
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1167 Session of
1987

INTRODUCED BY BELL, ANDREZESKI, ARMSTRONG, BODACK, GREENLEAF,
HANKINS, MOORE, PETERSON, REIBMAN AND SHUMAKER,
NOVEMBER 9, 1987

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 15, 1987

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, authorizing the Governor to utilize
3 public or quasi-public property; changing the organization of
4 the council; expanding powers and duties; ratifying
5 reorganization structure; further regulating authority of
6 political subdivisions; expanding compensation for injuries;
7 creating the office of Pennsylvania State Fire Commissioner;
8 providing for the Pennsylvania State Fire Academy and the
9 Pennsylvania Volunteer Loan Assistance Program; and
10 reestablishing the Pennsylvania Emergency Management Agency.

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

13 Section 1. Sections 7301(f)(4), 7312(a), (d), (e) and (h)
14 and 7313(6) and (20) of Title 35 of the Pennsylvania
15 Consolidated Statutes are amended to read:

16 § 7301. General authority of Governor.

17 * * *

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

1 * * *

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

7 * * *

8 § 7312. Organization.

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

11 (a) Council.--Primary responsibility for overall policy and
12 direction of a Statewide civil defense and disaster program and
13 response capability of the type hereinafter prescribed shall be
14 vested in a body legally known as the Pennsylvania Emergency
15 Management Council, which shall be composed of: the Governor,
16 Lieutenant Governor, Adjutant General, Secretary of Health,
17 Attorney General, Secretary of Community Affairs, Secretary of
18 Environmental Resources, Secretary of Transportation, Secretary
19 of Agriculture, Secretary of Public Welfare, Commissioner of the
20 Pennsylvania State Police, Chairman of the Public Utility
21 Commission, Speaker of the House of Representatives, President
22 pro tempore of the Senate, Minority Leader of the Senate and
23 Minority Leader of the House of Representatives. The Speaker of
24 the House of Representatives, President pro tempore of the
25 Senate, Minority Leader of the Senate and Minority Leader of the
26 House of Representatives may authorize a member of their
27 respective Houses of the General Assembly to serve in their
28 stead. The Governor may authorize up to two representatives of
29 business and industry, up to two representatives of labor, up to
30 two public members at large and one representative respectively

1 of the Pennsylvania State Association of County Commissioners,
2 the Pennsylvania State Association of Township Commissioners,
3 the Pennsylvania State Association of Township Supervisors, the
4 Pennsylvania League of Cities and the Pennsylvania State
5 Association of Boroughs to be nonvoting members of the council.

6 The Governor may designate a member to serve as chairman. Five
7 members shall constitute a quorum.

8 * * *

9 (d) Emergency meetings.--In the event of attack or disaster
10 situations determined actually or likely to be of such nature,
11 magnitude, severity or duration as to necessitate extensive or
12 extraordinary deployment and use of Commonwealth resources for
13 emergency purposes, the chairman shall, within not more than
14 [48] 72 hours immediately following such determination, call the
15 council into emergency session, for consideration of actions
16 taken or to be taken. In the absence of the chairman, notice of
17 such meetings shall be disseminated to the membership by the
18 State director.

19 (e) State director.--To supervise the work and activities
20 comprising the State Civil Defense and Disaster Program, the
21 [council shall employ] Governor shall appoint, with the advice <—
22 and consent of a majority of all the members of the Senate, an
23 individual to act, on a full-time basis, as director of the
24 agency. The director [shall serve at the pleasure of the
25 council,] shall perform all such fiscal, planning,
26 administrative, operational and other duties as may be assigned
27 to him by the council and shall act as the chairman's principal
28 assistant in civil defense and disaster matters. The director or
29 the director's designee is also the State coordinating officer
30 responsible to coordinate and supervise the Commonwealth and

1 local disaster response effort following a presidential
2 declaration of an emergency or a major disaster.

