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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 859 Session of  
2019

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INTRODUCED BY LEACH, ARGALL, SANTARSIERO, HAYWOOD, TARTAGLIONE  
AND BROWNE, SEPTEMBER 19, 2019

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REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
SEPTEMBER 19, 2019

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in 911 emergency communication  
3 services, further providing for telecommunications  
4 management; in Commonwealth services relating to emergency  
5 management, further providing for organization of  
6 Pennsylvania Emergency Management Agency, for Intrastate  
7 Mutual Aid Committee, for definitions relating to volunteer  
8 fire company, ambulance service and rescue squad assistance,  
9 for assistance to volunteer fire companies, ambulance service  
10 and rescue squads, for Volunteer Companies Loan Fund and for  
11 powers and duties of office; amending provisions relating to  
12 the State Fire Commissioner by abolishing the State Fire  
13 Commissioner and establishing the State Fire Commission, the  
14 State Fire Chief and the Director of Bureau of Emergency  
15 Medical Services; in miscellaneous provisions, further  
16 providing for Firefighters' Memorial Flag and for prohibition  
17 on certain service; in grants to volunteer fire companies and  
18 emergency medical services companies, further providing for  
19 definitions, for establishment of Fire Company Grant Program,  
20 for award of grants and for consolidation incentive; in  
21 incentives for municipal volunteers of fire companies and  
22 nonprofit emergency medical services agencies, further  
23 providing for definitions, for program authorization and for  
24 service record; and making conforming amendments.

25 The General Assembly of the Commonwealth of Pennsylvania  
26 hereby enacts as follows:

27 Section 1. Sections 5303(b)(1)(viii) of Title 35 of the  
28 Pennsylvania Consolidated Statutes, amended June 28, 2019

1 (P.L.142, No.17), is amended to read:

2 § 5303. Telecommunications management.

3 \* \* \*

4 (b) Establishment of 911 board.--There is established a  
5 board within the agency to be known as the 911 board. The board  
6 shall be comprised of the following:

7 (1) The following State officials, who shall serve as  
8 voting members:

9 \* \* \*

10 (viii) The State Fire [Commissioner] Chief.

11 \* \* \*

12 Section 2. Section 7312(a) and 7333(b)(2) of Title 35 are  
13 amended to read:

14 § 7312. Organization.

15 This agency shall consist of and be organized substantially  
16 as follows:

17 (a) Council.--Primary responsibility for overall policy and  
18 direction of a Statewide civil defense and disaster program and  
19 response capability of the type hereinafter prescribed shall be  
20 vested in a body legally known as the Pennsylvania Emergency  
21 Management Council, which shall be composed of: the Governor,  
22 Lieutenant Governor, Adjutant General, Secretary of Health,  
23 Attorney General, General Counsel, Secretary of Community  
24 Affairs, Secretary of Environmental Protection, Secretary of  
25 Transportation, Secretary of Agriculture, Secretary of Public  
26 Welfare, Commissioner of the Pennsylvania State Police, Chairman  
27 of the Public Utility Commission, State Fire [Commissioner]  
28 Chief, Speaker of the House of Representatives, President pro  
29 tempore of the Senate, Minority Leader of the Senate and  
30 Minority Leader of the House of Representatives. The Speaker of

1 the House of Representatives, President pro tempore of the  
2 Senate, Minority Leader of the Senate and Minority Leader of the  
3 House of Representatives may authorize a member of their  
4 respective Houses of the General Assembly to serve in their  
5 stead. The Governor may authorize up to two representatives of  
6 business and industry, up to two representatives of labor, up to  
7 two public members at large and one representative respectively  
8 of the Pennsylvania State Association of County Commissioners,  
9 the Pennsylvania State Association of Township Commissioners,  
10 the Pennsylvania State Association of Township Supervisors, the  
11 Pennsylvania League of Cities and the Pennsylvania State  
12 Association of Boroughs to be nonvoting members of the council.  
13 The Governor may designate a member to serve as chairman. Five  
14 members shall constitute a quorum.

15 \* \* \*

16 § 7333. Intrastate Mutual Aid Committee.

17 \* \* \*

18 (b) Membership.--The committee shall be comprised of the  
19 following members:

20 \* \* \*

21 (2) The State Fire [Commissioner] Chief and the Director  
22 of the Bureau of Emergency Medical Services of the Department  
23 of Health or any successor bureau or administrative unit  
24 having similar responsibilities.

