

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1505 Session of  
2009

INTRODUCED BY HUTCHINSON, SOLOBAY, ROAE, BEAR, BELFANTI,  
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FABRIZIO, FLECK, FRANKEL, FREEMAN, GEIST, GEORGE, GINGRICH,  
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SIPTROTH, SONNEY, STERN, SWANGER, VULAKOVICH, WALKO AND  
WHITE, MAY 13, 2009

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, MAY 13, 2009

AN ACT

1 Establishing a grant program for municipal fire and emergency  
2 services organizations; and providing for grant funding.

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

10 CHAPTER 1

11 PRELIMINARY PROVISIONS

12 Section 101. Short title.

13 This act shall be known and may be cited as the Municipal  
14 Fire and Emergency Services Organization Grant Act.

15 Section 102. Definitions.

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

19 "Advanced life support services." The term shall have the  
20 meaning given to it in the act of July 3, 1985 (P.L.164, No.45),  
21 known as the Emergency Medical Services Act.

22 "Agency." The Pennsylvania Emergency Management Agency.

23 "Application." The Municipal Fire and Emergency Services  
24 Grant Program Application.

25 "Basic life support services." The term shall have the  
26 meaning given to it in the act of July 3, 1985 (P.L.164, No.45),  
27 known as the Emergency Medical Services Act.

28 "Certification." Any class of instruction or test that will  
29 provide certification at any level that is currently offered in  
30 this Commonwealth through the Voluntary Fire Fighter

1 Certification Program administered by the Pennsylvania Fire  
2 Academy.

3 "Certified personnel." Any member of the Municipal Fire and  
4 Emergency Service who is certified at a minimum level of Fire  
5 Fighter I on or before July 1, 2010, by the National  
6 Professional Qualifications Board or by the International Fire  
7 Service Accreditation Congress and verified by the Pennsylvania  
8 State Fire Academy.

9 "Commissioner." The State Fire Commissioner.

10 "Equipment." Any apparatus, equipment or tools ordinarily  
11 used by a fire, rescue or ambulance service in the performance  
12 of its duties.

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

19 "Final report." The report to be filed under section 303(e)  
20 by the Municipal Fire and Emergency Service detailing the  
21 expenditure of the funds granted.

22 "Grant program." The Municipal Fire and Emergency Services  
23 Organization Grant Program established in Chapter 3.

24 "Invalid coach." The term shall have the meaning given to it  
25 in the act of July 3, 1985 (P.L.164, No.45), known as the  
26 Emergency Medical Services Act.

27 "Municipal fire and emergency services organization." A fire  
28 department, ambulance service or rescue squad established,  
29 operated and funded by a municipality within this Commonwealth  
30 which provides fire protection or emergency services. Emergency

1 services provided by a municipal fire and emergency services  
2 organization may include ambulance and rescue services. The  
3 personnel of any municipal fire or emergency services  
4 organization may consist of a combination of paid employees and  
5 unpaid volunteers. The ambulance services may include basic life  
6 support or advanced life support services and the transportation  
7 of patients within this Commonwealth. The term does not include  
8 any corporation, association or organization that is primarily  
9 engaged in the operation of invalid coaches which are intended  
10 for the routine transport of persons who are convalescent or  
11 otherwise nonambulatory and do not ordinarily require emergency  
12 medical treatment while in transit. The rescue services may  
13 include rescue services in response to fire, vehicle accidents  
14 and water rescue efforts.

15 "OSFC." The Office of the State Fire Commissioner.

16 CHAPTER 3

17 MUNICIPAL FIRE AND EMERGENCY SERVICES ORGANIZATION

18 GRANT PROGRAM

19 Section 301. Establishment.

20 The Municipal Fire and Emergency Services Organization Grant  
21 Program is established and shall be administered by the agency  
22 in consultation with the commissioner. Grants provided under  
23 this program shall be used to improve and enhance the  
24 capabilities of municipal fire and emergency services  
25 organizations to provide firefighting, ambulance and rescue  
26 services.

27 Section 302. Guidelines and procedures.

28 The agency shall develop guidelines, procedures and all  
29 applications necessary to implement the grant program. The  
30 agency shall submit the guidelines, procedures and applications

1 to the Legislative Reference Bureau for publication in the  
2 Pennsylvania Bulletin within 30 days of the effective date of  
3 this section.

4 Section 303. Award of grants.

5 (a) Authorization.--The agency is hereby authorized to make  
6 a grant award to each eligible municipal fire and emergency  
7 services organization for the following:

8 (1) Construction and/or renovation of the municipal fire  
9 and emergency services organization's facility and purchase  
10 or repair of fixtures and furnishings necessary to maintain  
11 or improve the capability of the municipal fire and emergency  
12 services organization to provide fire, ambulance and rescue  
13 services.

14 (2) Repair or purchase of firefighting, ambulance or  
15 rescue equipment.

16 (3) Reduction of debt associated with paragraph (1) or  
17 (2).

18 (4) Training and certification of members.

19 (b) Limits.--

20 (1) Grants shall be not less than \$25,000 and not more  
21 than \$100,000 per municipal fire and emergency services  
22 organization.