3 * * *

4 (h) [Weather] Emergency communications.--The agency shall
5 maintain an integrated communications capability designed to
6 provide to all areas and counties weather advisories, river
7 forecasts, warnings, and direction and control of all emergency
8 preparedness functions within the Commonwealth. The agency shall
9 coordinate the Commonwealth's emergency communication systems,
10 sharing of information and weather emergency notification among
11 the National Weather Service, contiguous State emergency
12 management offices, local coordinators of emergency management,
13 the Pennsylvania State Police, local police departments, private
14 relief associations and other appropriate organizations.
15 Additionally, the agency shall establish the sole Statewide
16 telephone number that persons, including county and municipal
17 emergency management personnel may use to report incidences of
18 radioactive and hazardous materials and other disaster
19 emergencies.

20 * * *

21 § 7313. Powers and duties.

22 The agency shall have the following powers and duties:

23 * * *

24 (6) To supply appropriate Commonwealth and local
25 agencies and officials and the general public with
26 precautionary notices, watches and warnings relating to
27 actual and potential disasters and to provide a flow of
28 official information and instructions to the general public
29 through all means available before, during and after an
30 emergency. The agency shall implement a program of integrated

1 flood warning systems among political subdivisions. The
2 agency shall establish coordinated flood notification and
3 early warning systems along prescribed major river basins and
4 selected tributaries thereof in this Commonwealth.

5 * * *

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

14 Section 2. Title 35 is amended by adding sections to read:

15 § 7315. Pennsylvania State Fire Commissioner.

16 (a) Office within agency.--Within the agency there shall be
17 a Pennsylvania State Fire Commissioner to coordinate the
18 activities of State and local community interests engaged in
19 fire prevention and control activities; to serve as a focal
20 point for information relative to fires, property damage,
21 injuries and the loss of life; to disseminate, through periodic
22 reports, information about fire prevention efforts and fire
23 control techniques; to develop and participate in a program of
24 public information and education designed to create a public
25 awareness of the incidence and the ravages of fire and methods
26 the individual can take to prevent them and to minimize loss
27 when they occur; and to serve as a central point to support
28 local interests and their efforts in all matters pertinent to
29 fire prevention and control.

30 (b) Transfer.--The agency shall use, employ and expend in

connection with the functions, powers and duties in subsection
(a) for the position of the Pennsylvania State Fire
Commissioner, contract obligations, if any, records, files,
property, supplies and equipment now being used or held in
connection with such functions, powers and duties, and the
unexpended balance of appropriations, allocations, Federal
grants and other funds available or to be made available for use
in connection with such functions, powers and duties transmitted
by Reorganization Plan No. 5 of 1981 (P.L.612).

(c) Qualifications and appointment.--The Pennsylvania State
Fire Commissioner shall be a person who, by reason of training,
experience and attainment, is qualified to coordinate fire
prevention and control activities. The commissioner shall be
appointed by the Governor., by and with the advice and consent <—
of a majority of all the members of the Senate. The commissioner
shall serve as a deputy director of the agency.

§ 7316. Pennsylvania State Fire Academy.

(a) Creation.--There is hereby created within the agency a
Pennsylvania State Fire Academy., which shall be under the <—
operational control of the Pennsylvania State Fire Commissioner.
The agency shall administratively provide for the erection or
construction, the furnishing, the staffing and the equipping of
the buildings and structures through the Department of General
Services, and the leasing thereof by the Commonwealth for the
use and support of the academy.

(b) Transfer.--There are hereby transferred to the agency,
to be used, employed and expended in connection with the
functions, powers and duties, personnel contract obligations, if
any, records, files, property, supplies and equipment now being
used or held in connection with such functions, powers and

1 duties, and the unexpended balance of appropriations,
2 allocations, Federal grants and other funds available or to be
3 made available for use in connection with such functions, powers
4 and duties as transmitted by Reorganization Plan No. 6 of 1981
5 (P.L.613).

6 (c) Hazardous chemical and radioactive material training.--
7 The Pennsylvania State Fire Academy shall serve as the resident
8 Commonwealth government center for hazardous chemical and
9 radioactive material training. Resident and field staffing shall
10 be added to the staff of the Pennsylvania State Fire Academy for
11 this purpose.