25 \* \* \*

26 Section 3. The definitions of "commissioner" and "office" in  
27 section 7363 of Title 35 are amended and the section is amended  
28 by adding a definition to read:

29 § 7363. Definitions.

30 The following words and phrases when used in this subchapter

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

3 \* \* \*

4 "Chief." The State Fire Chief.

5 ["Commissioner." The State Fire Commissioner.]

6 \* \* \*

7 "Office." The [Office of the State Fire Commissioner] office  
8 maintained by the Pennsylvania Emergency Management Agency under  
9 section 7383(b) (relating to State Fire Commission and State  
10 Fire Chief).

11 \* \* \*

12 Section 4. Sections 7364(b), (g) and (i)(2), 7365(b) and (c)  
13 and 7366(b)(2) of Title 35 are amended to read:

14 § 7364. Assistance to volunteer fire companies, ambulance  
15 service and rescue squads.

16 \* \* \*

17 (b) Loans.--Loans made by the office in the amount of  
18 \$30,000 or less shall be for a period of not more than ten  
19 years. Loans in excess of \$30,000 but not in excess of \$100,000  
20 shall be for a period of not more than 15 years. The payback  
21 period of any loan in excess of \$100,000, except a loan for  
22 establishing or modernizing facilities, shall not exceed 20  
23 years. The payback period for any loan in excess of \$200,000 for  
24 establishing or modernizing facilities shall not exceed 20  
25 years. Loans shall be subject to the payment of interest at 2%  
26 per year and shall be subject to such security as shall be  
27 determined by the [commissioner] chief. The total amount of  
28 interest earned by the investment or reinvestment of all or any  
29 part of the principal of any loan shall be returned to the  
30 office and transferred to the Volunteer Companies Loan Fund and

1 shall not be credited as payment of principal or interest on the  
2 loan. Except as provided in subsection (a) (5) and (7), the  
3 minimum amount of any loan shall be \$10,000.

4 \* \* \*

5 (g) Eligibility.--A volunteer fire company, ambulance  
6 service and rescue squad shall be eligible for a loan regardless  
7 of legal ownership in whole or in part by any political  
8 subdivision of any facilities or apparatus equipment used by the  
9 volunteer fire company, volunteer ambulance and volunteer rescue  
10 squad. Any equipment or facilities financed may be transferred  
11 to a political subdivision served by the volunteer fire company,  
12 volunteer ambulance service or volunteer rescue squad subject to  
13 such security as shall be determined by the [commissioner]  
14 chief.

15 \* \* \*

16 (i) Aggregation of loans.--

17 \* \* \*

18 (2) If more than one fire company, volunteer rescue  
19 service or volunteer ambulance service merge or consolidate  
20 into a single entity, as determined by the [commissioner]  
21 chief, the entity shall be eligible for not more than ten  
22 loans at one time for a period of ten years from the date of  
23 the merger or consolidation.

24 § 7365. Volunteer Companies Loan Fund.

25 \* \* \*

26 (b) Requisition.--Upon approval of the loan, the  
27 [commissioner] chief shall routinely requisition from the  
28 Volunteer Companies Loan Fund such amounts as shall be allocated  
29 by the office for loans to volunteer companies. When and as the  
30 amounts so allocated as loans to volunteer companies are repaid

1 pursuant to the terms of the agreements made and entered into  
2 with the office, the office shall pay such amounts into the  
3 Volunteer Companies Loan Fund, it being the intent of this  
4 subchapter that the Volunteer Companies Loan Fund shall operate  
5 as a revolving fund whereby all appropriations and payments made  
6 thereto may be applied and reapplied to the purposes of this  
7 subchapter.

8 (c) Administration.--Each fiscal year, the [State Fire  
9 Commissioner] chief may use an amount up to \$250,000 from the  
10 Volunteer Companies Loan Fund for the administrative cost of  
11 implementing the loan program under this subchapter.

12 § 7366. Powers and duties of office.

13 \* \* \*

14 (b) Discretionary.--The office has the following powers:

15 \* \* \*

16 (2) To specify priority of liens against any facilities,  
17 apparatus equipment, ambulances, rescue vehicles or any  
18 equipment purchased by volunteer companies using funds loaned  
19 under this subchapter to pay all or any part of the purchase  
20 price, as the office may require by established guidelines  
21 and procedures. The [commissioner] chief may specify the type  
22 of liens or collateral authorized as security under this  
23 paragraph.

