

acknowledgments of written instruments, and to make uniform the law with relation thereto," is hereby amended to read as follows:

Section 2. Acknowledgment within the State.—The acknowledgment of any instrument may be made in this State before—

- (1) A judge of a court of record;
- (2) A clerk, prothonotary or deputy prothonotary or deputy clerk of a court having a seal;
- (3) A recorder of deeds or *deputy recorder of deeds*;
- (4) A notary public;
- (5) A justice of the peace, magistrate or alderman.

Prior acknowledgments validated.

Section 2. All acknowledgments of written instruments heretofore made before and certified by any deputy recorder of deeds are hereby validated. All such instruments in writing so acknowledged and certified may be offered in evidence without further proof. If such instrument so acknowledged and certified conveys or relates to or concerns any interest in lands, it may be recorded in the recorder's office of the county or counties where such lands lie and the record of same made before or after the passage of this act shall be constructive notice of all matters contained therein, and such record or exemplification of same duly certified shall be legal evidence in all cases in which the original would be competent evidence.

APPROVED—The 15th day of March, A. D. 1951.

JOHN S. FINE

No. 4

AN ACT

Relating to the civil defense of this State and its coordination with national defense; providing for the establishment of a State Council of Civil Defense, local and district councils of civil defense, Mobile Support Units; prescribing the powers, duties and immunities thereof and of their personnel; authorizing mutual aid compacts, and providing penalties.

"State Council of Civil Defense Act of 1951."

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

Section 1. Short Title.—This act shall be known and may be cited as the "State Council of Civil Defense Act of 1951."

Section 2. Establishment of State Council of Civil Defense.—The Governor is hereby authorized and empowered in time of emergency or public need in the nation or the State to create, by proclamation, a State Council of Civil Defense, hereinafter designated as the

“Council,” for the general purpose of assisting in the coordination of the State and local activities related to national and State civil defense. Whenever he deems it expedient, the Governor may, by proclamation, dissolve or suspend such Council or reestablish it after any such dissolution or suspension.

Section 3. Organization of Council.—(a) The Council shall consist of the Governor, ex officio, the Adjutant General, the Auditor General, the Secretary of Internal Affairs, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, their respective successors in office, and five citizens of Pennsylvania to be appointed by the Governor. The Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Minority Leader of the Senate and the Minority Leader of the House of Representatives may authorize a member of their respective branches of the General Assembly to serve in their stead on said Council. The Council shall elect a chairman from the membership and five members of the Council shall constitute a quorum. The terms of the members appointed by the Governor shall expire with the terms of the Governor appointing them.

(b) The Council may employ a Director of Civil Defense and such technical, clerical, stenographic and other personnel, fix their compensation and may make such expenditures within the appropriation therefor or other funds made available to it as are necessary to carry out the purposes of this act.

(c) The members of the Council shall serve without compensation but may be reimbursed for their actual and necessary traveling and other expenses incurred in connection with attendance upon meetings of the Council.

(d) The Council shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as other State agencies are supplied.

(e) The Council shall be subject to the provisions of The Administrative Code of 1929, the act of April ninth, one thousand nine hundred twenty-nine, Pamphlet Laws 177, as amended, except as in this act otherwise provided.

Section 4. Powers and Duties.—The Council shall have the following powers and duties:

(a) To prepare a comprehensive plan and program for the civil defense of this Commonwealth, such plan and program to be integrated into and coordinated with the civil defense plans of the Federal Government and of other States to the fullest possible extent, and to

coordinate the preparation of plans and programs for civil defense by the political subdivisions of this State, such plans and programs to be integrated into and coordinated with the civil defense plan and program of this Commonwealth to the fullest possible extent;

(b) To cooperate with the Federal Civil Defense Administration or with any other similar Federal Civil Defense agencies hereafter created and with any departments or other Federal agencies engaged in civil defense activities;

(c) To supervise and direct investigations and report to the Governor with recommendations for legislation or other appropriate action as deemed necessary in connection with the purposes of this act;

