

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1085 Session of
1995

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PERZEL, BARLEY, BATTISTO, DENT AND HABAY, MARCH 8, 1995

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MARCH 8, 1995

AN ACT

1 Establishing the State Fire Commission, the Office of State Fire
2 Commissioner, the Fire Operations Policy Committee, the Fire
3 Training Policy Committee, the Hazardous Materials Planning
4 and Response Policy Committee, the Fire Investigation Policy
5 Committee, the Volunteer Loan Assistance Program Policy
6 Committee and the Public Education Policy Committee and
7 providing for their duties and responsibilities; transferring
8 jurisdiction of hazardous materials and forest fire
9 prevention and operational control of the Fire Marshal's
10 Office to the State Fire Commission; and making a repeal.

11 The General Assembly of the Commonwealth of Pennsylvania

12 hereby enacts as follows:

13 Section 1. Short title.

14 This act shall be known and may be cited as the State Fire
15 Commission Act.

16 Section 2. Definitions.

1 The following words and phrases when used in this act shall
2 have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

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

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

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

10 "Hazardous materials committee." The Hazardous Materials
11 Planning and Response Policy Committee established under section
12 7.

13 "Investigation committee." The Fire Investigation Policy
14 Committee established under section 8.

15 "Loan committee." The Volunteer Loan Assistance Program
16 Policy Committee established under section 9.

17 "Operations committee." The Fire Operations Policy Committee
18 established under section 5.

19 "PEMA." The Pennsylvania Emergency Management Agency.

20 "Training committee." The Fire Training Policy Committee
21 established under section 6.

22 Section 3. State Fire Commission.

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

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

(c) Membership.--The commission shall be composed of 16 members, as follows:

- (1) The Governor, or a designee.
- (2) The Lieutenant Governor, or a designee.
- (3) The President pro tempore of the Senate, or a designee.
- (4) The Speaker of the House of Representatives, or a designee.
- (5) The Minority Leader of the Senate, or a designee.
- (6) The Minority Leader of the House of Representatives or a designee.
- (7) A member of the public at large.
- (8) The president of the Pennsylvania Hazardous Materials Association.
- (9) The president of the Firemen's Association State of Pennsylvania.
- (10) The president of the Keystone Fire Chiefs Association.
- (11) The director of the Emergency Medical Services Division of the Department of Health.
- (12) The president of the Pennsylvania Association of Arson Investigators.
- (13) The president of the Keystone Chapter Fire Service Instructors.
- (14) The president of the Pennsylvania Fire Training Agencies.
- (15) The president of the Pennsylvania Professional Firefighters Association.

(d) Chairperson.--The Governor shall chair the commission. If the Governor is unable or chooses not to chair the

1 commission, the commission members may by majority vote elect a
2 chairperson from the remaining members.

3 (e) Quorum.--Eight members of the commission shall
4 constitute a quorum.

5 (f) Compensation and expenses.--The members shall serve
6 without compensation but may be reimbursed for their actual and
7 necessary traveling and other expenses incurred in connection
8 with attendance at meetings.

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

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

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

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

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

1 All such personnel shall be employed under and be subject to
2 pertinent provisions of the act of August 5, 1941 (P.L.752,
3 No.286), known as the Civil Service Act, and the Commonwealth
4 Compensation Plan.

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

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

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

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

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

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

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

30 (4) To establish and operate or assist political

1 subdivisions in establishing and operating training programs
2 and programs of public information.

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

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

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

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

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

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

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

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

of this section.

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

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

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

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

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

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

1 Section 4. State Fire Commissioner.

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

8 (b) Removal.--The commissioner shall be subject to removal
9 by the Governor 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, shall sit on the
13 PEMA Council to coordinate the commission's activities with the
14 PEMA Council and shall be an ex-officio member of all
15 established committees. The commissioner shall also have the
16 following powers and 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 (11) To oversee and administer a fire data incident
14 reporting system.

15 (12) To oversee and administer a forest fire prevention
16 program.

17 (13) To oversee and administer hazardous materials
18 training and certification.

19 (14) To oversee the Arson Task Force.

20 (d) Transfer.--The commission shall use, employ and expend,
21 in connection with the functions, powers and duties of the
22 commissioner, any contract obligations, records, files,
23 property, supplies and equipment now being used or held in
24 connection with such functions, powers and duties and the
25 unexpended balance of appropriations, allocations, Federal
26 grants and other funds available or to be made available for use
27 in connection with such functions, powers and duties transmitted
28 by Reorganization Plan No. 5 of 1981 (P.L. 612) and subsequently
29 transferred pursuant to 35 Pa.C.S. § 7315(b) (relating to
30 Pennsylvania State Fire Commissioner).

