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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1104** Session of  
1977

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

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AS REPORTED FROM COMMITTEE ON MILITARY AND VETERANS AFFAIRS, AS  
AMENDED, SEPTEMBER 11, 1978

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, adding provisions relating to ~~disaster~~ <—  
3 ~~emergency services~~ EMERGENCY MANAGEMENT SERVICES and making <—  
4 repeals.

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

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

10 TITLE 35

11 HEALTH AND SAFETY

12 Part

13 V. ~~Disaster~~ Emergency MANAGEMENT Services ←

14 PART V

15 ~~DISASTER~~ EMERGENCY MANAGEMENT SERVICES ←

16 Chapter

17 71. General Provisions

18 73. Commonwealth Services

19 75. Local Organizations and Services

20 77. Miscellaneous Provisions

21 CHAPTER 71

22 GENERAL PROVISIONS

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24 A. Preliminary Provisions

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26 SUBCHAPTER A

27 PRELIMINARY PROVISIONS

28 Sec.

29 7101. Short title of part.

30 7102. Definitions.

1 7103. Purposes of part.

2 7104. Limitations.

3 § 7101. Short title of part.

4 This part shall be known and may be cited as the "~~Disaster~~ <—

5 ~~Emergency Services Code.~~" "EMERGENCY MANAGEMENT SERVICES CODE." <—

6 § 7102. Definitions.

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

10 "AGENCY." THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY. <—

11 "Disaster." A man-made disaster, natural disaster or war-  
12 caused disaster.

13 "DISASTER EMERGENCY." A DISASTER EMERGENCY SHALL MEAN THOSE <—

14 CONDITIONS WHICH MAY BY INVESTIGATION MADE, BE FOUND, ACTUALLY  
15 OR LIKELY, TO:

16 (1) AFFECT SERIOUSLY THE SAFETY, HEALTH OR WELFARE OF A  
17 SUBSTANTIAL NUMBER OF CITIZENS OF THE COMMONWEALTH OR  
18 PRECLUDE THE OPERATION OR USE OF ESSENTIAL PUBLIC FACILITIES;

19 (2) BE OF SUCH MAGNITUDE OR SEVERITY AS TO RENDER  
20 ESSENTIAL STATE SUPPLEMENTATION OF COUNTY AND LOCAL EFFORTS  
21 OR RESOURCES EXERTED OR UTILIZED IN ALLEVIATING THE DANGER,  
22 DAMAGE, SUFFERING OR HARDSHIP FACED; AND

23 (3) HAVE BEEN CAUSED BY FORCES BEYOND THE CONTROL OF  
24 MAN, BY REASON OF CIVIL DISORDER, RIOT OR DISTURBANCE, OR BY  
25 FACTORS NOT FORESEEN AND NOT KNOWN TO EXIST WHEN  
26 APPROPRIATION BILLS WERE ENACTED.

27 "EMERGENCY MANAGEMENT." EMERGENCY MANAGEMENT IS THE  
28 JUDICIOUS PLANNING, ASSIGNMENT AND COORDINATION OF ALL AVAILABLE  
29 RESOURCES IN AN INTEGRATED PROGRAM OF PREVENTION, MITIGATION,  
30 PREPAREDNESS, RESPONSE AND RECOVERY FOR EMERGENCIES OF ANY KIND,

1 WHETHER FROM ATTACK, MANMADE OR NATURAL SOURCES.

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

17 "LOCAL EMERGENCY." THE CONDITION DECLARED BY THE LOCAL  
18 GOVERNING BODY WHEN IN THEIR JUDGMENT THE THREAT OR ACTUAL  
19 OCCURRENCE OF A DISASTER IS OR THREATENS TO BE OF SUFFICIENT  
20 SEVERITY AND MAGNITUDE TO WARRANT COORDINATED LOCAL GOVERNMENT  
21 ACTION TO PREVENT OR ALLEVIATE THE DAMAGE, LOSS, HARDSHIP OR  
22 SUFFERING THREATENED OR CAUSED THEREBY: PROVIDED, HOWEVER, THAT  
23 A LOCAL EMERGENCY ARISING WHOLLY OR SUBSTANTIALLY OUT OF A  
24 RESOURCE SHORTAGE MAY BE DECLARED ONLY BY THE GOVERNOR, UPON  
25 PETITION OF THE LOCAL GOVERNING BODY, WHEN HE DEEMS THE THREAT  
26 OR ACTUAL OCCURRENCE OF A DISASTER TO BE OF SUFFICIENT SEVERITY  
27 AND MAGNITUDE TO WARRANT COORDINATED LOCAL GOVERNMENT ACTION TO  
28 PREVENT OR ALLEVIATE THE DAMAGE, LOSS, HARDSHIP OR SUFFERING  
29 THREATENED OR CAUSED THEREBY.

30 "Local organization." A local emergency preparedness

1 MANAGEMENT organization. <—

2 "Man-made disaster." Any industrial, nuclear or  
3 transportation accident, explosion, conflagration, power  
4 failure, natural resource shortage or other condition, except  
5 enemy action, resulting from man-made causes, such as oil spills  
6 and other injurious environmental contamination, which threatens  
7 or causes substantial damage to property, human suffering,  
8 hardship or loss of life.

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

14 ~~"Office" or "State office." The Office of Emergency~~ <—  
15 ~~Preparedness.~~

16 "Political subdivision." Any county, city, borough,  
17 incorporated town or township.

18 "RESOURCE SHORTAGE." THE ABSENCE, UNAVAILABILITY OR REDUCED <—  
19 SUPPLY TO ANY RAW OR PROCESSED NATURAL RESOURCE, OR ANY  
20 COMMODITIES, GOODS OR SERVICES OF ANY KIND WHICH BEAR A  
21 SUBSTANTIAL RELATIONSHIP TO THE HEALTH, SAFETY, WELFARE AND  
22 ECONOMIC WELL-BEING OF THE CITIZENS OF THE COMMONWEALTH.

23 "War-caused disaster." Any condition following an attack  
24 upon the United States resulting in substantial damage to  
25 property or injury to persons in the United States caused by use  
26 of bombs, missiles, shellfire, nuclear, radiological, chemical  
27 or biological means, or other weapons or overt paramilitary  
28 actions, or other conditions such as sabotage.

29 § 7103. Purposes of part.

30 The purposes of this part are to:

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

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

6 (3) Provide a setting conducive to the rapid and orderly  
7 start of restoration and rehabilitation of persons and  
8 property affected by disasters.

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

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

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

19 (7) Provide a disaster management system embodying all  
20 aspects of predisaster preparedness and postdisaster  
21 response.

22 (8) Assist in prevention of disaster caused or  
23 aggravated by inadequate planning for and regulation of  
24 public and private facilities and land use.

25 (9) Supplement, without in any way limiting, authority  
26 conferred by previous statutes of this Commonwealth and  
27 increase the capability of the Commonwealth and local  
28 agencies having responsibilities for civil defense to perform  
29 both civil defense and disaster services.

30 (10) FURTHER THE OPERATIONAL CAPACITIES OF THE

<—

1 COMMONWEALTH AGENCIES TO DEAL WITH DISASTER SITUATIONS.

2 (11) FURTHER PROGRAMS OF EDUCATION AND TRAINING.

3 (12) ESTABLISH INTEGRATED COMMUNICATIONS CAPABILITIES  
4 AND WARNING SYSTEMS.

5 § 7104. Limitations.

6 This part is not intended to:

7 (1) Interfere with the course or conduct of a labor  
8 dispute, except that actions otherwise authorized by this  
9 part or other laws may be taken when necessary to forestall  
10 or mitigate imminent or existing danger to public health or  
11 safety.

12 ~~(2) Interfere with dissemination of news or comment on~~ <—  
13 ~~public affairs, except that any communications facility or~~  
14 ~~organization (including but not limited to radio and~~  
15 ~~television stations, wire services and newspapers) may be~~  
16 ~~required to transmit or print public service messages~~  
17 ~~furnishing information or instructions in connection with a~~  
18 ~~disaster emergency.~~

19 ~~(3)~~ (2) Affect the jurisdiction or responsibilities of  
20 police forces, firefighting forces, units of the armed forces  
21 of the United States or of any personnel thereof when on  
22 active duty except that Commonwealth and local disaster  
23 emergency plans shall place reliance upon the forces  
24 available for performance of functions related to disaster  
25 emergencies.

