

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 96

Session of 2007

INTRODUCED BY D. WHITE, WAUGH, KITCHEN, CORMAN, BOSCOLA, KASUNIC, FONTANA, EARLL, VANCE, RHOADES, MADIGAN, COSTA, PUNT, WONDERLING, MUSTO, ERICKSON, BRUBAKER, C. WILLIAMS, WOZNIAK, TOMLINSON, ORIE, LOGAN, GORDNER, FERLO, PIPPY, BROWNE AND WASHINGTON, FEBRUARY 15, 2007

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 2, 2007

AN ACT

1 Establishing a grant program for volunteer emergency service
2 organizations to provide incentives for establishing
3 partnerships; conferring powers and duties on the Governor's ←
4 Center for Local Government Services within the Department of
5 Community and Economic Development; and providing for
6 funding.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Volunteer
11 Emergency Service Partnership Grant Program Act.

12 Section 2. Definitions.

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

16 "Applicant." A volunteer emergency service organization.

17 "Application." A Single Application for Assistance provided
18 by the Department of Community and Economic Development.

1 "Assets." Anything owned that has exchange value, including,
2 but not limited to, cash, investments, vehicles, equipment, real
3 property and manpower.

4 "Association." An agreement of two or more companies to
5 combine and administer similar activities through an umbrella
6 organization. The term does not normally involve transfers or
7 combination of assets, as most costs of operations or programs
8 are shared.

9 "Center." The ~~Governor's~~ Center for Local Government ←
10 Services.

11 "Company." Any volunteer emergency service organization.

12 "Consolidation." The combination of two or more companies
13 which results in the termination of all companies and the
14 creation of a new company with a new name. All assets and
15 liabilities of the former companies are transferred to the new
16 company.

17 "Department." The Department of Community and Economic
18 Development of the Commonwealth.

19 "Eligible activities." A formally executed association,
20 merger, consolidation, regional entity or other partnership not
21 defined by this act but approved by the ~~Governor's Center for~~ ←
22 ~~Local Government Services and the Department of Community and~~
23 ~~Economic Development~~ CENTER AND THE DEPARTMENT. ←

24 "Eligible expenses." The legal ~~expense~~ EXPENDITURE of grant ←
25 funds for activities, products or services enumerated by this
26 act or by guidelines.

27 "Formal agreement." An agreement in writing between two or
28 more volunteer emergency service organizations. This term does
29 not include mutual aid agreements.

30 "Merger." The combination of two or more companies which

1 results in all but one of the companies relinquishing its name.
2 All assets and liabilities of joining companies are transferred
3 to the surviving company.

4 "Partnership" or "formal partnership." Two or more volunteer
5 emergency service organizations entering into a formal agreement
6 to share or combine assets, and possibly liabilities, to achieve
7 a common goal.

8 "Program." The Volunteer Emergency Services Partnership
9 Grant Program established in section 3.

10 "Volunteer emergency service organization." Any nonprofit
11 chartered corporation, association or organization located in
12 this Commonwealth which provides fire protection services,
13 emergency medical services or rescue services and other
14 voluntary emergency services within this Commonwealth.

15 Section 3. Volunteer Emergency Services Partnership Grant
16 Program.

17 (a) Authorization.--The Volunteer Emergency Services
18 Partnership Grant Program is established and shall be authorized
19 for a period of five years for the purpose of providing
20 incentives to encourage volunteer emergency service
21 organizations to consolidate, merge or form partnerships, where
22 appropriate, for the purpose of providing emergency services in
23 a more effective and efficient manner. ~~This program may be~~ ←
24 ~~reauthorized and funded by vote of the General Assembly at any~~
25 ~~time during or after the initial five year period.~~

26 (b) Eligibility.--All volunteer emergency service
27 organizations located within this Commonwealth are eligible
28 applicants. Local governments may apply on behalf of volunteer
29 emergency service organizations, but grant funds shall not be
30 paid to local governments. Relief associations, social clubs,

1 retirement programs or length of service award programs (LOSAP)
2 shall not be eligible to receive grants under this act.

3 (c) Use of grant funds.--

4 (1) Grant funds may be used for:

5 (i) Emergency response vehicles, excluding command,
6 officer or chief vehicles.

