

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1673 Session of 2019

INTRODUCED BY FARRY, BARRAR, DiGIROLAMO, SCHLOSSBERG, SCHMITT, MEHAFFIE, KULIK, LONGIETTI, HELM, STAATS, ULLMAN, MILLARD, THOMAS, POLINCHOCK, O'MARA, READSHAW, DUNBAR, YOUNGBLOOD, CAUSER, HILL-EVANS, GALLOWAY, BROWN, CIRESI, SAINATO, D. MILLER, DeLUCA, KIRKLAND, T. DAVIS, FREEMAN, STRUZZI, QUINN AND KORTZ, JUNE 24, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 22, 2019

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in volunteer firefighters, further
3 providing for definitions, for statement of purpose, for
4 funds and for audits.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 7412 of Title 35 of the Pennsylvania
8 Consolidated Statutes is amended by adding definitions to read:
9 § 7412. Definitions.

10 The following words and phrases when used in this subchapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Commissioner." The State Fire Commissioner.

14 * * *

15 "Length of service award program." A system established by a
16 volunteer fire company or volunteer firefighters' relief

1 association to provide tax-deferred income benefits to active
2 volunteer members of a fire service.

3 "Volunteer fire company." As defined in section 7802
4 (relating to definitions).

5 * * *

6 Section 2. Section 7413 introductory paragraph and (4) of
7 Title 35 are amended and the section is amended by adding a
8 paragraph to read:

9 § 7413. Statement of purpose.

10 The purpose of this subchapter is to encourage individuals to
11 take part in the fire service as volunteer firefighters by
12 establishing criteria and standards for orderly administration
13 and conduct of affairs of firefighters' relief associations to
14 ensure, as far as circumstances will reasonably permit, that
15 funds shall be available for the assistance to and protection of
16 volunteer firefighters and their heirs in order to provide:

17 * * *

18 (4) Safeguards for preserving life, health and safety of
19 volunteer firefighters to ensure their availability to
20 participate in the fire service, including necessary
21 training.

22 * * *

23 (6.1) Financial assistance to recruit and retain
24 volunteer firefighters.

25 * * *

26 Section 3. Section ~~7416(f)(11)~~ 7416(A) AND (F) (11) of Title <--
27 35 ~~is~~ ARE amended and ~~the~~ subsection (F) is amended by adding <--
28 paragraphs to read:

29 § 7416. Funds.

30 (A) GENERAL RULE.--A VOLUNTEER FIREFIGHTERS' RELIEF <--

1 ASSOCIATION MAY SOLICIT AND RECEIVE GIFTS AND CONTRIBUTIONS FROM
2 ANY SOURCE, INCLUDING MUNICIPAL CORPORATIONS, BUT SHALL NOT HAVE
3 THE RIGHT TO RECEIVE ANY PORTION OF THE MONEY DISTRIBUTED TO
4 POLITICAL SUBDIVISIONS OF THIS COMMONWEALTH UNDER CHAPTER 7 OF
5 THE ACT OF DECEMBER 18, 1984 (P.L.1005, NO.205), KNOWN AS THE
6 MUNICIPAL PENSION PLAN FUNDING STANDARD AND RECOVERY ACT, UNLESS
7 AND UNTIL THE GOVERNING BODY OF AT LEAST ONE POLITICAL
8 SUBDIVISION SHALL HAVE CERTIFIED TO THE AUDITOR GENERAL THAT THE
9 ASSOCIATION IS A BONA FIDE VOLUNTEER FIREFIGHTERS' RELIEF
10 ASSOCIATION, AFFILIATED WITH A FIRE COMPANY WHICH AFFORDS
11 PROTECTION AGAINST FIRE TO ALL OR A PORTION OF THE POLITICAL
12 SUBDIVISION. THIS SECTION SHALL INCLUDE ANY NON-FIRE-COMPANY-
13 AFFILIATED RELIEF ASSOCIATION IN EXISTENCE AND RECEIVING FUNDS
14 AS PROVIDED FOR UNDER THIS SUBCHAPTER PRIOR TO NOVEMBER 23,
15 2010.

16 * * *

17 (f) Use.--Funds of any volunteer firefighters' relief
18 association may be spent:

19 * * *

20 (11) To purchase safeguards for preserving life, health
21 and safety of volunteer firefighters to ensure their
22 availability to participate in the volunteer fire service,
23 including necessary training.

24 * * *

25 (18) To provide financial assistance for activities and
26 material needed to aid in the recruitment and retention of
27 volunteer firefighters.

28 (19) To establish and pay for length of service award
29 programs.

30 Section 4. Section 7418 of Title 35 is amended to read:

1 § 7418. Audits.

2 (a) General rule.--

3 (1) The Office of Auditor General shall have the power
4 and its duty shall be to audit the accounts and records of
5 every volunteer firefighters' relief association receiving
6 money under Chapter 7 of the act of December 18, 1984
7 (P.L.1005, No.205), known as the Municipal Pension Plan
8 Funding Standard and Recovery Act, as far as may be necessary
9 to satisfy the Auditor General that the money received was or
10 is being expended for no purpose other than that authorized
11 by this subchapter. Copies of all audits shall be furnished
12 to the Governor.

13 (2) The commissioner, in consultation with the fire
14 safety advisory committee, shall establish and publish
15 annually, on the Office of the State Fire Commissioner's
16 publicly accessible Internet website, eligible uses of the
17 money in accordance with this subchapter.

18 (3) The commissioner may receive inquiries from the fire
19 services on eligible uses of money and, in consultation with
20 the Fire Safety Advisory Committee, make a determination on
21 the eligible use of money on the equipment or service that is
22 the subject of the inquiry.

23 (4) Notwithstanding paragraph (1), the commissioner
24 shall maintain authority relating to the eligible uses of
25 money received.

26 (b) Findings.--If the Auditor General finds that [any] money
27 received by a volunteer firefighters' relief association has
28 been expended for a purpose other than one authorized by this
29 subchapter, the Auditor General shall immediately notify the
30 Governor and the commissioner and shall decline to approve

1 further requisitions calling for payment to the volunteer
2 firefighters' relief association until the improperly expended
3 amount has been reimbursed to the relief association fund.

4 Section 5. This act shall take effect in 60 days.