
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, HOUSE OF REPRESENTATIVES,
NOVEMBER 14, 1978

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.

5 TABLE OF CONTENTS

6 TITLE 35

7 HEALTH AND SAFETY

8 PART V. ~~DISASTER~~ EMERGENCY MANAGEMENT SERVICES <—

9 Chapter 71. General Provisions

10 Subchapter A. Preliminary Provisions

11 § 7101. Short title of part.

12 § 7102. Definitions.

13 § 7103. Purposes of part.

14 § 7104. Limitations.

15 Subchapter B. Interstate Civil Defense and Disaster Compact

16 § 7111. Interstate civil defense and disaster compact enacted.

17 Chapter 73. Commonwealth Services

1 Subchapter A. The Governor and Disaster Emergencies

2 § 7301. General authority of Governor.

3 § 7302. Temporary housing.

4 § 7303. Debris and wreckage removal.

5 § 7304. Community disaster loans.

6 § 7305. Individual and family assistance.

7 § 7306. Appropriation of Federal funds.

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

9 § 7308. ~~EMERGENCY LAWS SUSPENDED DURING EMERGENCY ASSIGNMENTS.~~ <—

10 Subchapter B. ~~Office of~~ PENNSYLVANIA Emergency <—

11 ~~Preparedness~~ MANAGEMENT AGENCY <—

12 § 7311. ~~Establishment.~~ CREATION AND ORGANIZATION OF AGENCY. <—

13 § 7312. Organization.

14 § 7313. Powers and duties.

15 § 7314. Utilization of existing services and facilities.

16 Chapter 75. Local Organizations and Services

17 Subchapter A. General Provisions

18 § 7501. General authority of political subdivisions.

19 § 7502. Local ~~director~~ COORDINATOR of emergency <—

20 ~~preparedness~~ MANAGEMENT. <—

21 § 7503. Powers and duties of political subdivisions.

22 § 7504. Coordination, assistance and mutual aid.

23 Subchapter B. Payment of Expenses

24 § 7511. Appropriations by political subdivisions.

25 § 7512. Law applicable to local organizations.

26 § 7513. Agreements among political subdivisions.

27 § 7514. Payments involving one political subdivision.

28 § 7515. Payments involving two or more political subdivisions.

29 Chapter 77. Miscellaneous Provisions

30 § 7701. Duties concerning disaster prevention.

1 § 7702. Acceptance of services, gifts, grants and loans.

2 § 7703. Interstate arrangements.

3 § 7704. Immunity from civil liability.

4 § 7705. Special powers of local agencies.

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

23 Subchapter

24 A. Preliminary Provisions

25 B. Interstate Civil Defense and Disaster Compact

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 "COUNCIL." THE PENNSYLVANIA EMERGENCY MANAGEMENT COUNCIL. <—

12 "DISASTER." A MAN-MADE DISASTER, NATURAL DISASTER OR WAR-
13 CAUSED DISASTER.

14 "DISASTER EMERGENCY." ~~A DISASTER EMERGENCY SHALL MEAN THOSE~~ <—
15 THOSE CONDITIONS WHICH MAY BY INVESTIGATION MADE, BE FOUND,
16 ACTUALLY OR LIKELY, TO:

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

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

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

28 "EMERGENCY MANAGEMENT." ~~EMERGENCY MANAGEMENT IS THE~~ <—
29 JUDICIOUS PLANNING, ASSIGNMENT AND COORDINATION OF ALL AVAILABLE
30 RESOURCES IN AN INTEGRATED PROGRAM OF PREVENTION, MITIGATION,

1 PREPAREDNESS, RESPONSE AND RECOVERY FOR EMERGENCIES OF ANY KIND,
2 WHETHER FROM ATTACK, MAN-MADE OR NATURAL SOURCES.

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

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

1 "Local organization." A local emergency preparedness ←

2 MANAGEMENT organization. ←

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

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

15 ~~"Office" or "State office." The Office of Emergency ←~~
16 ~~Preparedness.~~

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

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

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

30 § 7103. Purposes of part.

1 The purposes of this part are to:

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

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

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

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

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

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

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

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

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

1 (10) FURTHER THE OPERATIONAL CAPACITIES OF THE <—
2 COMMONWEALTH AGENCIES TO DEAL WITH DISASTER SITUATIONS.

3 (11) FURTHER PROGRAMS OF EDUCATION AND TRAINING.

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

6 § 7104. Limitations.

7 This part is not intended to:

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

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

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

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

1 any provisions of this part.

2 SUBCHAPTER B

3 INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

4 Sec.

5 7111. Interstate civil defense and disaster compact enacted.

6 § 7111. Interstate civil defense and disaster compact enacted.

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

10 Article 1

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

28 Article 2

29 It shall be the duty of each party State to formulate civil
30 defense plans and programs for application within such State.

