

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1773 Session of
2019

INTRODUCED BY STRUZZI, FARRY, BARRAR, BOBACK, CALTAGIRONE,
CIRESI, ECKER, FREEMAN, HEFFLEY, HOHENSTEIN, HOWARD, JAMES,
KAUFFMAN, KULIK, MALAGARI, MURT, OWLETT, PYLE, READSHAW,
SAINATO, SCHLOSSBERG, SCHMITT, STAATS, ULLMAN, ZABEL,
ZIMMERMAN AND SCHWEYER, AUGUST 30, 2019

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, AUGUST 30, 2019

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 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 Fund
8 established under under section 79B21(a) (relating to Active
9 Volunteer 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
13 part-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% of a volunteer
28 organization's activities within the one-year period before
29 the individual submitted an application to the agency for
30 tuition assistance. The activities may include, but not be

1 limited to, training, drills, emergency response calls,
2 administrative and operational support, fundraising or other
3 events and projects that aid the financial viability of the
4 volunteer organization.

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

7 (5) Accepts an obligation to serve as an active
8 volunteer with a volunteer organization for at least one year
9 prior to enrolling in an approved program of education and at
10 least five years after completing an approved program of
11 education.

12 (6) Has signed a promissory note obligating the
13 individual to repay the full amount of tuition assistance
14 received by the individual if the individual fails to satisfy
15 the requirements under the program.

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

18 (b) Certificate.--The agency shall issue a certificate of
19 eligibility to an individual who satisfies the eligibility
20 criteria under subsection (a).

21 § 79B13. Tuition assistance.

22 From funds appropriated for the program, tuition assistance
23 shall be provided to eligible students to pursue approved
24 programs of education on or after the effective date of this
25 section.

26 § 79B14. Promissory note.

27 Before participating in the program, an individual must sign
28 a promissory note obligating the individual to repay the full
29 amount of the tuition assistance received by the individual if
30 the individual fails to satisfy the requirements under the

program as specified under section 79B17 (relating to recoupment of tuition assistance payments).

§ 79B15. Amount of tuition payments.

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

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

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

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

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

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

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

§ 79B16. Limitation on tuition assistance.

An eligible student shall not receive tuition assistance for

a total of more than five academic years or an equivalent amount of time as determined by the agency.

§ 79B17. Recoupment of tuition assistance payments.

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

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

§ 79B18. Service records.

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

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

§ 79B19. Verification of active volunteer status.

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

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

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

20 § 79B20. Administrative costs.

21 The administrative costs of the program for the fiscal year
22 beginning July 1, 2020, and each fiscal year thereafter shall
23 not exceed 3.5% of the total amount of money appropriated to the
24 agency to implement the program.

25 § 79B21. Active Volunteer Tuition Assistance Program Fund.

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

29 (b) Appropriation.--Money deposited or transferred into the
30 fund, including any accrued interest, is appropriated to the

1 agency on a continuing basis to implement the program.

2 (c) Administrative actions.--No administrative action shall
3 prevent the deposit or transfer of money into the fund.

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

7 § 79B22. Regulations.

8 The agency shall promulgate regulations and establish rules
9 or guidelines to administer this subchapter.

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

11 (1) The addition of 35 Pa.C.S. § 79B21 shall take effect
12 July 1, 2020, or immediately, whichever is later.

13 (2) The addition of 35 Pa.C.S. §§ 79B13 and 79B15 shall
14 take effect August 1, 2020, or immediately, whichever is
15 later.

16 (3) The remainder of this act shall take effect
17 immediately.