

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 946 Session of
1991

INTRODUCED BY MAYERNIK, KOSINSKI, SALOOM, HARPER, PESCI,
BELARDI, HERMAN, McCALL, COY, FREEMAN, ARGALL, PISTELLA,
SAURMAN, STRITTMATTER, JOHNSON, BILLOW, CLARK, NAILOR,
LAUGHLIN, CIVERA, STEELMAN, ITKIN, HALUSKA, SERAFINI, MELIO,
BUNT, GIGLIOTTI AND BATTISTO, APRIL 2, 1991

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 2, 1991

AN ACT

1 Amending the act of June 11, 1968 (P.L.149, No.84), entitled "An
2 act relating to volunteer firemen's relief associations,
3 clarifying their purposes and objectives, establishing
4 criteria and standards for the conduct of their affairs,
5 providing for their formation, recognition, continuing
6 operation, and for their dissolution in appropriate
7 circumstances and the distribution of their funds," making
8 editorial changes.

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

11 Section 1. The title and section 1 of the act of June 11,
12 1968 (P.L.149, No.84), known as the Volunteer Firemen's Relief
13 Association Act, are amended to read:

14 AN ACT

15 Relating to volunteer [firemen's] firefighters' relief
16 associations, clarifying their purposes and objectives,
17 establishing criteria and standards for the conduct of their
18 affairs, providing for their formation, recognition,
19 continuing operation, and for their dissolution in

1 appropriate circumstances and the distribution of their
2 funds.

3 Section 1. Short Title.--This act shall be known and may be
4 cited as the "Volunteer [Firemen's] Firefighters' Relief
5 Association Act."

6 Section 2. Section 2 of the act, amended June 21, 1984
7 (P.L.427, No.86), is amended to read:

8 Section 2. Definitions.--As used in this act:

9 (1) A volunteer [firemen's] firefighters' relief association
10 is an organization formed primarily for the purpose of affording
11 financial protection to volunteer [firemen] firefighters against
12 the consequences of misfortune suffered as a result of their
13 participation in the fire service. Such an association may also
14 serve other purposes, as hereinafter set forth, provided only
15 that adequate provisions be first made to serve its primary
16 purpose. It may comprehend within its membership the members of
17 one or more fire companies.

18 (2) The fire service comprehends the service of organized
19 groups of individuals, not only in training for and in active
20 duty in the protection of the public against fire, but also in
21 the training for and the performance of such other activities as
22 are commonly undertaken by fire companies and their affiliated
23 organizations, including, inter alia, fire prevention, first
24 aid, rescue and salvage, ambulance service, fire police work,
25 radio communications, assistance at accidents, control of crowds
26 both on the fire grounds and at occasions of public or general
27 assembly, animal rescue, abatement of conditions due to storm,
28 flood, or general peril, abatement or removal of hazards to
29 safety, and participation in public celebrations, parades,
30 demonstrations, and fund-raising campaigns.

1 (3) Volunteer [fireman] firefighter comprehends any member
2 of a fire company, organized and existing under the laws of the
3 Commonwealth of Pennsylvania, and also any member of any fire
4 police unit, rescue squad, ambulance corps, or other like
5 organization affiliated with one or more fire companies, and
6 refers to any individual who is a member of such a fire company
7 or affiliated organization and who participates in the fire
8 service, but does not look to that service as his primary means
9 of livelihood. A person shall not lose his status as a volunteer
10 [fireman] firefighter solely because he may also be a paid
11 firefighter, as long as he is acting within the scope of his
12 responsibilities as a member of a volunteer fire company at the
13 time and not within the scope of his responsibilities as a paid
14 firefighter.

15 Section 3. Sections 3, 4 and 5(a) and (e) of the act are
16 amended to read:

17 Section 3. Statement of Purpose.--The purpose of the
18 Legislature in enacting this statute is to encourage individuals
19 to take part in the fire service as volunteer [firemen]
20 firefighters, by establishing criteria and standards for the
21 orderly administration and conduct of the affairs of [firemen's]
22 firefighters' relief associations, so as to ensure, as far as
23 circumstances will reasonably permit, that funds shall be
24 available for the protection of volunteer [firemen] firefighters
25 and their heirs:

26 (1) To provide financial assistance to volunteer [firemen]
27 firefighters who may suffer injury or misfortune by reason of
28 their participation in the fire service;

29 (2) To provide financial assistance to the widow, children,
30 and/or other dependents of volunteer [firemen] firefighters who

1 lose their lives as a result of their participation in the fire
2 service;

3 (3) To provide, either by insurance or by the operation of a
4 beneficial fund, for the payment of a sum certain to the
5 designated beneficiaries of a participating member in such fund
6 following the death of such member for any cause, and to
7 establish criteria which members must meet in order to qualify
8 as participants in such death benefit fund;

