

## 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, BENNINGHOFF, HACKETT, DALEY AND ROCK, MARCH 4, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 11, 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.~~ IN AMUSEMENTS, FURTHER ←  
7 PROVIDING FOR TRANSFERS FROM THE STATE GAMING FUND; IN  
8 COMMONWEALTH SERVICES, FURTHER PROVIDING FOR THE VOLUNTEER  
9 COMPANIES LOAN FUND; IN GRANTS TO VOLUNTEER FIRE COMPANIES  
10 AND VOLUNTEER SERVICES, REVISING PRELIMINARY PROVISIONS,  
11 REVISING VOLUNTEER FIRE COMPANY GRANT PROVISIONS ON  
12 ESTABLISHMENT, PUBLICATION AND NOTICE, AWARD OF GRANTS AND  
13 CONSOLIDATION INCENTIVE, REVISING VOLUNTEER AMBULANCE SERVICE  
14 GRANT PROVISIONS ON ESTABLISHMENT, PUBLICATION AND NOTICE AND  
15 AWARD OF GRANTS; REVISING GRANT FUNDING PROVISIONS ON  
16 ALLOCATION OF APPROPRIATIONS AND REVISING MISCELLANEOUS  
17 PROVISIONS ON EXPIRATION AND SPECIFICITY.

18 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Section 1405(d) of Title 4 of the Pennsylvania~~ ←  
3 ~~Consolidated Statutes is amended to read:~~

4 ~~§ 1405. Pennsylvania Race Horse Development Fund.~~

5 \* \* \*

6 ~~(d) Distributions.~~

7 ~~(1) The department shall annually transfer the sum of~~  
8 ~~\$15,000,000 from the Pennsylvania Race Horse Development Fund~~  
9 ~~to the program established under 35 Pa.C.S. Ch. 78 (relating~~  
10 ~~to grants to fire companies and volunteer services).~~

11 ~~(2) In accordance with section 1406 (relating to~~  
12 ~~distributions from Pennsylvania Race Horse Development Fund),~~  
13 ~~the department shall make distributions from the Pennsylvania~~  
14 ~~Race Horse Development Fund to each of the active and~~  
15 ~~operating Category 1 licensees conducting live racing.~~

16 ~~Section 1.1. Section 1408(b) of Title 4 is amended and the~~  
17 ~~section is amended by adding a subsection to read:~~

18 SECTION 1. SECTION 1408(B) OF TITLE 4 OF THE PENNSYLVANIA ←  
19 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY  
20 ADDING A SUBSECTION TO READ:

21 § 1408. Transfers from State Gaming Fund.

22 \* \* \*

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 \$30,000,000 shall be ←  
30 transferred from the State Gaming Fund to the program

established under 35 Pa.C.S. Ch. 78 (relating to grants to fire companies and volunteer services).

\* \* \*

SECTION 1.1. SECTION 7365 OF TITLE 35 IS AMENDED BY ADDING A SUBSECTION TO READ:

§ 7365. VOLUNTEER COMPANIES LOAN FUND.

\* \* \*

(C) USE OF FUNDS.--EACH FISCAL YEAR THE STATE FIRE COMMISSIONER MAY, SUBJECT TO THE APPROVAL OF THE GOVERNOR, USE AN AMOUNT EQUAL TO UP TO 3% OF THE TOTAL DOLLAR AMOUNT OF THE LOANS APPROVED IN THE IMMEDIATELY PRECEDING FISCAL YEAR FOR THE COMMISSIONER'S ADMINISTRATIVE COST TO IMPLEMENT AND OVERSEE THE VOLUNTEER COMPANIES LOAN PROGRAM.

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

#### CHAPTER 78

GRANTS TO [VOLUNTEER] FIRE COMPANIES AND VOLUNTEER SERVICES

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

§ 7801. Scope of chapter.