12 (d) Firefighter training and certification.--A Statewide
13 firefighter training program shall be implemented by the
14 Pennsylvania State Fire Commissioner to educate the fire service
15 community about the importance of firefighter health and safety.
16 This program shall include measures designed to increase the
17 mobility of training courses throughout this Commonwealth, to
18 enhance firefighter accessibility to training course offerings,
19 and to improve and expand training for and response capability
20 to emergencies with emphasis on hazardous materials incidents.
21 The program shall also include implementation of a firefighter
22 certification program in accordance with parameters developed by
23 the commissioner, consistent with established standards. The
24 acquisition of physical resources to enhance Statewide
25 capability will be coordinated by the commissioner.

26 § 7317. Pennsylvania Volunteer Loan Assistance Program.

27 (a) Creation.--Within the agency there shall be a loan
28 assistance program, which shall be implemented by the
29 Pennsylvania State Fire Commissioner, for volunteer agencies,
30 known as the Pennsylvania Volunteer Loan Assistance Program,

1 which shall make loans to volunteer fire companies, volunteer
2 ambulance services, hazardous materials units, volunteer fire
3 companies and volunteer rescue squads for the purpose of
4 establishing or modernizing facilities to house firefighting
5 apparatus equipment, ambulances and rescue vehicles, and for
6 purchasing new firefighting apparatus equipment, ambulances,
7 rescue vehicles and protective and communications equipment, and
8 any other accessory equipment necessary for the proper
9 performance of such organizations' duties, as recognized by the
10 community.

11 (b) Transfer.--There are hereby transferred to the agency,
12 to be used, employed and expended in connection with the
13 functions, powers and duties authorized in subsection (a),
14 personnel, contractual obligations, if any, mortgages, liens,
15 encumbrances, and any other secured interests, records, files,
16 property, supplies and equipment now being used or held in
17 connection with such functions, powers and duties, and the
18 unexpended balance of appropriations, allocations and other
19 funds available or to be made available for use in connection
20 with such functions, powers and duties, as transmitted by
21 Reorganization Plan No. 7 of 1981 (P.L.615).

22 ~~§ 7318. Fire Safety Advisory Committee.~~

<—

23 ~~(a) Creation. There is hereby created a Fire Safety~~
24 ~~Advisory Committee to the agency. The committee shall consist of~~
25 ~~nine members: the director of the Pennsylvania Emergency~~
26 ~~Management Agency, ex officio; the Pennsylvania State Fire~~
27 ~~Commissioner, who shall serve as chairman; two paid firemen; one~~
28 ~~member of the public to be appointed by the Governor; and four~~
29 ~~volunteer firemen, one each to be appointed by the Speaker of~~
30 ~~the House of Representatives, the Minority Leader of the House~~

~~of Representatives, the President pro tempore of the Senate and the Minority Leader of the Senate. Members of the committee shall serve at the pleasure of their appointing authority. The committee shall advise the Pennsylvania State Fire Commissioner on matters pertaining to the operation of the Pennsylvania State Fire Academy and any such other matters as the commissioner may request.~~

~~(b) Expenses. Members of the committee shall receive reimbursement for reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.~~

~~§ 7319. Appropriations.~~

~~All appropriations for the Pennsylvania State Fire Commissioner shall be by a separate line item in the General Appropriation Act.~~

Section 3. Section 7501(d) of Title 35 is amended to read:

§ 7501. General authority of political subdivisions.

* * *

(d) Temporary suspension of formal requirements.--Each political subdivision included in a declaration of disaster emergency declared by either the Governor or the governing body of the political subdivision affected by the 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

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

3 * * *

4 Section 4. The introductory paragraph of section 7503 of
5 Title 35 is amended and the section is amended by adding
6 paragraphs to read:

7 § 7503. Powers and duties of political subdivisions.

