

No. 6

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.

Civil defense appropriations.

Definitions.

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

Section 1. Definitions.—The following words and phrases used in this act shall have the meanings ascribed to them in this section:

“Political subdivisions” shall mean any county, city, borough, incorporated town and township;

“Local and district councils of civil defense” shall mean those established pursuant to the act, approved the nineteenth day of March, one thousand nine hundred fifty-one (Pamphlet Laws 28), entitled “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.”

Political subdivisions empowered to make civil defense appropriations.

Section 2. Every political subdivision shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivisions, for the payment of expenses of local and district councils of civil defense and for protection and preparation for the protection of the health, welfare and safety of the civilian population of the said political subdivision during emergencies resulting from air raids, blackouts or sabotage. A political subdivision in making such appropriations shall specify the amounts and purposes for which the moneys so appropriated may be used by such councils of civil defense or other agency to or for which such appropriation may be made.

Where jurisdiction of local or district council of civil defense is coterminous with political subdivision making appropriation for payment of civil defense expenses.

Section 3. (a) Where the jurisdiction of the local or district council of civil defense is coterminous with the political subdivision making an appropriation for the payment of the expenses of the local or district council of civil defense, such local or district council of civil defense shall be 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. All bills or claims to be paid from any appropriation made pursuant to this act, after first being approved by the local or district council of civil defense or an appropriate officer thereof designated for the purpose, shall be paid from the treasury of the political subdivision only upon the warrant or order of the officer or officers of such political subdivision designated by law to approve or countersign warrants or orders for the payment of the ordinary expenses of such political subdivision, and shall be subject to audit in the same manner as other financial transactions of such political subdivision. In each case, the said officer or officers shall have the same power to approve or disapprove the same 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 such approval. Any gift or grant of money made to the local or district council of civil defense or to the political subdivision for the payment of expenses incurred or to be incurred by or for the local or district council of civil defense shall be deposited in the treasury of the political subdivision and shall be appropriated by the political subdivision for the purpose for which such gift or grant was made, and any bills or claims to be paid from such gift or grant shall be paid in the manner herein provided for the payment of other bills and claims against such political subdivision.

(b) Where a local or district council of civil defense 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 such local or district council of civil defense, shall, before paying any expenses of such local or district council of civil defense, enter into an agreement designating one of said political subdivisions as the agent of each of them for the purpose of paying the expenses of the local or district council of civil defense. The agreement shall also set forth the proportionate share of the expenses of the local or district council of civil defense to be paid by each political subdivision party to said agreement and an estimate of the amount required to be appropriated by each of them for the purpose of paying such expenses. The agreement shall be effective when approved by the corporate authorities of each of said political subdivisions by a majority vote, and each of said subdivisions shall thereupon make an appropriation pursuant to section two of this act sufficient to pay its share of the expenses of the local or district council of civil defense.

Where local or district council of defense 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.

All bills and claims for expenses incurred by or for the local or district council of civil defense shall thereafter be paid in the first instance by the political subdivision named as agent in the aforesaid agreement in the manner provided in paragraph (a) of this section as though the local or district council of civil defense were coterminous with such political subdivision, and the local or district council of civil defense 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 such political subdivision. 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 local or district council of civil defense paid by it during the preceding calendar month to each of the other political subdivisions party to the said agreement, together with a request for reimbursement of the proportionate share of such expenses agreed to be paid by each of such other political subdivisions. Each political subdivision so requested to make reimbursement shall do so within thirty days after such request from the appropriation made for the payment of the expenses of the local or district council of civil defense, and, in the event of failure to do so, mandamus shall lie to compel the officers of such political subdivision to pay the agreed upon proportionate share of the proper expenses of the local or district council of civil defense out of the first moneys thereafter in the treasury of such political subdivision and not previously pledged to any other purpose: Provided, That no political subdivision shall be compelled to pay for any one year an amount greater than the amount estimated in the agreement as its proportionate share. The books and records of the political subdivision designated as agent in the agreement shall at all reasonable times be open to inspection by any authorized agent of each other political subdivision party to the agreement and by any taxpayer who by law is entitled to inspect the books or accounts of any political subdivision party to the agreement. Nothing in this paragraph shall be deemed to limit the power of any political subdivision to appropriate and pay out for the expenses of the local or district council of civil defense an amount greater than that set forth in the agreement herein required: Provided, That all such payments shall be made through the treasury of the political subdivision designated as agent in such agreement in the manner herein required. 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 local or district council of civil defense shall be credited by