(d) To create committees either within or without its membership to aid it in the discharge of its powers and duties;

(e) To require and direct the cooperation and assistance of State and local governmental agencies and officials;

(f) To do all acts and things not inconsistent with law for the furtherance of civil defense activities;

(g) To undertake, supervise or direct the making of studies and surveys of all activities, matters and things which are or may be related to civil defense, but not limited to the nature, extent, location and availability for use within the State of industrial materials and facilities, production and manufacturing facilities, transportation facilities, agriculture, food and water supply and land use, labor supply and training, labor relations and human resources, professions, trades and skills, housing and related facilities, hospitals, clinics and other health and sanitation facilities, educational facilities, recreational areas and facilities, consumers and consumer protection, welfare, finance, mobilization and coordination of the police, firefighting, health, medical and welfare forces of the State, for the protection of the people against air raid shelling or other enemy action, fire, flood, famine, violence, riot, insurrection, disaster, the protection of civil liberties and maintenance of law and order, and any and all other subjects and matters deemed by the Council to be relevant or germane to civil defense;

(h) To cooperate with agencies established by or pursuant to the laws of the several states to promote civil defense, and to cooperate with and coordinate the work and activities of all local Councils of the State and of all other agencies having substantially similar objects and purposes;

(i) To create or designate agencies of the Council to aid and assist under this act and to grant authority to

such agencies as may be deemed necessary for the effective accomplishment of any of its functions, powers and duties;

(j) To adopt, promulgate and enforce rules and orders not inconsistent with rules or orders of the United States Army or Navy or of the Federal Civil Defense Administration with respect to the organization, recruiting, training, maintenance and operation of aircraft warning services, observation and listening posts, information and control centers, and such other services and facilities as may be necessary for the prompt reception and transmission of air raid warnings and signals;

(k) To prescribe and direct activities to the extent related to civil defense in connection with but not limited to the following: Salvage and prevention of waste of strategic materials, conservation of transportation facilities, training and supply of labor, utilization of industrial plants, health and medical care, nutrition, housing, including the use of existing public and private facilities, rehabilitation, education, welfare, childcare, recreation for industrial workers and members of the armed forces, and other civilian programs in furtherance of civil defense.

Section 5. Mobile Support Units.—(a) The Council is authorized to create and establish such number of Mobile Support Units as may be necessary to reinforce civil defense organizations in stricken areas and, with due consideration of the plans of the Federal Government and all other states, to appoint a Commander for each Mobile Support Unit who shall have primary responsibility for the organization, administration and operation of such support unit. Mobile Support Units shall be called to duty upon orders of the Governor and shall perform their functions in any part of the State or, upon the conditions specified in this section, in other states.

All personnel of Mobile Support Units shall, while on duty, be subject to the operational control of the authority in charge of civil defense activities in the area in which they are serving and shall be reimbursed for all actual and necessary travel and subsistence expenses.

*(b) All personnel of Mobile Support Units shall be regarded as employes of the State for all the purposes of the Pennsylvania Workmen's Compensation Act, as last reenacted and amended by the act, approved the twenty-first day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 520), and its subsequent amendments, and shall be entitled to receive compensation in case of injuries received while actually engaged as members of a Mobile Support Unit in performing any

*“(b)” omitted in original.

duty provided for by this act or while going to or coming from the performance of any such duties. The State as employer shall in all such cases be deemed to have knowledge of all other employment of all such members, including self-employment, and shall be liable for compensation on account of all wages and earnings resulting therefrom. In all cases where an injury compensable hereunder is received by a member of a Mobile Support Unit who is in whole or in part a self-employer and loss of earnings results therefrom, such earnings shall be regarded as wages. The average weekly wage as so regarded shall be that most favorable to the employe, computed by dividing by thirteen the total earnings of the employe in the first, second, third or fourth period of thirteen consecutive calendar weeks in the fifty-two weeks immediately preceding the accident.