1 There shall be frequent consultation between the representatives
2 of the States and with the United States Government and the free
3 exchange of information and plans, including inventories of any
4 materials and equipment available for civil defense. In carrying
5 out such civil defense plans and programs, the party States
6 shall, so far as possible, provide and follow uniform standards,
7 practices and rules and regulations including:

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

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

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

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

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

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

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

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

28 (i) Mobile support units.

29 Article 3

30 Any party State requested to render mutual aid shall take

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

16 Article 4

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

24 Article 5

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

30 Article 6

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

12 Article 7

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

20 Article 8

21 Any party State rendering aid in another State pursuant to
22 this compact shall be reimbursed by the party State receiving
23 such aid for any loss or damage to or expense incurred in the
24 operation of any equipment answering a request for aid and for
25 the cost incurred in connection with such requests: Provided,
26 That any aiding party State may assume in whole or in part such
27 loss, damage, expense or other cost, or may loan such equipment
28 or donate such services to the receiving party State without
29 charge or cost: And, provided further, That any two or more
30 party States may enter into supplementary agreements

1 establishing a different allocation of costs as among those
2 States. The United States Government may relieve the party State
3 receiving aid from any liability and reimburse the party State
4 supplying civil defense forces for the compensation paid to and
5 the transportation, subsistence and maintenance expenses of such
6 forces during the time of the rendition of such aid or
7 assistance outside the State and may also pay fair and
8 reasonable compensation for the use or utilization of the
9 supplies, materials, equipment or facilities so utilized or
10 consumed.

11 Article 9

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

1 termination of the emergency or disaster the party State of
2 which the evacuees are resident shall assume the responsibility
3 for the ultimate support or repatriation of such evacuees.

4 Article 10

5 This compact shall be available to any State, territory or
6 possession of the United States and the District of Columbia.
7 The term "State" may also include any neighboring foreign
8 country or province or state thereof.

9 Article 11

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

16 Article 12

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

26 Article 13

27 This compact shall continue in force and remain binding on
28 each party State until the Legislature or the Governor of such
29 party State takes action to withdraw therefrom. Such action
30 shall not be effective until 30 days after notice thereof has

1 been sent by the Governor of the party State desiring to
2 withdraw to the Governors of all other party States.

3 Article 14

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

10 CHAPTER 73

11 COMMONWEALTH SERVICES

12 Subchapter

13 A. The Governor and Disaster Emergencies

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

15 B. PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY <—

16 SUBCHAPTER A

17 THE GOVERNOR AND DISASTER EMERGENCIES

18 Sec.

19 7301. General authority of Governor.

20 7302. Temporary housing.

21 7303. Debris and wreckage removal.

22 7304. Community disaster loans.

23 7305. Individual and family assistance.

24 7306. Appropriation of Federal funds.

25 7307. Use and appropriation of unused Commonwealth funds.

26 7308. ~~EMERGENCY~~ LAWS SUSPENDED DURING EMERGENCY ASSIGNMENTS. <—

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~~ PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY <—
28 and the Legislative Reference Bureau for publication under Part
29 II of Title 45 (relating to publication and effectiveness of
30 Commonwealth documents).

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

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

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

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

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

1 disaster emergency.

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

5 (4) Subject to any applicable requirements for
6 compensation under section 7313~~(11)~~(10) (relating to powers ←
7 and duties), commandeer or utilize any private property if
8 necessary to cope with the disaster emergency.

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

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

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

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

22 § 7302. Temporary housing.

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

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

1 PARTY TO THE EMERGENCY OR DISASTER DECLARATION.

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

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

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

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

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

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

27 (b) Acquisition of sites by political subdivisions.--Any
28 political subdivision of this Commonwealth is expressly
29 authorized to acquire, temporarily or permanently, by purchase,
30 lease or otherwise, sites required for installation of temporary

1 housing units for disaster victims, and to enter into whatever
2 arrangements ~~(including purchase of temporary housing units and~~ ←
3 ~~payment of transportation charges)~~ which are necessary to
4 prepare or equip the sites to utilize the housing units.

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

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

13 § 7303. Debris and wreckage removal.

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

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

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

29 (b) Authority of Commonwealth personnel.--Whenever the
30 Governor provides for clearance of debris or wreckage pursuant

1 to subsection (a), employees of the designated Commonwealth
2 agencies or individuals appointed by the Commonwealth are
3 authorized to enter upon private land or waters and perform any
4 tasks necessary to the removal or clearance operation.

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

11 § 7304. Community disaster loans.

12 Whenever, at the request of the Governor, the President has
13 declared a major disaster to exist in this Commonwealth, the
14 Governor is authorized:

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

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

29 (3) After review, recommend to the Federal Government
30 the cancellation of all or any part of repayment when, in the

1 first three full fiscal-year periods following the major
2 disaster, the revenues of the political subdivision are
3 insufficient to meet its operating expenses including
4 additional disaster-related expenses of a municipal operation
5 character.

