

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2970 Session of
1994

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PITTS, MELIO, LUCYK, LAUB, REBER, STAIRS, GRUPPO, STEIGHNER
AND STABACK, JUNE 22, 1994

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 22, 1994

AN ACT

1 Establishing the State Fire Commission, the Office of State Fire
2 Commissioner and the Fire Operations, Fire Training,
3 Hazardous Materials Planning and Response, Fire
4 Investigation, Volunteer Loan Assistance and Public Education
5 Policy Committees; and providing for their duties and
6 responsibilities.

7 The General Assembly of the Commonwealth of Pennsylvania

8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the as the State
11 Fire Commission Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Commission." The State Fire Commission established under
4 section 3.

5 "Commissioner." The State Fire Commissioner appointed under
6 section 4.

7 "Education committee." The Public Education Policy Committee
8 established under section 10.

9 "Hazardous materials committee." The Hazardous Materials
10 Planning and Response Committee established under section 7.

11 "Investigation committee." The Fire Investigation Policy
12 Committee established under section 8.

13 "Loan committee." The Volunteer Loan Assistance Program
14 Policy Committee established under section 9.

15 "Operations committee." The Fire Operations Policy Committee
16 established under section 5.

17 "PEMA." The Pennsylvania Emergency Management Agency.

18 "Training committee." The Fire Training Policy Committee
19 established under section 6.

20 Section 3. State Fire Commission.

21 (a) Establishment.--To assure prompt, proper and effective
22 discharge of Commonwealth responsibility relating to fire
23 safety, fire investigation, fire prevention, fire control and
24 public fire education, the State Fire Commission is hereby
25 established as an independent agency.

26 (b) Responsibility.--The commission shall have primary
27 responsibility for overall policy and direction of Statewide
28 fire safety, fire prevention and fire control efforts.

29 (c) Membership.--The commission shall be composed of 14
30 members, as follows:

1 (1) The Governor, or a designee.

2 (2) The Lieutenant Governor, or a designee.

3 (3) The President pro tempore of the Senate, or a
4 designee.

5 (4) The Speaker of the House of Representatives, or a
6 designee.

7 (5) The Minority Leader of the Senate, or a designee.

8 (6) The Minority Leader of the House of Representatives
9 or a designee.

10 (7) The Chair of the operations committee, appointed by
11 the Governor.

12 (8) The Chair of the training committee, appointed by
13 the Governor.

14 (9) The Chair of the hazardous materials committee,
15 appointed by the Governor.

16 (10) The Chair of the education committee, appointed by
17 the Governor.

18 (11) The Chair of the loan committee, appointed by the
19 Governor.

20 (12) The Chair of the investigations committee,
21 appointed by the Governor.

22 (13) A member of the public at large.

23 (14) A member from industry.

24 (d) Chairperson.--The Governor will chair the commission. If
25 the Governor is unable or chooses not to chair the commission,
26 the commission members may by majority vote elect a chairperson
27 from the remaining members.

28 (e) Quorum.--Eight members of the commission shall
29 constitute a quorum.

30 (f) Compensation and expenses.--The members shall serve

1 without compensation, but may be reimbursed for their actual and
2 necessary traveling and other expenses incurred in connection
3 with attendance at meetings.

4 (g) Terms.--Members of the commission, excluding the
5 Governor, Lieutenant Governor and members of the General
6 Assembly, shall serve for five-year terms. No individual may
7 serve more than two full five-year terms.

8 (h) Initial appointments.--Initial appointments to the
9 commission, excluding the Governor, Lieutenant Governor and
10 members of the General Assembly, shall be staggered so that at
11 least two, but no more than three, terms expire during the same
12 year.

13 (i) Vacancies.--Vacancies shall be filled by the appointing
14 authority. Individuals appointed to fill vacancies shall serve
15 the unexpired term of the original appointee.

16 (j) Removal.--Members of the commission may be removed by
17 their appointing authority for just cause, which shall include
18 neglect of official duties, impropriety associated with official
19 duties or termination of membership in the organization
20 represented.

21 (k) Regular meetings.--For the conduct of routine business,
22 including, particularly, the consideration of matters of basic
23 policy, the commission shall meet at least three times during
24 each calendar year and at the call of the chair.

25 (l) Staff.--The commission shall, within the limitations of
26 appropriations made to the commission, arrange for the
27 employment of such professional, technical, administrative and
28 other staff as may be deemed essential to the development and
29 maintenance of a Statewide fire prevention and control program.
30 All such personnel shall be employed under and be subject to

1 pertinent provisions of the act of August 5, 1941 (P.L.752,
2 No.286), known as the Civil Service Act, and the Commonwealth
3 Compensation Plan.

