

AMUSEMENTS (4 PA.C.S.) AND CRIMES CODE (18 PA.C.S.) AND HEALTH AND SAFETY (35 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Nov. 23, 2010, P.L. 1181, No. 118

Cl. 04

Session of 2010

No. 2010-118

HB 2321

AN ACT

Amending Titles 4 (Amusements), 18 (Crimes and Offenses) and 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, consolidating the Public Safety Emergency Telephone Act; further providing for definitions, for the Wireless E-911 Emergency Services Fund and for funding for support; providing for a legislative study and for termination; consolidating statutory provisions relating to firefighters, the State Fire Commissioner and grants to fire companies and other services; making editorial changes; and making related repeals.

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

Section 1. Section 1408(b) of Title 4 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1408. Transfers from State Gaming Fund.

* * *

(b) Transfer for Volunteer Fire Company Grant Program.--Annually, the sum of \$25,000,000 shall be transferred from the State Gaming Fund to the Volunteer Fire Company Grant Program established under [the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act] **35 Pa.C.S. Ch. 78 (relating to grants to volunteer fire companies and volunteer services)**.

* * *

Section 2. Section 3301(h.1) of Title 18 is amended to read:

§ 3301. Arson and related offenses.

* * *

[(h.1) Prohibition on certain service.--A person convicted of violating this section or any similar offense under Federal or State law shall be prohibited from serving as a firefighter in this Commonwealth and shall be prohibited from being certified as a firefighter under section 4 of the act of November 13, 1995 (P.L.604, No.61), known as the State Fire Commissioner Act. Proof of nonconviction must consist of either of the following:

(1) An official criminal history record check obtained pursuant to Chapter 91 (relating to criminal history record information) indicating no arson convictions.

(2) A dated and signed statement by the person swearing to the following:

I have never been convicted of an offense that constitutes the crime of "arson and related offenses" under 18 Pa.C.S. § 3301 or any similar offense under any Federal or State law. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statement herein, I am subject to penalties prescribed by law, including, but not limited to, a fine of at least \$1,000.]

* * *

Section 2.1. Title 35 is amended by adding a part to read:

PART III

PUBLIC SAFETY

Chapter

53. Emergency Telephone Service

CHAPTER 53

EMERGENCY TELEPHONE SERVICE

Sec.

- 5301. Scope of chapter.
- 5302. Definitions.
- 5303. Telecommunications management.
- 5304. Counties.
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- 5305. County plan.
- 5306. Special public meeting.
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- 5308. Expenditures for nonrecurring costs, training, mobile communications equipment, maintenance and operation of 911 systems.
- 5309. Telephone records.
- 5310. Penalty.
- 5311. (Reserved).
 - 5311.1. Immunity.
 - 5311.2. Powers and duties of agency.
 - 5311.3. Advisory committee.
 - 5311.4. Wireless E-911 Emergency Services Fund.
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 - 5311.8. Wireless provider and VoIP provider records.
 - 5311.9. Immunity.
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 - 5311.11. Rate regulation.
 - 5311.12. Regulations.
 - 5311.13. Enforcement.
 - 5311.14. Collection and disbursement of VoIP 911 fee.
- 5312. (Reserved).
 - 5312.1. Legislative study.
- 5398. Termination.

§ 5301. Scope of chapter.

This chapter relates to emergency telephone service.

§ 5302. Definitions.

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

"911 system." A system, including enhanced 911 service, but excluding a wireless E-911 system, which permits a person dialing 911 by telephone to be connected to a public safety answering point, via normal telephone facilities, for the reporting of police, fire, medical or other emergency situations.

"Advisory committee." The E-911 Emergency Services Advisory Committee.

"Agency." The Pennsylvania Emergency Management Agency.

"ALI." Automatic location information.

"ANI." Automatic number identification.

"Associated with Pennsylvania." The term shall mean:

(1) In the case of the mobile telephone number (MTN), the geographical location associated with the first six digits or NPA-NXX of the MTN.

(2) In the case of a customer service address, the physical location of the address.

"Automatic location information." The delivery or receipt of the street address of the telephone or the geographic location of the wireless device, as specified in the FCC E-911 Order, being used to place a call to a 911 system or to a wireless E-911 system.

"Automatic number identification." The delivery or receipt of the telephone number assigned to the telephone or wireless device being used to place a call to a 911 system or to a wireless E-911 system.

"Commission." The Pennsylvania Public Utility Commission.

"Competitive local exchange carrier." A local exchange carrier that has been certificated as a competitive local exchange carrier by the Pennsylvania Public Utility Commission.

"Consumer." A person who purchases prepaid wireless telecommunications service or a prepaid wireless device in a retail transaction.

"Contribution rate." A fee assessed against a telephone subscriber for the nonrecurring costs, maintenance and operating costs of a 911 system.

"Council." The Pennsylvania Emergency Management Council.

"County." The term shall include a city of the first class coterminous with a county.

"County plan." A document submitted by the county on a triennial basis to the Pennsylvania Emergency Management Agency outlining its proposed and existing wireline and wireless 911 and E-911 systems and procedures, including a contribution rate, for the forthcoming three years.

"Emergency notification services." Services provided by authorized agencies of Federal, State, county or local governments, or by persons authorized by these governments, that notify the public, using ANI/ALI database information, of emergencies declared by these governments.

"Emergency support services." Information or database management services provided by authorized agencies of Federal, State, county or local governments, or by persons authorized by these governments, that are used in support of PSAPs or emergency notification services.

"Enhanced 911 service" or "E-911." Emergency telephone service providing for automatic identification of caller location and calling number.

"FCC E-911 Order." All of the following:

(1) All orders issued by the Federal Communications Commission pursuant to the proceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (CC Docket No. 94-102) codified at 47 CFR § 20.18 (relating to 911 service) and any successor proceeding.

(2) Any Federal Communications Commission order that affects the provision of wireless E-911 service to wireless service customers.

"Fund." The Wireless E-911 Emergency Services Fund.

"Interconnected Voice over Internet Protocol provider." A person engaged in the business of providing VoIP service to end-use customers in this Commonwealth, including resellers.

"Interconnected Voice over Internet Protocol service." Service as defined by any of the following:

(1) All orders issued by the Federal Communications Commission pursuant to the proceeding entitled "IP-Enabled Services" (WC Docket No. 04-36; FCC 05-116), codified at 47 CFR Part 9 (relating to interconnected Voice over Internet Protocol services), and any successor proceeding.

(2) Any Federal Communications Commission order that affects the provision of 911 service or E-911 service to VoIP service customers or further defines interconnected Voice over Internet Protocol service.

"Interconnected Voice over Internet Protocol service customer."

A person who is billed by an interconnected Voice over Internet

Protocol provider, who is the end user of VoIP service and who has designated a primary place of use within this Commonwealth.

"Interexchange carrier." A person that is authorized by the Pennsylvania Public Utility Commission to provide long-distance telecommunications service.

"Local exchange carrier." A person, including a competitive local exchange carrier, that is authorized by the Pennsylvania Public Utility Commission to provide local exchange telecommunications service or exchange access.

"Local exchange telephone service." The provision of telephonic message transmission within an exchange, as defined and described in tariffs filed with and approved by the Pennsylvania Public Utility Commission.

"Mobile telephone number" or "MTN." The telephone number assigned to a wireless telephone at the time of initial activation.

"NPA-NXX." The first six digits of a ten-digit telephone number, including a mobile telephone number, representing the area code and exchange of the telephone number.

"Person." The term includes a corporation, a partnership, an association, the Federal Government, the State government, a political subdivision, a municipal or other local authority and a natural person.

"Prepaid wireless device." A wireless telephone that is purchased strictly for the purpose of initiating a prepaid calling service. The term does not include traditional wireless devices used for monthly calling plans.

"Prepaid wireless E-911 surcharge." The charge that is required to be collected by a seller from a consumer in the amount established under section 5311.4(b.1) (relating to Wireless E-911 Emergency Services Fund).

"Prepaid wireless provider." A person that provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.

"Prepaid wireless telecommunications service." A wireless telecommunications service that meets all of the following:

- (1) Allows a caller to dial 911 to access the 911 system.
- (2) Is paid for in advance and sold in predetermined units or dollars of which the number may or may not decline with use in a known amount.

"Primary place of use." The street address representative of where the customer's use of the VoIP service primarily occurs. For the purpose of VoIP 911 fees, primary place of use is the customer's registered location on the date the customer is billed.

"PSAP." A public safety answering point.

"Public agency." Any of the following:

- (1) The Commonwealth.
- (2) A political subdivision, public authority or municipal authority.
- (3) An organization located in whole or in part within this Commonwealth which provides or has the authority to provide firefighting, law enforcement, ambulance, emergency medical or other emergency services.

"Public safety answering point." The agency-approved first point at which calls for emergency assistance from individuals are answered and which is operated 24 hours a day.

"Retail transaction." The purchase of prepaid wireless telecommunications service or a prepaid wireless device from a seller for any purpose other than resale.

"Seller." A person who sells prepaid wireless telecommunications service or a prepaid wireless device to another person.

"Telecommunications carrier." Any provider of telecommunications services as defined by the Telecommunications Act of 1996 (Public Law 104-104, 110 Stat. 56).

"Telephone subscriber." A person who contracts with a local exchange carrier within this Commonwealth for residential or commercial local exchange telephone service. If the same person has several telephone dial tone access lines, each dial tone access line shall constitute a separate subscription. For purposes of the contribution rate, the term shall not include pay stations owned or operated by a regulated public utility, or nonpublic utilities as the term is used in 66 Pa.C.S. § 2913(b) (relating to minimum service requirement).

"Vendor." A person other than a local exchange carrier or a wireless provider who supplies 911 or wireless E-911 system services or equipment.

"VoIP provider." Interconnected Voice over Internet Protocol provider.

"VoIP service." Interconnected Voice over Internet Protocol service."

"VoIP service customer." An Interconnected Voice over Internet Protocol service customer.

"Wireless E-911 service." Service provided by a wireless provider, pursuant to the FCC E-911 Order.

"Wireless E-911 State plan." A document to be prepared, maintained and kept current by the Pennsylvania Emergency Management Agency providing for all aspects of the development, implementation, operation and maintenance of a Statewide integrated wireless E-911 system, including the exclusive authority to formulate technical standards and determine permitted uses of and amounts disbursed from the Wireless E-911 Emergency Services Fund.

"Wireless E-911 surcharge." A monthly fee assessed upon each wireless service customer, other than a prepaid wireless seller, provider or consumer, subject to the prepaid wireless E-911 surcharge under section 5311.4(b.1) (relating to Wireless E-911 Emergency Services Fund), for each wireless two-way communication device for which that customer is charged by a wireless provider for wireless service.

"Wireless E-911 system." An E-911 system which permits wireless service customers dialing 911 to be connected to a public safety answering point for the reporting of police, fire, medical or other emergency situations.

"Wireless provider." A person engaged in the business of providing wireless service to end-use customers in this Commonwealth, including resellers.

"Wireless service." Commercial mobile radio service as defined under section 332(d) of the Communications Act of 1934 (48 Stat. 1604, 47 U.S.C. § 332(d)) which provides real-time, two-way voice service that is interconnected with the public switched telephone network.

"Wireless service customer." A person who is billed by a wireless provider or who receives prepaid wireless telephone service from a wireless provider for wireless service within this Commonwealth.

§ 5303. Telecommunications management.

(a) Powers and duties of agency.--The agency shall have the following powers and duties:

(1) To adopt rules and regulations pursuant to this chapter and promulgate, adopt, publish and use guidelines for the implementation of this chapter. Rules, regulations and guidelines proposed under the authority of this section shall be subject to review by the General Counsel and the Attorney General in the manner provided for the review of proposed rules and regulations pursuant to the act of October 15, 1980 (P.L.950, No.164) , known as the Commonwealth Attorneys Act, and the act

of June 25, 1982 (P.L.633, No.181) , known as the Regulatory Review Act.

(2) To establish guidelines and application procedures for the establishment of contribution rates.

(3) To receive, review and approve or disapprove all 911 system county plans.

(4) To forward a copy of each county plan application to the council and the commission for their review as required under this chapter.

(5) To submit an annual report not later than March 1 of each year to the Governor and the General Assembly, which plan includes at least the following:

(i) The extent to which 911 systems currently exist in this Commonwealth.

(ii) Those counties which have completed installation, and the costs and expenses for installation.

(iii) An anticipated schedule for installing a 911 system on a county basis for that year.

(6) To establish minimum training and certification standards for emergency dispatchers, call takers and supervisors.

(7) To establish technical standards for the county plans.

(8) To establish standards for performance review and quality assurance programs for 911 systems to ensure public safety and improve the performance of 911 systems.

(9) To establish standards for accuracy of 911 database systems.

(10) To establish a program of communication between the agency and county 911 coordinators for the purpose of sharing information among counties and to develop recommendations to improve 911 systems throughout this Commonwealth.

(11) To prescribe, in cooperation with the council and the commission, the applications and forms necessary to carry out the provisions of this chapter.

(12) To take the actions necessary to implement, administer and enforce the provisions of this chapter.

(b) Powers and duties of council.--The council shall have the following powers and duties:

(1) To review all county plans, including the initial application forwarded by the agency for conformity to the minimum standards.

(2) To review county plans to determine if equipment conforms to the technical standards.

(3) To recommend approval of plans or indicate deficiencies in plans to the agency.

(c) Powers and duties of commission.--The commission shall have the following powers and duties:

(1) Review the contribution rate requested by the county based on the costs of the plan.

(2) Approve or modify the contribution rate requested by the county and forward its decision to the agency.

(d) Exemption.--The Pennsylvania State Police telecommunications facilities are exempt from the telecommunications management of the agency, council and the commission.

§ 5304. Counties.

(a) Powers and duties.--The board of county commissioners, or, in a home rule county, the appropriate body according to the home rule charter, shall have the following powers and duties in relation to a 911 system and wireless E-911 system:

(1) To designate a member of county government as the county 911 coordinator. The county coordinator shall serve as a point of contact with the agency and shall develop a county plan for the implementation, operation and maintenance of a 911

system. Where technologically feasible, the county plan shall be adequate to provide service for the entire county.

(2) To make arrangements with each telephone company providing local exchange telephone service within the county's jurisdiction to provide 911 service.

(3) To send a copy of the proposed county plan to the appropriate telephone company upon submission of the plan to the agency.

(4) To cooperate with the agency, the council and the commission in the preparation and submission of the county plan and contribution rate.

(5) To execute all contracts, mutual aid agreements, cross-service agreements and all other necessary documents which may be required in the implementation of the county plan.

(6) To obtain annually from each telephone service provider a list of the provider's local telephone exchanges within the county and the addresses of that provider's central offices serving those exchanges. Without exception, the service provider shall provide the list to the board.

(7) To notify the agency and all adjacent counties of the local telephone exchanges which provide telephone service to residents within the county, specifically noting exchanges known to provide telephone service to residents of more than one county. Notice shall be provided at the time the county plan is submitted to the agency and when local telephone service is newly initiated for local telephone exchange within the county.

(8) To cooperate with the Pennsylvania State Police. Subject to subparagraphs (i) through (iii), a county that utilizes ANI/ALI database services shall, upon request of the Commissioner of the Pennsylvania State Police or the designee of the commissioner, provide authority to access all ANI/ALI database information relating to 911 calls for emergency services, whether the database is held by the county or by a commercial entity.

(i) In order to ensure that no county or PSAP experiences degradation of service or additional costs as a result of complying with this subsection:

(A) the Pennsylvania State Police shall provide, at its cost, any equipment, computer software or telecommunications equipment or services, exclusive of recurring personnel costs for county personnel, that are necessary to enable its access to any ANI/ALI database information; and

(B) all means of access must be approved by the county, PSAP and the Pennsylvania State Police before the county is required to authorize or provide the access. In the event of a dispute between the Pennsylvania State Police and a county or PSAP regarding approval by the county and PSAP, the dispute shall be mediated by the Office of Information Technology of the Commonwealth's Office of Administration. The Office of Information Technology may bring in a Commonwealth mediator from the Office of General Counsel to provide assistance in resolving the dispute.

(ii) The ANI/ALI database information to which access is authorized or enabled under this paragraph or section 5304.1(a)(3) (relating to Pennsylvania State Police) shall be used only in providing emergency response services to a 911 call. A person who uses or discloses the ANI/ALI database information under this subparagraph for any other purpose commits a misdemeanor of the third degree.

(iii) Nothing contained in this paragraph shall be construed to impose on wireless providers any obligations

beyond those created by applicable Federal Communications Commission orders and regulations. Public agencies, counties, PSAPs and wireless providers shall not be liable to any person for errors in any of the ANI/ALI database information which may be accessed by or provided to the Pennsylvania State Police under this paragraph.

(9) To comply with reporting requirements established by the agency.

(b) Persons outside county.--When an individual physically resides in an adjacent county but receives local exchange telephone service from a central office in a county which provides 911 service, it shall be the responsibility of the county with the 911 service to notify the appropriate public agency of a request for emergency service from the individual.

(c) Cities of second class, second class A and third class.--A city of the second class, second class A or third class that has established a 911 system prior to September 4, 1990, may exercise the powers and duties of counties under this chapter. A city of the second class, second class A or third class that has not established a 911 system prior to September 4, 1990, may exercise the powers and duties of counties under this chapter only when the county has chosen not to exercise those powers and duties. The powers and duties granted to cities under this section shall be applicable and may be exercised only within the boundaries of the city. No action by a city under this section shall preempt the powers and duties of a county to establish a 911 system outside the boundaries of the city at any time. The agency may establish regulations governing the exercise of powers and duties granted to cities of the second class, second class A and third class by this section.

§ 5304.1. Pennsylvania State Police.

(a) Powers and duties.--The Commissioner of the Pennsylvania State Police, or the designee of the commissioner, shall have the following powers and duties in relation to a Pennsylvania State Police telecommunications facility:

(1) To designate, with specificity, which Pennsylvania State Police facilities shall be considered Pennsylvania State Police telecommunications facilities under this chapter.

(2) To designate a commander of a Pennsylvania State Police telecommunications facility, who shall serve as the point of contact with the agency and the counties and shall oversee the implementation, operation and maintenance of a Pennsylvania State Police telecommunications facility. A Pennsylvania State Police facility shall, where technologically feasible, be adequate to provide service to the designated area of coverage.

(3) To request authority to access ANI/ALI database information relating to 911 calls for emergency services from the counties and PSAPs within the designated area of coverage of a Pennsylvania State Police telecommunications facility. No county or PSAP shall be required to comply with such a request unless it is made by the Commissioner of the Pennsylvania State Police or the designee of the commissioner under section 5304(a)(8) (relating to counties).

(4) To provide training and certification for all call takers/dispatchers and call taker/dispatcher supervisors that meet or exceed the training and certification standards that are provided for in 4 Pa. Code Ch. 120c (relating to training and certification standards for 911 emergency communications personnel) or any successor standard.

