
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1085

Session of
1995

INTRODUCED BY CIVERA, DeLUCA, BUNT, CLARK, ALLEN, NICKOL, FICHTER, YEWIC, CONTI, SHANER, NAILOR, D. R. WRIGHT, GIGLIOTTI, HENNESSEY, GEIST, ZUG, STABACK, OLASZ, PLATTS, DEMPSEY, FLEAGLE, VANCE, COWELL, LUCYK, MASLAND, SATHER, TRUE, WAUGH, FAIRCHILD, MICOZZIE, SURRA, COLAIZZO, ARMSTRONG, SAYLOR, STAIRS, BELFANTI, ROBERTS, GRUPPO, ROONEY, MAITLAND, GODSHALL, COLAFELLA, DRUCE, HERSHEY, CLYMER, MELIO, TANGRETTI, FLICK, SANTONI, HESS, PESCI, MILLER, TRELLO, SCHULER, RUBLEY, FARGO, E. Z. TAYLOR, DURHAM, STISH, McCALL, CORRIGAN, FAJT, J. TAYLOR, D. W. SNYDER, MARSICO, VAN HORNE, BAKER, PETRARCA, YOUNGBLOOD, L. I. COHEN, BROWNE, ADOLPH, ZIMMERMAN, RAYMOND, STRITTMATTER, BROWN, BIRMELIN, CARONE, PERZEL, BARLEY, BATTISTO, DENT, HABAY, MERRY, O'BRIEN AND EGOLF, MARCH 8, 1995

SENATOR LEMMOND, STATE GOVERNMENT, IN SENATE, AS AMENDED,
MAY 23, 1995

AN ACT

1 Establishing the Office of State Fire Commissioner as an
2 independent office; transferring the Volunteer Loan
3 Assistance Program and the State Fire Academy to the Office
4 of State Fire Commissioner; and making repeals.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Office of
9 State Fire Commissioner Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Agency." The Pennsylvania Emergency Management Agency.

3 "Commissioner." The State Fire Commissioner appointed under
4 section 4.

5 "Committee." The Fire Safety Advisory Committee established
6 under section 7.

7 "Office." The Office of State Fire Commissioner established
8 under section 3.

9 Section 3. Establishment of Office of State Fire Commissioner.

10 The Office of State Fire Commissioner is hereby established
11 as an independent office.

12 Section 4. State Fire Commissioner.

13 (a) State Fire Commissioner.--Within the office there shall
14 be the State Fire Commissioner, who shall report to the Governor
15 on all matters concerning fire safety in this Commonwealth. The
16 commissioner shall have the power and duty to:

17 (1) Coordinate the activities of State and local
18 community interests engaged in fire prevention and control
19 activities.

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

22 (3) Disseminate, through periodic reports, information
23 about fire prevention efforts and fire control techniques.

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

29 (5) Serve as a central point to support local efforts
30 and interests in all matters pertinent to fire prevention and

1 control.

2 (b) Transfer.--The office shall use, employ and expend in
3 connection with the functions, powers and duties in subsection
4 (a) for the position of the commissioner contract obligations,
5 if any, records, files, property, supplies and equipment now
6 being used or held in connection with such functions, powers and
7 duties and the unexpended balance of appropriations,
8 allocations, Federal grants and other funds available or to be
9 made available for use in connection with such functions, powers
10 and duties as previously transmitted to the agency by
11 Reorganization Plan No.5 of 1981 (P.L.612).

12 (c) Qualifications and appointment.--The commissioner shall
13 be a person who, by reason of training, experience and
14 attainment, is qualified to coordinate fire prevention and
15 control activities. The commissioner shall be appointed by the
16 Governor after consultation with the fire service community AND <—
17 WITH THE ADVICE AND CONSENT OF A MAJORITY OF THE MEMBERS ELECTED
18 TO THE SENATE. The commissioner also shall report to the
19 Lieutenant Governor on all matters related to the office and
20 shall act as the Commonwealth's primary representative with the
21 Statewide fire service community.

22 Section 5. Pennsylvania State Fire Academy.

23 (a) Creation.--There is hereby created within the office the
24 Pennsylvania State Fire Academy, which shall be under the
25 operational control of the commissioner. The agency shall
26 administratively provide for the erection or construction, the
27 furnishing, the staffing and the equipping of the buildings and
28 structures through the Department of General Services and the
29 leasing thereof by the Commonwealth for the use and support of
30 the Pennsylvania State Fire Academy.

