

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 955 Session of 2011

INTRODUCED BY BARRAR, BAKER, BEAR, BOBACK, BOYD, BRENNAN, CALTAGIRONE, CARROLL, CAUSER, CLYMER, COHEN, D. COSTA, DAVIDSON, DEASY, DENLINGER, DeWEESE, ELLIS, J. EVANS, EVERETT, FLECK, FREEMAN, GABLER, GEORGE, GILLEN, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GROVE, HALUSKA, HARRIS, HESS, HORNAMAN, HUTCHINSON, KAUFFMAN, KAVULICH, M.K. KELLER, KILLION, KNOWLES, KORTZ, KULA, LONGIETTI, MAJOR, MARSHALL, MARSICO, MILLARD, MILLER, MILNE, MULLERY, MURPHY, MURT, O'NEILL, PAYNE, PETRARCA, PICKETT, PYLE, READSHAW, REED, REICHLEY, ROAE, SACCONI, SAINATO, SANTARSIERO, SCHRODER, SONNEY, STEVENSON, SWANGER, TALLMAN, J. TAYLOR, THOMAS, TOEPEL, VEREB, VULAKOVICH, WAGNER, WATSON, WHITE, YOUNGBLOOD, FARRY, TOBASH AND RAVENSTAHL, MARCH 4, 2011

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 18, 2011

AN ACT

1 Amending ~~Title~~ TITLES 4 (AMUSEMENTS) AND 35 (Health and Safety) ←
2 of the Pennsylvania Consolidated Statutes, ~~further providing~~ ←
3 ~~for~~ REVISING GRANTS TO FIRE COMPANIES AND VOLUNTEER SERVICES ←
4 IN THE AREAS OF SCOPE, ADMINISTRATION, PROGRAMS, expiration ←
5 of authority AND SPECIAL PROVISIONS; AND MAKING A RELATED ←
6 REPEAL.

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

9 ~~Section 1. Section 7841 Title 35 of the Pennsylvania ←
10 Consolidated Statutes, added November 23, 2010 (P.L. ←
11 No.118), is amended to read:~~

12 SECTION 1. SECTION 1408(B) OF TITLE 4 OF THE PENNSYLVANIA ←
13 CONSOLIDATED STATUTES IS AMENDED TO READ:

1 § 1408. TRANSFERS FROM STATE GAMING FUND.

2 * * *

3 (B) TRANSFER FOR [VOLUNTEER] FIRE COMPANY GRANT PROGRAM.--
4 ANNUALLY, THE SUM OF [\$25,000,000] \$40,000,000 SHALL BE
5 TRANSFERRED FROM THE STATE GAMING FUND TO [THE VOLUNTEER FIRE
6 COMPANY GRANT PROGRAM ESTABLISHED] A SEPARATE NONLAPSING FUND
7 FOR THE PROGRAM UNDER 35 PA.C.S. CH. 78 (RELATING TO GRANTS TO
8 [VOLUNTEER] FIRE COMPANIES AND VOLUNTEER SERVICES).

9 * * *

10 SECTION 2. THE HEADING OF CHAPTER 78 OF TITLE 35 IS AMENDED
11 TO READ:

12 CHAPTER 78

13 GRANTS TO [VOLUNTEER] FIRE COMPANIES AND VOLUNTEER SERVICES

14 SECTION 3. SECTION 7801 OF TITLE 35 IS AMENDED TO READ:

15 § 7801. SCOPE OF CHAPTER.

16 THIS CHAPTER RELATES TO GRANTS TO [VOLUNTEER] FIRE COMPANIES
17 AND VOLUNTEER AMBULANCE SERVICES.

18 SECTION 4. THE DEFINITION OF "GRANT PROGRAM" IN SECTION 7802
19 OF TITLE 35 IS AMENDED AND THE SECTION IS AMENDED BY ADDING A
20 DEFINITION TO READ:

21 § 7802. DEFINITIONS.

22 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
23 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
24 CONTEXT CLEARLY INDICATES OTHERWISE:

25 * * *

26 "FIRE COMPANY." A VOLUNTEER FIRE COMPANY OR A MUNICIPAL FIRE
27 COMPANY LOCATED IN THIS COMMONWEALTH.

