. General authority of Governor.

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

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

5 (c) Declaration of disaster emergency.--A disaster emergency
6 shall be declared by executive order or proclamation of the
7 Governor upon finding that a disaster has occurred or that the
8 occurrence or the threat of a disaster is imminent. The state of
9 disaster emergency shall continue until the Governor finds that
10 the threat or danger has passed or the disaster has been dealt
11 with to the extent that emergency conditions no longer exist and
12 terminates the state of disaster emergency by executive order or
13 proclamation, but no state of disaster emergency may continue
14 for longer than 90 days unless renewed by the Governor. The
15 General Assembly by concurrent resolution may terminate a state
16 of disaster emergency at any time. Thereupon, the Governor shall
17 issue an executive order or proclamation ending the state of
18 disaster emergency. All executive orders or proclamations issued
19 under this subsection shall indicate the nature of the disaster,
20 the area or areas threatened and the conditions which have
21 brought the disaster about or which make possible termination of
22 the state of disaster emergency. An executive order or
23 proclamation shall be disseminated promptly by means calculated
24 to bring its contents to the attention of the general public
25 and, unless the circumstances attendant upon the disaster
26 prevent or impede, shall be promptly filed with the Office of
27 Emergency Preparedness AND THE LEGISLATIVE REFERENCE BUREAU FOR <—
28 PUBLICATION UNDER PART II OF TITLE 45 (RELATING TO PUBLICATION
29 AND EFFECTIVENESS OF COMMONWEALTH DOCUMENTS).

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

1 tasks necessary to the removal or clearance operation.

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

8 § 7304. Community disaster loans.

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

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

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

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

1 additional disaster-related expenses of a municipal operation
2 character.

3 § 7305. Individual and family assistance.

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

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

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

24 (b) Grants by Governor.--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.

30 (c) Penalty for false application.--Any person who

1 fraudulently or willfully makes a misstatement of fact in
2 connection with an application for assistance under this section
3 shall be guilty of a misdemeanor of the third degree.

4 § 7306. Appropriation of Federal funds.

5 All moneys received from the Federal Government for the
6 purpose of disaster assistance or relief, including assistance
7 as specified under sections 7302 (relating to temporary
8 housing), 7303 (relating to debris and wreckage removal) and
9 7304 (relating to community disaster loans), shall be paid into
10 the General Fund.

11 § 7307. Use and appropriation of unused Commonwealth funds.

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

21 SUBCHAPTER B

22 OFFICE OF EMERGENCY PREPAREDNESS

23 Sec.

24 7311. Establishment.

25 7312. Organization.

26 7313. Powers and duties.

27 7314. Utilization of existing services and facilities.

28 § 7311. Establishment.

29 There is hereby established the Office of Emergency
30 Preparedness to assist in the direction, control and

1 coordination of disaster emergency services.

2 § 7312. Organization.

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

18 (b) Compensation and expenses.--The members shall serve
19 without compensation but may be reimbursed for their actual and
20 necessary traveling and other expenses incurred in connection
21 with attendance at meetings.

22 (c) Appointment of personnel and expenditure of funds.--The
23 members may employ a Director of Emergency Preparedness and such
24 technical, clerical, stenographic and other personnel, whose
25 compensation shall be fixed by the Executive Board, and may make
26 such expenditures within the appropriation therefor or other
27 funds made available to the office as are necessary to carry out
28 the purposes of this part.

29 (d) Space, equipment and supplies.--The office shall be
30 provided with appropriate space, furniture, equipment, supplies,

1 stationery and printing in the same manner as other Commonwealth
2 agencies are supplied. Required communications capability shall
3 be provided and special consideration shall be given to blast
4 and fallout protection to permit extended operations.

5 § 7313. Powers and duties.

6 The office shall have the following powers and duties:

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

12 (i) Preparedness standards established by the
13 Federal Defense Civil Preparedness Agency.

14 (ii) Commonwealth and local disaster emergency
15 preparedness responsibilities.

16 (iii) Assistance to Commonwealth and local
17 government officials in designing emergency preparedness
18 plans and training programs.

