

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 987 Session of 2020

INTRODUCED BY HUTCHINSON, BROWNE, K. WARD, MARTIN, MASTRIANO, MENSCH, PHILLIPS-HILL, REGAN, J. WARD, BLAKE AND KEARNEY, JANUARY 15, 2020

AS AMENDED ON THIRD CONSIDERATION, JUNE 29, 2020

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in Commonwealth services, further
3 providing for definitions and for State Fire Commissioner,
4 providing for curriculum and training, further providing for
5 Pennsylvania State Fire Academy and for Fire Safety Advisory
6 Committee.

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

9 Section 1. Sections 7382 and 7383 of Title 35 of the
10 Pennsylvania Consolidated Statutes are amended to read:

11 § 7382. Definitions.

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

15 "Agency." The Pennsylvania Emergency Management Agency.

16 "Board." The State Fire Advisory Board.

17 "Commissioner." The State Fire Commissioner.

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

19 § 7383. State Fire Commissioner.

1 (a) State Fire Commissioner.--There shall be a State Fire
2 Commissioner, who[, through the Lieutenant Governor,] shall
3 report to the Governor on all matters concerning fire [safety]
4 services in this Commonwealth. The Office of the State Fire
5 Commissioner shall be within the agency for administrative
6 purposes only, and the commissioner shall not report to the
7 director of the agency. The commissioner shall have the power
8 and duty to:

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

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

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

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

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

24 (b) Transfer.--The commissioner shall use, employ and
25 expend, in connection with the functions, powers and duties
26 enumerated in subsection (a) for the position of the
27 commissioner, contract obligations, if any, records, files,
28 property, supplies and equipment now being used or held in
29 connection with such functions, powers and duties and the
30 unexpended balance of appropriations, allocations, Federal

1 grants and other funds available or to be made available for use
2 in connection with such functions, powers and duties as
3 previously were vested in the agency by Reorganization Plan No.5
4 of 1981 (P.L.612).]

5 (1) Serve as the primary representative for fire
6 services in this Commonwealth. The commissioner shall work
7 with Federal agencies to ensure coordination at the State and
8 local levels.

9 (2) Chair the State Fire Advisory Board.

10 (3) Develop curriculum and provide and assist in the
11 coordination of fire, rescue and emergency services training,
12 including online training and issue certifications.

13 (4) Administer the State Fire Academy.

14 (5) Collect data, provide analysis and periodic reports
15 and serve as a focal point for information relative to fires,
16 property damage, injuries to the public and firefighters and
17 the loss of life.

18 (6) Conduct after-action reports on significant
19 incidents that involve firefighter deaths and significant
20 injuries.

21 (7) Administer grant and loan programs for fire,
22 ambulance and rescue organizations in accordance with this
23 title or as otherwise provided by law, including assistance
24 for firefighter relief associations, the Volunteer Loan
25 Assistance Program, fire and emergency medical services loan
26 assistance, fire and emergency medical services grants and
27 money received by the Office of State Fire Commissioner from
28 the Unconventional Gas Well Fund.

29 (8) Assist with Statewide recruitment and retention
30 efforts.

1 (9) Hire regional technical advisors to assist fire
2 companies with grant and loan assistance, mergers,
3 consolidation and regionalization and promote best practices
4 for systems improvements.

5 (10) Promote public education and community risk
6 reduction efforts.

7 (11) Administer a fire equipment distributor
8 certification program as provided by law.

9 (c) Qualifications and appointment.--The commissioner shall
10 be a person who, by reason of training, experience and
11 attainment, is qualified to coordinate [fire prevention and
12 control activities. The commissioner shall be appointed by the
13 Governor after consultation with the fire service community. The
14 commissioner shall act as the Commonwealth's primary
15 representative with the Statewide fire service community.]
16 services. The commissioner shall have served as a chief officer
17 or administrative officer in a career, combination or volunteer
18 fire company. The commissioner shall be appointed by the
19 Governor subject to the consent of a majority of the members
20 elected to the Senate.