6 § 7305. Individual and family assistance.

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

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

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

27 (b) Grants by Governor.--To implement subsection (a), the
28 Governor is authorized to make grants to meet disaster-related
29 necessary expenses or serious needs of individuals or families
30 adversely affected by a major disaster declared by the

1 President. Any grant shall not exceed \$5,000 in the aggregate to
2 an individual or family in any single major disaster.

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

7 § 7306. Appropriation of Federal funds.

8 All moneys received from the Federal Government for the
9 purpose of disaster assistance or relief, including assistance
10 as specified under sections 7302 (relating to temporary
11 housing), 7303 (relating to debris and wreckage removal) and
12 7304 (relating to community disaster loans), shall be paid into
13 the General Fund.

14 § 7307. Use and appropriation of unused Commonwealth funds.

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

24 § 7308. ~~EMERGENCY~~ LAWS SUSPENDED DURING EMERGENCY ASSIGNMENTS. <—

25 IN THE CASE OF A DECLARATION OF A STATE OF EMERGENCY BY THE
26 GOVERNOR, ~~STATE~~ COMMONWEALTH AGENCIES MAY IMPLEMENT THEIR <—
27 EMERGENCY ASSIGNMENTS WITHOUT REGARD TO PROCEDURES REQUIRED BY
28 OTHER LAWS (EXCEPT MANDATORY CONSTITUTIONAL REQUIREMENTS)
29 PERTAINING TO THE PERFORMANCE OF PUBLIC WORK, ENTERING INTO
30 CONTRACTS, INCURRING OF OBLIGATIONS, EMPLOYMENT OF TEMPORARY

1 WORKERS, RENTAL OF EQUIPMENT, PURCHASE OF SUPPLIES AND MATERIALS
2 AND EXPENDITURES OF PUBLIC FUNDS.

3 SUBCHAPTER B

4 ~~OFFICE OF EMERGENCY PREPAREDNESS~~ <—

5 PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

6 Sec.

7 7311. ~~Establishment~~ CREATION ~~AND ORGANIZATION OF AGENCY.~~ <—

8 7312. Organization.

9 7313. Powers and duties.

10 7314. Utilization of existing services and facilities.

11 ~~§ 7311. Establishment.~~ <—

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

15 ~~§ 7312. Organization.~~

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

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

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

12 ~~(d) Space, equipment and supplies. The office shall be~~
13 ~~provided with appropriate space, furniture, equipment, supplies,~~
14 ~~stationery and printing in the same manner as other Commonwealth~~
15 ~~agencies are supplied. Required communications capability shall~~
16 ~~be provided and special consideration shall be given to blast~~
17 ~~and fallout protection to permit extended operations.~~

18 § 7311. ~~CREATION AND ORGANIZATION OF AGENCY.~~

<—

19 TO ASSURE PROMPT, PROPER AND EFFECTIVE DISCHARGE OF BASIC
20 COMMONWEALTH RESPONSIBILITIES RELATING TO CIVIL DEFENSE AND
21 DISASTER PREPAREDNESS, OPERATIONS AND RECOVERY, THERE IS HEREBY
22 FORMALLY CREATED THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY.

23 § 7312. ORGANIZATION.

24 THIS AGENCY SHALL CONSIST OF AND BE ORGANIZED SUBSTANTIALLY
25 AS FOLLOWS:

26 (A) COUNCIL.--PRIMARY RESPONSIBILITY FOR OVERALL POLICY AND
27 DIRECTION OF A STATEWIDE CIVIL DEFENSE AND DISASTER PROGRAM AND
28 RESPONSE CAPABILITY OF THE TYPE HEREINAFTER PRESCRIBED SHALL BE
29 VESTED IN A BODY LEGALLY KNOWN AS THE PENNSYLVANIA EMERGENCY
30 MANAGEMENT COUNCIL, WHICH SHALL BE COMPOSED OF: THE GOVERNOR,

1 LIEUTENANT GOVERNOR, ~~THE~~ ADJUTANT GENERAL, SECRETARY OF HEALTH, <—
2 ATTORNEY GENERAL, SECRETARY OF COMMUNITY AFFAIRS, SECRETARY OF
3 ENVIRONMENTAL RESOURCES, SECRETARY OF TRANSPORTATION, SECRETARY
4 OF AGRICULTURE, SECRETARY OF PUBLIC WELFARE, COMMISSIONER OF THE
5 PENNSYLVANIA STATE POLICE, CHAIRMAN OF THE PUBLIC UTILITY
6 COMMISSION, SPEAKER OF THE HOUSE OF REPRESENTATIVES, PRESIDENT
7 PRO TEMPORE OF THE SENATE, MINORITY LEADER OF THE SENATE AND
8 MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES. THE SPEAKER OF <—
9 THE HOUSE OF REPRESENTATIVES, PRESIDENT PRO TEMPORE OF THE
10 SENATE, MINORITY LEADER OF THE SENATE AND MINORITY LEADER OF THE
11 HOUSE OF REPRESENTATIVES MAY AUTHORIZE A MEMBER OF THEIR
12 RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY TO SERVE IN THEIR
13 STEAD. THE GOVERNOR MAY DESIGNATE A MEMBER TO SERVE AS CHAIRMAN.
14 FIVE MEMBERS SHALL CONSTITUTE A QUORUM.

