

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, RE-REPORTED AS
AMENDED, OCTOBER 25, 1995

AN ACT

1 Establishing the ~~Office of~~ State Fire Commissioner ~~as an~~ <—
2 ~~independent office~~ WITHIN THE PENNSYLVANIA EMERGENCY <—
3 MANAGEMENT AGENCY; transferring the Volunteer Loan Assistance
4 Program and the State Fire Academy to the ~~Office of~~ State <—
5 Fire Commissioner; and making repeals.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the ~~Office of~~ <—
10 State Fire Commissioner Act.

11 Section 2. Definitions.

12 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 "Agency." The Pennsylvania Emergency Management Agency.

4 "Commissioner." The State Fire Commissioner appointed under
5 section 4 3. <—

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

8 ~~"Office." The Office of State Fire Commissioner established~~ <—
9 ~~under section 3.~~

10 ~~Section 3. Establishment of Office of State Fire Commissioner.~~

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

13 Section 4 3. State Fire Commissioner. <—

14 (a) State Fire Commissioner.--Within the ~~office~~ AGENCY there <—
15 shall be the State Fire Commissioner, who, THROUGH THE <—
16 LIEUTENANT GOVERNOR, shall report to the Governor on all matters
17 concerning fire safety in this Commonwealth. The commissioner
18 shall have the power and duty to:

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

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

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

26 (4) 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 minimize
30 loss when they occur.

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

(b) Transfer.--The ~~office~~ COMMISSIONER shall use, employ and expend in connection with the functions, powers and duties ENUMERATED in subsection (a) for the position of the commissioner, 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 previously ~~transmitted to~~ WERE VESTED IN the agency by Reorganization Plan No.5 of 1981 (P.L.612).

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

Section ~~5~~ 4. Pennsylvania State Fire Academy.

(a) Creation.--There is hereby created ~~within the office~~ the Pennsylvania State Fire Academy, FORMERLY KNOWN AS THE PENNSYLVANIA STATE FIREMEN'S TRAINING SCHOOL CREATED UNDER THE ACT OF MAY 26, 1949 (P.L.1844, NO.547), ENTITLED, "AN ACT ESTABLISHING THE PENNSYLVANIA STATE FIREMEN'S TRAINING SCHOOL IN

1 OR ADJACENT TO THE BOROUGH OF LEWISTOWN; PROVIDING FOR ITS
2 OPERATION AND MAINTENANCE BY THE DEPARTMENT OF PUBLIC
3 INSTRUCTION; AUTHORIZING THE ACQUISITION OF A SITE EITHER BY
4 GIFT OR PURCHASE BY THE COMMONWEALTH OR BY THE GENERAL STATE
5 AUTHORITY, OR THE USE OF LAND NOW OWNED BY THE COMMONWEALTH;
6 PROVIDING FOR THE ERECTION OR CONSTRUCTION AND THE FURNISHING
7 AND EQUIPPING OF THE BUILDINGS AND STRUCTURES BY THE GENERAL
8 STATE AUTHORITY, AND THE LEASING THEREOF BY THE COMMONWEALTH;
9 AND CONFERRING POWERS AND IMPOSING DUTIES UPON THE DEPARTMENT OF
10 PUBLIC INSTRUCTION AND THE PUBLIC SERVICE INSTITUTE BOARD,"
11 which shall be under the operational control of the
12 commissioner. The ~~agency~~ COMMISSIONER shall administratively <—
13 provide for the erection or construction, the furnishing, the
14 staffing and the equipping of ~~the~~ buildings and structures <—
15 through the Department of General Services and FOR the leasing <—
16 thereof by the Commonwealth for the use and support of the
17 Pennsylvania State Fire Academy. THE PENNSYLVANIA STATE <—
18 FIREMEN'S TRAINING SCHOOL AND THE POWERS AND DUTIES OF THE
19 DEPARTMENT OF EDUCATION AND THE PUBLIC SERVICE INSTITUTE BOARD,
20 PERTAINING TO THE PENNSYLVANIA STATE FIREMEN'S TRAINING SCHOOL,
21 WHICH WERE TRANSFERRED TO THE AGENCY UNDER REORGANIZATION PLAN
22 NO.6 OF 1981 (P.L.613), AND WHICH ARE SET FORTH IN THE ACT OF
23 MAY 26, 1949 (P.L.1844, NO.547), ARE HEREBY TRANSFERRED TO AND
24 VESTED IN THE COMMISSIONER.