(b) Ineligible reimbursement.--The Pennsylvania State Police is not eligible to receive reimbursement from the money collected from the contribution rate or wireless E-911 surcharge, nor may the Pennsylvania State Police impose a monthly contribution rate

upon the telephone subscribers on the local exchange access line or any wireless E-911-related surcharge upon wireless service customers.

§ 5305. County plan.

(a) Minimum standards.--Upon the agreement of the governing body of a county to establish a 911 system, a plan shall be drafted meeting at least the standards promulgated by the agency. The county may obtain technical assistance from the agency in formulating its plan. Each 911 plan shall be designed to meet the individual circumstances of each community and the public agencies participating in the 911 system.

(b) Completion.--Upon completion of the plan, the county shall forward it to the agency, with a copy of the plan being sent to those telephone companies affected by the plan. When the plan is submitted to the agency, the county shall also provide each adjacent county with a list of local telephone exchanges included in the plan, specifically noting exchanges known to provide telephone service to residents of more than one county.

(c) Agency review.--

(1) The agency shall review each county plan for completeness and shall forward a copy of the county plan and the proposed contribution rate to the council and the commission for review as required by this section.

(2) After the county plan has been reviewed by the council and the commission, the agency shall approve or reject a county plan based on the recommendations of the council and the commission.

(3) If the county plan is rejected, the agency shall return the county plan and explain the deficiencies that caused the rejection.

(d) Council review.--The council shall have 90 days to review the plan and make suggested revisions to the plan. The agency may act as agent for the council in the administration of the plan approval process.

(e) Commission review.--

(1) The commission shall review the county plan only in relation to the contribution rate and may modify only those contribution rates which it finds excessive to meet the costs stated in the plan. The rates shall be reviewed and a decision forwarded to the agency within 90 days of the date of submission.

(2) If the commission fails to review the contribution rate within 90 days, the contribution rate will be deemed approved by the commission.

(f) Present systems.--

(1) A county which has a present 911 system may establish a contribution rate to cover nonrecurring and operating costs of an existing 911 system by using the same contribution rate approval mechanism as a new 911 system for the purposes of this chapter.

(2) A county which did not have a 911 system in operation on September 4, 1990, but which awarded a contract for a 911 system prior to September 4, 1990, shall be considered to have a present system.

(g) Regional systems.--Nothing in this chapter shall be construed to prohibit the formation of multijurisdictional or regional 911 systems, and any regional system established under this chapter shall include the territory of two or more counties.

(g.1) Contribution rate.--

(1) Counties of the first through second class A may impose a monthly contribution rate in an amount not to exceed \$1 per line on each local exchange access line. Counties of the third through fifth classes may impose monthly contribution rates in an amount not to exceed \$1.25 per line on each local exchange

access line. Counties of the sixth through eighth classes may impose a monthly contribution rate in an amount not to exceed \$1.50 per line on each local exchange access line.

(2) The following shall apply:

(i) The contribution rate may be used by counties for the expenses of implementing, expanding or upgrading a 911 system.

(ii) Expenses eligible for reimbursement through the contribution rate shall include telephone terminal equipment, trunk line service installation, network changes, building of initial database and any other nonrecurring costs to establish a 911 system. The contribution rate may also be used to fund recurring costs under section 5308(b) (relating to expenditures for nonrecurring costs, training, mobile communications equipment, maintenance and operation of 911 systems).

(iii) Expenses not eligible for reimbursement through the contribution rate shall include purchase of real estate, cosmetic remodeling, central office upgrades, hiring of dispatchers, ambulances, fire engines or other emergency vehicles, utilities, taxes and other expenses as determined by the Pennsylvania Emergency Management Agency.

(h) Contribution rate changes.--

(1) Once a plan and contribution rate have been established, the contribution rate shall remain fixed for a period of at least three years. Updating and expanding the present system shall require an amended plan to be filed with the agency. The contribution rate shall remain fixed for three years even if the present system is updated and expanded.

(2) A request for a contribution rate change must be submitted to the agency, and the agency shall forward the request to the commission for approval as provided under subsection (e).

(3) A contribution rate increase shall not be permitted more often than every three years and shall not take effect unless approved by the commission.

(i) Assessment.--

(1) The money collected from the telephone contribution rate shall be utilized for payments of nonrecurring and recurring costs of a 911 system.

(2) The contribution rate may be imposed at any time subsequent to the execution of a contract with the provider of a 911 service at the discretion of the governing body of the county and pursuant to approval of the county plan and contribution rate under the provisions of this section.

(3) The money collected from the contribution rate:

(i) Is a county fee collected by the telephone company.

(ii) Shall not be subject to taxes or charges levied on or by the telephone company.

(iii) Shall not be considered revenue of the telephone company for any purpose.

§ 5306. Special public meeting.

(a) Public comment.--Before a county may establish a contribution rate for nonrecurring and recurring costs under this chapter, it must obtain public comment from the residents of the county.

(b) Requirements.--The proposed contribution rate shall be fixed by the governing body of the county in the following manner:

(1) The governing body shall cause notice of intention to fix the contribution rate at a special public meeting on a date certain to be published in a newspaper of general circulation at least ten days in advance of the special public meeting. The notice shall include the precise amount of the proposed monthly contribution rate.

(2) The special public meeting shall be held during the hours of 6 p.m. to 9 p.m., prevailing time, so as to afford the public the greatest opportunity to attend.

(3) The special meeting shall be held in a centrally located area of the county.

§ 5307. Collection and disbursement of contribution.

(a) Subscribers' contribution.--

(1) Each service supplier that provides local exchange telephone service within the county shall collect the contribution from each subscriber and forward the collection quarterly less the actual uncollectibles experienced by the local exchange telephone companies to the county treasurer or, in a home rule county, the county official responsible for the collection and disbursement of funds.

(2) The amount of the subscribers' contribution shall be stated separately in the telephone subscribers' billing.

(3) Each service supplier shall retain the fair and reasonable cost to establish the 911 contribution rate billing system and an amount not to exceed 2% of the gross receipts collected to cover actual administrative costs.

(b) Subscribers' contribution for multiple line systems.--In the case of Centrex or similar multiple line system subscribers, except PBX subscribers, the following multipliers shall be applied to determine the contribution rate of each subscriber:

(1) For the first 25 lines, each line shall be billed at the approved contribution rate.

(2) For lines 26 through 100, each line shall be billed at 75% of the approved contribution rate.

(3) For lines 101 through 250, each line shall be billed at 50% of the approved contribution rate.

(4) For lines 251 through 500, each line shall be billed at 20% of the approved contribution rate.

(5) For lines 501 or more, each line shall be billed at 17.2% of the approved contribution rate.

(c) Restricted account.--

(1) The county treasurer or, in a home rule county, the county official responsible for the collection and disbursement of funds shall deposit the money received in an interest-bearing restricted account used solely for the purpose of nonrecurring and recurring charges billed for the 911 system and for the purpose of making payments under subsection (d).

(2) The governing body of the county shall make an annual appropriation from the account for the 911 system, subject to the provisions of subsection (d), and may retain up to 1% of the gross receipts collected to cover administrative costs.

(3) If the 911 system is discontinued or a county fails to implement a 911 system within three years from the imposition of a monthly contribution rate, any money remaining in the restricted account after all payments to the 911 service supplier have been made shall be transferred to the general fund of the county or proportionately to the general funds of each participating public agency.

(d) Reimbursement to municipalities.--The county treasurer or, in a home rule county, the county official responsible for the collection and disbursement of funds shall, on a quarterly basis, pay from funds of the restricted account to a municipality which operates a 911 system a sum of money not less than that contributed by the telephone subscribers of that municipality to the county 911 system, less the applicable service supplier administrative cost provided by subsection (a) and the applicable county administrative cost provided by subsection (c).

(e) Collection enforcement.--

(1) The local exchange telephone company shall not be required to take any legal action to enforce the collection of any charge imposed under this chapter. Action may be brought by or on behalf of the public agency imposing the charge.

(2) The local exchange telephone company shall annually provide, upon request of the governing body of the county, a list of the names and addresses of those service users which carry a balance that can be determined by the telephone company to be the nonpayment of any charge imposed under this chapter.

(3) The local exchange telephone company shall not be liable for uncollectible amounts.

(f) Prohibition against release of information.--Neither the county treasurer, the agency, nor any employee, agent or representative of a PSAP or public agency shall divulge any information acquired with respect to any wireline telephone service provider, its customers, revenues or expenses, trade secrets, access line counts, commercial information and other proprietary information while acting or claiming to act as the employee, agent or representative, and all information shall be kept confidential except that aggregations of information which do not identify or effectively identify numbers of customers, revenues or expenses, trade secrets, access lines, commercial information and other proprietary information attributable to any individual wireline telephone service provider may be made public.

§ 5308. Expenditures for nonrecurring costs, training, mobile communications equipment, maintenance and operation of 911 systems.

(a) Expenditures authorized.--During a county's fiscal year, the county may expend the amounts distributed to it from the contribution rate for the nonrecurring costs, training, costs for mobile communications equipment, maintenance and operation of a county 911 system.

(b) Items included in nonrecurring costs, training, mobile communications equipment, maintenance and operation costs.--

(1) Maintenance and operation costs may include telephone company charges, equipment costs or equipment lease charges, repairs, utilities, development and maintenance of a master street address guide, erection of street signs on State and local highways, database maintenance costs, personnel training, salary and benefit costs which are directly related to the provision of 911 services and costs for mobile communications equipment, audit costs and appropriate carryover costs from previous years.

(2) Maintenance and operation costs shall not include any cost necessary to house the 911 system.

(3) No more than 70% of the contribution rate collected during a county's fiscal year may be utilized to fund personnel training, salary and benefit costs.

(c) Limitations on expenditures.--

(1) The agency shall adopt procedures to assure that the total amount collected from the 911 contribution rate shall be expended only for the nonrecurring costs, costs for mobile communications equipment, maintenance and operation of a county 911 system.

(2) Nonrecurring costs shall be amortized over a minimum of three years.

(d) Triennial financial audit.--

(1) The agency shall require a triennial audit of each county's collection and disbursement of contribution rate funds and expenditures for the nonrecurring costs, training, costs for mobile communications equipment, maintenance and operation of 911 systems.

(2) The triennial audit cost shall be paid by the respective county from contribution rate revenues and shall be conducted consistent with guidelines established by the agency.

(e) Public education.--A county may use money received from the imposition of the contribution rate to educate the public on the 911 system. The education may include, but is not limited to, confirming with all residents of the county their actual street addresses.

§ 5309. Telephone records.

(a) Access.--A telephone service supplier shall provide customer telephone numbers, names and service addresses to PSAPs when requested by them for use in responding to 911 calls and, when required, to providers of emergency notification services and emergency support services, solely for the purposes of delivering or assisting in the delivery of emergency notification services and emergency support services. A wireless provider shall provide the telephone number and geographical location of the wireless device, as required under the FCC E-911 Order, to PSAPs when requested by them for use in responding to 911 calls. Customer telephone numbers, names and service addresses, and telephone numbers and geographical locations of wireless devices, shall remain the property of the disclosing service supplier. The total cost of the 911 system or wireless E-911 system shall include expenses to reimburse telephone service suppliers for providing and maintaining 911 information. A telephone service supplier shall not be reimbursed directly from the fund for providing and maintaining 911 information. This information shall be used only in providing emergency response services to a 911 call or for purposes of delivering or assisting in the delivery of emergency notification services or emergency support services, except as provided in subsection (c). A person who uses or discloses ANI/ALI database information for purposes other than providing emergency response services to a 911 call, delivering or assisting in the delivery of emergency notification services or emergency support services or other than as provided in subsection (c) commits a misdemeanor of the third degree.

(b) Privacy waived.--Private listing service customers in a 911 service district shall waive the privacy afforded by nonlisted and nonpublished numbers with respect to the delivery of emergency services.

(c) Immunity.--No telephone company, wireless provider, vendor or agent, employee or director of a telephone company, providers of emergency notification services or providers of emergency support services shall be liable to any person who directly or indirectly uses the 911 emergency service or wireless E-911 emergency service established under this chapter or provides information to 911 systems or wireless E-911 systems with respect to the delivery of emergency services:

(1) for release to PSAPs, providers of emergency notification services or providers of emergency support services of information specified in this section, including nonpublished telephone numbers;

(2) for release to the commission, the Federal Communications Commission or any other Federal or Commonwealth agency with the authority to regulate the provision of telecommunications services of telephone company information specified in this section that is not already part of public records, including, as applicable, information regarding numbers of lines served by an individual company but excluding nonpublic information regarding the company's individual customer names, addresses and telephone numbers; or

(3) for interruptions, omissions, defects, errors, mistakes or delays in transmission occurring in the course of the delivery

of emergency services or wireless E-911 service under this chapter, unless the interruptions, omissions, defects, errors, mistakes or delays are caused by the willful or wanton misconduct of the telephone company, wireless provider or vendor, their agents, employees or directors. Nothing in this paragraph may preclude the application of any commission tariff or regulation within its jurisdiction pertaining to allowances for telephone service interruptions.

§ 5310. Penalty.

A person who intentionally calls the 911 emergency number for other than emergency purposes commits a misdemeanor of the third degree.

§ 5311. (Reserved).

§ 5311.1. Immunity.

A 911 system or a wireless E-911 system run by county and local governments shall be a local agency which shall enjoy local governmental immunity as provided under 42 Pa.C.S. Ch. 85 Subch. C (relating to actions against local parties).

§ 5311.2. Powers and duties of agency.

(a) Administration.--The agency shall have the following powers and duties in relation to a wireless E-911 system:

(1) To designate at least one employee of the agency who shall serve as a point of contact at the agency for all matters involving wireless E-911 systems in this Commonwealth.

(2) To oversee the development, implementation, operation and maintenance of a Statewide integrated wireless E-911 system, formulate technical standards and determine permitted uses of and amounts disbursed from the Wireless E-911 Emergency Services Fund, including the costs of PSAPs and wireless providers that are eligible for payment from the fund.

(3) To approve each county's county plan, or amendment to its agency-approved county plan, incorporating wireless E-911 service capabilities as may be submitted by the county to the agency.

(b) Wireless E-911 State plan.--The agency shall prepare, maintain and keep current, after adequate public notice and opportunity to comment and after consideration of the recommendations of the wireless subcommittee of the advisory committee, a wireless E-911 State plan providing for all aspects of the development, implementation, operation and maintenance of a Statewide integrated wireless E-911 system in accordance with the FCC E-911 Order. Under the plan, the agency shall:

(1) Establish model agreements for mutual aid agreements, cross-service agreements, service contracts and all other documents by and among public agencies, PSAPs and wireless providers that may be required in the implementation of the wireless E-911 State plan, review the agreements and documents for consistency with the applicable county plan and assist the parties in assuring their execution.

(2) Require each wireless provider to notify the agency of each county in which it is licensed on March 29, 2004, and provides wireless service and, at the time new service is initiated, each county in which it is licensed and initiates wireless service and to notify counties of wireless service within each county, specifically noting wireless service to more than one county. In the event of disputes among PSAPs regarding the PSAP to which a wireless provider routes 911 calls, the routing shall be determined by the agency.

(3) Establish uniform Statewide standards for the format and content of wireless automatic location information and wireless automatic number identification, which standards shall be the standards adopted by the National Emergency Number Association, as amended by that organization. Wireless providers

will use the applicable National Emergency Number Association data transmission format standards to deliver the data to the wireless E-911 system.

(4) Forward a copy of the completed plan and any revision of the plan to all affected counties, PSAPs, wireless providers, local exchange carriers, competitive local exchange carriers and interexchange carriers.

(5) Require each wireless provider to provide the agency with a 24-hour, seven-days-a-week contact telephone number or pager number for use by PSAPs in emergency situations.

§ 5311.3. Advisory committee.

(a) Establishment.--There is established an advisory committee to be known as the E-911 Emergency Services Advisory Committee.

(b) Members.--The advisory committee shall be comprised of the following persons:

(1) The director of the agency or his designee, who shall act as chairperson.

(2) Two county commissioners.

(3) Four county 911 program managers.

(4) Four wireless providers licensed by the Federal Communications Commission.

(5) Two landline telephone service provider representatives.

(6) Two representatives each from fire services, emergency medical services and police.

(7) The chairman and minority chairman of the Communications and Technology Committee of the Senate and the chairman and minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives, or their designees.

The Governor, upon recommendation of the applicable Statewide organizations, associations and industry segments, shall appoint the committee members, who will each serve a two-year term. Advisory committee membership shall be limited to one representative per organization or corporate entity.

(c) Roles and responsibilities.--The advisory committee shall make recommendations to the agency regarding the formulation of technical, administrative and operational standards for use in overseeing 911 programs Statewide.

(d) Reimbursement.--The members of the advisory committee shall serve without compensation but shall be reimbursed for their actual and necessary travel and other expenses in connection with attendance at meetings called by the chairperson.

(e) Advisory committee subcommittees.--The chairperson may create, within the committee membership, subcommittees to study and address specific technical and program areas:

(1) A wireless subcommittee shall be created as a permanent subcommittee and shall consist of the following persons:

(i) The advisory committee chairperson.

(ii) Two county commissioners.

(iii) Four county 911 program managers.

(iv) Four representatives of wireless providers licensed by the Federal Communications Commission.

(v) Two landline telephone service provider representatives.

(2) Wireless subcommittee roles and responsibilities:

(i) To advise the agency regarding the development, implementation, operation and maintenance of a Statewide integrated wireless E-911 system.

(ii) To make recommendations to the agency regarding the preparation and periodic revision of a wireless E-911 State plan providing for the development, implementation,

operation and maintenance of a Statewide integrated wireless E-911 system in accordance with the FCC E-911 Order.

(iii) To make recommendations to the agency regarding the approval or disapproval of wireless provider service agreements and the formulation of technical standards.

(iv) To make recommendations to the agency regarding the development of guidelines, rules and regulations required to address the administration of the Statewide E-911 wireless plan and the disbursement of money from the Wireless E-911 Emergency Services Fund.

(v) To make recommendations to the agency regarding the development of the annual report required of the agency by this chapter, including, but not limited to, recommendations concerning adjustments of the wireless E-911 surcharge.

§ 5311.4. Wireless E-911 Emergency Services Fund.

(a) Establishment of fund.--There is established in the State Treasury a nonlapsing restricted interest-bearing account to be known as the Wireless E-911 Emergency Services Fund. The fund shall consist of the fees collected under subsections (b) and (b.1), funds appropriated by the General Assembly and funds from another source, private or public. Money in the fund and the interest it accrues is appropriated to the Pennsylvania Emergency Management Agency to be disbursed by the agency. The money in the fund shall be used only for the following costs:

(1) PSAP and wireless provider costs resulting from compliance with the FCC E-911 Order, including development, implementation and testing, operation and maintenance of a Statewide integrated wireless E-911 system. Costs paid from the fund must be eligible recurring or nonrecurring costs as determined by the agency in accordance with sections 5311.2(a) (relating to powers and duties of agency) and 5311.5 (relating to disbursement of fund amounts by agency) for wireless E-911 service provided in accordance with the FCC E-911 Order or a county plan or amended county plan approved by the agency.

