

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 955 Session of  
2011

INTRODUCED BY BARRAR, BAKER, BEAR, BOBACK, BOYD, BRENNAN, CALTAGIRONE, CARROLL, CAUSER, CLYMER, COHEN, D. COSTA, DAVIDSON, DEASY, DENLINGER, DeWEESE, ELLIS, J. EVANS, EVERETT, FLECK, FREEMAN, GABLER, GEORGE, GILLEN, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GROVE, HALUSKA, HARRIS, HESS, HORNAMAN, HUTCHINSON, KAUFFMAN, KAVULICH, M.K. KELLER, KILLION, KNOWLES, KORTZ, KULA, LONGIETTI, MAJOR, MARSHALL, MARSICO, MILLARD, MILLER, MILNE, MULLERY, MURPHY, MURT, O'NEILL, PAYNE, PETRARCA, PICKETT, PYLE, READSHAW, REED, REICHLEY, ROAE, SACCONI, SAINATO, SANTARSIERO, SCHRODER, SONNEY, STEVENSON, SWANGER, TALLMAN, TAYLOR, THOMAS, TOEPEL, VEREB, VULAKOVICH, WAGNER, WATSON, WHITE, YOUNGBLOOD, FARRY, TOBASH, RAVENSTAHL, MALONEY, PASHINSKI, HEFFLEY, BROOKS, TOOHIL, HICKERNELL, METZGAR, HARKINS, MIRABITO, FABRIZIO, KRIEGER, GIBBONS AND BENNINGHOFF, MARCH 4, 2011

AS RE-REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 9, 2012

## AN ACT

1 Amending Titles 4 (Amusements) and 35 (Health and Safety) of the  
2 Pennsylvania Consolidated Statutes, revising grants to fire  
3 companies and volunteer services in the areas of scope,  
4 administration, programs, expiration of authority and special  
5 provisions; PROVIDING FOR GRANTS TO VOLUNTEER QUICK RESPONSE  
6 SERVICES; and making a related repeal. ←

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

9 ~~Section 1. Section 1408(b) of Title 4 of the Pennsylvania~~ ←

10 ~~Consolidated Statutes is amended to read:~~

11 SECTION 1. SECTION 1405(D) OF TITLE 4 OF THE PENNSYLVANIA ←

12 CONSOLIDATED STATUTES IS AMENDED TO READ:

1 § 1405. PENNSYLVANIA RACE HORSE DEVELOPMENT FUND.

2 \* \* \*

3 (D) DISTRIBUTIONS.--

4 (1) THE DEPARTMENT SHALL ANNUALLY TRANSFER THE SUM OF  
5 \$15,000,000 FROM THE PENNSYLVANIA RACE HORSE DEVELOPMENT FUND  
6 TO THE PROGRAM ESTABLISHED UNDER 35 PA.C.S. CH. 78 (RELATING  
7 TO GRANTS TO FIRE COMPANIES AND VOLUNTEER SERVICES).

8 (2) IN ACCORDANCE WITH SECTION 1406 (RELATING TO  
9 DISTRIBUTIONS FROM PENNSYLVANIA RACE HORSE DEVELOPMENT FUND),  
10 THE DEPARTMENT SHALL MAKE DISTRIBUTIONS FROM THE PENNSYLVANIA  
11 RACE HORSE DEVELOPMENT FUND TO EACH OF THE ACTIVE AND  
12 OPERATING CATEGORY 1 LICENSEES CONDUCTING LIVE RACING.

13 SECTION 1.1. SECTION 1408(B) OF TITLE 4 IS AMENDED AND THE  
14 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

15 § 1408. Transfers from State Gaming Fund.

16 \* \* \*

17 ~~(b) Transfer for [Volunteer] Fire Company Grant Program.~~ ←  
18 ~~Annually, the sum of [\$25,000,000] \$40,000,000 shall be~~  
19 ~~transferred from the State Gaming Fund to [the Volunteer Fire~~  
20 ~~Company Grant Program established] a separate nonlapsing fund~~  
21 ~~for the program under 35 Pa.C.S. Ch. 78 (relating to grants to~~  
22 ~~[volunteer] fire companies and volunteer services).~~

23 [(B) TRANSFER FOR VOLUNTEER FIRE COMPANY GRANT PROGRAM.-- ←  
24 ANNUALLY, THE SUM OF \$25,000,000 SHALL BE TRANSFERRED FROM THE  
25 STATE GAMING FUND TO THE VOLUNTEER FIRE COMPANY GRANT PROGRAM  
26 ESTABLISHED UNDER 35 PA.C.S. CH. 78 (RELATING TO GRANTS TO  
27 VOLUNTEER FIRE COMPANIES AND VOLUNTEER SERVICES).]