28 "GRANT PROGRAM." THE [VOLUNTEER] FIRE COMPANY GRANT PROGRAM
29 ESTABLISHED IN SUBCHAPTER B (RELATING TO [VOLUNTEER] FIRE
30 COMPANY GRANT PROGRAM) OR THE VOLUNTEER AMBULANCE SERVICE GRANT

1 PROGRAM ESTABLISHED IN SUBCHAPTER C (RELATING TO VOLUNTEER
2 AMBULANCE SERVICE GRANT PROGRAM).

3 * * *

4 SECTION 5. THE HEADING OF SUBCHAPTER B OF CHAPTER 78 OF
5 TITLE 35 IS AMENDED TO READ:

6 SUBCHAPTER B

7 [VOLUNTEER] FIRE COMPANY GRANT PROGRAM

8 SECTION 6. SECTIONS 7811, 7812 INTRODUCTORY PARAGRAPH,
9 7813(A) INTRODUCTORY PARAGRAPH, (B) (1) AND (3), (C) AND (D),
10 7814, 7821, 7822 INTRODUCTORY PARAGRAPH, 7823(A) INTRODUCTORY
11 PARAGRAPH, (B) (1) AND (C), 7831, 7832, 7833 AND 7841 OF TITLE 35
12 ARE AMENDED TO READ:

13 § 7811. ESTABLISHMENT.

14 THE [VOLUNTEER] FIRE COMPANY GRANT PROGRAM IS ESTABLISHED AND
15 SHALL BE ADMINISTERED BY [THE AGENCY IN CONSULTATION WITH] THE
16 COMMISSIONER. GRANTS PROVIDED UNDER THIS PROGRAM SHALL BE USED
17 TO IMPROVE AND ENHANCE THE CAPABILITIES OF THE [VOLUNTEER] FIRE
18 COMPANY TO PROVIDE FIREFIGHTING, AMBULANCE AND RESCUE SERVICES.

19 § 7812. PUBLICATION AND NOTICE.

20 THE [AGENCY] COMMISSIONER SHALL PUBLISH NOTICE OF THE GRANT
21 PROGRAM AVAILABILITY THROUGH THE LEGISLATIVE REFERENCE BUREAU
22 FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN:

23 * * *

24 § 7813. AWARD OF GRANTS.

25 (A) AUTHORIZATION.--THE [AGENCY] COMMISSIONER IS AUTHORIZED
26 TO MAKE A GRANT AWARD TO EACH ELIGIBLE [VOLUNTEER] FIRE COMPANY
27 FOR THE FOLLOWING:

28 * * *

29 (B) LIMITS.--

30 (1) EXCEPT AS PROVIDED IN PARAGRAPH (3), GRANTS SHALL BE

1 NOT LESS THAN \$2,500 AND NOT MORE THAN [\$15,000] \$19,000 PER
2 [VOLUNTEER] FIRE COMPANY.

3 * * *

4 (3) IN A MUNICIPALITY WHERE THERE ARE TWO OR MORE
5 VOLUNTEER FIRE COMPANIES AND IF TWO OR MORE VOLUNTEER FIRE
6 COMPANIES CONSOLIDATED THEIR USE OF EQUIPMENT, FIREFIGHTERS
7 AND SERVICES WITHIN FIVE YEARS PRECEDING THE DATE OF THE
8 CURRENT YEAR APPLICATION SUBMISSION DEADLINE, THE
9 CONSOLIDATED ENTITY SHALL BE DEEMED ELIGIBLE TO RECEIVE A
10 GRANT NOT TO EXCEED THE AMOUNT OF THE COMBINED TOTAL FOR
11 WHICH THE INDIVIDUAL COMPANIES WOULD HAVE BEEN ELIGIBLE HAD
12 THEY NOT CONSOLIDATED.

13 (C) TIME FOR FILING APPLICATION AND DEPARTMENT ACTION.--

14 (1) WITHIN 30 DAYS OF JUNE 28, 2007, FOR THE FISCAL
15 YEARS BEGINNING JULY 1, 2006, AND JULY 1, 2007, AND BY
16 SEPTEMBER 1 OF EACH YEAR THEREAFTER, THE [AGENCY]
17 COMMISSIONER SHALL PROVIDE WRITTEN INSTRUCTIONS FOR GRANTS
18 UNDER THIS CHAPTER TO:

19 (I) EXCEPT AS SET FORTH IN SUBPARAGRAPH (II), THE
20 FIRE CHIEF AND PRESIDENT OF EVERY [VOLUNTEER] FIRE
21 COMPANY [IN THIS COMMONWEALTH]; OR

22 (II) IN THE CASE OF A MUNICIPAL FIRE COMPANY, THE
23 CHIEF EXECUTIVE OF THE MUNICIPALITY.

