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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 612 Session of  
2021

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INTRODUCED BY STRUZZI, CAUSER, CIRESI, SCHLEGEL CULVER, DEASY,  
DeLUCA, DRISCOLL, ECKER, FREEMAN, HENNESSEY, HILL-EVANS,  
HOHENSTEIN, IRVIN, JAMES, KAUFFMAN, KULIK, MIHALEK,  
PISCIOTTANO, POLINCHOCK, RYAN, SCHLOSSBERG, SCHMITT, SILVIS,  
SMITH, STAMBAUGH, THOMAS, WARNER, SAINATO AND MARKOSEK,  
FEBRUARY 24, 2021

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REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, FEBRUARY 24, 2021

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in emergency management services,  
3 providing for tuition assistance for active volunteers; and  
4 establishing the Active Volunteer Tuition Assistance Program  
5 and Active Volunteer Tuition Assistance Program Fund.

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

8 Section 1. Title 35 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 79B

11 TUITION ASSISTANCE FOR ACTIVE VOLUNTEERS

12 Subchapter

13 A. Preliminary Provisions

14 B. Active Volunteer Tuition Assistance Program

15 SUBCHAPTER A

16 PRELIMINARY PROVISIONS

17 Sec.

1 79B01. Definitions.

2 § 79B01. Definitions.

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

6 "Active volunteer." A volunteer for a volunteer organization  
7 who satisfies the eligibility criteria under section 79B12(a)  
8 (relating to eligibility), receives a certificate of eligibility  
9 and complies with the requirements of the program.

10 "Agency." The Pennsylvania Higher Education Assistance  
11 Agency.

12 "Annual tuition rate." The in-State tuition rate, including  
13 a technology tuition fee, established or approved by May 1 of  
14 each year by the Board of Governors of the State System of  
15 Higher Education.

16 "Approved institution of higher learning." An educational  
17 institution offering a postsecondary program of education  
18 located in this Commonwealth and approved by the agency.

19 "Approved program of education." A degree-granting or  
20 certificate-granting curriculum, course of study or training  
21 program required for entrance into a specific career to be  
22 pursued on a full-time or part-time basis or its equivalent as  
23 determined by the agency, at an approved institution of higher  
24 learning.

25 "Certificate of eligibility." A certificate issued by the  
26 agency under section 79B12(b) that certifies that an active  
27 volunteer satisfies the eligibility criteria under section  
28 79B12(a).

29 "Eligible student." An active volunteer who is enrolled in  
30 an approved institution of higher learning.

1 "Emergency medical services agency." As defined in section  
2 8103 (relating to definitions).

3 "Full-time student." An eligible student pursuing no less  
4 than 12 credit hours per semester of an approved program of  
5 education or its equivalent that is recognized by the agency as  
6 a full-time course of study.

7 "Fund." The Active Volunteer Tuition Assistance Program Fund  
8 established under section 79B21(a) (relating to Active Volunteer  
9 Tuition Assistance Program Fund).

10 "Part-time student." An eligible student pursuing less than  
11 12 credit hours per semester of an approved program of education  
12 or its equivalent that is recognized by the agency as a part-  
13 time course of study.

14 "Program." The Active Volunteer Tuition Assistance Program  
15 established under section 79B11 (relating to establishment).

16 "Technology tuition fee." A separate tuition fee established  
17 by the Board of Governors of the State System of Higher  
18 Education for rendering technology resources and services to  
19 enhance student learning experiences.

20 "Tuition assistance." Reimbursement provided by the agency  
21 for tuition under the program.

22 "Volunteer fire company." A nonprofit chartered corporation,  
23 association or organization located in this Commonwealth that  
24 provides fire protection services and may offer other voluntary  
25 emergency services within this Commonwealth.

26 "Volunteer organization." A volunteer fire company or  
27 emergency medical services agency.