28 (B.1) TRANSFER FOR GRANTS TO FIRE COMPANIES AND VOLUNTEER  
29 SERVICES.--ANNUALLY, THE SUM OF \$25,000,000 SHALL BE TRANSFERRED  
30 FROM THE STATE GAMING FUND TO THE PROGRAM ESTABLISHED UNDER 35

1 PA.C.S. CH. 78 (RELATING TO GRANTS TO FIRE COMPANIES AND  
2 VOLUNTEER SERVICES).

3 \* \* \*

4 Section 2. The heading of Chapter 78 of Title 35 is amended  
5 to read:

6 CHAPTER 78

7 GRANTS TO [VOLUNTEER] FIRE COMPANIES AND VOLUNTEER SERVICES

8 Section 3. Section 7801 of Title 35 is amended to read:

9 § 7801. Scope of chapter.

10 This chapter relates to grants to [volunteer] fire companies  
11 and volunteer ambulance services.

12 Section 4. The ~~definition~~ DEFINITIONS of "grant program" AND  
13 "VOLUNTEER AMBULANCE SERVICE" in section 7802 of Title 35 ~~is~~ ARE  
14 amended and the section is amended by adding ~~a definition~~  
15 DEFINITIONS to read:

16 § 7802. Definitions.

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

20 \* \* \*

21 "Fire company." A volunteer fire company or a municipal fire  
22 company located in this Commonwealth.

23 "Grant program." The [Volunteer] Fire Company Grant Program  
24 established in Subchapter B (relating to [volunteer] fire  
25 company grant program) or the Volunteer Ambulance Service Grant  
26 Program established in Subchapter C (relating to volunteer  
27 ambulance service grant program).

28 \* \* \*

29 "VOLUNTEER AMBULANCE SERVICE." ANY NONPROFIT CHARTERED  
30 CORPORATION, ASSOCIATION OR ORGANIZATION LOCATED IN THIS

COMMONWEALTH, WHICH IS LICENSED BY THE DEPARTMENT OF HEALTH AND  
IS NOT ASSOCIATED OR AFFILIATED WITH ANY HOSPITAL AND WHICH IS  
REGULARLY ENGAGED IN THE PROVISION OF EMERGENCY MEDICAL  
SERVICES, INCLUDING BASIC LIFE SUPPORT OR ADVANCED LIFE SUPPORT  
SERVICES AND ADVANCED LIFE SUPPORT SQUADS AS DEFINED IN 28 PA.  
CODE § 1005.1 (RELATING TO GENERAL PROVISIONS). THE TERM SHALL  
INCLUDE A VOLUNTEER QUICK RESPONSE SERVICE. THE TERM SHALL NOT  
INCLUDE ANY CORPORATION, ASSOCIATION OR ORGANIZATION THAT IS  
PRIMARILY ENGAGED IN THE OPERATION OF INVALID COACHES WHICH ARE  
INTENDED FOR THE ROUTINE TRANSPORT OF PERSONS WHO ARE  
CONVALESCENT OR OTHERWISE NONAMBULATORY AND DO NOT ORDINARILY  
REQUIRE EMERGENCY MEDICAL TREATMENT WHILE IN TRANSIT.

\* \* \*

"VOLUNTEER QUICK RESPONSE SERVICE." AS FOLLOWS:

(1) ANY NONPROFIT CHARTERED CORPORATION, ASSOCIATION OR  
ORGANIZATION WHICH MEETS ALL OF THE FOLLOWING:

(I) IS LOCATED IN THIS COMMONWEALTH.

(II) IS LICENSED BY THE DEPARTMENT OF HEALTH.

(III) IS NOT ASSOCIATED OR AFFILIATED WITH ANY  
HOSPITAL, FIRE COMPANY, FIRE DEPARTMENT OR ANY EMERGENCY  
MEDICAL SERVICES AGENCY.

(IV) IS REGULARLY ENGAGED IN THE PROVISION OF  
EMERGENCY MEDICAL SERVICES TO PATIENTS PENDING THE  
ARRIVAL OF AN AMBULANCE.

(V) HAS BEEN RECOGNIZED BY A MUNICIPALITY TO PROVIDE  
QUICK RESPONSE SERVICE FOR THAT MUNICIPALITY.