24 \* \* \*

25 Section 5. Subchapter F heading of Chapter 73 of Title 35 is  
26 amended to read:

27 SUBCHAPTER F

28 STATE FIRE [COMMISSIONER] COMMISSION

29 Section 6. Sections 7381, 7382, 7383, 7384 and 7385 of Title  
30 35 are amended to read:

1 § 7381. Scope of subchapter.

2 This subchapter relates to the State Fire [Commissioner]  
3 Commission.

4 § 7382. Definitions.

5 The following words and phrases when used in this subchapter  
6 shall have the meanings given to them in this section unless the  
7 context clearly indicates otherwise:

8 "Agency." The Pennsylvania Emergency Management Agency.

9 "Chief." The State Fire Chief.

10 "[Commissioner] Commission." The State Fire [Commissioner]  
11 Commission.

12 ["Committee." The Fire Safety Advisory Committee.]

13 "Director." The Director of Bureau of Emergency Medical  
14 Services in the Department of Health.

15 § 7383. State Fire [Commissioner] Commission and State Fire  
16 Chief.

17 (a) [State Fire Commissioner] Commission established.--There  
18 shall be [a] an independent State Fire [Commissioner]  
19 Commission, [who] which[, through the Lieutenant Governor,]  
20 shall be the lead agency for fire services and shall report  
21 directly to the Governor on all matters concerning fire safety  
22 in this Commonwealth.

23 (a.1) Chief established.--The [Office of the State Fire  
24 Commissioner] commission shall [be] maintain an office within  
25 the agency for administrative purposes only, to be led by the  
26 State Fire Chief, and the [commissioner] commission shall not  
27 report to the director of the agency. [The commissioner shall  
28 have the power and duty to:

29 (1) Coordinate the activities of State and local  
30 community interests engaged in fire prevention and control

1 activities.]

2 (a.2) Membership.--The commission shall consist of the  
3 following members, who shall be well informed on the subject of  
4 fire service or ambulance service and shall be appointed by the  
5 Governor, by and with the advice and consent of a majority of  
6 the elected members of the Senate:

7 (1) The chief, ex officio, who shall serve as  
8 chairperson of the commission and who shall vote in case of a  
9 tie only on a question before the commission.

10 (2) The director, ex officio, who shall serve as vice  
11 chairperson of the commission and who shall be a nonvoting  
12 member.

13 (3) One competent resident from each of the following  
14 geographical districts of this Commonwealth:

15 (i) The county of Allegheny, constituting the first  
16 district.

17 (ii) The counties of Armstrong, Beaver, Butler,  
18 Cambria, Fayette, Greene, Indiana, Lawrence, Somerset,  
19 Washington and Westmoreland, constituting the second  
20 district.

21 (iii) The counties of Bedford, Blair, Cameron,  
22 Centre, Clarion, Clearfield, Crawford, Elk, Erie,  
23 Franklin, Forest, Fulton, Huntingdon, Jefferson, Juniata,  
24 McKean, Mercer, Mifflin, Venango and Warren, constituting  
25 the third district.

26 (iv) The counties of Adams, Cumberland, Dauphin,  
27 Lancaster, Lebanon, Perry and York, constituting the  
28 fourth district.

29 (v) The counties of Berks, Bradford, Clinton,  
30 Columbia, Lackawanna, Luzerne, Lycoming, Montour,



1 Northumberland, Potter, Tioga, Schuylkill, Snyder,  
2 Sullivan, Union and Wyoming, constituting the fifth  
3 district.

4 (vi) The counties of Bucks, Carbon, Lehigh, Monroe,  
5 Northampton, Pike, Wayne and Susquehanna, constituting  
6 the sixth district.

7 (vii) The counties of Chester, Delaware and  
8 Montgomery, constituting the seventh district.

9 (viii) The county of Philadelphia, constituting the  
10 eighth district.

11 (4) A business and industry representative.

12 (5) A certified architect representative.

13 (6) An insurance industry representative.

14 (a.3) Background of members.--Members of the commission  
15 appointed under subsection (a.2)(3) shall be comprised of:

16 (1) At least one resident who is a member of a volunteer  
17 fire company.

18 (2) At least one resident who is a member of a career  
19 fire department.

20 (3) At least one resident who is a member of a  
21 combination fire organization.

22 (4) At least one resident who is a member of a volunteer  
23 ambulance service or volunteer rescue squad.

24 (5) At least one resident who is a member of a career  
25 ambulance service or career rescue squad.

