

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 955 Session of 2011

INTRODUCED BY BARRAR, BAKER, BEAR, BOBACK, BOYD, BRENNAN, CALTAGIRONE, CARROLL, CAUSER, CLYMER, COHEN, D. COSTA, DAVIDSON, DEASY, DENLINGER, DeWEESE, ELLIS, J. EVANS, EVERETT, FLECK, FREEMAN, GABLER, GEORGE, GILLEN, GILLESPIE, GINGRICH, GODSHALL, GOODMAN, GROVE, HALUSKA, HARRIS, HESS, HORNAMAN, HUTCHINSON, KAUFFMAN, KAVULICH, M. K. KELLER, KILLION, KNOWLES, KORTZ, KULA, LONGIETTI, MAJOR, MARSHALL, MARSICO, MILLARD, MILLER, MILNE, MULLERY, MURPHY, MURT, O'NEILL, PAYNE, PETRARCA, PICKETT, PYLE, READSHAW, REED, REICHLEY, ROAE, SACCONI, SAINATO, SANTARSIERO, SCHRODER, SONNEY, STEVENSON, SWANGER, TALLMAN, TAYLOR, THOMAS, TOEPEL, VEREB, VULAKOVICH, WAGNER, WATSON, WHITE, YOUNGBLOOD, FARRY, TOBASH, RAVENSTAHL, MALONEY, PASHINSKI, HEFFLEY, BROOKS, TOOHIL, HICKERNELL, METZGAR, HARKINS, MIRABITO, FABRIZIO, KRIEGER, GIBBONS, BENNINGHOFF, HACKETT, DALEY AND ROCK, MARCH 4, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 11, 2012

AN ACT

1 Amending Titles 4 (Amusements) and 35 (Health and Safety) of the
2 Pennsylvania Consolidated Statutes, ~~revising grants to fire~~ ←
3 ~~companies and volunteer services in the areas of scope,~~
4 ~~administration, programs, expiration of authority and special~~
5 ~~provisions; providing for grants to volunteer quick response~~
6 ~~services; and making a related repeal.~~ IN AMUSEMENTS, FURTHER ←
7 PROVIDING FOR TRANSFERS FROM THE STATE GAMING FUND; IN
8 COMMONWEALTH SERVICES, FURTHER PROVIDING FOR THE VOLUNTEER
9 COMPANIES LOAN FUND; IN GRANTS TO VOLUNTEER FIRE COMPANIES
10 AND VOLUNTEER SERVICES, REVISING PRELIMINARY PROVISIONS,
11 REVISING VOLUNTEER FIRE COMPANY GRANT PROVISIONS ON
12 ESTABLISHMENT, PUBLICATION AND NOTICE, AWARD OF GRANTS AND
13 CONSOLIDATION INCENTIVE, REVISING VOLUNTEER AMBULANCE SERVICE
14 GRANT PROVISIONS ON ESTABLISHMENT, PUBLICATION AND NOTICE AND
15 AWARD OF GRANTS; REVISING GRANT FUNDING PROVISIONS ON
16 ALLOCATION OF APPROPRIATIONS AND REVISING MISCELLANEOUS
17 PROVISIONS ON EXPIRATION AND SPECIFICITY.

18 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Section 1405(d) of Title 4 of the Pennsylvania~~ ←
3 ~~Consolidated Statutes is amended to read:~~

4 ~~§ 1405. Pennsylvania Race Horse Development Fund.~~

5 * * *

6 ~~(d) Distributions.~~

7 ~~(1) The department shall annually transfer the sum of~~
8 ~~\$15,000,000 from the Pennsylvania Race Horse Development Fund~~
9 ~~to the program established under 35 Pa.C.S. Ch. 78 (relating~~
10 ~~to grants to fire companies and volunteer services).~~

11 ~~(2) In accordance with section 1406 (relating to~~
12 ~~distributions from Pennsylvania Race Horse Development Fund),~~
13 ~~the department shall make distributions from the Pennsylvania~~
14 ~~Race Horse Development Fund to each of the active and~~
15 ~~operating Category 1 licensees conducting live racing.~~

16 ~~Section 1.1. Section 1408(b) of Title 4 is amended and the~~
17 ~~section is amended by adding a subsection to read:~~

18 SECTION 1. SECTION 1408(B) OF TITLE 4 OF THE PENNSYLVANIA ←
19 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY
20 ADDING A SUBSECTION TO READ:

21 § 1408. Transfers from State Gaming Fund.

