50-320

STATE OF PENNSYLVANIA

Official Advance Copy of Statute Enacted at 1978 Session

No. 1978-323

AN ACT

SB 1104

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, adding provisions relating to Emergency Management Services and making repeals.

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

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

TITLE 35
HEALTH AND SAFETY

Part
V. Emergency Management Services

PART V
EMERGENCY MANAGEMENT SERVICES

Chapter
71. General Provisions
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CHAPTER 71
GENERAL PROVISIONS

Subchapter
A. Preliminary Provisions
B. Interstate Civil Defense and Disaster Compact

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SUBCHAPTER A
PRELIMINARY PROVISIONS

Sec.
7101. Short title of part.
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§ 7101. Short title of part.

This part shall be known and may be cited as the "Emergency Management Services Code."

§ 7102. Definitions.

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

"Agency." The Pennsylvania Emergency Management Agency.

"Council." The Pennsylvania Emergency Management Council.

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

"Disaster emergency." Those conditions which may by investigation made, be found, actually or likely, to:

(1) affect seriously the safety, health or welfare of a substantial number of citizens of this Commonwealth or preclude the operation or use of essential public facilities;

(2) be of such magnitude or severity as to render essential State supplementation of county and local efforts or resources exerted or utilized in alleviating the danger, damage, suffering or hardship faced; and

(3) have been caused by forces beyond the control of man, by reason of civil disorder, riot or disturbance, or by factors not foreseen and not known to exist when appropriation bills were enacted.

"Emergency management." The judicious planning, assignment and coordination of all available resources in an integrated program of prevention, mitigation preparedness, response and recovery for emergencies of any kind, whether from attack, man-made or natural sources.

"Emergency services." The preparation for and the carrying out of functions, other than functions for which military forces are primarily responsible, to prevent, minimize and provide emergency repair of injury and damage resulting from disasters, together with all other activities necessary or incidental to the preparation for and carrying out of those functions. The functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, disaster warning services, communications, radiological, shelter, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, emergency

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resources management, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection.

"Local emergency." The condition declared by the local governing body when in their judgment the threat or actual occurrence of a disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby. A local emergency arising wholly or substantially out of a resource shortage may be declared only by the Governor, upon petition of the local governing body, when he deems the threat or actual occurrence of a disaster to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby.

"Local organization." A local emergency management organization.

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

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

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

"Resource shortage." The absence, unavailability or reduced supply of any raw or processed natural resource, or any commodities, goods or services of any kind which bear a substantial relationship to the health, safety, welfare and economic well-being of the citizens of this Commonwealth.

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

§ 7103. Purposes of part.

The purposes of this part are to:

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

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

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

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

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

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

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

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

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

(10) Further the operational capacities of Commonwealth agencies to deal with disaster situations.

(11) Further programs of education and training.

(12) Establish integrated communications capabilities and warning systems.

§ 7104. Limitations.

This part is not intended to:

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

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

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

SUBCHAPTER B
INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

Sec.

7111. Interstate civil defense and disaster compact enacted.

§ 7111. Interstate civil defense and disaster compact enacted.

The Interstate Civil Defense and Disaster Compact is hereby enacted

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into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

Article 1

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

Article 2

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

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

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

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

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

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

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

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

(h) The safety of public meetings or gatherings.

(i) Mobile support units

Article 3

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

Article 4

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

Article 5

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

Article 6

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

Article 7

Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State

and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8

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

Article 9

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

Article 10

This compact shall be available to any State, territory or possession of

the United States and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11

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

Article 12

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

Article 13

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

Article 14

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

CHAPTER 73
COMMONWEALTH SERVICES

Subchapter

A. The Governor and Disaster Emergencies
B. Pennsylvania Emergency Management Agency

SUBCHAPTER A
THE GOVERNOR AND DISASTER EMERGENCIES

Sec.

7301. General authority of Governor.
7302. Temporary housing.
7303. Debris and wreckage removal.

7304. Community disaster loans.
7305. Individual and family assistance.
7306. Appropriation of Federal funds.
7307. Use and appropriation of unused Commonwealth funds.
7308. Laws suspended during emergency assignments.

§ 7301. General authority of Governor.