(2) The agency-approved costs of PSAPs specified in section 5308(b) (relating to expenditures for nonrecurring costs, training, mobile communications equipment, maintenance and operation of 911 systems) that relate directly or indirectly to the provision of wireless E-911 service, to the extent:

(i) the costs are not included in the costs paid under paragraph (1) and the approved E-911 costs provided in paragraph (1) have been reimbursed; and

(ii) the costs do not exceed the percentage of the actual ratio of demonstrated wireless calls to demonstrated total emergency call volume times the amount of money in the fund, and further:

(A) The amount of the costs that may be reimbursed is limited to 25% of the fund if a majority of wireless providers serving the geographic area covered by the PSAP have been tested and accepted by the PSAP for wireless E-911 Phase I service.

(B) The amount of the costs that may be reimbursed is limited to 50% of the fund if all of the wireless providers serving the geographic area covered by the PSAP have been tested and accepted by the PSAP for wireless E-911 Phase I service.

(C) The amount of the costs that may be reimbursed is limited to 75% of the fund if a majority of wireless providers serving the geographic area covered by the PSAP have been tested and accepted by the PSAP for wireless E-911 Phase II service.

(D) The amount of the costs that may be reimbursed is limited to 100% of the fund if all of the wireless providers serving the geographic area covered by the PSAP have been tested and accepted by the PSAP for wireless E-911 Phase II service.

(iii) If, under an FCC E-911 waiver, a wireless provider is temporarily relieved of its obligation to provide wireless E-911 Phase II service in the geographic area covered by a requesting PSAP, the wireless carrier shall be disregarded in the determinations to be made under subparagraphs (i) and (ii) until the wireless carrier's obligation to provide wireless E-911 Phase II service again becomes effective.

(b) Wireless E-911 surcharge.--Each wireless service customer shall pay a fee, to be known as a wireless E-911 surcharge, in an amount of \$1 per month for each device that provides wireless service for which that customer is billed by a wireless provider for wireless service. The fee shall be collected apart from and in addition to a fee levied by the wireless provider in whole or in part for the provision of 911 services.

(1) Wireless providers shall collect the fee on behalf of the agency as part of their billing process and shall have no obligation to take any legal action to enforce the collection of the surcharge. Action may be brought by or on behalf of the agency. Upon written request of the agency, each wireless provider shall annually provide a list of the names and addresses of those wireless service customers carrying a balance that have failed to pay the wireless E-911 surcharge. The wireless provider shall not be liable for the unpaid amounts.

(2) If a wireless provider receives a partial payment for a monthly bill from a wireless service customer, the wireless provider shall apply the payment against the amount the wireless service customer owes the wireless provider first and shall remit to the State Treasurer the lesser amount, if any, resulting from the application.

(3) The fees collected under this subsection shall not be subject to taxes or charges levied by the Commonwealth or a political subdivision of this Commonwealth, nor shall the fees be considered revenue of the wireless provider for any purpose.

(4) The provisions of this subsection shall not apply to sellers, providers or consumers of prepaid wireless telecommunications service.

(b.1) Prepaid wireless E-911 surcharge.--

(1) There is imposed a prepaid wireless E-911 surcharge of \$1 per retail transaction or the adjusted surcharge, if any, established under paragraph (5). The \$1 surcharge shall be applied to the cost of each retail transaction regardless of whether the service or prepaid wireless device was purchased in person, by telephone, through the Internet or by any other method.

(2) A prepaid wireless E-911 surcharge shall be collected by the seller from the consumer for each retail transaction occurring in this Commonwealth. The amount of the prepaid wireless E-911 surcharge shall be either separately stated on an invoice, receipt or other similar document that is provided to the consumer by the seller or otherwise disclosed to the consumer. A retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this Commonwealth if that business location is in this Commonwealth, and any other retail transaction shall be treated as occurring in this Commonwealth if the retail transaction is treated as occurring in this Commonwealth for

the purposes of section 202(e.1) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(3) A prepaid wireless E-911 surcharge is a liability of the consumer and not of the seller or any provider, except that the seller shall be liable to remit the prepaid wireless E-911 surcharges that the seller collects from consumers as provided under paragraph (6), including the charges that the seller is deemed to collect if the amount of the surcharge has not been separately stated in an invoice, receipt or other similar document provided to the consumer by the seller.

(4) The amount of the prepaid wireless E-911 surcharge that is collected by a seller from a consumer, whether or not the amount is separately stated on an invoice, receipt or similar document provided to the consumer by the seller, shall not be included in the base for measuring a tax, fee, surcharge or other charge that is imposed by the Commonwealth, a political subdivision or an intergovernmental agency.

(5) The prepaid wireless E-911 surcharge shall be proportionately increased or reduced, as applicable, upon any change to the wireless E-911 surcharge imposed under subsection (b). The increase or reduction shall be effective on the effective date of the change to the surcharge imposed under subsection (b) or, if later, the first day of the first calendar month to occur at least 60 days after the effective date of the change to the surcharge imposed under subsection (b). The Department of Revenue shall provide not less than 30 days' notice of an increase or reduction on its public Internet website.

(6) Prepaid wireless E-911 surcharges collected by a seller shall be remitted to the Department of Revenue at the times provided under Article II of the Tax Reform Code of 1971. The department shall establish payment procedures that substantially coincide with the payment procedures of Article II of the Tax Reform Code of 1971, except the department may require the filing of returns and the payment of the surcharge by electronic means.

(7) During the first 180 days after the effective date of this section, a seller may deduct and retain 35% of the prepaid wireless surcharges collected by the seller from consumers for direct start-up costs. After the implementation period, a seller may deduct and retain up to 3% of prepaid wireless E-911 surcharges that are collected by the seller from consumers for administrative purposes.

(8) The assessment, audit, appeal, collection and enforcement procedures and other pertinent provisions applicable to the sales and use tax imposed under Article II of the Tax Reform Code of 1971 shall apply to prepaid wireless E-911 surcharges.

(9) The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for sales and use tax purposes under Article II of the Tax Reform Code of 1971.

(10) The department shall pay all remitted prepaid wireless E-911 surcharges to the State Treasurer for deposit into the fund within 30 days of receipt, for use as provided in this chapter. The department may retain up to 2% of remitted surcharges to pay for department expenses directly related to the costs of administering the collection and remittance of prepaid wireless E-911 surcharges.

(11) The provisions of section 5311.9 (relating to immunity) shall apply to providers and sellers of prepaid wireless telecommunications service.

(12) The prepaid wireless E-911 surcharge shall be the only E-911 funding obligation imposed regarding prepaid wireless telecommunications service in this Commonwealth. No tax, fee, surcharge or other charge may be imposed by the Commonwealth, a political subdivision or an intergovernmental agency for E-911 funding purposes, on a provider, seller or consumer with respect to the sale, purchase, use or provision of prepaid wireless telecommunications service.

(c) Remittance of fees.--On a quarterly basis, each wireless provider shall remit the fees collected under subsection (b) to the State Treasurer for deposit into the fund.

(d) Reimbursement of wireless provider and PSAP costs.--

(1) From every remittance, the wireless provider shall be entitled to deduct and retain an amount not to exceed 2% of the gross receipts collected as reimbursement for the administrative costs incurred by the wireless provider to bill, collect and remit the surcharge.

(2) Wireless providers and PSAPs shall be entitled to payment from the fund in the manner provided in section 5311.5(c) for the following costs:

(i) recurring costs approved by the agency under agency rules associated with the development, implementation, operation and maintenance of wireless E-911 service in the geographic area served by the requesting PSAP; and

(ii) nonrecurring costs approved by the agency under agency rules associated with the development, implementation, operation and maintenance of wireless E-911 service in the geographic area served by the requesting PSAP.

(3) In no event shall costs be paid that are not related to a wireless provider's or PSAP's compliance with requirements established by the wireless E-911 State plan, the FCC E-911 Order or the wireless E-911 provisions of an agency-approved county plan or amended county plan.

(4) Costs incurred by a PSAP or wireless provider for wireless E-911 service shall be paid by the agency provided that the costs comply with the requirements of this section and section 5311.5, were incurred after January 1, 1998, and are determined by the agency, after application in accordance with section 5311.5(c), to be eligible for payment from the fund. Costs that the agency determines to be eligible shall be paid as provided in section 5311.5.

(5) Nothing in this chapter shall prevent a wireless provider from recovering its costs of implementing and maintaining wireless E-911 service directly from its customers, whether itemized on the customer's bill or by any other lawful method. No wireless provider that levies a separate fee for provision of E-911 wireless service in the geographic area served by the requesting PSAP may receive a reimbursement for the same costs.

(e) Reporting by wireless providers.--With each remittance a wireless provider shall supply the following information to the State Treasurer and to the agency:

(1) The total fees collected through the wireless E-911 surcharge from its wireless service customers during the reporting period.

(2) The total amount retained by it as reimbursement for administrative costs to cover its expenses of billing, collecting and remitting the fees collected from the wireless E-911 surcharge during the reporting period.

(3) Until the nonrecurring costs have been recovered by a wireless provider, the total amount it has been reimbursed by the agency for nonrecurring costs associated with the

development, implementation, operation and maintenance of wireless E-911 service during the reporting period.

(f) Information to be supplied by wireless providers.--Wireless providers shall provide the agency with the information it shall request in writing in order to discharge its obligations under this section, including the collection and deposit of the wireless E-911 surcharge and its administration of the fund. Information supplied by wireless providers under this section shall remain confidential, and release of the information shall be governed by section 5311.7 (relating to public disclosure and confidentiality of information).

(g) Prohibition.--No part of the fund, including an excess amount under section 5311.6(a) (relating to reporting), shall be used for any purpose unless expressly authorized by this chapter.

(h) Surcharge sunset.--The wireless E-911 surcharge fee established in subsections (b) and (b.1) shall terminate on June 30, 2014, unless extended by an act of the General Assembly.

§ 5311.5. Disbursement of fund amounts by agency.

(a) Expenditures for wireless E-911 systems.--During each fiscal year the agency may, only in furtherance of the wireless E-911 State plan, disburse money from the Wireless E-911 Emergency Services Fund to PSAPs with agency-approved county plans or amended county plans and wireless providers for the following purposes:

(1) To pay the costs of PSAPs and wireless providers provided for in section 5311.4(a)(1) and (d)(2) (relating to Wireless E-911 Emergency Services Fund) and the costs of PSAPs provided for in section 5311.4(a)(2).

(2) To train emergency service personnel regarding receipt and use of wireless E-911 service information.

(3) To educate consumers regarding the operations, limitations, role and responsible use of wireless E-911 service.

(b) Limitations on use of fund amounts by PSAPs.--No PSAP shall receive a disbursement from the fund for any cost necessary to house the wireless E-911 system or for the purchase of real estate, cosmetic remodeling, ambulances, fire engines or other emergency vehicles, utilities, taxes and other expenses as determined by the agency. No more than 70% of the disbursements which a PSAP receives from the fund during the agency's fiscal year may be utilized to fund personnel training, salary and benefit costs.

(c) Manner of payment.--Each PSAP and wireless provider shall submit to the agency each year, not later than 120 days before the first day of the agency's fiscal year, the eligible costs it expects to incur for wireless E-911 service during the next fiscal year of the agency. The submission may include eligible costs that the PSAP or wireless provider has already incurred for wireless E-911 service at the time of the submission. The agency shall review the submission, ensure that the costs are eligible for payment from the fund and notify the submitting PSAP or wireless provider, not later than 30 days before the first day of the agency's fiscal year, of the eligible costs. The agency shall pay to each PSAP and wireless provider, from the fund, the amount of the submitted costs the agency determined to be eligible, whether or not the costs have been incurred at or before the time of payment and whether or not the costs, if already incurred, were incurred prior to March 29, 2004. Payment shall be made in four equal payments during the first month of each quarter of the agency's fiscal year as follows:

(1) The agency shall first pay the costs approved for each PSAP that are payable in the quarter.

(2) Following the payment of approved costs to a PSAP for Phase I deployment of wireless E-911 service as set forth in the FCC E-911 Order, but only after the PSAP has issued its request to wireless providers to furnish Phase I wireless E-911 service pursuant to the FCC E-911 Order, the agency shall pay the approved costs of wireless providers that are payable in

the quarter to provide the requested wireless E-911 service to that PSAP.

(3) Following the payment of approved costs to a PSAP for Phase II deployment of wireless E-911 service as set forth in the FCC E-911 Order, but only after the PSAP has issued its request to wireless providers to furnish Phase II wireless E-911 service pursuant to the FCC E-911 Order, the agency shall pay the approved costs of wireless providers that are payable in the quarter to provide the requested wireless E-911 service to that PSAP.

(4) In any quarter of the agency's fiscal year, all costs specified in section 5311.4(a)(1) that are approved by the agency for payment to PSAPs or wireless providers shall be paid before any other costs payable under this chapter are paid to any PSAP or wireless provider. In the first quarter of the agency's fiscal year, the agency shall determine whether payments to PSAPs and wireless providers during the preceding fiscal year exceeded or were less than the eligible costs incurred by each PSAP and wireless provider submitting costs during the fiscal year. Each PSAP and wireless provider shall provide verification of the costs as required by the agency. Any overpayment shall be refunded to the agency or, with the agency's approval, may be used to pay agency-approved costs the PSAP or wireless provider submitted for the current fiscal year of the agency. The amount of any underpayment will be paid to the PSAP or wireless provider in accordance with this subsection and subsection (d) within the current fiscal year. The agency shall reconsider a determination of eligible costs under this subsection upon request by a submitting PSAP or wireless provider and shall provide a procedure for the reconsideration.

(d) Pro rata sharing of fund amounts.--

(1) If the total amount of money in the fund in any quarter is insufficient to pay for both agency-approved PSAP costs and agency-approved wireless provider costs which are payable in the quarter under subsection (c) for both Phase I deployment and Phase II deployment of wireless E-911 service as set forth in the FCC E-911 Order, then payments from the fund for that quarter shall be made as follows:

(i) The agency-approved Phase I deployment costs of a PSAP and those wireless providers to which the PSAP has issued its request for Phase I wireless E-911 service shall be paid before any agency-approved costs for Phase II deployment are paid.

(ii) If, notwithstanding subparagraph (i), the total amount of money in the fund in the quarter is insufficient to pay all Phase I deployment costs of both PSAPs and wireless providers which are payable in the quarter, then each requesting PSAP and each requesting wireless provider shall receive, for payment of Phase I deployment costs, a pro rata share of the total amount of money in the fund in the quarter.

(iii) If the total amount of money in the fund in the quarter is insufficient to pay all agency-approved Phase II deployment costs of both PSAPs and wireless providers which are payable in the quarter, then each requesting PSAP and each requesting wireless provider shall receive, for payment of Phase II deployment costs, a pro rata share of the total money in the fund which are available in the quarter for payment of Phase II deployment costs.

(2) For any PSAP or wireless provider, pro rata shares shall be computed based upon the total dollar amount of money available in the fund for payment of Phase I or Phase II

deployment costs, whichever is applicable, multiplied by the ratio of:

- (i) the total dollar amount of agency-approved but unpaid costs of that PSAP or wireless provider for Phase I or Phase II deployment, whichever is applicable; to
- (ii) the total dollar amount of all agency-approved but unpaid costs.

(3) Any remaining unpaid agency-approved PSAP costs or wireless provider costs shall be carried forward for payment during the next fiscal quarter. The carryforward process shall continue each fiscal quarter until all agency-approved PSAP costs and wireless provider costs have been paid. Pro rata and other payments under this subsection, including, but not limited to, payments of costs which are carried forward for payment in subsequent fiscal quarters, shall also be subject to all provisions and requirements of subsection (c) except for subsection (c) (1).

(e) Triennial financial audit.--The agency shall require a triennial financial audit of each PSAP's use of the disbursements it has received from the fund and of a wireless provider's collection, deduction, retention, remittance and use of the amounts collected by the wireless provider under the wireless E-911 surcharge or the disbursements it received from the fund. These triennial financial audits shall be consistent with guidelines established by the agency, and the cost of each audit shall be paid from the fund.

§ 5311.6. Reporting.

(a) Annual report by agency.--Not later than March 1 of each year, the agency, after consideration of the recommendations of the advisory committee, shall submit an annual report, which may be combined with that required by section 5303(a)(5) (relating to telecommunications management), to the Governor and the General Assembly. Subject to the provisions of section 5311.7(b) (relating to public disclosure and confidentiality of information), the report shall include at least the following:

- (1) The extent to which wireless E-911 systems currently exist in this Commonwealth.
- (2) Those PSAPs which completed installation of wireless E-911 systems pursuant to the wireless E-911 State plan and the costs and expenses for installation.
- (3) An itemization by PSAP or wireless provider, project and description and expenditure for each Wireless E-911 Emergency Services Fund disbursement made in the fiscal year just concluded. The itemization shall include an explanation of how each project contributed to the fulfillment of the existing wireless E-911 State plan.
- (4) The planned expenditures for the next fiscal year for installation of wireless E-911 systems pursuant to the wireless E-911 State plan.
- (5) The total aggregate fees collected from all wireless providers in the fiscal year just concluded based upon the reports of the providers submitted under section 5311.4(e) (relating to Wireless E-911 Emergency Services Fund) and any other funds received by the fund.
- (6) The amount of any unexpended funds carried forward in the fund.
- (7) The amount of any remaining unpaid agency-approved PSAP costs or wireless provider costs being carried forward for payment during the next fiscal quarter.
- (8) Any advances in a wireless provider's system technology or expansion of its customer service area which further the goal of providing access to a wireless E-911 system regardless of

the customer's geographic location on any interstate highway in this Commonwealth.

(b) Study of wireless E-911 emergency services implementation and operation.--The agency, after consideration of the recommendations of the advisory committee, shall report to the Governor and the General Assembly no less than triennially its recommendations concerning wireless E-911 implementation and operation, including, but not limited to, necessary or required actions which must be undertaken in response to the Federal Communication Commission's directive in the FCC E-911 Order. The report shall recommend measures to be taken by the General Assembly.

§ 5311.7. Public disclosure and confidentiality of information.

(a) Annual report of agency.--The annual report of the agency shall be a public document.

(b) Prohibition against release of information.--Neither the State Treasurer, the agency, nor any employee, agent or representative of a PSAP or public agency shall divulge any information acquired with respect to any wireless provider or VoIP provider, its customers, revenues or expenses, trade secrets, commercial information and other proprietary information while acting or claiming to act as the employee, agent or representative, and all information is required to be kept confidential except that aggregations of information which do not identify or effectively identify numbers of customers, revenues or expenses, trade secrets, commercial information and other proprietary information attributable to any individual wireless provider or VoIP provider may be made public.