15 (B) COMPENSATION AND EXPENSES.--THE MEMBERS SHALL SERVE
16 WITHOUT COMPENSATION, BUT MAY BE REIMBURSED FOR THEIR ACTUAL AND
17 NECESSARY TRAVELING AND OTHER EXPENSES INCURRED IN CONNECTION
18 WITH ATTENDANCE AT MEETINGS.

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

23 (D) EMERGENCY MEETINGS.--IN THE EVENT OF ATTACK OR DISASTER
24 SITUATIONS DETERMINED ACTUALLY OR LIKELY TO BE OF SUCH NATURE,
25 MAGNITUDE, SEVERITY OR DURATION AS TO NECESSITATE EXTENSIVE OR
26 EXTRAORDINARY DEPLOYMENT AND USE OF COMMONWEALTH RESOURCES FOR
27 EMERGENCY PURPOSES, THE CHAIRMAN SHALL, WITHIN NOT MORE THAN 48
28 HOURS IMMEDIATELY FOLLOWING SUCH DETERMINATION, CALL THE COUNCIL
29 INTO EMERGENCY SESSION, FOR CONSIDERATION OF ACTIONS TAKEN OR TO
30 BE TAKEN. IN THE ABSENCE OF THE CHAIRMAN, NOTICE OF SUCH

1 MEETINGS SHALL BE DISSEMINATED TO THE MEMBERSHIP BY THE STATE
2 DIRECTOR.

3 (E) STATE DIRECTOR.--TO SUPERVISE THE WORK AND ACTIVITIES
4 COMPRISING THE STATE CIVIL DEFENSE AND DISASTER PROGRAM, THE
5 COUNCIL SHALL EMPLOY AN INDIVIDUAL TO ACT, ON A FULL-TIME BASIS,
6 AS DIRECTOR OF THE ~~STATE~~ AGENCY. THE DIRECTOR SHALL SERVE AT THE <—
7 PLEASURE OF THE COUNCIL, SHALL PERFORM ALL SUCH FISCAL,
8 PLANNING, ADMINISTRATIVE, OPERATIONAL AND OTHER DUTIES AS MAY BE
9 ASSIGNED TO HIM BY THE COUNCIL AND SHALL ACT AS THE CHAIRMAN'S
10 PRINCIPAL ASSISTANT IN CIVIL DEFENSE AND DISASTER MATTERS. THE
11 DIRECTOR IS ALSO THE STATE COORDINATING OFFICER RESPONSIBLE TO
12 COORDINATE AND SUPERVISE THE ~~STATE~~ COMMONWEALTH AND LOCAL <—
13 DISASTER RESPONSE EFFORT FOLLOWING A PRESIDENTIAL DECLARATION OF
14 AN EMERGENCY OR A MAJOR DISASTER.

15 (F) STAFF.--THE COUNCIL SHALL, WITHIN THE LIMITATIONS OF
16 APPROPRIATIONS MADE TO THE AGENCY, ARRANGE FOR THE EMPLOYMENT OF
17 SUCH PROFESSIONAL, TECHNICAL, ADMINISTRATIVE AND OTHER STAFF
18 PERSONNEL AS MAY BE DEEMED ESSENTIAL TO THE DEVELOPMENT AND
19 MAINTENANCE OF A STATEWIDE CIVIL DEFENSE AND DISASTER PLAN AND
20 PROGRAM OF THE TYPE HEREINAFTER PRESCRIBED. ALL SUCH PERSONNEL
21 SHALL BE EMPLOYED AND SUBJECT TO PERTINENT PROVISIONS OF THE ACT
22 OF AUGUST 5, 1941 (P.L.752, NO.286), KNOWN AS THE "CIVIL SERVICE
23 ACT," AND THE COMMONWEALTH COMPENSATION PLAN.

24 (G) OFFICE SPACE, EQUIPMENT AND SERVICES.--THE ~~COUNCIL~~ <—
25 AGENCY SHALL BE FURNISHED NECESSARY AND APPROPRIATE OFFICE
26 SPACE, FURNITURE, EQUIPMENT, SUPPLIES AND SERVICES IN THE SAME
27 GENERAL MANNER AS ARE OTHER COMMONWEALTH DEPARTMENTS AND
28 AGENCIES.