26 ~~(4)~~ (3) Limit, modify or abridge the authority of the <—  
27 Governor to proclaim martial law or exercise any other powers  
28 vested in him under the Constitution, statutes or common law  
29 of this Commonwealth independent of, or in conjunction with,  
30 any provisions of this part.



1 SUBCHAPTER B

2 INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

3 Sec.

4 7111. Interstate civil defense and disaster compact enacted.

5 § 7111. Interstate civil defense and disaster compact enacted.

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

9 Article 1. The purpose of this compact is to provide mutual  
10 aid among the States in meeting any emergency or disaster from  
11 enemy attack or other cause (natural or otherwise), including  
12 sabotage and subversive acts and direct attacks by bombs,  
13 shellfire and atomic, radiological, chemical, bacteriological  
14 means and other weapons. The prompt, full and effective  
15 utilization of the resources of the respective States, including  
16 such resources as may be available from the United States  
17 Government or any other source are essential to the safety, care  
18 and welfare of the people thereof in the event of enemy action  
19 or other emergency, and any other resources, including  
20 personnel, equipment or supplies, shall be incorporated into a  
21 plan or plans of mutual aid to be developed among the civil  
22 defense agencies or similar bodies of the States that are  
23 parties hereto. The directors of civil defense of all party  
24 States shall constitute a committee to formulate plans and to  
25 take all necessary steps for the implementation of this compact.

26 Article 2. It shall be the duty of each party State to  
27 formulate civil defense plans and programs for application  
28 within such State. There shall be frequent consultation between  
29 the representatives of the States and with the United States  
30 Government and the free exchange of information and plans,

1 including inventories of any materials and equipment available  
2 for civil defense. In carrying out such civil defense plans and  
3 programs, the party States shall, so far as possible, provide  
4 and follow uniform standards, practices and rules and  
5 regulations including:

6 (a) Insignia, arm bands and any other distinctive articles  
7 to designate and distinguish the different civil defense  
8 services.

9 (b) Blackouts and practice blackouts, air raid drills,  
10 mobilization of civil defense forces, and other tests and  
11 exercises.

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

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

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

18 (f) All materials or equipment used or to be used for civil  
19 defense purposes in order to assure that such materials and  
20 equipment will be easily and freely interchangeable when used in  
21 or by any other party State.

22 (g) The conduct of civilians and the movement and cessation  
23 of movement of pedestrians and vehicular traffic prior, during  
24 and subsequent to drills or attacks.

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

26 (i) Mobile support units.

27 Article 3. Any party State requested to render mutual aid  
28 shall take such action as is necessary to provide and make  
29 available the resources covered by this compact in accordance  
30 with the terms hereof: Provided, That it is understood that the

1 State rendering aid may withhold resources to the extent  
2 necessary to provide reasonable protection for such State. Each  
3 party State shall extend to the civil defense forces of any  
4 other party State while operating within its State limits under  
5 the terms and conditions of this compact, the same powers  
6 (except that of arrest, unless specifically authorized by the  
7 receiving State), duties, rights, privileges and immunities as  
8 if they were performing their duties in the State in which  
9 normally employed or rendering services. Civil defense forces  
10 will continue under the command and control of their regular  
11 leaders but the organizational units will come under the  
12 operational control of the civil defense authorities of the  
13 State receiving assistance.

14 Article 4. Whenever any person holds a license, certificate  
15 or other permit issued by any State evidencing the meeting of  
16 qualifications for professional, mechanical or other skills,  
17 such person may render aid involving such skill in any party  
18 State to meet an emergency or disaster and such State shall give  
19 due recognition to such license, certificate or other permit as  
20 if issued in the State in which aid is rendered.

21 Article 5. No party State or its officers or employees  
22 rendering aid in another State pursuant to this compact shall be  
23 liable on account of any act or omission in good faith on the  
24 part of such forces while so engaged or on account of the  
25 maintenance or use of any equipment or supplies in connection  
26 therewith.

27 Article 6. Inasmuch as it is probable that the pattern and  
28 detail of the machinery for mutual aid among two or more States  
29 may differ from that appropriate among other States party  
30 hereto, this instrument contains elements of a broad base common

1 to all States and nothing herein contained shall preclude any  
2 State from entering into supplementary agreements with another  
3 State or States. Such supplementary agreements may comprehend  
4 but shall not be limited to provisions for evacuation and  
5 reception of injured and other persons and the exchange of  
6 medical, fire, police, public utility, reconnaissance, welfare,  
7 transportation and communications personnel, equipment and  
8 supplies.

9 Article 7. Each party State shall provide for the payment of  
10 compensation and death benefits to injured members of the civil  
11 defense forces of that State and the representatives of deceased  
12 members of such forces in case such members sustain injuries or  
13 are killed while rendering aid pursuant to this compact in the  
14 same manner and on the same terms as if the injury or death were  
15 sustained within such State.

16 Article 8. Any party State rendering aid in another State  
17 pursuant to this compact shall be reimbursed by the party State  
18 receiving such aid for any loss or damage to or expense incurred  
19 in the operation of any equipment answering a request for aid  
20 and for the cost incurred in connection with such requests:

21 Provided, That any aiding party State may assume in whole or in  
22 part such loss, damage, expense or other cost, or may loan such  
23 equipment or donate such services to the receiving party State  
24 without charge or cost: And, provided further, That any two or  
25 more party States may enter into supplementary agreements  
26 establishing a different allocation of costs as among those  
27 States. The United States Government may relieve the party State  
28 receiving aid from any liability and reimburse the party State  
29 supplying civil defense forces for the compensation paid to and  
30 the transportation, subsistence and maintenance expenses of such

1 forces during the time of the rendition of such aid or  
2 assistance outside the State and may also pay fair and  
3 reasonable compensation for the use or utilization of the  
4 supplies, materials, equipment or facilities so utilized or  
5 consumed.

6 Article 9. Plans for the orderly evacuation and reception of  
7 the civilian population as the result of an emergency or  
8 disaster shall be worked out from time to time between  
9 representatives of the party States and the various local civil  
10 defense areas thereof. Such plans shall include the manner of  
11 transporting such evacuees, the number of evacuees to be  
12 received in different areas, the manner in which food, clothing,  
13 housing, and medical care will be provided, the registration of  
14 the evacuees, the providing of facilities for the notification  
15 of relatives or friends and the forwarding of such evacuees to  
16 other areas, or the bringing in of additional materials,  
17 supplies and all other relevant factors. Such plans shall  
18 provide that the party State receiving evacuees shall be  
19 reimbursed generally for the out-of-pocket expenses incurred in  
20 receiving and caring for such evacuees, for expenditures for  
21 transportation, food, clothing, medicines and medical care and  
22 like items. Such expenditures shall be reimbursed by the party  
23 State of which the evacuees are residents or by the United  
24 States Government under plans approved by it. After the  
25 termination of the emergency or disaster the party State of  
26 which the evacuees are resident shall assume the responsibility  
27 for the ultimate support or repatriation of such evacuees.

28 Article 10. This compact shall be available to any State,  
29 territory or possession of the United States and the District of  
30 Columbia. The term "State" may also include any neighboring

1 foreign country or province or state thereof.

2 Article 11. The committee established pursuant to Article 1  
3 of this compact may request the Civil Defense Agency of the  
4 United States Government to act as an informational and  
5 coordinating body under this compact and representatives of such  
6 agency of the United States Government may attend meetings of  
7 such committee.

8 Article 12. This compact shall become operative immediately  
9 upon its ratification by any State as between it and any other  
10 State or States so ratifying, and shall be subject to approval  
11 by Congress unless prior Congressional approval has been given.  
12 Duly authenticated copies of this compact and of such  
13 supplementary agreements as may be entered into shall, at the  
14 time of their approval, be deposited with each of the party  
15 States and with the Civil Defense Agency and other appropriate  
16 agencies of the United States Government.

