

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 694 Session of
2009

INTRODUCED BY WAUGH, BOSCOLA, ALLOWAY, BAKER, BROWNE, BRUBAKER,
DINNIMAN, ERICKSON, FONTANA, LOGAN, O'PAKE, PICCOLA,
RAFFERTY, TARTAGLIONE, TOMLINSON, WONDERLING, WOZNIAK AND
YAW, MARCH 27, 2009

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, MARCH
27, 2009

AN ACT

1 Establishing a grant program for municipal fire and emergency
2 services organizations; and providing for grant funding.

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

7 CHAPTER 1

8 PRELIMINARY PROVISIONS

9 Section 101. Short title.

10 This act shall be known and may be cited as the Municipal
11 Fire and Emergency Services Organization Grant Act.

12 Section 102. Definitions.

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

16 "Advanced life support services." The term shall have the
17 meaning given to it in the act of July 3, 1985 (P.L.164, No.45),
18 known as the Emergency Medical Services Act.

19 "Agency." The Pennsylvania Emergency Management Agency.

20 "Application." The Municipal Fire and Emergency Services
21 Grant Program Application.

22 "Basic life support services." The term shall have the
23 meaning given to it in the act of July 3, 1985 (P.L.164, No.45),
24 known as the Emergency Medical Services Act.

25 "Certification." Any class of instruction or test that will
26 provide certification at any level that is currently offered in
27 this Commonwealth through the Voluntary Fire Fighter
28 Certification program administered by the Pennsylvania Fire
29 Academy.

30 "Certified personnel." Any member of the Municipal Fire and

1 Emergency Service who is certified at a minimum level of Fire
2 Fighter I on or before July 1, 2009, by the National
3 Professional Qualifications Board or by the International Fire
4 Service Accreditation Congress and verified by the Pennsylvania
5 State Fire Academy.

6 "Commissioner." The State Fire Commissioner.

7 "Equipment." Any apparatus, equipment or tools ordinarily
8 used by a fire, rescue or ambulance service in the performance
9 of its duties.

10 "Facility." A structure or portion thereof intended for the
11 purpose of storage or protection of firefighting apparatus,
12 ambulances and rescue vehicles and related equipment and gear.
13 The term does not include meeting halls, social halls, social
14 rooms, lounges or any other facility not directly related to
15 firefighting or the furnishing of ambulance or rescue services.

16 "Final report." The report to be filed by the Municipal Fire
17 and Emergency Service detailing the expenditure of the funds
18 granted.

19 "Grant program." The Municipal Fire and Emergency Services
20 Organization Grant Program established in Chapter 3.

21 "Invalid coach." The term shall have the meaning given to it
22 in the act of July 3, 1985 (P.L.164, No.45), known as the
23 Emergency Medical Services Act.

24 "Municipal fire and emergency services organization." A fire
25 department, ambulance service or rescue squad established,
26 operated and funded by a municipality within this Commonwealth
27 which provides fire protection or emergency services. The
28 personnel of any municipal fire or emergency services
29 organization shall consist of all paid employees or a
30 combination of paid employees and unpaid volunteers, providing

1 24-hour, 365 days per staffing by full-time paid employees.
2 Emergency services provided by a municipal fire and emergency
3 services organization may include ambulance and rescue services.
4 The ambulance services may include basic life support or
5 advanced life support services and the transportation of
6 patients within this Commonwealth. The term does not include any
7 corporation, association or organization that is primarily
8 engaged in the operation of invalid coaches which are intended
9 for the routine transport of persons who are convalescent or
10 otherwise nonambulatory and do not ordinarily require emergency
11 medical treatment while in transit. The rescue services may
12 include rescue services in response to fire, vehicle accidents
13 and water rescue efforts.

14 "OSFC." The Office of the State Fire Commissioner.

15 CHAPTER 3

16 MUNICIPAL FIRE AND EMERGENCY SERVICES ORGANIZATION

17 GRANT PROGRAM

18 Section 301. Establishment.

19 The Municipal Fire and Emergency Services Organization Grant
20 Program is established and shall be administered by the agency
21 in consultation with the commissioner. Grants provided under
22 this program shall be used to improve and enhance the
23 capabilities of municipal fire and emergency services
24 organizations to provide firefighting, ambulance and rescue
25 services.

26 Section 302. Guidelines and procedures.

27 The agency shall develop guidelines, procedures and all
28 applications necessary to implement the grant program. The
29 agency shall submit the guidelines, procedures and applications
30 to the Legislative Reference Bureau for publication in the

Pennsylvania Bulletin within 30 days of the effective date of this section.

Section 303. Award of grants.

(a) Authorization.--The agency is hereby authorized to make a grant award to each eligible municipal fire and emergency services organization for the following:

(1) Construction and/or renovation of the municipal fire and emergency services organization's facility and purchase or repair of fixtures and furnishings necessary to maintain or improve the capability of the municipal fire and emergency services organization to provide fire, ambulance and rescue services.

(2) Repair or purchase of firefighting, ambulance or rescue equipment.

(3) Reduction of debt associated with paragraph (1) or (2).

(4) Training and certification of members.

(b) Limits.--

(1) Grants shall be not less than \$25,000 and not more than \$100,000 per municipal fire and emergency services organization.

