
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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 28, 1988

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) and 7312(a), (d), (e) and (h)
14 of Title 35 of the Pennsylvania Consolidated Statutes are
15 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 an individual to
22 act, on a full-time basis, as director of the agency. The
23 director [shall serve at the pleasure of the council,] shall
24 perform all such fiscal, planning, administrative, operational
25 and other duties as may be assigned to him by the council and
26 shall act as the chairman's principal assistant in civil defense
27 and disaster matters. The director or the director's designee is
28 also the State coordinating officer responsible to coordinate
29 and supervise the Commonwealth and local disaster response
30 effort following a presidential declaration of an emergency or a

1 major disaster.

2 * * *

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

19 * * *

20 Section 2. Section 7313(6), (19) and (20) of Title 35 are
21 amended and the section is amended by adding a paragraph to
22 read:

23 § 7313. Powers and duties.

24 The agency shall have the following powers and duties:

25 * * *

26 (6) To supply appropriate Commonwealth and local
27 agencies and officials and the general public with
28 precautionary notices, watches and warnings relating to
29 actual and potential disasters and to provide a flow of
30 official information and instructions to the general public

1 through all means available before, during and after an
2 emergency. The agency shall implement a program of integrated
3 flood warning systems among political subdivisions. The
4 agency shall establish coordinated flood notification and
5 early warning systems along prescribed major river basins and
6 selected tributaries thereof in this Commonwealth.

7 * * *

8 (19) To provide, from its own stockpiles or other
9 sources, emergency operational equipment, materials and
10 supplies required and available for essential supplementation
11 of those owned, acquired and used by Commonwealth, county and
12 local departments and agencies for attack and disaster
13 operations. The agency shall establish two regional emergency
14 supply warehouses. One shall be located in the western part
15 of this Commonwealth, and one shall be located in the eastern
16 part of this Commonwealth.

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

25 (21) To require hydroelectric generating facilities and
26 dam operators to do all of the following:

27 (i) Provide minimum competency testing for their
28 operators.

29 (ii) Submit plans for flood notification and
30 warning.

1 Section 3. Title 35 is amended by adding sections to read:

2 § 7315. Pennsylvania State Fire Commissioner.

3 (a) Office within agency.--Within the agency there shall be
4 a Pennsylvania State Fire Commissioner to coordinate the
5 activities of State and local community interests engaged in
6 fire prevention and control activities; to serve as a focal
7 point for information relative to fires, property damage,
8 injuries and the loss of life; to disseminate, through periodic
9 reports, information about fire prevention efforts and fire
10 control techniques; to develop and participate in a program of
11 public information and education designed to create a public
12 awareness of the incidence and the ravages of fire and methods
13 the individual can take to prevent them and to minimize loss
14 when they occur; and to serve as a central point to support
15 local interests and their efforts in all matters pertinent to
16 fire prevention and control.

17 (b) Transfer.--The agency shall use, employ and expend in
18 connection with the functions, powers and duties in subsection
19 (a) for the position of the Pennsylvania State Fire
20 Commissioner, contract obligations, if any, records, files,
21 property, supplies and equipment now being used or held in
22 connection with such functions, powers and duties, and the
23 unexpended balance of appropriations, allocations, Federal
24 grants and other funds available or to be made available for use
25 in connection with such functions, powers and duties transmitted
26 by Reorganization Plan No. 5 of 1981 (P.L.612).

27 (c) Qualifications and appointment.--The Pennsylvania State
28 Fire Commissioner shall be a person who, by reason of training,
29 experience and attainment, is qualified to coordinate fire
30 prevention and control activities. The commissioner shall be

appointed by the Governor after consultation with the fire service community. 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 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 as transmitted by Reorganization Plan No. 6 of 1981 (P.L.613).

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

(d) Firefighter training and certification.--A Statewide firefighter training program shall be implemented by the

1 Pennsylvania State Fire Commissioner to educate the fire service
2 community about the importance of firefighter health and safety.
3 This program shall include measures designed to increase the
4 mobility of training courses throughout this Commonwealth, to
5 enhance firefighter accessibility to training course offerings,
6 and to improve and expand training for and response capability
7 to emergencies with emphasis on hazardous materials incidents.
8 The program shall also include implementation of a firefighter
9 certification program in accordance with parameters developed by
10 the commissioner, consistent with established standards. The
11 acquisition of physical resources to enhance Statewide
12 capability will be coordinated by the commissioner.

13 § 7317. Pennsylvania Volunteer Loan Assistance Program.

14 (a) Creation.--Within the agency there shall be a loan
15 assistance program, which shall be implemented by the
16 Pennsylvania State Fire Commissioner, for volunteer agencies,
17 known as the Pennsylvania Volunteer Loan Assistance Program,
18 which shall make loans to volunteer fire companies, volunteer
19 ambulance services, hazardous materials units, volunteer fire
20 companies and volunteer rescue squads for the purpose of
21 establishing or modernizing facilities to house firefighting
22 apparatus equipment, ambulances and rescue vehicles, and for
23 purchasing new firefighting apparatus equipment, ambulances,
24 rescue vehicles and protective and communications equipment, and
25 any other accessory equipment necessary for the proper
26 performance of such organizations' duties, as recognized by the
27 community.