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

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

(c) Declaration of disaster emergency.—A disaster emergency shall be declared by executive order or proclamation of the Governor upon finding that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. The state of disaster emergency shall continue until the Governor finds that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist and terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than 90 days unless renewed by the Governor. The General Assembly by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the Governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened and the conditions which have brought the disaster about or which make possible termination of the state of disaster emergency. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attending upon the disaster prevent or impede, shall be promptly filed with the Pennsylvania Emergency Management Agency and the Legislative Reference Bureau for publication under Part II of Title 45 (relating to publication and effectiveness of Commonwealth documents).

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

(e) Commander in chief of military forces.—During the continuance of any state of disaster emergency, the Governor is commander in chief of the Pennsylvania military forces. To the greatest extent practicable, the

[redacted]

Governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but this does not restrict the authority of the Governor to do so by orders issued at the time of the disaster emergency.

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

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

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

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

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

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

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

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

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

§ 7302. Temporary housing.

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

(1) To enter into purchase, lease or other arrangements with any Federal agency for temporary housing units to be occupied by disaster victims and to make the units available to any political subdivision of this Commonwealth named as a party to the emergency or disaster declaration.

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

(i) advancing or lending funds available to the Governor from any

appropriation made by the General Assembly or from any other source;

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

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

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

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

(b) Acquisition of sites by political subdivisions.—Any political subdivision of this Commonwealth is expressly authorized to acquire, temporarily or permanently, by purchase, lease or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into whatever arrangements which are necessary to prepare or equip the sites to utilize the housing units.

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

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

§ 7302. Debris and wreckage removal.

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

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

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

(b) Authority of Commonwealth personnel.—Whenever the Governor provides for clearance of debris or wreckage pursuant to subsection (a), employees of the designated Commonwealth agencies or individuals

appointed by the Commonwealth are authorized to enter upon private land or waters and perform any tasks necessary to the removal or clearance operation.

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

§ 7304. Community disaster loans.

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

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

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

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

§ 7305. Individual and family assistance.

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

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

(2) To enter into an agreement with the Federal Government or any Federal agency or officer pledging the Commonwealth to participate in the funding of the assistance authorized in paragraph (1) and, if Commonwealth funds are not otherwise available to the Governor, to accept an advance of the Commonwealth share from the Federal Government to be repaid when the Commonwealth is able to do so.

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

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

§ 7306. Appropriation of Federal funds.

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

§ 7307. Use and appropriation of unused Commonwealth funds.

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

§ 7308. Laws suspended during emergency assignments.

In the case of a declaration of a state of emergency by the Governor, Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials and expenditures of public funds.

SUBCHAPTER B
PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

Sec.

7311. Creation.
7312. Organization.
7313. Powers and duties.
7314. Utilization of existing services and facilities.

§ 7311. Creation.

To assure prompt, proper and effective discharge of basic Commonwealth responsibilities relating to civil defense and disaster preparedness, operations and recovery, there is hereby formally created the Pennsylvania Emergency Management Agency.

§ 7312. Organization.

This agency shall consist of and be organized substantially as follows:

(a) Council.—Primary responsibility for overall policy and direction of a Statewide civil defense and disaster program and response capability of the type hereinafter prescribed shall be vested in a body legally known as the Pennsylvania Emergency Management Council, which shall be composed of: The Governor, Lieutenant Governor, Adjutant General, Secretary of Health, Attorney General, Secretary of Community Affairs, Secretary of Environmental Resources, Secretary of Transportation, Secretary of Agriculture, Secretary of Public Welfare, Commissioner of the Pennsylvania State Police, Chairman of the Public Utility Commission, Speaker of the House of Representatives, President pro tempore of the Senate, Minority Leader of the Senate and Minority Leader of the House of Representatives. The Speaker of the House of Representatives, President pro tempore of the Senate, Minority Leader of the Senate and Minority Leader of the House of Representatives may authorize a member of their respective Houses of the General Assembly to serve in their stead. The Governor may designate a member to serve as chairman. Five members shall constitute a quorum.

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

(c) Regular meetings.—For the conduct of routine business, including particularly the consideration of matters of basic policy, the council shall meet at the call of the chairman and at least three times during each calendar year.

(d) Emergency meetings.—In the event of attack or disaster situations determined actually or likely to be of such nature, magnitude, severity or duration as to necessitate extensive or extraordinary deployment and use of Commonwealth resources for emergency purposes, the chairman shall, within not more than 48 hours immediately following such determination, call the council into emergency session, for consideration of actions taken or to be taken. In the absence of the chairman, notice of such meetings shall be disseminated to the membership by the State director.

