

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 739 Session of 2021

INTRODUCED BY STEFANO, BAKER, DiSANTO, FONTANA, HUTCHINSON, MARTIN, SCAVELLO, YUDICHAK AND PITTMAN, JUNE 6, 2021

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 7, 2022

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in Commonwealth services, further
3 providing for definitions and for assistance to fire
4 companies and EMS companies-; IN GRANTS TO FIRE COMPANIES AND <--
5 EMERGENCY MEDICAL SERVICES COMPANIES, ESTABLISHING THE
6 EMERGENCY MEDICAL SERVICES COVID-19 RECOVERY GRANT PROGRAM
7 AND PROVIDING FOR EXPIRATION OF AUTHORITY RELATING TO
8 EMERGENCY MEDICAL SERVICES COVID-19 RECOVERY GRANT PROGRAM;
9 AND MAKING EDITORIAL CHANGES.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. The definition of "fire company" in section 7363 <--~~
13 ~~of Title 35 of the Pennsylvania Consolidated Statutes, added~~
14 ~~October 29, 2020 (P.L.739, No.91), is amended to read:~~

15 SECTION 1. SECTION 5721.1 OF TITLE 35 OF THE PENNSYLVANIA <--
16 CONSOLIDATED STATUTES IS RENUMBERED TO READ:

17 § [5721.1] 5725. CONTRACT SERVICE PROVIDERS.

18 (A) GENERAL RULE.--EACH SCHOOL ENTITY MAY RENEGOTIATE A
19 CONTRACT FOR CONTRACT SERVICE PROVIDERS TO ENSURE CONTRACTED
20 PERSONNEL AND FIXED COSTS, INCLUDING ADMINISTRATIVE AND

1 EQUIPMENT, ARE MAINTAINED DURING THE PERIOD OF SCHOOL CLOSURE.
2 DURING THE PERIOD OF SCHOOL CLOSURE, THE CONTRACT SERVICE
3 PROVIDERS SHALL SUBMIT WEEKLY DOCUMENTATION TO THE SCHOOL ENTITY
4 THAT ITS COMPLEMENT LEVELS REMAIN AT OR ABOVE THE LEVEL ON MARCH
5 13, 2020, IN ORDER TO CONTINUE BEING PAID.

6 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM "SCHOOL
7 ENTITY" SHALL HAVE THE SAME MEANING AS IN SECTION 1501.8(N) OF
8 THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC
9 SCHOOL CODE OF 1949.

10 SECTION 2. THE DEFINITION OF "FIRE COMPANY" IN SECTION 7363
11 OF TITLE 35 IS AMENDED TO READ:

12 § 7363. Definitions.

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

16 * * *

17 "Fire company." [A volunteer fire company.] A volunteer
18 nonprofit chartered fire company or municipal-owned fire company
19 or department.

20 * * *

21 Section ~~2~~ 3. Section 7364(c.1) of Title 35 is amended by <--
22 adding paragraphs to read:

23 § 7364. Assistance to fire companies and EMS companies.

24 * * *

25 (c.1) Application review committee.--The office shall
26 establish an application review committee to review loan
27 applications and recommendations on loan applications under this
28 section. The application review committee shall regularly meet
29 at least quarterly to review loan applications and make
30 recommendations on loan applications to the office. The

1 application review committee shall be chaired by the
2 commissioner or the commissioner's designee and include the
3 following members:

4 * * *

5 (10) A representative of the Pennsylvania Professional
6 Fire Fighters Association.

7 (11) A representative of the Pennsylvania Career Fire
8 Chiefs Association.

9 (12) The Secretary of Community and Economic Development
10 or the secretary's designee.

11 (13) The Secretary of Conservation and Natural Resources
12 or the secretary's designee.

13 * * *

14 ~~Section 3. This act shall take effect in 60 days.~~ <--

15 SECTION 4. SECTIONS 7823.1, 7823.2 AND 7823.3 OF TITLE 35 <--

16 ARE RENUMBERED TO READ:

17 § [7823.1] 7827.1. ESTABLISHMENT.