22 * * *

23 [(b) Transfer for Volunteer Fire Company Grant Program.--
24 Annually, the sum of \$25,000,000 shall be transferred from the
25 State Gaming Fund to the Volunteer Fire Company Grant Program
26 established under 35 Pa.C.S. Ch. 78 (relating to grants to
27 volunteer fire companies and volunteer services).]

28 (b.1) Transfer for Grants to Fire Companies and Volunteer
29 Services.--Annually, the sum of \$25,000,000 \$30,000,000 shall be ←
30 transferred from the State Gaming Fund to the program

1 established under 35 Pa.C.S. Ch. 78 (relating to grants to fire
2 companies and volunteer services).

3 * * *

4 SECTION 1.1. SECTION 7365 OF TITLE 35 IS AMENDED BY ADDING A ←
5 SUBSECTION TO READ:

6 § 7365. VOLUNTEER COMPANIES LOAN FUND.

7 * * *

8 (C) USE OF FUNDS.--EACH FISCAL YEAR THE STATE FIRE
9 COMMISSIONER MAY, SUBJECT TO THE APPROVAL OF THE GOVERNOR, USE
10 AN AMOUNT EQUAL TO UP TO 3% OF THE TOTAL DOLLAR AMOUNT OF THE
11 LOANS APPROVED IN THE IMMEDIATELY PRECEDING FISCAL YEAR FOR THE
12 COMMISSIONER'S ADMINISTRATIVE COST TO IMPLEMENT AND OVERSEE THE
13 VOLUNTEER COMPANIES LOAN PROGRAM.

14 Section 2. The heading of Chapter 78 of Title 35 is amended
15 to read:

16 CHAPTER 78

17 GRANTS TO [VOLUNTEER] FIRE COMPANIES AND VOLUNTEER SERVICES

18 Section 3. Section 7801 of Title 35 is amended to read:

19 § 7801. Scope of chapter.

20 This chapter relates to grants to [volunteer] fire companies
21 and volunteer ambulance services.

22 ~~Section 4. The definitions of "grant program" and~~ ←
23 ~~"volunteer ambulance service" in section 7802 of Title 35 are~~
24 ~~amended and the section is amended by adding definitions to~~
25 ~~read:~~

26 SECTION 4. THE DEFINITIONS OF "GRANT PROGRAM," "VOLUNTEER ←
27 FIRE COMPANY" AND "VOLUNTEER RESCUE COMPANY" IN SECTION 7802 OF
28 TITLE 35 ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A
29 DEFINITION TO READ:

30 § 7802. Definitions.

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

4 * * *

5 "Fire company." A volunteer fire company or a municipal fire
6 company located in this Commonwealth.

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

12 * * *

13 ~~"Volunteer ambulance service." Any nonprofit chartered~~ ←
14 ~~corporation, association or organization located in this~~
15 ~~Commonwealth, which is licensed by the Department of Health and~~
16 ~~is not associated or affiliated with any hospital and which is~~
17 ~~regularly engaged in the provision of emergency medical~~
18 ~~services, including basic life support or advanced life support~~
19 ~~services and advanced life support squads as defined in 28 Pa.~~
20 ~~Code § 1005.1 (relating to general provisions). The term shall~~
21 ~~include a volunteer quick response service. The term shall not~~
22 ~~include any corporation, association or organization that is~~
23 ~~primarily engaged in the operation of invalid coaches which are~~
24 ~~intended for the routine transport of persons who are~~
25 ~~convalescent or otherwise nonambulatory and do not ordinarily~~
26 ~~require emergency medical treatment while in transit.~~