23 (2) Additional grant funds may be awarded to eligible  
24 applicants by applying an award factor to that portion of the  
25 applicant's grant request which exceeds the base award. The  
26 award factor is determined by dividing the applicant's bonus  
27 points by 15, the highest possible number of points. One  
28 point will be awarded for each person currently certified in  
29 accordance with the definitions in section 102, to a maximum  
30 of ten points.

1           (i) If necessary, the resultant additional award  
2 will be prorated by a factor determined by dividing the  
3 total program funds remaining after the base awards have  
4 been determined by the total amount of funds requested in  
5 excess of the base awards so that all grant awards do not  
6 exceed the total grant funds available.

7           (ii) If funding is not fully distributed after this  
8 award factor calculation, the agency reserves the right  
9 to adjust the award factor formula so that all grant  
10 funds available are distributed.

11           (iii) Municipal fire and emergency service grants  
12 under this paragraph to individual fire companies for the  
13 grant application for the fiscal year beginning July 1,  
14 2010, shall not exceed \$100,000.

15           (3) Grants may be awarded on a pro rata basis if the  
16 total dollar amount of approved applications exceeds the  
17 amount of funds appropriated by the General Assembly for this  
18 purpose.

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

20           (1) The agency shall provide written instructions and  
21 guidelines for grants under this chapter to the fire chief or  
22 municipality in this Commonwealth within 60 days of the  
23 effective date of this section.

24           (2) Municipal fire and emergency services organizations  
25 seeking grants under this chapter shall submit completed  
26 applications to the agency on or before December 31, 2009.  
27 The agency shall act to approve or disapprove the application  
28 by May 1, 2010. Applications which have not been approved or  
29 disapproved by the agency by May 1, 2010, shall be deemed  
30 approved.

1 (d) Eligibility.--To receive grant funds under this chapter,  
2 a municipal fire and emergency services organization shall have  
3 actively responded to one or more fire or rescue emergencies  
4 since July 1, 2008, and must sign an agreement to actively  
5 participate in the Pennsylvania Fire Information Reporting  
6 System (PennFIRS).

7 (e) Final report.--Upon completion of the project, but no  
8 later than December 1, 2011, the applicant shall file a final  
9 report with the agency in a manner and form prescribed by the  
10 OSFC detailing the expenditure of grant funds. Any grant funds  
11 not expended by the applicant for the project shall be returned  
12 to the agency prior to or with the filing of the final report.  
13 Failure to file a final report will be grounds for the agency to  
14 seek the return of all grant funds awarded.

15 Section 304. Special provisions.

16 (a) General rule.--An applicant for a grant must demonstrate  
17 that it complied with all terms of its grant agreement in the  
18 previous year regarding the use of the grant money it received  
19 in previous years or it shall not be eligible to receive a grant  
20 in the current year.

21 (b) Explanation.--An application for a grant under this act  
22 who fails to return a signed agreement for the 2009 application,  
23 or subsequent applications, will not be permitted to apply for a  
24 grant the next year unless the applicant provides the  
25 commissioner with a reasonable written explanation as to why it  
26 did not claim its grant.

27 (c) PennFIRS.--An applicant who is noncompliant in reporting  
28 information using the Pennsylvania Fire Information Reporting  
29 System (PennFIRS) in the previous Commonwealth fiscal year shall  
30 not be eligible to receive a grant in the current year.

CHAPTER 5

MUNICIPAL FIRE AND EMERGENCY SERVICES ORGANIZATION

GRANT PROGRAM FUNDING PROVISIONS

Section 501. Municipal Fire and Emergency Services Organization  
Grant Program.

The sum of \$5,000,000 of the amount appropriated to the agency for the Municipal Fire and Emergency Services Organization Grant Program shall be expended for the purpose of making grants to eligible municipal fire and emergency services organizations pursuant to Chapter 3.

Section 502. Allocation of appropriated funds.

No moneys from the appropriation for municipal fire and emergency services organization grants shall be used for expenses or costs incurred by the agency for the administration of the grant program authorized under Chapter 3.

Section 503. Program limitations.

Program limitations that may result from the misuse of the grant funds are as follows:

(1) An applicant may not make or authorize changes exceeding 10% of the total project cost to an approved project without first obtaining consent of the agency in writing.

(2) The applicant agrees that noncompliance with the conditions of this grant shall be grounds for the recapture of funds provided to the applicant. If the applicant fails to refund the moneys, the Commonwealth, in addition to any rights or remedies it may have at law or in equity, reserves the right to offset the amount due against any existing or future sums of money owed the applicant by any Commonwealth agency or department, including the agency.



1           (3) The agency, or its duly authorized representative,  
2       shall have access to the records of the applicant for the  
3       purpose of auditing financial transactions, determining  
4       compliance with grant terms and evaluating project  
5       performance.

6           (4) The applicant agrees to retain all cost-supporting  
7       records and documentation for a period of three years from  
8       the date that it receives its final grant payment from the  
9       agency.

## 10                               CHAPTER 21

### 11                               MISCELLANEOUS PROVISIONS

12   Section 2101. Effective date.

13       This act shall take effect immediately.