(2) THE TERM SHALL NOT INCLUDE ANY CORPORATION,  
ASSOCIATION OR ORGANIZATION THAT IS PRIMARILY ENGAGED IN THE  
OPERATION OF INVALID COACHES WHICH ARE INTENDED FOR THE  
ROUTINE TRANSPORT OF PERSONS WHO ARE CONVALESCENT OR

1     OTHERWISE NONAMBULATORY AND DO NOT ORDINARILY REQUIRE  
2     EMERGENCY MEDICAL TREATMENT WHILE IN TRANSIT.

3     \* \* \*

4     Section 5. The heading of Subchapter B of Chapter 78 of  
5 Title 35 is amended to read:

6                                 SUBCHAPTER B

7                     [VOLUNTEER] FIRE COMPANY GRANT PROGRAM

8     Section 6. Sections 7811, 7812 introductory paragraph,  
9 7813(a) introductory paragraph, (b) (1) and (3), (c) and (d),  
10 7814, 7821, 7822 introductory paragraph, 7823(a) introductory  
11 paragraph, (b) (1) and (c), ~~7831, 7832,~~ 7833 and 7841 of Title 35     ←  
12 are amended to read:

13 § 7811. Establishment.

14     The [Volunteer] Fire Company Grant Program is established and  
15 shall be administered by [the agency in consultation with] the  
16 commissioner. Grants provided under this program shall be used  
17 to improve and enhance the capabilities of the [volunteer] fire  
18 company to provide firefighting, ambulance and rescue services.

19 § 7812. Publication and notice.

20     The [agency] commissioner shall publish notice of the grant  
21 program availability through the Legislative Reference Bureau  
22 for publication in the Pennsylvania Bulletin:

23                     \* \* \*

24 § 7813. Award of grants.

25     (a) Authorization.--The [agency] commissioner is authorized  
26 to make a grant award to each eligible [volunteer] fire company  
27 for the following:

28                     \* \* \*

29     (b) Limits.--

30         (1) Except as provided in paragraph (3), grants shall be

not less than \$2,500 and not more than [\$15,000] \$19,000 per  
[volunteer] fire company.

\* \* \*

(3) In a municipality where there are two or more  
volunteer fire companies and if two or more volunteer fire  
companies consolidated their use of equipment, firefighters  
and services within five years preceding the date of the  
current year application submission deadline, the  
consolidated entity shall be deemed eligible to receive a  
grant not to exceed the amount of the combined total for  
which the individual companies would have been eligible had  
they not consolidated.

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

(1) Within 30 days of June 28, 2007, for the fiscal  
years beginning July 1, 2006, and July 1, 2007, and by  
September 1 of each year thereafter, the [agency]  
commissioner shall provide written instructions for grants  
under this chapter to:

(i) except as set forth in subparagraph (ii), the  
fire chief and president of every [volunteer] fire  
company [in this Commonwealth]; or

(ii) in the case of a municipal fire company, the  
chief executive of the municipality.

(2) Within 45 days of June 28, 2007, for the fiscal  
years beginning July 1, 2006, and July 1, 2007, and by  
September 8 of each year thereafter, the [agency]  
commissioner shall provide applications to [the fire chief  
and president of every volunteer fire company] individuals  
specified in paragraph (1). The application for the fiscal  
years commencing July 1, 2006, and July 1, 2007, shall be a

combined application. [Volunteer fire] Fire companies seeking grants under this chapter shall submit completed applications to the [agency] commissioner. The application period shall remain open for 45 days each year. The agency shall act to approve or disapprove applications within 60 days of the application submission deadline each year. Applications which have not been approved or disapproved by the agency within 60 days after the close of the application period each year shall be deemed approved.

(d) Eligibility.--To receive grant funds under this chapter, a [volunteer] fire company shall have actively responded to one or more fire or rescue emergencies during the previous calendar year and must have signed and be under an agreement to actively participate in the Pennsylvania Fire Information Reporting System which is administered by the [agency] commissioner.

§ 7814. Consolidation incentive.

If, after July 31, 2003, two or more volunteer fire companies consolidate their use of facilities, equipment, firefighters and services, the consolidated entity may, upon notification of the [agency] commissioner, be eligible for a reduction of the interest rate payable on any outstanding principal balance owed, as of the date of consolidation, by any or all of the consolidating companies to the Volunteer Companies Loan Fund for loans made under the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, or under Subchapter E of Chapter 73 (relating to volunteer fire company, ambulance service and rescue squad assistance). The reduction in the interest rate payable shall be from 2% to 1%. Upon receipt of such notification, the [agency, in conjunction with the State Fire

1 Commissioner,] commissioner shall determine and verify that the  
2 consolidated entity is in fact a bona fide consolidated  
3 volunteer fire company. If the [agency] commissioner determines  
4 that the consolidated entity is a bona fide consolidated  
5 volunteer fire company, it shall reduce the interest rate  
6 payable on any outstanding principal balance owed to the  
7 Volunteer Companies Loan Fund for loans made under the former  
8 Volunteer Fire Company, Ambulance Service and Rescue Squad  
9 Assistance Act, or under Subchapter E of Chapter 73, for which  
10 the consolidating companies or the consolidated entity may be  
11 individually or jointly responsible. The [agency] commissioner  
12 may promulgate such rules and regulations as may be necessary to  
13 carry out the provisions of this section.