18 THE COVID-19 CRISIS FIRE COMPANY AND EMERGENCY MEDICAL
19 SERVICES GRANT PROGRAM IS ESTABLISHED AND SHALL BE ADMINISTERED
20 BY THE AGENCY. GRANTS PROVIDED UNDER THE PROGRAM SHALL BE USED
21 BY FIRE COMPANIES AND EMS COMPANIES TO PROVIDE SERVICES DURING
22 THE NOVEL CORONAVIRUS PANDEMIC AS IDENTIFIED IN THE PROCLAMATION
23 OF DISASTER EMERGENCY ISSUED BY THE GOVERNOR ON MARCH 6, 2020,
24 PUBLISHED AT 50 PA.B. 1644 (MARCH 21, 2020), AND ANY RENEWAL OF
25 THE STATE OF DISASTER EMERGENCY.

26 § [7823.2] 7827.2. PUBLICATION AND NOTICE.

27 THE AGENCY SHALL TRANSMIT NOTICE OF THE COVID-19 CRISIS FIRE
28 COMPANY AND EMERGENCY MEDICAL SERVICES GRANT PROGRAM
29 AVAILABILITY TO THE LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION
30 IN THE PENNSYLVANIA BULLETIN WITHIN 30 DAYS OF THE EFFECTIVE

1 DATE OF THIS SECTION.

2 § [7823.3] 7827.3. AWARD OF GRANTS.

3 (A) AUTHORIZATION.--THE AGENCY SHALL MAKE A GRANT AWARD FROM
4 THE COVID-19 CRISIS FIRE COMPANY AND EMERGENCY MEDICAL SERVICES
5 GRANT PROGRAM TO:

6 (1) EACH ELIGIBLE FIRE COMPANY THAT RECEIVED A GRANT
7 AWARD IN FISCAL YEAR 2019-2020 UNDER SECTION 7813 (RELATING
8 TO AWARD OF GRANTS) FOR THE PURPOSES UNDER SECTION 7813(A)
9 AND (A.1).

10 (2) A FIRE COMPANY THAT DID NOT APPLY FOR OR RECEIVE A
11 GRANT AWARD IN FISCAL YEAR 2019-2020 UNDER SECTION 7813 AND
12 THAT APPLIES FOR A GRANT UNDER THIS SUBCHAPTER FOR THE
13 PURPOSES UNDER SECTION 7813(A) AND (A.1).

14 (3) EACH ELIGIBLE EMS COMPANY THAT RECEIVED A GRANT
15 AWARD IN FISCAL YEAR 2019-2020 UNDER SECTION 7823 (RELATING
16 TO AWARD OF GRANTS) FOR THE PURPOSES UNDER SECTION 7823(A).

17 (4) AN EMS COMPANY THAT DID NOT APPLY FOR OR RECEIVE A
18 GRANT AWARD IN FISCAL YEAR 2019-2020 UNDER SECTION 7823 AND
19 THAT APPLIES FOR A GRANT UNDER THIS SUBCHAPTER FOR THE
20 PURPOSES UNDER SECTION 7823(A).

21 (B) AMOUNT OF AWARD.--THE AMOUNT OF THE GRANT AWARD UNDER
22 THIS SUBCHAPTER SHALL BE THE SAME AMOUNT OF THE GRANT AWARD FOR
23 FISCAL YEAR 2019-2020 TO:

24 (1) AN ELIGIBLE FIRE COMPANY UNDER SECTION 7813.

25 (2) AN ELIGIBLE EMS COMPANY UNDER SECTION 7823.

26 (C) APPLICATION NOT REQUIRED.--

27 (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2), NO
28 ADDITIONAL APPLICATION SHALL BE REQUIRED FOR A GRANT UNDER
29 THIS SUBCHAPTER.

