

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1094 Session of
1981

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STUBAN, COLE, SHOWERS, CAPPABIANCA, BOWSER, MERRY, MADIGAN,
BOYES, SHUPNIK, CALTAGIRONE AND MULLEN, APRIL 1, 1981

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 1, 1981

AN ACT

1 Creating a State Fire Safety Commission; providing for the
2 appointment of members and a State Fire Safety Commissioner;
3 and defining its powers and duties.

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

6 Section 1. Creation of commission; composition.

7 (a) A State Fire Safety Commission is hereby created as an
8 independent administrative commission subject to the provisions
9 of the act of April 9, 1929 (P.L.177, No.175), known as "The
10 Administrative Code of 1929," with sole jurisdiction over all
11 fire safety codes, storage, handling and transportation of all
12 explosives, toxic or hazardous chemicals, and flammable liquids
13 and gases, the Pennsylvania State Firemen's Training School, and
14 rules and regulations that are at this date in force promulgated
15 by the several departments and agencies of the State government,
16 with the exception of the arson investigations of the Fire
17 Marshal Division of the Pennsylvania State Police.

18 (b) The State Fire Safety Commission shall consist of 16

1 members as follows: eight citizens of Pennsylvania appointed by
2 the Governor with the advice and consent of a majority of the
3 Senate, two of whom shall be representatives of paid firemen and
4 two of whom shall be representatives of volunteer firemen; the
5 Secretary of the Department of Labor and Industry; the Deputy
6 Secretary for Safety Administration of the Department of
7 Transportation; the Fire Marshal of the Pennsylvania State
8 Police; the State Fire Safety Commissioner; a majority and
9 minority member of the Senate appointed by the President pro
10 tempore; and a majority and minority member of the House of
11 Representatives appointed by the Speaker thereof.

12 (c) Of the eight initial appointments of the Governor, two
13 shall be appointed for a year; two for two years; two for three
14 years; and two for four years; thereafter all appointments shall
15 be for a term of four years. Any vacancies shall be immediately
16 filled by the Governor for the unexpired term. The members of
17 the Legislature appointed by the commission shall serve at the
18 pleasure of the appointing authority, but not beyond their term
19 of office in the General Assembly.

20 (d) Commission members, other than the eight gubernatorial
21 appointments, may designate someone to act in their stead but
22 such designated persons shall have no vote.

23 (e) The commission members shall serve without compensation,
24 but each member shall be reimbursed for his necessary traveling
25 and other expenses involved in the performance of his official
26 duties.

27 Section 2. State Fire Safety Commissioner.

28 The commission shall submit a list of five qualified persons
29 for appointment to the office of State Fire Safety Commissioner.
30 Said appointment shall be made by the Governor, with the advice

1 and consent of a majority of the Senate. He shall serve at the
2 pleasure of the Governor. The State Fire Safety Commissioner
3 shall have at least ten years' experience in the field of fire
4 safety. He shall be the chairman and preside at the meetings of
5 the commission. The salary of the State Fire Safety Commissioner
6 shall be set by the commission.

7 Section 3. Meetings of the commission.

8 (a) The Secretary of Labor and Industry shall, within 60
9 days after confirmation of the members of the commission, call
10 the organizational meeting for the purpose of submitting to the
11 Governor the initial list of applicants for the office of State
12 Fire Safety Commissioner. The commission shall meet at least
13 four times a year. Special meetings may be called by the
14 chairman, or upon written request of nine members. A quorum
15 shall consist of nine members.

16 (b) It shall be the duty of the commission, through the
17 State Fire Safety Commissioner, to keep a full and faithful
18 record of the proceedings of such commission, preserve at the
19 general offices of the commission all books, maps, documents and
20 papers entrusted to its care, and prepare for service such
21 papers and notices as may be required by the commission. The
22 commission or such officers, employees or agents of the
23 commission as may be designated by the commission for such
24 purposes, shall have the power to administer oaths and examine
25 witnesses.

26 (c) All meetings of the commission shall be open and public
27 and all persons shall be permitted to attend any meetings of the
28 commission.

29 Section 4. Powers and duties.

30 The powers and duties of the commission shall be:

1 (1) Prepare and adopt regulations establishing minimum
2 standards for the protection of life and property against
3 fire and panic caused by fires and explosions.

4 (2) Adopt and promote educational fire safety programs
5 for the public, and for the public and private school systems
6 through the twelfth grade of education.

7 (3) Establish a system of Statewide inspections for fire
8 hazards, training and utilizing the various fire departments
9 for such inspections.

10 (4) Develop and regulate a Statewide training program
11 for fire safety personnel, including fire drills.

12 (5) Adopt standards of fire fighting equipment,
13 excluding ambulances, invalid coaches or those vehicles
14 designed primarily for rescue operations.

15 (6) Establish programs of regional fire protection.

16 (7) Collect and interpret fire statistical data.

17 (8) Identify and make public the location of hospitals
18 within the Commonwealth, and in contiguous states, that are
19 equipped and staffed to offer specialized treatment for burn
20 cases.

21 Section 5. Commission staff.

22 The commission shall have the power to employ such
23 professional, technical, clerical and other assistance as may be
24 deemed necessary. The staff shall serve at the pleasure of the
25 commission which shall prescribe their duties and fix their
26 compensation within the appropriations available therefor.

27 Section 6. Effect of municipal restrictions.

28 Nothing in this act shall prohibit the governing body of any
29 municipality from imposing greater restrictions than are imposed
30 by this act or any regulations promulgated by the commission.

1 Section 7. Legislative oversight.

2 The State Fire Safety Commission shall be subject to a
3 comprehensive legislative review every three years for
4 evaluation of its program, responsibilities, appropriation
5 needs, staff and effectiveness.

6 Section 8. Severability.

7 If any provision of this act or the application thereof to
8 any person or circumstances is held invalid, such invalidity
9 shall not affect other provisions or applications of the act
10 which can be given effect without the invalid provision or
11 application, and to this end the provisions of this act are
12 declared to be severable.

13 Section 9. Repeals.

14 All acts and parts of acts are repealed insofar as they are
15 inconsistent herewith.

16 Section 10. Effective date.

17 This act shall take effect immediately. For the purpose of
18 transition, the commission, by regulation, shall designate the
19 effective date when its exclusive jurisdiction shall supersede
20 the jurisdiction of the agencies whose authority to administer
21 statutes and regulations thereunder shall take effect. The
22 aforesaid supersession shall be not later than six months after
23 the organizational meeting of the commission.