



**TESTIMONY BY
THE PENNSYLVANIA STATE ASSOCIATION OF
TOWNSHIP SUPERVISORS**

**BEFORE THE
HOUSE VETERANS AFFAIRS AND
EMERGENCY PREPAREDNESS COMMITTEE**

ON

HB 2427 (PN 3962)

PRESENTED BY

**HOLLY M. FISHEL
DIRECTOR OF RESEARCH AND POLICY DEVELOPMENT**

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Chairmen Barrar and members of the House Veterans Affairs and Emergency Preparedness Committee:

Good afternoon. My name is Holly Fishel and I am the director of research and policy development for the Pennsylvania State Association of Township Supervisors. Thank you for the opportunity to appear before you today on behalf of the 1,454 townships in Pennsylvania represented by the Association.

Townships comprise 95 percent of the Commonwealth's land area and are home to more than 5.5 million Pennsylvanians — or 44 percent of the state's population. These townships are very diverse, ranging from rural communities with fewer than 200 residents to communities with populations of more than 60,000 residents.

The Association applauds the chair's efforts to assist volunteer fire companies in recovering their costs for responding to incidents. Volunteer fire departments and volunteer firefighters are the primary providers of fire protection in townships, a valuable service that the township would need to provide if there weren't volunteers willing to prepare for and respond to incidents.

Due to policies adopted by our membership, PSATS has long supported the concept of authorizing volunteer fire companies to bill for the recovery of reasonable costs for responding to emergency incidents. This is an issue where state law is unclear and we believe **HB 2427 (PN 3962)** would correct this situation. Currently, township officials are generally supportive when approached by volunteer fire companies about this issue, however they are uncomfortable passing an ordinance to authorize billing for services due to uncertainty under current law and liability concerns.

While we are supportive of **HB 2427**, we have a few suggestions for your consideration that we believe would help clarify this important issue and enhance its implementation.

Under Section 7902, the phrase "response from" a fire company is used. However, it may be better if the defined term "official dispatch" be used because "response" is undefined.

Section 7902 exempts a person from paying for cost recovery if they have "paid a tax which funds at least part of the fire company's services to the municipality in which the fire company is located." We question whether this provision should be more tightly defined. For example, a dedicated fire tax must be used for fire protection purposes, such as donations to the fire company, and appears to be what this section is referencing. However, one could argue that even if a municipality financially supported the fire company from its general fund that any property taxpayer or anyone who paid an earned income tax or the \$10 per capita tax could argue that they paid a tax which funds at least part of the fire company's services. This argument would also be valid for someone who paid the \$52 local services tax since 25 percent of this tax must be used for emergency services, such as police or fire. In addition, if a person pays a dedicated tax to a

neighboring municipality that donates these funds to a fire company located in a different municipality, that person should also be exempt from paying for cost recovery.

The other exemption in Section 7902 is for a contribution to a fire company within the preceding 12 months. This exemption certainly makes sense. However, it was brought to our attention that perhaps a minimum donation threshold should be added. It is not unusual to see donations of \$5, which may be too small to warrant an exemption.

In Section 7903 (a), we suggest inserting the words “for which it received an official dispatch” in line 3 after “emergency” to clarify and make use of the definition of “official dispatch.”

As written, this bill would give the responsibility for payment to the individual involved in the emergency incident. The individual is given the option to submit the bill to their insurance company, but remains fully liable for the cost. Our members would prefer, based on our adopted policy, if these costs were directed to the insurance companies instead of the individual, particularly for automobile accidents. In these cases, the individual involved in the emergency has already been through a traumatic situation and the insurance company should pay for emergency response, rescues, and accident site clean-up.

In addition, we must ask what happens if an individual disputes a bill submitted under this legislation? Should a dispute resolution process be added or should such cases be brought before the courts? In addition, should the individual have a minimum timeframe to submit payment before the fire company may take the individual to court for nonpayment?

For Section 7903(d), we suggest inserting the phrase “for which it received an official dispatch” on line 20 after “emergency.” Again, this would add some clarification and make use of the defined term “official dispatch.”

Under Section 7904, should this section refer to an *individual* that files a false request on behalf of a fire company instead of the fire company itself?

Finally, we agree with placing a limit on the total costs that may be recovered per incident and support the provision for the Office of the State Fire Commissioner to establish guidelines or regulation for actual and reasonable cost that may be charged under this legislation.

Thank you for the opportunity to appear before you today to comment in support of House Bill 2427. I'll be happy to attempt to answer any questions you may have at this time.