30 (2) A FIRE COMPANY UNDER SUBSECTION (A) (2) AND AN EMS

1 COMPANY UNDER SUBSECTION (A) (4) MUST FILE AN APPLICATION FOR
2 A GRANT UNDER THIS SUBCHAPTER.

3 SECTION 5. CHAPTER 78 OF TITLE 35 IS AMENDED BY ADDING A
4 SUBCHAPTER TO READ:

5 SUBCHAPTER E

6 EMERGENCY MEDICAL SERVICES

7 COVID-19 RECOVERY GRANT PROGRAM

8 SEC.

9 7841. ESTABLISHMENT.

10 7842. AWARD OF GRANTS.

11 7843. FUNDING AND COSTS.

12 7844. REPORT.

13 § 7841. ESTABLISHMENT.

14 THE EMERGENCY MEDICAL SERVICES COVID-19 RECOVERY GRANT
15 PROGRAM IS ESTABLISHED AND SHALL BE ADMINISTERED BY THE OFFICE
16 OF THE STATE FIRE COMMISSIONER IN CONSULTATION WITH THE
17 DEPARTMENT OF HEALTH. GRANTS PROVIDED UNDER THE EMERGENCY
18 MEDICAL SERVICES COVID-19 RECOVERY GRANT PROGRAM SHALL BE USED
19 BY EMS COMPANIES TO PROVIDE SERVICES IN RESPONSE TO THE NOVEL
20 CORONAVIRUS PANDEMIC.

21 § 7842. AWARD OF GRANTS.

22 (A) APPLICATION NOT REQUIRED.--NO APPLICATION SHALL BE
23 REQUIRED TO RECEIVE A GRANT UNDER THIS SUBCHAPTER.

24 (B) NOTIFICATION.--THE OFFICE OF THE STATE FIRE COMMISSIONER
25 SHALL NOTIFY IN WRITING EACH EMS COMPANY, AS DEFINED UNDER
26 SECTION 7802 (RELATING TO DEFINITIONS), OF THE AVAILABILITY OF
27 GRANTS FROM THE EMERGENCY MEDICAL SERVICES COVID-19 RECOVERY
28 GRANT PROGRAM FOR THE PURPOSES UNDER SECTION 7823(A) (RELATING
29 TO AWARD OF GRANTS).

30 (C) CERTIFICATION.--THE OFFICE OF THE STATE FIRE

1 COMMISSIONER SHALL INCLUDE WITH THE WRITTEN NOTIFICATION UNDER
2 SUBSECTION (B) A FORM FOR EACH ELIGIBLE EMS COMPANY TO CERTIFY
3 THAT A GRANT RECEIVED UNDER THIS SUBCHAPTER SHALL BE USED FOR
4 THE PURPOSES UNDER SECTION 7823(A) AND PROVIDE A DEADLINE BY
5 WHICH AN EMS COMPANY MUST RETURN THE CERTIFICATION FORM.

6 (D) AMOUNT.--GRANTS SHALL BE AWARDED UNDER THIS SUBCHAPTER
7 IN AN AMOUNT EQUAL TO THE TOTAL AMOUNT OF FUNDS APPROPRIATED
8 UNDER SECTION 7843 (RELATING TO FUNDING AND COSTS) LESS THE
9 AMOUNT USED UNDER SECTION 7843(B) DIVIDED BY THE TOTAL NUMBER OF
10 EMS COMPANIES THAT RETURNED THE CERTIFICATION UNDER SUBSECTION
11 (C).

12 (E) REPORT.--NO LATER THAN JULY 30, 2022, EACH EMS COMPANY
13 RECEIVING A GRANT AWARD UNDER THIS SUBCHAPTER SHALL REPORT TO
14 THE OFFICE OF THE STATE FIRE COMMISSIONER HOW IT WILL USE THE
15 GRANT MONEY AWARDED UNDER SUBSECTION (D).
16 § 7843. FUNDING AND COSTS.