27 ~~* * *~~

28 ~~"Volunteer quick response service." As follows:~~

29 ~~(1) Any nonprofit chartered corporation, association or~~
30 ~~organization which meets all of the following:~~

1 ~~(i) Is located in this Commonwealth.~~

2 ~~(ii) Is licensed by the Department of Health.~~

3 ~~(iii) Is not associated or affiliated with any~~
4 ~~hospital, fire company, fire department or any emergency~~
5 ~~medical services agency.~~

6 ~~(iv) Is regularly engaged in the provision of~~
7 ~~emergency medical services to patients pending the~~
8 ~~arrival of an ambulance.~~

9 ~~(v) Has been recognized by a municipality to provide~~
10 ~~quick response service for that municipality.~~

11 ~~(2) The term shall not include any corporation,~~
12 ~~association or organization that is primarily engaged in the~~
13 ~~operation of invalid coaches which are intended for the~~
14 ~~routine transport of persons who are convalescent or~~
15 ~~otherwise nonambulatory and do not ordinarily require~~
16 ~~emergency medical treatment while in transit.~~

17 * * *

18 "VOLUNTEER FIRE COMPANY." A NONPROFIT CHARTERED CORPORATION, ←
19 ASSOCIATION OR ORGANIZATION, INCLUDING A VOLUNTEER RESCUE
20 COMPANY, LOCATED IN THIS COMMONWEALTH WHICH PROVIDES FIRE
21 PROTECTION OR RESCUE SERVICES AND WHICH MAY OFFER OTHER
22 VOLUNTARY EMERGENCY SERVICES WITHIN THIS COMMONWEALTH. VOLUNTARY
23 EMERGENCY SERVICES PROVIDED BY A VOLUNTEER FIRE COMPANY MAY
24 INCLUDE VOLUNTARY AMBULANCE AND VOLUNTARY RESCUE SERVICES.

25 "VOLUNTEER RESCUE COMPANY." A NONPROFIT CHARTERED
26 CORPORATION, ASSOCIATION OR ORGANIZATION LOCATED IN THIS
27 COMMONWEALTH THAT PROVIDES RESCUE SERVICES AS PART OF THE
28 RESPONSE TO FIRES [OR], VEHICLE OR WATER ACCIDENTS WITHIN THIS
29 COMMONWEALTH, INCLUDING AN ACCREDITED WATER RESCUE COMPANY.

1 Section 5. The heading of Subchapter B of Chapter 78 of
2 Title 35 is amended to read:

3 SUBCHAPTER B

4 [VOLUNTEER] FIRE COMPANY GRANT PROGRAM

5 Section 6. Sections 7811, 7812 introductory paragraph,
6 7813(a) introductory paragraph, (b) (1) and (3), (c) and (d),
7 7814, 7821, 7822 introductory paragraph, 7823(a) introductory
8 paragraph, (b) (1) and (c), 7833 and 7841 of Title 35 are amended
9 to read:

10 § 7811. Establishment.

11 The [Volunteer] Fire Company Grant Program is established and
12 shall be administered by [the agency in consultation with] the
13 commissioner. Grants provided under this program shall be used
14 to improve and enhance the capabilities of the [volunteer] fire
15 company to provide firefighting, ambulance and rescue services.

16 § 7812. Publication and notice.

17 The [agency] commissioner shall publish notice of the grant
18 program availability through the Legislative Reference Bureau
19 for publication in the Pennsylvania Bulletin:

20 * * *

21 § 7813. Award of grants.

22 (a) Authorization.--The [agency] commissioner is authorized
23 to make a grant award to each eligible [volunteer] fire company
24 for the following:

25 * * *

26 (b) Limits.--

27 (1) Except as provided in paragraph (3), grants shall be
28 not less than \$2,500 and not more than [\$15,000] \$19,000 per
29 [volunteer] fire company.