4 (m) Office space, equipment and services.--The commission
5 shall be furnished necessary and appropriate office space,
6 furniture, equipment, supplies and services in the same manner
7 as are other Commonwealth departments and agencies.

8 (n) Powers and duties.--The commission shall have the
9 following powers and duties:

10 (1) To prepare, maintain and keep current a fire
11 prevention and control program. The plan may include
12 provisions for:

13 (i) identification of areas particularly vulnerable
14 to fire disasters; and

15 (ii) recommendations for zoning, building and other
16 land-use controls; safety measures pertaining to
17 nonpermanent or semipermanent structures; resources
18 conservation and allocation; and other preventive and
19 preparedness measures designed to eliminate or reduce
20 fire disasters or their impact.

21 (2) To promulgate, adopt and enforce such rules,
22 regulations and orders as shall be necessary to carry out the
23 provisions of this act.

24 (3) To provide technical advice and assistance to
25 Commonwealth agencies and political subdivisions in the
26 preparation of fire prevention and control programs or
27 components thereof and to periodically review such programs
28 and suggest or require revisions.

29 (4) To establish and operate or assist political
30 subdivisions in establishing and operating training programs

1 and programs of public information.

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

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

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

16 (8) To cooperate with the Federal Government and any
17 public or private entity in achieving any purpose of this act
18 and in implementing programs for fire prevention, control,
19 preparation, response and recovery.

20 (9) To administer grant programs to political
21 subdivisions for fire prevention and control.

22 (10) To take other action necessary, incidental or
23 appropriate for the implementation of this act.

24 (11) To report annually to the General Assembly on the
25 state of the Commonwealth's fire prevention and control
26 programs and on significant events occurring within the past
27 year.

28 (12) To recommend to the Governor legislation or other
29 actions as deemed necessary in connection with the purposes
30 of this section.

1 (13) To provide, from its own stockpiles or other
2 sources, emergency equipment, materials and supplies required
3 and available for essential supplementation of those owned,
4 acquired and used by Commonwealth, county and local
5 departments and agencies for fire prevention and control.

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

13 (15) To cooperate with the policy committees established
14 in this act so as to insure an effective implementation and
15 furtherance of the provisions contained in this act.

16 (16) To receive and act upon policy recommendations
17 received from the committees established in this act.

18 (o) Administrative provisions.--Except as otherwise provided
19 in this section, the commission shall be subject to the
20 provisions of the act of April 9, 1929 (P.L.177, No.175), known
21 as The Administrative Code of 1929.

22 (p) Utilization of existing services and facilities.--In
23 order to avoid duplication of services and facilities, the
24 commission shall utilize the services and facilities of existing
25 officers, offices, departments, commissions, boards, bureaus,
26 institutions and other agencies of the Commonwealth and of its
27 political subdivisions. These officers and agencies shall
28 cooperate with and extend their services and facilities to the
29 commission, as requested.

30 Section 4. State Fire Commissioner.

1 (a) Appointment and qualifications.--To supervise its work
2 and activities, the commission shall appoint a full-time State
3 Fire Commissioner. The commissioner shall be a person who, by
4 reason of training, expertise, experience and attainment, is
5 qualified to coordinate fire safety, fire prevention and fire
6 control activities. The commissioner shall be appointed by a
7 two-thirds vote of total commission membership.

8 (b) Removal.--The commissioner shall be subject to removal
9 by the appointing authority for just cause.

10 (c) Powers and duties.--The commissioner shall perform all
11 fiscal, planning, administrative, operational and other duties
12 as may be assigned to him by the commission, and shall sit on
13 the Pennsylvania Emergency Management Agency Council to
14 coordinate the commission's activities with the PEMA Council.
15 The commissioner shall also have the following powers and
16 duties:

17 (1) To coordinate the activities of the commission and
18 State and local community interests engaged in fire safety,
19 fire investigation, fire prevention, fire control and public
20 fire education.

21 (2) To serve as a focal point for information relative
22 to fires, property damage, injuries and the loss of life.

23 (3) To disseminate, through periodic reports,
24 information about fire safety, fire prevention efforts and
25 fire control techniques.

26 (4) To develop and participate in a program of public
27 information and education designed to create a public
28 awareness of the incidence and the ravages of fire and
29 methods the individual can take to prevent fires and to
30 minimize loss when they occur.