17 (A) APPROPRIATION.--THE SUM OF \$25,000,000 OF FEDERAL FUNDS
18 IN THE COVID-19 RESPONSE RESTRICTED ACCOUNT IS APPROPRIATED TO
19 THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY FOR THE EMERGENCY
20 MEDICAL SERVICES COVID-19 RECOVERY GRANT PROGRAM UNDER THIS
21 SUBCHAPTER. THE PROVISIONS OF SECTION 111-C(G) OF THE ACT OF
22 APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, SHALL
23 NOT APPLY TO THE AMOUNT APPROPRIATED UNDER THIS SECTION.

24 (B) ADMINISTRATIVE COSTS.--THE OFFICE OF THE STATE FIRE
25 COMMISSIONER MAY USE UP TO \$200,000 OF UNENCUMBERED FUNDS FROM
26 THE AMOUNT APPROPRIATED UNDER SUBSECTION (A) FOR ADMINISTRATIVE
27 COSTS FOR THE IMPLEMENTATION OF THIS SUBCHAPTER.

28 § 7844. REPORT.

29 (A) CONTENTS.--THE COMMISSIONER SHALL PREPARE A REPORT ON
30 THE EMERGENCY MEDICAL SERVICES COVID-19 RECOVERY GRANT PROGRAM.

1 THE REPORT SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION:

2 (1) THE TOTAL NUMBER OF EMS COMPANIES THAT WERE NOTIFIED
3 OF THE GRANT PROGRAM.

4 (2) THE TOTAL NUMBER OF EMS COMPANIES THAT SUBMITTED A
5 CERTIFICATION FOR THE GRANT PROGRAM.

6 (3) THE TOTAL NUMBER OF EMS COMPANIES THAT RECEIVED A
7 GRANT.

8 (4) THE TOTAL AMOUNT OF THE GRANT RECEIVED BY EACH EMS
9 COMPANY.

10 (5) A SUMMARY OF HOW EACH EMS COMPANY WILL USE THE GRANT
11 MONEY AWARDED UNDER THE PROGRAM.

12 (B) SUBMISSION.--THE COMMISSIONER SHALL SUBMIT THE REPORT BY
13 SEPTEMBER 1, 2022, TO ALL OF THE FOLLOWING:

14 (1) THE CHAIR AND MINORITY CHAIR OF THE VETERANS AFFAIRS
15 AND EMERGENCY PREPAREDNESS COMMITTEE OF THE SENATE.

16 (2) THE CHAIR AND MINORITY CHAIR OF THE VETERANS AFFAIRS
17 AND EMERGENCY PREPAREDNESS COMMITTEE OF THE HOUSE OF
18 REPRESENTATIVES.

19 (3) THE CHAIR AND MINORITY CHAIR OF THE APPROPRIATIONS
20 COMMITTEE OF THE SENATE.

21 (4) THE CHAIR AND MINORITY CHAIR OF THE APPROPRIATIONS
22 COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

23 (C) POSTING.--THE COMMISSIONER SHALL POST THE ANNUAL REPORT
24 ON THE OFFICE OF THE STATE FIRE COMMISSIONER'S PUBLICLY
25 ACCESSIBLE INTERNET WEBSITE.

26 SECTION 6. THE HEADING OF SUBCHAPTER E OF CHAPTER 78 OF
27 TITLE 35 IS AMENDED TO READ:

28 SUBCHAPTER [E] J
29 MISCELLANEOUS PROVISIONS

30 SECTION 7. SECTIONS 7841 AND 7841.1 OF TITLE 35 ARE

1 RENUMBERED TO READ:

2 § [7841] 7891. EXPIRATION OF AUTHORITY.

3 THE AUTHORITY OF THE COMMISSIONER TO AWARD GRANTS UNDER
4 SUBCHAPTERS B (RELATING TO FIRE COMPANY GRANT PROGRAM) AND C
5 (RELATING TO EMERGENCY MEDICAL SERVICES GRANT PROGRAM) SHALL
6 EXPIRE JUNE 30, 2024.