29 (H) WEATHER COMMUNICATIONS.--THE AGENCY SHALL MAINTAIN AN
30 INTEGRATED COMMUNICATIONS CAPABILITY DESIGNED TO PROVIDE TO ALL

1 AREAS AND COUNTIES WEATHER ADVISORIES, RIVER FORECASTS,
2 WARNINGS, AND DIRECTION AND CONTROL OF ALL EMERGENCY
3 PREPAREDNESS FUNCTIONS WITHIN THE COMMONWEALTH.

4 (I) ADMINISTRATIVE PROVISIONS.--EXCEPT AS OTHERWISE PROVIDED
5 IN THIS ACT PART, THE OFFICE AGENCY SHALL BE SUBJECT TO THE <—
6 PROVISIONS OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN
7 AS "THE ADMINISTRATIVE CODE OF 1929."

8 § 7313. Powers and duties.

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

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

16 (i) Preparedness standards established by the
17 Federal Defense Civil Preparedness Agency EMERGENCY <—
18 MANAGEMENT AGENCY.

19 (ii) Commonwealth and local disaster emergency
20 preparedness MANAGEMENT responsibilities. <—

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

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

27 (v) Coordination of Federal, Commonwealth and local
28 disaster emergency preparedness MANAGEMENT activities. <—

29 (vi) Coordination of the Commonwealth Emergency
30 Preparedness MANAGEMENT Plan with the disaster plans of <—

1 the Federal Government and those of other states.

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

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

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

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

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

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

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

28 (4) To provide technical advice and assistance to
29 Commonwealth agencies and political subdivisions in the
30 preparation of disaster emergency ~~preparedness~~ MANAGEMENT <—

1 plans or components thereof and to periodically review such
2 plans and suggest or require revisions.

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

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

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

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

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

20 ~~(10)~~ (9) To make or request of Commonwealth or local
21 agencies and officials, studies, surveys and reports as are
22 necessary to carry out the purposes of this part.

23 ~~(11)~~ (10) To plan and make arrangements for the <—
24 availability and use of any private facilities, services and
25 property and, if necessary and if in fact used, provide for
26 payment for use under terms and conditions agreed upon.

27 ~~(12)~~ (11) To prepare, for issuance by the Governor, <—
28 executive orders, proclamations and regulations as necessary
29 or appropriate in coping with disasters.

30 ~~(13)~~ (12) To cooperate with the Federal Government and <—

1 any public or private agency or entity in achieving any
2 purpose of this part and in implementing programs for
3 disaster prevention, preparation, response and recovery.

4 ~~(14)~~ (13) To administer grant programs to political <—
5 subdivisions for disaster ~~preparedness~~ MANAGEMENT. <—

6 ~~(15)~~ (14) To accept and coordinate assistance provided <—
7 by Federal agencies in major disasters in accordance with the
8 provisions of the Federal Disaster Relief Act of 1974 (Public
9 Law 93-288, 42 U.S.C. § 5121 et seq.), or any amendment or
10 reenactment thereof.

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

20 ~~(17)~~ (16) To take other action necessary, incidental or <—
21 appropriate for the implementation of this part.

22 (17) TO REPORT ANNUALLY TO THE GENERAL ASSEMBLY THE <—
23 STATE OF PREPAREDNESS OF THE COMMONWEALTH TO DEAL WITH ATTACK
24 OR DISASTER AND THOSE SIGNIFICANT EVENTS OCCURRING WITHIN THE
25 PAST YEAR.

26 (18) TO RECOMMEND TO THE GOVERNOR LEGISLATION OR OTHER
27 ACTIONS AS DEEMED NECESSARY IN CONNECTION WITH THE PURPOSES
28 OF THIS PART.

29 (19) TO PROVIDE, FROM ITS OWN STOCKPILES OR OTHER
30 SOURCES, EMERGENCY OPERATIONAL EQUIPMENT, MATERIALS AND

1 SUPPLIES REQUIRED AND AVAILABLE FOR ESSENTIAL SUPPLEMENTATION
2 OF THOSE OWNED, ACQUIRED AND USED BY ~~STATE~~ COMMONWEALTH, ←
3 COUNTY AND LOCAL DEPARTMENTS AND AGENCIES FOR ATTACK AND
4 DISASTER OPERATIONS.

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

12 § 7314. Utilization of existing services and facilities.

13 In order to avoid duplication of services and facilities, the
14 ~~office~~ AGENCY shall utilize the services and facilities of ←
15 existing officers, offices, departments, commissions, boards,
16 bureaus, institutions and other agencies of the Commonwealth and
17 of the political subdivisions thereof. These officers and
18 agencies shall cooperate with and extend their services and
19 facilities to the ~~office~~ AGENCY as requested. ←

20 CHAPTER 75

21 LOCAL ORGANIZATIONS AND SERVICES

22 Subchapter

23 A. General Provisions

24 B. Payment of Expenses

25 SUBCHAPTER A

26 GENERAL PROVISIONS

27 Sec.

28 7501. General authority of political subdivisions.