8 Each political subdivision shall, either individually or
9 pursuant to the provisions of the act of July 12, 1972 (P.L.762,
10 No.180), referred to as the Intergovernmental Cooperation Law,
11 adopt an Intergovernmental Cooperation agreement with other
12 political subdivisions to:

13 * * *

14 (10) Participate in all tests, drills and exercises,
15 including remedial drills and exercises, scheduled by the
16 agency or by the Federal Government.

17 (11) Participate in the program of integrated flood
18 warning systems under section 7313(6) (relating to powers and
19 duties.

20 SECTION 5. THE SECTION HEADING AND SUBSECTION (A) OF SECTION <—
21 7504 OF TITLE 35 ARE AMENDED TO READ:

22 § 7504. [COORDINATION] DIRECTION, CONTROL, ASSISTANCE AND
23 MUTUAL AID.

24 (A) RESPONSIBILITY FOR DIRECTION AND [COORDINATION]
25 CONTROL.--DIRECTION OF DISASTER EMERGENCY MANAGEMENT SERVICES IS
26 THE RESPONSIBILITY OF THE LOWEST LEVEL OF GOVERNMENT AFFECTED.
27 WHEN TWO OR MORE POLITICAL SUBDIVISIONS WITHIN A COUNTY ARE
28 AFFECTED, THE COUNTY ORGANIZATION SHALL EXERCISE RESPONSIBILITY
29 FOR [COORDINATION AND SUPPORT] DIRECTION AND CONTROL TO THE AREA
30 OF OPERATIONS. WHEN TWO OR MORE COUNTIES ARE INVOLVED,

1 [COORDINATION] RESPONSIBILITY FOR DIRECTION AND CONTROL SHALL BE
2 PROVIDED BY THE AGENCY OR BY AREA ORGANIZATIONS ESTABLISHED BY
3 THE AGENCY.

4 * * *

5 Section ~~5~~ 6. Section 7701 of Title 35 is amended by adding <—
6 subsections to read:

7 § 7701. Duties concerning disaster prevention.

8 * * *

9 (d) Schools.--Public-funded universities, colleges, and
10 elementary and secondary schools shall be made available to
11 local, county and State officials for emergency planning and
12 exercise purposes and actual service as mass care facilities in
13 the event of an emergency evacuation.

14 (e) Vehicles.--School bus and transportation vehicles owned
15 or leased by universities, colleges and school districts shall
16 be made available to local, county and State officials for
17 emergency planning and exercise purposes and actual service in
18 the event of an emergency evacuation.

19 (f) Disaster drills.--Annually, as coordinated by the
20 Pennsylvania Emergency Management Agency with local emergency
21 management agencies, schools shall conduct at least one tornado
22 or other disaster drill. All schools shall have disaster
23 response plans.

24 (g) Plans.--Every school district, in cooperation with the
25 local Emergency Management Agency, shall develop and implement
26 emergency preparedness plans.

27 Section ~~6~~ 7. Section 7706(a) of Title 35 is amended to read: <—
28 § 7706. Compensation for accidental injury.

29 (a) Benefits.--All duly enrolled emergency management
30 volunteers, and such other volunteers as the agency shall by

1 regulation qualify, who are not eligible to receive benefits
2 under the Workmen's Compensation Laws shall be entitled, except
3 during a state of war or period of armed conflict within the
4 continental limits of the United States, to the following
5 benefits relating to injuries sustained while actually engaged
6 in emergency management activities and services or in or en
7 route to and from emergency management tests, drills, exercises
8 or operations authorized by the Pennsylvania Emergency
9 Management Agency and carried out in accordance with rules and
10 orders promulgated and adopted by the agency:

11 (1) A sum of [\$2,500] \$20,000 for accidental injury
12 directly causing or leading to death.

13 (2) A sum not exceeding [\$1,500] \$15,000 for
14 reimbursement for medical and hospital expenses associated
15 with accidental injury.

16 (3) Weekly payments of [\$50] \$200, not to exceed six
17 months in duration, beginning on the eighth day of disability
18 directly arising from accidental injury rendering the
19 individual totally incapable of following his normal gainful
20 pursuits.