§ 5311.8. Wireless provider and VoIP provider records.

(a) Access.--Upon request from and pursuant to agreement with a PSAP, each wireless provider shall provide E-911 service database information, and each VoIP provider shall provide VoIP service database information or automatic location information as permitted under the law to the requesting PSAP. The information shall remain the property of the disclosing wireless provider or VoIP provider and, except as otherwise provided by applicable Federal or State law, shall be used by the PSAP only in connection with providing emergency response services to a call to a 911 system or to a wireless E-911 system.

(b) Violations.--A person commits a misdemeanor of the third degree if the person does any of the following:

(1) Uses or discloses wireless E-911 service database information or VoIP service database information for purposes other than handling a call to a 911 system or to a wireless E-911 system without the consent of the wireless service customer or VoIP service customer or as otherwise provided by applicable Federal or State law.

(2) Knowingly uses the telephone number of a 911 system, wireless E-911 system or VoIP service database information to avoid any charges for the services of a local exchange carrier, competitive local exchange carrier, interexchange carrier, wireless provider or VoIP provider.

(c) Privacy waived.--The provisions of 66 Pa.C.S. § 2906 (relating to dissemination of telephone numbers and other identifying information) shall not apply to wireless providers or VoIP providers to the extent they are engaged in providing wireless E-911 service, 911 service or related services.

§ 5311.9. Immunity.

(a) Generally.--

(1) This subsection applies to all of the following:

(i) A wireless provider or VoIP provider.

(ii) An officer or director of a wireless provider or VoIP provider.

(iii) An employee or agent of a wireless provider or VoIP provider.

(iv) A vendor of a wireless provider or VoIP provider.

(2) Except as set forth in paragraph (3), a person specified in paragraph (1) is immune from liability for civil damages resulting from or caused by an act or omission in the development, design, installation, operation, maintenance, performance or provision of wireless E-911 service or 911 service of:

(i) the wireless provider or VoIP provider;

(ii) an officer or director of the wireless provider or VoIP provider;

(iii) an employee or agent of the wireless provider or VoIP provider; or

(iv) a supplier of the wireless provider or VoIP provider.

(3) Immunity under paragraph (2) does not apply to willful or wanton misconduct.

(b) Parity of liability.--A wireless provider or VoIP provider shall have the same immunity from liability for transmission errors or failures, network outages or other technical problems that arise in the course of handling emergency calls or providing emergency services, including wireless E-911 service, as a local exchange carrier enjoys in the course of handling the calls or providing the services.

(c) Release of information.--

(1) This subsection applies to all of the following:

(i) A wireless provider or VoIP provider.

(ii) An employee or agent of a wireless provider or VoIP provider.

(2) A person specified in paragraph (1) is immune from liability for releasing, as required by this chapter or any other law, wireless service customer information or VoIP service customer information to the agency or to any 911 system or wireless E-911 system, public agency or PSAP.

§ 5311.10. Agency funding for wireless E-911 support.

The agency is authorized to retain up to 2% of the annual wireless E-911 surcharge and prepaid wireless E-911 surcharge proceeds to pay for agency expenses directly related to administering the wireless E-911 provisions of this chapter. Expenses under this section include personnel, travel, administrative, financial auditing and printing costs.

§ 5311.11. Rate regulation.

Nothing in this chapter shall be construed to constitute the regulation of the rates charged by wireless providers for any service or feature which they provide to their wireless service customers or to prohibit a wireless provider from charging a wireless service customer for any service or feature provided to the customer.

§ 5311.12. Regulations.

The council has the power to issue statements of policy and to promulgate regulations for the implementation of this chapter.

§ 5311.13. Enforcement.

In addition to any powers expressly enumerated in this chapter, the agency has the power and duty to enforce and execute, by its regulations or otherwise, this chapter. The agency may institute injunction, mandamus or other appropriate legal proceedings to enforce this chapter and regulations promulgated under this chapter.

§ 5311.14. Collection and disbursement of VoIP 911 fee.

(a) VoIP service customer 911 contribution.--

(1) Each VoIP provider or telecommunications carrier shall collect a \$1 fee per month for each telephone number or successor dialing protocol assigned by a VoIP provider to a VoIP service

customer number that has outbound calling capability. The following apply:

(i) The fee, minus the actual uncollectibles experienced by the VoIP provider, shall be remitted:

(A) quarterly; or

(B) at the option of the provider or telecommunications carrier, monthly.

(ii) The remittance shall be made as follows:

(A) Except as set forth in clause (B), to the county treasurer.

(B) In a home rule county, as follows:

(I) To the county official responsible for the collection and disbursement of funds.

(II) At the option of the remitter, to the State Treasurer. Election of the option shall be by regulations established by the agency, which shall include appropriate notification to the affected counties of the exercise of this option.

(iii) The fee shall be stated separately in the VoIP service customer's paper or electronic billing, and the fee shall be collected apart from and in addition to any fee levied by the VoIP provider in whole or in part for the provision of 911 services or E-911 services.

(2) In the case of VoIP service customers purchasing multiple dial tone telephone access lines from a VoIP provider, the following multipliers shall be applied to determine the contribution rate of each customer:

(i) For the first 25 lines, each line shall be billed at the approved contribution rate.

(ii) For lines 26 through 100, each line shall be billed at 75% of the approved contribution rate.

(iii) For lines 101 through 250, each line shall be billed at 50% of the approved contribution rate.

(iv) For lines 251 through 500, each line shall be billed at 20% of the approved contribution rate.

(v) For lines 501 or more, each line shall be billed at 17.2% of the approved contribution rate.

(3) If a VoIP provider receives a partial payment for a monthly bill from a VoIP service customer, the VoIP provider:

(i) may first apply the payment against the amount the VoIP service customer owes the VoIP provider; and

(ii) shall then remit to the county or the State Treasurer the lesser amount resulting from the application of the payment.

(4) The fees collected and remitted under this subsection shall not:

(i) be subject to taxes or charges levied by the Commonwealth or a political subdivision; nor

(ii) be considered revenue of the VoIP provider for any purpose.

(5) As reimbursement for administrative costs to cover its expenses of billing, collecting and remitting the fees during the reporting period, the VoIP provider is allowed to retain for reimbursement up to the following percentages of the total fees collected under this subsection:

(i) If remittance is made to the county, 2%.

(ii) If remittance is made to the State Treasurer, 1%.

(6) To the extent that a VoIP provider obtains connections to the public switched telephone network from a telecommunications carrier, that telecommunications carrier shall not be required to assess or make contributions to any 911 or E-911 fund in connection with the customers or the

telephone numbers for which the VoIP provider is responsible for collecting and making contributions under this section. If, however, the telecommunications carrier is, by agreement with the VoIP provider, required to make 911 or E-911 contributions on behalf of the VoIP provider customer, the VoIP provider shall not be responsible for collecting and making contributions under this section.

(b) Reporting by VoIP providers.--

(1) With each remittance under subsection (a), a VoIP provider and telecommunications carrier shall supply the following information to the individual receiving the remittance and to the agency the total fees collected under subsection (a)(1) from its VoIP service customers during the reporting period. If the telecommunications carrier has remitted the fees to the county or the agency pursuant to an agreement with the VoIP provider, the VoIP provider shall provide notification of the reporting agreement along with the telecommunications carrier's name and 911 or E-911 account number.

(2) A VoIP provider and telecommunications carrier shall provide the county or, if remitting to the State Treasurer, the agency with requested information, including the primary place of use of each interconnected VoIP service customer, in order to discharge its obligations under this section. The information shall be in writing. This paragraph includes the collection and deposit of the VoIP fee and its administration of the fund.

(b.1) Confidentiality.--Information supplied by VoIP providers under this section shall remain confidential, and release of the information shall be governed by section 5311.7 (relating to public disclosure and confidentiality of information).

(c) Collection enforcement.--A VoIP provider has no obligation to take legal action to enforce the collection of a fee imposed under this section.

(d) Deposit of remitted fees.--The individual who receives fees remitted under this section shall deposit receipts into the restricted account established under section 5307(c) (relating to collection and disbursement of contribution).

(e) Establishment of fund.--There is established in the State Treasury a nonlapsing restricted interest-bearing account to be known as the VoIP 911 Emergency Services Fund. The VoIP 911 Emergency Services Fund shall consist of the fees remitted to the State Treasurer under this section.

(f) Distribution of fees.--Money in the VoIP 911 Emergency Services Fund and the interest it accrues are appropriated on a continuing basis to the agency to be disbursed by the agency. The agency shall make quarterly disbursements from the account to each county by March 31, June 30, September 30 and December 31 in an amount equal to the amount of fees collected from VoIP service customers located in that county. The disbursements are for the purpose of assisting counties with the implementation of an agency-approved plan adopted under section 5305 (relating to county plan). The agency may retain up to 1% of the fees for costs incurred in administering this subsection.

§ 5312. (Reserved).

§ 5312.1. Legislative study.

(a) Requirement.--The Legislative Budget and Finance Committee shall study the 911 and wireless E-911 funding systems under section 5311.4 (relating to Wireless E-911 Emergency Services Fund). In conducting the study, the committee shall consider cost-benefit analyses to determine the cost effectiveness of the systems both within the agency and the counties. At a minimum, the committee shall inquire into and make recommendations with respect to:

(1) The efficacy by which the VoIP service 911 fee, the contribution rate, the wireless E-911 surcharge and the prepaid

wireless E-911 surcharge are collected and remitted for intended purposes set forth in this chapter.

(2) The expenditures authorized for payment from a county's restricted account for the purposes of nonrecurring and recurring charges billed for the 911 system.

(3) Disbursements made by the agency from the fund.

(4) The method and amount of funding collected through the VoIP service 911 fee, the contribution rate, the wireless E-911 surcharge and the prepaid wireless E-911 surcharge in comparison to 911 and wireless E-911 funding systems utilized in other states.

(5) The feasibility and effectiveness of consolidating PSAPs in this Commonwealth.

(6) Any other cost-saving measures that may be utilized by the PSAPs or the agency which will not jeopardize public safety.

(7) National initiatives being considered or implemented in other states intended to provide cost savings in 911 systems without impacting public safety.

(8) A review of the current auditing requirements of State and county 911 expenditures under this chapter.

(9) The issues the Commonwealth will need to consider in incorporating "Next Generation 911" and other nontraditional communication technologies into its emergency response system.

(10) Any technology-neutral 911 funding options by either the Commonwealth or political subdivisions which do not rely on disparate technologies, fee amounts and grant structures.

(b) Report.--The committee shall submit a final report with recommendations to the Secretary of the Senate and the Chief Clerk of the House of Representatives by December 31, 2011, and shall transmit a copy of the final report to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin within 30 days of the submission of the final report.

§ 5398. Termination.

This chapter shall expire June 30, 2014.

Section 3. Chapter 73 of Title 35 is amended by adding subchapters to read:

SUBCHAPTER D
STATE FIREMEN'S TRAINING SCHOOL

Sec.

7351. Establishment, purpose and name.

7352. Supervision and control.

7353. Powers and duties.

7354. Persons admitted.

7355. Application for admission.

7356. Acquisition of site.

7357. Conveyance of land and plans for buildings and structures.

7358. Leasing by Commonwealth.

§ 7351. Establishment, purpose and name.

In order to enable the Department of Education more effectively to train firefighters under the program of the Public Service Institute Board established by the department under its vocational education program, there is hereby established a training school for firefighters for practical training in the control and extinguishment of fires. The training school shall be known as the Pennsylvania State Firemen's Training School.

§ 7352. Supervision and control.

The management of the school and the control and care of the buildings and grounds owned and used by the Commonwealth for the school and the conduct of instruction at the school shall be under the direct supervision and control of the Department of Education.

§ 7353. Powers and duties.

The Department of Education and the Public Service Institute Board shall have the power and their duty shall be:

(1) To fix the salaries of the employees of the school in conformity with the standards established by the Executive Board.

(2) To make rules and regulations for the government and management of the school and the admission of firefighters from the various political subdivisions to the school.

(3) To prescribe the courses of study and the practical training in connection therewith.

(4) To accept on behalf of the Commonwealth donations of land or equipment for the use of the school.

§ 7354. Persons admitted.

All firefighters who are regularly employed by any local political subdivision of this Commonwealth and all regularly enrolled members of volunteer fire companies shall be eligible for admission to the school and shall be chosen by the governing authority of each political subdivision. The Public Service Institute Board shall apportion the number admitted to the school so that each county is represented in the ratio that the number of firefighters in each county bears to the total number of firefighters in this Commonwealth.

§ 7355. Application for admission.

Application for admission shall be made to the Public Service Institute Board by the political subdivisions in the manner prescribed by the board.

§ 7356. Acquisition of site.

The Secretary of Education, with the approval of the Governor, may accept a gift of land suitable as a site for the school or, if no gift of a suitable site is offered, the secretary shall, with the approval of the Governor, select for acquisition by the Department of General Services in the name of the Commonwealth a tract of land located in or adjacent to the borough of Lewistown for the erection, construction, furnishing and equipping thereon by the Department of General Services of the Pennsylvania State Firemen's Training School. The title to the lands so acquired, whether by gift or otherwise, shall be approved by the Attorney General. If it shall be found that the Commonwealth owns State lands suitable in whole or in part for such use, the lands may be designated by the Department of Education, with the approval of the Governor and the department, board or commission having possession and control of the lands, and used for such purpose. Any additional lands necessary may be selected and acquired as herein provided.

§ 7357. Conveyance of land and plans for buildings and structures.

Upon the acquisition of any land in the name of the Commonwealth or designation of any land of the Commonwealth, the Department of General Services shall have the authority to erect or construct and furnish and equip thereon the buildings and other structures necessary for the Pennsylvania State Firemen's Training School. The plans and specifications of the school, whether erected on land acquired directly by the Department of General Services or by conveyance to it from the Commonwealth, shall be subject to the approval of the Department of Education and shall provide for suitable buildings and other necessary equipment, structures and improvements.

§ 7358. Leasing by Commonwealth.

The Department of General Services, with the approval of the Governor, is authorized to enter into a lease for not more than 99 years to acquire the use of the buildings and structures and any lands connected therewith and the furnishings and equipment thereof for the purpose of having the same managed and operated by the Department of Education.

VOLUNTEER FIRE COMPANY, AMBULANCE SERVICE
AND RESCUE SQUAD ASSISTANCE

Sec.

- 7361. Scope of subchapter.
- 7362. Legislative findings and declaration of purpose.
- 7363. Definitions.
- 7364. Assistance to volunteer fire companies, ambulance services and rescue squads.
- 7365. Volunteer Companies Loan Fund.
- 7366. Powers and duties of agency.
- 7367. Authority to borrow.
- 7368. Bonds, issue, maturity and interest.
- 7369. Sale of bonds.
- 7370. Refunding bonds.
- 7371. Disposition and use of proceeds.
- 7372. Registration of bonds.
- 7373. Information to General Assembly.
- 7374. Volunteer Company Loan Sinking Fund and investments.
- 7375. Expenses of preparation, issue and sale of bonds.
- 7376. Repayment obligations for principal and interest.
- 7377. Quorum.
- 7378. Temporary financing authorization.
- 7378.1. Referendum for additional indebtedness.
- 7378.2. Authorization of contracts, reimbursement procedure and amount.
- 7378.3. Reimbursement procedure and amount.

§ 7361. Scope of subchapter.

This subchapter relates to volunteer fire company, ambulance service and rescue squad assistance.

§ 7362. Legislative findings and declaration of purpose.

(a) Findings.--The General Assembly finds that:

(1) Under the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania, the voters of the Commonwealth approved by referenda on November 4, 1975, the incurring of indebtedness of \$10,000,000 and on November 3, 1981, approved the incurring of an additional \$15,000,000 of indebtedness and on November 6, 1990, approved the incurring of an additional \$25,000,000 of indebtedness for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances and rescue vehicles and for purchasing new firefighting apparatus equipment, ambulances and rescue vehicles, protective and communications equipment and any other accessory equipment necessary for the proper performance of such organizations' duties.

(2) Under the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania, on November 5, 2002, the voters of this Commonwealth approved by referendum the incurring of indebtedness for the establishment of a program that utilizes capital and other related methods to enhance and improve the delivery of volunteer fire and volunteer emergency services in this Commonwealth. The General Assembly further finds that the use of up to \$50,000,000 of such indebtedness to expand the existing program providing for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads as authorized under this subchapter is an appropriate use of such indebtedness.

(b) Purpose.--It is the purpose of this subchapter to implement section 5 of the act of September 25, 1975 (P.L.296, No.95) , entitled "An act authorizing the indebtedness, with the approval of the electors, of ten million dollars for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house

fire fighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing new fire fighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties," section 5 of the act of June 30, 1981 (P.L.138, No.44) , entitled "An act authorizing the indebtedness, with the approval of the electors, of \$15,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties," and section 7378.1(5) (relating to referendum for additional indebtedness), as well as to implement in part section 31.3 of the act of June 29, 2002 (P.L.559, No.89) , entitled "An act amending the act of March 4, 1971 (P.L.6, No.2) , entitled 'An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties,' further providing, in sales and use tax, for definitions, for imposition, for exclusions, for licenses, for collection, for bulk and auction sales and for crimes; providing, in local tax situs, for situs of mobile telecommunications services; further providing, in personal income tax, for definitions, for classes of income, for special tax provisions for poverty, for contributions, for bulk and auction sales and transfers; in corporate net income tax, for definitions, for imposition and for interest in unincorporated entities; and in capital stock and franchise tax, for definitions, for imposition, for deposit of proceeds, for interest in unincorporated entities and for applicability and expiration; establishing revenue-neutral reconciliation in utilities gross receipts tax; providing, in public utility realty tax and for surcharge; further providing, in realty transfer tax, for furnishing stamps; in cigarette tax, for incidence and rate, for floor tax, for commissions on sales and for disposition of certain funds; in research and development tax credit, for time limitations and for termination; in inheritance tax, for definitions, for transfers not subject to tax and for estate tax and for estate tax returns; providing for immediate assessment, settlement or collection and for depreciation of certain property in cities of the first class; and making repeals," by providing for loans to volunteer fire, ambulance and rescue companies to protect the lives and property of the citizens of this Commonwealth pursuant to and to execute the above favorable referenda in subsection (a). The General Assembly has determined that volunteer fire companies are most in need of loans and therefore intends that, to the extent possible, a significant portion of the Volunteer Companies Loan Fund be used to provide loans to volunteer fire companies and that the balance be allocated to provide loans to volunteer ambulance and volunteer rescue companies. The General Assembly intends that the loans provided under this subchapter be used to replace outmoded or unsafe equipment and buildings of volunteer companies and that the loans be provided to volunteer companies which are experiencing a need

for equipment or facilities to meet an increasing demand for a higher level of service in the communities which they serve.