1 (b) Transfer.--There are hereby transferred to the office,
2 to be used, employed and expended in connection with the
3 functions, powers and duties authorized in subsection (a),
4 personnel, contract obligations, if any, records, files,
5 property, supplies and equipment now being used or held in
6 connection with such functions, powers and duties and the
7 unexpended balance of appropriations, allocations, Federal
8 grants and other funds available or to be made available for use
9 in connection with such functions, powers and duties as
10 previously transmitted to the agency by Reorganization Plan No.6
11 of 1981 (P.L.613).

12 (c) Hazardous chemical and radioactive material training.--
13 The Pennsylvania State Fire Academy shall serve as the resident
14 Commonwealth government center for hazardous chemical and
15 radioactive material training. The Pennsylvania State Fire
16 Academy is authorized to use resident and field staff to support
17 this training.

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

1 capability shall be coordinated by the commissioner.

2 Section 6. Pennsylvania Volunteer Loan Assistance Program.

3 (a) Creation.--Within the office there shall be a loan
4 assistance program, which shall be implemented by the
5 commissioner, for volunteer agencies, known as the Pennsylvania
6 Volunteer Loan Assistance Program, which shall make loans to
7 volunteer fire companies, volunteer ambulance services,
8 hazardous materials units and volunteer rescue squads for the
9 purpose of establishing or modernizing facilities to house
10 firefighting apparatus equipment, ambulances and rescue vehicles
11 and for purchasing new firefighting apparatus equipment,
12 ambulances, rescue vehicles and protective and communications
13 equipment and any other accessory equipment necessary for the
14 proper performance of such organizations' duties, as recognized
15 by the community.

16 (b) Transfer.--There are hereby transferred to the office,
17 to be used, employed and expended in connection with the
18 functions, powers and duties authorized in subsection (a),
19 personnel, contractual obligations, if any, mortgages, liens,
20 encumbrances and any other secured interests, records, files,
21 property, supplies and equipment now being used or held in
22 connection with such functions, power and duties and the
23 ~~expended~~ UNEXPENDED balance of appropriations, allocations and <—
24 other funds available or to be made available for use in
25 connection with such functions, powers and duties as previously
26 transmitted to the agency by Reorganization Plan No.7 of 1981
27 (P.L.615).

28 (C) REGULATIONS.--THE VOLUNTEER LOAN ASSISTANCE PROGRAM <—
29 REGULATIONS FOUND IN 4 PA. CODE CH. 113 (RELATING TO VOLUNTEER
30 FIRE COMPANY, AMBULANCE SERVICE AND RESCUE SQUAD ASSISTANCE) ARE

1 HEREBY TRANSFERRED TO THE OFFICE FROM THE AGENCY. THE OFFICE MAY
2 FULLY IMPLEMENT AND ADMINISTER THOSE REGULATIONS ON THE
3 EFFECTIVE DATE OF THIS ACT. THE NAME OF THE OFFICE MAY BE
4 SUBSTITUTED FOR THE AGENCY THROUGHOUT THE REGULATIONS AND THE
5 REGULATIONS MAY BE RENUMBERED AND PUBLISHED IN THE PENNSYLVANIA
6 BULLETIN AS A FINAL REGULATION WITHOUT THOSE REGULATORY CHANGES
7 BEING SUBJECT TO THE PROVISIONS OF THE ACT OF JUNE 25, 1982
8 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW ACT.

9 Section 7. Fire Safety Advisory Committee.

10 (a) Creation.--There is hereby created the Fire Safety
11 Advisory Committee to assist the commissioner. The committee
12 shall consist of nine members, as follows:

13 (1) The director of the agency, ex officio.

14 (2) The commissioner, who shall serve as chairman.

15 (3) Two paid firefighters.

16 (4) One member of the public, to be appointed by the
17 Governor.

18 (5) Four volunteer firefighters, one each to be
19 appointed by the President pro tempore of the Senate, the
20 Minority Leader of the Senate, the Speaker of the House of
21 Representatives and the Minority Leader of the House of
22 Representatives.

23 Members of the committee shall serve at the pleasure of their
24 appointing authority. The committee shall advise the
25 commissioner on matters pertaining to the operation of the
26 Pennsylvania State Fire Academy and any other matters as the
27 commissioner may request.

28 (b) Expenses.--Members of the committee shall receive
29 reimbursement for reasonable traveling, hotel and other
30 necessary expenses incurred in the performance of their duties

1 in accordance with Commonwealth regulations.

2 Section 8. Appropriations.

3 All appropriations for the commissioner shall be by a
4 separate line item in the General Appropriation Act.

5 Section 9. Repeals.

6 The provisions of 35 Pa.C.S. §§ 7315, 7316, 7317, 7318 and
7 7319 are repealed.

8 Section 10. Effective date.

9 This act shall take effect in 60 days.