

No. 1995-61

AN ACT

HB 1085

Establishing the State Fire Commissioner within the Pennsylvania Emergency Management Agency; transferring the Volunteer Loan Assistance Program and the State Fire Academy to the State Fire Commissioner; and making repeals.

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

Section 1. Short title.

This act shall be known and may be cited as the State Fire Commissioner Act.

Section 2. Definitions.

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

“Agency.” The Pennsylvania Emergency Management Agency.

“Commissioner.” The State Fire Commissioner appointed under section 3.

“Committee.” The Fire Safety Advisory Committee established under section 6.

Section 3. State Fire Commissioner.

(a) State Fire Commissioner.—Within the agency there shall be the State Fire Commissioner, who, through the Lieutenant Governor, shall report to the Governor on all matters concerning fire safety in this Commonwealth. The commissioner shall have the power and duty to:

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

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

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

(4) Develop and participate in a program of public information and education designed to create a public awareness of the incidence and the ravages of fire and methods the individual can take to prevent fires and minimize 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 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 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. The commissioner shall act as the Commonwealth's primary representative with the Statewide fire service community.

Section 4. Pennsylvania State Fire Academy.

(a) Creation.—There is hereby created 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 or adjacent to the borough of Lewistown; providing for its operation and maintenance by the Department of Public Instruction; authorizing the acquisition of a site either by gift or purchase by the Commonwealth or by The General State Authority, or the use of land now owned by the Commonwealth; providing for the erection or construction and the furnishing and equipping of the buildings and structures by The General State Authority, and the leasing thereof by the Commonwealth; and conferring powers and imposing duties upon the Department of Public Instruction and the Public Service Institute Board," which shall be under the operational control of the commissioner. The commissioner shall administratively provide for the erection or construction, the furnishing, the staffing and the equipping of buildings and structures through the Department of General Services and for the leasing thereof by the Commonwealth for the use and support of the Pennsylvania State Fire Academy. The Pennsylvania State Firemen's Training School and the powers and duties of the Department of Education and the Public Service Institute Board, pertaining to the Pennsylvania State Firemen's Training School, which were transferred to the agency under Reorganization Plan No.6 of 1981 (P.L.613) and which are set forth in the act of May 26, 1949 (P.L.1844, No.547), are hereby transferred to and vested in the commissioner.

(b) Transfer.—There are hereby transferred to the commissioner, to be used, employed and expended in connection with the functions, powers and duties enumerated in subsection (a), personnel, 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 were vested in the Department of Education and the Public Service Institute Board under the act of May 26, 1949

(P.L.1844, No.547), and transferred to the agency by Reorganization Plan No.6 of 1981 (P.L.613).

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

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

(e) Administration.—

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

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

(3) All revenues generated by these fees and charges shall augment the appropriation made to the Office of State Fire Commissioner.

Section 5. Pennsylvania Volunteer Loan Assistance Program.

(a) Creation.—There shall be a loan assistance program, which shall be implemented by the commissioner, for volunteer agencies, known as the Pennsylvania Volunteer Loan Assistance Program, which shall make loans under the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act. The Pennsylvania Volunteer Loan Assistance Program and the powers and duties previously vested in the Department of Community Affairs, which were transferred to the agency under Reorganization Plan No.7 of 1981 (P.L.615) and which are set forth under the Volunteer Fire Company, Ambulance

Service and Rescue Squad Assistance Act, are hereby transferred to and vested in the commissioner.

(b) Transfer.—There are hereby transferred to the commissioner, to be used, employed and expended in connection with the functions, powers and duties enumerated in subsection (a), personnel, contractual obligations, if any, mortgages, liens, encumbrances and any other secured interests, 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 and other funds available or to be made available for use in connection with such functions, powers and duties as previously were vested in the Department of Community Affairs under the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act and transferred to the agency by Reorganization Plan No.7 of 1981 (P.L.615).

(c) Regulations.—The Volunteer Loan Assistance Program regulations found in 4 Pa. Code Ch. 113 (relating to volunteer fire company, ambulance service and rescue squad assistance) are hereby transferred to the commissioner from the agency. The commissioner shall fully implement and administer those regulations on the effective date of this act. The commissioner may be substituted for the agency throughout the regulations and the regulations may be renumbered and published in the Pennsylvania Bulletin as final regulations without those regulatory changes being subject to the provisions of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

Section 6. Fire Safety Advisory Committee.

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

- (1) The director of the agency, ex officio.
- (2) The commissioner, who shall serve as chairman.
- (3) Two paid firefighters to be appointed by the Governor from a list of at least six nominees submitted by the Pennsylvania Professional State Firefighters Association.
- (4) One member of the public, to be appointed by the Governor.
- (5) Four volunteer firefighters, one each to be appointed by the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

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

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

Section 7. Appropriations.

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

Section 8. Repeals.

(a) Absolute.—The provisions of 35 Pa.C.S. §§ 7315, 7316, 7317, 7318 and 7319 are repealed.

(b) Inconsistent.—The following acts and parts of acts are rescinded insofar as they are inconsistent with this act:

Reorganization Plan No.5 of 1981 (P.L.612).

Reorganization Plan No.6 of 1981 (P.L.613).

Reorganization Plan No.7 of 1981 (P.L.615).

Section 9. Effective date.

This act shall take effect in 60 days.

APPROVED—The 13th day of November, A.D. 1995.

THOMAS J. RIDGE