1 (5) To serve as a central point to support local
2 interests and their efforts in all matters pertinent to fire
3 safety, fire prevention and fire control.

4 (6) To serve as a focal point for fire training
5 throughout this Commonwealth.

6 (7) To implement and oversee the Pennsylvania Volunteer
7 Loan Assistance Program.

8 (8) To oversee the Pennsylvania State Fire Academy.

9 (9) To recommend committee policy decisions to the
10 commission.

11 (10) To consult with the commission on the budget for
12 the office of the commissioner.

13 (d) Transfer.--The commission shall use, employ and expend,
14 in connection with the functions, powers and duties of the
15 commissioner, any contract obligations, 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, Federal
19 grants and other funds available or to be made available for use
20 in connection with such functions, powers and duties,
21 transmitted by Reorganization Plan No. 5 of 1981 (P.L. 612), and
22 subsequently transferred pursuant to 35 P.a.C.S. § 7315(b)
23 (relating to the Pennsylvania State Fire Commissioner).

24 Section 5. Fire Operations Policy Committee.

25 (a) Establishment.--The Fire Operations Policy Committee is
26 hereby established to replace the Fire Safety Advisory Committee
27 established under 35 P.a.C.S. §7318 (relating to the Fire Safety
28 Advisory Committee).

29 (b) Membership.--The operations committee shall be composed
30 of 13 members, appointed by the Governor, where applicable, from

1 a list of three names supplied by the named entity, as follows:

2 (1) A first-class city fire officer.

3 (2) Two career firefighters from the Pennsylvania
4 Professional Firefighters Association.

5 (3) A township of the first class fire officer.

6 (4) A township of the third class fire officer.

7 (5) A member of the Pennsylvania Fire Police
8 Association.

9 (6) A member of the Hazardous Material Technician
10 Association.

11 (7) A second-class city fire officer.

12 (8) A third-class city fire officer.

13 (9) A borough fire officer.

14 (10) A township of the second class fire officer.

15 (11) Two certified volunteer firefighters from the
16 Fireman's Association.

17 (c) Chairperson.--Neither the commissioner nor a commission
18 staff member shall chair the operations committee.

19 (d) Quorum.--Seven members shall constitute a quorum.

20 (e) Terms.--Members of the operation committee shall serve
21 for five-year terms. No individual may serve more than two full
22 five-year terms.

23 (f) Meetings.--The operations committee shall meet at least
24 quarterly and shall publish its schedule one year in advance.

25 (g) Compensation and expenses.--Operations committee members
26 shall serve without compensation, but may be reimbursed for
27 their actual and necessary traveling and other expenses incurred
28 in connection with attendance at meetings.

29 (h) Powers and duties.--The operations committee shall have
30 the following powers and duties:

1 (1) To develop plans and provide assistance to fire
2 departments for successful implementation of an incident
3 command system in this Commonwealth.

4 (2) To develop programs to reduce firefighter death and
5 injuries.

6 (3) To formulate Statewide firefighter health and safety
7 programs.

8 (4) To develop programs and policies for a Statewide fire
9 incident reporting system.

10 (5) To develop and encourage consensus standards for
11 fire department operations that can be voluntarily adopted by
12 Pennsylvania fire departments.

13 (6) To recommend operations committee policy decisions
14 to the commission.

15 Section 6. Fire Training Policy Committee.

16 (a) Establishment.--The Fire Training Policy Committee is
17 hereby established to replace the Professional Qualifications
18 Board.

19 (b) Membership.--The training committee shall be composed of
20 11 members, appointed by the Governor, where applicable, from a
21 list of three names supplied by the named entity as follows:

22 (1) A full-time training facilities representative from
23 a professional fire training agency.

24 (2) A community college representative.

25 (3) An instructor from the Keystone Chapter, Fire
26 Service Instructors.

27 (4) A career union firefighter.

28 (5) Two State Firemen's Association representatives.

29 (6) A part-time training facilities representative.

30 (7) A member of industrial fire protection.

1 (8) A State Fire Academy representative.

2 (9) A county fire training coordinator.

3 (10) A chief fire officer from the Keystone Fire Chiefs
4 Association.

5 (c) Chairperson.--Neither the commissioner nor a commission
6 staff member shall chair the training committee.

7 (d) Quorum.--Five members shall constitute a quorum.

8 (e) Terms.--Members of the training committee shall serve
9 for five-year terms. No individual may serve more than two five-
10 year terms.

11 (f) Meetings.--The training committee shall meet at least
12 quarterly and shall publish its schedule one year in advance.