21 Section 2. Title 35 is amended by adding a section to read:
22 § 7383.1. Curriculum and training.

23 (a) Duty to establish guidelines.--The commissioner shall
24 establish guidelines for the development, delivery and
25 maintenance of a system of fire and emergency services training.

26 (b) Training.--Training shall be lecture-based, hands on or
27 online. Training may be conducted at the Pennsylvania State Fire
28 Academy, a county training center, a community college, a local
29 fire station or other appropriate area. The training shall be
30 incorporated into the Train PA system or any other system

1 approved by the commissioner.

2 (c) Certificate of completion.--The commissioner shall
3 provide a certificate of completion to an individual who
4 successfully completes a fire or emergency services training
5 program.

6 (d) Publication.--The commissioner shall post a complete
7 listing of the available fire and emergency services training
8 courses on the office's publicly accessible Internet website.

9 Section 3. Sections 7384(a), (b) and (d) and 7386 of Title
10 35 are amended to read:

11 § 7384. Pennsylvania State Fire Academy.

12 (a) Creation.--There is created the Pennsylvania State Fire
13 Academy, which shall be under the operational control of the
14 commissioner. The commissioner shall administratively provide
15 for the erection or construction, the furnishing, the staffing
16 and the equipping of buildings and structures through the
17 Department of General Services and for the leasing thereof by
18 the Commonwealth for the use and support of the Pennsylvania
19 State Fire Academy. [The Pennsylvania State Firemen's Training
20 School and the powers and duties of the Department of Education
21 and the Public Service Institute Board pertaining to the
22 Pennsylvania State Firemen's Training School, which were
23 transferred to the agency under Reorganization Plan No.6 of 1981
24 (P.L.613) and which are set forth in Subchapter D (relating to
25 State Firemen's Training School), are hereby transferred to and
26 vested in the commissioner.

27 (b) Transfer.--There are transferred to the commissioner, to
28 be used, employed and expended in connection with the functions,
29 powers and duties enumerated in subsection (a), personnel,
30 contract obligations, if any, records, files, property, supplies

1 and equipment now being used or held in connection with such
2 functions, powers and duties and the unexpended balance of
3 appropriations, allocations, Federal grants and other funds
4 available or to be made available for use in connection with
5 such functions, powers and duties as previously were vested in
6 the Department of Education and the Public Service Institute
7 Board under Subchapter D, and transferred to the agency by
8 Reorganization Plan No.6 of 1981 (P.L.613).]

9 * * *

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

24 * * *

25 § 7386. State Fire [Safety] Advisory [Committee] Board.

26 (a) Creation.--

27 (1) There is created the State Fire [Safety] Advisory
28 [Committee] Board to assist the commissioner. The [committee]
29 board shall consist of [nine] the following members[, as
30 follows:

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

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

3 (iii) Two paid firefighters to be appointed by the
4 Governor from a list of at least six nominees submitted
5 by the Pennsylvania Professional Firefighters
6 Association.

7 (iv) One member of the public to be appointed by the
8 Governor.

9 (v) Four volunteer firefighters, one each to be
10 appointed by the President pro tempore of the Senate, the
11 Minority Leader of the Senate, the Speaker of the House
12 of Representatives and the Minority Leader of the House
13 of Representatives.]_.

14 (i) The commissioner, who shall serve as
15 chairperson.

16 (ii) The President of the Pennsylvania Professional
17 Firefighters Association or a designee.

18 (iii) The President of the Pennsylvania Career Fire
19 Chiefs Association or a designee.

20 (iv) The President of the Pennsylvania Fire and
21 Emergency Services Institute or a designee.

22 ~~(v) Nine firefighters appointed by the Governor, one <--~~
23 ~~of whom shall be a certified fire service instructor.~~
24 ~~Each of the nine members shall be a current member of a~~
25 ~~fire company, serve or have served as either a chief~~
26 ~~officer or administrative officer of a fire company~~
27 ~~within the past five years and must be certified as~~
28 ~~Firefighter I or its equivalent. One member shall be~~
29 ~~selected from each of the following regions:~~

30 ~~(A) Region 1 Crawford, Erie, Forest, Venango~~

1 and Warren Counties.

