

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 28001. Department of Fire and Emergency Medical Services.

There is established a Department of Fire and Emergency Medical Services within the Executive Branch of the Commonwealth Government to be headed by the Commissioner of Fire and Emergency Medical Services.

Source: PL 18-73 § 3(101) (Jan. 25, 2015).

Commission Comment: PL 18-73 (effective Jan. 25, 2015) contained, in addition to savings and severability clauses, the following Title, Findings and Purpose, and Transition sections:

Section 1. Title. This Act may be cited as the “Department of Fire and Emergency Medical Services Act.”

Section 2. Findings and Purpose. The Legislature finds that under the current law, the Fire Division is within the Department of Public Safety (DPS) and under the general supervision of the DPS Commissioner. As a result, the DPS Commissioner must balance the limited available resources of the department and the competing needs of both the Police Division and the Fire Division. This balancing of needs often leads to both divisions receiving less than the required funds necessary to fully and properly operate each division.

The Legislature further finds that Fire Division is a National Incident Management System (NIMS) compliant organization that performs multifaceted functions which extend beyond traditional fire suppression and emergency medical services and responds to over 8,500 calls annually for emergency and non-emergency fire and emergency medical services. Additionally, the Fire Division provides fire and emergency medical services to numerous public events and conducts many public education and injury prevention campaigns annually. The Legislature finds that the Fire Division’s operations has grown to such an extent that providing specific focus to the division’s mission of providing fire and emergency medical services to the general public has become problematic under its current government operational structure.

The Legislature finds that the Fire Division should be a separate department within the Executive Branch. The new department, to be called the Department of Fire and Emergency Medical Services, and may be referred to as “DFEMS”; is necessary to promote a more independent and efficient administration of fire prevention, fire protection, fire suppression, emergency medical services, search and rescue, hazardous materials response, and wildland firefighting within the Commonwealth. Therefore, the purpose of this legislation is to create a new Department of Fire and Emergency Medical Services within the Executive Branch of the Commonwealth Government, to transfer the fire and EMS functions of the Department of Public Safety, Fire Division, to the new Department of Fire and Emergency Medical Services, and to provide for the orderly transfer of records, programs, personnel, equipment, and property to the new Department of Fire and Emergency Medical Services.

Section 8. Transition.

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(a) *Definitions.* The following definitions shall apply as used in this section:

(1) “agency” for purposes of this section, shall mean any office, program, or division of the Executive Branch whose duties and functions are transferred to another entity within the Executive Branch under this Act.

(2) “gaining agency” for purposes of this section shall mean any office, program, division, department or other entity of the Executive Branch to which an agency or any of its functions are transferred under this Act.

(b) *Transfer of Records, Property and Personnel.* All records and property, including office equipment and supplies in an agency as defined in subsection (a), all records and property used primarily in the administration of any function transferred under this Act, and all the personnel used in the administration of such agencies and functions are hereby transferred to the gaining agency for use in the administration of the agencies and functions transferred by this Act.

(c) *Transfer of funds.* As determined by the Special Assistant for Management and Budget and the Secretary of Finance with the approval of the Governor, so much of the unexpended balances of the appropriated funds for the agency, allocations, allotments, or other funds available for the use of the agency in the exercise of any function transferred by this Act, or for the use of the head of any department or other agency in the exercise of any function so transferred shall be transferred to the gaining agency for use in connection with the exercise of the function so transferred. In the transfer of such funds, an amount may be included for the liquidation of obligations incurred prior to the transfer. The Governor may reprogram any portion of such balance not so transferred.

The Commission created the title for this article.