

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2014

Session of
1999

INTRODUCED BY HASAY, ARGALL, YUDICHAK, BAKER, BELFANTI, BROWNE, CAWLEY, L. I. COHEN, DeLUCA, FARGO, FEESE, FICHTER, GEORGE, HERMAN, HERSHEY, JOSEPHS, KENNEY, LAUGHLIN, LYNCH, MASLAND, McNAUGHTON, MUNDY, NAILOR, PIPPY, PRESTON, READSHAW, ROSS, RUBLEY, SATHER, SCRIMENTI, SEMMEL, SEYFERT, B. SMITH, SOLOBAY, STABACK, STEVENSON, E. Z. TAYLOR, THOMAS, TIGUE, TRAVAGLIO, TRELLO, WOJNAROSKI, YEWIC, YOUNGBLOOD, HARHAI, STEELMAN, BARRAR, SAINATO AND WASHINGTON, OCTOBER 27, 1999

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 2, 2000

AN ACT

1 Providing for reimbursements to municipalities for expenses
2 incurred in assisting State correctional personnel in
3 attempting to ensure the safety of residents of areas
4 surrounding the prison and to recapture escaped prisoners; <—
5 AND PROVIDING FOR AN ANNUAL AUDIT BY THE AUDITOR GENERAL.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Community
10 Services Responder Reimbursement Act.

11 Section 2. Legislative findings and declarations.

12 (a) Findings.--The General Assembly finds as follows:

13 (1) From time to time, the Commonwealth experiences
14 escapes from or other disruptions at its correctional
15 institutions.

16 (2) Personnel from surrounding communities are required

1 to provide assistance to State correctional personnel to
2 ensure the safety of residents of surrounding areas and to
3 assist in the timely recapture of prisoners.

4 (3) Municipalities can no longer realistically afford or
5 be expected to provide assistance to State correctional
6 personnel at a financial loss.

7 (b) Declaration.--The General Assembly declares as follows:
8 It is imperative to establish for our municipalities a mechanism
9 and process whereby they can be reimbursed financially for
10 reasonable expenses related to responding to escapes and
11 attempted escapes or riots at State correctional institutions.

12 Section 3. 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 "Department." The Department of Corrections of the
17 Commonwealth.

18 "Municipal emergency services department." A police or fire
19 department, ambulance service or rescue squad established,
20 operated and funded by a municipality.

21 "Municipality." A county, city, borough, incorporated town
22 or township.

23 "State correctional institution." A correctional facility,
24 jail or prison owned or operated by the Department of
25 Corrections.

26 Section 4. Commonwealth reimbursement required.

27 In the event a municipal emergency services department
28 responds to an escape, attempted escape or riot at a State
29 correctional institution, the Commonwealth shall reimburse the
30 municipality for the full cost of personnel, equipment,

1 materials and other costs associated with the response.

2 Section 5. Reimbursement procedures.

3 (a) Documentation.--Each municipality which has a municipal
4 services department that responds to an incident or event at a
5 State correctional institution shall separately document the
6 personnel, equipment, materials and other costs associated with
7 the response. The documentation shall be filed with the
8 department on application forms supplied by the department.

9 (b) Reimbursement.--The department shall reimburse the
10 municipality within 60 days of receipt of the municipality's
11 application.

12 (c) Disputed costs.--In the event of a dispute between the
13 department and a municipality over the amount of reimbursement
14 applied for by a municipality, the disputed costs shall be
15 forwarded to the Board of Finance and Revenue for review and
16 decision. Decisions of the board may be appealed to the
17 Commonwealth Court.

18 SECTION 6. ANNUAL AUDIT.

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19 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
20 THE AUDITOR GENERAL SHALL CONDUCT AN ANNUAL AUDIT OF THE
21 DOCUMENTATION OF PERSONNEL, EQUIPMENT, MATERIALS AND OTHER COSTS
22 ASSOCIATED WITH THE RESPONSES FOR WHICH MUNICIPAL SERVICES
23 DEPARTMENTS SUBMIT REIMBURSEMENT REQUESTS.

24 Section 6 7. Retroactivity.

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25 This act shall be retroactive to July 1, 1999.

26 Section 7 8. Effective date.

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27 This act shall take effect immediately.