(e) State director.—To supervise the work and activities comprising the State Civil Defense and Disaster Program, the council shall employ an individual to act, on a full-time basis, as director of the agency. The director shall serve at the pleasure of the council, shall perform all such fiscal, planning, administrative, operational and other duties as may be assigned to him by the council and shall act as the chairman's principal assistant in civil defense and disaster matters. The director is also the State coordinating officer responsible to coordinate and supervise the Commonwealth and local disaster response effort following a presidential declaration of an emergency or a major disaster.

(f) Staff.—The council shall, within the limitations of appropriations made to the agency, arrange for the employment of such professional,

technical, administrative and other staff personnel as may be deemed essential to the development and maintenance of a Statewide civil defense and disaster plan and program of the type hereinafter prescribed. All such personnel shall be employed and subject to pertinent provisions of the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act," and the Commonwealth Compensation Plan.

(g) Office space, equipment and services.—The agency shall be furnished necessary and appropriate office space, furniture, equipment, supplies and services in the same general manner as are other Commonwealth departments and agencies.

(h) Weather communications.—The agency shall maintain an integrated communications capability designed to provide to all areas and counties weather advisories, river forecasts, warnings, and direction and control of all emergency preparedness functions within the Commonwealth

(i) Administrative provisions.—Except as otherwise provided in this part, the agency shall be subject to the provisions of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

§ 7313. Powers and duties.

The agency shall have the following powers and duties:

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

(i) Preparedness standards established by the Federal Emergency Management Agency

(ii) Commonwealth and local disaster emergency management responsibilities.

(iii) Assistance to Commonwealth and local government officials in designing emergency management plans and training programs.

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

(v) Coordination of Federal, Commonwealth and local disaster emergency management activities.

(vi) Coordination of the Commonwealth Emergency Management Plan with the disaster plans of the Federal Government and those of other states.

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

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

(ix) Identification of areas particularly vulnerable to disasters.

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

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

(2) To establish, equip and staff a Commonwealth and area emergency operations center with a consolidated Statewide system of warning and provide a system of disaster communications integrated with those of Federal, Commonwealth and local agencies involved in disaster emergency operations.

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

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

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

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

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

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

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

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

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

(12) To cooperate with the Federal Government and any public or private agency or entity in achieving any purpose of this part and in

implementing programs for disaster prevention, preparation, response and recovery.

(13) To administer grant programs to political subdivisions for disaster management.

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

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

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

(17) To report annually to the General Assembly the state of preparedness of the Commonwealth to deal with attack or disaster and those significant events occurring within the past year.

(18) To recommend to the Governor legislation or other actions as deemed necessary in connection with the purposes of this part.

(19) To provide, from its own stockpiles or other sources, emergency operational equipment, materials and supplies required and available for essential supplementation of those owned, acquired and used by Commonwealth, county and local departments and agencies for attack and disaster operations.

(20) For a period of 30 days or immediately after an emergency is declared by the Governor, to incur obligations for or purchase such materials and supplies as may be necessary to combat a disaster, protect the health and safety of persons and property and provide emergency assistance to victims of a disaster without complying with formal bidding or other time-consuming contract procedures.

§ 7314. Utilization of existing services and facilities.

In order to avoid duplication of services and facilities, the agency shall utilize the services and facilities of existing officers, offices, departments, commissions, boards, bureaus, institutions and other agencies of the Commonwealth and of the political subdivisions thereof. These officers and agencies shall cooperate with and extend their services and facilities to the agency as requested.

CHAPTER 75
LOCAL ORGANIZATIONS AND SERVICES

Subchapter

A. General Provisions
B. Payment of Expenses

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

7501. General authority of political subdivisions.
7502. Local coordinator of emergency management.
7503. Powers and duties of political subdivisions.
7504. Coordination, assistance and mutual aid.

§ 7501. General authority of political subdivisions.

(a) Establishing emergency management organization.—Each political subdivision of this Commonwealth is directed and authorized to establish a local emergency management organization in accordance with the plan and program of the Pennsylvania Emergency Management Agency. Each local organization shall have responsibility for emergency management, response and recovery within the territorial limits of the political subdivision within which it is organized and, in addition, shall conduct such services outside of its jurisdictional limits as may be required under this part.