17 Article 13. This compact shall continue in force and remain  
18 binding on each party State until the Legislature or the  
19 Governor of such party State takes action to withdraw therefrom.  
20 Such action shall not be effective until 30 days after notice  
21 thereof has been sent by the Governor of the party State  
22 desiring to withdraw to the Governors of all other party States.

23 Article 14. This compact shall be construed to effectuate  
24 the purposes stated in Article 1. If any provision of this  
25 compact is declared unconstitutional or the applicability  
26 thereof to any person or circumstance is held invalid, the  
27 constitutionality of the remainder of this compact and the  
28 applicability thereof to other persons and circumstances shall  
29 not be affected thereby.

30

CHAPTER 73

1 COMMONWEALTH SERVICES

2 Subchapter

3 A. The Governor and Disaster Emergencies

4 ~~B. Office of Emergency Preparedness~~ <—

5 B. PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY <—

6 SUBCHAPTER A

7 THE GOVERNOR AND DISASTER EMERGENCIES

8 Sec.

9 7301. General authority of Governor.

10 7302. Temporary housing.

11 7303. Debris and wreckage removal.

12 7304. Community disaster loans.

13 7305. Individual and family assistance.

14 7306. Appropriation of Federal funds.

15 7307. Use and appropriation of unused Commonwealth funds.

16 7308. EMERGENCY ASSIGNMENTS. <—

17 § 7301. General authority of Governor.

18 (a) Responsibility to meet disasters.--The Governor is  
19 responsible for meeting the dangers to this Commonwealth and  
20 people presented by disasters.

21 (b) Executive orders, proclamations and regulations.--Under  
22 this part, the Governor may issue, amend and rescind executive  
23 orders, proclamations and regulations which shall have the force  
24 and effect of law.

25 (c) Declaration of disaster emergency.--A disaster emergency  
26 shall be declared by executive order or proclamation of the  
27 Governor upon finding that a disaster has occurred or that the  
28 occurrence or the threat of a disaster is imminent. The state of  
29 disaster emergency shall continue until the Governor finds that  
30 the threat or danger has passed or the disaster has been dealt

1 with to the extent that emergency conditions no longer exist and  
2 terminates the state of disaster emergency by executive order or  
3 proclamation, but no state of disaster emergency may continue  
4 for longer than 90 days unless renewed by the Governor. The  
5 General Assembly by concurrent resolution may terminate a state  
6 of disaster emergency at any time. Thereupon, the Governor shall  
7 issue an executive order or proclamation ending the state of  
8 disaster emergency. All executive orders or proclamations issued  
9 under this subsection shall indicate the nature of the disaster,  
10 the area or areas threatened and the conditions which have  
11 brought the disaster about or which make possible termination of  
12 the state of disaster emergency. An executive order or  
13 proclamation shall be disseminated promptly by means calculated  
14 to bring its contents to the attention of the general public  
15 and, unless the circumstances attendant upon the disaster  
16 prevent or impede, shall be promptly filed with the ~~Office of~~ <—  
17 ~~Emergency Preparedness~~ PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY <—  
18 and the Legislative Reference Bureau for publication under Part  
19 II of Title 45 (relating to publication and effectiveness of  
20 Commonwealth documents).

21 (d) Activation of disaster response.--An executive order or  
22 proclamation of a state of disaster emergency shall activate the  
23 disaster response and recovery aspects of the Commonwealth and  
24 local disaster emergency plans applicable to the political  
25 subdivision or area in question and shall be authority for the  
26 deployment and use of any forces to which the plan or plans  
27 apply and for use or distribution of any supplies, equipment and  
28 materials and facilities assembled, stockpiled or arranged to be  
29 made available pursuant to this part or any other provision of  
30 law relating to disaster emergencies.



1 (e) Commander in chief of military forces.--During the  
2 continuance of any state of disaster emergency, the Governor is  
3 commander in chief of the Pennsylvania military forces. To the  
4 greatest extent practicable, the Governor shall delegate or  
5 assign command authority by prior arrangement embodied in  
6 appropriate executive orders or regulations, but this does not  
7 restrict the authority of the Governor to do so by orders issued  
8 at the time of the disaster emergency.

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

11 (1) Suspend the provisions of any regulatory statute  
12 prescribing the procedures for conduct of Commonwealth  
13 business, or the orders, rules or regulations of any  
14 Commonwealth agency, if strict compliance with the provisions  
15 of any statute, order, rule or regulation would in any way  
16 prevent, hinder or delay necessary action in coping with the  
17 emergency.

18 (2) Utilize all available resources of the Commonwealth  
19 Government and each political subdivision of this  
20 Commonwealth as reasonably necessary to cope with the  
21 disaster emergency.

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

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

29 (5) Direct and compel the evacuation of all or part of  
30 the population from any stricken or threatened area within

1 this Commonwealth if this action is necessary for the  
2 preservation of life or other disaster mitigation, response  
3 or recovery.

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

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

9 (8) Suspend or limit the sale, dispensing or  
10 transportation of alcoholic beverages, firearms, explosives  
11 and combustibles.

12 § 7302. Temporary housing.

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

17 (1) To enter into purchase, lease or other arrangements  
18 with any Federal agency for temporary housing units to be  
19 occupied by disaster victims and to make the units available  
20 to any political subdivision of this Commonwealth NAMED AS A ←  
21 PARTY TO THE EMERGENCY OR DISASTER DECLARATION.

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

27 (i) advancing or lending funds available to the  
28 Governor from any appropriation made by the General  
29 Assembly or from any other source;

30 (ii) "passing through" funds made available by any

1 agency, public or private; or  
2 (iii) becoming a copartner with the political  
3 subdivision for the execution and performance of any  
4 temporary housing for disaster victims project;  
5 and for such purposes to pledge the credit of the  
6 Commonwealth on such terms as the Governor deems appropriate  
7 having due regard for current debt transactions of the  
8 Commonwealth.

9 (3) Under such regulations as the Governor shall  
10 prescribe, to temporarily suspend or modify for not to exceed  
11 60 days any public health, safety, zoning, transportation  
12 (within or across this Commonwealth) or other requirement of  
13 statute or regulation within this Commonwealth when by  
14 proclamation the Governor deems the suspension or  
15 modification essential to provide temporary housing for  
16 disaster victims.

17 (b) Acquisition of sites by political subdivisions.--Any  
18 political subdivision of this Commonwealth is expressly  
19 authorized to acquire, temporarily or permanently, by purchase,  
20 lease or otherwise, sites required for installation of temporary  
21 housing units for disaster victims, and to enter into whatever  
22 arrangements ~~(including purchase of temporary housing units and~~ ←  
23 ~~payment of transportation charges)~~ which are necessary to  
24 prepare or equip the sites to utilize the housing units.

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

29 (d) Definitions.--As used in this section "major disaster,"  
30 "emergency" and "temporary housing" shall have the same meanings

1 as defined or used in the Federal Disaster Relief Act of 1974  
2 (Public Law 93-288, 42 U.S.C. § 5121 et seq.).

3 § 7303. Debris and wreckage removal.

4 (a) Authority of Governor.--Whenever the Governor has  
5 declared a disaster emergency to exist under this part, or the  
6 President, at the request of the Governor, has declared a major  
7 disaster or emergency to exist in this Commonwealth, the  
8 Governor is authorized:

9 (1) Notwithstanding any other provision of law, through  
10 the use of Commonwealth agencies or instrumentalities, to  
11 clear or remove from publicly or privately owned land or  
12 water, debris and wreckage which may threaten public health  
13 or safety, or public or private property.

14 (2) To accept funds from the Federal Government and  
15 utilize the funds ~~to~~ OR TO REIMBURSE make grants to any ←  
16 political subdivision for the purpose of removing debris or  
17 wreckage from publicly or privately owned land or water.