28 SUBCHAPTER B

29 ACTIVE VOLUNTEER TUITION ASSISTANCE PROGRAM

30 Sec.

- 1 79B11. Establishment.
- 2 79B12. Eligibility.
- 3 79B13. Tuition assistance.
- 4 79B14. Promissory note.
- 5 79B15. Amount of tuition payments.
- 6 79B16. Limitation on tuition assistance.
- 7 79B17. Recoupment of tuition assistance payments.
- 8 79B18. Service records.
- 9 79B19. Verification of active volunteer status.
- 10 79B20. Administrative costs.
- 11 79B21. Active Volunteer Tuition Assistance Program Fund.
- 12 79B22. Regulations.

13 § 79B11. Establishment.

14 The Active Volunteer Tuition Assistance Program is  
15 established within the agency to provide tuition assistance to  
16 active volunteers with volunteer organizations who are students  
17 at approved institutions of higher learning.

18 § 79B12. Eligibility.

19 (a) Criteria.--Upon submitting an application to participate  
20 in the program in accordance with the agency's regulations,  
21 rules or guidelines under section 79B22 (relating to  
22 regulations), an individual shall be eligible to receive tuition  
23 assistance if the individual satisfies all of the following  
24 eligibility criteria:

25 (1) Is a resident of this Commonwealth.

26 (2) Is an active volunteer.

27 (3) Has participated in not less than 30% or, if the  
28 individual was enrolled as a student in a high school or in  
29 an approved program of education at an approved institution  
30 of higher learning within the one-year period before the

1 individual submitted an application to the agency for tuition  
2 assistance, not less than 15% of a volunteer organization's  
3 activities within the one-year period before the individual  
4 submitted an application to the agency for tuition  
5 assistance. The activities may include, but not be limited  
6 to, training, drills, emergency response calls,  
7 administrative and operational support, fundraising or other  
8 events and projects that aid the financial viability of the  
9 volunteer organization.

10 (4) Has enrolled as a student in an approved program of  
11 education at an approved institution of higher learning.

12 (5) Accepts an obligation to serve as an active  
13 volunteer with a volunteer organization for at least one year  
14 prior to enrolling in an approved program of education and at  
15 least five years after completing an approved program of  
16 education.

17 (6) Has signed a promissory note obligating the  
18 individual to repay the full amount of tuition assistance  
19 received by the individual if the individual fails to satisfy  
20 the requirements under the program.

21 (7) Is in good standing with the volunteer organization  
22 for which the individual is an active volunteer.

23 (b) Certificate.--The agency shall issue a certificate of  
24 eligibility to an individual who satisfies the eligibility  
25 criteria under subsection (a).

26 § 79B13. Tuition assistance.

27 From money appropriated for the program, tuition assistance  
28 shall be provided to eligible students to pursue approved  
29 programs of education on or after the effective date of this  
30 section.

1 § 79B14. Promissory note.

2 Before participating in the program, an individual must sign  
3 a promissory note obligating the individual to repay the full  
4 amount of the tuition assistance received by the individual if  
5 the individual fails to satisfy the requirements under the  
6 program as specified under section 79B17 (relating to recoupment  
7 of tuition assistance payments).

8 § 79B15. Amount of tuition payments.

9 (a) Full-time students.--Payments of tuition assistance to a  
10 full-time student shall be determined by the agency and may not  
11 exceed the lesser of the following for an academic year:

12 (1) The tuition rate charged by the approved institution  
13 of higher learning for the number of credit hours per  
14 semester or its equivalent for the approved program of  
15 education in which the full-time student is enrolled.

16 (2) The annual tuition rate charged by an institution  
17 within the State System of Higher Education for the academic  
18 year.

19 (b) Part-time students.--Payments of tuition assistance to a  
20 part-time student shall be determined by the agency and may not  
21 exceed the lesser of the following for an academic year:

22 (1) The tuition rate charged by the approved institution  
23 of higher learning for the number of credit hours per  
24 semester or its equivalent in which the part-time student is  
25 enrolled.

26 (2) The annual tuition rate charged by an institution  
27 within the State System of Higher Education for the number of  
28 credit hours per semester or its equivalent in which the  
29 part-time student is enrolled for the same academic year or  
30 period.

1 (c) Limit on charges.--An eligible student who attends an  
2 institution within the State System of Higher Education may not  
3 be charged tuition exceeding the annual tuition rate.