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

~~Section 4. The definitions of "grant program" and "volunteer ambulance service" in section 7802 of Title 35 are amended and the section is amended by adding definitions to read:~~

SECTION 4. THE DEFINITIONS OF "GRANT PROGRAM," "VOLUNTEER FIRE COMPANY" AND "VOLUNTEER RESCUE COMPANY" IN SECTION 7802 OF TITLE 35 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A DEFINITION TO READ:

§ 7802. Definitions.

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

4 \* \* \*

5 "Fire company." A volunteer fire company or a municipal fire  
6 company located in this Commonwealth.

7 "Grant program." The [Volunteer] Fire Company Grant Program  
8 established in Subchapter B (relating to [volunteer] fire  
9 company grant program) or the Volunteer Ambulance Service Grant  
10 Program established in Subchapter C (relating to volunteer  
11 ambulance service grant program).

12 \* \* \*

13 ~~"Volunteer ambulance service." Any nonprofit chartered~~  
14 ~~corporation, association or organization located in this~~  
15 ~~Commonwealth, which is licensed by the Department of Health and~~  
16 ~~is not associated or affiliated with any hospital and which is~~  
17 ~~regularly engaged in the provision of emergency medical~~  
18 ~~services, including basic life support or advanced life support~~  
19 ~~services and advanced life support squads as defined in 28 Pa.~~  
20 ~~Code § 1005.1 (relating to general provisions). The term shall~~  
21 ~~include a volunteer quick response service. The term shall not~~  
22 ~~include any corporation, association or organization that is~~  
23 ~~primarily engaged in the operation of invalid coaches which are~~  
24 ~~intended for the routine transport of persons who are~~  
25 ~~convalescent or otherwise nonambulatory and do not ordinarily~~  
26 ~~require emergency medical treatment while in transit.~~

27 \* \* \*

28 "Volunteer quick response service." As follows:

29 (1) Any nonprofit chartered corporation, association or  
30 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 otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit.~~

~~\* \* \*~~

"VOLUNTEER FIRE COMPANY." A NONPROFIT CHARTERED CORPORATION, ASSOCIATION OR ORGANIZATION, INCLUDING A VOLUNTEER RESCUE COMPANY, LOCATED IN THIS COMMONWEALTH WHICH PROVIDES FIRE PROTECTION OR RESCUE SERVICES AND WHICH MAY OFFER OTHER VOLUNTARY EMERGENCY SERVICES WITHIN THIS COMMONWEALTH. VOLUNTARY EMERGENCY SERVICES PROVIDED BY A VOLUNTEER FIRE COMPANY MAY INCLUDE VOLUNTARY AMBULANCE AND VOLUNTARY RESCUE SERVICES.

"VOLUNTEER RESCUE COMPANY." A NONPROFIT CHARTERED CORPORATION, ASSOCIATION OR ORGANIZATION LOCATED IN THIS COMMONWEALTH THAT PROVIDES RESCUE SERVICES AS PART OF THE RESPONSE TO FIRES [OR], VEHICLE OR WATER ACCIDENTS WITHIN THIS COMMONWEALTH, INCLUDING AN ACCREDITED WATER RESCUE COMPANY.

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

SUBCHAPTER B

[VOLUNTEER] FIRE COMPANY GRANT PROGRAM

Section 6. Sections 7811, 7812 introductory paragraph, 7813(a) introductory paragraph, (b) (1) and (3), (c) and (d), 7814, 7821, 7822 introductory paragraph, 7823(a) introductory paragraph, (b) (1) and (c), 7833 and 7841 of Title 35 are amended to read:

§ 7811. Establishment.

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

§ 7812. Publication and notice.

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

\* \* \*

§ 7813. Award of grants.

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

\* \* \*

(b) Limits.--

(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.