30 * * *

1 (3) In a municipality where there are two or more
2 volunteer fire companies and if two or more volunteer fire
3 companies consolidated their use of equipment, firefighters
4 and services within five years preceding the date of the
5 current year application submission deadline, the
6 consolidated entity shall be deemed eligible to receive a
7 grant not to exceed the amount of the combined total for
8 which the individual companies would have been eligible had
9 they not consolidated.

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

11 (1) Within 30 days of June 28, 2007, for the fiscal
12 years beginning July 1, 2006, and July 1, 2007, and by
13 September 1 of each year thereafter, the [agency]
14 commissioner shall provide written instructions for grants
15 under this chapter to:

16 (i) except as set forth in subparagraph (ii), the
17 fire chief and president of every [volunteer] fire
18 company [in this Commonwealth]; or

19 (ii) in the case of a municipal fire company, the
20 chief executive of the municipality.

21 (2) Within 45 days of June 28, 2007, for the fiscal
22 years beginning July 1, 2006, and July 1, 2007, and by
23 September 8 of each year thereafter, the [agency]
24 commissioner shall provide applications to [the fire chief
25 and president of every volunteer fire company] individuals
26 specified in paragraph (1). The application for the fiscal
27 years commencing July 1, 2006, and July 1, 2007, shall be a
28 combined application. [Volunteer fire] Fire companies seeking
29 grants under this chapter shall submit completed applications
30 to the [agency] commissioner. The application period shall

1 remain open for 45 days each year. The agency shall act to
2 approve or disapprove applications within 60 days of the
3 application submission deadline each year. Applications which
4 have not been approved or disapproved by the agency within 60
5 days after the close of the application period each year
6 shall be deemed approved.

7 (d) Eligibility.--To receive grant funds under this chapter,
8 a [volunteer] fire company shall have actively responded to one
9 or more fire or rescue emergencies during the previous calendar
10 year and must have signed and be under an agreement to actively
11 participate in the Pennsylvania Fire Information Reporting
12 System which is administered by the [agency] commissioner.

13 § 7814. Consolidation incentive.

14 If, after July 31, 2003, two or more volunteer fire companies
15 consolidate their use of facilities, equipment, firefighters and
16 services, the consolidated entity may, upon notification of the
17 [agency] commissioner, be eligible for a reduction of the
18 interest rate payable on any outstanding principal balance owed,
19 as of the date of consolidation, by any or all of the
20 consolidating companies to the Volunteer Companies Loan Fund for
21 loans made under the act of July 15, 1976 (P.L.1036, No.208),
22 known as the Volunteer Fire Company, Ambulance Service and
23 Rescue Squad Assistance Act, or under Subchapter E of Chapter 73
24 (relating to volunteer fire company, ambulance service and
25 rescue squad assistance). The reduction in the interest rate
26 payable shall be from 2% to 1%. Upon receipt of such
27 notification, the [agency, in conjunction with the State Fire
28 Commissioner,] commissioner shall determine and verify that the
29 consolidated entity is in fact a bona fide consolidated
30 volunteer fire company. If the [agency] commissioner determines

1 that the consolidated entity is a bona fide consolidated
2 volunteer fire company, it shall reduce the interest rate
3 payable on any outstanding principal balance owed to the
4 Volunteer Companies Loan Fund for loans made under the former
5 Volunteer Fire Company, Ambulance Service and Rescue Squad
6 Assistance Act, or under Subchapter E of Chapter 73, for which
7 the consolidating companies or the consolidated entity may be
8 individually or jointly responsible. The [agency] commissioner
9 may promulgate such rules and regulations as may be necessary to
10 carry out the provisions of this section.

11 § 7821. Establishment.

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

18 § 7822. Publication and notice.

19 The [agency] commissioner shall publish notice of the grant
20 program availability through the Legislative Reference Bureau
21 for publication in the Pennsylvania Bulletin:

22 * * *

23 § 7823. Award of grants.

24 (a) Authorization.--The [agency] commissioner is authorized
25 to make a grant award to each eligible volunteer ambulance
26 service for the following:

27 * * *

28 (b) Limits.--

29 (1) Grants shall be not less than \$2,500 and not more
30 than [\$10,000] \$13,000 per volunteer ambulance service.