7 (ii) Building expansion, renovation or new buildings
8 but shall not be used for social hall renovations,
9 expansions or additions.

10 (iii) Reduction or elimination of debt.

11 (iv) Legal and administrative costs associated with
12 creating a formal partnership.

13 (v) Costs associated with development of a long-
14 range, ~~ten years or more,~~ capital budget or capital
15 expenditure plan FOR A PERIOD OF AT LEAST TEN YEARS. <—

16 (vi) Costs associated with and costs to maintain a
17 recruitment and/or retention plan.

18 (vii) Costs associated with the establishment of
19 live-in quarters.

20 Funds for eligible expenses may be used in more than one
21 location. Any use of funds not listed must be approved in
22 writing ~~from~~ BY the department prior to any of those funds <—
23 being expended.

24 (2) Grant funds shall not be used for:

25 (i) Salaries.

26 (ii) Fundraising supplies or equipment.

27 (iii) Personal benefit programs for members.

28 Section 4. Limitation on grants.

29 (a) Limits.--

30 (1) \$100,000 for the creation of a formal partnership as

1 defined by this act.

2 (2) \$50,000 for each company involved in a formal
3 partnership.

4 (3) \$50,000 for each new company absorbed into or added
5 to an existing formal partnership.

6 (4) \$20,000 for creation of each new association of
7 volunteer emergency service organizations.

8 (5) \$20,000 maximum for design, creation and delivery of
9 education or communication programs designed to recruit and
10 retain members. Funds awarded under this activity are
11 restricted to partnerships as defined by this act ~~and this~~ <—
12 ~~activity~~ and may not be used for ~~other purposes~~ ANY PURPOSES <—
13 NOT SET FORTH IN THIS PARAGRAPH.

14 (b) Conditions.--

15 (1) Applicants shall provide proof of formal
16 partnerships by presenting verification of majority vote by
17 the membership of a company or companies to enter into a
18 formal partnership. Official meeting minutes shall qualify as
19 proof of a majority vote. Additionally, proof of creation of
20 a consolidated or merged company shall be supported by
21 Department of State registration. Any other form of
22 partnership not defined by this act shall be ~~evaluated on an~~ <—
23 ~~individual basis~~ SEPARATELY EVALUATED by the board of review. <—

24 (2) All ~~grant funds~~ GRANTS received by an entity <—
25 eligible under this act shall be placed in a separate ~~fund~~ <—
26 ACCOUNT of the organization and shall not be commingled with <—
27 any other funds. All vouchers for payments from the ~~fund~~ <—
28 ACCOUNT shall be presented to the department staff upon <—
29 demand for purposes of monitoring compliance with this act.

30 (c) Retroactivity.--Any volunteer emergency service

1 organization that entered into and executed a formal partnership
2 on or after January 1, 1995, shall be eligible for funding under
3 conditions of this act.

4 Section 5. Applications and review of applications.

5 (a) Submittal.--Grant applications shall be submitted on the
6 department's Single Application for Assistance form. ~~This form~~ ←
7 ~~is available electronically or by hard copy and may be acquired~~
8 ~~by contacting the department.~~ An application may be submitted
9 electronically or in hard copy form and shall be directed to the
10 center following submission.

11 (b) Factors.--In determining whether or not an applicant is
12 eligible for a grant, the center shall evaluate the application
13 on the basis of all of the following factors:

14 (1) Eligibility of the organization or organizations.

15 (2) Completeness of application.

16 (3) Submission of proper documentation as required by
17 this act.

18 (4) In the instance of an application for formal
19 recruitment or retention programs, a plan shall be submitted
20 with the application indicating how funds will be spent and a
21 schedule for the ~~expense~~ EXPENDITURE of those funds shall be ←
22 provided.

23 (5) An applicant shall state that grant funds will be
24 maintained in a separate ~~fund~~ ACCOUNT of the organization and ←
25 shall not be commingled with other funds.

26 (6) The overall benefit to the region.

