
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, ROCK,
SAMUELSON AND DeLUCA, MARCH 4, 2011

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 26, 2012

AN ACT

1 Amending Titles 4 (Amusements) and 35 (Health and Safety) of the
2 Pennsylvania Consolidated Statutes, in amusements, further
3 providing for transfers from the State Gaming Fund; in
4 Commonwealth services, further providing for the Volunteer
5 Companies Loan Fund; in grants to volunteer fire companies
6 and volunteer services, revising preliminary provisions,
7 revising volunteer fire company grant provisions on
8 Establishment, publication and notice, award of grants and
9 consolidation incentive, revising volunteer ambulance service
10 grant provisions on establishment, publication and notice and
11 award of grants; revising grant funding provisions on
12 allocation of appropriations ~~and~~; revising miscellaneous
13 provisions on expiration and specificity; PROHIBITING
14 TRANSFERS FROM THE STATE GAMING FUND; AND MAKING A RELATED
15 REPEAL.



16 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 1408(b) of Title 4 of the Pennsylvania
3 Consolidated Statutes is amended and the section is amended by
4 adding a subsection to read:

5 § 1408. Transfers from State Gaming Fund.

6 * * *

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

12 (b.1) Transfer for Grants to Fire Companies and Volunteer
13 Services.--~~Annually~~ COMMENCING WITH FISCAL YEAR 2012-2013 AND ←
14 CONTINUING ANNUALLY THEREAFTER, the sum of \$30,000,000 shall be
15 transferred from the State Gaming Fund to the program
16 established under 35 Pa.C.S. Ch. 78 (relating to grants to fire
17 companies and volunteer services).

18 * * *

19 Section 1.1. Section 7365 of Title 35 is amended by adding a
20 subsection to read:

21 § 7365. Volunteer Companies Loan Fund.

22 * * *

23 (c) Use of funds.--Each fiscal year the State Fire
24 Commissioner may, subject to the approval of the Governor, use
25 an amount equal to up to 3% of the total dollar amount of the
26 loans approved in the immediately preceding fiscal year for the
27 commissioner's administrative cost to implement and oversee the
28 volunteer companies loan program.

29 Section 2. The heading of Chapter 78 of Title 35 is amended
30 to read:

CHAPTER 78

GRANTS TO [VOLUNTEER] FIRE COMPANIES AND VOLUNTEER SERVICES

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

§ 7801. Scope of chapter.

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

Section 4. The definitions of "grant program," "volunteer fire company" and "volunteer rescue company" in section 7802 of Title 35 are amended and the section is amended by adding a definition to read:

§ 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:

* * *

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

"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).

* * *

"Volunteer fire company." A nonprofit chartered corporation, association or organization, including a volunteer rescue company, 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.

1 "Volunteer rescue company." A nonprofit chartered
2 corporation, association or organization located in this
3 Commonwealth that provides rescue services as part of the
4 response to fires [or], vehicle or water accidents within this
5 Commonwealth, including an accredited water rescue company.

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

8 SUBCHAPTER B

9 [VOLUNTEER] FIRE COMPANY GRANT PROGRAM

10 Section 6. Sections 7811, 7812 introductory paragraph,
11 7813(a) introductory paragraph, (b) (1) and (3), (c) and (d),
12 7814, 7821, 7822 introductory paragraph, 7823(a) introductory
13 paragraph, (b) (1) and (c), 7833 and 7841 of Title 35 are amended
14 to read:

15 § 7811. Establishment.

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

21 § 7812. Publication and notice.

22 The [agency] commissioner shall publish notice of the grant
23 program availability through the Legislative Reference Bureau
24 for publication in the Pennsylvania Bulletin:

25 * * *

26 § 7813. Award of grants.