(c) The State shall reimburse a political subdivision for the actual and necessary travel, subsistence and maintenance expenses of employes of such political subdivision while serving as members of a Mobile Support Unit and for all payments for death, disability or injury of such employes incurred in the course of such duty and for all losses of or damage to supplies and equipment of such political subdivision resulting from the operation of such Mobile Support Unit.

(d) Whenever a Mobile Support Unit of another state shall render aid in this State pursuant to the orders of the Governor of its home state and upon the request of the Governor of this State, the personnel thereof shall have the powers, duties, rights, privileges and immunities of civil defense employes of this State, except compensation, and this State shall reimburse such other state for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of the personnel of such Mobile Support Units while rendering such aid and for all payments for death, disability or injury of such personnel incurred in the course of rendering such aid and for all losses of or damage to supplies and equipment of such other state or a political subdivision thereof resulting from the rendering of such aid: Provided, That the laws of such other state contain provisions substantially similar to this section.

(e) No personnel of Mobile Support Units of this State shall be ordered by the Governor to operate in any other state unless the laws of such other state contain provisions substantially similar to this section.

Section 6. Utilization of Existing Services and Facilities.—In order to avoid duplication of services and facilities, the Council and the local and district councils of civil defense established under the authority of this

act are directed to 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. All such officers and agencies shall cooperate with and extend their services and facilities to the Council and to the local and district councils of civil defense as they shall request.

Section 7. Local Organizations for Civil Defense.— Each political subdivision of this State is hereby authorized and directed to establish a local organization for civil defense in accordance with the State Civil Defense plan and program. Each local organization for civil defense shall have a Director who shall be appointed by the Governor upon the recommendation of the executive officer or governing body of the political subdivision. The Director shall be responsible for the organization, administration and operation of such local organization for civil defense, subject to the direction and control of such executive officer or governing body.

Upon the failure of the executive officer or governing body of a political subdivision to make a recommendation to the Governor of a person for Director within the time fixed by the Governor, the Governor is authorized to appoint a Director without any recommendation. Each local organization for civil defense shall perform civil defense functions within the territorial limits of the political subdivision within which it is organized and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of Section 8 of this act.

In carrying out the provisions of this act, each political subdivision shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. Each political subdivision is authorized, in the event of an extreme emergency as proclaimed by the Governor for the entire State or one or more political subdivisions, to exercise the powers vested under this section in the light of the exigencies of the extreme 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. The proclamation or proclamations herein referred to shall be in addition to the proclamation mentioned in Section 2 of this act.

It shall be the duty of every local council of civil defense to execute and enforce such rules and orders as the State Council of Civil Defense shall adopt and promulgate under the authority of this act. Each local council of civil defense shall have available for inspection at its office all rules and orders adopted by the State Council of Civil Defense.

Section 8. District Councils of Civil Defense.—In cooperation with local officials, the Council is authorized to establish district councils of civil defense in critical areas of the Commonwealth of special importance in defense activities. Such district councils shall act as coordinating agencies under the supervision and direction of the Council and in cooperation with local governmental agencies.

It shall be the duty of every district council of civil defense to execute and enforce such rules and orders as the State Council of Civil Defense shall adopt and promulgate under the authority of this act. Each district council of civil defense shall have available for inspection at its office all rules and orders adopted by the State Council of Civil Defense.

Section 9. Authority to Accept Services, Gifts, Grants and Loans.—(a) Whenever the Federal Government or any agency or officer thereof shall offer to the State, or through the State to any political subdivision thereof, services, equipment, supplies, materials or funds by way of gift, grant or loan for purposes of civil defense, the State acting through the Governor, or such political subdivision acting with the consent of the Governor and through its executive officer or governing body, may accept such offer, and upon such acceptance the Governor of the State or executive officer or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials or funds on behalf of the State or such political subdivision and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

(b) Whenever any person, firm or corporation shall offer to the State or to any political subdivision thereof, services, equipment, supplies, materials or funds by way of gift, grant or loan for purposes of civil defense, the State acting through the Governor, or such political subdivision acting through its executive officer or governing body, may accept such offer, and upon such acceptance the Governor of the State or executive officer or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services,

equipment, supplies, materials or funds on behalf of the State or such political subdivision and subject to the terms of the offer.