26 (a.4) Initial appointments to commission.--

27 (1) The person who serves as the State Fire Commissioner  
28 on the effective date of this subsection shall continue in  
29 office as the chief for the duration of the term for which  
30 the person was appointed as State Fire Commissioner.

1       (2) Members of the commission initially appointed under  
2 subsections (a.2)(3)(i), (iii), (v) and (vii) shall serve an  
3 initial term of two years as designated by the Governor at  
4 the time of appointment.

5       (3) Members of the commission initially appointed under  
6 subsections (a.2)(3)(ii), (iv), (vi) and (viii) shall serve  
7 an initial term of four years as designated by the Governor  
8 at the time of appointment.

9       (4) Members of the commission initially appointed under  
10 subsections (a.2)(4), (5) and (6) shall serve an initial term  
11 of three years as designated by the Governor at the time of  
12 appointment.

13 (a.5) Term of office and compensation.--

14       (1) Upon the expiration of the initial term of office of  
15 each member of the commission as appointed under subsections  
16 (a.4)(2), (3) and (4), such members shall hold office for  
17 terms of four years each and may continue to hold office for  
18 a period of time not to exceed six months or until a  
19 successor is appointed and qualified, whichever occurs first.

20       (2) A member of the commission, except the chief and the  
21 director, who serves three consecutive terms, or for a period  
22 totaling thirteen consecutive years, shall not be eligible  
23 for reappointment to the commission.

24       (3) Members of the commission, except the commissioner  
25 and the director, shall receive no compensation for their  
26 services on the commission. Members of the commission shall  
27 receive reimbursement for reasonable travel, hotel and other  
28 necessary expenses incurred in the performance of their  
29 duties in the same manner as agencies under the Governor's  
30 jurisdiction.

1 (a.6) Vacancies.--Upon the death, resignation or removal  
2 from office of a person appointed under this section, the  
3 Governor shall appoint a competent person to serve for the  
4 unexpired term as provided in subsection (a.2).

5 (a.7) General and specific powers.--The commission shall  
6 have the power and duty to:

7 (1) Act as the Commonwealth's primary representative  
8 with the Statewide fire service community.

9 (2) Coordinate the activities of State and local  
10 community interests engaged in fire prevention and control  
11 activities.

12 [(2)] (3) Serve as a focal point for information  
13 relative to fires, property damage, injuries and the loss of  
14 life.

15 [(3)] (4) Disseminate, through periodic reports,  
16 information about fire prevention efforts and fire control  
17 techniques.

18 [(4)] (5) Develop and participate in a program of public  
19 information and education designed to create a public  
20 awareness of the incidence and the ravages of fire and  
21 methods the individual can take to prevent fires and minimize  
22 loss when they occur.

23 [(5)] (6) Serve as a central point to support local  
24 efforts and interests in all matters pertinent to fire  
25 prevention and control.

26 (7) Establish minimum standards of safety to be followed  
27 by all fire agencies in this Commonwealth.

28 (8) Oversee the Pennsylvania State Fire Academy as  
29 provided in section 7384 (relating to Pennsylvania State Fire  
30 Academy).

1       (9) Administer the Volunteer Loan Assistance Program as  
2 provided in section 7385 (relating to Pennsylvania Volunteer  
3 Loan Assistance Program).

4       (10) Administer the Fire Company Grant Program  
5 established under Chapter 78 (relating to grants to fire  
6 companies and emergency medical services companies).

7       (11) Collect data and perform analysis of the Statewide  
8 fire service experience and system conditions on an ongoing  
9 basis. A staff person in the office shall be dedicated to  
10 carrying out this duty.

11       (12) Advocate for fire prevention measures and  
12 improvements in fire service quality and delivery.

13       (13) Administer firefighters' relief funds, including  
14 the allowable uses of the funds, and provide advice to the  
15 Auditor General in relation to the audit of entities that  
16 receive firefighters' relief funds. The advice shall be  
17 binding on the Auditor General.

18       (14) Oversee a Statewide recruitment and retention  
19 coordinator to develop, implement and deliver recruitment and  
20 retention training programs as provided for in section 1735-J  
21 of the act of April 9, 1929 (P.L.343, No.176), known as The  
22 Fiscal Code.

23       (15) Oversee a technical advisor for each geographical  
24 district established in subsection (a.2)(3) to provide  
25 technical assistance directly and, through agents and  
26 affiliates, indirectly to local fire organizations and local  
27 governments on technical and managerial matters as provided  
28 for in section 1735-J of The Fiscal Code.