9 (4) To provide safeguards for preserving life, health and
10 safety of volunteer [firemen] firefighters, so as to ensure
11 their availability to participate in the fire service;

12 (5) To provide financial assistance to volunteer [firemen]
13 firefighters who, after having actively participated in the fire
14 service for a specified minimum term, are no longer physically
15 able to continue such participation and are in need of financial
16 assistance;

17 (6) To provide funds to aid the rehabilitation of volunteer
18 [firemen] firefighters who have suffered an impairment of their
19 physical capacity to continue to perform their normal
20 occupations; and

21 (7) In any event, to provide sufficient funds to ensure the
22 efficient and economical handling of the business of the
23 association in accomplishing the objectives hereinabove set
24 forth.

25 Section 4. Construction.--This act shall be construed,
26 applied, and interpreted, so far as circumstances permit, as
27 justifying the actions of the officers and members of volunteer
28 [firemen's] firefighters' relief associations affected by it,
29 when such actions appear to have been taken in good faith and in
30 a bona fide belief that they were in furtherance of the purposes

1 of this act, but shall be strictly construed and applied against
2 those responsible for actions taken in wilful disregard of the
3 purposes of this act, or with reckless indifference to such
4 purposes, and in particular, where any action called into
5 question results or has resulted or was likely to result in an
6 unmerited personal benefit to one or more of those responsible
7 for the taking of such action.

8 Section 5. Structure.--(a) A volunteer [firemen's]
9 firefighters' relief association may be a body corporate,
10 governed by a charter and bylaws, or it may be an unincorporated
11 association of individuals, governed by a constitution and
12 bylaws. In either case, it must provide for the taking and
13 preserving of minutes of all meetings, and the maintenance of
14 such books of account as may be necessary and appropriate to
15 afford a permanent record of its fiscal affairs.

16 * * *

17 (e) Any volunteer [firemen's] firefighters' relief
18 association organized or conducted in accordance with the
19 requirements of this section shall be regarded as a charitable
20 corporation for all purposes including the right to establish
21 exemption from the operation of certain taxes.

22 Section 4. Section 6 of the act, amended March 23, 1972
23 (P.L.119, No.44) and March 7, 1982 (P.L.168, No.53), is amended
24 to read:

25 Section 6. (a) Any volunteer [firemen's] firefighters'
26 relief association shall have the right to solicit and receive
27 gifts and contributions from any source including municipal
28 corporations. It shall not have the right to receive any portion
29 of the moneys distributed to the political subdivisions of the
30 Commonwealth under the provisions of the act of June 28, 1895

1 (P.L.408), unless and until the governing body of at least one
2 such political subdivision shall have certified to the Auditor
3 General that such association is in fact a bona fide volunteer
4 [firemen's] firefighters' relief association affiliated with a
5 fire company which affords protection against fire to all or a
6 portion of the political subdivision.

7 (b) The funds of any volunteer [firemen's] firefighters'
8 relief association may be deposited in any bank, trust company,
9 or other banking establishment accredited by the Commonwealth or
10 insured by the Government of the United States.

11 (c) All, or any part of the funds of any volunteer
12 [firemen's] firefighters' relief association may be invested:

13 (1) In any form of investment named in the Fiduciaries Act
14 of 1949, as amended, including first mortgages. Such first
15 mortgages insuring repayment of loans by relief associations
16 must provide for a minimum interest payment of three per cent
17 and not exceed eighty per cent of the appraised value of the
18 real property covered by the mortgage.

19 (2) In any obligation of a political subdivision, having the
20 power to levy or collect taxes, or

21 (3) In any obligation of an incorporated fire company which
22 obligation is secured by assets of the company having capital
23 value equal to at least one hundred fifty per cent of the amount
24 of the obligation at the time it is made, and is subject to
25 provisions which will amortize such loan at a rate ensuring that
26 the depreciated value of the assets pledged shall continue to be
27 at least equal to one hundred fifty per cent of the balance
28 remaining due.

29 (d) No investment shall be acquired, encumbered or sold
30 except pursuant to a resolution duly enacted by the governing

1 body of the association. The income from investments however may
2 be invested or spent in the same way as any other income.

3 (e) The funds of any volunteer [firemen's] firefighters'
4 relief association may be spent:

5 (1) To pay for such normal and reasonable running expenses
6 as may be appropriate to the businesslike conduct of its affairs
7 including legal fees and including but not by way of limitation
8 the rental or purchase of offices, the payment of reasonable
9 compensation of any needed employes, and the purchase of office
10 equipment and supplies.