27 Section 6. Verification of use of grant funds.

28 (1) Volunteer emergency service organizations receiving
29 funding under this act shall establish and maintain a
30 separate ~~fund~~ ACCOUNT for any grant. ←

1 (2) Department staff shall be responsible for ensuring
2 that all funds are spent in accordance with this act and any
3 ~~ensuing guidelines~~ GUIDELINES ISSUED UNDER THIS ACT. ←

4 (3) Volunteer emergency service organizations shall, on
5 demand, provide the department with any requested information
6 regarding the placement, accounting and disbursement of any
7 grant funds awarded under this act.

8 Section 7. Funding.

9 (a) Sale of bonds.--Funding for this act shall be provided
10 by the sale of bonds approved and authorized by the voters of
11 this Commonwealth in the November 2002 general election.

12 (b) Time period.--The program shall be authorized for a
13 period of five years and shall be financed by an initial
14 \$25,000,000 from the sale of bonds approved by the voters of
15 this Commonwealth in the November 2002 election.

16 (c) Amount authorized.--This act authorizes \$5,000,000 per
17 fiscal year for each of the five years provided for by this act.

18 (d) Rollover.--Any funds not used during a fiscal year shall
19 roll over to the successive fiscal year for purposes enumerated
20 under this act.

21 (e) Additional funds.--If additional funds are necessary
22 after five years, this act may be reauthorized and additional
23 bonds may be sold to finance the program.

24 Section 8. Administration.

25 (a) Administration.--~~Provisions of this~~ THIS act shall be ←
26 administered by the center.

27 (b) Guidelines.--The center, through the department, shall
28 promulgate guidelines in order to carry out the provisions of
29 this act.

30 (C) GUIDELINES SHALL PROVIDE, AT A MINIMUM, THE FOLLOWING ←

1 ELEMENTS:

- 2 (1) AN EXPLANATION OF PURPOSE.
- 3 (2) APPLICANT ELIGIBILITY.
- 4 (3) PROGRAM OBJECTIVES.
- 5 (4) PROGRAM REQUIREMENTS.
- 6 (5) ELIGIBLE ACTIVITIES.
- 7 (6) GRANT ALLOCATION AND LIMITATIONS.
- 8 (7) THE APPLICATION PROCESS.
- 9 (8) EVALUATION CRITERIA.
- 10 (9) APPLICATION REVIEW PROCEDURE.
- 11 (10) AWARD SELECTION.
- 12 (11) PROGRAM ADMINISTRATION.
- 13 (12) ANY OTHER REQUIREMENT DEEMED NECESSARY TO
- 14 ADMINISTER THE PROVISIONS OF THIS ACT.

15 ~~(e)~~ (D) Board of review.--In the event that a company <—
16 proposes a partnership that is not specifically defined by SET <—
17 FORTH IN this act, the center shall create and appoint a board
18 of review comprised of the center policy manager in charge of
19 the program, the State Fire Commissioner, a representative from
20 the Department of Health and the deputy secretary for programs
21 of the department. Any decision of the board of review with
22 regard to any application for funding is final.

23 ~~(d)~~ (E) Information.--The center shall ANNUALLY provide, as <—
24 necessary, any information to applicants regarding eligibility,
25 applications and enforcement of grant provisions in the form of
26 informational and/or training sessions in no less than ten
27 locations throughout this Commonwealth. ~~in each of the five~~ <—
28 ~~years or each of the ensuing years of the program.~~

29 ~~(e) Guidelines shall provide, at a minimum, the following~~
30 ~~elements:~~

- 1 ~~(1) An explanation of purpose.~~
- 2 ~~(2) Applicant eligibility.~~
- 3 ~~(3) Program objectives.~~
- 4 ~~(4) Program requirements.~~
- 5 ~~(5) Eligible activities.~~
- 6 ~~(6) Grant allocation and limitations.~~
- 7 ~~(7) The application process.~~
- 8 ~~(8) Evaluation criteria.~~
- 9 ~~(9) Application review procedure.~~
- 10 ~~(10) Award selection.~~
- 11 ~~(11) Program administration.~~
- 12 ~~(12) Any other requirement deemed necessary to enforce~~
- 13 ~~the provisions of this act.~~

14 SECTION 9. EXPIRATION. <—

15 THIS ACT SHALL EXPIRE JUNE 30, 2013.

16 Section 9 20. Effective date. <—

17 This act shall take effect in 60 days.