4 § 79B16. Limitation on tuition assistance.

5 An eligible student may not receive tuition assistance for a  
6 total of more than five academic years or an equivalent amount  
7 of time as determined by the agency.

8 § 79B17. Recoupment of tuition assistance payments.

9 (a) Noncompliance.--An individual who fails to satisfy the  
10 requirements under the program shall be liable to the  
11 Commonwealth for the full amount of tuition assistance received  
12 by the individual, unless the failure is a result of an injury  
13 while responding to an emergency as an active volunteer that  
14 prevents the individual from complying with the requirements  
15 under the program. The promissory note under section 79B14  
16 (relating to promissory note) shall be repaid by the individual  
17 upon demand by the agency on a schedule as the agency may  
18 determine.

19 (b) Notice.--A volunteer organization shall notify the  
20 agency if an active volunteer fails to satisfy the volunteer  
21 requirements under the program.

22 § 79B18. Service records.

23 (a) Logs.--For the purpose of ensuring compliance with the  
24 requirements under the program, the chief of a volunteer fire  
25 company or the supervisor or chief of an emergency medical  
26 services agency or their designees shall establish and maintain  
27 a service log that documents the services provided by an active  
28 volunteer participating in the program, including a calculation  
29 of the amount of time the active volunteer conducts activities  
30 with the volunteer organization.

1 (b) Review.--Service logs under subsection (a) shall be  
2 subject to periodic review by the agency and the Department of  
3 Auditor General for the purpose of ensuring compliance with the  
4 requirements under this subchapter.

5 § 79B19. Verification of active volunteer status.

6 (a) Self-certification.--An individual shall sign and submit  
7 an application to the chief of a volunteer fire company or the  
8 supervisor or chief of the emergency medical services agency to  
9 attest that the individual is an active volunteer.

10 (b) Injured volunteer.--Notwithstanding the volunteer  
11 requirements under the program, an individual who was injured  
12 while responding to an emergency as an active volunteer who can  
13 no longer serve as an active volunteer because of the injury and  
14 who would otherwise be eligible for the program shall be  
15 eligible to participate in the program for five years from the  
16 date of the injury.

17 (c) Local sign-off.--The chief and another officer of the  
18 volunteer fire company and the supervisor or chief and another  
19 officer of the emergency medical services agency shall sign the  
20 application attesting that the individual is an active volunteer  
21 under subsection (a) or that the individual can no longer serve  
22 as an active volunteer due to injury under subsection (b). The  
23 application shall then be forwarded to the agency for final  
24 review and processing.

25 § 79B20. Administrative costs.

26 The administrative costs of the program for the fiscal year  
27 beginning July 1, 2021, and each fiscal year thereafter shall  
28 not exceed 3.5% of the total amount of money appropriated to the  
29 agency to implement the program.

30 § 79B21. Active Volunteer Tuition Assistance Program Fund.

1 (a) Establishment.--The Active Volunteer Tuition Assistance  
2 Program Fund is established as a nonlapsing restricted receipts  
3 account in the State Treasury.

4 (b) Appropriation.--Money deposited or transferred into the  
5 fund, including any accrued interest, is appropriated to the  
6 agency on a continuing basis to implement the program.

7 (c) Administrative actions.--An administrative action may  
8 not prevent the deposit or transfer of money into the fund.

9 (d) Use.--Money in the fund may only be used to implement  
10 the program. Money in the fund may not be diverted for any other  
11 purpose by administrative action.

12 § 79B22. Regulations.

13 The agency shall promulgate regulations and establish rules  
14 or guidelines to administer this subchapter.

15 Section 2. This act shall take effect as follows:

16 (1) The addition of 35 Pa.C.S. § 79B21 shall take effect  
17 July 1, 2021, or immediately, whichever is later.

18 (2) The addition of 35 Pa.C.S. §§ 79B13 and 79B15 shall  
19 take effect August 1, 2021, or immediately, whichever is  
20 later.

21 (3) The remainder of this act shall take effect  
22 immediately.