18 (b) Authority of Commonwealth personnel.--Whenever the  
19 Governor provides for clearance of debris or wreckage pursuant  
20 to subsection (a), employees of the designated Commonwealth  
21 agencies or individuals appointed by the Commonwealth are  
22 authorized to enter upon private land or waters and perform any  
23 tasks necessary to the removal or clearance operation.

24 (c) Nonliability of Commonwealth personnel.--Except in cases  
25 of willful misconduct, gross negligence or bad faith, any  
26 Commonwealth employee or agent complying with and performing  
27 duties pursuant to orders of the Governor under this section  
28 shall not be liable for death of or injury to persons or damage  
29 to property.

30 § 7304. Community disaster loans.

1 Whenever, at the request of the Governor, the President has  
2 declared a major disaster to exist in this Commonwealth, the  
3 Governor is authorized:

4 (1) Upon determining that a political subdivision of  
5 this Commonwealth will suffer a substantial loss of tax and  
6 other revenues from a major disaster and has demonstrated a  
7 need for financial assistance to perform its governmental  
8 functions, to apply to the Federal Government, on behalf of  
9 the political subdivision, for a loan and to receive and  
10 disburse the proceeds of any approved loan to any applicant  
11 political subdivision.

12 (2) To determine the amount needed by any applicant  
13 political subdivision to restore or resume its governmental  
14 functions and to certify the amount to the Federal  
15 Government. No application amount shall exceed 25% of the  
16 annual operating budget of the applicant for the fiscal year  
17 in which the major disaster occurs.

18 (3) After review, recommend to the Federal Government  
19 the cancellation of all or any part of repayment when, in the  
20 first three full fiscal-year periods following the major  
21 disaster, the revenues of the political subdivision are  
22 insufficient to meet its operating expenses including  
23 additional disaster-related expenses of a municipal operation  
24 character.

25 § 7305. Individual and family assistance.

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

29 (1) Upon determining that assistance under the Federal  
30 Disaster Relief Act of 1974 (Public Law 93-288, 42 U.S.C. §

1 5121 et seq.), and from other means is insufficient to meet  
2 the disaster-related necessary expenses or serious needs of  
3 individuals or families adversely affected by a major  
4 disaster, to accept a grant from the Federal Government for  
5 the purpose of meeting the expenses or needs of disaster  
6 victims, subject to any terms and conditions imposed upon the  
7 grant.

8 (2) To enter into an agreement with the Federal  
9 Government or any Federal agency or officer pledging the  
10 Commonwealth to participate in the funding of the assistance  
11 authorized in paragraph (1) ~~in an amount not to exceed 25%~~ ←  
12 ~~thereof~~ and, if Commonwealth funds are not otherwise  
13 available to the Governor, to accept an advance of the  
14 Commonwealth share from the Federal Government to be repaid  
15 when the Commonwealth is able to do so.

16 (b) Grants by Governor.--To implement subsection (a), the  
17 Governor is authorized to make grants to meet disaster-related  
18 necessary expenses or serious needs of individuals or families  
19 adversely affected by a major disaster declared by the  
20 President. Any grant shall not exceed \$5,000 in the aggregate to  
21 an individual or family in any single major disaster.

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

26 § 7306. Appropriation of Federal funds.

27 All moneys received from the Federal Government for the  
28 purpose of disaster assistance or relief, including assistance  
29 as specified under sections 7302 (relating to temporary  
30 housing), 7303 (relating to debris and wreckage removal) and

1 7304 (relating to community disaster loans), shall be paid into  
2 the General Fund.

3 § 7307. Use and appropriation of unused Commonwealth funds.

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

13 § 7308. EMERGENCY ASSIGNMENTS. <—

14 IN THE CASE OF A DECLARATION OF A STATE OF EMERGENCY BY THE  
15 GOVERNOR, STATE AGENCIES MAY IMPLEMENT THEIR EMERGENCY  
16 ASSIGNMENTS WITHOUT REGARD TO PROCEDURES REQUIRED BY OTHER LAWS  
17 (EXCEPT MANDATORY CONSTITUTIONAL REQUIREMENTS) PERTAINING TO THE  
18 PERFORMANCE OF PUBLIC WORK, ENTERING INTO CONTRACTS, INCURRING  
19 OF OBLIGATIONS, EMPLOYMENT OF TEMPORARY WORKERS, RENTAL OF  
20 EQUIPMENT, PURCHASE OF SUPPLIES AND MATERIALS AND EXPENDITURES  
21 OF PUBLIC FUNDS.

22 SUBCHAPTER B

23 ~~OFFICE OF EMERGENCY PREPAREDNESS~~ <—

24 PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

25 Sec.

26 7311. ~~Establishment~~ CREATION AND ORGANIZATION OF AGENCY. <—

27 7312. Organization.

28 7313. Powers and duties.

29 7314. Utilization of existing services and facilities.

30 ~~§ 7311. Establishment.~~ <—

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

4 ~~§ 7312. Organization.~~

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

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

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



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

7 § 7311. CREATION AND ORGANIZATION OF AGENCY. ←

8 TO ASSURE PROMPT, PROPER AND EFFECTIVE DISCHARGE OF BASIC  
9 COMMONWEALTH RESPONSIBILITIES RELATING TO CIVIL DEFENSE AND  
10 DISASTER PREPAREDNESS, OPERATIONS AND RECOVERY, THERE IS HEREBY  
11 FORMALLY CREATED THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.

12 § 7312. ORGANIZATION.

13 THIS AGENCY SHALL CONSIST OF AND BE ORGANIZED SUBSTANTIALLY  
14 AS FOLLOWS:

15 (A) COUNCIL.--PRIMARY RESPONSIBILITY FOR OVERALL POLICY AND  
16 DIRECTION OF A STATEWIDE CIVIL DEFENSE AND DISASTER PROGRAM AND  
17 RESPONSE CAPABILITY OF THE TYPE HEREINAFTER PRESCRIBED SHALL BE  
18 VESTED IN A BODY LEGALLY KNOWN AS THE PENNSYLVANIA EMERGENCY  
19 MANAGEMENT COUNCIL, WHICH SHALL BE COMPOSED OF: THE GOVERNOR,  
20 LIEUTENANT GOVERNOR, THE ADJUTANT GENERAL, SECRETARY OF HEALTH,  
21 ATTORNEY GENERAL, SECRETARY OF COMMUNITY AFFAIRS, SECRETARY OF  
22 ENVIRONMENTAL RESOURCES, SECRETARY OF TRANSPORTATION, SECRETARY  
23 OF AGRICULTURE, SECRETARY OF PUBLIC WELFARE, COMMISSIONER OF THE  
24 PENNSYLVANIA STATE POLICE, CHAIRMAN OF THE PUBLIC UTILITY  
25 COMMISSION, SPEAKER OF THE HOUSE OF REPRESENTATIVES, PRESIDENT  
26 PRO TEMPORE OF THE SENATE, MINORITY LEADER OF THE SENATE AND  
27 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES MAY AUTHORIZE A  
28 MEMBER OF THEIR RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY TO  
29 SERVE IN THEIR STEAD. THE GOVERNOR MAY DESIGNATE A MEMBER TO  
30 SERVE AS CHAIRMAN. FIVE MEMBERS SHALL CONSTITUTE A QUORUM.

1 (B) COMPENSATION AND EXPENSES.--THE MEMBERS SHALL SERVE  
2 WITHOUT COMPENSATION, BUT MAY BE REIMBURSED FOR THEIR ACTUAL AND  
3 NECESSARY TRAVELING AND OTHER EXPENSES INCURRED IN CONNECTION  
4 WITH ATTENDANCE AT MEETINGS.

5 (C) REGULAR MEETINGS.--FOR THE CONDUCT OF ROUTINE BUSINESS,  
6 INCLUDING PARTICULARLY THE CONSIDERATION OF MATTERS OF BASIC  
7 POLICY, THE COUNCIL SHALL MEET AT THE CALL OF THE CHAIRMAN AND  
8 AT LEAST THREE TIMES DURING EACH CALENDAR YEAR.