19 (iv) Organization of manpower, chains of command,
20 continuity of government in emergency situations and
21 emergency operational principles.

22 (v) Coordination of Federal, Commonwealth and local
23 disaster emergency preparedness activities.

24 (vi) Coordination of the Commonwealth Emergency
25 Preparedness Plan with the disaster plans of the Federal
26 Government and those of other states.

27 (vii) Assistance to the Commonwealth and local
28 governments in obtaining, utilizing and managing Federal
29 and Commonwealth disaster assistance.

30 (viii) Supply to appropriate Commonwealth and local

1 officials State catalogs of Federal, Commonwealth and
2 private assistance programs.

3 (ix) Identification of areas particularly vulnerable
4 to disasters.

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

11 (xi) Authorization and procedures for the erection
12 or other construction of temporary works designed to
13 protect against or mitigate danger, damage or loss from
14 flood, conflagration or other disaster.

15 (2) To establish, equip and staff Commonwealth and area
16 emergency operations centers and provide a system of disaster
17 communications integrated with those of Federal, Commonwealth
18 and local agencies involved in disaster emergency operations.

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

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

27 (5) To establish and operate or assist political
28 subdivisions in establishing and operating training programs
29 and programs of public information.

30 (6) To supply appropriate Commonwealth and local

1 agencies and officials and the general public with
2 precautionary notices, watches and warnings relating to
3 actual and potential disasters and to provide a flow of
4 official information and instructions to the general public
5 through all means available before, during and after an
6 emergency.

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

9 (8) To determine the need for, maintain information
10 regarding and procure materials, supplies, equipment,
11 facilities and services necessary for disaster emergency
12 readiness, response and recovery.

13 (9) To provide for mobile support units.

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

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

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

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

28 (14) To administer grant programs to political
29 subdivisions for disaster preparedness.

30 (15) To accept and coordinate assistance provided by

1 Federal agencies in major disasters in accordance with the
2 provisions of the Federal Disaster Relief Act of 1974 (Public
3 Law 93-288, 42 U.S.C. § 5121 et seq.), or any amendment or
4 reenactment thereof.

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

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

16 § 7314. Utilization of existing services and facilities.

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

24 CHAPTER 75

25 LOCAL ORGANIZATIONS AND SERVICES

26 Subchapter

27 A. General Provisions

28 B. Payment of Expenses

29 SUBCHAPTER A

30 GENERAL PROVISIONS

1 Sec.

2 7501. General authority of political subdivisions.

3 7502. Local director of emergency preparedness.

4 7503. Powers and duties of political subdivisions.

5 7504. Coordination, assistance and mutual aid.

6 § 7501. General authority of political subdivisions.

7 (a) Establishing disaster emergency preparedness

8 organization.--Each political subdivision of this Commonwealth
9 is directed and authorized to establish a local emergency
10 preparedness organization in accordance with the plan and
11 program of the State Office of Emergency Preparedness. Each
12 local organization shall have responsibility for disaster
13 emergency preparedness, response and recovery within the
14 territorial limits of the political subdivision within which it
15 is organized and, in addition, shall conduct such services
16 outside of its jurisdictional limits as may be required under
17 this part.

18 (b) Declaration of disaster emergency.--A local disaster
19 emergency may be declared by the governing body of a political
20 subdivision upon finding a disaster has occurred or is imminent.
21 The governing body of a political subdivision may authorize the
22 mayor or other chief executive officer to declare a local
23 disaster emergency subject to ratification by the governing
24 body. The declaration shall not be continued or renewed for a
25 period in excess of seven days except by or with the consent of
26 the governing body of the political subdivision. Any order or
27 proclamation declaring, continuing or terminating a local
28 disaster emergency shall be given prompt and general publicity
29 and shall be filed promptly with the State office. The effect of
30 a declaration of a local disaster emergency is to activate the

1 response and recovery aspects of any and all applicable local
2 emergency preparedness plans and to authorize the furnishing of
3 aid and assistance thereunder.