(b) Declaration of disaster emergency.—A local disaster emergency may be declared by the governing body of a political subdivision upon finding a disaster has occurred or is imminent. The governing body of a political subdivision may authorize the mayor or other chief executive officer to declare a local disaster emergency subject to ratification by the governing body. The declaration shall not be continued or renewed for a period in excess of seven days except by or with the consent of the governing body of the political subdivision. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the agency. The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local emergency management plans and to authorize the furnishing of aid and assistance thereunder.

(c) Contracts and obligations.—In carrying out the provisions of this part, each political subdivision shall have the power to enter into contracts and incur obligations necessary to disaster emergency management, response and recovery.

(d) Temporary suspension of formal requirements.—Each political subdivision included in a declaration of disaster emergency is authorized pursuant to section 7301(c) (relating to general authority of Governor) to exercise the powers vested under this section in the light of the exigencies of

the emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds.

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

§ 7502. Local coordinator of emergency management.

(a) General rule.—Each local organization of emergency management shall have a coordinator who shall be responsible for the planning, administration and operation of the local organization subject to the direction and control of the executive officer or governing body.

(b) County coordinator.—A coordinator shall be appointed in all counties with approval of the director of the agency. The executive officer or governing body of the county shall recommend a coordinator whose recommendation must be endorsed by the director of the agency prior to appointment by the Governor. Upon failure of the executive officer or governing body of the county to make a recommendation of a person for coordinator within the time fixed by the agency, the Governor is authorized to appoint a coordinator based upon the recommendation of the director of the agency. The coordinator of the county organization shall not be assigned any duties that will conflict with his duty as coordinator.

(c) Local level.—At the local level, the coordinator shall be appointed by the Governor upon the recommendation of the executive officer or governing body of the political subdivision. Upon the failure of the executive officer or governing body of a political subdivision to make a recommendation to the Governor of a candidate for coordinator within the time fixed by the agency, the Governor is authorized to appoint a coordinator without any recommendation. A candidate for coordinator for two or more political subdivisions may be recommended to the Governor for appointment upon agreement by resolution of the governing bodies of such political subdivisions. Any other law notwithstanding, a local government official may be recommended for appointment.

(d) Qualifications.—The coordinator shall be professionally competent and capable of planning, effecting coordination among operating agencies of government and controlling coordinated operations by local emergency preparedness forces.

(e) In-service training.—Each appointed coordinator shall:

(1) Attend and successfully complete the first phase of the career development program as prescribed by the agency within one year after appointment.

(2) Attend and successfully complete the second phase of the career development program as prescribed by the agency within three years after appointment.

(3) Attend basic and advanced seminars, workshops and training conferences called by the State director and/or official having responsibility for providing the coordinator with in-service training.

Failure to attend the instruction described in this subsection or failure to attend a prescribed training conference for a period of two consecutive years shall be cause for replacement. The State Director of Emergency Management may grant credit toward meeting the requirements of this subsection to appointed local coordinators on the basis of prior experience and training.

(f) Responsibility for training.—Responsibility for the professional in-service training of each coordinator rests with each successive higher political subdivision than the one in which the coordinator is functioning.

(g) Expenses.—Each appointed coordinator shall be reimbursed for actual expenses incurred in the performance of his duties and attendance at scheduled meetings.

§ 7503. Powers and duties of political subdivisions.

Each political subdivision shall:

(1) Prepare, maintain and keep current a disaster emergency management plan for the prevention and minimization of injury and damage caused by disaster, prompt and effective response to disaster and disaster emergency relief and recovery in consonance with the Pennsylvania Emergency Management Plan.

(2) Establish, equip and staff an emergency operations center, consolidated with warning and communication systems to support government operations in emergencies and provide other essential facilities and equipment for agencies and activities assigned emergency functions.

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

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

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

(6) Execute and enforce such rules and orders as the agency shall adopt and promulgate under the authority of this part.

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

(8) Have available for inspection at its emergency operations center all emergency management plans, rules and orders of the Governor and the agency.

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

§ 7504. Coordination, assistance and mutual aid.

(a) Responsibility for direction and coordination.—Direction of disaster emergency management services is the responsibility of the lowest level of government affected. When two or more political subdivisions within a county are affected, the county organization shall exercise responsibility for coordination and support to the area of operations. When two or more counties are involved, coordination shall be provided by the agency or by area organizations established by the agency.