24 (2) WITHIN 45 DAYS OF JUNE 28, 2007, FOR THE FISCAL
25 YEARS BEGINNING JULY 1, 2006, AND JULY 1, 2007, AND BY
26 SEPTEMBER 8 OF EACH YEAR THEREAFTER, THE [AGENCY]
27 COMMISSIONER SHALL PROVIDE APPLICATIONS TO [THE FIRE CHIEF
28 AND PRESIDENT OF EVERY VOLUNTEER FIRE COMPANY] INDIVIDUALS
29 SPECIFIED IN PARAGRAPH (1). THE APPLICATION FOR THE FISCAL
30 YEARS COMMENCING JULY 1, 2006, AND JULY 1, 2007, SHALL BE A

1 COMBINED APPLICATION. [VOLUNTEER FIRE] FIRE COMPANIES SEEKING
2 GRANTS UNDER THIS CHAPTER SHALL SUBMIT COMPLETED APPLICATIONS
3 TO THE [AGENCY] COMMISSIONER. THE APPLICATION PERIOD SHALL
4 REMAIN OPEN FOR 45 DAYS EACH YEAR. THE AGENCY SHALL ACT TO
5 APPROVE OR DISAPPROVE APPLICATIONS WITHIN 60 DAYS OF THE
6 APPLICATION SUBMISSION DEADLINE EACH YEAR. APPLICATIONS WHICH
7 HAVE NOT BEEN APPROVED OR DISAPPROVED BY THE AGENCY WITHIN 60
8 DAYS AFTER THE CLOSE OF THE APPLICATION PERIOD EACH YEAR
9 SHALL BE DEEMED APPROVED.

10 (D) ELIGIBILITY.--TO RECEIVE GRANT FUNDS UNDER THIS CHAPTER,
11 A [VOLUNTEER] FIRE COMPANY SHALL HAVE ACTIVELY RESPONDED TO ONE
12 OR MORE FIRE OR RESCUE EMERGENCIES DURING THE PREVIOUS CALENDAR
13 YEAR AND MUST HAVE SIGNED AND BE UNDER AN AGREEMENT TO ACTIVELY
14 PARTICIPATE IN THE PENNSYLVANIA FIRE INFORMATION REPORTING
15 SYSTEM WHICH IS ADMINISTERED BY THE [AGENCY] COMMISSIONER.
16 § 7814. CONSOLIDATION INCENTIVE.

17 IF, AFTER JULY 31, 2003, TWO OR MORE VOLUNTEER FIRE COMPANIES
18 CONSOLIDATE THEIR USE OF FACILITIES, EQUIPMENT, FIREFIGHTERS AND
19 SERVICES, THE CONSOLIDATED ENTITY MAY, UPON NOTIFICATION OF THE
20 [AGENCY] COMMISSIONER, BE ELIGIBLE FOR A REDUCTION OF THE
21 INTEREST RATE PAYABLE ON ANY OUTSTANDING PRINCIPAL BALANCE OWED,
22 AS OF THE DATE OF CONSOLIDATION, BY ANY OR ALL OF THE
23 CONSOLIDATING COMPANIES TO THE VOLUNTEER COMPANIES LOAN FUND FOR
24 LOANS MADE UNDER THE ACT OF JULY 15, 1976 (P.L.1036, NO.208),
25 KNOWN AS THE VOLUNTEER FIRE COMPANY, AMBULANCE SERVICE AND
26 RESCUE SQUAD ASSISTANCE ACT, OR UNDER SUBCHAPTER E OF CHAPTER 73
27 (RELATING TO VOLUNTEER FIRE COMPANY, AMBULANCE SERVICE AND
28 RESCUE SQUAD ASSISTANCE). THE REDUCTION IN THE INTEREST RATE
29 PAYABLE SHALL BE FROM 2% TO 1%. UPON RECEIPT OF SUCH
30 NOTIFICATION, THE [AGENCY, IN CONJUNCTION WITH THE STATE FIRE

1 COMMISSIONER,] COMMISSIONER SHALL DETERMINE AND VERIFY THAT THE
2 CONSOLIDATED ENTITY IS IN FACT A BONA FIDE CONSOLIDATED
3 VOLUNTEER FIRE COMPANY. IF THE [AGENCY] COMMISSIONER DETERMINES
4 THAT THE CONSOLIDATED ENTITY IS A BONA FIDE CONSOLIDATED
5 VOLUNTEER FIRE COMPANY, IT SHALL REDUCE THE INTEREST RATE
6 PAYABLE ON ANY OUTSTANDING PRINCIPAL BALANCE OWED TO THE
7 VOLUNTEER COMPANIES LOAN FUND FOR LOANS MADE UNDER THE FORMER
8 VOLUNTEER FIRE COMPANY, AMBULANCE SERVICE AND RESCUE SQUAD
9 ASSISTANCE ACT, OR UNDER SUBCHAPTER E OF CHAPTER 73, FOR WHICH
10 THE CONSOLIDATING COMPANIES OR THE CONSOLIDATED ENTITY MAY BE
11 INDIVIDUALLY OR JOINTLY RESPONSIBLE. THE [AGENCY] COMMISSIONER
12 MAY PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO
13 CARRY OUT THE PROVISIONS OF THIS SECTION.