9 (D) EMERGENCY MEETINGS.--IN THE EVENT OF ATTACK OR DISASTER  
10 SITUATIONS DETERMINED ACTUALLY OR LIKELY TO BE OF SUCH NATURE,  
11 MAGNITUDE, SEVERITY OR DURATION AS TO NECESSITATE EXTENSIVE OR  
12 EXTRAORDINARY DEPLOYMENT AND USE OF COMMONWEALTH RESOURCES FOR  
13 EMERGENCY PURPOSES, THE CHAIRMAN SHALL, WITHIN NOT MORE THAN 48  
14 HOURS IMMEDIATELY FOLLOWING SUCH DETERMINATION, CALL THE COUNCIL  
15 INTO EMERGENCY SESSION, FOR CONSIDERATION OF ACTIONS TAKEN OR TO  
16 BE TAKEN. IN THE ABSENCE OF THE CHAIRMAN, NOTICE OF SUCH  
17 MEETINGS SHALL BE DISSEMINATED TO THE MEMBERSHIP BY THE STATE  
18 DIRECTOR.

19 (E) STATE DIRECTOR.--TO SUPERVISE THE WORK AND ACTIVITIES  
20 COMPRISING THE STATE CIVIL DEFENSE AND DISASTER PROGRAM, THE  
21 COUNCIL SHALL EMPLOY AN INDIVIDUAL TO ACT, ON A FULL-TIME BASIS,  
22 AS DIRECTOR OF THE STATE AGENCY. THE DIRECTOR SHALL SERVE AT THE  
23 PLEASURE OF THE COUNCIL, SHALL PERFORM ALL SUCH FISCAL,  
24 PLANNING, ADMINISTRATIVE, OPERATIONAL AND OTHER DUTIES AS MAY BE  
25 ASSIGNED TO HIM BY THE COUNCIL AND SHALL ACT AS THE CHAIRMAN'S  
26 PRINCIPAL ASSISTANT IN CIVIL DEFENSE AND DISASTER MATTERS. THE  
27 DIRECTOR IS ALSO THE STATE COORDINATING OFFICER RESPONSIBLE TO  
28 COORDINATE AND SUPERVISE THE STATE AND LOCAL DISASTER RESPONSE  
29 EFFORT FOLLOWING A PRESIDENTIAL DECLARATION OF AN EMERGENCY OR A  
30 MAJOR DISASTER.

1 (F) STAFF.--THE COUNCIL SHALL, WITHIN THE LIMITATIONS OF  
2 APPROPRIATIONS MADE TO THE AGENCY, ARRANGE FOR THE EMPLOYMENT OF  
3 SUCH PROFESSIONAL, TECHNICAL, ADMINISTRATIVE AND OTHER STAFF  
4 PERSONNEL AS MAY BE DEEMED ESSENTIAL TO THE DEVELOPMENT AND  
5 MAINTENANCE OF A STATEWIDE CIVIL DEFENSE AND DISASTER PLAN AND  
6 PROGRAM OF THE TYPE HEREINAFTER PRESCRIBED. ALL SUCH PERSONNEL  
7 SHALL BE EMPLOYED AND SUBJECT TO PERTINENT PROVISIONS OF THE ACT  
8 OF AUGUST 5, 1941 (P.L.752, NO.286), KNOWN AS THE "CIVIL SERVICE  
9 ACT," AND THE COMMONWEALTH COMPENSATION PLAN.

10 (G) OFFICE SPACE, EQUIPMENT AND SERVICES.--THE COUNCIL SHALL  
11 BE FURNISHED NECESSARY AND APPROPRIATE OFFICE SPACE, FURNITURE,  
12 EQUIPMENT, SUPPLIES AND SERVICES IN THE SAME GENERAL MANNER AS  
13 ARE OTHER COMMONWEALTH DEPARTMENTS AND AGENCIES.

14 (H) WEATHER COMMUNICATIONS.--THE AGENCY SHALL MAINTAIN AN  
15 INTEGRATED COMMUNICATIONS CAPABILITY DESIGNED TO PROVIDE TO ALL  
16 AREAS AND COUNTIES WEATHER ADVISORIES, RIVER FORECASTS,  
17 WARNINGS, AND DIRECTION AND CONTROL OF ALL EMERGENCY  
18 PREPAREDNESS FUNCTIONS WITHIN THE COMMONWEALTH.

19 (I) ADMINISTRATIVE PROVISIONS.--EXCEPT AS OTHERWISE PROVIDED  
20 IN THIS ACT, THE OFFICE SHALL BE SUBJECT TO THE PROVISIONS OF  
21 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE  
22 ADMINISTRATIVE CODE OF 1929."

23 § 7313. Powers and duties.

24 The ~~office~~ AGENCY shall have the following powers and duties: <—

25 (1) To prepare, maintain and keep current a ~~Commonwealth~~ <—  
26 PENNSYLVANIA Emergency ~~Preparedness~~ MANAGEMENT Plan for the <—  
27 prevention and minimization of injury and damage caused by  
28 disaster, prompt and effective response to disaster and  
29 disaster emergency relief and recovery. The plan may include  
30 provisions for:

1 (i) Preparedness standards established by the  
2 Federal ~~Defense Civil Preparedness Agency~~ EMERGENCY <—  
3 MANAGEMENT AGENCY.

4 (ii) Commonwealth and local disaster emergency  
5 ~~preparedness~~ MANAGEMENT responsibilities. <—

6 (iii) Assistance to Commonwealth and local  
7 government officials in designing emergency ~~preparedness~~ <—  
8 MANAGEMENT plans and training programs. <—

9 (iv) Organization of manpower, chains of command,  
10 continuity of government in emergency situations and  
11 emergency operational principles.

12 (v) Coordination of Federal, Commonwealth and local  
13 disaster emergency ~~preparedness~~ MANAGEMENT activities. <—

14 (vi) Coordination of the Commonwealth Emergency  
15 ~~Preparedness~~ MANAGEMENT Plan with the disaster plans of <—  
16 the Federal Government and those of other states.

17 (vii) Assistance to the Commonwealth and local  
18 governments in obtaining, utilizing and managing Federal  
19 and Commonwealth disaster assistance.

20 (viii) Supply to appropriate Commonwealth and local  
21 officials State catalogs of Federal, Commonwealth and  
22 private assistance programs.

23 (ix) Identification of areas particularly vulnerable  
24 to disasters.

25 (x) Recommendations for zoning, building and other  
26 land-use controls; safety measures pertaining to  
27 nonpermanent or semipermanent structures; resource  
28 conservation and allocation; and other preventive and  
29 preparedness measures designed to eliminate or reduce  
30 disasters or their impact.

1           (xi) Authorization and procedures for the erection  
2           or other construction of temporary works designed to  
3           protect against or mitigate danger, damage or loss from  
4           flood, conflagration or other disaster.

5           (2) To establish, equip and staff A Commonwealth and       <—  
6           area emergency operations ~~centers~~ CENTER WITH A CONSOLIDATED       <—  
7           STATEWIDE SYSTEM OF WARNING and provide a system of disaster  
8           communications integrated with those of Federal, Commonwealth  
9           and local agencies involved in disaster emergency operations.

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

13          (4) To provide technical advice and assistance to  
14          Commonwealth agencies and political subdivisions in the  
15          preparation of disaster emergency ~~preparedness~~ MANAGEMENT       <—  
16          plans or components thereof and to periodically review such  
17          plans and suggest or require revisions.

18          (5) To establish and operate or assist political  
19          subdivisions in establishing and operating training programs  
20          and programs of public information.

21          (6) To supply appropriate Commonwealth and local  
22          agencies and officials and the general public with  
23          precautionary notices, watches and warnings relating to  
24          actual and potential disasters and to provide a flow of  
25          official information and instructions to the general public  
26          through all means available before, during and after an  
27          emergency.

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

30          (8) To determine the need for, maintain information

1 regarding and procure materials, supplies, equipment,  
2 facilities and services necessary for disaster emergency  
3 readiness, response and recovery.

4 ~~(9) To provide for mobile support units.~~ <—

5 ~~(10)~~ (9) To make or request of Commonwealth or local  
6 agencies and officials, studies, surveys and reports as are  
7 necessary to carry out the purposes of this part.