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

(c) Municipal mutual aid agreements.—County and local coordinators of emergency management shall develop mutual aid agreements with adjacent political subdivisions for reciprocal emergency assistance. The agreements shall be consistent with the plans and programs of the agency. In disaster emergencies, requests for mutual aid assistance shall be referred to the organization having responsibility for coordination as specified in subsection (a) and in time of emergency it shall be the duty of each local organization to render assistance in accordance with the provisions of the mutual aid agreements.

(d) Interstate mutual aid arrangements.—The coordinator of each local organization may, subject to approval of the Governor, enter into mutual aid arrangements with similar agencies or organizations in other states for reciprocal disaster emergency services.

(e) Ratification of agreements.—Mutual aid agreements shall be ratified by the governing bodies of the political subdivisions involved.

(f) Control of outside support forces.—Support forces furnished political subdivisions from outside its jurisdiction shall be under the operational control of the department, agency or office furnishing the force.

SUBCHAPTER B
PAYMENT OF EXPENSES

Sec.

7511. Appropriations by political subdivisions.
7512. Law applicable to local organizations.
7513. Agreements among political subdivisions.
7514. Payments involving one political subdivision.
7515. Payments involving two or more political subdivisions.

§ 7511. Appropriations by political subdivisions.

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

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

§ 7512. Law applicable to local organizations.

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

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

§ 7513. Agreements among political subdivisions.

(a) General rule.—Where a local organization has jurisdiction in an area including all or parts of more than one political subdivision which does not include the whole area of any county, the political subdivisions, all or part of which lie within the jurisdiction of the organization, shall, before paying any expenses of the organization, enter into an agreement designating one of the political subdivisions as the agent of each of them for the purpose of paying the expenses of the local organization. The

agreement shall also set forth the proportionate share of the expenses of the organization to be paid by each political subdivision party to the agreement and an estimate of the amount required to be appropriated by each of them for the purpose of paying the expenses. The agreement shall be effective when approved by the corporate authorities of each of the political subdivisions by a majority vote and each of the subdivisions shall thereupon make an appropriation pursuant to section 7511 (relating to appropriations by political subdivisions) sufficient to pay its share of the expenses of the organization.

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

§ 7514. Payments involving one political subdivision.

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

(b) Gift or grant of money.—Any gift or grant of money made to the local organization or to the political subdivision for the payment of expenses incurred or to be incurred by or for the organization shall be deposited in the treasury of the political subdivision and shall be appropriated by the political subdivision for the purpose for which the gift or grant was made, and any bills or claims to be paid from the gift or grant shall be paid in the manner provided in this subchapter for the payment of other bills and claims against the political subdivision.

§ 7515. Payments involving two or more political subdivisions.

(a) General rule.—Where two or more political subdivisions have entered into an agreement as provided by section 7513 (relating to agreements among political subdivisions), all bills and claims for expenses incurred by or for the local organization shall thereafter be paid in the first instance by the political subdivision named as agent in the agreement in the manner provided in section 7514 (relating to payments involving one political subdivision) as though the organization were coterminous with

the political subdivision, and the organization shall be subject to all of the laws governing the making of contracts or purchases, the employment of persons or otherwise incurring financial obligations which apply to the political subdivision.

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

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

(d) Gift or grant of money.—Any gift or grant of money made to or for the local organization, if made to a political subdivision, shall be deposited in its treasury and be appropriated by it for the purpose for which the gift or grant was made and the political subdivision shall notify the political subdivision named as agent in the agreement of the appropriation and the purpose for which it is available. If the gift or grant of money is made to the organization, it shall be deposited in the treasury of the political subdivision named as agent in the agreement and shall be appropriated by the political subdivision for the purpose for which the gift or grant was made. Any expenditure made by the agent political subdivision from any gift or grant deposited in its treasury or reimbursed from any gift or grant deposited in the treasury of any other political subdivision shall not be included in computing the reimbursement requested from any other political subdivision under the agreement.

CHAPTER 77
MISCELLANEOUS PROVISIONS

Sec.
7701. Duties concerning disaster prevention.
7702. Acceptance of services, gifts, grants and loans.
7703. Interstate arrangements.
7704. Immunity from civil liability.
7705. Special powers of local agencies.
7706. Compensation for accidental injury.
7707. Penalties.