14 § 7821. ESTABLISHMENT.

15 THE VOLUNTEER AMBULANCE SERVICE GRANT PROGRAM IS ESTABLISHED
16 AND SHALL BE ADMINISTERED BY THE [AGENCY] COMMISSIONER. GRANTS
17 PROVIDED UNDER THIS PROGRAM SHALL BE USED TO IMPROVE AND ENHANCE
18 THE CAPABILITIES OF THE VOLUNTEER AMBULANCE SERVICES TO PROVIDE
19 AMBULANCE, EMERGENCY MEDICAL, BASIC LIFE SUPPORT AND ADVANCED
20 LIFE SUPPORT SERVICES.

21 § 7822. PUBLICATION AND NOTICE.

22 THE [AGENCY] COMMISSIONER SHALL PUBLISH NOTICE OF THE GRANT
23 PROGRAM AVAILABILITY THROUGH THE LEGISLATIVE REFERENCE BUREAU
24 FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN:

25 * * *

26 § 7823. AWARD OF GRANTS.

27 (A) AUTHORIZATION.--THE [AGENCY] COMMISSIONER IS AUTHORIZED
28 TO MAKE A GRANT AWARD TO EACH ELIGIBLE VOLUNTEER AMBULANCE
29 SERVICE FOR THE FOLLOWING:

30 * * *

1 (B) LIMITS.--

2 (1) GRANTS SHALL BE NOT LESS THAN \$2,500 AND NOT MORE
3 THAN [\$10,000] \$13,000 PER VOLUNTEER AMBULANCE SERVICE.

4 * * *

5 (C) TIME FOR FILING APPLICATION AND DEPARTMENT ACTION.--

6 (1) WITHIN 30 DAYS OF JUNE 28, 2007, FOR THE FISCAL
7 YEARS COMMENCING JULY 1, 2006, AND JULY 1, 2007, AND BY
8 SEPTEMBER 1 OF EACH YEAR THEREAFTER, THE [AGENCY]
9 COMMISSIONER SHALL PROVIDE WRITTEN INSTRUCTIONS FOR GRANTS
10 UNDER THIS CHAPTER TO THE PRESIDENT OF EVERY VOLUNTEER
11 AMBULANCE SERVICE IN THIS COMMONWEALTH.

12 (2) WITHIN 45 DAYS OF THE EFFECTIVE DATE OF JUNE 28,
13 2007, FOR THE FISCAL YEARS COMMENCING JULY 1, 2006, AND JULY
14 1, 2007, AND BY SEPTEMBER 8 OF EACH YEAR, THE [AGENCY]
15 COMMISSIONER SHALL PROVIDE APPLICATIONS TO THE PRESIDENT OF
16 EVERY VOLUNTEER AMBULANCE SERVICE. THE APPLICATION FOR THE
17 FISCAL YEARS COMMENCING JULY 1, 2006, AND JULY 1, 2007, SHALL
18 BE A COMBINED APPLICATION. VOLUNTEER AMBULANCE SERVICES
19 SEEKING GRANTS UNDER THIS CHAPTER SHALL SUBMIT COMPLETED
20 APPLICATIONS TO THE [AGENCY] COMMISSIONER. THE APPLICATION
21 PERIOD SHALL REMAIN OPEN FOR 45 DAYS EACH YEAR. THE [AGENCY]
22 COMMISSIONER SHALL ACT TO APPROVE OR DISAPPROVE APPLICATIONS
23 WITHIN 60 DAYS OF THE APPLICATION SUBMISSION DEADLINE EACH
24 YEAR. APPLICATIONS WHICH HAVE NOT BEEN APPROVED OR
25 DISAPPROVED BY THE [AGENCY] COMMISSIONER WITHIN 60 DAYS AFTER
26 THE CLOSE OF THE APPLICATION PERIOD EACH YEAR SHALL BE DEEMED
27 APPROVED.

28 § 7831. [VOLUNTEER] FIRE COMPANY GRANT PROGRAM.