§ 7363. Definitions.

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

"Accessory equipment." Firefighting, ambulance and rescue equipment necessary to carry out the ordinary functions of supporting fires, life and rescue activities.

"Agency." The Pennsylvania Emergency Management Agency.

"Apparatus equipment." Elevated equipment, pumpers, tankers, ladder trucks, utility or special service vehicles, ambulances, rescue vehicles or other large equipment used for firefighting and emergency services.

"Communications equipment." Any voice or original transmission system required to support the operation of the volunteer fire company, volunteer ambulance service and volunteer rescue squad.

"Establishing." In the context of establishing or modernizing facilities, the term means both the construction of new buildings and the acquisition or renovation of existing structures.

"Facilities." Facilities used to house firefighting equipment, ambulances and rescue vehicles. The term shall not include meeting halls, social rooms or any other facilities not directly related to firefighting.

"National Fire Protection Association (NFPA) standards."

Apparatus and equipment, including personal protective equipment, shall be deemed to meet the requirements of compliance with the applicable standards of the National Fire Protection Association (NFPA), except that:

(1) New apparatus shall be constructed to meet or exceed the standards in effect at the time of manufacture.

(2) Used firefighting apparatus shall:

(i) in no instance meet lesser requirements than the standards for apparatus adopted by the National Fire Protection Association in 1991; and

(ii) beginning June 25, 1999, meet the National Fire Protection Association standards for apparatus in effect at the time of original manufacture, except that no loans shall be considered or made for apparatus that cannot meet the National Fire Protection Association standards in effect no more than 12 years prior to the date of the application for loan financing.

(3) New equipment shall meet or exceed the standards in effect at the time of original manufacture.

(4) Used equipment shall meet or exceed the standards in effect at the time of original manufacture, except that no loans for used equipment shall be considered or made for equipment more than five years old at the time of application for loan assistance.

(5) In every instance, used equipment and apparatus shall meet the applicable National Fire Protection Association standards at the time that the loan funds are advanced.

"Protective equipment." Any equipment used by firefighters, volunteer ambulance service personnel or volunteer rescue service personnel to protect their person from injury while performing their functions, including, but not limited to, helmets, turnout coats and pants, boots, eyeshields, gloves and self-contained respiratory protection units.

"Rescue vehicle." Any vehicle, whether a motor vehicle or a watercraft, used for rescue services.

"Utility or special service vehicle." A vehicle carrying accessory equipment, including, but not limited to, ladders, oxygen equipment, generators and adaptors, floodlights, smoke ejectors

and other equipment necessary to perform the ordinary functions of supporting firefighting activities.

"Volunteer ambulance service." Any nonprofit chartered corporation, association or organization located in this Commonwealth and which is regularly engaged in the service of providing emergency medical care and transportation of patients.

"Volunteer fire company." Any nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection services and 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 service." Any nonprofit chartered corporation, association or organization located in this Commonwealth which provides rescue services in this Commonwealth.

"Volunteer Companies Loan Fund." The fund established under section 7365 (relating to Volunteer Companies Loan Fund).
§ 7364. Assistance to volunteer fire companies, ambulance service and rescue squads.

(a) General rule.--The agency is authorized, upon application of any volunteer fire company, volunteer ambulance service or volunteer rescue squad, to make loans for the following purposes:

(1) Establishing or modernizing facilities that house firefighting equipment, ambulance or rescue vehicles. The amount of a loan for establishing or modernizing facilities made to any one volunteer fire company, ambulance service or rescue squad shall not exceed 50% of the total cost of the facilities or modernization or \$200,000, whichever is less, and a notarized financial statement filed under subsection (c) shall show that the applicant has available 20% of the total cost of the facilities in unobligated funds. Proceeds of the loan shall be used only for purposes of structure or land acquisition or renovation or construction and shall not be used for payment of fees for design, planning, preparation of applications or any other cost not directly attributable to structure or land acquisition or renovation or construction.

(2) Purchasing firefighting apparatus, ambulances or rescue vehicles. The amount of a loan made for purchasing firefighting apparatus to any one volunteer fire company shall not exceed \$100,000 for any single firefighting apparatus equipment or utility or special service vehicle or heavy duty rescue vehicle as defined by regulation, or 50% of the total cost of the equipment or vehicle, whichever is less, except for loans for aerial apparatus as defined by regulation, which shall not exceed \$150,000. The amount of a loan made to any one volunteer fire company, ambulance service or rescue squad for any ambulance or light duty rescue vehicle as defined by regulation shall not exceed \$50,000 and for a watercraft rescue vehicle shall not exceed \$15,000 or 50% of the cost of the ambulance or rescue vehicle, whichever is less, and a notarized financial statement filed under subsection (c) shall show that the applicant has available 20% of the total cost of the vehicle in unobligated funds.

(3) Purchasing protective, accessory or communication equipment. No volunteer fire company, ambulance service or rescue squad shall receive a loan for protective, accessory or communicative equipment more than once in any five-year period. Each volunteer fire company, ambulance service or rescue squad may apply for a loan for a mobile and portable radio unit for each existing serviceable apparatus equipment, ambulance or rescue vehicle. Radio equipment obtained through loans under this subchapter shall be equipped with a frequency or frequencies licensed by the Federal Communications Commission for

firefighting or emergency response purposes. A notarized financial statement shall be filed and loans under this subchapter for the purchase of protective, accessory or communicative equipment shall not exceed \$10,000.

(4) Refinancing debt incurred or contracts entered into after November 4, 1975, and used for the purchase of apparatus equipment or for the construction or modernization of facilities or for modification of apparatus equipment in order to comply with National Fire Protection Association standards.

(5) Repair or rehabilitation of apparatus equipment. Where it has been determined that existing apparatus equipment no longer meets the standards of the National Fire Protection Association and the repair or rehabilitation of such equipment will bring it in compliance with National Fire Protection Association standards, loans for the repair or rehabilitation for a single apparatus equipment shall be for at least \$1,000 but shall not exceed the lesser of \$35,000 or 80% of the total cost of repair or rehabilitation.

(6) Purchasing of used firefighting apparatus, equipment, used ambulances, used rescue vehicles, used communications equipment, used accessory equipment or used protective equipment, except that the used vehicles and equipment shall meet the National Fire Protection Association (NFPA) standards and loans for the purchase of a used single apparatus equipment shall not exceed \$60,000 or 80% of the total cost of the equipment, whichever is less.

(7) Purchasing Pennsylvania Fire Information Reporting System (PennFIRS) hardware and software. A volunteer fire company shall be eligible to apply one time only for a loan of not more than \$2,000 or 75% of the cost of such acquisition, whichever is less, and with a term not exceeding five years for the purpose of acquiring the hardware and software necessary to participate in the Pennsylvania Fire Information Reporting System. The Office of the State Fire Commissioner shall develop, at its discretion, such procedures and forms as it may deem necessary to facilitate loans for PennFIRS hardware and software. The loans shall be secured as required by law.

(a.1) Limitation.--Loans under this subchapter may be made for any of the purposes of subsection (a) undertaken by a volunteer fire company, volunteer ambulance service and volunteer rescue squad on or after November 4, 1975.

(b) Loans.--Loans made by the agency in the amount of \$15,000 or less shall be for a period of not more than five years. Loans in excess of \$15,000 but for \$50,000 or less shall be for a period of not more than ten years. The payback period of any loan in excess of \$50,000, except a loan for establishing or modernizing facilities, shall not exceed 15 years. The payback period for any loan in excess of \$100,000 for establishing or modernizing facilities shall not exceed 20 years. Loans shall be subject to the payment of interest at 2% per year and shall be subject to such security as shall be determined by the agency. The total amount of interest earned by the investment or reinvestment of all or any part of the principal of any loan shall be returned to the agency and transferred to the Volunteer Companies Loan Fund and shall not be credited as payment of principal or interest on the loan. Except as provided in subsection (a) (5) and (7), the minimum amount of any loan shall be \$5,000.

(c) Applications.--Every application for a loan shall be accompanied by a notarized financial statement of the volunteer fire company, ambulance service or rescue squad and a financial plan to show the amount of assets and projected revenues for the repayment of the loan, any other obligations of the volunteer company and operating expenses over the period of the loan. Every

application shall be accompanied by evidence sufficient to show that all costs except the amount of the loan have been obtained by assets of the volunteer company and other loans or sources of revenue. If a volunteer fire company, ambulance service or rescue squad is unable to meet the 20% requirement of subsection (a), then a political subdivision which is served by the volunteer company may pledge its credit in the amount of funds necessary to satisfy the 20% requirement and, if it does so, shall cosign the application submitted by the volunteer company.

(d) Use.--Loans shall be used for the acquisition by volunteer companies of new or used apparatus equipment, new or used ambulances, new or used rescue vehicles, new or used communications equipment, new or used accessory equipment or new or used protective equipment or for the acquisition and renovation of existing structures to house firefighting equipment, ambulance or rescue vehicles or for the construction or modernization of facilities and, except as provided in subsection (a)(4), shall not be used for operating expenses or for the refinancing of renovated structures, refinancing of construction or modernization of facilities, apparatus equipment, communication equipment, accessory equipment, nor, except as provided in subsection (a)(4), shall be made or used to reduce any debt or other obligations issued prior to the effective date of this subchapter.

(e) Payment.--Loans made by the agency shall be paid from the Volunteer Companies Loan Fund to the volunteer fire companies, ambulance services and rescue squads in accordance with rules and regulations promulgated by the agency.

(f) Deposit.--All payments of interest on the loans and the principal thereof shall be deposited by the agency in the Volunteer Companies Loan Fund.

(g) Eligibility.--A volunteer fire company, ambulance service and rescue squad shall be eligible for a loan regardless of legal ownership in whole or in part by any political subdivision of any facilities or apparatus equipment used by the volunteer fire company, volunteer ambulance and volunteer rescue squad. Any equipment or facilities financed may be transferred to a political subdivision served by the volunteer fire company, volunteer ambulance service or volunteer rescue squad subject to such security as shall be determined by the agency.

(h) Maximum amount.--Notwithstanding any other provision of this section to the contrary, the maximum amount of any loan to a volunteer fire company, volunteer ambulance service and volunteer rescue squad for the purchase of firefighting apparatus, ambulances or rescue vehicles manufactured or assembled in this Commonwealth may exceed the loan limits set forth in this section by \$10,000. § 7365. Volunteer Companies Loan Fund.

(a) General rule.--There is created a special fund in the Treasury Department to be known as the Volunteer Companies Loan Fund to which shall be credited all appropriations made by the General Assembly other than appropriations for expenses of administering this subchapter or grants from other sources to the agency as well as repayment of principal and interest on loans made under this subchapter.

(b) Requisition.--Upon approval of the loan, the agency shall routinely requisition from the Volunteer Companies Loan Fund such amounts as shall be allocated by the agency for loans to volunteer companies. When and as the amounts so allocated as loans to volunteer companies are repaid pursuant to the terms of the agreements made and entered into with the agency, the agency shall pay such amounts into the Volunteer Companies Loan Fund, it being the intent of this subchapter that the Volunteer Companies Loan Fund shall operate as a revolving fund whereby all appropriations

and payments made thereto may be applied and reapplied to the purposes of this subchapter.

§ 7366. Powers and duties of agency.

(a) Mandatory.--The powers and duties of the agency shall be:

(1) To appoint agents and employees necessary to the administration of this subchapter and to prescribe their duties and to fix their compensation within the limitations provided by law.

(2) To accept grants from the Federal Government and any other individual, agency or government for use in the Volunteer Companies Loan Fund.

(3) To loan money over a term of years, but in no case in excess of 20 years.

(4) To promulgate such rules and regulations as it deems necessary to carry out its powers and duties under this subchapter.

(b) Discretionary.--The powers and duties of the agency may be:

(1) To require security for all loans.

(2) To specify priority of liens against any facilities, apparatus equipment, ambulances, rescue vehicles or any equipment purchased by volunteer companies using funds loaned under this subchapter to pay all or any part of the purchase price, as the agency may require by regulation.

§ 7367. Authority to borrow.

Under the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania and the referenda approved by the electorate on November 4, 1975, November 3, 1981, November 6, 1990, and November 5, 2002, the Governor, Auditor General and State Treasurer are authorized and directed to borrow, on the credit of the Commonwealth, money not exceeding in the aggregate the sum of \$100,000,000 to implement this subchapter, the act of September 25, 1975 (P.L.296, No.95), entitled "An act authorizing the indebtedness, with the approval of the electors, of ten million dollars for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house fire fighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing new fire fighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties," and the act of June 30, 1981 (P.L.138, No.44), entitled "An act authorizing the indebtedness, with the approval of the electors, of \$15,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties," as well as to implement in part section 31.3 of the act of June 29, 2002 (P.L.559, No.89), entitled "An act amending the act of March 4, 1971 (P.L.6, No.2), entitled 'An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties,' further providing, in

sales and use tax, for definitions, for imposition, for exclusions, for licenses, for collection, for bulk and auction sales and for crimes; providing, in local tax situs, for situs of mobile telecommunications services; further providing, in personal income tax, for definitions, for classes of income, for special tax provisions for poverty, for contributions, for bulk and auction sales and transfers; in corporate net income tax, for definitions, for imposition and for interest in unincorporated entities; and in capital stock and franchise tax, for definitions, for imposition, for deposit of proceeds, for interest in unincorporated entities and for applicability and expiration; establishing revenue-neutral reconciliation in utilities gross receipts tax; providing, in public utility realty tax and for surcharge; further providing, in realty transfer tax, for furnishing stamps; in cigarette tax, for incidence and rate, for floor tax, for commissions on sales and for disposition of certain funds; in research and development tax credit, for time limitations and for termination; in inheritance tax, for definitions, for transfers not subject to tax and for estate tax and for estate tax returns; providing for immediate assessment, settlement or collection and for depreciation of certain property in cities of the first class; and making repeals."

§ 7368. Bonds, issue, maturity and interest.

(a) General rule.--As evidence of the indebtedness authorized by this subchapter, general obligation bonds of the Commonwealth shall be issued from time to time for such total amounts, in such form, in such denominations and subject to such terms and conditions of issue, redemption and maturity, rate or rates of interest and time of payment of interest, as the Governor, Auditor General and State Treasurer shall direct, except that the latest stated maturity date shall not exceed 30 years from the date of the bond first issued for each series.

(b) Facsimile signatures.--All bonds issued under the authority of this subchapter shall bear facsimile signatures of the Governor, Auditor General and State Treasurer and a facsimile of the Great Seal of the Commonwealth and shall be countersigned by two duly authorized officers of the duly authorized loan and transfer agents of the Commonwealth.

(c) Direct obligations.--All bonds issued in accordance with this subchapter shall be direct obligations of the Commonwealth, and the full faith and credit of the Commonwealth are hereby pledged for the payment of the interest thereon as the same shall become due and the payment of the principal thereof at maturity. All bonds issued under this subchapter shall be exempt from taxation for State and local purposes. The principal of and interest on such bonds shall be payable in lawful money of the United States.

(d) Types of bonds.--Bonds may be issued as coupon bonds or registered as to both principal and interest as the issuing officials may determine. If interest coupons are attached, they shall contain the facsimile signature of the State Treasurer.

(e) Authorization.--The issuing officials shall provide for the amortization of the bonds in substantial and regular amounts over the term of the debt, except that the first retirement of principal shall be stated to mature prior to the expiration of a period of time equal to one-tenth of the time from the date of the first obligation issue to evidence such debt to the date of the expiration of the term of the debt. Retirements of principal shall be regular and substantial if made in annual or semiannual amounts whether by stated serial maturities or by mandatory sinking fund retirements computed in accordance with either a level annual debt service plan, as nearly as may be, or upon the equal annual maturities plan.

(f) Preparation and printing.--The Governor, the Auditor General and the State Treasurer shall have the necessary bonds prepared and printed. Upon preparation and printing, the bonds immediately shall be deposited with the duly authorized loan and transfer agent of the Commonwealth and shall remain in the agent's possession until sold in accordance with this subchapter.

§ 7369. Sale of bonds.

(a) General rule.--Bonds shall be offered for sale at not less than 98% of the principal amount and accrued interest and shall be sold by the Governor, the Auditor General and State Treasurer to the highest and best bidder or bidders after due public advertisement, on such terms and conditions and upon such open competitive bidding, as the Governor, Auditor General and State Treasurer shall direct. The manner and character of advertisement and the times of advertising shall be prescribed by the Governor, the Auditor General and the State Treasurer.

(b) Private sale.--Any portion of any bond issue so offered and not sold or subscribed for may be disposed of by private sale by the Governor, the Auditor General and the State Treasurer in such manner and at such prices, not less than 98% of the principal amount and accrued interest, as the Governor shall direct. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this subchapter.

(c) Series.--When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials or may be combined for sale as one series with other general obligation bonds of the Commonwealth.

§ 7370. Refunding bonds.

The Governor, Auditor General and the State Treasurer are authorized to provide, by resolution, for the issuance of refunding bonds for the purpose of refunding any bonds issued under this subchapter and then outstanding, either by voluntary exchange with the holders of the outstanding bonds or by providing funds to redeem and retire such outstanding bonds with accrued interest and any premium payable thereon, at maturity or at any call date. The issuance of such refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the Governor, Auditor General and the State Treasurer in respect to the same shall be governed by this subchapter, insofar as this subchapter may be applicable. Refunding bonds may be issued by the Governor, Auditor General and the State Treasurer to refund bonds originally issued or to refund bonds previously issued for refunding purposes.

§ 7371. Disposition and use of proceeds.

(a) General rule.--The proceeds realized from the sale of bonds under this subchapter shall be paid into the Volunteer Companies Loan Fund and are specifically dedicated to the purposes of the referenda of November 4, 1975, November 3, 1981, November 6, 1990, and November 5, 2002, as implemented by this subchapter. The moneys shall be paid by the State Treasurer periodically to those agencies or authorities authorized to expend the moneys at such times and in such amounts as may be necessary to satisfy the funding needs of the agency or authority.

(b) Investing.--Pending their application to the purposes authorized, moneys held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the State treasury to the credit of the Volunteer Companies Loan Fund.

§ 7372. Registration of bonds.

The Auditor General shall prepare the necessary registry book to be kept in the office of the duly authorized loan and transfer

agent of the Commonwealth for the registration of any bonds, at the request of owners thereof, according to the terms and conditions of issue directed by the Governor, the Auditor General and the State Treasurer. All bonds which are issued without interest coupons attached shall be registered in the registry books kept by the duly authorized loan and transfer agent of the Commonwealth.

§ 7373. Information to General Assembly.