14 § 7821. Establishment.

15 The Volunteer Ambulance Service Grant Program is established  
16 and shall be administered by the [agency] commissioner. Grants  
17 provided under this program shall be used to improve and enhance  
18 the capabilities of the volunteer ambulance services to provide  
19 ambulance, emergency medical, basic life support and advanced  
20 life support services.

21 § 7822. Publication and notice.

22 The [agency] commissioner shall publish notice of the grant  
23 program availability through the Legislative Reference Bureau  
24 for publication in the Pennsylvania Bulletin:

25 \* \* \*

26 § 7823. Award of grants.

27 (a) Authorization.--The [agency] commissioner is authorized  
28 to make a grant award to each eligible volunteer ambulance  
29 service for the following:

30 \* \* \*



(b) Limits.--

(1) Grants shall be not less than \$2,500 and not more than [\$10,000] \$13,000 per volunteer ambulance service.

\* \* \*

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

(1) Within 30 days of June 28, 2007, for the fiscal years commencing July 1, 2006, and July 1, 2007, and by September 1 of each year thereafter, the [agency] commissioner shall provide written instructions for grants under this chapter to the president of every volunteer ambulance service in this Commonwealth.

(2) Within 45 days of the effective date of June 28, 2007, for the fiscal years commencing July 1, 2006, and July 1, 2007, and by September 8 of each year, the [agency] commissioner shall provide applications to the president of every volunteer ambulance service. The application for the fiscal years commencing July 1, 2006, and July 1, 2007, shall be a combined application. Volunteer ambulance services seeking grants under this chapter shall submit completed applications to the [agency] commissioner. The application period shall remain open for 45 days each year. The [agency] commissioner shall act to approve or disapprove applications within 60 days of the application submission deadline each year. Applications which have not been approved or disapproved by the [agency] commissioner within 60 days after the close of the application period each year shall be deemed approved.

~~§ 7831. [Volunteer] Fire Company Grant Program.~~

~~The sum of [\$22,000,000] \$34,000,000 of the amount appropriated to the agency for volunteer company grants under~~



~~section 225 of the act of March 20, 2003 (P.L.463, No.1A), known as the General Appropriation Act of 2003, [shall be expended] is transferred to the commissioner for the purpose of making grants to eligible [volunteer] fire companies under Subchapter B (relating to [volunteer] fire company grant program).~~

~~§ 7832. Volunteer Ambulance Service Grant Program.~~

~~The sum of [\$3,000,000 of] the amount appropriated to the agency for volunteer company grants under section 225 of the act of March 20, 2003 (P.L.463, No.1A), known as the General Appropriation Act of 2003, [shall be expended] is transferred to the commissioner for the purpose of making grants to eligible volunteer ambulance companies under Subchapter C (relating to volunteer ambulance service grant program).~~

§ 7833. Allocation of appropriated funds.

(a) [Prohibition] Administration.--[No money from] The commissioner may use up to \$100,000 from the appropriation for volunteer company grants [shall be used for expenses or costs incurred by the agency] for the administration of the grant programs authorized under Subchapters B (relating to [volunteer] fire company grant program) and C (relating to volunteer ambulance service grant program).

(b) Grant allocation.--Unless otherwise expressly stated, money appropriated to the ~~agency or the~~ [AGENCY] commissioner for purposes of volunteer company grants shall be allocated as follows:

(1) [Eighty-eight] Eighty-five percent of the amount appropriated shall be used for making grants to eligible [volunteer] fire companies under Subchapter B.

(2) [Twelve] Fifteen percent of the amount appropriated

shall be used for making grants to eligible volunteer  
ambulance companies under Subchapter C.

§ 7841. Expiration of authority.

The authority of the [agency] commissioner to award grants  
under Subchapters B (relating to [volunteer] fire company grant  
program) and C (relating to volunteer ambulance service grant  
program) shall expire June 30, [2012] 2016.

Section 7. Section 7842 of Title 35 is amended by adding a  
subsection to read:

§ 7842. Special provisions.

\* \* \*

(e) Prohibition.--The commissioner may not award a grant to  
a fire company or volunteer ambulance service, which is not  
officially recognized by the appropriate municipality.

Section 8. Repeals are as follows:

(1) The General Assembly declares that the repeal under  
paragraph (2) is necessary to effectuate this act.

(2) Section ~~1799-E~~ 1799-E(A) of the act of April 9, 1929  
(P.L.343, No.176), known as The Fiscal Code, is repealed. ←

Section 9. This act shall take effect AS FOLLOWS: ←

(1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT JUNE 30,  
2012, OR IMMEDIATELY, WHICHEVER IS LATER:

(I) THE ADDITION OF 4 PA.C.S. § 1408(B.1).

(II) SECTION 8(2) OF THIS ACT.

(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
immediately.