1 Section 5. Fire Operations Policy Committee.

2 (a) Establishment.--The Fire Operations Policy Committee is
3 hereby established to replace the Fire Safety Advisory Committee
4 established under 35 P.a.C.S. § 7318 (relating to Fire Safety
5 Advisory Committee).

6 (b) Membership.--The operations committee shall be composed
7 of 11 members, to be appointed by the commission. Each of the
8 following entities shall, where applicable, submit a list of
9 three names, and the composition of the operations committee
10 shall be as follows:

11 (1) A career firefighter from the Pennsylvania
12 Professional Firefighters Association.

13 (2) An officer from the Philadelphia Fire Department.

14 (3) An officer from the Pittsburgh Fire Department.

15 (4) Three volunteer chiefs from the Keystone Fire Chiefs
16 Association.

17 (5) Two volunteer firefighters from the Firemen's
18 Association of the State of Pennsylvania.

19 (6) A fire police captain named from the Pennsylvania
20 Fire Police Association.

21 (7) A certified hazardous materials team leader from the
22 Pennsylvania Hazardous Materials Technicians Association.

23 (8) An officer from a second class township fire
24 department.

25 (c) Chairperson.--The chairperson shall be elected by the
26 operations committee members.

27 (d) Quorum.--Six members shall constitute a quorum.

28 (e) Terms.--Members of the operations committee shall serve
29 for three-year terms. No individual may serve more than two full
30 three-year terms.

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

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

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

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

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

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

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

(5) To develop and encourage consensus standards for fire department operations that can be voluntarily adopted by fire departments in this Commonwealth.

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

(7) To develop a fire incident reporting system.

Section 6. Fire Training Policy Committee.

(a) Establishment.--The Fire Training Policy Committee is hereby established to replace the Fire Service Certification Advisory Committee.

(b) Membership.--The training committee shall be composed of 11 members, to be appointed by the commission. Each of the following entities shall, where applicable, submit a list of

1 three names, and the composition of the training committee shall
2 be as follows:

3 (1) A full-time training facility representative from
4 the Pennsylvania Fire Training Agency.

5 (2) A community college representative.

6 (3) An instructor from the Keystone Chapter of Fire
7 Service Instructors.

8 (4) A career union firefighter from the Pennsylvania
9 Professional Firefighters Association.

10 (5) Two representatives from the Firemen's Association
11 of the State of Pennsylvania.

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

13 (7) A member of industrial fire protection.

14 (8) A Pennsylvania State Fire Academy representative.

15 (9) A county fire training coordinator.

16 (10) A chief fire officer from the Keystone Fire Chiefs
17 Association.

18 (c) Chairperson.--The chairperson shall be elected by the
19 training committee members.

20 (d) Quorum.--Six members shall constitute a quorum.

21 (e) Terms.--Members of the training committee shall serve
22 for three-year terms. No individual may serve more than two
23 three-year terms.

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

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

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

1 the following powers and duties:

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

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

6 (3) To develop and implement certification processes.

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

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

11 Section 7. Hazardous Materials Planning and Response Policy
12 Committee.

13 (a) Establishment.--The Hazardous Materials Planning and
14 Response Policy Committee is hereby established.

15 (b) Membership.--The hazardous materials committee shall be
16 composed of 11 members, to be appointed by the commission. Each
17 of the following entities shall, where applicable, submit a list
18 of three names, and the composition of the hazardous materials
19 committee shall be as follows:

20 (1) A representative from the Department of
21 Environmental Resources.

22 (2) A representative from an industrial trade
23 organization.

24 (3) Two certified hazardous materials team members from
25 the Pennsylvania Hazardous Materials Technician Association.

26 (4) A certified hazardous materials team leader from the
27 Pennsylvania Hazardous Materials Technician Association.

28 (5) A representative from PEMA.

29 (6) A chemical industry representative from the
30 Pennsylvania Chemical Industry Council.

1 (7) A fire chief from the Keystone Fire Chiefs
2 Association.

3 (8) A county emergency management agency director from
4 the Keystone Emergency Managers Association.

5 (9) A local emergency planning committee member.

6 (10) A representative from the Department of
7 Transportation.

8 (c) Chairperson.--Neither the commissioner nor a commission
9 staff member shall chair the hazardous materials committee. The
10 chairperson shall be elected by the hazardous materials
11 committee members.

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

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

16 (f) Meetings.--The hazardous materials committee shall meet
17 at least quarterly and shall publish its schedule one year in
18 advance. The hazardous materials committee shall also convene if
19 situations warrant.

20 (g) Compensation and expenses.--Hazardous materials
21 committee members shall serve without compensation but may be
22 reimbursed for their actual and necessary traveling and other
23 expenses incurred in connection with attendance at meetings.

24 (h) Powers and duties.--The hazardous materials committee
25 shall have the following powers and duties:

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

30 (2) To act as the central coordinating point for all

hazardous materials response, planning, prevention, training
and enforcement.