8 ~~(11)~~ (10) To plan and make arrangements for the <—  
9 availability and use of any private facilities, services and  
10 property and, if necessary and if in fact used, provide for  
11 payment for use under terms and conditions agreed upon.

12 ~~(12)~~ (11) To prepare, for issuance by the Governor, <—  
13 executive orders, proclamations and regulations as necessary  
14 or appropriate in coping with disasters.

15 ~~(13)~~ (12) To cooperate with the Federal Government and <—  
16 any public or private agency or entity in achieving any  
17 purpose of this part and in implementing programs for  
18 disaster prevention, preparation, response and recovery.

19 ~~(14)~~ (13) To administer grant programs to political <—  
20 subdivisions for disaster preparedness MANAGEMENT. <—

21 ~~(15)~~ (14) To accept and coordinate assistance provided <—  
22 by Federal agencies in major disasters in accordance with the  
23 provisions of the Federal Disaster Relief Act of 1974 (Public  
24 Law 93-288, 42 U.S.C. § 5121 et seq.), or any amendment or  
25 reenactment thereof.

26 ~~(16)~~ (15) To respond to disaster relating to atomic <—  
27 energy operations or radioactive objects or materials. Any  
28 such action taken and any regulations adopted by the office  
29 shall be inapplicable to any objects or materials possessing  
30 a radiation-producing capacity less than that set forth as

1 the maximum safety limit by the standards endorsed and as may  
2 be subsequently endorsed by the United States Nuclear  
3 Regulatory Commission for the protection of life and property  
4 and the maintenance of health and safety.

5 ~~(17)~~ (16) To take other action necessary, incidental or <—  
6 appropriate for the implementation of this part.

7 (17) TO REPORT ANNUALLY TO THE GENERAL ASSEMBLY THE <—  
8 STATE OF PREPAREDNESS OF THE COMMONWEALTH TO DEAL WITH ATTACK  
9 OR DISASTER AND THOSE SIGNIFICANT EVENTS OCCURRING WITHIN THE  
10 PAST YEAR.

11 (18) TO RECOMMEND TO THE GOVERNOR LEGISLATION OR OTHER  
12 ACTIONS AS DEEMED NECESSARY IN CONNECTION WITH THE PURPOSES  
13 OF THIS PART.

14 (19) TO PROVIDE, FROM ITS OWN STOCKPILES OR OTHER  
15 SOURCES, EMERGENCY OPERATIONAL EQUIPMENT, MATERIALS AND  
16 SUPPLIES REQUIRED AND AVAILABLE FOR ESSENTIAL SUPPLEMENTATION  
17 OF THOSE OWNED, ACQUIRED AND USED BY STATE, COUNTY AND LOCAL  
18 DEPARTMENTS AND AGENCIES FOR ATTACK AND DISASTER OPERATIONS.

19 (20) FOR A PERIOD OF 30 DAYS OR IMMEDIATELY AFTER AN  
20 EMERGENCY IS DECLARED BY THE GOVERNOR, TO INCUR OBLIGATIONS  
21 FOR OR PURCHASE SUCH MATERIALS AND SUPPLIES AS MAY BE  
22 NECESSARY TO COMBAT A DISASTER, PROTECT THE HEALTH AND SAFETY  
23 OF PERSONS AND PROPERTY AND PROVIDE EMERGENCY ASSISTANCE TO  
24 VICTIMS OF A DISASTER WITHOUT COMPLYING WITH FORMAL BIDDING  
25 OR OTHER TIME-CONSUMING CONTRACT PROCEDURES.

26 § 7314. Utilization of existing services and facilities.

27 In order to avoid duplication of services and facilities, the  
28 ~~office~~ AGENCY shall utilize the services and facilities of <—  
29 existing officers, offices, departments, commissions, boards,  
30 bureaus, institutions and other agencies of the Commonwealth and

1 of the political subdivisions thereof. These officers and  
2 agencies shall cooperate with and extend their services and  
3 facilities to the ~~office~~ AGENCY as requested. <—

4 CHAPTER 75

5 LOCAL ORGANIZATIONS AND SERVICES

6 Subchapter

7 A. General Provisions

8 B. Payment of Expenses

9 SUBCHAPTER A

10 GENERAL PROVISIONS

11 Sec.

12 7501. General authority of political subdivisions.

13 7502. Local ~~director~~ COORDINATOR of emergency <—

14 ~~preparedness~~ MANAGEMENT. <—

15 7503. Powers and duties of political subdivisions.

16 7504. Coordination, assistance and mutual aid.

17 § 7501. General authority of political subdivisions.

18 (a) Establishing ~~disaster~~ emergency ~~preparedness~~ MANAGEMENT <—

19 organization.--Each political subdivision of this Commonwealth

20 is directed and authorized to establish a local emergency

21 ~~preparedness~~ MANAGEMENT organization in accordance with the plan <—

22 and program of the ~~State Office of Emergency Preparedness~~ <—

23 PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY. Each local <—

24 organization shall have responsibility for ~~disaster~~ emergency <—

25 ~~preparedness~~ MANAGEMENT, response and recovery within the <—

26 territorial limits of the political subdivision within which it

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

28 outside of its jurisdictional limits as may be required under

29 this part.

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



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

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

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

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

3 (e) Employment of personnel.--In order to meet prescribed  
4 requirements for eligibility to receive Federal contributions  
5 authorized under the provisions of the Federal Civil Defense Act  
6 of 1950 (64 Stat. 1245, 50 U.S.C. App. § 2251 et seq.) or any  
7 amendment or reenactment thereof, political subdivisions are  
8 authorized to avail themselves of services offered by the State  
9 Civil Service Commission under the provisions of the act of  
10 August 5, 1941 (P.L.752, No.286), known as the "Civil Service  
11 Act," in connection with the employment of personnel in local  
12 organizations established pursuant to the provisions of this  
13 part.

14 § 7502. Local ~~director~~ COORDINATOR of emergency <—

15 ~~preparedness~~ MANAGEMENT. <—

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

22 ~~(b) Appointment. The director shall be appointed by the~~ <—  
23 ~~Governor upon the recommendation of the executive officer or~~  
24 ~~governing body of the political subdivision. A full time county~~  
25 ~~employee shall be designated as director in each county. Upon~~  
26 ~~the failure of the executive officer or governing body of a~~  
27 ~~political subdivision to make a recommendation to the Governor~~  
28 ~~of a candidate for director within the time fixed by the~~  
29 ~~Governor, the Governor is authorized to appoint a director~~  
30 ~~without any recommendation. A candidate for director for two or~~

1 ~~more political subdivisions may be recommended to the Governor~~  
2 ~~for appointment upon agreement by resolution of the governing~~  
3 ~~bodies of such political subdivisions. Any other law~~  
4 ~~notwithstanding, a local government official may be recommended~~  
5 ~~for appointment.~~

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

12 ~~(d) In service training.~~

13 ~~(1) Each appointed director shall:~~

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

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

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

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

27 (B) COUNTY COORDINATOR.--A COORDINATOR SHALL BE APPOINTED IN <—  
28 ALL COUNTIES WITH APPROVAL OF THE DIRECTOR OF THE AGENCY. THE  
29 EXECUTIVE OFFICER OR GOVERNING BODY OF THE COUNTY SHALL  
30 RECOMMEND A COORDINATOR WHOSE RECOMMENDATION MUST BE ENDORSED BY

1 THE DIRECTOR OF THE AGENCY PRIOR TO APPOINTMENT BY THE GOVERNOR.  
2 UPON FAILURE OF THE EXECUTIVE OFFICER OR GOVERNING BODY OF THE  
3 COUNTY TO MAKE A RECOMMENDATION OF A PERSON FOR COORDINATOR  
4 WITHIN THE TIME FIXED BY THE AGENCY, THE GOVERNOR IS AUTHORIZED  
5 TO APPOINT A COORDINATOR BASED UPON THE RECOMMENDATION OF THE  
6 DIRECTOR OF THE AGENCY. THE COORDINATOR OF THE COUNTY  
7 ORGANIZATION SHALL NOT BE ASSIGNED ANY DUTIES THAT WILL CONFLICT  
8 WITH HIS DUTY AS COORDINATOR.