It shall be the duty of the Governor to include in every budget submitted to the General Assembly full information relating to the issuance of bonds under this subchapter and the status of the sinking fund of the Commonwealth for the payment of the interest on said bonds and the principal thereof at maturity.

§ 7374. Volunteer Company Loan Sinking Fund and investments.

All bonds issued under this subchapter shall be redeemed at maturity and all interest due from time to time on such bonds shall be paid from the Volunteer Company Loan Sinking Fund, which is hereby created. For the specific purpose of redeeming bonds issued under this subchapter at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall appropriate moneys to the Volunteer Company Loan Sinking Fund for the payment of interest on such bonds and the principal thereof at maturity. All moneys paid into the Volunteer Company Loan Sinking Fund and all of such moneys not necessary to pay accruing interest shall be invested by the Board of Finance and Revenue in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

§ 7375. Expenses of preparation, issue and sale of bonds.

There is appropriated to the State Treasurer from the proceeds of the bonds issued as much moneys as may be necessary for all costs and expenses in connection with the issue of and sale and registration of the bonds in connection with this subchapter.

§ 7376. Repayment obligations for principal and interest.

The General Assembly shall appropriate an amount equal to moneys received from the agency under section 7365 (relating to Volunteer Companies Loan Fund) and such other moneys as may be necessary to meet repayment obligations for principal and interest into the Volunteer Company Loan Sinking Fund.

§ 7377. Quorum.

Whenever under this subchapter an action is to be taken or a decision is to be made by the Governor, the Auditor General and the State Treasurer, and the three officers shall not be able to agree unanimously, the action or decision of the Governor and either the Auditor General or State Treasurer shall be binding and final.

§ 7378. Temporary financing authorization.

(a) General rule.--Pending the issuance of bonds of the Commonwealth, the Governor, Auditor General and State Treasurer are authorized on the credit of the Commonwealth to make temporary borrowings of such moneys as may from time to time be necessary to carry out the purposes of this subchapter and are authorized in the name and on behalf of the Commonwealth to enter into loan or credit agreements with any banks or trust companies or other lending institutions or persons in the United States having power to enter into the same.

(b) Notes.--All temporary borrowings made under the authority of this section shall be evidenced by notes of the Commonwealth, which shall be issued from time to time for such amounts not exceeding in the aggregate the sum of \$100,000,000 in such form and in such denominations, and subject to such terms and conditions of issue, prepayment or redemption and maturity, rate of interest and time of payment of interest, as the issuing officials shall direct. All notes issued under the authority of this section shall bear the facsimile signatures of the issuing officials and a facsimile of the Great Seal of the Commonwealth and shall be

countersigned by one duly authorized officer of a duly authorized loan and transfer agent of the Commonwealth.

(c) Funding of notes.--All such notes shall be funded and retired by the issuance and sale of bonds of the Commonwealth to the extent that payment of such notes has not otherwise been made or provided for.

(d) Proceeds.--The proceeds of all such temporary borrowings shall be paid into the Volunteer Companies Loan Fund.

§ 7378.1. Referendum for additional indebtedness.

The following shall apply:

(1) The question of incurring indebtedness of \$25,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances and rescue vehicles, protective and communications equipment and any other accessory equipment necessary for the proper performance of such organizations' duties, shall be submitted to the electors at the next primary, municipal or general election held after July 15, 1976.

(2) The Secretary of the Commonwealth shall forthwith certify the question to the county boards of election.

(3) The question shall be in substantially the following form:

Do you favor the incurring of indebtedness of \$25,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties?

(4) The election shall be conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320) , known as the Pennsylvania Election Code, except that the time limits for advertisement of notice of the election may be waived as to the question.

(5) Proceeds of borrowing shall be used through loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads pursuant to and for any purpose established by this subchapter.

§ 7378.2. Authorization of contracts, reimbursement procedure and amount.

The following shall apply:

(1) The Secretary of General Services is authorized to enter into contracts with local volunteer fire, ambulance and rescue companies to provide services necessary to extinguish fires or perform any other allied services on State-owned property.

(2) The Secretary of Transportation is authorized to enter into contracts with local volunteer fire, ambulance and rescue companies to provide services necessary to extinguish fires or perform any other allied services on limited access highways, other than the Pennsylvania Turnpike.

§ 7378.3. Reimbursement procedure and amount.

The following shall apply:

(1) A contract between the Secretary of General Services or the Secretary of Transportation and a local volunteer fire, ambulance and rescue company shall provide that the Department of General Services or the Department of Transportation shall,

monthly, upon receipt of proper proof, reimburse each contracted volunteer fire, ambulance and rescue company attending and providing fire control or other allied services on State-owned property or limited access highways, as the case may be, a minimum amount of \$50 for each verified fire or emergency call and the cost of any special extinguishing agents utilized, which the volunteer fire, ambulance and rescue company made in the preceding month as certified by the person in charge at the particular State-owned property or by an individual or individuals designated by the Secretary of Transportation to verify services rendered on limited access highways.

(2) A contract between the Department of General Services or the Department of Transportation and a local volunteer ambulance or rescue company shall also provide that the ambulance or rescue company request reimbursement from collectible insurance proceeds available as a result of the fire or emergency situation for which the ambulance or rescue company provided allied services. Proceeds payable to the ambulance or rescue company shall be deducted from the reimbursement for services provided pursuant to a contract entered into under this subchapter. Prior to payment for services rendered, the local volunteer ambulance or rescue company shall provide proof that they requested reimbursement from collectible insurance proceeds.

(3) A false alarm on State-owned property to which a volunteer fire, ambulance or rescue company responds shall constitute a fire or emergency call and shall be reimbursed at a rate set by the contract with the Secretary of General Services, but shall not be less than \$25 for each occurrence.

SUBCHAPTER F STATE FIRE COMMISSIONER

Sec.

7381. Scope of subchapter.

7382. Definitions.

7383. State Fire Commissioner.

7384. Pennsylvania State Fire Academy.

7385. Pennsylvania Volunteer Loan Assistance Program.

7386. Fire Safety Advisory Committee.

7387. Appropriations.

§ 7381. Scope of subchapter.

This subchapter relates to the State Fire Commissioner.

§ 7382. Definitions.

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

"Agency." The Pennsylvania Emergency Management Agency.

"Commissioner." The State Fire Commissioner.

"Committee." The Fire Safety Advisory Committee.

§ 7383. State Fire Commissioner.

(a) State Fire Commissioner.--There shall be a State Fire Commissioner, who, through the Lieutenant Governor, shall report to the Governor on all matters concerning fire safety in this Commonwealth. The Office of the State Fire Commissioner shall be within the agency for administrative purposes only, and the commissioner shall not report to the director of the agency. The commissioner shall have the power and duty to:

(1) Coordinate the activities of State and local community interests engaged in fire prevention and control activities.

(2) Serve as a focal point for information relative to fires, property damage, injuries and the loss of life.

(3) Disseminate, through periodic reports, information about fire prevention efforts and fire control techniques.

(4) Develop and participate in a program of public information and education designed to create a public awareness

of the incidence and the ravages of fire and methods the individual can take to prevent fires and minimize loss when they occur.

(5) Serve as a central point to support local efforts and interests in all matters pertinent to fire prevention and control.

(b) Transfer.--The commissioner shall use, employ and expend, in connection with the functions, powers and duties enumerated in subsection (a) for the position of the commissioner, contract obligations, if any, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties and the unexpended balance of appropriations, allocations, Federal grants and other funds available or to be made available for use in connection with such functions, powers and duties as previously were vested in the agency by Reorganization Plan No.5 of 1981 (P.L.612).

(c) Qualifications and appointment.--The commissioner shall be a person who, by reason of training, experience and attainment, is qualified to coordinate fire prevention and control activities. The commissioner shall be appointed by the Governor after consultation with the fire service community. The commissioner shall act as the Commonwealth's primary representative with the Statewide fire service community.
§ 7384. Pennsylvania State Fire Academy.

(a) Creation.--There is created the Pennsylvania State Fire Academy, which shall be under the operational control of the commissioner. The commissioner shall administratively provide for the erection or construction, the furnishing, the staffing and the equipping of buildings and structures through the Department of General Services and for the leasing thereof by the Commonwealth for the use and support of the Pennsylvania State Fire Academy. The Pennsylvania State Firemen's Training School and the powers and duties of the Department of Education and the Public Service Institute Board pertaining to the Pennsylvania State Firemen's Training School, which were transferred to the agency under Reorganization Plan No.6 of 1981 (P.L.613) and which are set forth in Subchapter D (relating to State Firemen's Training School), are hereby transferred to and vested in the commissioner.

(b) Transfer.--There are transferred to the commissioner, to be used, employed and expended in connection with the functions, powers and duties enumerated in subsection (a), personnel, contract obligations, if any, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties and the unexpended balance of appropriations, allocations, Federal grants and other funds available or to be made available for use in connection with such functions, powers and duties as previously were vested in the Department of Education and the Public Service Institute Board under Subchapter D, and transferred to the agency by Reorganization Plan No.6 of 1981 (P.L.613).

(c) Hazardous chemical and radioactive material training.--The Pennsylvania State Fire Academy shall serve as the resident Commonwealth government center for hazardous chemical and radioactive material training. The Pennsylvania State Fire Academy is authorized to use resident and field staff to support this training.

(d) Firefighter training and certification.--A Statewide firefighter training program shall be implemented by the commissioner to educate the fire service community about the importance of firefighter health and safety. This program shall include measures designed to increase the mobility of training courses throughout this Commonwealth, to enhance firefighter

accessibility to training course offerings and to improve and expand training for and response capability to emergencies with emphasis on hazardous materials incidents. The program shall also include implementation of a firefighter certification program in accordance with parameters developed by the commissioner consistent with established standards. The acquisition of physical resources to enhance Statewide capability shall be coordinated by the commissioner.

(e) Administration.--

(1) The commissioner may assess reasonable fees on for-profit corporations and businesses and on students who are nonresidents of this Commonwealth for fire, rescue and emergency service training programs provided to them by the Pennsylvania State Fire Academy, but in no event shall any member of a municipal or volunteer fire, rescue, ambulance or other emergency service organization located within this Commonwealth be charged for training provided at the Pennsylvania State Fire Academy.

(2) The commissioner may charge all students for class materials and supplies directly related to the conduct of classes provided at the Pennsylvania State Fire Academy and for insignia, patches and similar memorabilia indicating student attendance or achievement at the Pennsylvania State Fire Academy.

(3) All revenues generated by these fees and charges shall augment the appropriation made to the Office of the State Fire Commissioner.

§ 7385. Pennsylvania Volunteer Loan Assistance Program.

(a) Creation.--There shall be a loan assistance program, which shall be implemented by the commissioner, for volunteer agencies, known as the Pennsylvania Volunteer Loan Assistance Program, which shall make loans under Subchapter E (relating to volunteer fire company, ambulance service and rescue squad assistance). The Pennsylvania Volunteer Loan Assistance Program and the powers and duties previously vested in the Department of Community Affairs, which were transferred to the agency under Reorganization Plan No.7 of 1981 (P.L.615) and which are set forth under Subchapter E, are hereby transferred to and vested in the commissioner.

(b) Transfer.--There are transferred to the commissioner, to be used, employed and expended in connection with the functions, powers and duties enumerated in subsection (a), personnel, contractual obligations, if any, mortgages, liens, encumbrances and any other secured interests, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties and the unexpended balance of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties as previously were vested in the Department of Community Affairs under Subchapter E and transferred to the agency by Reorganization Plan No.7 of 1981 (P.L.615).

(c) Regulations.--The Volunteer Loan Assistance Program regulations found in 4 Pa. Code Ch. 113 (relating to volunteer fire company, ambulance service and rescue squad assistance) are hereby transferred to the commissioner from the agency. The commissioner shall fully implement and administer those regulations on or before January 12, 1996. The commissioner may be substituted for the agency throughout the regulations and the regulations may be renumbered and published in the Pennsylvania Bulletin as final regulations without those regulatory changes being subject to the provisions of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

§ 7386. Fire Safety Advisory Committee.

(a) Creation.--

(1) There is created the Fire Safety Advisory Committee to assist the commissioner. The committee shall consist of nine members, as follows:

- (i) The director of the agency, ex officio.
- (ii) The commissioner, who shall serve as chairman.
- (iii) Two paid firefighters to be appointed by the Governor from a list of at least six nominees submitted by the Pennsylvania Professional Firefighters Association.
- (iv) One member of the public to be appointed by the Governor.
- (v) Four volunteer firefighters, one each to be appointed by the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

(2) Members of the committee shall serve at the pleasure of their appointing authority. The committee shall advise the commissioner on matters pertaining to the operation of the Pennsylvania State Fire Academy and any other matters as the commissioner may request.

(b) Expenses.--Members of the committee shall receive reimbursement for reasonable travel, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

§ 7387. Appropriations.

All appropriations for the commissioner shall be by a separate line item in the General Appropriation Act.

Section 4. Title 35 is amended by adding a chapter to read:

**CHAPTER 74
VOLUNTEER FIREFIGHTERS**

Subchapter

- A. Preliminary Provisions
- B. Relief Association
- C. Employment Sanctions
- D. Special Fire Police

**SUBCHAPTER A
PRELIMINARY PROVISIONS**

Sec.

- 7401. Scope of chapter.
- 7402. Definitions (Reserved).
- 7403. Insurance and compensation.

§ 7401. Scope of chapter.

This chapter relates to volunteer firefighters.

§ 7402. Definitions (Reserved).

§ 7403. Insurance and compensation.

A city, borough or township may expend out of the public funds of the municipality an amount necessary to secure insurance or compensation for volunteer firemen killed or injured while going to, returning from or attending fires in the municipality or territory adjacent thereto.

**SUBCHAPTER B
RELIEF ASSOCIATION**

Sec.

- 7411. Scope of subchapter.
- 7412. Definitions.
- 7413. Statement of purpose.
- 7414. Construction.
- 7415. Structure.
- 7416. Funds.
- 7417. Cooperation agreements.
- 7418. Audits.
- 7419. Dissolution.

§ 7411. Scope of subchapter.

This subchapter relates to relief associations.
§ 7412. Definitions.

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

"Fire service." The service of organized groups of individuals, not only in training for and in active duty in the protection of the public against fire, but also in the training for and the performance of such other activities as are commonly undertaken by fire companies and their affiliated organizations, including, but not limited to, fire prevention, first aid, rescue and salvage, ambulance service, fire police work, radio communications, assistance at accidents, control of crowds both on the fire grounds and at occasions of public or general assembly, animal rescue, abatement of conditions due to storm, flood or general peril, abatement or removal of hazards to safety and participation in public celebrations, parades, demonstrations and fundraising campaigns.

"Volunteer firefighter." A person who is a member of:

(1) a fire company organized and existing under the laws of this Commonwealth;

(2) a fire police unit, rescue squad, ambulance corps or other like organization affiliated with one or more fire companies; or

(3) a fire company or affiliated organization which participates in the fire service but does not look to that service as his or her primary means of livelihood.

A person does not lose status as a volunteer firefighter solely because he or she may also be a paid firefighter, so long as the person is acting within the scope of his or her responsibilities as a member of a volunteer fire company at the pertinent time and not within the scope of his or her responsibilities as a paid firefighter.

"Volunteer firefighters' relief association." An organization formed primarily to afford financial protection to volunteer firefighters against the consequences of misfortune suffered as a result of their participation in the fire service. The organization may contain within its membership the members of one or more fire companies and may serve secondary purposes, as set forth in this subchapter, but only if adequate provisions have been first made to serve the primary purpose.

§ 7413. Statement of purpose.

The purpose of this subchapter is to encourage individuals to take part in the fire service as volunteer firefighters by establishing criteria and standards for orderly administration and conduct of affairs of firefighters' relief associations to ensure, as far as circumstances will reasonably permit, that funds shall be available for the protection of volunteer firefighters and their heirs in order to provide:

(1) Financial assistance to volunteer firefighters who may suffer injury or misfortune by reason of their participation in the fire service.

(2) Financial assistance to the widow, children and other dependents of volunteer firefighters who lose their lives as a result of their participation in the fire service.

(3) For payment, either by insurance or by operation of a beneficial fund, of a sum certain to designated beneficiaries of a participating member following the death of a member for any cause and to establish criteria which members must meet in order to qualify as participants in a death benefit fund.

(4) Safeguards for preserving life, health and safety of volunteer firefighters to ensure their availability to participate in the fire service.

(5) Financial assistance to volunteer firefighters who, after having actively participated in the fire service for a specified minimum term, are no longer physically able to continue participation and are in need of financial assistance.

(6) Funds to aid rehabilitation of volunteer firefighters who have suffered an impairment of their physical capacity to continue to perform their normal occupations.

(7) Sufficient funds to ensure the efficient and economic handling of the business of firefighters' relief associations in accomplishing the objectives of this section.

§ 7414. Construction.

This subchapter shall be:

(1) Construed, applied and interpreted, so far as circumstances permit, as justifying the actions of the officers and members of volunteer firefighters' relief associations affected by it, when the actions appear to have been taken in good faith and in a bona fide belief that they were in furtherance of the purposes of this subchapter.

(2) Strictly construed and applied against persons responsible:

(i) for actions taken in willful disregard of the purposes of this subchapter or with reckless indifference to those purposes; and

(ii) if an action which has been called into question results, has resulted or was likely to result in an unmerited personal benefit to one or more of the persons responsible for taking that action.

§ 7415. Structure.

(a) General rule.--A volunteer firefighters' relief association may be a body corporate, governed by a charter and bylaws or an unincorporated association of individuals governed by bylaws and a constitution. In either case, it must provide for taking and preserving minutes of all meetings and maintenance of such books of account as may be necessary and appropriate to afford a permanent record of its fiscal affairs.

(b) Constitution or charter.--The constitution or charter shall:

(1) State the name, purposes and form of the organization.

(2) Designate the class or classes of persons eligible for membership and procedures to be followed in making amendments.

(c) Bylaws.--The bylaws shall:

(1) Specify the requirements for securing membership, voting rights of different classes of members, if there be different classes, and conditions under which membership may be terminated.

(2) State the notice requirements and procedure to be followed in calling meetings, as well as quorum requirements for regular and special meetings of the membership and for regular and special meetings of the body which governs the operations of the association between membership meetings, and shall designate that body, whether it be a board of directors, trustees or any similar body such as an executive committee. Unless otherwise provided for in the bylaws, powers and duties of officers, directors and trustees shall be those which normally pertain to such positions in nonprofit corporations.

(3) Require that the signatures of at least two officers, one of whom shall be the disbursing officer, shall be required to bind the association by formal contract or to issue a negotiable instrument.

(4) Require that the disbursing officer, whether designated treasurer, comptroller, financial secretary or otherwise, shall be bonded by corporate surety for faithful performance of duty. The amount of the bond shall be at least as great as the maximum cash balance in current funds of the association at any time

during the fiscal year, and the premium on the bond shall be a proper charge against funds of the association.