13 (g) Compensation and expenses.--Training committee members
14 shall serve without compensation, but may be reimbursed for
15 their actual and necessary traveling and other expenses incurred
16 in connection with attendance at meetings.

17 (h) Powers and duties.--The training committee shall have
18 the following powers and duties:

19 (1) To develop, review and audit standards for State-
20 certified instructors.

21 (2) To develop a curriculum for State fire training and
22 review or revise such training as necessary.

23 (3) To develop and implement certification processes.

24 (4) To insure adequate delivery of State programs and
25 assist local and regional efforts.

26 (5) To recommend training committee policy decisions to
27 the commission.

28 Section 7. Hazardous Materials Planning and Response Policy
29 Committee.

30 (a) Establishment.--The Hazardous Materials Planning and

1 Response Policy Committee is hereby established.

2 (b) Membership.--The hazardous materials committee shall be
3 composed of 17 members, appointed by the Governor, where
4 applicable, from a list of three names supplied by the named
5 entity as follows:

6 (1) A certified first-class city hazardous materials
7 (hazmat) response team representative.

8 (2) A certified county hazmat team.

9 (3) A certified hazmat response team representative from
10 another type and class of municipality.

11 (4) Two local emergency planning council
12 representatives.

13 (5) An emergency medical services worker from the
14 Ambulance Association of Pennsylvania.

15 (6) A law enforcement officer.

16 (7) A PEMA representative.

17 (8) A Hazardous Material Emergency Planning and Response
18 Advisory Committee representative.

19 (9) A representative from the Hazardous Material
20 Technician Association.

21 (10) An industrial facility representative from the
22 Pennsylvania chemical industry.

23 (11) A volunteer fire officer.

24 (12) A career fire officer.

25 (13) A county emergency manager.

26 (14) A representative of the Department of Environmental
27 Resources.

28 (15) A health care facility representative.

29 (16) An industrial trade association representative.

30 (c) Chairperson.--Neither the commissioner nor a commission

1 staff member shall chair the hazardous materials committee.

2 (d) Quorum.--Eight members shall constitute a quorum.

3 (e) Terms.--Members of the hazardous materials committee
4 shall serve for five-year terms. No individual may serve more
5 than two full five-year terms.

6 (f) Meetings.--The hazardous materials committee shall meet
7 at least quarterly and shall publish its schedule one year in
8 advance. The hazardous materials committee shall also convene if
9 situations warrant.

10 (g) Compensation and expenses.--Hazardous materials
11 committee member shall serve without compensation, but may be
12 reimbursed for their actual and necessary traveling and other
13 expenses incurred in connection with attendance at meetings.

14 (h) Power and duties.--The hazardous materials committee
15 shall have the following powers and duties:

16 (1) To establish and develop policy, guidelines,
17 standards and regulations to implement the requirements of
18 the act of December 7, 1990 (P.L.639, No.165), known as the
19 Hazardous Material Emergency Planning and Response Act.

20 (2) To act as the central coordinating point for all
21 hazardous materials response, planning, prevention, training
22 and enforcement.

23 (3) To recommend hazardous materials committee policy
24 decisions to the commission.

25 Section 8. Fire Investigation Policy Committee.

26 (a) Establishment.--The Fire Investigation Policy Committee
27 is hereby established.

28 (b) Membership.--The committee shall be composed of 15
29 members, appointed by the Governor, where applicable, from a
30 list of three names submitted by the named entity as follows:

1 (1) The State Police Fire Marshal.

2 (2) A first-class city law enforcement officer.

3 (3) A second-class city law enforcement officer.

4 (4) A third-class city law enforcement officer.

5 (5) A borough law enforcement officer.

6 (6) A township law enforcement officer.

7 (7) Two fire investigators from the Pennsylvania

8 Association of Arson Investigators.

9 (8) An insurance industry representative.

10 (9) A third-class city fire chief from the Third-Class

11 City Fire Chiefs Association.

12 (10) A borough volunteer fire chief.

13 (11) A township volunteer fire chief.

14 (12) A fire code officer.

15 (13) A citizen at large.

16 (14) An industry representative.

17 (c) Chairperson.--Neither the commissioner nor a commission

18 staff member shall chair the investigation committee.

19 (d) Quorum.--Seven members shall constitute a quorum.

20 (e) Terms.--Members of the investigation committee shall

21 serve for five-year terms. No individual may serve more than two

22 full five-year terms.

23 (f) Meetings.--The investigation committee shall meet at

24 least quarterly and shall publish its schedule one year in

25 advance.