29 7502. Local ~~director~~ COORDINATOR of emergency ←

30 ~~preparedness~~ MANAGEMENT. ←

1 7503. Powers and duties of political subdivisions.

2 7504. Coordination, assistance and mutual aid.

3 § 7501. General authority of political subdivisions.

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

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

1 authorize the furnishing of aid and assistance thereunder.

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

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

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

30 § 7502. Local ~~director~~ COORDINATOR of emergency ←

1 ~~emergency preparedness seminar as prescribed by the State~~
2 ~~office within one year after appointment.~~

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

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

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

13 (B) COUNTY COORDINATOR.--A COORDINATOR SHALL BE APPOINTED IN <—
14 ALL COUNTIES WITH APPROVAL OF THE DIRECTOR OF THE AGENCY. THE
15 EXECUTIVE OFFICER OR GOVERNING BODY OF THE COUNTY SHALL
16 RECOMMEND A COORDINATOR WHOSE RECOMMENDATION MUST BE ENDORSED BY
17 THE DIRECTOR OF THE AGENCY PRIOR TO APPOINTMENT BY THE GOVERNOR.
18 UPON FAILURE OF THE EXECUTIVE OFFICER OR GOVERNING BODY OF THE
19 COUNTY TO MAKE A RECOMMENDATION OF A PERSON FOR COORDINATOR
20 WITHIN THE TIME FIXED BY THE AGENCY, THE GOVERNOR IS AUTHORIZED
21 TO APPOINT A COORDINATOR BASED UPON THE RECOMMENDATION OF THE
22 DIRECTOR OF THE AGENCY. THE COORDINATOR OF THE COUNTY
23 ORGANIZATION SHALL NOT BE ASSIGNED ANY DUTIES THAT WILL CONFLICT
24 WITH HIS DUTY AS COORDINATOR.

25 (C) LOCAL LEVEL.--AT THE LOCAL LEVEL, THE COORDINATOR SHALL
26 BE APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE
27 EXECUTIVE OFFICER OR GOVERNING BODY OF THE POLITICAL
28 SUBDIVISION. UPON THE FAILURE OF THE EXECUTIVE OFFICER OR
29 GOVERNING BODY OF A POLITICAL SUBDIVISION TO MAKE A
30 RECOMMENDATION TO THE GOVERNOR OF A CANDIDATE FOR COORDINATOR

1 WITHIN THE TIME FIXED BY THE AGENCY, THE GOVERNOR IS AUTHORIZED
2 TO APPOINT A COORDINATOR WITHOUT ANY RECOMMENDATION. A CANDIDATE
3 FOR COORDINATOR FOR TWO OR MORE POLITICAL SUBDIVISIONS MAY BE
4 RECOMMENDED TO THE GOVERNOR FOR APPOINTMENT UPON AGREEMENT BY
5 RESOLUTION OF THE GOVERNING BODIES OF SUCH POLITICAL
6 SUBDIVISIONS. ANY OTHER LAW NOTWITHSTANDING, A LOCAL GOVERNMENT
7 OFFICIAL MAY BE RECOMMENDED FOR APPOINTMENT.

8 (D) QUALIFICATIONS.--THE COORDINATOR SHALL BE PROFESSIONALLY
9 COMPETENT AND CAPABLE OF PLANNING, EFFECTING COORDINATION AMONG
10 OPERATING AGENCIES OF GOVERNMENT AND CONTROLLING COORDINATED
11 OPERATIONS BY LOCAL EMERGENCY PREPAREDNESS FORCES.

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

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

16 (2) ATTEND AND SUCCESSFULLY COMPLETE THE SECOND PHASE OF
17 THE CAREER DEVELOPMENT PROGRAM AS PRESCRIBED BY THE AGENCY
18 WITHIN THREE YEARS AFTER APPOINTMENT.

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

23 ~~(4) FAILURE TO ATTEND THE INSTRUCTION DESCRIBED ABOVE OR <—~~
24 ~~FAILURE TO ATTEND A PRESCRIBED TRAINING CONFERENCE FOR A~~
25 ~~PERIOD OF TWO CONSECUTIVE YEARS SHALL BE CAUSE FOR~~
26 ~~REPLACEMENT.~~

27 ~~(5) THE STATE DIRECTOR OF EMERGENCY MANAGEMENT MAY GRANT~~
28 ~~CREDIT TOWARD MEETING THE REQUIREMENTS OF THIS SUBSECTION TO~~
29 ~~APPOINTED LOCAL COORDINATORS ON THE BASIS OF PRIOR EXPERIENCE~~
30 ~~AND TRAINING.~~

1 FAILURE TO ATTEND THE INSTRUCTION DESCRIBED ABOVE OR FAILURE TO <—
2 ATTEND A PRESCRIBED TRAINING CONFERENCE FOR A PERIOD OF TWO
3 CONSECUTIVE YEARS SHALL BE CAUSE FOR REPLACEMENT. THE STATE
4 DIRECTOR OF EMERGENCY MANAGEMENT MAY GRANT CREDIT TOWARD MEETING
5 THE REQUIREMENTS OF THIS SUBSECTION TO APPOINTED LOCAL
6 COORDINATORS ON THE BASIS OF PRIOR EXPERIENCE AND TRAINING.