(c) All equipment, supplies and materials referred to in (a) and (b) hereof shall, when accepted by the Commonwealth, be treated as the property of the State and shall be subject to the relevant provisions of The Administrative Code of 1929, unless the General Assembly shall otherwise direct.

Section 10. Mutual Aid Arrangements.—(a) The Director of each local organization for civil defense may in collaboration with other public and private agencies within this State and in accordance with the authority conferred upon the State by the “Federal Civil Defense Act of 1950” (Public Law 920, Eighty-first Congress, 2d Session, approved January 12, 1951), develop or cause to be developed mutual aid arrangements for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the State Civil Defense plan and program, and in time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual aid arrangements.

(b) The Director of each local organization for civil defense may, subject to the approval of the Governor, enter into mutual aid arrangements with civil defense agencies or organizations in other states for reciprocal civil defense aid and assistance.

Section 11. Immunity.—Neither the State nor any political subdivision thereof nor other agencies nor, except in cases of wilful misconduct, the agents, employes or representatives of any of them engaged in any civil defense activities, while complying with or attempting to comply with this act or any rule or regulation promulgated pursuant to the provisions of this act, shall be liable for the death of or any injury to persons or damage to property as a result of such activity. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this act or under the Workmen’s Compensation Law or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

Section 12. Civil Defense Personnel.—No person shall be employed or associated in any capacity in any civil defense organization established under this act who advocates or has advocated a change by force or violence in the constitutional form of government of the United States or in this State, or the overthrow of any government in the United States by force or violence, or who

has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath in writing before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

“I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Pennsylvania against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion and that I will well and faithfully discharge the duties upon which I am about to enter;

“And I do further swear (or affirm) that I do not advocate nor am I a member or an affiliate of any organization, group or combination of persons that advocates the overthrow of the Government of the United States or of this State by force or violence, and that during such time as I am a member of the (name of civil defense organization) I will not advocate nor become a member nor an affiliate of any organization, group or combination of persons that advocates the overthrow of the Government of the United States or of this State by force or violence.”

Section 13. Penalties.—Any person violating any of the rules and orders adopted and promulgated under Section 4 by the State Council of Civil Defense shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars (\$50) or imprisonment not exceeding thirty (30) days, or both, for the first offense, and a fine not exceeding two hundred dollars (\$200) or imprisonment not exceeding ninety (90) days, or both, for each subsequent offense.

Section 14. Separability of Provisions.—If any provisions of this act or the application of such provision to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 15. Repealer.—The act, approved the nineteenth day of March, one thousand nine hundred forty-one (Pamphlet Laws 6), entitled, as amended, “An act relating to national and State defense, providing for the establishment of a State Council of Defense and of local and district councils of defense, prescribing the powers and duties thereof, and providing penalties” is hereby repealed. All other acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

Section 16. Effective Date.—This act shall become effective immediately upon its final enactment.

APPROVED—The 19th day of March, A. D. 1951.

JOHN S. FINE

No. 5

AN ACT

To amend the title of and to further amend the act, approved the thirteenth day of April, one thousand nine hundred forty-two (Pamphlet Laws 37), entitled "An act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances, and providing penalties," by changing the name of the State Council of Defense and the reference to certain laws.

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

"Air Raid Precautions Act."

Section 1. The title of the act, approved the thirteenth day of April, one thousand nine hundred forty-two (Pamphlet Laws 37), entitled "An act relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances, and providing penalties," is hereby amended to read as follows:

Title, act of April 13, 1942, P. L. 37, amended.

AN ACT

Amended title.

Relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of *Civil* Defense, local and district Councils of *Civil* Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of cer-