7 § [7841.1] 7892. EXPIRATION OF AUTHORITY RELATING TO COVID-19
8 CRISIS FIRE COMPANY AND EMERGENCY MEDICAL SERVICES
9 GRANT PROGRAM.

10 THE AUTHORITY OF THE AGENCY TO AWARD GRANTS UNDER SUBCHAPTER
11 C.1 (RELATING TO COVID-19 CRISIS FIRE COMPANY AND EMERGENCY
12 MEDICAL SERVICES GRANT PROGRAM) SHALL EXPIRE SIX MONTHS AFTER
13 THE EFFECTIVE DATE OF THIS SECTION.

14 SECTION 8. TITLE 35 IS AMENDED BY ADDING A SECTION TO READ:
15 § 7893. EXPIRATION OF AUTHORITY RELATING TO EMERGENCY MEDICAL
16 SERVICES COVID-19 RECOVERY GRANT PROGRAM.

17 THE AUTHORITY OF THE OFFICE OF THE STATE FIRE COMMISSIONER TO
18 AWARD GRANTS UNDER SUBCHAPTER E (RELATING TO EMERGENCY MEDICAL
19 SERVICES COVID-19 RECOVERY GRANT PROGRAM) SHALL EXPIRE JUNE 30,
20 2022.

21 SECTION 9. SECTIONS 7842 AND 7843 OF TITLE 35 ARE RENUMBERED
22 TO READ:

23 § [7842] 7894. SPECIAL PROVISIONS.

24 (A) CLAIM.--AN APPLICANT FOR A GRANT UNDER THIS CHAPTER WHO
25 FAILED TO RETURN A SIGNED AGREEMENT FOR THE PRECEDING YEAR SHALL
26 NOT BE PERMITTED TO APPLY FOR A GRANT IN THE CURRENT YEAR UNLESS
27 THE APPLICANT HAS PROVIDED THE COMMISSIONER WITH A REASONABLE
28 WRITTEN EXPLANATION AS TO WHY IT DID NOT CLAIM ITS GRANT.

29 (B) DELINQUENCY.--AN APPLICANT FOR A GRANT UNDER THIS
30 CHAPTER WHO IS DELINQUENT IN LOAN PAYMENTS TO THE PENNSYLVANIA

1 FIRE AND EMERGENCY MEDICAL SERVICES LOAN PROGRAM MUST USE ITS
2 GRANT FUNDS TO PAY ANY ARREARS TO THE COMMONWEALTH OR IT WILL
3 NOT BE QUALIFIED TO RECEIVE A GRANT. ANY ORGANIZATION THAT FAILS
4 TO COMPLY WITH THIS SUBSECTION SHALL BE DISQUALIFIED FROM
5 APPLYING TO THE GRANT PROGRAM FOR A PERIOD OF FIVE YEARS.

6 (C) DEMONSTRATION.--AN APPLICANT FOR A GRANT UNDER THIS
7 CHAPTER MUST DEMONSTRATE THAT IT COMPLIED WITH ALL OF THE TERMS
8 OF ITS GRANT AGREEMENT IN THE PREVIOUS YEAR REGARDING THE USE OF
9 THE GRANT MONEY IT RECEIVED IN PREVIOUS YEARS OR IT SHALL NOT BE
10 ELIGIBLE TO RECEIVE A GRANT IN THE CURRENT YEAR.

11 (D) APPROVAL.--AN APPLICANT SHALL NOT BE APPROVED FOR A
12 GRANT TO BE USED FOR PURPOSES OTHER THAN THOSE STATED IN SECTION
13 7813(A) (RELATING TO AWARD OF GRANTS) OR 7823(A) (RELATING TO
14 AWARD OF GRANTS).

15 § [7843] 7895. ANNUAL REPORTS.