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

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

21 (e) Employment of personnel.--In order to meet prescribed
22 requirements for eligibility to receive Federal contributions
23 authorized under the provisions of the Federal Civil Defense Act
24 of 1950 (64 Stat. 1245, 50 U.S.C. App. § 2251 et seq.) or any
25 amendment or reenactment thereof, political subdivisions are
26 authorized to avail themselves of services offered by the State
27 Civil Service Commission under the provisions of the act of
28 August 5, 1941 (P.L.752, No.286), known as the "Civil Service
29 Act," in connection with the employment of personnel in local
30 organizations established pursuant to the provisions of this

1 part.

2 § 7502. Local director of emergency preparedness.

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

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

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

27 (d) In-service training.--

28 (1) Each appointed director shall:

29 (i) Attend and successfully complete a basic
30 emergency preparedness seminar as prescribed by the State

1 office within one year after appointment.

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

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

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

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

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

19 § 7503. Powers and duties of political subdivisions.

20 Each political subdivision shall:

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

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

1 emergency functions.

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

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

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

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

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

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

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

22 § 7504. Coordination, assistance and mutual aid.

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

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

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

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

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

25 SUBCHAPTER B

26 PAYMENT OF EXPENSES

27 Sec.

28 7511. Appropriations by political subdivisions.

29 7512. Law applicable to local organizations.

30 7513. Agreements among political subdivisions.

1 7514. Payments involving one political subdivision.

2 7515. Payments involving two or more political subdivisions.

3 § 7511. Appropriations by political subdivisions.

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

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

27 § 7512. Law applicable to local organizations.

28 (a) General rule.--Where the jurisdiction of the local
29 organization is coterminous with the political subdivision
30 making an appropriation for the payment of the expenses, the

1 local organization shall be deemed an agency, board or
2 commission of the political subdivision, subject to all of the
3 laws governing the making of contracts or purchases, the
4 employment of persons or otherwise incurring financial
5 obligations which apply to the political subdivision.

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

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

1 of the political subdivisions by a majority vote and each of the
2 subdivisions shall thereupon make an appropriation pursuant to
3 section 7511 (relating to appropriations by political
4 subdivisions) sufficient to pay its share of the expenses of the
5 organization.

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

15 § 7514. Payments involving one political subdivision.

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

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

11 § 7515. Payments involving two or more political subdivisions.

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

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

1 share of expenses agreed to be paid by each of the other
2 political subdivisions.

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

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

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

9 CHAPTER 77

10 MISCELLANEOUS PROVISIONS

11 Sec.

12 7701. Duties concerning disaster prevention.

13 7702. Acceptance of services, gifts, grants and loans.

14 7703. Interstate arrangements.

15 7704. Immunity from civil liability.

16 7705. Special powers of local agencies.

17 § 7701. Duties concerning disaster prevention.

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

27 (b) Department of Environmental Resources.--The Department
28 of Environmental Resources, in conjunction with the State Office
29 of Emergency Preparedness, shall keep land uses and construction
30 of structures and other facilities under continuing study and

1 identify areas which are particularly susceptible to severe land
2 shifting, subsidence, flood or other catastrophic occurrence.
3 The studies under this subsection shall concentrate on means of
4 reducing or avoiding the dangers caused by this occurrence or
5 the consequences thereof.

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

15 § 7702. Acceptance of services, gifts, grants and loans.

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

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

8 § 7703. Interstate arrangements.

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

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

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

1 30 days of its submission, whichever is longer.

2 § 7704. Immunity from civil liability.

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

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

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

30 § 7705. Special powers of local agencies.

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

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

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

1 one year except by action of the General Assembly.

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

6 Section 2. Transfers.

7 All personnel, allocations, appropriations, equipment, files,
8 records, contracts, agreements, obligations, and other material
9 which are used, employed or expended in connection with the
10 powers, duties or functions of the State Council of Civil
11 Defense are hereby transferred to the Office of Emergency
12 Preparedness with the same force and effect as if the
13 appropriations had been made to and the items had been the
14 property of the Office of Emergency Preparedness in the first
15 instance and as if the contracts, agreements and obligations had
16 been incurred or entered into by the Office of Emergency
17 Preparedness.

18 Section 3. 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 4. Effective date.

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