11 (2) To purchase contracts of insurance which shall at the
12 least afford financial assistance to active members of the fire
13 service represented by the association against losses due to
14 injury suffered in the fire service and which may also provide
15 in the order named, (i) for payments to the widow or other
16 dependents of a member in the event of his death, (ii) for
17 protection of active [firemen] firefighters against disease,
18 (iii) for the replacement or purchase of prosthetic devices such
19 as visual aids, hearing aids, dentures, braces, crutches, and
20 the like, where such devices have been lost or damaged while the
21 owner was engaged in the fire service or where the need for such
22 devices arises because of functional impairment attributable to
23 participation in the fire service, (iv) for the repair or
24 replacement if necessary of articles of clothing damaged in the
25 course of participation in the fire service, and (v) for
26 disability incurred after service for a minimum of twenty years
27 as a volunteer [fireman] firefighter.

28 (3) To maintain a beneficiary or death benefit fund and to
29 pay a sum certain from that fund to the beneficiary of any
30 participant in that fund upon his death. In the event a

1 beneficiary is not designated or a designated one has
2 predeceased the participant, the sum certain shall be paid to
3 the estate of the participant.

4 (4) To pay in full or in part for damage or loss in any of
5 the categories mentioned in clause (2) above in any specific
6 case in which (i) no policy of insurance is in force which
7 covers the risk, or (ii) the amount payable under insurance
8 policies in force is inadequate to cover the loss.

9 (5) To pay the costs of procuring and forwarding tokens of
10 sympathy and goodwill. To a volunteer [fireman] firefighter who
11 may be ill or hospitalized as a result of participation in the
12 fire service or who may die or who may be seriously ill for any
13 reason.

14 (6) To make cash payments to families in distressed
15 circumstances by reason of age, infirmities or other
16 disabilities suffered by one of the family in the course of his
17 participation in the fire service as a volunteer [fireman]
18 firefighter.

19 (7) To acquire and maintain membership in any Statewide
20 association or corporation which extends advice and assistance
21 to [firemen's] firefighters' relief associations in the conduct
22 of their affairs and to pay reasonable expenses of travel and
23 maintenance to a duly elected delegate for attendance at such
24 meetings of such Statewide association or corporation.

25 (8) To contribute or to purchase contracts of insurance
26 which will contribute towards the costs of rehabilitating and
27 retraining volunteer [firemen] firefighters who by reason of
28 their participation in the fire service have suffered a major
29 impairment of their ability to continue their vocation.

30 (9) To pay for medical and surgical bills arising from

1 injuries sustained by volunteer [firemen] firefighters while
2 engaged in activities of the fire company to the extent that
3 said bills are not covered by insurance provided by the relief
4 association.

5 (10) To pay reasonable expenses actually and necessarily
6 incurred for attending bona fide [firemen's] firefighters'
7 training schools.

8 (11) To purchase safeguards for preserving life, health, and
9 safety of volunteer [firemen] firefighters, so as to ensure
10 their availability to participate in the volunteer fire service.

11 (12) To secure insurance against the legal liability of the
12 volunteer [firemen] firefighters for loss and expense from
13 claims arising out of the performance of their official,
14 authorized duties while going to, returning from or attending
15 fires or while performing their duties as special fire police.

16 Section 5. Sections 7 and 8(a) and (c) of the act are
17 amended to read:

18 Section 7. Audits.--(a) The Department of the Auditor
19 General shall have the power, and its duty shall be, to audit
20 the accounts and records of every volunteer [firemen's]
21 firefighters' relief association receiving any money under the
22 act of June 28, 1895 (P.L.408), as amended, as far as may be
23 necessary to satisfy the department that the money received was
24 expended or is being expended for no purpose other than that
25 authorized by this act. Copies of all such audits shall be
26 furnished to the Governor.

27 (b) If at any time the Department of the Auditor General
28 shall find that any money received by a volunteer [firemen's]
29 firefighters' relief association has been expended for any
30 purpose other than those authorized by this act, it shall

1 forthwith notify the Governor, and shall decline to approve any
2 further requisition calling for payment to such volunteer
3 [firemen's] firefighters' relief association, until an amount
4 equal to that improperly expended shall have been reimbursed to
5 the relief association fund.

6 Section 8. Dissolution.--(a) If a majority of those voting
7 in a referendum conducted in any political subdivision shall
8 decide in accordance with the act of June 13, 1955 (P.L.173), to
9 replace a volunteer fire company serving such subdivision with a
10 full-paid fire department or company and the volunteer company
11 so replaced ceases to render fire service to any community it
12 shall withdraw from the volunteer [firemen's] firefighters'
13 relief association which theretofore extended protection to its
14 membership.

15 * * *

16 (c) The volunteer [firemen's] firefighters' relief
17 association so functioning shall not receive any new members.

18 * * *

19 Section 6. This act shall take effect in 60 days.