21 * * *

22 SECTION 8. SECTION 7707 OF TITLE 35 IS AMENDED TO READ: <—

23 § 7707. PENALTIES.

24 (A) GENERAL RULE.--ANY PERSON VIOLATING ANY OF THE PLANS AND
25 PROGRAMS ADOPTED AND PROMULGATED BY THE PENNSYLVANIA EMERGENCY
26 MANAGEMENT COUNCIL SHALL, UPON CONVICTION THEREOF IN A SUMMARY
27 PROCEEDING, BE SENTENCED TO PAY A FINE NOT EXCEEDING [\$200] \$500
28 OR IMPRISONMENT NOT EXCEEDING 30 DAYS OR BOTH, FOR THE FIRST
29 OFFENSE, AND A FINE NOT EXCEEDING [\$500] \$1,500 OR IMPRISONMENT
30 NOT EXCEEDING 90 DAYS OR BOTH, FOR EACH SUBSEQUENT OFFENSE.

1 (B) LOSS OF FUNDS.--THOSE POLITICAL SUBDIVISIONS IN
2 VIOLATION OF SECTION 7501 (RELATING TO GENERAL AUTHORITY OF
3 POLITICAL SUBDIVISIONS), SECTION 7502 (RELATING TO LOCAL
4 COORDINATOR OF EMERGENCY MANAGEMENT), SECTION 7503 (RELATING TO
5 POWERS AND DUTIES OF POLITICAL SUBDIVISIONS) OR SECTION 7504
6 (RELATING TO COORDINATION, ASSISTANCE AND MUTUAL AID) SHALL, AT
7 THE DIRECTION OF THE [COUNCIL] DIRECTOR, BE SUBJECT TO LOSS OF
8 FEDERAL PERSONNEL AND ADMINISTRATIVE FUNDING FOR THE REMAINDER
9 OF THE FISCAL YEAR IN WHICH CONVICTION IS ESTABLISHED.
10 REINSTATEMENT OF FEDERAL PERSONNEL AND ADMINISTRATIVE FUNDING
11 SHALL TAKE PLACE THE YEAR FOLLOWING APPROVAL OF REMEDIAL ACTION
12 TO THE VIOLATION. IN ADDITION, THOSE POLITICAL SUBDIVISIONS IN
13 VIOLATION OF THE ABOVE NAMED SECTIONS SHALL, AT THE DIRECTION OF
14 THE DIRECTOR, BE SUBJECT TO LOSS OF STATE FUNDING DISTRIBUTED TO
15 THOSE POLITICAL SUBDIVISIONS UNDER ANY RADIATION PROTECTION,
16 HAZARDOUS MATERIAL PLANNING AND RESPONSE, OR ANY OTHER EMERGENCY
17 MANAGEMENT PROGRAM ADMINISTERED BY THE AGENCY.

18 Section 7 9. The Pennsylvania State Fire Commissioner in <—
19 office on the effective date of this act shall continue to
20 perform the powers and duties of that office, and no Senate
21 confirmation shall be required.

22 Section 8 10. The State Director in office on the effective <—
23 date of this act shall continue to perform the powers and duties
24 of that office, and no Senate confirmation shall be required.

25 Section 9 11. Reorganization Plan No. 5 of 1981 (P.L.612), <—
26 Reorganization Plan No. 6 of 1981 (P.L.613) and Reorganization
27 Plan No. 7 of 1981 (P.L. 615) are hereby rescinded insofar as
28 they conflict with the provisions of this act.

29 Section 10 12. This act, with respect to the Pennsylvania <—
30 Emergency Management Agency, constitutes the legislation

1 required to reestablish an agency pursuant to the act of
2 December 22, 1981 (P.L.508, No.142), known as the Sunset Act,
3 for a period of ~~five~~ TEN years. <—

4 Section ~~11~~ 13. This act shall take effect January 1, 1988, <—
5 or immediately, whichever is later.