28 (b) Transfer.--There are hereby transferred to the agency,
29 to be used, employed and expended in connection with the
30 functions, powers and duties authorized in subsection (a),

1 personnel, contractual obligations, if any, mortgages, liens,
2 encumbrances, and any other secured interests, records, files,
3 property, supplies and equipment now being used or held in
4 connection with such functions, powers and duties, and the
5 unexpended balance of appropriations, allocations and other
6 funds available or to be made available for use in connection
7 with such functions, powers and duties, as transmitted by
8 Reorganization Plan No. 7 of 1981 (P.L.615).

9 § 7318. Fire Safety Advisory Committee.

10 (a) Creation.--There is hereby created a Fire Safety
11 Advisory Committee to the agency. The committee shall consist of
12 nine members: the director of the Pennsylvania Emergency
13 Management Agency, ex officio; the Pennsylvania State Fire
14 Commissioner, who shall serve as chairman; two paid firemen; one
15 member of the public to be appointed by the Governor; and four
16 volunteer firemen, one each to be appointed by the Speaker of
17 the House of Representatives, the Minority Leader of the House
18 of Representatives, the President pro tempore of the Senate and
19 the Minority Leader of the Senate. Members of the committee
20 shall serve at the pleasure of their appointing authority. The
21 committee shall advise the Pennsylvania State Fire Commissioner
22 on matters pertaining to the operation of the Pennsylvania State
23 Fire Academy and any such other matters as the commissioner may
24 request.

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

29 § 7319. Appropriations.

30 All appropriations for the Pennsylvania State Fire

1 Commissioner shall be by a separate line item in the General
2 Appropriation Act.

3 Section 4. ~~Sections 7501(d) and 7502(a), (d) and (f) of~~ <—
4 ~~Title 35~~ are SECTION 7501(D) OF TITLE 35 IS amended to read: <—
5 § 7501. General authority of political subdivisions.

6 * * *

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

21 * * *

22 ~~§ 7502. Local coordinator of emergency management.~~ <—

23 ~~(a) General rule. Each local organization of emergency~~
24 ~~management shall have a full time coordinator who shall be~~
25 ~~responsible for the planning, administration and operation of~~
26 ~~the local organization subject to the direction and control of~~
27 ~~the executive officer or governing body.~~

28 * * *

29 ~~(d) Qualifications. The coordinator shall be professionally~~
30 ~~competent and capable of planning, effecting coordination among~~

~~operating agencies of government and controlling coordinated
operations by local emergency preparedness forces. The agency
shall promulgate regulations establishing qualifications and a
selection procedure.~~

~~* * *~~

~~(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] the agency.~~

~~* * *~~

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

§ 7503. Powers and duties of political subdivisions.

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

* * *

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

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

Section 6. Section 7701 of Title 35 is amended by adding
subsections to read:

§ 7701. Duties concerning disaster prevention.

* * *

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

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

11 (f) Disaster drills.--Annually, as coordinated by the
12 Pennsylvania Emergency Management Agency with local emergency
13 management agencies, schools shall conduct at least one tornado
14 or other disaster drill. All schools shall have disaster
15 response plans.

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

19 Section 7. Section 7706(a) of Title 35 is amended to read:
20 § 7706. Compensation for accidental injury.

21 (a) Benefits.--All duly enrolled emergency management
22 volunteers, and such other volunteers as the agency shall by
23 regulation qualify, who are not eligible to receive benefits
24 under the Workmen's Compensation Laws shall be entitled, except
25 during a state of war or period of armed conflict within the
26 continental limits of the United States, to the following
27 benefits relating to injuries sustained while actually engaged
28 in emergency management activities and services or in or en
29 route to and from emergency management tests, drills, exercises
30 or operations authorized by the Pennsylvania Emergency

1 Management Agency and carried out in accordance with rules and
2 orders promulgated and adopted by the agency:

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

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

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

13 * * *

14 Section 8. The Pennsylvania State Fire Commissioner in
15 office on the effective date of this act shall continue to
16 perform the powers and duties of that office, and no Senate
17 confirmation shall be required.

18 Section 9. The State Director in office on the effective
19 date of this act shall continue to perform the powers and duties
20 of that office, and no Senate confirmation shall be required.

21 Section 10. Reorganization Plan No. 5 of 1981 (P.L.612),
22 Reorganization Plan No. 6 of 1981 (P.L.613) and Reorganization
23 Plan No. 7 of 1981 (P.L. 615) are hereby rescinded insofar as
24 they conflict with the provisions of this act.

25 Section 11. This act, with respect to the Pennsylvania
26 Emergency Management Agency, constitutes the legislation
27 required to reestablish an agency pursuant to the act of
28 December 22, 1981 (P.L.508, No.142), known as the Sunset Act,
29 for a period of five years.

30 Section 12. This act shall take effect January 1, 1988, or

1 immediately, whichever is later.