16 (A) CONTENTS.--THE COMMISSIONER SHALL PREPARE AN ANNUAL
17 REPORT ON THE FIRE COMPANY GRANT PROGRAM AND EMERGENCY MEDICAL
18 SERVICES GRANT PROGRAM. THE ANNUAL REPORT SHALL INCLUDE ALL OF
19 THE FOLLOWING INFORMATION:

20 (1) THE TOTAL NUMBER OF FIRE COMPANIES AND EMS COMPANIES
21 THAT WERE NOTIFIED OF THE GRANT PROGRAMS.

22 (2) THE TOTAL NUMBER OF FIRE COMPANIES AND EMS COMPANIES
23 THAT SUBMITTED APPLICATIONS FOR THE GRANT PROGRAMS.

24 (3) THE TOTAL NUMBER OF FIRE COMPANIES AND EMS COMPANIES
25 THAT WERE APPROVED FOR GRANTS.

26 (4) AN ANALYSIS OF HOW THE GRANTS WERE USED FOR
27 FACILITIES, EQUIPMENT, DEBT REDUCTION, TRAINING AND
28 CERTIFICATION, THE EDUCATION OF THE GENERAL PUBLIC,
29 CONSTRUCTION SAVINGS ACCOUNTS AND RECRUITMENT AND RETENTION,
30 INCLUDING LENGTH OF SERVICE AWARD PROGRAMS, AS DELINEATED BY

1 COUNTY AND MUNICIPALITY.

2 (5) A LIST OF THE FIRE COMPANIES AS DELINEATED BY COUNTY
3 THAT RECEIVED ADDITIONAL GRANTS UNDER SECTION 7813(A.2)
4 (RELATING TO AWARD OF GRANTS).

5 (6) A LIST OF THE DIFFERENT ENTITIES THAT RECEIVED
6 GRANTS, INCLUDING MUNICIPAL FIRE COMPANIES, VOLUNTEER FIRE
7 COMPANIES, MUNICIPAL EMERGENCY MEDICAL SERVICES COMPANIES AND
8 VOLUNTEER EMS COMPANIES.

9 (7) A LIST OF THE DIFFERENT REASONS WHY GRANTS WERE NOT
10 ISSUED TO FIRE COMPANIES AND EMS COMPANIES, INCLUDING, BUT
11 NOT LIMITED TO, THE FOLLOWING:

12 (I) FAILURE TO SUBMIT APPLICATIONS FOR THE GRANT
13 PROGRAMS.

14 (II) FAILURE TO RUN CALLS FOR EMERGENCIES.

15 (III) DELINQUENCIES AND BANKRUPTCIES.

16 (8) A LIST OF THE FIRE COMPANIES AND EMS COMPANIES THAT
17 UTILIZED THE GRANTS TO PAY OFF LOANS UNDER THE PENNSYLVANIA
18 FIRE AND EMERGENCY MEDICAL SERVICES LOAN PROGRAM.

19 (B) SUBMISSION.--THE COMMISSIONER SHALL SUBMIT THE ANNUAL
20 REPORT BY OCTOBER 1, 2020, AND BY OCTOBER 1 OF EACH YEAR
21 THEREAFTER, TO ALL OF THE FOLLOWING:

22 (1) THE CHAIR AND MINORITY CHAIR OF THE VETERANS AFFAIRS
23 AND EMERGENCY PREPAREDNESS COMMITTEE OF THE SENATE.

24 (2) THE CHAIR AND MINORITY CHAIR OF THE VETERANS AFFAIRS
25 AND EMERGENCY PREPAREDNESS COMMITTEE OF THE HOUSE OF
26 REPRESENTATIVES.

27 (C) POSTING.--THE COMMISSIONER SHALL POST THE ANNUAL REPORT
28 ON THE OFFICE OF THE STATE FIRE COMMISSIONER'S PUBLICLY
29 ACCESSIBLE INTERNET WEBSITE.

30 SECTION 10. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

1 (1) THE AMENDMENT OF THE DEFINITION OF "FIRE COMPANY" IN
2 35 PA.C.S. §§ 7363 AND 7364(C.1) SHALL TAKE EFFECT IN 60
3 DAYS.

4 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
5 IMMEDIATELY.