7 ~~(2)~~ (F) RESPONSIBILITY FOR TRAINING.--Responsibility for the <—
8 professional in-service training of each ~~director~~ COORDINATOR <—
9 rests with each successive higher political subdivision than the
10 one in which the ~~director~~ COORDINATOR is functioning. <—

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

14 § 7503. Powers and duties of political subdivisions.

15 Each political subdivision shall:

16 (1) Prepare, maintain and keep current a disaster
17 emergency ~~preparedness~~ MANAGEMENT plan for the prevention and <—
18 minimization of injury and damage caused by disaster, prompt
19 and effective response to disaster and disaster emergency
20 relief and recovery in consonance with the ~~Commonwealth~~ <—
21 PENNSYLVANIA Emergency ~~Preparedness~~ MANAGEMENT Plan. <—

22 (2) Establish, equip and staff an emergency operations
23 center, ~~provide communications~~ CONSOLIDATED WITH WARNING AND <—
24 COMMUNICATION SYSTEMS to support government operations in
25 emergencies and provide other essential facilities and
26 equipment for agencies and activities assigned emergency
27 functions.

28 (3) Provide individual and organizational training
29 programs to insure prompt, efficient and effective disaster
30 emergency services.

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

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

7 (6) Execute and enforce such rules and orders as the
8 ~~State office~~ AGENCY shall adopt and promulgate under the <—
9 authority of this part.

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

12 (8) Have available for inspection at its emergency
13 operations center all ~~disaster emergency~~ EMERGENCY MANAGEMENT <—
14 plans, rules and orders of the Governor and the ~~State office~~ <—
15 AGENCY. <—

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

19 § 7504. Coordination, assistance and mutual aid.

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

29 (b) Assistance from higher government unit.--When all
30 appropriate locally available forces and resources are fully

1 committed by the affected political subdivision, assistance from
2 a higher level of government shall be provided.

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

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

19 (E) RATIFICATION OF AGREEMENTS.--MUTUAL AID AGREEMENTS SHALL ←
20 BE RATIFIED BY THE GOVERNING BODIES OF THE POLITICAL
21 SUBDIVISIONS INVOLVED.

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

26 SUBCHAPTER B

27 PAYMENT OF EXPENSES

28 Sec.

29 7511. Appropriations by political subdivisions.

30 7512. Law applicable to local organizations.

1 7513. Agreements among political subdivisions.

2 7514. Payments involving one political subdivision.

3 7515. Payments involving two or more political subdivisions.

4 § 7511. Appropriations by political subdivisions.

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

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

28 § 7512. Law applicable to local organizations.

29 (a) General rule.--Where the jurisdiction of the local
30 organization is coterminous with the political subdivision

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

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

17 § 7513. Agreements among political subdivisions.

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

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

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

16 § 7514. Payments involving one political subdivision.

17 (a) General rule.--All bills or claims to be paid from any
18 appropriation made by a political subdivision coterminous with
19 the local organization, after first being approved by the local
20 organization or an appropriate officer thereof designated for
21 that purpose, shall be paid from the treasury of the political
22 subdivision only upon the warrant or order of the officer or
23 officers of the political subdivision designated by law to
24 approve or countersign warrants or orders for the payment of the
25 ordinary expenses of the political subdivision, and shall be
26 subject to audit in the same manner as other financial
27 transactions of the political subdivision. In each case, the
28 officer or officers shall have the same power to approve or
29 disapprove as they have in case of warrants for ordinary
30 expenses of the political subdivision, and no warrant or order

1 for the payment thereof shall be issued without the approval.

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

12 § 7515. Payments involving two or more political subdivisions.

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

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

1 together with a request for reimbursement of the proportionate
2 share of expenses agreed to be paid by each of the other
3 political subdivisions.

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

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

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

10 CHAPTER 77

11 MISCELLANEOUS PROVISIONS

12 Sec.

13 7701. Duties concerning disaster prevention.

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

15 7703. Interstate arrangements.

16 7704. Immunity from civil liability.

17 7705. Special powers of local agencies.

18 7706. COMPENSATION FOR ACCIDENTAL INJURY. <—

19 7707. PENALTIES.

20 § 7701. Duties concerning disaster prevention.

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

30 (b) Department of Environmental Resources.--The Department

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

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

19 § 7702. Acceptance of services, gifts, grants and loans.