9 (C) LOCAL LEVEL.--AT THE LOCAL LEVEL, THE COORDINATOR SHALL  
10 BE APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE  
11 EXECUTIVE OFFICER OR GOVERNING BODY OF THE POLITICAL  
12 SUBDIVISION. UPON THE FAILURE OF THE EXECUTIVE OFFICER OR  
13 GOVERNING BODY OF A POLITICAL SUBDIVISION TO MAKE A  
14 RECOMMENDATION TO THE GOVERNOR OF A CANDIDATE FOR COORDINATOR  
15 WITHIN THE TIME FIXED BY THE AGENCY, THE GOVERNOR IS AUTHORIZED  
16 TO APPOINT A COORDINATOR WITHOUT ANY RECOMMENDATION. A CANDIDATE  
17 FOR COORDINATOR FOR TWO OR MORE POLITICAL SUBDIVISIONS MAY BE  
18 RECOMMENDED TO THE GOVERNOR FOR APPOINTMENT UPON AGREEMENT BY  
19 RESOLUTION OF THE GOVERNING BODIES OF SUCH POLITICAL  
20 SUBDIVISIONS. ANY OTHER LAW NOTWITHSTANDING, A LOCAL GOVERNMENT  
21 OFFICIAL MAY BE RECOMMENDED FOR APPOINTMENT.

22 (D) QUALIFICATIONS.--THE COORDINATOR SHALL BE PROFESSIONALLY  
23 COMPETENT AND CAPABLE OF PLANNING, EFFECTING COORDINATION AMONG  
24 OPERATING AGENCIES OF GOVERNMENT AND CONTROLLING COORDINATED  
25 OPERATIONS BY LOCAL EMERGENCY PREPAREDNESS FORCES.

26 (E) IN-SERVICE TRAINING.--EACH APPOINTED COORDINATOR SHALL:

27 (1) ATTEND AND SUCCESSFULLY COMPLETE THE FIRST PHASE OF  
28 THE CAREER DEVELOPMENT PROGRAM AS PRESCRIBED BY THE AGENCY  
29 WITHIN ONE YEAR AFTER APPOINTMENT.

30 (2) ATTEND AND SUCCESSFULLY COMPLETE THE SECOND PHASE OF

1 THE CAREER DEVELOPMENT PROGRAM AS PRESCRIBED BY THE AGENCY  
2 WITHIN THREE YEARS AFTER APPOINTMENT.

3 (3) ATTEND BASIC AND ADVANCED SEMINARS, WORKSHOPS AND  
4 TRAINING CONFERENCES CALLED BY THE STATE DIRECTOR AND/OR  
5 OFFICIAL HAVING RESPONSIBILITY FOR PROVIDING THE COORDINATOR  
6 WITH IN-SERVICE TRAINING.

7 (4) FAILURE TO ATTEND THE INSTRUCTION DESCRIBED ABOVE OR  
8 FAILURE TO ATTEND A PRESCRIBED TRAINING CONFERENCE FOR A  
9 PERIOD OF TWO CONSECUTIVE YEARS SHALL BE CAUSE FOR  
10 REPLACEMENT.

11 (5) THE STATE DIRECTOR OF EMERGENCY MANAGEMENT MAY GRANT  
12 CREDIT TOWARD MEETING THE REQUIREMENTS OF THIS SUBSECTION TO  
13 APPOINTED LOCAL COORDINATORS ON THE BASIS OF PRIOR EXPERIENCE  
14 AND TRAINING.

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

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

22 § 7503. Powers and duties of political subdivisions.

23 Each political subdivision shall:

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

30 (2) Establish, equip and staff an emergency operations

1 center, ~~provide communications~~ CONSOLIDATED WITH WARNING AND <—  
2 COMMUNICATION SYSTEMS to support government operations in  
3 emergencies and provide other essential facilities and  
4 equipment for agencies and activities assigned emergency  
5 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~~ AGENCY shall adopt and promulgate under the <—  
17 authority 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~~ EMERGENCY MANAGEMENT <—  
22 plans, rules and orders of the Governor and the ~~State office~~ <—  
23 AGENCY. <—

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

27 § 7504. Coordination, assistance and mutual aid.

28 (a) Responsibility for direction and coordination.--  
29 Direction of disaster emergency MANAGEMENT services is the <—  
30 responsibility of the lowest level of government affected. When

1 two or more political subdivisions within a county are affected,  
2 the county organization shall exercise responsibility for  
3 coordination and support to the area of operations. When two or  
4 more counties are involved, coordination shall be provided by  
5 the ~~State office~~ AGENCY or by area organizations established by <—  
6 the ~~State office~~ AGENCY. <—

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

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

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

27 (E) RATIFICATION.--MUTUAL AID AGREEMENTS SHALL BE RATIFIED <—  
28 BY THE GOVERNING BODIES OF THE POLITICAL SUBDIVISIONS INVOLVED.

29 ~~(e)~~ (F) Control of outside support forces.--Support forces <—  
30 furnished political subdivisions from outside its jurisdiction

1 shall be under the operational control of the department, agency  
2 or office furnishing the force.

3 SUBCHAPTER B

4 PAYMENT OF EXPENSES

5 Sec.

6 7511. Appropriations by political subdivisions.

7 7512. Law applicable to local organizations.

8 7513. Agreements among political subdivisions.

9 7514. Payments involving one political subdivision.

10 7515. Payments involving two or more political subdivisions.

11 § 7511. Appropriations by political subdivisions.

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

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



1 gift or grant to the political subdivision responsible in the  
2 first instance for the payment of bills and claims against the  
3 local organization for the payment of the expenses for which the  
4 appropriation was made.

5 § 7512. Law applicable to local organizations.

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

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

24 § 7513. Agreements among political subdivisions.

25 (a) General rule.--Where a local organization has  
26 jurisdiction in an area including all or parts of more than one  
27 political subdivision which does not include the whole area of  
28 any county, the political subdivisions, all or part of which lie  
29 within the jurisdiction of the organization, shall, before  
30 paying any expenses of the organization, enter into an agreement

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

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

23 § 7514. Payments involving one political subdivision.

24 (a) General rule.--All bills or claims to be paid from any  
25 appropriation made by a political subdivision coterminous with  
26 the local organization, after first being approved by the local  
27 organization or an appropriate officer thereof designated for  
28 that purpose, shall be paid from the treasury of the political  
29 subdivision only upon the warrant or order of the officer or  
30 officers of the political subdivision designated by law to

1 approve or countersign warrants or orders for the payment of the  
2 ordinary expenses of the political subdivision, and shall be  
3 subject to audit in the same manner as other financial  
4 transactions of the political subdivision. In each case, the  
5 officer or officers shall have the same power to approve or  
6 disapprove as they have in case of warrants for ordinary  
7 expenses of the political subdivision, and no warrant or order  
8 for the payment thereof shall be issued without the approval.

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

19 § 7515. Payments involving two or more political subdivisions.

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

1 incurring financial obligations which apply to the political  
2 subdivision.

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

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

30 (d) Gift or grant of money.--Any gift or grant of money made

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

17 CHAPTER 77

18 MISCELLANEOUS PROVISIONS

19 Sec.

20 7701. Duties concerning disaster prevention.

21 7702. Acceptance of services, gifts, grants and loans.

22 7703. Interstate arrangements.

23 7704. Immunity from civil liability.

24 7705. Special powers of local agencies.

25 7706. COMPENSATION FOR ACCIDENTAL INJURY. ←

26 7707. PENALTIES.

27 § 7701. Duties concerning disaster prevention.

28 (a) Governor.--In addition to disaster prevention measures  
29 included in the Commonwealth and local plans, the Governor shall  
30 consider on a continuing basis steps that could be taken to

1 prevent or reduce the harmful consequences of disasters. The  
2 Governor, from time to time, shall make recommendations to the  
3 General Assembly, political subdivisions and other appropriate  
4 public and private entities as may facilitate measures for  
5 prevention or reduction of the harmful consequences of  
6 disasters.