2 (B) Region 2 Allegheny, Armstrong, Beaver,
3 Butler, Cambria, Fayette, Greene, Indiana, Lawrence,
4 Mercer, Somerset, Washington and Westmoreland
5 Counties.

6 (C) Region 3 Cameron, Clarion, Clearfield,
7 Elk, Jefferson and McKean Counties.

8 (D) Region 4 Bedford, Blair, Centre, Fulton,
9 Huntingdon, Juniata, Mifflin and Snyder Counties.

10 (E) Region 5 Bradford, Clinton, Lycoming,
11 Potter, Sullivan, Tioga and Union Counties.

12 (F) Region 6 Adams, Cumberland, Dauphin,
13 Franklin, Lancaster, Lebanon, Perry and York
14 Counties.

15 (G) Region 7 Berks, Columbia, Luzerne,
16 Montour, Northumberland, Schuylkill and Wyoming
17 Counties.

18 (H) Region 8 Carbon, Lackawanna, Lehigh,
19 Monroe, Northampton, Pike, Susquehanna and Wayne
20 Counties.

21 (I) Region 9 Bucks, Chester, Delaware,
22 Montgomery and Philadelphia Counties.

23 (V) TEN FIREFIGHTERS APPOINTED BY THE GOVERNOR, TO <--
24 WHOM THE FOLLOWING SHALL APPLY:

25 (A) ONE MEMBER SHALL BE THE PRESIDENT, OR
26 DESIGNEE OF THE PRESIDENT, OF THE INTERNATIONAL
27 ASSOCIATION OF FIREFIGHTERS IN A FIRE COMPANY IN A
28 CITY OF THE FIRST CLASS, SECOND CLASS OR THIRD CLASS
29 WITH A POPULATION OF AT LEAST 115,000 BASED ON THE
30 MOST RECENT CENSUS, SO LONG AS THE FIRE COMPANY IS

1 NOT A MEMBER OF THE PENNSYLVANIA PROFESSIONAL
2 FIREFIGHTERS ASSOCIATION.

3 (B) EXCEPT FOR THE MEMBER UNDER CLAUSE (A), THE
4 FOLLOWING APPLY:

5 (I) ONE MEMBER SHALL BE A CERTIFIED FIRE
6 SERVICE INSTRUCTOR.

7 (II) MEMBERS SHALL BE:

8 (A) CURRENT MEMBERS OF A FIRE COMPANY OR
9 CURRENTLY SERVING OR HAVE SERVED WITHIN THE
10 PAST FIVE YEARS AS A CHIEF OFFICER OR
11 ADMINISTRATIVE OFFICER OF A FIRE COMPANY; AND

12 (B) CERTIFIED AS FIREFIGHTER I OR ITS
13 EQUIVALENT.

14 (III) ONE MEMBER SHALL BE SELECTED FROM EACH
15 OF THE FOLLOWING REGIONS:

16 (A) REGION 1 - CRAWFORD, ERIE, FOREST,
17 VENANGO AND WARREN COUNTIES.

18 (B) REGION 2 - ALLEGHENY, ARMSTRONG,
19 BEAVER, BUTLER, CAMBRIA, FAYETTE, GREENE,
20 INDIANA, LAWRENCE, MERCER, SOMERSET,
21 WASHINGTON AND WESTMORELAND COUNTIES.

22 (C) REGION 3 - CAMERON, CLARION,
23 CLEARFIELD, ELK, JEFFERSON AND MCKEAN
24 COUNTIES.

25 (D) REGION 4 - BEDFORD, BLAIR, CENTRE,
26 FULTON, HUNTINGDON, JUNIATA, MIFFLIN AND
27 SNYDER COUNTIES.

28 (E) REGION 5 - BRADFORD, CLINTON,
29 LYCOMING, POTTER, SULLIVAN, TIOGA AND UNION
30 COUNTIES.