29       (16) Take action necessary to correct deficiencies  
30 related to a Statewide minimum standard of cover.

1           (17) Conduct announced and unannounced inspections of  
2 fire companies and departments to ensure compliance with  
3 standards promulgated by the commission.

4 (a.8) Meetings of commission.--

5           (1) The commission shall annually hold meetings at its  
6 independent office located within the agency in January and  
7 June or July and at such other times and places within this  
8 Commonwealth as the commission shall designate for the  
9 transaction of business.

10           (2) Video conferencing options shall be made available  
11 to members attending the meetings.

12           (3) All meetings of the commission shall comply with 65  
13 Pa.C.S. Ch. 7 (relating to open meetings).

14           (4) Six members appointed to the commission and in  
15 attendance at each meeting shall constitute a quorum.

16           (b) Transfer.--The [commissioner] commission shall use,  
17 employ and expend, in connection with the functions, powers and  
18 duties enumerated in subsection [(a) for the position of the  
19 commissioner] (a.7), contract obligations, if any, records,  
20 files, property, supplies and equipment now being used or held  
21 in connection with such functions, powers and duties and the  
22 unexpended balance of appropriations, allocations, Federal  
23 grants and other funds available or to be made available for use  
24 in connection with such functions, powers and duties as  
25 previously were vested in the agency by Reorganization Plan No.5  
26 of 1981 (P.L.612) [.] and in the State Fire Commission by the  
27 former act of November 13, 1995 (P.L.604, No.61), known as the  
28 State Fire Commissioner Act.

29           (c) Qualifications and appointment of chief.--The  
30 [commissioner] chief shall be a person who, by reason of

1 training, experience and attainment, is qualified to coordinate  
2 fire prevention and control activities. The [commissioner] chief  
3 shall be appointed by the Governor after consultation with the  
4 fire service community. The [commissioner] chief shall act as  
5 the Commonwealth's primary representative with the Statewide  
6 fire service community.

7 (d) Reports to General Assembly.--

8 (1) No later than January 31 of each year, the  
9 commission through the chief shall make annual written  
10 reports on the matters of fire service to the Veterans  
11 Affairs and Emergency Preparedness Committee of the Senate  
12 and the Veterans Affairs and Emergency Preparedness Committee  
13 of the House of Representatives.

14 (2) The commission shall, upon request, meet with the  
15 respective committees of the General Assembly to receive oral  
16 testimony in relation to annual written reports.

17 § 7384. Pennsylvania State Fire Academy.

18 (a) Creation.--There is created the Pennsylvania State Fire  
19 Academy, which shall be under the operational control of the  
20 [commissioner] commission. The [commissioner] commission shall  
21 administratively provide for the erection or construction, the  
22 furnishing, the staffing and the equipping of buildings and  
23 structures through the Department of General Services and for  
24 the leasing thereof by the Commonwealth for the use and support  
25 of the Pennsylvania State Fire Academy. The Pennsylvania State  
26 Firemen's Training School and the powers and duties of the  
27 Department of Education and the Public Service Institute Board  
28 pertaining to the Pennsylvania State Firemen's Training School,  
29 which were transferred to the agency under Reorganization Plan  
30 No.6 of 1981 (P.L.613) and to the State Fire Commissioner by the

1 former act of November 13, 1995 (P.L.604, No.61), known as the  
2 State Fire Commissioner Act, and which are set forth in  
3 Subchapter D (relating to State Firemen's Training School), are  
4 hereby transferred to and vested in the [commissioner]  
5 commission.

6 (b) Transfer.--There are transferred to the [commissioner]  
7 commission, to be used, employed and expended in connection with  
8 the functions, powers and duties enumerated in subsection (a),  
9 personnel, contract obligations, if any, records, files,  
10 property, supplies and equipment now being used or held in  
11 connection with such functions, powers and duties and the  
12 unexpended balance of appropriations, allocations, Federal  
13 grants and other funds available or to be made available for use  
14 in connection with such functions, powers and duties as  
15 previously were vested in the Department of Education and the  
16 Public Service Institute Board under Subchapter D, and  
17 transferred to the agency by Reorganization Plan No.6 of 1981  
18 (P.L.613) and to the State Fire Commissioner by the former State  
19 Fire Commissioner Act.

20 (c) Hazardous chemical and radioactive material training.--  
21 The Pennsylvania State Fire Academy shall serve as the resident  
22 Commonwealth government center for hazardous chemical and  
23 radioactive material training. The Pennsylvania State Fire  
24 Academy is authorized to use resident and field staff to support  
25 this training.