(5) State the procedure to be followed in nominating and electing officers, trustees, directors and members of the executive committee, according to the provisions which have been made for establishment of those positions.

(6) Establish procedures for the approval and payment of expenditures, investment of funds and sale of investments.

(7) Set out the procedure to be followed in amending bylaws.

(8) Specify notice required with respect to proposed bylaw amendments, including the time, place and date when the proposed amendments shall be considered.

(9) Be faithfully preserved, along with amendments thereto and the effective date of the amendments, in permanent form.

(10) Contain such other provisions as may, to the membership, seem appropriate or necessary to the orderly conduct of affairs of the association.

(d) Standing procedures.--In addition to adopting bylaws, an association may adopt standing procedures, which shall be such matters as the membership may regard to be of a routine nature. Standing procedures may be adopted, modified or repealed by motion and majority vote but shall not be inconsistent with the bylaws, and they shall be recorded as an appendix to the bylaws.

(e) Charitable corporation.--A volunteer firefighters' relief association organized or conducted in accordance with the requirements of this section shall be regarded as a charitable corporation for all purposes, including the right to establish exemption from the operation of certain taxes.
§ 7416. Funds.

(a) General rule.--A volunteer firefighters' relief association may solicit and receive gifts and contributions from any source, including municipal corporations, but shall not have the right to receive any portion of the money distributed to political subdivisions of this Commonwealth under Chapter 7 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, unless and until the governing body of at least one political subdivision shall have certified to the Auditor General that the association is a bona fide volunteer firefighters' relief association, affiliated with a fire company which affords protection against fire to all or a portion of the political subdivision.

(b) Deposit.--Funds of a volunteer firefighters' relief association may be deposited in any bank, trust company or other banking establishment accredited by the Commonwealth or insured by the Government of the United States.

(c) Investments.--All or any part of the funds of a volunteer firefighters' relief association may be invested:

(1) In any form of investment named in 20 Pa.C.S. Ch. 73 (relating to municipalities investments). First mortgages insuring repayment of loans by relief associations shall provide for a minimum interest payment of 3% and not exceed 80% of the appraised value of real property covered by the mortgage.

(2) In any obligation of a political subdivision, having the power to levy or collect taxes.

(3) In any obligation of an incorporated fire company, provided that the obligation is:

(i) Secured by assets of the company having capital value equal to at least 150% of the amount of the obligation at the time it is made.

(ii) Subject to provisions which amortize the loan at a rate ensuring that the depreciated value of the assets

pledged shall continue to be at least 150% of the balance due.

(d) Limitation.--No investment shall be acquired, encumbered or sold except pursuant to resolution duly enacted by the governing body of the association.

(e) Income from investments.--Income from investments may be invested or spent in the same way as any other income.

(f) Use.--Funds of any volunteer firefighters' relief association may be spent:

(1) To pay for such normal and reasonable running expenses as may be appropriate to the businesslike conduct of the affairs of the association, including legal fees, rental or purchase of offices, payment of reasonable compensation of employees and purchase of office equipment and supplies.

(2) To purchase contracts of insurance which, at a minimum, shall afford financial assistance to active members of the fire service represented by the association against losses due to injury suffered in the fire service and may also provide, in the order named:

(i) for payments to the surviving spouse or other dependents of a member in the event of the member's death;

(ii) for protection of active firefighters against disease;

(iii) for replacement or purchase of prosthetic devices such as visual aids, hearing aids, dentures, braces, crutches and the like, where those devices have been lost or damaged while the owner was engaged in the fire service or where the need for those devices arose because of functional impairment attributable to participation in the fire service;

(iv) for repair or replacement, if necessary, of articles of clothing or pocket pagers damaged or lost in the course of participation in the fire service; and

(v) for disability incurred after service for a minimum of 20 years as a volunteer firefighter.

(3) To maintain a beneficiary or death benefit fund and to pay a sum certain from that fund to the beneficiary of a participant in that fund upon death. If a beneficiary is not designated or a designated one has predeceased the participant, the sum certain shall be paid to the estate of the participant.

(4) To pay in full or in part for damage or loss in any of the categories mentioned in paragraph (2) in a specific case where:

(i) no policy of insurance is in force covering the risk; or

(ii) the amount payable under insurance policies in force is inadequate to cover the loss.

(5) To pay the cost of procuring and forwarding tokens of sympathy and goodwill to a volunteer firefighter who may be ill or hospitalized as a result of participation in the fire service or who may die or who may be seriously ill for any reason.

(6) To make cash payments to families in distressed circumstances by reason of age, infirmity or other disability suffered by one of the family members in the course of participation in the fire service as a volunteer firefighter.

(7) To acquire and to maintain membership in any Statewide association or corporation which extends advice and assistance to firefighters' relief associations and to pay to a duly elected delegate the reasonable expenses of travel and maintenance for attending a meeting of the Statewide association or corporation.

(8) To contribute to or to purchase contracts of insurance which will contribute to the cost of rehabilitating and retraining volunteer firefighters who, by reason of their

participation in the fire service, have suffered a major impairment of the ability to continue their vocation.

(9) To pay for medical and surgical bills arising from injuries sustained by volunteer firefighters while engaged in activities of a fire company to the extent that the bills are not covered by insurance provided by the relief association.

(10) To pay reasonable expenses actually and necessarily incurred for attending bona fide firefighters' training schools.

(11) To purchase safeguards for preserving life, health and safety of volunteer firefighters to ensure their availability to participate in the volunteer fire service.

(12) To secure insurance against legal liability of volunteer firefighters for loss and expense from claims arising out of performance of official and authorized duties while going to, returning from or attending fires or performing their duties as special fire police.

(13) To maintain comprehensive health, physical fitness and physical monitoring programs that provide for physical fitness activities, nutrition education and instruction and health and fitness evaluation and monitoring, provided that the programs have been approved by the nearest State-licensed health care facility which is authorized to provide that service.

(14) To purchase exercise and fitness equipment for use by volunteer firefighters, except that expenditures for exercise and fitness equipment shall not exceed \$2,000 in any two-year period.

(15) To purchase fire hoses and nozzles.

(16) To purchase fire prevention materials for public distribution.

§ 7417. Cooperation agreements.

Two or more volunteer firefighters' relief associations may jointly cooperate to enter into agreements to make expenditures that are authorized under this subchapter. A joint cooperation agreement may be enforced by and against a volunteer firefighters' relief association.

§ 7418. Audits.

(a) General rule.--The Office of Auditor General shall have the power and its duty shall be to audit the accounts and records of every volunteer firefighters' relief association receiving money under Chapter 7 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, as far as may be necessary to satisfy the Auditor General that the money received was or is being expended for no purpose other than that authorized by this subchapter. Copies of all audits shall be furnished to the Governor.

(b) Findings.--If the Auditor General finds that any money received by a volunteer firefighters' relief association has been expended for a purpose other than one authorized by this subchapter, the Auditor General shall immediately notify the Governor and shall decline to approve further requisitions calling for payment to the volunteer firefighters' relief association until the improperly expended amount has been reimbursed to the relief association fund.

§ 7419. Dissolution.

(a) Withdrawal.--If the voters elect to replace a volunteer fire company with a full-paid fire department or company and the volunteer company which has been replaced ceases to render fire service to any community, the volunteer company shall withdraw from the volunteer firefighters' relief association which had extended protection to its membership.

(b) Continuation.--Notwithstanding withdrawal of a company under subsection (a), the volunteer firefighters' relief association shall continue granting financial assistance to its remaining

members and their families in death, sickness and distress suffered through the unfortunate elements of life.

(c) New members prohibited.--A volunteer firefighters' relief association continuing under subsection (b) shall not receive any new members.

(d) Application.--When the membership of a relief association functioning under subsection (b) diminishes to five members, the association shall apply to the local common pleas court for dissolution.

(e) Determination.--Upon receipt of an application under subsection (d), the court shall direct that:

(1) all bills, including the costs of dissolution, be paid; and

(2) the balance of funds in the treasury of the volunteer firefighters' relief association subject to dissolution be paid to the pension fund of the paid fire department created as set forth in subsection (a).

SUBCHAPTER C EMPLOYMENT SANCTIONS

Sec.

7421. Scope of subchapter.

7422. Definitions.

7423. Prohibition on termination and discipline.

7424. Prohibition on discrimination.

7425. Lost time.

7426. Statements.

7427. Violations.

§ 7421. Scope of subchapter.

This subchapter relates to employment sanctions.

§ 7422. Definitions.

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

"Discipline." The taking of an action against an employee which adversely affects his regular pay to an extent greater than permitted by section 7425 (relating to lost time), his job status, his opportunity for promotion or his right to any benefit granted by the employer to other similarly situated employees.

"Discriminate." To discharge or to discipline in a manner inconsistent with the employer's treatment of other similarly situated employees who are injured in the course of their employment or related activities.

"Employer." An individual, partnership, association, corporation, business trust or a person or group of persons acting directly or indirectly in the interest of an employer in relation to any employee.

"Line of duty." Going to, coming from or during fire prevention and safety activities which includes fire prevention, first aid, rescue and salvage, ambulance service, fire police work, assistance at accidents, control of crowds both on the fire grounds and at occasions of public or general assembly, animal rescue, abatement of conditions due to storm, flood or general peril, abatement or removal of hazards to safety and other activities as are commonly undertaken by fire companies, ambulance services or rescue squads or their affiliated organizations.

§ 7423. Prohibition on termination and discipline.

No employer shall terminate or discipline an employee who is a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad and, in the line of duty, has responded to a call prior to the time he was due to report for work resulting in a loss of time from his employment.

§ 7424. Prohibition on discrimination.

No employer shall discriminate against an employee because the employee has been injured in the line of duty as a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad, nor shall an employer discriminate against an employee injured in the line of duty as a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad who subsequently returns to work after receiving workers' compensation benefits under the act of June 2, 1915 (P.L.736, No.338) , known as the Workers' Compensation Act.

§ 7425. Lost time.

Time lost from employment as provided in section 7423 (relating to prohibition on termination and discipline) may be charged to the regular pay of the employee.

§ 7426. Statements.

An employee losing time as provided in section 7423 (relating to prohibition on termination and discipline) shall supply his employer with a statement from the chief executive officer of his volunteer fire company, ambulance service or rescue squad or its affiliated organization stating that he responded to a call and the time of the call.

§ 7427. Violations.

(a) Employers.--An employer who willfully and knowingly violates this subchapter shall be required to revoke a disciplinary action and any penalty attached thereto or to reinstate such employee to his former position and shall be required to pay the employee all lost wages and benefits for the period between termination and reinstatement and reasonable attorney fees incurred in an action to recover lost wages and benefits.

(b) Statute of limitations.--An action to enforce this subchapter shall be commenced within two years of the date of violation, and the action shall be commenced in the court of common pleas of the county in which the employer is located.

SUBCHAPTER D SPECIAL FIRE POLICE

Sec.

7431. Scope of subchapter.

7432. Definitions (Reserved).

7433. Nomination.

7434. Confirmation.

7435. Powers.

7436. Power and authority in places other than where appointed.

7437. Badge of authority and subordination.

§ 7431. Scope of subchapter.

This subchapter applies to a volunteer fire company in any city, borough, town, township or home rule municipality.

§ 7432. Definitions (Reserved).

§ 7433. Nomination.

An entity under section 7431 (relating to scope of subchapter) may nominate any of its members as special fire police.

§ 7434. Confirmation.

Special fire police nominated under this subchapter shall, before they enter upon their duties, be confirmed by the mayor of the city, the mayor of the borough or town, the chairman of the board of commissioners or supervisors of the township or the chief executive officer of a home rule municipality, as the case may be.

§ 7435. Powers.

(a) Specific powers.--When confirmed and sworn and displaying a badge of authority, special fire police shall have full power to regulate traffic and keep crowds under control at or in the vicinity of any fire on which their companies are in attendance and to exercise other police powers necessary to facilitate and prevent

interference with the work of firemen in extinguishing fires. They shall also have the police powers necessary to perform their duties when functioning as special fire police at any function, event or parade conducted by and under the auspices of a volunteer fire company, or another event, function or parade conducted by an organization other than a volunteer fire company, provided that the request to perform these duties is made by the governing body of the city, borough, town, township or home rule municipality in which the event will be conducted, or when accidents, floods or any other emergencies require performance of traffic-control and crowd-control duties. The duties may be performed without prior request from the governing body until the arrival of proper State, city, borough, town, township or home rule municipality police authority and thereafter subject to direction of the police authority until the emergency no longer exists. A person functioning as special fire police and performing a duty under any of the conditions in this subsection shall be deemed to be performing the duties of his employment.

(b) Identification.--Fire police performing the duties under this subchapter shall be identifiable by, at minimum, the wearing of a distinctive arm band, hat, uniform or insignia.

(c) Construction.--Under no circumstances shall this subchapter be construed to grant special fire police the right to use firearms or other weapons in the exercise of special fire police powers granted by this subchapter.

§ 7436. Power and authority in places other than where appointed.

Whenever a volunteer fire company is in attendance on a fire or when the special fire police are on special duty as provided under this subchapter, the special fire police in a city, borough, town or township, other than the one in which the fire company is organized, shall have the same power and authority in another city, borough, town or township as they would have where they were appointed.

§ 7437. Badge of authority and subordination.

All special fire police when on duty shall display a badge of authority and shall be subject to the control of the chief of police, if any, of the city, borough, town or township in which they are serving, or, if none, of a member of the Pennsylvania State Police.

Section 5. Title 35 is amended by adding sections to read:

§ 7708. Fire force disbanded in favor of volunteers.

(a) General rule.--No county, city, borough, town or township which has paid employes on its fire force, including, but not limited to, fire apparatus operators, except by referendum, shall disband such fire force in favor of having such services performed by volunteers.

(b) Question.--The following shall apply:

(1) Whenever authorized by ordinance of the governing body or upon petition of the registered voters of any municipality to the county board of electors of the county wherein the municipality is located, an election shall be held in the municipality upon the following question:

Shall the (county, city, borough, town or township) disband the paid fire force in favor of having fire protection services performed by volunteers?

The petition calling for such election shall be in the form required by this section and shall be signed by electors of the municipality comprising 20% of the number of electors registered to vote in the municipality. Within five days after the final enactment of an ordinance authorizing such election, the municipal clerk or secretary shall file a certified copy of the ordinance with the county board of elections, together with a copy of the question to be submitted to the electors. At the

next municipal or general or primary election occurring not less than the 13th Tuesday after the filing of the ordinance or the petition with the county election board, it shall cause the question in paragraph (1) to be submitted to the electors of the municipality as other questions are submitted under the provisions of the act of June 3, 1937 (P.L.1333, No.320) , known as the Pennsylvania Election Code.

(2) A referendum petition under this section shall be filed not later than the 13th Tuesday prior to the election, and the petition and the proceedings therein shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions insofar as such provisions are applicable, except that no petition shall be signed or circulated prior to the 20th Tuesday before the election nor later than the 13th Tuesday before the election.

(3) A city of the third class may conduct a referendum under this section or, at the option of city council, under Article X of the act of June 23, 1931 (P.L.932, No.317) , known as The Third Class City Code.

§ 7709. Fires on State premises.

(a) General rule.--When requested by a State officer or a deputy serving as custodian of the premises, a volunteer fire, ambulance and rescue company or any member thereof is authorized to enter Commonwealth-owned premises for the purpose of fighting a fire.

(b) Free assistance.--The Attorney General shall provide free legal assistance to any volunteer fire, ambulance and rescue company or member thereof who has entered State lands and premises for the purpose of fighting a fire when such ambulance or rescue company or member thereof is joined as a defendant in any civil action arising out of the performance of his or its duty under this section in fighting a fire after entering State premises on proper request.

§ 7710. Firefighters and Auxiliaries Day.

(a) General rule.--In recognition of the invaluable services performed by more than 500,000 firefighters and the similar contributions made by their auxiliaries, the Sunday of the week designated by the Governor as Fire Prevention Week shall be Firefighters and their Auxiliaries Day. It is set aside to commemorate the tireless efforts of those dedicated men and women who brave incredible dangers so that all the citizenry can lead fruitful lives without fear of the devastating consequences of fire.

(b) Proclamation.--The Governor shall issue a proclamation each year calling upon all Pennsylvanians to commemorate the too often unheralded gallantry and personal sacrifices of firefighters and their auxiliaries and to observe that day with appropriate honors, ceremonies and prayers.

§ 7711. Firefighters' Memorial Flag.

(a) Establishment.--There is established a Firefighters' Memorial Flag for this Commonwealth.

(b) Description.--The flag established in subsection (a) shall be a field of blue with a gold keystone in the center which surrounds a Maltese cross, and, at the bottom of the blue field, in gold capital letters, there is shown the phrase, "Lest We Forget."

(c) Use of flag.--The Firefighters' Memorial Flag may be displayed over firefighters' memorials, during firefighter funeral processions and from the poles of any public ground or political subdivision for a period of not more than seven days after the death of a firefighter and as further directed by the Pennsylvania State Fire Commissioner.

(d) Agency responsibility.--The Pennsylvania Emergency Management Agency, through the Office of the Pennsylvania State Fire Commissioner, shall maintain the official flag and have the responsibility to implement the provisions of this section and oversee the production, acquisition and distribution of the flag.

(e) Limitation.--Authorized utilization of the Firefighters' Memorial Flag by the Commonwealth or an entity thereof shall not constitute a presumption of eligibility nor be permissible as substantiating evidence for claims filed under the act of June 24, 1976 (P.L.424, No.101) , referred to as the Emergency and Law Enforcement Personnel Death Benefits Act.

(f) Appropriation.--The moneys necessary for the production, acquisition and distribution of the Firefighters' Memorial Flag in the first year shall be paid from period appropriations from the Pennsylvania Emergency Management Agency's budget as funds are required to support memorializing firefighters in this Commonwealth. Such funds are to be allocated to a segregated account maintained by the State Fire Commissioner.

§ 7712. Firefighters' Memorial Sunday.

The Sunday that marks the beginning of Fire Prevention Week of every year shall be designated "Firefighters' Memorial Sunday" to honor paid and volunteer firemen who have died during the previous year, either in the line of duty or of natural causes. If Fire Prevention Week begins on a day other than Sunday, the Sunday that falls within Fire Prevention Week shall be designated Firefighters' Memorial Sunday.

§ 7713. Prohibition on certain service.

A person convicted of violating 18 Pa.C.S. § 3301 (relating to arson and related offenses) or any similar offense under Federal or State law shall be prohibited from serving as a firefighter in this Commonwealth and shall be prohibited from being certified as a firefighter under Subchapter F of Chapter 73 (relating to State Fire Commissioner). Proof of nonconviction must consist of either of the following:

(1) An official criminal history record check obtained under 18 Pa.C.S. Ch. 91 (relating to criminal history record information) indicating no arson convictions.