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

30 * * *

(b) Limits.--

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

* * *

(3) In a municipality where there are two or more volunteer fire companies and if two or more volunteer 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] commissioner shall provide written instructions for grants under this chapter to:

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

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

(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] commissioner shall provide applications to [the fire chief and president of every volunteer fire company] individuals

1 specified in paragraph (1). The application for the fiscal
2 years commencing July 1, 2006, and July 1, 2007, shall be a
3 combined application. [Volunteer fire] Fire companies seeking
4 grants under this chapter shall submit completed applications
5 to the [agency] commissioner. The application period shall
6 remain open for 45 days each year. The agency shall act to
7 approve or disapprove applications within 60 days of the
8 application submission deadline each year. Applications which
9 have not been approved or disapproved by the agency within 60
10 days after the close of the application period each year
11 shall be deemed approved.

12 (d) Eligibility.--To receive grant funds under this chapter,
13 a [volunteer] fire company shall have actively responded to one
14 or more fire or rescue emergencies during the previous calendar
15 year and must have signed and be under an agreement to actively
16 participate in the Pennsylvania Fire Information Reporting
17 System which is administered by the [agency] commissioner.
18 § 7814. Consolidation incentive.

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

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

16 § 7821. Establishment.

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

23 § 7822. Publication and notice.

24 The [agency] commissioner shall publish notice of the grant
25 program availability through the Legislative Reference Bureau
26 for publication in the Pennsylvania Bulletin:

27 * * *

28 § 7823. Award of grants.

29 (a) Authorization.--The [agency] commissioner is authorized
30 to make a grant award to each eligible volunteer ambulance

1 service for the following:

2 * * *

3 (b) Limits.--

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

6 * * *

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

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

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

30 § 7833. Allocation of appropriated funds.

1 (a) [Prohibition.--No money] Administration.--The
2 commissioner may, subject to the approval of the Governor, use
3 up to \$125,000 from the appropriation for volunteer company
4 grants [shall be used for expenses or costs incurred by the
5 agency] for the administration of the grant programs authorized
6 under Subchapters B (relating to [volunteer] fire company grant
7 program) and C (relating to volunteer ambulance service grant
8 program).

9 (b) Grant allocation.--Unless otherwise expressly stated,
10 money appropriated to the [agency] Office of the State Fire
11 Commissioner for purposes of volunteer company grants shall be
12 allocated as follows:

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

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

19 (c) Continuing appropriation.--The appropriation referred to
20 in subsection (b) shall not lapse at the end of any fiscal year
21 and may be used in the grant allocation under subsection (b) in
22 the succeeding fiscal year.

23 § 7841. Expiration of authority.

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

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

30 § 7842. Special provisions.

1 * * *

2 (e) Prohibition.--The commissioner may not award a grant to
3 a fire company or volunteer ambulance service, which is not
4 officially recognized by the appropriate municipality.

5 ~~Section 8. This act shall take effect immediately.~~ ←

6 SECTION 8. REPEALS ARE AS FOLLOWS: ←

7 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
8 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THIS ACT.

9 (2) SECTION 1799-E(A) OF THE ACT OF APRIL 9, 1929
10 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, IS REPEALED.

11 SECTION 9. NO TRANSFER UNDER SECTION 1799-E(A) OF THE ACT OF
12 APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, MAY
13 BE MADE AFTER JUNE 30, 2012.

14 SECTION 10. THE FOLLOWING PROVISIONS SHALL APPLY
15 RETROACTIVELY TO JUNE 30, 2012:

16 (1) THE AMENDMENT OF 35 PA.C.S. § 7841.

17 (2) SECTION 8(2) OF THIS ACT.

18 (3) SECTION 9 OF THIS ACT.

19 SECTION 11. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

20 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT JUNE 30,
21 2012, OR IMMEDIATELY, WHICHEVER IS LATER:

22 (I) THE ADDITION OF 4 PA.C.S. § 1408(B.1).

23 (II) SECTION 8(2) OF THIS ACT.

24 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
25 IMMEDIATELY.