\* \* \*

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

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

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

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

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

21           (2) Within 45 days of June 28, 2007, for the fiscal  
22 years beginning July 1, 2006, and July 1, 2007, and by  
23 September 8 of each year thereafter, the [agency]  
24 commissioner shall provide applications to [the fire chief  
25 and president of every volunteer fire company] individuals  
26 specified in paragraph (1). The application for the fiscal  
27 years commencing July 1, 2006, and July 1, 2007, shall be a  
28 combined application. [Volunteer fire] Fire companies seeking  
29 grants under this chapter shall submit completed applications  
30 to the [agency] commissioner. The application period shall

1 remain open for 45 days each year. The agency shall act to  
2 approve or disapprove applications within 60 days of the  
3 application submission deadline each year. Applications which  
4 have not been approved or disapproved by the agency within 60  
5 days after the close of the application period each year  
6 shall be deemed approved.

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

13 § 7814. Consolidation incentive.

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



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

11 § 7821. Establishment.

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

18 § 7822. Publication and notice.

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

22 \* \* \*

23 § 7823. Award of grants.

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

27 \* \* \*

28 (b) Limits.--

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

1           \* \* \*

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

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

9           (2) Within 45 days of the effective date of June 28,  
10 2007, for the fiscal years commencing July 1, 2006, and July  
11 1, 2007, and by September 8 of each year, the [agency]  
12 commissioner shall provide applications to the president of  
13 every volunteer ambulance service. The application for the  
14 fiscal years commencing July 1, 2006, and July 1, 2007, shall  
15 be a combined application. Volunteer ambulance services  
16 seeking grants under this chapter shall submit completed  
17 applications to the [agency] commissioner. The application  
18 period shall remain open for 45 days each year. The [agency]  
19 commissioner shall act to approve or disapprove applications  
20 within 60 days of the application submission deadline each  
21 year. Applications which have not been approved or  
22 disapproved by the [agency] commissioner within 60 days after  
23 the close of the application period each year shall be deemed  
24 approved.

25 § 7833. Allocation of appropriated funds.

26 ~~(a) [Prohibition] Administration. [No money from] The~~  
27 ~~commissioner may use up to \$100,000 from the appropriation for~~

28 (A) [PROHIBITION.--NO MONEY] ADMINISTRATION.--THE  
29 COMMISSIONER MAY, SUBJECT TO THE APPROVAL OF THE GOVERNOR, USE  
30 UP TO \$125,000 FROM THE APPROPRIATION FOR volunteer company

1 grants [shall be used for expenses or costs incurred by the  
2 agency] for the administration of the grant programs authorized  
3 under Subchapters B (relating to [volunteer] fire company grant  
4 program) and C (relating to volunteer ambulance service grant  
5 program).

6 (b) Grant allocation.--Unless otherwise expressly stated,  
7 money appropriated to the [agency] ~~commissioner~~ OFFICE OF THE  
8 STATE FIRE COMMISSIONER for purposes of volunteer company grants  
9 shall be allocated as follows:

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

13 (2) [Twelve] Fifteen percent of the amount appropriated  
14 shall be used for making grants to eligible volunteer  
15 ambulance companies under Subchapter C.

16 (C) CONTINUING APPROPRIATION.--THE APPROPRIATION REFERRED TO  
17 IN SUBSECTION (B) SHALL NOT LAPSE AT THE END OF ANY FISCAL YEAR  
18 AND MAY BE USED IN THE GRANT ALLOCATION UNDER SUBSECTION (B) IN  
19 THE SUCCEEDING FISCAL YEAR.

20 § 7841. Expiration of authority.

21 The authority of the [agency] ~~commissioner~~ to award grants  
22 under Subchapters B (relating to [volunteer] fire company grant  
23 program) and C (relating to volunteer ambulance service grant  
24 program) shall expire June 30, [2012] ~~2016~~ 2014.

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

27 § 7842. Special provisions.

28 \* \* \*

29 (e) Prohibition.--The commissioner may not award a grant to  
30 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(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.~~

SECTION 8. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.