25 (b) Transfer.--There are hereby transferred to the ~~office~~ <—
26 COMMISSIONER, to be used, employed and expended in connection <—
27 with the functions, powers and duties ~~authorized~~ ENUMERATED in <—
28 subsection (a), personnel, contract obligations, if any,
29 records, files, property, supplies and equipment now being used
30 or held in connection with such functions, powers and duties and

1 the unexpended balance of appropriations, allocations, Federal
2 grants and other funds available or to be made available for use
3 in connection with such functions, powers and duties as
4 previously ~~transmitted to~~ WERE VESTED IN THE DEPARTMENT OF <—
5 EDUCATION AND THE PUBLIC SERVICE INSTITUTE BOARD UNDER THE ACT
6 OF MAY 26, 1949 (P.L.1844, NO.547), AND TRANSFERRED TO the
7 agency by Reorganization Plan No.6 of 1981 (P.L.613).

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

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

28 (E) ADMINISTRATION.-- <—

29 (1) THE COMMISSIONER MAY ASSESS REASONABLE FEES ON FOR-
30 PROFIT CORPORATIONS AND BUSINESSES AND ON STUDENTS WHO ARE

1 NONRESIDENTS OF THIS COMMONWEALTH FOR FIRE, RESCUE AND
2 EMERGENCY SERVICE TRAINING PROGRAMS PROVIDED TO THEM BY THE
3 PENNSYLVANIA STATE FIRE ACADEMY, BUT IN NO EVENT SHALL ANY
4 MEMBER OF A MUNICIPAL OR VOLUNTEER FIRE, RESCUE, AMBULANCE OR
5 OTHER EMERGENCY SERVICE ORGANIZATION LOCATED WITHIN THIS
6 COMMONWEALTH BE CHARGED FOR TRAINING PROVIDED AT THE
7 PENNSYLVANIA STATE FIRE ACADEMY.

8 (2) THE COMMISSIONER MAY CHARGE ALL STUDENTS FOR CLASS
9 MATERIALS AND SUPPLIES DIRECTLY RELATED TO THE CONDUCT OF
10 CLASSES PROVIDED AT THE PENNSYLVANIA STATE FIRE ACADEMY AND
11 FOR INSIGNIA, PATCHES AND SIMILAR MEMORABILIA INDICATING
12 STUDENT ATTENDANCE OR ACHIEVEMENT AT THE PENNSYLVANIA STATE
13 FIRE ACADEMY.

14 (3) ALL REVENUES GENERATED BY THESE FEES AND CHARGES
15 SHALL AUGMENT THE APPROPRIATION MADE TO THE OFFICE OF STATE
16 FIRE COMMISSIONER.

17 Section 6 5. Pennsylvania Volunteer Loan Assistance Program. <—

18 (a) Creation.--~~Within the office there~~ THERE shall be a loan <—
19 assistance program, which shall be implemented by the
20 commissioner, for volunteer agencies, known as the Pennsylvania
21 Volunteer Loan Assistance Program, which shall make loans to <—
22 ~~volunteer fire companies, volunteer ambulance services,~~
23 ~~hazardous materials units and volunteer rescue squads for the~~
24 ~~purpose of establishing or modernizing facilities to house~~
25 ~~firefighting apparatus equipment, ambulances and rescue vehicles~~
26 ~~and for purchasing new firefighting apparatus equipment,~~
27 ~~ambulances, rescue vehicles and protective and communications~~
28 ~~equipment and any other accessory equipment necessary for the~~
29 ~~proper performance of such organizations' duties, as recognized~~
30 ~~by the community.~~ UNDER THE ACT OF JULY 15, 1976 (P.L.1036, <—

1 NO.208), KNOWN AS THE VOLUNTEER FIRE COMPANY, AMBULANCE SERVICE
2 AND RESCUE SQUAD ASSISTANCE ACT. THE PENNSYLVANIA VOLUNTEER LOAN
3 ASSISTANCE PROGRAM AND THE POWERS AND DUTIES PREVIOUSLY VESTED
4 IN THE DEPARTMENT OF COMMUNITY AFFAIRS, WHICH WERE TRANSFERRED
5 TO THE AGENCY UNDER REORGANIZATION PLAN NO.7 OF 1981 (P.L.615),
6 AND WHICH ARE SET FORTH UNDER THE VOLUNTEER FIRE COMPANY,
7 AMBULANCE SERVICE AND RESCUE SQUAD ASSISTANCE ACT, ARE HEREBY
8 TRANSFERRED TO AND VESTED IN THE COMMISSIONER.