26 (d) Firefighter training and certification.--A Statewide  
27 firefighter training program shall be implemented by the  
28 [commissioner] commission to educate the fire service community  
29 about the importance of firefighter health and safety. This  
30 program shall include measures designed to increase the mobility

1 of training courses throughout this Commonwealth, to enhance  
2 firefighter accessibility to training course offerings and to  
3 improve and expand training for and response capability to  
4 emergencies with emphasis on hazardous materials incidents. The  
5 program shall also include implementation of a firefighter  
6 certification program in accordance with parameters developed by  
7 the [commissioner] commission consistent with established  
8 standards. The acquisition of physical resources to enhance  
9 Statewide capability shall be coordinated by the [commissioner]  
10 commission.

11 (e) Administration.--

12 (1) The [commissioner] commission may assess reasonable  
13 fees on for-profit corporations and businesses and on  
14 students who are nonresidents of this Commonwealth for fire,  
15 rescue and emergency service training programs provided to  
16 them by the Pennsylvania State Fire Academy, but in no event  
17 shall any member of a municipal or volunteer fire, rescue,  
18 ambulance or other emergency service organization located  
19 within this Commonwealth be charged for training provided at  
20 the Pennsylvania State Fire Academy.

21 (2) The [commissioner] commission may charge all  
22 students for class materials and supplies directly related to  
23 the conduct of classes provided at the Pennsylvania State  
24 Fire Academy and for insignia, patches and similar  
25 memorabilia indicating student attendance or achievement at  
26 the Pennsylvania State Fire Academy.

27 (3) All revenues generated by these fees and charges  
28 shall augment the appropriation made to the [Office of the  
29 State Fire Commissioner] office established under section  
30 7383(a.1) (relating to State Fire Commission and State Fire



1 Chief).

2 § 7385. Pennsylvania Volunteer Loan Assistance Program.

3 (a) Creation.--There shall be a loan assistance program,  
4 which shall be implemented by the [commissioner] commission, for  
5 volunteer agencies, known as the Pennsylvania Volunteer Loan  
6 Assistance Program, which shall make loans under Subchapter E  
7 (relating to volunteer fire company, ambulance service and  
8 rescue squad assistance). The Pennsylvania Volunteer Loan  
9 Assistance Program and the powers and duties previously vested  
10 in the Department of Community Affairs, which were transferred  
11 to the agency under Reorganization Plan No.7 of 1981 (P.L.615)  
12 and to the State Fire Commissioner by the former act of November  
13 13, 1995 (P.L.604, No.61), known as the State Fire Commissioner  
14 Act, and which are set forth under Subchapter E, are hereby  
15 transferred to and vested in the [commissioner] commission.

16 (b) Transfer.--There are transferred to the [commissioner]  
17 commission, to be used, employed and expended in connection with  
18 the functions, powers and duties enumerated 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, powers and duties and the  
23 unexpended balance of appropriations, allocations and other  
24 funds available or to be made available for use in connection  
25 with such functions, powers and duties as previously were vested  
26 in the Department of Community Affairs under Subchapter E and  
27 transferred to the agency by Reorganization Plan No.7 of 1981  
28 (P.L.615) and to the State Fire Commissioner by the former State  
29 Fire Commissioner Act.

30 (c) Regulations.--The Volunteer Loan Assistance Program

1 regulations found in 4 Pa. Code Ch. 113 (relating to volunteer  
2 fire company, ambulance service and rescue squad assistance) are  
3 hereby transferred to the [commissioner] commission from the  
4 agency. [The commissioner shall fully implement and administer  
5 those regulations on or before January 12, 1996.] The  
6 [commissioner] commission may be substituted for the agency and  
7 the former State Fire Commissioner throughout the regulations  
8 and the regulations may be renumbered and published in the  
9 Pennsylvania Bulletin as final regulations without those  
10 regulatory changes being subject to the provisions of the act of  
11 June 25, 1982 (P.L.633, No.181), known as the Regulatory Review  
12 Act.

13 Section 7. Section 7386 of Title 35 is repealed:

14 [§ 7386. Fire Safety Advisory Committee.

15 (a) Creation.--

16 (1) There is created the Fire Safety Advisory Committee  
17 to assist the commissioner. The committee shall consist of  
18 nine members, as follows:

19 (i) The director of the agency, ex officio.

20 (ii) The commissioner, who shall serve as chairman.