7 (b) Department of Environmental Resources.--The Department  
8 of Environmental Resources, in conjunction with the ~~State Office~~ <—  
9 ~~of Emergency Preparedness~~ PENNSYLVANIA EMERGENCY MANAGEMENT <—  
10 AGENCY, shall keep land uses and construction of structures and  
11 other facilities under continuing study and identify areas which  
12 are particularly susceptible to severe land shifting,  
13 subsidence, flood or other catastrophic occurrence. The studies  
14 under this subsection shall concentrate on means of reducing or  
15 avoiding the dangers caused by this occurrence or the  
16 consequences thereof.

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

26 § 7702. Acceptance of services, gifts, grants and loans.

27 (a) General rule.--Whenever any person or the Federal  
28 Government or any Federal agency or officer offers to the  
29 Commonwealth or, through the Commonwealth, to any political  
30 subdivision, services, equipment, supplies, materials or funds

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

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

19 § 7703. Interstate arrangements.

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

27 (b) Negotiation and status of agreements.--If this action is  
28 taken with jurisdictions that have enacted the Interstate Civil  
29 Defense and Disaster Compact, any resulting agreement or  
30 agreements may be considered supplemental agreements pursuant to

1 Article 6 of that compact. If the other jurisdiction or  
2 jurisdictions with which the Governor proposes to cooperate  
3 pursuant to subsection (a) have not enacted that compact, the  
4 Governor may negotiate special agreements with the jurisdiction  
5 or jurisdictions.

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

13 § 7704. Immunity from civil liability.

14 (a) General rule.--Neither the Commonwealth nor any  
15 political subdivision thereof nor other agencies nor, except in  
16 cases of willful misconduct, the agents, employees or  
17 representatives of any of them engaged in any emergency services  
18 activities, nor except in cases of willful misconduct or gross  
19 negligence any individual or other person under contract with  
20 them to provide equipment or work on a cost basis to be used in  
21 disaster relief, NOR, EXCEPT IN CASES OF WILLFUL MISCONDUCT OR <—  
22 GROSS NEGLIGENCE, ANY PERSON, FIRM, CORPORATION OR AN AGENT OR  
23 EMPLOYEE OF ANY OF THEM ENGAGED IN DISASTER SERVICES ACTIVITIES,  
24 while complying with or attempting to comply with this part or  
25 any rule or regulation promulgated pursuant to the provisions of  
26 this part, shall be liable for the death of or any injury to  
27 persons or loss or damage to property as a result of that  
28 activity.

29 (b) Real estate owners.--Any person, ORGANIZATION OR <—  
30 AUTHORITY owning or controlling real estate or other premises,



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

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

15 § 7705. Special powers of local agencies.

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

25 (b) Water systems.--Whenever the Governor shall have  
26 proclaimed a disaster emergency under section 7301(c) and in the  
27 event that a water system owned or operated by a political  
28 subdivision or municipal authority is damaged, destroyed or made  
29 inoperable as a direct result of such disaster emergency, the  
30 political subdivision or municipal authority shall have the

1 authority to lease or hire such personnel and equipment as may  
2 be needed to effect restoration of such water system. The  
3 political subdivision or municipal authority may be reimbursed  
4 for the cost of such restoration as provided in subsection (c).

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

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

21 § 7706. COMPENSATION FOR ACCIDENTAL INJURY. <—

22 (A) BENEFITS.--ALL DULY ENROLLED EMERGENCY MANAGEMENT  
23 VOLUNTEERS WHO ARE NOT ELIGIBLE TO RECEIVE BENEFITS UNDER THE  
24 WORKMEN'S COMPENSATION LAWS SHALL BE ENTITLED, EXCEPT DURING A  
25 STATE OF WAR OR PERIOD OF ARMED CONFLICT WITHIN THE CONTINENTAL  
26 LIMITS OF THE UNITED STATES, TO THE FOLLOWING BENEFITS RELATING  
27 TO INJURIES SUSTAINED WHILE ACTUALLY ENGAGED IN EMERGENCY  
28 MANAGEMENT ACTIVITIES OR, IN, OR EN ROUTE TO AND FROM EMERGENCY  
29 MANAGEMENT TESTS OR OPERATIONS AUTHORIZED BY THE PENNSYLVANIA  
30 EMERGENCY MANAGEMENT AGENCY AND CARRIED OUT IN ACCORDANCE WITH

1 RULES AND ORDERS PROMULGATED AND ADOPTED BY THE AGENCY:

2 (1) A SUM OF \$2,500 FOR ACCIDENTAL INJURY DIRECTLY  
3 CAUSING OR LEADING TO DEATH.

4 (2) A SUM NOT EXCEEDING \$1,500 FOR REIMBURSEMENT FOR  
5 MEDICAL AND HOSPITAL EXPENSES ASSOCIATED WITH ACCIDENTAL  
6 INJURY.

7 (3) WEEKLY PAYMENTS OF \$50, BEGINNING ON THE EIGHTH DAY  
8 OF DISABILITY DIRECTLY ARISING FROM ACCIDENTAL INJURY  
9 RENDERING THE INDIVIDUAL TOTALLY INCAPABLE OF FOLLOWING HIS  
10 NORMAL GAINFUL PURSUITS.

11 (B) SOURCE OF FUNDS.--ALL BENEFITS HEREBY AUTHORIZED SHALL  
12 BE PAID OUT OF FUNDS APPROPRIATED TO THE AGENCY. PAYMENTS SHALL  
13 BE MADE ON THE BASIS OF CLAIMS SUBMITTED TO THE AGENCY THROUGH  
14 THE DEPARTMENT OF LABOR AND INDUSTRY IN ACCORDANCE WITH RULES  
15 AND ORDERS PROMULGATED AND ADOPTED BY THE AGENCY.

16 § 7707. PENALTIES.

17 (A) GENERAL.--ANY PERSON VIOLATING ANY OF THE PLANS AND  
18 PROGRAMS ADOPTED AND PROMULGATED BY THE PENNSYLVANIA EMERGENCY  
19 MANAGEMENT COUNCIL SHALL, UPON CONVICTION THEREOF IN A SUMMARY  
20 PROCEEDING, BE SENTENCED TO PAY A FINE NOT EXCEEDING \$200 OR  
21 IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH, FOR THE FIRST  
22 OFFENSE, AND A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT  
23 EXCEEDING 90 DAYS, OR BOTH, FOR EACH SUBSEQUENT OFFENSE.

24 (B) LOSS OF FUNDS.--THOSE POLITICAL SUBDIVISIONS IN  
25 VIOLATION OF SECTION 7501 (RELATING TO GENERAL AUTHORITY OF  
26 POLITICAL SUBDIVISIONS), SECTION 7502 (RELATING TO COORDINATOR  
27 OF EMERGENCY MANAGEMENT), SECTION 7503 (RELATING TO POWERS AND  
28 DUTIES OF POLITICAL SUBDIVISIONS) OR SECTION 7504 (RELATING TO  
29 COORDINATION, ASSISTANCE AND MUTUAL AID) SHALL, AT THE DIRECTION  
30 OF THE STATE COUNCIL, BE SUBJECT TO LOSS OF FEDERAL PERSONNEL

1 AND ADMINISTRATIVE FUNDING FOR THE REMAINDER OF THE FISCAL YEAR  
2 IN WHICH CONVICTION IS ESTABLISHED. REINSTATEMENT OF FEDERAL  
3 PERSONNEL AND ADMINISTRATIVE FUNDING SHALL TAKE PLACE THE YEAR  
4 FOLLOWING APPROVAL OF REMEDIAL ACTION TO THE VIOLATION.

5 Section 2. Transfers.

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

19 Section 3. Repeals.

20 The following acts are repealed:

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

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

1 of expenses of local and district councils of civil defense;  
2 authorizing such political subdivisions to borrow money under  
3 certain conditions for such purposes; and providing for the  
4 repayment thereof."

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

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

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

19 Section 4. Effective date.

20 This act shall take effect immediately.