29 THE SUM OF [\$22,000,000] \$34,000,000 OF THE AMOUNT
30 APPROPRIATED TO THE AGENCY FOR VOLUNTEER COMPANY GRANTS UNDER

1 SECTION 225 OF THE ACT OF MARCH 20, 2003 (P.L.463, NO.1A),
2 KNOWN AS THE GENERAL APPROPRIATION ACT OF 2003, [SHALL BE
3 EXPENDED] IS TRANSFERRED TO THE COMMISSIONER FOR THE PURPOSE
4 OF MAKING GRANTS TO ELIGIBLE [VOLUNTEER] FIRE COMPANIES UNDER
5 SUBCHAPTER B (RELATING TO [VOLUNTEER] FIRE COMPANY GRANT
6 PROGRAM) .

7 § 7832. VOLUNTEER AMBULANCE SERVICE GRANT PROGRAM.

8 THE SUM OF [\$3,000,000 OF] THE AMOUNT APPROPRIATED TO THE
9 AGENCY FOR VOLUNTEER COMPANY GRANTS UNDER SECTION 225 OF THE ACT
10 OF MARCH 20, 2003 (P.L.463, NO.1A), KNOWN AS THE GENERAL
11 APPROPRIATION ACT OF 2003, [SHALL BE EXPENDED] IS TRANSFERRED TO
12 THE COMMISSIONER FOR THE PURPOSE OF MAKING GRANTS TO ELIGIBLE
13 VOLUNTEER AMBULANCE COMPANIES UNDER SUBCHAPTER C (RELATING TO
14 VOLUNTEER AMBULANCE SERVICE GRANT PROGRAM) .

15 § 7833. ALLOCATION OF APPROPRIATED FUNDS.

16 (A) [PROHIBITION] ADMINISTRATION.--[NO MONEY FROM] THE
17 COMMISSIONER MAY USE UP TO \$100,000 FROM THE APPROPRIATION FOR
18 VOLUNTEER COMPANY GRANTS [SHALL BE USED FOR EXPENSES OR COSTS
19 INCURRED BY THE AGENCY] FOR THE ADMINISTRATION OF THE GRANT
20 PROGRAMS AUTHORIZED UNDER SUBCHAPTERS B (RELATING TO [VOLUNTEER]
21 FIRE COMPANY GRANT PROGRAM) AND C (RELATING TO VOLUNTEER
22 AMBULANCE SERVICE GRANT PROGRAM) .

23 (B) GRANT ALLOCATION.--UNLESS OTHERWISE EXPRESSLY STATED,
24 MONEY APPROPRIATED TO THE AGENCY OR THE COMMISSIONER FOR
25 PURPOSES OF VOLUNTEER COMPANY GRANTS SHALL BE ALLOCATED AS
26 FOLLOWS:

27 (1) [EIGHTY-EIGHT] EIGHTY-FIVE PERCENT OF THE AMOUNT
28 APPROPRIATED SHALL BE USED FOR MAKING GRANTS TO ELIGIBLE
29 VOLUNTEER FIRE COMPANIES UNDER SUBCHAPTER B.

30 (2) [TWELVE] FIFTEEN PERCENT OF THE AMOUNT APPROPRIATED

1 SHALL BE USED FOR MAKING GRANTS TO ELIGIBLE VOLUNTEER
2 AMBULANCE COMPANIES UNDER SUBCHAPTER C.

3 § 7841. Expiration of authority.

4 The authority of the [agency] COMMISSIONER to award grants ←
5 under Subchapters B (relating to [volunteer] fire company grant ←
6 program) and C (relating to volunteer ambulance service grant
7 program) shall expire June 30, [2012] 2017 2016. ←

8 SECTION 7. SECTION 7842 OF TITLE 35 IS AMENDED BY ADDING A ←
9 SUBSECTION TO READ:

10 § 7842. SPECIAL PROVISIONS.

11 * * *

12 (E) PROHIBITION.--THE COMMISSIONER MAY NOT AWARD A GRANT TO
13 A FIRE COMPANY OR VOLUNTEER AMBULANCE SERVICE, WHICH IS NOT
14 OFFICIALLY RECOGNIZED BY THE APPROPRIATE MUNICIPALITY.

15 SECTION 8. REPEALS ARE AS FOLLOWS:

16 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
17 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THIS ACT.

18 (2) SECTION 1799-E OF THE ACT OF APRIL 9, 1929 (P.L.343,
19 NO.176), KNOWN AS THE FISCAL CODE, IS REPEALED.

20 Section ~~2~~ 9. This act shall take effect immediately. ←