1 * * *

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

3 (1) Within 30 days of June 28, 2007, for the fiscal
4 years commencing July 1, 2006, and July 1, 2007, and by
5 September 1 of each year thereafter, the [agency]
6 commissioner shall provide written instructions for grants
7 under this chapter to the president of every volunteer
8 ambulance service in this Commonwealth.

9 (2) Within 45 days of the effective date of June 28,
10 2007, for the fiscal years commencing July 1, 2006, and July
11 1, 2007, and by September 8 of each year, the [agency]
12 commissioner shall provide applications to the president of
13 every volunteer ambulance service. The application for the
14 fiscal years commencing July 1, 2006, and July 1, 2007, shall
15 be a combined application. Volunteer ambulance services
16 seeking grants under this chapter shall submit completed
17 applications to the [agency] commissioner. The application
18 period shall remain open for 45 days each year. The [agency]
19 commissioner shall act to approve or disapprove applications
20 within 60 days of the application submission deadline each
21 year. Applications which have not been approved or
22 disapproved by the [agency] commissioner within 60 days after
23 the close of the application period each year shall be deemed
24 approved.

25 § 7833. Allocation of appropriated funds.

26 ~~(a) [Prohibition] Administration. [No money from] The~~ ←
27 ~~commissioner may use up to \$100,000 from the appropriation for~~

28 (A) [PROHIBITION.--NO MONEY] ADMINISTRATION.--THE ←
29 COMMISSIONER MAY, SUBJECT TO THE APPROVAL OF THE GOVERNOR, USE
30 UP TO \$125,000 FROM THE APPROPRIATION FOR volunteer company

1 grants [shall be used for expenses or costs incurred by the
2 agency] for the administration of the grant programs authorized
3 under Subchapters B (relating to [volunteer] fire company grant
4 program) and C (relating to volunteer ambulance service grant
5 program).

6 (b) Grant allocation.--Unless otherwise expressly stated,
7 money appropriated to the [agency] commissioner OFFICE OF THE ←
8 STATE FIRE COMMISSIONER for purposes of volunteer company grants
9 shall be allocated as follows:

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

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

16 (C) CONTINUING APPROPRIATION.--THE APPROPRIATION REFERRED TO ←
17 IN SUBSECTION (B) SHALL NOT LAPSE AT THE END OF ANY FISCAL YEAR
18 AND MAY BE USED IN THE GRANT ALLOCATION UNDER SUBSECTION (B) IN
19 THE SUCCEEDING FISCAL YEAR.

20 § 7841. Expiration of authority.

21 The authority of the [agency] commissioner to award grants
22 under Subchapters B (relating to [volunteer] fire company grant
23 program) and C (relating to volunteer ambulance service grant
24 program) shall expire June 30, [2012] 2016 2014. ←

25 Section 7. Section 7842 of Title 35 is amended by adding a
26 subsection to read:

27 § 7842. Special provisions.

28 * * *

29 (e) Prohibition.--The commissioner may not award a grant to
30 a fire company or volunteer ambulance service, which is not

1 officially recognized by the appropriate municipality.

2 ~~Section 8. Repeals are as follows:~~ ←

3 ~~(1) The General Assembly declares that the repeal under~~
4 ~~paragraph (2) is necessary to effectuate this act.~~

5 ~~(2) Section 1799 E(a) of the act of April 9, 1929~~
6 ~~(P.L.343, No.176), known as The Fiscal Code, is repealed.~~

7 ~~Section 9. This act shall take effect as follows:~~

8 ~~(1) The following provisions shall take effect June 30,~~
9 ~~2012, or immediately, whichever is later:~~

10 ~~(i) The addition of 4 Pa.C.S. § 1408(b.1).~~

11 ~~(ii) Section 8(2) of this act.~~

12 ~~(2) The remainder of this act shall take effect~~
13 ~~immediately.~~

14 SECTION 8. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. ←