§ 7701. Duties concerning disaster prevention.

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

(b) Department of Environmental Resources.—The Department of Environmental Resources, in conjunction with the Pennsylvania Emergency Management Agency, shall keep land uses and construction of structures and other facilities under continuing study and identify areas which are particularly susceptible to severe land shifting, subsidence, flood or other catastrophic occurrence. The studies under this subsection shall concentrate on means of reducing or avoiding the dangers caused by this occurrence or the consequences thereof.

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

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

(a) General rule.—Whenever any person or the Federal Government or any Federal agency or officer offers to the Commonwealth or, through the Commonwealth, to any political subdivision, services, equipment, supplies, materials or funds by way of gift, grant or loan for purposes of disaster emergency services, the Commonwealth, acting through the Governor, or the political subdivision, acting with the consent of the Governor and through its executive officer or governing body, may accept the offer and upon acceptance the Governor or executive officer or governing body of the political subdivision may authorize any officer of the Commonwealth or of the political subdivision, as the case may be, to

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

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

§ 7703. Interstate arrangements.

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

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

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

§ 7704. Immunity from civil liability.

(a) General rule.—Neither the Commonwealth nor any political subdivision thereof nor other agencies nor, except in cases of willful misconduct, the agents, employees or representatives of any of them engaged in any emergency services activities, nor, except in cases of willful misconduct or gross negligence, any individual or other person under contract with them to provide equipment or work on a cost basis to be used in disaster relief, nor, except in cases of willful misconduct or gross negligence, any person, firm, corporation or an agent or employee of any of them engaged in disaster services activities, while complying with or attempting to comply with this part or any rule or regulation promulgated pursuant to the provisions of this part, shall be liable for the death of or any injury to persons or loss or damage to property as a result of that activity.

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

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

§ 7705. Special powers of local agencies.

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

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

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

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

§ 7706. Compensation for accidental injury.

(a) Benefits.—A duly enrolled emergency management volunteers who are not eligible to receive benefits under the Workmen's Compensation Laws shall be entitled, except during a state of war or period of armed conflict within the continental limits of the United States, to the following benefits relating to injuries sustained while actually engaged in emergency management activities or in or en route to and from emergency management tests or operations authorized by the Pennsylvania Emergency Management Agency and carried out in accordance with rules and orders promulgated and adopted by the agency:

(1) A sum of $2,500 for accidental injury directly causing or leading to death.

(2) A sum not exceeding $1,500 for reimbursement for medical and hospital expenses associated with accidental injury.

(3) Weekly payments of $50, beginning on the eighth day of disability directly arising from accidental injury rendering the individual totally incapable of following his normal gainful pursuits.

(b) Source of funds.—All benefits hereby authorized shall be paid out of funds appropriated to the agency. Payments shall be made on the basis of claims submitted to the agency through the Department of Labor and Industry in accordance with rules and orders promulgated and adopted by the agency.

§ 7707. Penalties.

(a) General rule.—Any person violating any of the plans and programs adopted and promulgated by the Pennsylvania Emergency Management Council shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding $200 or imprisonment not exceeding 30 days or both, for the first offense, and a fine not exceeding $500 or imprisonment not exceeding 90 days or both, for each subsequent offense.

(b) Loss of funds.—Those political subdivisions in violation of section 7501 (relating to general authority of political subdivisions), section 7502 (relating to local coordinator of emergency management), section 7503 (relating to powers and duties of political subdivisions) or section 7504 (relating to coordination, assistance and mutual aid) shall, at the direction of the council, be subject to loss of Federal personnel and administrative funding for the remainder of the fiscal year in which conviction is established. Reinstatement of Federal personnel and administrative funding shall take place the year following approval of remedial action to the violation.

Section 2. Transfers.

All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations, and other material which are used, employed or expended in connection with the powers, duties or functions of the State Council of Civil Defense are hereby transferred to the Pennsylvania Emergency Management Agency with the same force and effect as if the appropriations had been made to and the items had been the

property of the Pennsylvania Emergency Management Agency in the first instance and as if the contracts, agreements and obligations had been incurred or entered into by the Pennsylvania Emergency Management Agency.

Section 3. Repeals.

The following acts are repealed:

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

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

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

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

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

Section 4. Effective date.

This act shall take effect immediately.

APPROVED—The 26th day of November, A. D. 1978.

MILTON J. SHAPP

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