21 (iii) Two paid firefighters to be appointed by the  
22 Governor from a list of at least six nominees submitted  
23 by the Pennsylvania Professional Firefighters  
24 Association.

25 (iv) One member of the public to be appointed by the  
26 Governor.

27 (v) Four volunteer firefighters, one each to be  
28 appointed by the President pro tempore of the Senate, the  
29 Minority Leader of the Senate, the Speaker of the House  
30 of Representatives and the Minority Leader of the House

1 of Representatives.

2 (2) Members of the committee shall serve at the pleasure  
3 of their appointing authority. The committee shall advise the  
4 commissioner on matters pertaining to the operation of the  
5 Pennsylvania State Fire Academy and any other matters as the  
6 commissioner may request.

7 (b) Expenses.--Members of the committee shall receive  
8 reimbursement for reasonable travel, hotel and other necessary  
9 expenses incurred in the performance of their duties in  
10 accordance with Commonwealth regulations.]

11 Section 8. Sections 7387, 7711(c), (d) and (f) and 7713 of  
12 Title 35 are amended to read:

13 § 7387. Appropriations.

14 All appropriations for the [commissioner] commission shall be  
15 by a separate line item in the General Appropriation Act.

16 § 7711. Firefighters' Memorial Flag.

17 \* \* \*

18 (c) Use of flag.--The Firefighters' Memorial Flag may be  
19 displayed over firefighters' memorials, during firefighter  
20 funeral processions and from the poles of any public ground or  
21 political subdivision for a period of not more than seven days  
22 after the death of a firefighter and as further directed by the  
23 [Pennsylvania] State Fire [Commissioner] Commission.

24 (d) Agency responsibility.--The Pennsylvania Emergency  
25 Management Agency, through the [Office of the Pennsylvania]  
26 State Fire [Commissioner] Commission, shall maintain the  
27 official flag and have the responsibility to implement the  
28 provisions of this section and oversee the production,  
29 acquisition and distribution of the flag.

30 \* \* \*

1 (f) Appropriation.--The moneys necessary for the production,  
2 acquisition and distribution of the Firefighters' Memorial Flag  
3 in the first year shall be paid from period appropriations from  
4 the Pennsylvania Emergency Management Agency's budget as funds  
5 are required to support memorializing firefighters in this  
6 Commonwealth. Such funds are to be allocated to a segregated  
7 account maintained by the State Fire [Commissioner] Commission.  
8 § 7713. Prohibition on certain service.

9 A person convicted of violating 18 Pa.C.S. § 3301 (relating  
10 to arson and related offenses) or any similar offense under  
11 Federal or State law shall be prohibited from serving as a  
12 firefighter in this Commonwealth and shall be prohibited from  
13 being certified as a firefighter under Subchapter F of Chapter  
14 73 (relating to State Fire [Commissioner] Commission). Proof of  
15 nonconviction must consist of either of the following:

16 (1) An official criminal history record check obtained  
17 under 18 Pa.C.S. Ch. 91 (relating to criminal history record  
18 information) indicating no arson convictions.

19 (2) A dated and signed statement by the person swearing  
20 to the following:

21 I have never been convicted of an offense that  
22 constitutes the crime of "arson and related offenses"  
23 under 18 Pa.C.S. § 3301 or any similar offense under  
24 any Federal or State law. I hereby certify that the  
25 statements contained herein are true and correct to  
26 the best of my knowledge and belief. I understand  
27 that if I knowingly make any false statement herein,  
28 I am subject to penalties prescribed by law,  
29 including, but not limited to, a fine of at least  
30 \$1,000.

1 Section 9. The definition of "commissioner" in section 7802  
2 of Title 35 is amended and the section is amended by adding a  
3 definition to read:

4 § 7802. Definitions.

5 The following words and phrases when used in this chapter  
6 shall have the meanings given to them in this section unless the  
7 context clearly indicates otherwise:

8 \* \* \*

9 "Commission." The State Fire Commission.

10 ["Commissioner." The State Fire Commissioner.]

11 \* \* \*

12 Section 10. Sections 7811, 7813(a.1), (a.2) and (d)(2) and  
13 7814 of Title 35 are amended to read:

14 § 7811. Establishment.

15 The Fire Company Grant Program is established and shall be  
16 administered by the agency in consultation with the  
17 [commissioner] commission. Grants provided under this program  
18 shall be used to improve and enhance the capabilities of the  
19 fire company to provide firefighting, ambulance and rescue  
20 services.