(2) Additional grant funds may be awarded to eligible applicants by applying an award factor to that portion of the applicant's grant request which exceeds the base award. The award factor is determined by dividing the applicant's bonus points by 15, the highest possible number of points. One point will be awarded for each person currently certified in accordance with the definitions in section 102, to a maximum of ten points.

(i) If necessary, the resultant additional award

1 will be prorated by a factor determined by dividing the
2 total program funds remaining after the base awards have
3 been determined by the total amount of funds requested in
4 excess of the base awards so that all grant awards do not
5 exceed the total grant funds available.

6 (ii) If funding is not fully distributed after this
7 award factor calculation, the agency reserves the right
8 to adjust the award factor formula so that all grant
9 funds available are distributed.

10 (iii) Municipal fire and emergency service grants
11 under this paragraph to individual fire companies for the
12 grant application for the fiscal year beginning July 1,
13 2009, shall not exceed \$100,000.

14 (3) Grants may be awarded on a pro rata basis if the
15 total dollar amount of approved applications exceeds the
16 amount of funds appropriated by the General Assembly for this
17 purpose.

18 (c) Time for filing application and department action.--

19 (1) The agency shall provide written instructions and
20 guidelines for grants under this chapter to the fire chief or
21 municipality in this Commonwealth within 60 days of the
22 effective date of this section.

23 (2) Municipal fire and emergency services organizations
24 seeking grants under this chapter shall submit completed
25 applications to the agency on or before December 31, 2008.
26 The agency shall act to approve or disapprove the application
27 by May 1, 2009. Applications which have not been approved or
28 disapproved by the agency by May 1, 2009, shall be deemed
29 approved.

30 (d) Eligibility.--To receive grant funds under this chapter,

1 a municipal fire and emergency services organization shall have
2 actively responded to one or more fire or rescue emergencies
3 since July 1, 2007, and must sign an agreement to actively
4 participate in the Pennsylvania Fire Information Reporting
5 System (PennFIRS). Additionally, if a municipal fire and
6 emergency services organization is deemed eligible for both this
7 grant program and the Volunteer Fire Company and Volunteer
8 Ambulance Service Grant Program, it will not be eligible for
9 both and must choose between the programs and apply for only
10 one.

11 (e) Limit on eligibility.--Each municipality shall be
12 eligible for only one grant.

13 (f) Final report.--Upon completion of the project, but no
14 later than December 1, 2010, the applicant shall file a final
15 report with the agency in a manner and form prescribed by the
16 OSFC. Any grant funds not expended by the applicant for the
17 project shall be returned to the agency prior to or with the
18 filing of the final report. Failure to file a final report will
19 be grounds for the agency to seek the return of all grant funds
20 awarded.

21 Section 304. Special provisions.

22 (a) General rule.--An applicant for a grant must demonstrate
23 that it complied with all terms of its grant agreement in the
24 previous year regarding the use of the grant money it received
25 in previous years or it shall not be eligible to receive a grant
26 in the current year.

27 (b) Explanation.--An applicant for a grant under this act
28 who fails to return a signed agreement for the 2009 application,
29 or subsequent applications, will not be permitted to apply for a
30 grant the next year unless the applicant provides the

1 commissioner with a reasonable written explanation as to why it
2 did not claim its grant.

3 (c) PennFIRS.--An applicant who is noncompliant in reporting
4 information using the Pennsylvania Fire Information Reporting
5 System (PennFIRS) in the previous Commonwealth fiscal year shall
6 not be eligible to receive a grant in the current year.

7 CHAPTER 5

8 MUNICIPAL FIRE AND EMERGENCY SERVICES ORGANIZATION

9 GRANT PROGRAM FUNDING PROVISIONS

10 Section 501. Municipal Fire and Emergency Services Organization
11 Grant Program.

12 The sum of \$5,000,000 of the amount appropriated to the
13 agency for the Municipal Fire and Emergency Services
14 Organization Grant Program shall be expended for the purpose of
15 making grants to eligible municipal fire and emergency services
16 organizations pursuant to Chapter 3.

17 Section 502. Allocation of appropriated funds.

18 No moneys from the appropriation for municipal fire and
19 emergency services organization grants shall be used for
20 expenses or costs incurred by the agency for the administration
21 of the grant program authorized under Chapter 3.

22 Section 503. Program limitations.

23 Program limitations that may result from the misuse of the
24 grant funds are as follows:

25 (1) An applicant may not make or authorize changes
26 exceeding 10% of the total project cost to an approved
27 project without first obtaining consent of the agency in
28 writing.

29 (2) The applicant agrees that noncompliance with the
30 conditions of this grant shall be grounds for the recapture

1 of funds provided to the applicant. If the applicant fails to
2 refund the moneys, the Commonwealth, in addition to any
3 rights or remedies it may have at law or in equity, reserves
4 the right to offset the amount due against any existing or
5 future sums of money owed the applicant by any Commonwealth
6 agency or department, including the agency.

7 (3) The agency, or its duly authorized representative,
8 shall have access to the records of the applicant for the
9 purpose of auditing financial transactions, determining
10 compliance with grant terms and evaluating project
11 performance.

12 (4) The applicant agrees to retain all cost-supporting
13 records and documentation for a period of three years from
14 the date that it receives its final grant payment from the
15 agency.

16 CHAPTER 21

17 MISCELLANEOUS PROVISIONS

18 Section 2101. Effective date.

19 This act shall take effect immediately.