1 (F) REGION 6 - ADAMS, CUMBERLAND,
2 DAUPHIN, FRANKLIN, LANCASTER, LEBANON, PERRY
3 AND YORK COUNTIES.

4 (G) REGION 7 - BERKS, COLUMBIA, LUZERNE,
5 MONTOUR, NORTHUMBERLAND, SCHUYLKILL AND
6 WYOMING COUNTIES.

7 (H) REGION 8 - CARBON, LACKAWANNA,
8 LEHIGH, MONROE, NORTHAMPTON, PIKE,
9 SUSQUEHANNA AND WAYNE COUNTIES.

10 (I) REGION 9 - BUCKS, CHESTER, DELAWARE,
11 MONTGOMERY AND PHILADELPHIA COUNTIES.

12 (2) Members of the [committee] board shall serve at the
13 pleasure of their appointing authority. [The committee shall
14 advise the commissioner on matters pertaining to the
15 operation of the Pennsylvania State Fire Academy and any
16 other matters as the commissioner may request.]

17 (3) The chairperson and the minority chairperson of the
18 Veterans Affairs and Emergency Preparedness Committee of the
19 Senate and the chairperson and the minority chairperson of
20 the Veterans Affairs and Emergency Preparedness Committee of
21 the House of Representatives, or their designees, shall serve
22 as nonvoting members of the board.

23 (4) The Governor may appoint the following as nonvoting
24 members of the board:

25 (i) The director of the agency.

26 (ii) The Director of the Bureau of Emergency Medical
27 Services of the Department of Health.

28 (iii) Representatives of the following:

29 (A) Pennsylvania Association of Hazardous
30 Materials Technicians.

1 (B) The Pennsylvania Association of Fire
2 Equipment Distributors.

3 (C) The County Commissioners Association of
4 Pennsylvania.

5 (D) The Pennsylvania Municipal League.

6 (E) The Pennsylvania State Association of
7 Township Commissioners.

8 (F) The Pennsylvania State Association of
9 Township Supervisors.

10 (G) The Pennsylvania State Association of
11 Boroughs.

12 (H) The Pennsylvania Association of Councils of
13 Governments.

14 (I) Trade associations.

15 (J) Fire equipment and apparatus vendors.

16 (K) Members of the public.

17 (5) Members of the board initially appointed by the
18 Governor under paragraph (1) (v) shall serve an initial term
19 of two years as designated by the Governor at the time of
20 appointment. Upon the expiration of the initial term of
21 office of each member of the board as appointed under
22 paragraph (1) (v), the member shall hold office for a term of
23 four years and may continue to hold office for a period of
24 time not to exceed six months or until a successor is
25 appointed and qualified, whichever occurs first. Upon the
26 death, resignation or removal from office of any person so
27 appointed, the Governor shall appoint a competent person to
28 serve for the unexpired term.

29 (6) UPON THE COMPLETION OF A MEMBER'S TERM WHO WAS
30 APPOINTED UNDER PARAGRAPH (1) (V) (A), THE GOVERNOR SHALL NOT

<--

1 APPOINT THE SUCCEEDING MEMBER FROM THE SAME CLASS OF CITY AS
2 THE PREVIOUS TWO OUTGOING MEMBERS.

3 (b) Expenses.--Members of the [committee] board shall
4 receive reimbursement for reasonable travel[, hotel] and other
5 necessary expenses incurred in the performance of their duties
6 in accordance with Commonwealth regulations.

7 (c) Meetings.--The board shall meet at least quarterly or at
8 such times and places as called upon by the commissioner. All
9 meetings of the board shall comply with 65 Pa.C.S. Ch. 7
10 (relating to open meetings).

11 (d) Duties.--The board shall advise the commissioner on
12 matters pertaining to the following:

13 (1) Legislation.

14 (2) Innovative programming.

15 (3) Standards of cover for municipalities.

16 (4) Operation of the Pennsylvania State Fire Academy.

17 (5) Any other matters as the commissioner may request or
18 as directed by the General Assembly.

19 Section 4. This act shall take effect in 60 days.