26 (g) Compensation and expenses.--The investigation committee

27 members shall serve without compensation, but may be reimbursed

28 for their actual and necessary traveling and other expenses

29 incurred in connection with attendance at meetings.

30 (h) Powers and duties.--The investigation committee shall

1 have the following powers and duties:

2 (1) To work as a task force with the Pennsylvania State
3 Police to oversee and set policy for a State fire
4 investigation and arson task force.

5 (2) To develop policy and programs that address fire
6 investigation, arson investigation and fire data collection.

7 (3) To develop a policy detailing the fire marshal's
8 division to the commission in a plan similar to that of the
9 Pennsylvania Turnpike Commission.

10 (4) To recommend investigation committee policy
11 decisions to the commission.

12 Section 9. Volunteer Loan Assistance Program Policy Committee.

13 (a) Establishment.--The Volunteer Loan Assistance Program
14 Policy Committee is hereby established.

15 (b) Membership.--The Committee shall be composed of 16
16 members, appointed by the Governor, where applicable, from a
17 list of three names submitted by the named entity as follows:

18 (1) A volunteer fire chief from the Keystone Chiefs.

19 (2) Two volunteer firefighters from the State
20 Association.

21 (3) A Pennsylvania Emergency Health Services Council
22 representative.

23 (4) A Pennsylvania Bankers Association representative.

24 (5) An ambulance company chief from the Ambulance
25 Association of Pennsylvania.

26 (6) A fire commissioner.

27 (7) A fire apparatus manufacturer from the Fire
28 Apparatus Manufacturer's Association.

29 (8) A fire equipment manager from the Pennsylvania Fire
30 Equipment Distributors Association.

- 1 (9) A General State Authority representative.
- 2 (10) A member of the Senate.
- 3 (11) A member of the House of Representatives.
- 4 (12) A representative of the Department of Labor and
5 Industry.
- 6 (13) A representative of the Department of General
7 Services.
- 8 (14) An insurance representative.
- 9 (15) An emergency management director.

10 (c) Chairperson.--Neither the commissioner nor a commission
11 staff member shall chair the loan committee.

12 (d) Quorum.--Seven members shall constitute a quorum.

13 (e) Terms.--Members of the loan committee shall serve for
14 five-year terms. No individual may serve more than two full
15 five-year terms.

16 (f) Meetings.--The loan committee shall meet at least
17 quarterly and publish its schedule one year in advance.

18 (g) Compensation and expenses.--The loan committee members
19 shall serve without compensation, but may be reimbursed for
20 their actual and necessary traveling and other expenses incurred
21 in connection with attendance at meetings.

22 (h) Powers and duties.--The loan committee shall have the
23 following powers and duties:

24 (1) The loan committee's principal duty will be to apply
25 the loan priorities and eligibility standards set forth in 4
26 Pa. Code § 113.4 (relating to loan priorities and eligibility
27 standards) to their final decision on the volunteer company's
28 loan application.

29 (2) To render final decisions on loan applications made
30 by volunteer companies.

1 Section 10. Public Education Policy Committee.

2 (a) Establishment.--The Public Education Policy Committee is
3 hereby established.

4 (b) Membership.--The education committee shall be composed
5 of seven members, appointed by the Governor, as follows:

6 (1) A fire prevention educator from a career department.

7 (2) A fire prevention educator from a volunteer
8 department.

9 (3) A primary school teacher.

10 (4) A secondary school teacher.

11 (5) A fire chief.

12 (6) A firefighter.

13 (7) A fire commissioner.

14 (c) Chairperson.--Neither the commissioner nor a commission
15 staff member shall chair the education committee.

16 (d) Quorum.--Seven members of the education committee shall
17 constitute a quorum.

18 (e) Terms.--Members of the education committee shall serve
19 for five-year terms. No individual may serve more than two full
20 five-year terms.

21 (f) Meetings.--The education committee shall meet at least
22 quarterly and publish its schedule one year in advance.

23 (g) Compensation and expenses.--The education committee
24 members shall serve without compensation, but may be reimbursed
25 for their actual and necessary traveling and other expenses
26 incurred in connection with attendance at meetings.

27 (h) Powers and duties.--The education committee shall set
28 policy and develop programs for public fire safety education in
29 this Commonwealth and shall work with the Department of
30 Education on curricula for schools. The education committee

1 shall also recommend education committee policy decisions to the
2 commission.

3 Section 11. Effective date.

4 This act shall take effect in 60 days.