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

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

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

12 § 7703. Interstate arrangements.

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

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

29 (c) Legislative approval of agreements.--Any agreement, if
30 sufficient authority for the making thereof does not otherwise

1 exist, becomes effective only after its text has been
2 communicated to the General Assembly and provided that neither
3 House of the General Assembly has disapproved it by adjournment
4 of the next ensuing session competent to consider it or within
5 30 days of its submission, whichever is longer.

6 § 7704. Immunity from civil liability.

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

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

1 other premises for that purpose.

2 (c) Other benefits unaffected.--This section does not affect
3 the right of any person to receive benefits to which he would
4 otherwise be entitled under this part or under the workmen's
5 compensation laws or under any pension law, nor the right of any
6 person to receive any benefits or compensation under any Federal
7 law.

8 § 7705. Special powers of local agencies.

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

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

28 (c) Reimbursement.--Whenever the Governor shall have
29 proclaimed a disaster emergency under section 7301(c), he shall
30 have power to transfer any unused funds which may have been

1 appropriated for the ordinary expenses of government in the
2 General Fund to such ~~State~~ COMMONWEALTH agencies as he may ←
3 direct to be expended for reimbursements as provided in
4 subsections (a) and (b). Such reimbursements shall be made in
5 accordance with and to the extent permitted by regulations
6 issued by such agency or agencies as the Governor may designate
7 to administer the reimbursement programs established by
8 subsections (a) and (b). The total of such transfers shall never
9 exceed \$1,000,000 in any one year except by action of the
10 General Assembly.

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

15 § 7706. COMPENSATION FOR ACCIDENTAL INJURY. ←

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

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

28 (2) A SUM NOT EXCEEDING \$1,500 FOR REIMBURSEMENT FOR
29 MEDICAL AND HOSPITAL EXPENSES ASSOCIATED WITH ACCIDENTAL
30 INJURY.

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

5 (B) SOURCE OF FUNDS.--ALL BENEFITS HEREBY AUTHORIZED SHALL
6 BE PAID OUT OF FUNDS APPROPRIATED TO THE AGENCY. PAYMENTS SHALL
7 BE MADE ON THE BASIS OF CLAIMS SUBMITTED TO THE AGENCY THROUGH
8 THE DEPARTMENT OF LABOR AND INDUSTRY IN ACCORDANCE WITH RULES
9 AND ORDERS PROMULGATED AND ADOPTED BY THE AGENCY.

10 § 7707. PENALTIES.

11 (A) GENERAL RULE.--ANY PERSON VIOLATING ANY OF THE PLANS AND <—
12 PROGRAMS ADOPTED AND PROMULGATED BY THE PENNSYLVANIA EMERGENCY
13 MANAGEMENT COUNCIL SHALL, UPON CONVICTION THEREOF IN A SUMMARY
14 PROCEEDING, BE SENTENCED TO PAY A FINE NOT EXCEEDING \$200 OR
15 IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH, FOR THE FIRST
16 OFFENSE, AND A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT
17 EXCEEDING 90 DAYS OR BOTH, FOR EACH SUBSEQUENT OFFENSE.

18 (B) LOSS OF FUNDS.--THOSE POLITICAL SUBDIVISIONS IN
19 VIOLATION OF SECTION 7501 (RELATING TO GENERAL AUTHORITY OF
20 POLITICAL SUBDIVISIONS), SECTION 7502 (RELATING TO COORDINATOR
21 OF EMERGENCY MANAGEMENT), SECTION 7503 (RELATING TO POWERS AND
22 DUTIES OF POLITICAL SUBDIVISIONS) OR SECTION 7504 (RELATING TO
23 COORDINATION, ASSISTANCE AND MUTUAL AID) SHALL, AT THE DIRECTION
24 OF THE ~~STATE~~ COUNCIL, BE SUBJECT TO LOSS OF FEDERAL PERSONNEL <—
25 AND ADMINISTRATIVE FUNDING FOR THE REMAINDER OF THE FISCAL YEAR
26 IN WHICH CONVICTION IS ESTABLISHED. REINSTATEMENT OF FEDERAL
27 PERSONNEL AND ADMINISTRATIVE FUNDING SHALL TAKE PLACE THE YEAR
28 FOLLOWING APPROVAL OF REMEDIAL ACTION TO THE VIOLATION.

29 Section 2. Transfers.

30 All personnel, allocations, appropriations, equipment, files,

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

13 Section 3. Repeals.

14 The following acts are repealed:

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

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

29 Act of March 19, 1951 (P.L.47, No.7), entitled "An act
30 authorizing the Commonwealth of Pennsylvania to enter into a

1 compact with any other state for mutual helpfulness in meeting
2 any civil defense emergency or disaster."

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

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

13 Section 4. Effective date.

14 This act shall take effect immediately.