such agent political subdivision to the appropriation made by it for the payment of the expenses of the local and district council of civil defense and shall be available for the payment of future expenses of the local or district council of civil defense without further appropriation or action by such agent political subdivision. Any gift or grant of money made to or for the local or district council of civil defense shall, if made to a political subdivision, be deposited in its treasury and be appropriated by it for the purpose for which such gift or grant was made, and such political subdivision shall notify the political subdivision named as agent in the agreement of such appropriation and the purpose for which it is available. If such gift or grant of money is made to the local or district council of civil defense, it shall be deposited in the treasury of the political subdivision named as agent in the agreement and shall be appropriated by such political subdivision for the purpose for which such gift or grant was made: Provided, however, That any expenditure made by such 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.

(c) Where the local or district council of civil defense 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 local or district council of civil defense, the counties, all or part of which lie within the jurisdiction of the local or district council of civil defense, shall enter into an agreement in the manner and form provided in paragraph (b) of this section and with like effect, and no other political subdivision lying within the jurisdiction of the local or district council of civil defense shall be a party to such agreement. For the purposes of this paragraph, the city and county of Philadelphia shall be a county and the city of Philadelphia shall act for such city and county.

Where local or district council of civil defense has jurisdiction in an area including the whole area of one or more counties which is not coterminous with any one county.

(d) Nothing in this or any other section of this act shall be deemed to limit the power of any political subdivision to appropriate money for the purpose of paying the expenses of a local or district council of civil defense having jurisdiction both within and without the political subdivision even though an appropriation has been or is to be made to another local or district council of civil defense coterminous with or having jurisdiction within such political subdivision: Provided, That any payments on account of such appropriation shall be made

Political subdivision may appropriate money to pay expenses of a local or district council of civil defense having jurisdiction both within and without the political subdivision.

pursuant to an agreement as provided in paragraphs (b) and (c) hereof 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 or district council of civil defense for the payment of the expenses of which such appropriation was made.

Special provisions for second class townships.

(e) No purchase or purchases shall be made, no contract entered into and no expenses incurred by any civil defense council which involves the payment of more than twenty-five dollars (\$25.00) 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 civil defense council in such transaction shall be personally liable for such payment.

Political subdivisions during fiscal year 1951 may borrow money necessary for purposes authorized by act.

Section 4. Any political subdivision during the fiscal year one thousand nine hundred fifty-one may borrow a sum or sums of money necessary for the purposes authorized by this act by the issuance and sale of bonds or notes in the manner provided in the Municipal Borrowing Law, approved the twenty-fifth day of June, one thousand nine hundred forty-one (Pamphlet Laws 159). Such bonds or notes shall mature within one year from the date of issue.

Repealer.

Section 5. Repealer.—The act, approved the seventeenth day of April, one thousand nine hundred forty-two (Pamphlet Laws 42), entitled "An act authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of 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 defense; authorizing such political subdivisions to borrow money under certain conditions for such purposes; providing for the repayment thereof, and ratifying, confirming and validating appropriations heretofore made for said purposes," is hereby repealed.

Inconsistent acts and parts of acts 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 6. Effective Date.—This act shall become effective immediately upon its final enactment and shall remain in effect until a period of six (6) months after the State Council of Civil Defense is dissolved or suspended.

Effective date
and duration
of act.

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

JOHN S. FINE

No. 7

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.

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

Interstate Civil
Defense and Dis-
aster Compact.

Section 1. Whereas, the Congress of the United States of America has granted its consent to civil defense compacts by an act, entitled "Federal Civil Defense Act of one thousand nine hundred fifty" (Public Law 920, Eighty-First Congress, Second Session, approved January twelfth, one thousand nine hundred fifty-one), the Legislature of this State hereby ratifies a compact on behalf of the Commonwealth of Pennsylvania with any other State legally joining therein, in the form substantially as follows:

Compact on be-
half of Common-
wealth ratified
by Legislature.

INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

Form of compact.

The contracting States solemnly agree:

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.

Purpose.