21 § 7813. Award of grants.

22 \* \* \*

23 (a.1) Additional uses for paid municipal fire companies.--In  
24 addition to the authorized uses under subsection (a), the  
25 [commissioner] commission may establish additional authorized  
26 uses of grant funds for paid municipal fire companies.  
27 Additional authorized uses established under this subsection  
28 must be published in the Pennsylvania Bulletin and on the  
29 [commissioner's] commission's publicly accessible Internet  
30 website.

1 (a.2) Additional grants.--Each fire company with not more  
2 than 20 members who are certified by the National Board on Fire  
3 Service Professional Qualifications or by the International Fire  
4 Service Accreditation Congress and are verified by the  
5 Pennsylvania State Fire Academy at a minimum level of  
6 Firefighter 1 on or before July 1 of the year of the grant  
7 application shall be eligible to receive additional grants under  
8 a certification bonus point system as administered by the  
9 [commissioner] commission.

10 \* \* \*

11 (d) Eligibility.--To receive grant funds under this chapter,  
12 a fire company must:

13 \* \* \*

14 (2) Be actively participating in the Pennsylvania Fire  
15 Information Reporting System under a signed agreement. The  
16 [commissioner] commission shall develop and publish  
17 guidelines specifying the criteria necessary to determine the  
18 level of participation in the Pennsylvania Fire Information  
19 Reporting System to remain eligible for grant funds.

20 § 7814. Consolidation incentive.

21 If, after July 31, 2003, two or more volunteer fire companies  
22 consolidate their use of facilities, equipment, firefighters and  
23 services, the consolidated entity may, upon notification of the  
24 agency, be eligible for a reduction of the interest rate payable  
25 on any outstanding principal balance owed, as of the date of  
26 consolidation, by any or all of the consolidating companies to  
27 the Volunteer Companies Loan Fund for loans made under [the act  
28 of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire  
29 Company, Ambulance Service and Rescue Squad Assistance Act,]  
30 this chapter or under Subchapter E of Chapter 73 (relating to

1 volunteer fire company, ambulance service and rescue squad  
2 assistance). The reduction in the interest rate payable shall be  
3 from 2% to 1%. Upon receipt of such notification, the agency, in  
4 conjunction with the [State Fire Commissioner] commission, shall  
5 determine and verify that the consolidated entity is in fact a  
6 bona fide consolidated volunteer fire company. If the agency  
7 determines that the consolidated entity is a bona fide  
8 consolidated volunteer fire company, it shall reduce the  
9 interest rate payable on any outstanding principal balance owed  
10 to the Volunteer Companies Loan Fund for loans made under the  
11 former Volunteer Fire Company, Ambulance Service and Rescue  
12 Squad Assistance Act, or under Subchapter E of Chapter 73, for  
13 which the consolidating companies or the consolidated entity may  
14 be individually or jointly responsible. The agency may  
15 promulgate such rules and regulations as may be necessary to  
16 carry out the provisions of this section.

17 Section 11. The definition of "commissioner" in section  
18 79A03 of Title 35 is amended and the section is amended by  
19 adding a definition to read:

20 § 79A03. Definitions.

21 The following words and phrases when used in this chapter  
22 shall have the meanings given to them in this section unless the  
23 context clearly indicates otherwise:

24 \* \* \*

25 "Commission." The State Fire Commission.

26 ["Commissioner." The State Fire Commissioner of the  
27 Commonwealth.]

28 \* \* \*

29 Section 12. Sections 79A11(d) and 79A22(b) of Title 35 are  
30 amended to read:

1 § 79A11. Program authorization.

2 \* \* \*

3 (d) Specific notice.--A municipality that establishes a tax  
4 credit under this chapter shall notify the [commissioner]  
5 commission in the manner prescribed by the [commissioner]  
6 commission.

7 § 79A22. Service record.

8 \* \* \*

9 (b) Review.--Service logs established and maintained by  
10 volunteer fire companies or nonprofit emergency medical services  
11 agencies shall be subject to periodic review by the  
12 [commissioner] commission, the Auditor General, the governing  
13 body where the volunteer fire company or nonprofit emergency  
14 medical services agency is located and the governing body where  
15 the volunteer fire company or nonprofit emergency medical  
16 services agency provides services.

17 Section 13. A reference in any other act to the State Fire  
18 Commissioner or Office of the State Fire Commissioner shall be  
19 deemed a reference to the State Fire Commission.

20 Section 14. This act shall take effect in 60 days.