(2) A dated and signed statement by the person swearing to the following:

I have never been convicted of an offense that constitutes the crime of "arson and related offenses" under 18 Pa.C.S. § 3301 or any similar offense under any Federal or State law. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statement herein, I am subject to penalties prescribed by law, including, but not limited to, a fine of at least \$1,000.

Section 6. Title 35 is amended by adding a chapter to read:

CHAPTER 78

GRANTS TO VOLUNTEER FIRE COMPANIES AND VOLUNTEER SERVICES

Subchapter

- A. Preliminary Provisions
- B. Volunteer Fire Company Grant Program
- C. Volunteer Ambulance Service Grant Program
- D. Grant Funding Provisions
- E. Miscellaneous Provisions

SUBCHAPTER A

PRELIMINARY PROVISIONS

Sec.

7801. Scope of chapter.

7802. Definitions.

§ 7801. Scope of chapter.

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

§ 7802. Definitions.

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

"Advanced life support services." The term shall have the meaning given to it in Chapter 81 (relating to emergency medical services system).

"Agency." The Pennsylvania Emergency Management Agency.

"Basic life support services." The term shall have the meaning given to it in Chapter 81 (relating to emergency medical services system).

"Commissioner." The State Fire Commissioner.

"Facility." A structure or portion thereof intended for the purpose of storage or protection of firefighting apparatus, ambulances and rescue vehicles and related equipment and gear. The term does not include meeting halls, social halls, social rooms, lounges or any other facility not directly related to firefighting or the furnishing of ambulance or rescue services.

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

"Invalid coach." The term shall have the meaning given to it in Chapter 81 (relating to emergency medical services system).

"Volunteer ambulance service." Any nonprofit chartered 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 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 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 accidents within this Commonwealth.

SUBCHAPTER B
VOLUNTEER FIRE COMPANY GRANT PROGRAM

Sec.

7811. Establishment.

7812. Publication and notice.

7813. Award of grants.

7814. Consolidation incentive.

§ 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 shall publish notice of the grant program availability through the Legislative Reference Bureau for publication in the Pennsylvania Bulletin:

- (1) within 30 days of June 28, 2007, for the fiscal years beginning July 1, 2006, and July 1, 2007; and
- (2) by August 8 for fiscal years beginning after June 30, 2008.

§ 7813. Award of grants.

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

- (1) Construction and renovation of the fire company's facility and purchase or repair of fixtures and furnishings necessary to maintain or improve the capability of the company to provide fire, ambulance and rescue services.
- (2) Repair of firefighting, ambulance or rescue equipment or purchase thereof.
- (3) Debt reduction associated with paragraph (1) or (2).
- (4) Training and certification of members.

(b) Limits.--

- (1) Except as provided in paragraph (3), grants shall be not less than \$2,500 and not more than \$15,000 per volunteer fire company.
- (2) Grants may be awarded on a pro rata basis if the total dollar amount of the approved application exceeds the amount of funds appropriated by the General Assembly for this purpose.
- (3) In a municipality where there are two or more volunteer fire companies and if two or more 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 shall provide written instructions for grants under this chapter to the fire chief and president of every volunteer fire company in this Commonwealth.
- (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 shall provide applications to the fire chief and president of every volunteer fire company. The application for the fiscal years commencing July 1, 2006, and July 1, 2007, shall be a combined application. Volunteer fire companies seeking grants under this chapter shall submit completed applications to the agency. 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.

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

SUBCHAPTER C
VOLUNTEER AMBULANCE SERVICE GRANT PROGRAM

Sec.

7821. Establishment.

7822. Publication and notice.

7823. Award of grants.

§ 7821. Establishment.

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

§ 7822. Publication and notice.

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

(1) within 30 days of June 28, 2007, for the fiscal years beginning July 1, 2006, and July 1, 2007; and

(2) by August 8 for fiscal years beginning after June 30, 2008.

§ 7823. Award of grants.

(a) Authorization.--The agency is authorized to make a grant award to each eligible volunteer ambulance service for the following:

(1) Construction and renovation of the volunteer ambulance service's facility and purchase or repair of fixtures, furnishings, office equipment and support services necessary to maintain or improve the capability of the ambulance service to provide ambulance, emergency medical, basic life support and advanced life support services.

(2) Repair of ambulance equipment or purchase thereof.

(3) Debt reduction associated with paragraph (1) or (2).

(4) Training and certification of members.

(b) Limits.--

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

(2) Grants may be awarded on a pro rata basis if the total dollar amount of the approved application exceeds the amount of funds appropriated by the General Assembly for this purpose.

(3) If two or more volunteer ambulance services consolidated their use of equipment, personnel 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 commencing July 1, 2006, and July 1, 2007, and by September 1 of each year thereafter, the agency 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 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. 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.

SUBCHAPTER D GRANT FUNDING PROVISIONS

Sec.

7831. Volunteer Fire Company Grant Program.

7832. Volunteer Ambulance Service Grant Program.

7833. Allocation of appropriated funds.

§ 7831. Volunteer Fire Company Grant Program.

The sum of \$22,000,000 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 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 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.--No money 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 for purposes of volunteer company grants shall be allocated as follows:

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

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

SUBCHAPTER E
MISCELLANEOUS PROVISIONS

Sec.

7841. Expiration of authority.

7842. Special provisions.

§ 7841. Expiration of authority.

The authority of the agency 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.

§ 7842. Special provisions.

(a) Claim.--An applicant for a grant under this chapter who failed to return a signed agreement for the preceding year shall not be permitted to apply for a grant in the current year unless the applicant has provided the commissioner with a reasonable written explanation as to why it did not claim its grant.

(b) Delinquency.--An applicant for a grant under this chapter who is delinquent in loan payments to the Pennsylvania Volunteer Loan Assistance Program established 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, shall agree to use its grant funds to pay any arrears to the Commonwealth or it will not be qualified to receive a grant. Any organization agreeing to this arrangement who fails to make the payment to the Commonwealth shall be disqualified from applying to the grant program for a period of three years.

(c) Demonstration.--An applicant for a grant under this chapter must demonstrate that it complied with all of the terms of its grant agreement in the previous year regarding the use of the grant money it received in previous years or it shall not be eligible to receive a grant in the current year.

(d) Approval.--An applicant shall not be approved for a grant to be used for purposes other than those stated in section 7813(a) (relating to award of grants) or 7823(a) (relating to award of grants).

Section 7. (a) The following acts and parts of acts are repealed:

- (1) Act 1925-267.
- (2) Act 1941-74.
- (3) Act 1949-547.
- (4) Act 1955-51.
- (5) The act of June 11, 1968 (P.L.149, No.84), known as the Volunteer Firefighters' Relief Association Act.
- (6) Act 1974-264.
- (7) Act 1976-114.
- (8) The act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act.
- (9) Act 1977-83.
- (10) Act 1982-162.
- (10.1) The act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act.
- (11) Act 1990-168.
- (12) Act 1992-127.
- (13) The act of November 13, 1995 (P.L.604, No.61), known as the State Fire Commissioner Act.
- (14) The act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

(15) 18 Pa.C.S. § 3301(h.1).

(b) The addition of 35 Pa.C.S. Ch. 53 is a continuation of the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act. The following apply:

(1) Except as otherwise provided in 35 Pa.C.S. Ch. 53, all activities initiated under the Public Safety Emergency Telephone Act shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 53. Orders, regulations, rules and decisions which were made under the Public Safety Emergency Telephone Act and which are in effect on the effective date of subsection (a) (10.1) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 53.

(2) Except as set forth in paragraph (3), any difference in language between 35 Pa.C.S. Ch. 53 and the Public Safety Emergency Telephone Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Public Safety Emergency Telephone Act.

(3) Paragraph (2) does not apply to any of the following:

(i) The omission of the following definitions in 35 Pa.C.S. § 5302:

(A) "Active prepaid wireless account."

(A.1) "Prepaid wireless telephone service."

(B) "Sufficient positive balance."

(ii) The addition of any of the following provisions in Title 35:

(A) The addition of the following definitions in section 5302:

(I) "Consumer."

(II) "Prepaid wireless device."

(III) "Prepaid wireless E-911 surcharge."

(IV) "Prepaid wireless provider."

(V) "Prepaid wireless telecommunications service."

(V.1) "Retail transaction."

(V.2) "Seller."

(VI) "Wireless E-911 surcharge."

(B) The following provisions of section 5311.4:

(I) Subsection (a) introductory paragraph.

(II) Subsection (b) introductory paragraph and (4).

(III) Subsection (b.1).

(IV) Subsection (h).

(C) Section 5311.10.

(D) Section 5312.1.

(E) Section 5398.

(b.1) Continuation is as follows:

(1) The addition of 35 Pa.C.S. § 7403 is a continuation of Act 1925-267. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7403, all activities initiated under Act 1925-267 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7403. Orders, regulations, rules and decisions which were made under Act 1925-267 and which are in effect on the effective date of subsection (a) (1) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7403.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7403 and Act 1925-267 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial

construction or administration and implementation of Act 1925-267.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7403:

(A) (Reserved).

(B) (Reserved).

(2) The addition of 35 Pa.C.S. Ch. 74 Subch. D is a continuation of Act 1941-74. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 74 Subch. D, all activities initiated under Act 1941-74 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 74 Subch. D. Orders, regulations, rules and decisions which were made under Act 1941-74 and which are in effect on the effective date of subsection (a)(2) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 74 Subch. D.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 74 Subch. D and Act 1941-74 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1941-74.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 74 Subch. D:

(A) (Reserved).

(B) (Reserved).

(3) The addition of 35 Pa.C.S. Ch. 73 Subch. D is a continuation of Act 1949-547. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 73 Subch. D, all activities initiated under Act 1949-547 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 73 Subch. D. Orders, regulations, rules and decisions which were made under Act 1949-547 and which are in effect on the effective date of subsection (a)(3) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 73 Subch. D.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 73 Subch. D and Act 1949-547 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1949-547.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 73 Subch. D:

(A) (Reserved).

(B) (Reserved).

(4) (Reserved).

(5) The addition of 35 Pa.C.S. Ch. 74 Subch. B is a continuation of the Volunteer Firefighters' Relief Association Act. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 74 Subch. B, all activities initiated under the Volunteer Firefighters' Relief Association Act shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 74 Subch. B. Orders, regulations, rules and decisions which were made under the Volunteer Firefighters' Relief Association Act and which are in effect on the

effective date of subsection (b)(5) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 74 Subch. B.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 74 Subch. B and the Volunteer Firefighters' Relief Association Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Volunteer Firefighters' Relief Association Act.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 74 Subch. B:

(A) (Reserved).

(B) (Reserved).

(6) The addition of 35 Pa.C.S. § 7708 is a continuation of Act 1974-264. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7708, all activities initiated under Act 1974-264 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7708. Orders, regulations, rules and decisions which were made under Act 1974-264 and which are in effect on the effective date of subsection (a)(6) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7708.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7708 and Act 1974-264 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1974-264.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7708:

(A) (Reserved).

(B) (Reserved).

(7) The addition of 35 Pa.C.S. § 7709 is a continuation of Act 1976-114. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7709, all activities initiated under Act 1976-114 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7709. Orders, regulations, rules and decisions which were made under Act 1976-114 and which are in effect on the effective date of subsection (a)(7) act shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7709.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7709 and Act 1976-114 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1976-114.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7709:

(A) (Reserved).

(B) (Reserved).

(8) The addition of 35 Pa.C.S. Ch. 73 Subch. E is a continuation of the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 73 Subch. E, all activities initiated under the Volunteer Fire

Company, Ambulance Service and Rescue Squad Assistance Act shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 73 Subch. E. Orders, regulations, rules and decisions which were made under the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act and which are in effect on the effective date of subsection (a)(8) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 73 Subch. E.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 73 Subch. E and the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 73 Subch. E:

(A) (Reserved).

(B) (Reserved).

(9) The addition of 35 Pa.C.S. Ch. 74 Subch. C is a continuation of Act 1977-83. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 74 Subch. C, all activities initiated under Act 1977-83 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 74 Subch. C. Orders, regulations, rules and decisions which were made under Act 1977-83 and which are in effect on the effective date of subsection (a)(9) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 74 Subch. C.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 74 Subch. C and Act 1977-83 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1977-83.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 74 Subch. C:

(A) (Reserved).

(B) (Reserved).

(10) The addition of 35 Pa.C.S. § 7710 is a continuation of Act 1982-162. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7710, all activities initiated under Act 1982-162 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7710. Orders, regulations, rules and decisions which were made under Act 1982-162 and which are in effect on the effective date of subsection (a)(10) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7710.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7710 and Act 1982-162 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1982-162.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7710:

(A) (Reserved).

(B) (Reserved).

(11) The addition of 35 Pa.C.S. § 7711 is a continuation of Act 1990-168. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7711, all activities initiated under act 1990-168 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7711. Orders, regulations, rules and decisions which were made under Act 1990-168 and which are in effect on the effective date of subsection (a)(11) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7711.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7711 and Act 1990-168 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1990-168.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7711:

(A) (Reserved).

(B) (Reserved).

(12) The addition of 35 Pa.C.S. § 7712 is a continuation of Act 1992-127. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7712, all activities initiated under Act 1992-127 shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7712. Orders, regulations, rules and decisions which were made under Act 1992-127 and which are in effect on the effective date of subsection (a)(12) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7712.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. § 7712 and Act 1992-127 is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Act 1992-127.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. § 7712:

(A) (Reserved).

(B) (Reserved).

(13) The addition of 35 Pa.C.S. Ch. 73 Subch. F is a continuation of the State Fire Commissioner Act. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 73 Subch. F, all activities initiated under the State Fire Commissioner Act shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 73 Subch. F. Orders, regulations, rules and decisions which were made under the State Fire Commissioner Act and which are in effect on the effective date of subsection (a)(13) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 73 Subch. F.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 73 Subch. F and the State Fire Commissioner Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the

legislative intent, judicial construction or administration and implementation of the State Fire Commissioner Act.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 73 Subch. F:

(A) (Reserved).

(B) (Reserved).

(14) The addition of 35 Pa.C.S. Ch. 78 is a continuation of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act. The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. Ch. 78, all activities initiated under the Volunteer Fire Company and Volunteer Ambulance Service Grant Act shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. Ch. 78. Orders, regulations, rules and decisions which were made under the Volunteer Fire Company and Volunteer Ambulance Service Grant Act and which are in effect on the effective date of subsection (a)(14) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. Ch. 78.

(ii) Except as set forth in subparagraph (iii), any difference in language between 35 Pa.C.S. Ch. 78 and the Volunteer Fire Company and Volunteer Ambulance Service Grant Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

(iii) Subparagraph (ii) does not apply to the addition of any of the following provisions of 35 Pa.C.S. Ch. 78:

(A) (Reserved).

(B) (Reserved).

(15) The addition of 35 Pa.C.S. § 7713 is a continuation of 18 Pa.C.S. § 3301(h.1). The following apply:

(i) Except as otherwise provided in 35 Pa.C.S. § 7713, all activities initiated under 18 Pa.C.S. § 3301(h.1) shall continue and remain in full force and effect and may be completed under 35 Pa.C.S. § 7713. Orders, regulations, rules and decisions which were made under 18 Pa.C.S. § 3301(h.1) and which are in effect on the effective date of subsection (a)(15) shall remain in full force and effect until revoked, vacated or modified under 35 Pa.C.S. § 7713.

(ii) Any difference in language between 35 Pa.C.S. § 7713 and 18 Pa.C.S. § 3301(h.1) is intended only to effectuate the transfer of material within the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of 18 Pa.C.S. § 3301(h.1).

(c) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Act 1925-267." The act of May 2, 1925 (P.L.494, No.267), entitled "An act authorizing municipalities to expend money for the purpose of insuring volunteer firemen against death or injuries while going to or returning from or attending fires."

"Act 1941-74." The act of June 18, 1941 (P.L.137, No.74), entitled "An act providing for the appointment, powers and control of members of volunteer fire companies as special fire police, and conferring powers on them at fires attended by their fire companies in any city, borough, town, township or home rule municipality."

"Act 1949-547." The act of May 26, 1949 (P.L.1844, No.547), entitled "An act establishing the Pennsylvania State Firemen's

Training School in or adjacent to the borough of Lewistown; providing for its operation and maintenance by the Department of Public Instruction; authorizing the acquisition of a site either by gift or purchase by the Commonwealth or by The General State Authority, or the use of land now owned by the Commonwealth; providing for the erection or construction and the furnishing and equipping of the buildings and structures by The General State Authority, and the leasing thereof by the Commonwealth; and conferring powers and imposing duties upon the Department of Public Instruction and the Public Service Institute Board."

"Act 1955-51." The act of June 13, 1955 (P.L.173, No.51), entitled "An act relating to volunteer fire companies; prohibiting any municipality from replacing a volunteer fire company by a paid fire company unless a majority of the electors of the municipality voting are in favor of the change; and providing for referendum to ascertain the will of the electors."

"Act 1974-264." The act of December 10, 1974 (P.L.802, No.264), entitled, as amended, "An act prohibiting the disbanding of a paid fire force in favor of having such services performed by volunteers; and providing for the conduct of a referendum."

"Act 1976-114." The act of June 26, 1976 (P.L.459, No.114), "An act authorizing volunteer fire, ambulance and rescue companies and members thereof to enter State premises to fight fire under certain conditions; and providing for legal advice from the Attorney General for such persons in certain cases."

"Act 1977-83." The act of December 1, 1977 (P.L.249, No.83), entitled, as amended, "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen, fire police and volunteer members of ambulance services and rescue squads; and providing penalties."

"Act 1982-162." The act of June 19, 1982 (P.L.557, No.162), entitled "An act providing for the observance of the Sunday of Fire Prevention Week as a commemorative day designated as Firefighters and their Auxiliaries Day."

"Act 1990-168." The act of December 7, 1990 (P.L.679, No.168), entitled "An act providing for a flag for firefighters who have died in the line of duty; providing for responsibility of the Pennsylvania State Fire Commissioner; and making an appropriation from contributions."

"Act 1992-127." The act of December 4, 1992 (P.L.791, No.127), entitled "An act designating the Sunday that marks the beginning of Fire Prevention Week as 'Firemen's Memorial Sunday.'"

Section 8. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:
 - (i) The addition of 35 Pa.C.S. § 5312.1.
 - (ii) This section.
- (2) The addition of 35 Pa.C.S. § 5311.4(b.1)(1), (2), (3), (4), (5), (6), (7), (8), (10) and (12) shall take effect July 1, 2011.
- (3) The remaining provisions of 35 Pa.C.S. Ch. 53 shall take effect January 1, 2011.
- (4) Section 7(a)(10.1) and (b) of this act shall take effect January 1, 2011.
- (5) The remainder of this act shall take effect in 60 days.

APPROVED--The 23rd day of November, A.D. 2010.

EDWARD G. RENDELL