9 (b) Transfer.--There are hereby transferred to the ~~office~~ <—
10 COMMISSIONER, to be used, employed and expended in connection <—
11 with the functions, powers and duties ~~authorized~~ ENUMERATED in <—
12 subsection (a), personnel, contractual obligations, if any,
13 mortgages, liens, encumbrances and any other secured interests,
14 records, files, property, supplies and equipment now being used
15 or held in connection with such functions, ~~power~~ POWERS and <—
16 duties and the ~~expended~~ UNEXPENDED balance of appropriations, <—
17 allocations and other funds available or to be made available
18 for use in connection with such functions, powers and duties as
19 previously ~~transmitted to~~ WERE VESTED IN THE DEPARTMENT OF <—
20 COMMUNITY AFFAIRS UNDER THE VOLUNTEER FIRE COMPANY, AMBULANCE
21 SERVICE AND RESCUE SQUAD ASSISTANCE ACT, AND TRANSFERRED TO the
22 agency by Reorganization Plan No.7 of 1981 (P.L.615).

23 (C) REGULATIONS.--THE VOLUNTEER LOAN ASSISTANCE PROGRAM <—
24 REGULATIONS FOUND IN 4 PA. CODE CH. 113 (RELATING TO VOLUNTEER
25 FIRE COMPANY, AMBULANCE SERVICE AND RESCUE SQUAD ASSISTANCE) ARE
26 HEREBY TRANSFERRED TO THE ~~OFFICE~~ COMMISSIONER FROM THE AGENCY. <—
27 THE ~~OFFICE~~ MAY COMMISSIONER SHALL FULLY IMPLEMENT AND ADMINISTER <—
28 THOSE REGULATIONS ON THE EFFECTIVE DATE OF THIS ACT. THE ~~NAME OF~~ <—
29 ~~THE OFFICE~~ COMMISSIONER MAY BE SUBSTITUTED FOR THE AGENCY <—
30 THROUGHOUT THE REGULATIONS AND THE REGULATIONS MAY BE RENUMBERED

1 AND PUBLISHED IN THE PENNSYLVANIA BULLETIN AS A FINAL REGULATION <—
2 REGULATIONS WITHOUT THOSE REGULATORY CHANGES BEING SUBJECT TO <—
3 THE PROVISIONS OF THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
4 KNOWN AS THE REGULATORY REVIEW ACT.

5 Section 7 6. Fire Safety Advisory Committee. <—

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

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

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

11 (3) Two paid firefighters TO BE APPOINTED BY THE <—
12 GOVERNOR FROM A LIST OF AT LEAST SIX NOMINEES SUBMITTED BY
13 THE PENNSYLVANIA PROFESSIONAL STATE FIREFIGHTERS ASSOCIATION.

14 (4) One member of the public, to be appointed by the
15 Governor.

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

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

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

30 Section 8 7. Appropriations. <—

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

3 Section ~~9~~ 8. Repeals. <—

4 ~~The provisions of 35 Pa.C.S. §§ 7315, 7316, 7317, 7318 and~~ <—
5 ~~7319 are repealed.~~

6 (A) ABSOLUTE.--THE PROVISIONS OF 35 PA.C.S. §§ 7315, 7316, <—
7 7317, 7318 AND 7319 ARE REPEALED.

8 (B) INCONSISTENT.--THE FOLLOWING ACTS AND PARTS OF ACTS ARE
9 RESCINDED INsofar AS THEY ARE INCONSISTENT WITH THIS ACT:

10 REORGANIZATION PLAN NO.5 OF 1981 (P.L.612).

11 REORGANIZATION PLAN NO.6 OF 1981 (P.L.613).

12 REORGANIZATION PLAN NO.7 OF 1981 (P.L.615).

13 Section ~~10~~ 9. Effective date. <—

14 This act shall take effect in 60 days.