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

Section 8. Fire Investigation Policy Committee.

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

(b) Membership.--The investigation committee shall be
composed of 11 members, to be appointed by the commission. Each
of the following entities shall, where applicable, submit a list
of three names, and the composition of the investigation
committee shall be as follows:

(1) The State Police Fire Marshal.

(2) A borough law enforcement officer.

(3) A township law enforcement officer.

(4) Two fire investigators from the Pennsylvania
Association of Arson Investigators.

(5) An insurance industry representative.

(6) A third-class city fire chief from the Third-Class
City Fire Chiefs Association.

(7) A borough volunteer fire chief.

(8) A township volunteer fire chief.

(9) A fire code officer.

(10) A citizen at large.

(c) Chairperson.--Neither the commissioner nor a commission
staff member shall chair the investigation committee. The
chairperson shall be elected by the investigation committee
members.

(d) Quorum.--Six members shall constitute a quorum.

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

1 serve for three-year terms. No individual may serve more than
2 two full three-year terms.

3 (f) Meetings.--The investigation committee shall meet at
4 least quarterly and shall publish its schedule one year in
5 advance.

6 (g) Compensation and expenses.--The investigation committee
7 members shall serve without compensation but may be reimbursed
8 for their actual and necessary traveling and other expenses
9 incurred in connection with attendance at meetings.

10 (h) Powers and duties.--The investigation committee shall
11 have the following powers and duties:

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

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

17 (3) To recommend investigation committee policy
18 decisions to the commission.

19 Section 9. Volunteer Loan Assistance Program Policy Committee.

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

22 (b) Membership.--The loan committee shall be composed of 11
23 members, to be appointed by the commission. Each of the
24 following entities shall, where applicable, submit a list of
25 three names, and the composition of the loan committee shall be
26 as follows:

27 (1) A volunteer fire chief from the Keystone Fire Chiefs
28 Association.

29 (2) A volunteer firefighter from the Firemen's
30 Association State of Pennsylvania.

1 (3) A Pennsylvania Emergency Health Services Council
2 representative.

3 (4) A Pennsylvania Bankers Association representative.

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

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

8 (7) A fire equipment manager from the Pennsylvania Fire
9 Equipment Distributors Association.

10 (8) A member of the Senate.

11 (9) A member of the House of Representatives.

12 (10) A representative of the Department of Labor and
13 Industry.

14 (11) A representative of the Department of General
15 Services.

16 (c) Chairperson.--Neither the commissioner nor a commission
17 staff member shall chair the loan committee. The chairperson
18 shall be elected by the loan committee members.

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

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

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

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

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

1 (1) As its principal duty, to apply the loan priorities
2 and eligibility standards set forth in 4 Pa. Code § 113.4
3 (relating to loan priorities and eligibility standards) to
4 their final decision on the volunteer company's loan
5 application.

6 (2) To render final decisions on loan applications made
7 by volunteer companies.

8 Section 10. Public Education Policy Committee.

9 (a) Establishment.--The Public Education Policy Committee is
10 hereby established.

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

13 (1) Two fire prevention educators from career fire
14 departments, one to be from the Third-Class City Fire Chiefs
15 Association.

16 (2) Two fire prevention educators from volunteer fire
17 departments who are members of the Firemen's Association
18 State of Pennsylvania.

19 (3) A primary school teacher from the Pennsylvania State
20 Education Association.

21 (4) A secondary school teacher from the Pennsylvania
22 State Education Association.

23 (5) Two fire chiefs from the Keystone Fire Chiefs
24 Association.

25 (6) Two firefighters from the Firemen's Association
26 State of Pennsylvania.

27 (7) A representative from the Department of Education.

28 (c) Chairperson.--Neither the commissioner nor a commission
29 staff member shall chair the education committee. The
30 chairperson shall be elected by the education committee members.

(d) Quorum.--Six members of the education committee shall constitute a quorum.

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

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

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

(h) Powers and duties.--The education committee shall set policy and develop programs for public fire safety education in this Commonwealth and shall work with the Department of Education on curricula for schools. The education committee shall also recommend education committee policy decisions to the commission.

Section 11. Transfer of jurisdiction and operations.

(a) Jurisdiction.--

(1) Jurisdiction over hazardous materials is hereby transferred from the Pennsylvania Emergency Management Agency to the State Fire Commission.

(2) Jurisdiction over forest fire prevention is hereby transferred from the Department of Environmental Resources to the State Fire Commission.

(b) Operations.--Operational control of the Fire Marshal's Office of the Pennsylvania State Police is hereby transferred to the State Fire Commission. The Fire Marshal's Office shall continue to be funded by the Pennsylvania State Police.

Section 12. Repeal.

- 1 The provisions of 35 Pa.C.S. § 7315 are repealed.
- 2 Section 13. Effective date.
- 3 This act shall take effect in 60 days.